

Senate Consideration of Unratified Treaties To Limit Nuclear Testing



United States Department of State
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The following items, relating to the Administration's request for Senate advice and consent to ratification of the Threshold Test Ban Treaty and the Peaceful Nuclear Explosions Treaty, are herein reprinted in their entirety: (1) presidential letter (January 13, 1987) formally requesting the Senate's advice and consent to these treaties; (2) nuclear testing treaty safeguards as recommended by the Administration, on the recommendation of the Joint Chiefs of Staff, for incorporation in the TTBT and PNET ratification legislation to minimize the military risks inherent in ratifying these two treaties (January 13, 1987); (3) presidential letter (October 10, 1986) to the chairmen of the Senate and House Armed Services Committees regarding the President's intention to seek Senate advice and consent on these treaties; (4) statement by the White House Principal Deputy Press Secretary (October 10, 1986) regarding U.S. nuclear testing policy; and (5) statement by Amb. H. Allen Holmes, Assistant Secretary of State for Politico-Military Affairs, before the Senate Foreign Relations Committee (January 13, 1987).

Presidential Letter, January 13, 1987

TO THE SENATE OF THE UNITED STATES:

Two treaties between the United States of America and the Union of Soviet Socialist Republics on (1) the Limitation of Underground Nuclear Weapon Tests, and the Protocol thereto, known as the Threshold Test Ban Treaty (TTBT) signed in Moscow on July 3, 1974, and (2) Underground Nuclear Explosions for Peaceful Purposes, and the Protocol thereto, known as the Peaceful Nuclear Explosions Treaty (PNET) signed in Washington and Moscow on May 28, 1976, were transmitted to the Senate by President Ford on July 29, 1976, with a view to receiving advice and consent to ratification. (Senate Executive N, 94th Cong., 2d Sess.) Although hearings were held a year later, the Senate itself has not acted on the treaties. I ask the Senate to consider these important treaties anew in light of developments that have taken place over the last decade.

On August 14, 1986, I transmitted to the Congress a comprehensive study¹ which stated U.S. national security concerns as well as our views on necessary verification improvements to the TTBT and the PNET, in response to the requirements of Section 1003 of the FY 1986 Department of Defense Authorization Act (P.L. 99-145). I am enclosing a copy of this study and commend it to your attention.

The security of the United States and the entire free world, today and for the foreseeable future, depends on the maintenance of an effective and credible

nuclear deterrent by the U.S. This is a considerable challenge, in light of continuing efforts by the Soviet Union to undercut the effectiveness of our deterrent. With the support of Congress we have succeeded in meeting this challenge, and together we must continue to do so in the future.

Today I am requesting per my October 10, 1986, letter that the Senate give advice and consent, subject to the condition set out below, to two pending treaties that have significant implications for Western security: the TTBT and PNET. These treaties have the common purpose of limiting individual nuclear explosions to no more than 150 kilotons. The TTBT, which prohibits nuclear weapon tests above 150 kilotons, places significant constraints on the efforts we may undertake in the U.S. nuclear test program to respond to Soviet nuclear and non-nuclear activities aimed at undercutting our deterrent. Hence, it is imperative that we have the necessary provisions that will make the TTBT effectively verifiable and thus assure ourselves that the Soviet Union is fulfilling its obligations and is thereby equally constrained.

Unfortunately, as I have frequently stated and the enclosed study makes clear, the TTBT and PNET are not effectively verifiable in their present form. Large uncertainties are present in the current method employed by the United States to estimate Soviet test yields. I have on several occasions reported to the Congress on the problems with Soviet compliance with the TTBT. Therefore, achieving Soviet agreement to improved verification measures that would provide for effective verification of these treaties has been my highest priority in the area of nuclear testing limitations.

As I stated in my March 14, 1986 letter to General Secretary Gorbachev, effective verification of the TTBT and PNET requires

¹See Special Report No. 152, "Verifying Nuclear Testing Limitations: Possible U.S.-Soviet Cooperation," August 14, 1986.

that we reduce the current unacceptable level of uncertainty in our estimates of the yields of nuclear tests. Indeed, leaders in previous Congresses have shared my view that the present large degree of uncertainty in such estimates is unacceptable, as well as my desire for sharp improvements. In this regard, we require—and have conveyed to the Soviets that we require—effective verification through direct, on-site hydrodynamic yield (CORRTEX) measurement of all appropriate high-yield nuclear detonations. Further, I informed General Secretary Gorbachev that, if the Soviet Union would agree to essential verification procedures for the TTBT and the PNET, I would then be prepared to request the advice and consent of the Senate to ratification of the treaties. Ratification of the treaties without such provisions would be contrary to the national security interests of the United States.

As written, the TTBT relies solely on teleseismic detection and yield measurement systems and on inadequate and unverifiable data exchange. The Soviet Union has apparently had problems in correctly assessing the yields of U.S. nuclear tests. Despite our best efforts, the Soviet Union has so far not accepted our practical proposal for achieving the necessary verification improvement of the TTBT and the PNET. We have not yet found any alternative approach which equals the effectiveness of CORRTEX—we are striving to achieve a yield-estimation accuracy of about 30 percent by this method. We have, nonetheless, advised the Soviets, at three Geneva nuclear testing experts meetings in 1986, that the U.S. is willing to consider any other direct yield measurement method the Soviets might propose, provided it is at least as capable (in terms of accuracy and non-intrusiveness) as CORRTEX. To date, they have not been forthcoming in proposing or explaining alternative verification techniques that would meet our requirements.

Recognizing the role of the Senate in the ratification process, I am therefore requesting that the Senate give its advice and consent to ratification of the TTBT and the PNET, subject to a condition in the following form:

"The Senate's Resolution of advice and consent to ratification is subject to the condition that the President shall not proceed with ratification of the Treaty on Limitation of Underground Weapon Tests and the Treaty on Underground Nuclear Explosions for Peaceful Purposes until the President has certified to the Senate that the Union of Soviet Socialist Republics has concluded with the United States additional agreements expanding upon the obligations stated in Article II of the Treaty on Limitation of Underground Weapon Tests and including provisions for direct, accurate yield measurements taken at the site of all appropriate nuclear detonations so that the limitations and obligations of these treaties, *inter alia* the 150 kiloton limit, are effectively verifiable, and until such agreements have been submitted to the Senate, and the Senate has advised and consented to their ratification."

I am hopeful we can reach an agreement with the Soviet Union which will allow me to

certify that the treaties are effectively verifiable. I will be prepared to ratify the TTBT and the PNET at such time as the condition cited above has been fulfilled.

Further, I informed the General Secretary in Reykjavik that, once our verification concerns have been satisfied and the treaties have been ratified, and in association with a program to reduce and ultimately eliminate all nuclear weapons, I would propose that the United States and the Soviet Union immediately engage in negotiations on ways to implement a step-by-step parallel program of limiting and ultimately ending nuclear testing.

The steps in this program would take into account our long-standing position that a comprehensive test ban is a long-term objective which must be viewed in the context of a time when we do not need to depend on nuclear deterrence to ensure international security and stability, and when we have achieved broad, deep, and verifiable arms reductions, substantially improved verification capabilities, expanded confidence-building measures, and greater balance in conventional forces.

RONALD REAGAN

Nuclear Testing Treaty Safeguards, January 13, 1987

Now and for the foreseeable future, our nuclear weapons stockpile plays a prominent role in our national security posture. As long as this is the case, we must safeguard the efficacy of that stockpile and our confidence in it. These safeguards are considered an essential element in ensuring the nation's ability to have the technical means and knowledge necessary to support the nuclear deterrent and existing and future national security policy.

Safeguard "A": The conduct, within the constraints of existing treaties on nuclear testing, of comprehensive, aggressive, and continuing underground nuclear test programs designed to add to our knowledge and improve our weapons in all areas of significance to our military posture for the future.

For the purpose of Safeguard "A," the underground nuclear test programs shall include, but not be limited to, tests sufficient to ensure that our nuclear forces and their supporting command, communications, and intelligence systems are safe, secure, effective, reliable, and survivable, and to advance our understanding of nuclear weapon effects.

Safeguard "B": The maintenance of modern nuclear laboratory facilities and programs in theoretical and

exploratory nuclear technology which will attract, retain, and ensure the continued application of our human scientific resources to those programs on which continued progress in nuclear technology depends.

Safeguard "C": The maintenance of the basic capability to resume essential nuclear test programs, in prohibited environments; and to conduct testing promptly in prohibited yield ranges, should such tests be deemed essential to our national security.

Safeguard "D": In conjunction with a vigorous verification program, the conduct of a comprehensive and continuing research and development program to improve our monitoring capabilities and operations with a goal of providing high-confidence monitoring of those actions from which noncompliance with existing nuclear testing treaties could be inferred.

Safeguard "E": The continuing development of a broad range of intelligence gathering and analytical capabilities and operations to improve our knowledge of the nuclear arsenals, nuclear weapons development programs, related nuclear programs, and the capabilities and achievements of the Soviet Union and other nations.

Safeguard "F": The conduct of a governmental review at periodic intervals to determine whether continued compliance with the provisions of existing treaties on nuclear testing is in the U.S. national security interests.

Presidential Letter, October 10, 1986

Dear Mr. Chairman:

As I meet this week with General Secretary Gorbachev in Reykjavik, Iceland, I believe it is crucial that the Congress join with me in forging a strong bipartisan consensus on a nuclear testing policy that promotes our national security interests and advances long-standing U.S. arms control objectives.

As you are well aware, the Senate and House versions of the National Defense Authorization Act for Fiscal Year 1987 contain different amendments on the nuclear testing issue. The Senate bill includes non-binding language urging me, at the earliest possible date, to request advice and consent of the Senate (if necessary, with a reservation on the subject of verification) to the Threshold Test Ban and Peaceful Nuclear Explosions Treaties (TTBT/PNET) and to propose to the Soviet Union the immediate resumption of negotiations toward conclusion of a verifiable comprehensive test ban (CTB) treaty. The House bill would mandate a one-year moratorium on U.S. nuclear tests above one kiloton in yield, provided the Soviet

Union demonstrates matching restraint and agrees to reciprocal in-country monitoring arrangements.

I fully recognize the difficult challenge you have faced in trying to reconcile these differing positions in the conference on this bill. However, I do not believe it is the best interests of our Nation for this dispute to remain unresolved. I think it may be helpful if I were to identify some basic principles upon which I believe we all agree and to outline my plans for discussing this issue in Reykjavik.

First, let me emphasize that I am committed to the ultimate attainment of a total ban on nuclear testing, a goal that has been endorsed by every U.S. President since President Eisenhower. I am determined to take practical steps in the near future toward this goal.

Second, I am sure we are in full accord that any treaties with the Soviet Union in the arms control area—whether they be treaties requiring reductions in deployed weapons or treaties limiting nuclear testing—must be verifiable. In recent years, advances in technology have made possible methods of improved verification in the nuclear testing area that can and should be incorporated in both pending and any future nuclear testing agreements with the Soviet Union.

Third, I believe that we fully recognize that for over four decades we have relied upon nuclear weapons for the deterrence of war and that nuclear testing has been instrumental in ensuring the safety and reliability of these weapons. A CTB would necessarily require a completely different approach to meeting our crucial interests in the areas of nuclear weapons safety and reliability—interests that will remain vital as long as the United States continues to depend on the threat of nuclear retaliation to deter aggression. Thus how one transitions to a total test ban regime is no less critical a concern than verification or any other national security issue related to an eventual implementation of a CTB.

With these principles in mind, I am prepared to take two important steps toward limiting nuclear testing. First, I intend to inform General Secretary Gorbachev in Reykjavik that as a first order of business for the 100th Congress, if the Soviet Union will, prior to the initiation of ratification proceedings in the Senate next year, agree to essential TTBT/PNET verification procedures which could be submitted to the Senate for its consideration in the form of a protocol or other appropriate codicil, I will request the advice and consent of the Senate to ratification of the TTB and PNE Treaties. However, if the Soviet Union fails to agree to the required package of essential procedures prior to the convening of the 100th Congress, I will still make ratification of these treaties a first order of business for the Congress, with an appropriate reservation to the treaties that would ensure they would not take effect until they are effectively verifiable. I will work with the Senate in drafting this reservation.

Second, I intend to inform the General Secretary in Reykjavik that, once our verification concerns have been satisfied and the treaties have been ratified, I will propose

that the United States and the Soviet Union immediately engage in negotiations on ways to implement a step-by-step parallel program—in association with a program to reduce and ultimately eliminate all nuclear weapons—of limiting and ultimately ending nuclear testing. These steps we can take in the near future—steps which will show the world that the United States is moving forward.

I believe that the approach outlined in this letter is consistent with the broad purposes and objectives of the Congress with respect to limiting nuclear testing. I hope that this communication will prove constructive in assisting you to reach final agreement on a Fiscal Year 1987 defense authorization bill and will provide a foundation for a bipartisan consensus on this important policy issue.

Sincerely,

RONALD REAGAN

Press Statement, October 10, 1986

As the President meets this week with General Secretary Gorbachev in Reykjavik, Iceland, he believes it is crucial that all Americans join with him in forging a strong, bipartisan consensus on a nuclear testing policy that promotes our national security interests and advances longstanding U.S. arms control objectives.

In recent weeks there has been substantial disagreement in the Congress and in the nation over the best approach to reach the goal we all seek—a world in which there will be no nuclear testing because the need for it has vanished. The dispute threatened to give General Secretary Gorbachev the false impression of a divided America. The President did not believe it was in the best interests of our nation to create this impression.

United States policy on nuclear testing limitations is clear:

- Our highest arms control priority in the area of nuclear testing has been, and remains, to seek the necessary verification improvements to the existing Threshold Test Ban Treaty and Peaceful Nuclear Explosions Treaty.
- Once our verification concerns have been satisfied and the treaties have been ratified, and in association with a program to reduce and ultimately eliminate all nuclear weapons, we are prepared to engage in discussions on ways to implement a step-by-step, parallel program of limiting and ultimately ending nuclear testing.
- We remain committed to the ultimate goal of the total elimination of nuclear testing, but only when we do not need to depend on nuclear deterrence to

ensure international security and stability, and when we have achieved broad, deep, and verifiable arms reductions, substantially improved verification capabilities, expanded confidence-building measures, and greater balance in conventional forces.

In order to make progress toward our goals, encourage the Soviet Union to negotiate verification improvements, and ensure the necessary national consensus for our objectives, the President has decided to take two new steps:

First, the President will inform General Secretary Gorbachev in Reykjavik that if the Soviet Union will, prior to the initiation of ratification proceedings in the Senate next year, agree to essential TTBT/PNET verification procedures which could be submitted to the Senate for its consideration in the form of a protocol or other appropriate codicil, the President will, as a first order of business for the 100th Congress, request the advice and consent of the Senate to ratification of the TTBT and PNET. However, if the Soviet Union fails to agree to the required package of verification improvements prior to the convening of the 100th Congress, the President will still seek Senate advice and consent, but with an appropriate reservation to the treaties that would ensure they would not take effect until they are effectively verifiable.

Second, the President will inform the General Secretary that, once our TTBT/PNET verification concerns have been satisfied and the treaties have been ratified, the President will propose that the United States and the Soviet Union immediately engage in negotiations on ways to implement a step-by-step, parallel program—in association with a program to reduce and ultimately eliminate all nuclear weapons—of limiting and ultimately ending nuclear testing.

The congressional leadership has responded to the President's decision in a bipartisan spirit and is supporting the President's proposal. The President is grateful for this show of unity. As a result, the President can make it clear to General Secretary Gorbachev that America is united in its determination to take prompt, practical steps to limit nuclear testing, that the first requirement is for him to act now to resolve the verification problems with the existing treaties, and that the United States and the world are awaiting his response.

While the President believes these new steps will allow progress in this

area, they must not divert us from the primary goal: elimination of the weapons themselves. Broad, deep, equitable, and verifiable reductions in offensive arms remain our highest priority. Here, too, we have made significant proposals and await a constructive Soviet response. If they are willing, the road to a safer world is open before us.

Ambassador Holmes' Statement, January 13, 1987

I welcome this opportunity to appear before you for the purpose of addressing the Administration's request for the Senate's advice and consent—with an appropriate reservation—to ratification of the Threshold Test Ban Treaty and the Peaceful Nuclear Explosions Treaty. I am pleased to note that Administration officials and members of the Senate staff have held thorough consultations on this subject. I appreciate the cooperation of your professional staff.

U.S. Nuclear Testing Policy

U.S. policy with respect to the broad issue of nuclear testing limitations has been clear and consistent throughout this Administration. We are committed to the ultimate attainment of a total ban on nuclear testing under appropriate circumstances, a goal that has been endorsed by every president since President Eisenhower.

But for the present, the United States, its allies, and its friends depend on nuclear weapons for deterrence. So long as we must continue to rely on a secure and credible nuclear deterrent as the ultimate guarantor of peace with freedom, some level of testing will be necessary to ensure the safety, reliability, effectiveness, and survivability of our nuclear weapons. We want to make progress in this area, however, as the President outlined in his letter of last October [see p. 2]. We are here today to testify in support of the Administration's approach to nuclear testing limits.

History of These Two Treaties

The negotiations and support of these treaties represent long and serious efforts by several administrations. They reflect the considered judgment of several presidents that carefully structured limitations on the nuclear weapons development process, if fully observed by both sides, are positive steps.

In 1974, the United States and the Soviet Union negotiated the Threshold Test Ban Treaty, and in 1976, they signed the Peaceful Nuclear Explosions Treaty. Neither of these treaties has been subsequently ratified by either the United States or the Soviet Union. Since 1983, the President has sought verification improvements that would enable him to move forward on ratification.

For its part, the Soviet Union has claimed that if the United States would ratify the TTBT and PNET and implement their verification provisions, our verification and compliance concerns would be promptly resolved. However, our problems would not be resolved; large uncertainties would remain. For example, the data to be exchanged upon ratification of the TTBT would itself be unverified. Nor would the verification measures in the PNET resolve our concerns about that treaty.

Ratification of the TTBT/PNET

With the necessary verification improvements we seek, we believe these treaties would be in our national interest. The treaties were negotiated as important parts of the longstanding U.S. policy of controlling the development and inhibiting the spread of nuclear weapons.

Specifically, these two treaties, which we have scrupulously observed for over a decade, prohibit larger yield nuclear explosions, such as tests once carried out by the Soviets at levels 15–20 times greater than 150 kilotons (kt). This restriction imposes a significant qualitative limit on one aspect of nuclear weapons development competition.

Then Under Secretary of State for Political Affairs Philip Habib testified before this committee about 10 years ago. He said: "I believe the political benefits which can accrue to us by the ratification of these treaties are as significant as the contributions which they make to the control of nuclear weapons." Formal agreement to this limitation on nuclear testing, by ourselves and our principal adversary, will be seen by other parties as a positive and stabilizing step. It will be viewed as demonstrating leadership in the critical task of peacefully managing our relationship with the Soviet Union while providing an example of self-restraint to all.

In addition, ratification of these treaties will build confidence and meet the reasonable expectations of our negotiating partners and others that arms control negotiations with the United States will result in concrete progress. More importantly, we are

hopeful that ratification of improved, verifiable agreements will open the path to more stable and predictable relations with the Soviets. As the President said in his letter requesting your advice and consent, ratification of improved treaties that are effectively verifiable is a necessary first step to further progress.

If the Soviets agree to our proposals to make the treaties effectively verifiable, we will move into a new area of bilateral cooperation between our governments in the area of verification. For the first time, both countries will allow direct, onsite measurements at nuclear testing sites. This will be a beneficial precedent for other arms control negotiations as well as a good step toward further limitations on nuclear testing.

TTBT/PNET Verification is Highest U.S. Priority

Over the past 2 years, we have placed the highest priority in the area of nuclear testing limits on finding an effective means of verification of the 1974 Threshold Test Ban Treaty and the 1976 Peaceful Nuclear Explosions Treaty. We have proposed concrete means of building confidence by extending a unilateral and unconditional invitation to the Soviet Union to send experts to measure directly the yield of a nuclear test at our test site.

In March 1986, the President urged the Soviet Union to join the United States in discussions on finding ways to reach agreement on essential verification improvements of the TTBT and PNET. He invited Soviet scientists to come to our Nevada test site to examine our proposed verification system fully. He said the United States would be prepared to move forward on ratification of the TTBT and PNET if the Soviets would agree to effective verification.

The President has undertaken a series of additional, concrete, and practical steps.

- After several years of trying to engage the Soviets in expert-level discussions, agreement was finally reached last summer. A first meeting was held in July, a second meeting was held in September, and a third meeting took place in November.

- On October 10, 1986, in Reykjavik, the President announced that as a first order of business for the 100th Congress, he would request the advice and consent of the Senate to ratification of the TTBT and PNET, but with an appropriate reservation to the treaties,

which you have, ensuring they would not take effect until they are effectively verifiable.

- Further, the President said that once our TTBT/PNET verification concerns have been satisfied and the treaties have been ratified, he would propose that the United States and the Soviet Union immediately engage in negotiations on ways to implement a step-by-step parallel program—in association with a program to reduce and ultimately eliminate all nuclear weapons—of limiting and ultimately ending nuclear testing.

In our view, this is a most practical and serious approach to nuclear testing limitations. Yet, despite our efforts, the Soviets have not agreed to it. We remain hopeful they will join us. We have left the door open to negotiation and, in fact, we have recently reiterated through diplomatic channels our proposals for the opening of negotiations with the Soviets in January.

The President's proposals in the nuclear testing and other arms control areas demonstrate our commitment to achieving the conditions necessary for possible additional limitations on nuclear testing in the context of a process of nuclear arms reductions. It is now up to the Soviet Union to make a similar commitment, which they can demonstrate by negotiating in good faith on the President's proposals for essential verification improvements to the existing treaties.

Moratorium

Some argue that these treaties do not go far enough, that the United States should seek a moratorium on testing instead. I want to make a few comments

on that proposition. First, as I have already said, nuclear testing is critical to nuclear deterrence, and deterrence is what has kept the peace in the Atlantic treaty area for over four decades. That is a singular achievement. Second, a moratorium or a comprehensive test ban has no effect on the numbers or deployment of nuclear weapons; more important, it would not affect the threats to our security which forced us to arm in the first place. Moreover, it is possible that focus on a comprehensive test ban will divert attention and energy from the practical and achievable steps of arms control represented by these treaties. These treaties can enhance stability and security now, rather than in some distant future, and open the way to that future if the Soviets will agree to address it sincerely and meaningfully. They constitute a significant step along an important path.

Safeguards

I wish also to point out the importance of maintaining adequate safeguards in conjunction with these treaties. We consider safeguards essential to ensuring the nation's ability to retain the technical means and knowledge necessary to support the nuclear deterrent and existing and future national security policies. A description of these safeguards will be submitted for the record at the conclusion of our testimony [see p. 2]. The military authorities who will make presentations to this committee are prepared to give further details regarding safeguards.

Conclusion

In conclusion, we think there are good opportunities for progress on arms control, including nuclear testing. So far,

however, the Soviets have been more interested in the grand gesture than in practical steps. To summarize:

- We have made it absolutely clear that we require nuclear testing for our security and the security of our allies. We intend to continue with our testing programs.

- A nuclear testing moratorium is unacceptable. It diverts attention from the real issues.

- What is needed now is to enhance confidence in verification of the TTBT and PNET. We place top priority on the achievement of a reasonable and effective system by which we can verify compliance with the Threshold Test Ban Treaty and the Peaceful Nuclear Explosions Treaty. The United States has made a series of concrete proposals to the U.S.S.R. in this regard.

- We are prepared to open negotiations with the Soviets now. Once these treaties are effectively verifiable and have been ratified, we would proceed in accordance with the step-by-step process outlined by the President in Reykjavik in October.

- We seek the Senate's advice and consent to these two treaties, with an appropriate reservation.

I ask for your continued support in our responsible approach to nuclear testing limitations. ■

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