

## **STRENGTHENING THE NUCLEAR NONPROLIFERATION REGIME IN 2016-2020**

### **Recommendations by PIR Center<sup>1</sup>**

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**Moscow**

The 2015 NPT Review Conference, which failed to approve a Final Document, has put into stark relief the key challenges facing the nuclear nonproliferation regime. These challenges fall under four main categories:

- Ongoing difficulties with the implementation and universalization of the treaty. The existence of “unofficial” nuclear-weapon states has already become standard practice in international politics, and calls for achieving universal membership of the NPT sound more like a ritual than an actionable proposal. This leads to a tacit recognition of the nuclear-weapon status of the states that remain outside the NPT, and could encourage some non-nuclear-weapon states to start developing an atomic bomb of their own.
- Disturbance of strategic stability caused by the policies of some states that seek to establish or reinforce their dominance in strategic areas. These challenges not only represent a threat to the national security of nuclear-weapon states, but also make it impossible to engage in further negotiations on nuclear arms reductions, thereby stoking up divisions within the NPT.
- Increasingly ineffective mechanisms of multilateral diplomacy and of making decisions that take into account every party’s interests. The main cause of this is unwillingness of certain states to seek solutions in the framework of consensus-based procedures. Unwillingness to compromise has already resulted in many years of paralysis at the Conference on Disarmament. More recently, it has prevented the 2015 NPT Review Conference from approving a Final Document. As a result, important multilateral initiatives are still languishing on paper.
- Lack of progress towards establishing a WMD-free zone in the Middle East, caused by ongoing differences within the region. Since the indefinite extension of the NPT in 1995 was linked to establishing such a zone, the issue’s significance goes well beyond the Middle East and has a great impact on the NPT review process.

The international community will have to come up with effective responses to these challenges as part of the 2016-2020 NPT review cycle.

## **1. IMPLEMENTATION AND UNIVERSALIZATION OF THE NPT**

1.1 Under the terms of Article X of the NPT, **each party has the right to withdraw from the treaty** if it decides that “extraordinary events related to the subject matter of the treaty have jeopardized the supreme interests of its country”. The example of North Korea demonstrates that a country that has obtained peaceful nuclear technologies as a member of the NPT can then use those technologies for military purposes.

Restricting state parties’ right to withdraw from the treaty is hardly a realistic proposal, as it would require a revision of the NPT; besides, such a restriction could simply be ignored in the event of a state party facing a threat to its national interests. *At the same time, there clearly is a need for an obligation to return back to the supplier any nuclear materials and/or equipment received by a state party before it decided to quit the NPT, or, at the very least, to place it under life-long unconditional IAEA safeguards.*

1.2 **Calls for India and Pakistan to join the NPT** as non-nuclear-weapon states have remained unanswered for decades, and become something of a ritual that is not expected to have any practical effect.

*As a first step towards bringing these two countries to the fold of the international nuclear nonproliferation regime, the international community should concentrate on persuading them to sign the CTBT. Pakistan is already an observer at the CTBTO Preparatory Commission. India should be encouraged to follow its suit and also become involved in the Commission’s work.*

*Later on, India and Pakistan should be encouraged to sign and ratify the CTBT.*

1.3 **The Six-Party Talks on the North Korean nuclear program were halted in 2009.** The absence of any negotiating process with Pyongyang has frozen this crisis. Suspension of dialogue eliminates one of the factors that could prevent North Korea from taking its nuclear program even further.

In our view, the DPRK’s nuclear test conducted in 2016 makes the need to restore multilateral dialogue with Pyongyang even more urgent. We believe that such a multilateral dialogue, aimed at achieving a comprehensive resolution of the situation with Pyongyang’s nuclear program, could yield *an interim agreement in the medium term under which North Korea would desist from further nuclear tests, missile tests, nuclear material production and proliferation of sensitive materials and technologies in exchange for a partial lifting of sanctions, international aid, and security assurances.*

1.4 **The Joint Comprehensive Plan of Action (JCPoA)** signed by Iran and the six international mediators has demonstrated the ability of multilateral diplomacy to achieve nonproliferation results. At the same time, there is an obvious risk of differences arising during the implementation of that plan due to its length and complexity.



*All parties must implement the plan in a spirit of good will, using all available mechanisms contained in the agreement to resolve any differences in the JCPoA framework. The implementation of the plan should not be made conditional on relations between the parties in other areas.*

## **2. THREATS TO STRATEGIC STABILITY**

**2.1 The European segment of the U.S. missile defense shield** – which Washington insists is meant to counter the Iranian threat – could at some point in the future gain the ability to intercept Russian ballistic missiles. As one of the possible responses, Russia is considering various technologies to defeat the U.S. missile defenses. This could trigger a new arms race. Even though the issue is clearly very important for European and international security, negotiations on missile defense between Russia and the United States were halted in 2014 amid the Ukrainian crisis. The signing of the Joint Comprehensive Plan of Action (JCPoA) on the Iranian nuclear program has not resulted in any changes to America's and NATO's missile defense plans. Such behavior also raises the question of whether the U.S. missile defense system now being deployed against North Korea could in fact be part of Washington's plan to counter China's nuclear arsenal.

*The United States and NATO should resume negotiations with Russia about their missile defense system in Europe. As a first step, Western countries could introduce transparency measures with regard to the missile defense infrastructure now being deployed.*

**2.2 U.S. nuclear weapons remain deployed outside U.S. national territory** (in Belgium, Germany, Italy, the Netherlands, and Turkey). Some of those weapons are deployed in close proximity to Russian borders. The Pentagon is also modernizing its B-61 atomic bombs stationed in Europe.

This practice runs counter to the terms of the NPT. Besides, the nuclear weapons deployed in European countries do not strengthen those countries' security; in fact, in certain circumstances the effect could be quite the opposite, and the international community has a clear interest in having those weapons removed back to U.S. national territory as soon as possible.

It would therefore be useful to *give more thought to the Belarusian proposal on establishing a nuclear weapons-free zone in Central and Eastern Europe, and the joint initiative by Austria and Switzerland on declaring the whole of Europe a nuclear weapons-free zone.* Such a zone could cover only the territory of non-nuclear weapon states, and come into existence in a phased manner.

**2.3 Development of strategic conventional weapons using hypersonic technologies** (the most advanced program of this kind, *Prompt Global Strike*, is currently being pursued by the United States) could eventually evolve to pose a threat to strategic nuclear forces and upset strategic stability.

Military hypersonic programs are very expensive; the technology has yet to demonstrate its effectiveness, and the potential areas of its application are not immediately obvious. In view of all that, imposing negotiated restrictions on such programs is not unrealistic. *As a first step towards ending a hypersonic*

*arms race, an international conference could be held by all the key actors in this area to discuss the issue.*

*Eventually, all the states that pursue hypersonic weapons technologies should agree to end such programs and ban all related R&D. An international treaty could be negotiated to ban the use of hypersonic technologies for military purposes.*

**2.4 Several countries continue to ramp up their nuclear arsenals.** Even though the global nuclear weapons stockpile is shrinking, the process is not universal. Even some of the NPT nuclear-weapon states do not publish their nuclear weapons figures, so the size of their stockpiles is difficult to judge. Meanwhile, unofficial nuclear-weapon states that remain outside the NPT continue to increase their arsenals.

*All the countries that possess nuclear weapons (both officially, i.e. in accordance with the NPT, and unofficially) should unilaterally and simultaneously release official reports at the Conference on Disarmament, stating the role of nuclear weapons in their national security planning, as well as their nuclear weapons numbers and types. These reports could be modeled on the official reporting released by Russia and the United States under the New START treaty.*

**2.5 The Comprehensive Nuclear Test Ban Treaty (CTBT)** has not entered into force because eight Annex 2 states (China, Egypt, India, Iran, Israel, North Korea, Pakistan, and the United States) have yet to ratify. It will be 20 years later in 2016 since the CTBT was opened for signature. *This should serve as an impetus for the countries that have not ratified the treaty to do so as soon as possible.*

*Facilitating the ratifications and entry into force of the CTBT should be an important priority for the international community. In the meantime, it is also important to provide all possible support for the CTBTO Preparatory Commission and to strengthen the organization's monitoring network. One of the obvious steps in that direction would be to connect the monitoring stations already built in Iran to that network.*

**2.6 Lack of progress on all the aforementioned issues makes any further nuclear arms reductions unrealistic in the near time frame (2016-2020).** At this time, Russia and the United States are implementing the provisions of the New START treaty. *It is essential that both sides continue to diligently fulfill that treaty until it expires in 2021. They could then continue dialogue in order to lay the ground for the signing of a new treaty that would be acceptable to both sides.*

*That new treaty could also include limitations on deployed strategic systems (warheads and delivery vehicles), deployed and non-deployed launchers, and non-deployed nuclear warheads; negotiations could also include other arms*



*control issues (such as sea-based and air-based cruise missiles with conventional warheads, and missile defense systems).*

### **3. MULTILATERAL FORMATS OF COOPERATION ON NONPROLIFERATION AND DISARMAMENT**

- 3.1 There are **growing differences between the NPT nuclear-weapon states and most of the non-nuclear weapon states about the implementation of Article VI of the treaty**. Many non-nuclear weapon states insist that the pace of disarmament should be ramped up, and that clear deadlines should be agreed for that process. The P5 states are opposed to the idea. Growing polarization in the NPT review process and at other international platforms is increasingly becoming an obstacle to open and constructive discussions between the nuclear and non-nuclear weapon states on further nuclear arms reductions.

*In these circumstances, the NWS should continue to reiterate their commitment to Article VI of the NPT and their interest in further nuclear disarmament. At the same time, a set of conditions should be drawn up, the fulfillment of which would allow nuclear disarmament to proceed in practice, and not as a mere political campaign.*

- 3.2 The Conference on Disarmament (CD) remains the key multilateral platform for disarmament negotiations. Nevertheless, the fact that **negotiations at the CD have essentially been paralyzed since 1998**, and that the Conference has not even managed to agree a work program since 2009, has a very negative effect on the international community's ability to conduct multilateral talks, and undermines confidence in the existing international mechanisms. This could lead to the emergence of parallel structures and mechanisms.

The key obstacle to the adoption of a CD work program is differences over the Fissile Material Cut-off Treaty (FMCT). *The latest Russian proposal on putting to the CD agenda a new item – negotiation of the Convention for the suppression of acts of chemical terrorism – with the four other items (including FMCT) receiving the discussion mandate is a creative way to jump-start the work of the Conference.*

*In case such a proposal fails to achieve consensus, the parties should consider the possibility of a temporary moratorium on FMCT talks, opening the way for work on other matters. It would be important to have a clear deadline for the expiration of such a moratorium, to make sure that the FMCT problem is in no way dropped out from the CD agenda.*

- 3.3 There are no legally binding restrictions on the **placement of conventional weapons in space** at this time. Weapons in space would be a new strategic arms category, with devastating effects on strategic stability. They would necessitate programs to develop and upgrade the national nuclear deterrents. To eliminate the threat of a new arms race, *multilateral negotiations should be launched at the Conference on Disarmament on banning the placement of weapons in space*. The Russian-Chinese draft of a treaty on preventing the placement of weapons in space and banning the use of force/threat of force against spacecraft was

introduced at the Conference on Disarmament in 2008. An updated version of that draft was presented in 2014.

Given that the CD remains paralyzed, and it is not clear when it might resume its work, it is important to continue promoting the draft treaty at other venues. *Russia and China could initiate an international conference for a broad discussion of the proposed treaty, including the contentious clauses on verification and anti-satellite weapons. An updated draft produced by such a conference could then be submitted to the CD.*

- 3.4 The Russian-U.S. treaty on intermediary and shorter-range nuclear forces (INF) has played an important role in keeping the lid on the nuclear arms race.** It remains an important element of strategic stability. Nevertheless, the treaty limits the military capability of Russia and the United States, but not of any other countries that possess advanced missile programs. *Elimination of intermediate and shorter-range missiles by all the countries that possess nuclear weapons (either officially or unofficially) would help to reduce international tensions, especially in conflict-prone regions, and lay the foundations for a multilateral nuclear disarmament process.* Negotiations on making the INF treaty multilateral would also have a stabilizing effect on the Russian-U.S. treaty itself.

At the 62<sup>nd</sup> UN General Assembly in 2007, Russia and the United States made a joint statement on the INF treaty, arguing that the treaty should become universal. That statement did not win much support from the potential participants, and fell by the wayside. Nevertheless, both Russia and the United States still support the idea. It would be useful to *arrange discussions between experts on making the INF treaty multilateral, and to make sure that such discussions involve representatives of all the countries that possess nuclear weapons. Such discussions would also have a stabilizing effect on the existing Russian-U.S. treaty.*

- 3.5 Nonproliferation and disarmament education programs** are one of the least contentious issues on the agenda of the NPT review process. Action 22 of the plan of action contained in the Final Document of the 2015 Review Conference makes the following recommendation: “All states are encouraged to implement the recommendations contained in the report of the Secretary-General of the United Nations (A/57/124) regarding the United Nations study on disarmament and non-proliferation education”. At the same time, the vast majority of NPT members do not submit reports on implementing these recommendations to the UN. *Submitting such reports would demonstrate compliance with commitments in this area.*
- 3.6 The Advisory Board on Disarmament Matters under the UN Secretary-General** could play an important role in the development of education in the area of nonproliferation and disarmament. In its 67<sup>th</sup> and 68<sup>th</sup> sessions, *the Board could conduct a review of the implementation of the recommendations made by the UN study on disarmament and nonproliferation education, and, if necessary,*

*arrange a revision of the study to take into account the latest experience and new technologies in the area of education programs.*

- 3.7 New initiatives in the field of nuclear nonproliferation education**, primarily, the initiative of Russian and US universities to launch an international, fully accredited, MA Program in WMD Nonproliferation Studies, *should be supported. Students from the states that are newcomers in peaceful development of nuclear energy and therefore are more vulnerable to proliferation risks should be specifically encouraged to participate.*

#### **4. WEAPONS OF MASS DESTRUCTION-FREE ZONE IN THE MIDDLE EAST**

- 4.1 The key factor in the situation with the Middle Eastern WMD-free zone in the 2016-2020 period is that the mandate issued in 2010 to convene a conference on the subject in 2012 has expired. Now that the Finnish facilitator of the conference, Amb. Jaakko Laajava, has retired from that role, participants in the negotiations are left without a mechanism of organizing the whole process. **The most realistic way forward for these negotiations would be to assign the role of facilitator to the UN secretary-general's office.** *The co-sponsors of the 1995 resolution and the Middle Eastern states could formally request the secretary-general to organize the negotiating process. The specific wording of the mandate for conducting such talks could be based on provisions contained in the Draft Final Document of the 2015 NPT Review Conference. That wording, however, could be toned down in some respects in order to secure Israeli participation in the process.*
- 4.2 Meanwhile, several parallel processes could facilitate progress towards establishing a WMD-free zone in the Middle East. All the states of the Middle East could *make a joint statement committing themselves not to attack, or threaten to attack, each other's declared nuclear facilities that have been placed under IAEA safeguards. The commitment should include cyberattacks.*
- 4.3 *Ratification of the Comprehensive Nuclear Test Ban Treaty by all Middle Eastern states should pave the way for a successful conference opening the preparatory process for the negotiations on a regional WMD-free zone.*
- 4.4 As part of the initial negotiations, the participants *should draw up a road map towards gradually placing all nuclear infrastructure facilities in the region under IAEA safeguards.*
- 4.5 All the Middle Eastern states *should agree on the need to ratify the Additional Protocol to the IAEA safeguards agreement without delay. All state parties should enact the Additional Protocol on a voluntary basis pending ratification.*
- 4.6 At a later stage, and as one of the results from the initial talks at the conference, the parties should *set up a standing regional mechanism on nuclear (as well as chemical and biological) confidence-building measures.*
- 4.7 *Institutionalization of nuclear cooperation in the Middle East should be augmented by an integrated regional structure in which all regional countries would participate.* The Arab Atomic Energy Agency remains insufficiently effective and inclusive; it is not ready to facilitate regional nuclear cooperation. In contrast, the Synchrotron-Light for Experimental Science Applications in the Middle East (SESAME) could serve as an example of successful R&D cooperation in the region.
- 4.8 The Middle Eastern states that are now on the cusp of rapid development of their nuclear infrastructure should *put in place effective mechanisms of early*

*notification and rapid response in the event of nuclear incidents. All the relevant parties should speed up the entry into force of the Convention on Assistance in the Case of Nuclear Incident or Radiological Emergency, the Vienna Convention on Civil Liability for Nuclear Damage, and the Convention on Early Notification of a Nuclear Accident (for countries that have yet to ratify these documents).*

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PIR Center champions a holistic and impartial approach to nuclear nonproliferation.<sup>2</sup> We understand that some of the issues raised in this report are of fundamental nature and some require urgent reaction, some of our recommendations revisit the ideas previously proposed by the nation states or other experts and some are new and need critical reflection and further discussion.

We encourage all the interested parties to comment on the recommendations. Such contributions should be addressed to PIR Center's "Russia and Nuclear Nonproliferation" Program Director Andrey Baklitskiy via e-mail: [baklitsky@pircenter.org](mailto:baklitsky@pircenter.org).

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<sup>1</sup> The following recommendations were developed as a part of PIR Center's "Russia and the Nuclear Nonproliferation" program over the period from May 2015 to April 2016 and discussed at the PIR Center seminars in New York (May 2015), Geneva (June 2015) and Moscow (September and December 2015). "Russia and the Nuclear Nonproliferation" Program Director Andrey Baklitskiy would like to thank the following experts for their valuable contribution: Evgeny Buzhinsky, Alexander Fedorov, Eugene Miasnikov, Olga Mostinskaya, Vladimir Orlov, Vladimir Rybachenkov, Emilia Sidorova, Aleksey Ubeev and Albert Zulkharneev, as well as the Center for Global Trends and International Organizations of the Diplomatic Academy of the Ministry of Foreign Affairs of the Russian Federation for facilitating the discussions.

These recommendations represent the views of PIR Center and do not necessarily reflect those of the individual experts involved.

<sup>2</sup> The issues raised in this report were previously discussed in a series of white papers by PIR Center: "NPT-2010: Strengthening the Regime" in 2010 ([npt2010.eng.pircenter.org](http://npt2010.eng.pircenter.org)), "Ten Steps toward a Weapons of Mass Destruction-Free Zone in the Middle East" in 2013 ([10steps.eng.pircenter.org](http://10steps.eng.pircenter.org)), and "Towards Nuclear Disarmament: NPT Article VI and Implementation of the 2010 Review Conference Decisions" in 2014 ([articleVI.eng.pircenter.org](http://articleVI.eng.pircenter.org)). In 2015, PIR Center made a follow up on implementation of the recommendations in "PIR Center's Recommendations for Strengthening the Nuclear Nonproliferation Regime 2010 – 2015" ([followup2015.eng.pircenter.org](http://followup2015.eng.pircenter.org)).