

Russia, NATO, and Nonproliferation

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The political context

In the early days of his presidency, Vladimir Putin worked to improve ties with China, India and Iran while at the same time reaching out to Europe and the United States. Moves in one direction were offset by moves in another. After 9/11, he seized on the opportunity to forge an unambiguous partnership with the Western world. In so doing, he changed the international political agenda in such a way that for the future, Russia is much less likely to get involved in humiliating disputes with the United States and other Western powers.

Throughout the 1990s, Russia had been the loser in several conflicts of interest. Prominent examples were NATO enlargement and the Kosovo war, soon to be followed by US withdrawal from the ABM Treaty and another NATO enlargement. Like before, Russian opposition would have been in vain. However, by immediately and substantially joining the USA in its fight against terrorism, playing on the good chemistry between himself and President Bush; and announcing Russia's readiness for a profoundly new, cooperative relationship with NATO, Putin extricated himself from the previous pattern of clash and defeat.

Under the new partnership the ABM issue came to a soft exit instead of a mounting conflict. The outcome was a given, anyhow: a noisy clash would have highlighted only Russia's inability to cope with US super power. Likewise with the forthcoming NATO enlargement; the new partnership allows it take place without much friction. In this respect, US unilateralism is quite helpful, too. It puts NATO's military organization to sleep and reduces the Alliance to little more than a political framework. Article V is dormant for lack of a credible threat to the NATO area, and out-of-area operations are conducted and orchestrated by the United States on a case-by-case basis. A fixed European alliance is unlikely to meet US requirements.

For the US Government it is important to remove international restrictions on the conduct of its foreign affairs. Decision-makers tend to treat international agreements as nothing else or nothing more than the constellations of interests that created them. As interests change, treaties may be abandoned. Even worse may be the give and take of multilateral cooperation.

The NATO-Russia Council reflects this view. As long as the parties see eye to eye, a wide range of issues may be discussed in the joint Council, on a consensus basis. However, controversial issues may always be referred to the decision-making procedures of the membership circle, along with Art. V issues and enlargement matters, which are for members anyhow. This way, flexibility is ensured. Flexibility is an even more obvious feature of the Strategic Offensive Reductions Treaty (SORT). This Treaty has no milestones or intermediate goals; verification has no role in assuring compliance with it; and apart from the obligation not to have more than 2200 strategic nuclear warheads by 31 December 2012, it is actually hard to see how the Treaty can be violated. For that matter, since it expires by the

end of 31 December 2012, the United States could simply declare weapons above 2200 to be not “operationally deployed” for the day, and then revert to a higher level immediately afterwards.¹ The flexibility is virtually complete. The Treaty is unilateralism in bilateral form.

Using 9/11 to change the international political agenda, Putin at the same time positioned Russia for closer economic cooperation with the West. A real partnership is a major resource in the modernization of the country. Russia needs Western capital, technology and market access. The price that Putin paid was recognition of US global political primacy and termination of the superpower strategic relationship. The ABM Treaty is gone and SORT is the end of strategic offensive arms control.

In other words: to pretend that Russia was still on a par with the United States, or aim at equal status in as many respects as possible, was a recipe for humiliation. To some extent, that Cold War ambition lingered on for a while, its hollowness being increasingly exposed. In a sense, what Putin did was to reconcile Russia with contemporary facts of power. Life becomes easier that way.

There are proportions to everything, however. To stay his new course, Putin must be able to show gains in return. If not, he might share the fate of his predecessors, who were criticized for making too many concessions and receiving too little in return.

Broken commitments to nuclear disarmament

SORT refers to statements by the two presidents, saying that Russia intends to limit “all strategic nuclear weapons” while the United States will count weapons that are “operationally deployed”. The United States has made it clear that it has no commitment to destroy or render unusable weapons that are no longer “operationally deployed”. On the contrary: it specifically intends to retain many of these for upload within days, weeks, months, or years. How many that will be removed from operational status, or added to the arsenal, and how many that will be taken off and retained for use, will not necessarily be known. The parties are under no obligation to tell.

The 2000 NPT Review Conference agreed on 13 “...practical steps...to implement Art. VI of the Treaty...and paragraphs 3 and 4 of the 1995 Decision on ‘Principles and Objectives for Nuclear Non-Proliferation and Disarmament’”.² Some of these steps have already been disregarded. Among them is the importance and urgency of signatures and ratifications of the CTBT to achieve an early entry into force of the Treaty (Step 1 on the list). The Bush Administration has distanced itself from it. Indeed, the US Nuclear Posture Review opens the possibility that testing will be resumed.

The Review Document calls for “the immediate commencement of negotiations on (a fissile material cut-off treaty) with a view to their conclusion within five years” (Step 3). At the Conference on Disarmament, such negotiations remain on hold. The Document also calls on the CD to establish “an appropriate subsidiary body with a mandate to deal with nuclear disarmament” (Step 4). This has not been done.

¹ Richard Garwin, “Reducing or Increasing the Nuclear Threat”, paper for the 52nd Pugwash Conference on Science and World Affairs, La Jolla, California, 10–14 August 2002.

² See Jozef Goldblat, *Arms Control. A New Guide to Negotiations and Agreements* (London: Sage, 2002).

Another step calls for “the principle of irreversibility to apply to nuclear disarmament, nuclear and other arms control and reduction measures” (Step 5). SORT ignores this requirement. It also ignores the call for increased transparency (Step 9): in this respect, SORT is a big setback in comparison with the START agreements. Furthermore, while the Clinton-Yeltsin summit in Helsinki (1997) envisaged that non-strategic weapons would also be taken into consideration in the START process, and the NPT document asks for unilateral initiatives to reduce such weapons “as an integral part of the nuclear arms reduction and disarmament process” (Step 9), they are left out of SORT. The Russians dragged their feet on this matter in Helsinki, and have upgraded the significance of tactical nuclear weapons in their military doctrine.

The Review Document emphasizes the importance of the ABM Treaty as a cornerstone of strategic stability (Step 7). That cornerstone became history this year. Furthermore, the nature of SORT is such that further development of verification requirements to assure compliance has been rendered irrelevant (Step 13)

Last but not least, the 2000 Document contains “an unequivocal undertaking by the nuclear-weapon states to accomplish the total elimination of their nuclear arsenals...” (Step 6). This language clarifies and strengthens the obligations under Art. VI of the Treaty³ and has been much emphasized and frequently quoted by disarmament advocates. Recent developments shed grave doubts on the seriousness of this undertaking, however. The US Nuclear Posture Review envisages the use or threat of use of nuclear weapons to destroy or deter the use of chemical and biological weapons and, also, to deal with conventional forces. Not only does this undermine the negative security assurances that have been extended to the non-nuclear parties to the NPT: it is also a recipe for indefinite retention of nuclear arms. Clearly, the Nuclear Posture Review is at odds with the fundamental undertaking under Art. VI of the Treaty.

Most of the 13 steps that were agreed in the Final Document of the NPT 2000 Review have therefore been disregarded or put in doubt. Altogether, this amounts to a serious challenge to the viability of the nonproliferation regime.

Pressures on the NPT

Until recently, international and national nuclear arms control agreements, laws and provisions constituted a web of undertakings that centered on two key accords: the ABM Treaty and the NPT. While the ABM Treaty is gone, there is a lot of resilience built into the NPT. From the Cold War years there is the so-called Swedish lesson: whatever the existing nuclear weapon states are doing, it is not in the interest of non-nuclear weapon states to acquire their own nuclear arms. The more time that passes without nuclear weapons being used, the stronger the norm of nonuse becomes. The Advisory Opinion of the International Court of Justice leaves little possibility, moreover, of using nuclear weapons in a legal way. Their use would have to be in accordance with international humanitarian law, and that is

³ Before the 2000 Review Conference, elimination of nuclear weapons was often referred to in the context of general and complete disarmament. Step 6 contains no such reference. Thus, although elimination of nuclear weapons would necessitate adjustments in other kinds of weaponry, the goal of a nuclear-weapon free world was separated from the objective of general and complete disarmament...” (Step 11). Neither does Step 6 use the term “ultimate” objective in relation to the total elimination of nuclear arsenals.

hard to envisage in practice. Only eight states are known to possess nuclear weapon arsenals. Five of them are members of the NPT, and therefore under an international legal obligation to eliminate their arsenals. (The other three – India, Israel and Pakistan – are under no such legal obligation). Among the rest, only Cuba, the Cook Islands and Niue have not yet joined the NPT; however, they are members of nuclear weapon-free zones⁴. No multilateral arms control treaty has as many members as the NPT.

The nuclear powers' disrespect for NPT undertakings does not necessarily translate into nuclear proliferation. A number of factors – legal obligations to remain nuclear weapon-free, as non-nuclear parties to the NPT or as members of nuclear weapon-free-zones⁵; the Swedish lesson; special efforts to come to grips with cases like North Korea and Iraq; counter-proliferation operations, etc. – may be enough to hold the line beneath the eight nuclear-weapon states for some more time. After all, moral arguments, discrimination, and concerns about compliance/noncompliance with Art. VI have been part and parcel of the NPT process from the beginning.

A look at the outcome of the NPT review conferences reinforces this conclusion. The 1975 conference adopted a comprehensive final document, with a narrow margin. Toward the end of the 1970s, renewed tensions substituted for détente, and rearmament gained speed. Predictably, the 1980 conference ended without a consensus document. The period up to 1985 is often referred to as the second Cold War. Still there was a final document, seen by some as a reconfirmation of the Swedish lesson. The 1990 conference got stuck, the end of the Cold War notwithstanding. Convened towards the end of a period of good news, the 1995 extension conference achieved indefinite extension of the Treaty. The 2000 conference succeeded beyond expectations, despite the fact that the window of opportunity after the Cold War had closed and big power relations had once again become more strained. If anything, the record indicates that to quite some extent, the NPT is invulnerable to fluctuations in international security affairs.

Throughout the entire period, there was a significant measure of cooperation between the United States and the Soviet Union/Russia, in spite of all the conflicts that marred their relationship. Can we assume that big-power cooperation, the Swedish lesson, and special diplomatic, political and military actions against potential proliferators will put a “business as usual” stamp on the NPT process for the years ahead? For sure, we are used to big discrepancies between declaratory policies and action policies, and we are well acquainted with double talk. It is not obvious that the NPT is more vulnerable to current versions of hypocrisy than to previous ones.

Nevertheless, if the nuclear weapon states are seen to retain such weapons for all foreseeable future – none of the eight shows any sign of stepping down, like South Africa did – the present situation is unlikely to last for long. The main reason for that is wrought in national security terms, for there is a limit to the validity of the Swedish lesson. After all, nuclear weapon states are physically able to threaten the vital interests of at least adjacent non-nuclear weapon states, at any time, with nuclear weapons. For coercion purposes it may

⁴ Tlatelolco and Rarotonga, respectively. The Cook Islands and Niue could also be considered bound by New Zealand's adherence to the NPT since they are independent states in free association with New Zealand.

⁵ The zonal treaties currently encompass 113 states and 18 other territories, including 99 percent of the land areas of the Southern hemisphere.

suffice to use them in a counterforce mode, or threaten to do so.⁶ For many non-nuclear weapon states this is a disconcerting dilemma conveniently handled - until further notice - by simply disregarding this security gap in their national security considerations. As long as they are not prepared to do anything about it, it is better not to draw much attention to it. However, this is not a stable situation. Tens of states are capable of acquiring a nuclear arsenal should they choose this route.

Of critical importance in this connection is the fate of the moratorium on nuclear testing. Should the United States resume testing,⁷ China would most probably follow suit, and India and Pakistan might do the same. This would alert other governments in East, South and West Asia to the security gaps noted above. In NPT terms, the phrase “cessation of the nuclear arms race at an early date” – always taken to refer to three measures: a nuclear test ban, a fissile material cut-off, and security assurances – would be left naked, unimplemented in all three respects. Add to this the attention that nuclear testing always draws and the pivotal importance of a CTBT - for long periods of time the flagship measure in the field of nuclear arms control – and the nonproliferation implications may be severe.

A CTBT was part of the 1995 package that provided for the indefinite extension of the NPT. The seriousness of resumed testing must be judged against that background, in particular. For the NPT, it may be fatal.

The resilience of the nonproliferation regime

Should one or more of the five nuclear-weapon Parties to the NPT leave the Treaty, it would quickly fall apart. However, none of them has any reason to do so. While the United States has withdrawn from some existing accords and has refrained from joining some new ones, others are being kept but downgraded in significance and belittled as far as compliance is concerned. Cases in point are the North Atlantic Treaty and the NPT.

The more real risk is that among the more than 180 non-nuclear Parties to the NPT, some may see fit to withdraw for reasons mentioned above. Then the Treaty would crumble, but the *regime* may be decimated to some smaller extent only. This is because the regime contains back-ups to many of the NPT obligations.

NPT/INFCIRC 153 safeguards would vanish with Treaty membership. But INFCIRC 66 safeguards - the safeguards that accompanied nuclear exports before full-scope safeguards of the NPT type entered into force - remain. These safeguards are facility-oriented and less

⁶ Gunnar Arbman, “Horizontal Proliferation Risks Emanating from the Existence of Nuclear Weapons”, paper for the Pugwash Conference on Science and World Affairs, La Jolla, California, 10-14 August 2002.

⁷ According to the Stockpile Stewardship Management Program that began in 1994 – the budget of which the Bush Administration recently increased to \$5.3 billion – scientists are allowed to do almost anything as long as it does not entail nuclear testing and actual production of new nuclear warheads. There are rumors about development of a new nuclear warhead of very low yield, down to the yields of conventional high explosives, and with high penetrating power into concrete. The warhead is claimed to be clean in the sense that the radioactive fission products can be contained. Should this be close to the truth, the distinction between the two types of weapons will be blurred. To provide confidence in the new weapon, it would have to be tested. Bearing in mind the administration’s disregard for international agreements, testing may well be authorized if the president considers it in the interest of the United States.

comprehensive than NPT safeguards, except that they cover all military applications of imported items or derivatives thereof. Thus, while naval reactor fuel is accounted for under the NPT, INFCIRC 66 does not allow any such application. The weakness is obviously that countries leaving the NPT will be under no legal obligation to declare *indigenous* activities to the IAEA for safeguards application.

That is, they are no longer legally bound unless they are members of a nuclear weapon-free zone. If they stay with their zonal obligations, they will still be under an international legal obligation not to acquire nuclear weapons and to submit all their nuclear materials and activities to IAEA safeguards. Full-scope safeguards are required under all zonal treaties to date. In addition, nuclear weapon-free zones prohibit stationing of nuclear weapons on zonal territory, and seek to limit transits. Altogether, the nuclear weapon-free zones cover more than half of the world's landmass but include few sea areas, and the restrictions that apply in those areas are mostly non-binding⁸.

Single states withdrawing from the NPT would still be subject to strict export/import regulations. Moreover, a state leaving the Treaty would draw much negative attention and may be subject to additional restrictions, embargoes and sanctions. Therefore, it will be a tough act for one or a few countries to leave while the big majority remains.

Break-out scenarios

Which are the less costly and, by that yardstick, the more likely withdrawal scenarios from the NPT?

Members of nuclear weapon-free zones may withdraw in reference to discrimination, lack of compliance by nuclear weapon states, etc. – without affecting their nuclear weapon-free status and probably without any serious repercussions. They would no longer be able to influence the NPT process, but this may not be considered a big loss anyhow. After 30 years of membership expansion since the Treaty entered into force in 1970, these would be the first withdrawals. Even if they do not amount to new weapons acquisitions, they would be concrete manifestations of misgivings and a serious set-back for the Treaty – the first of its kind.

Parties who are serious about reopening their nuclear weapons options may join in and use this to “camouflage” their withdrawal. Mixed with “innocent” withdrawals they would not stand out so clearly, and so it may be more difficult to single them out for special treatment. This may nevertheless boil down to a matter of rhetoric: in reality, there are numerous ways of distinguishing innocent cases from cases of real concern.

Lone break-outs by countries going for a nuclear weapon capability will trigger the strongest reactions. To limit the pressure that other states may bring to bear on them and, eventually, to deter a counter-proliferation action, would-be proliferators may try to keep their programs under the guise of peaceful applications as long as possible, preferably until some weapons are ready for use. In the 1970s, Iran under the Shah was the kind of regime that could have gone for nuclear weapons from under the NPT/peaceful applications umbrella. At that time, little attention was paid to such a possibility.

⁸ Jan Prawitz, “Negotiating Nuclear Weapon-Free Zones”, *Containing the Atom*, (Laxenburg, Austria: International Institute for Applied Systems Analysis/Lexington Books), 2002.

Today, the completion of the Bushehr power plant raises similar concerns, and Iranian attempts to obtain other fuel cycle technologies add to the worries.⁹ A matter of particular concern is the possibility that significant activities may be conducted underground, in secret. Underground reprocessing may be hard to identify, as Vanunu's pictures from Dimona amply illustrates. Ever since the IAEA documented that North Korea had reprocessed more plutonium than it had declared, questions about underground activities have been critical in that country.

In US nonproliferation policy, the Israeli bombing of Osirak in 1981 has become a model example. The United States "is no longer prepared to rely mainly on negotiations, trade pressures, arms control regimes and international institutions... Time is not on our side. We need to act soon, act preemptively, and act alone if necessary. Osirak is the new model of how foreign policy has to be conducted".¹⁰ Hence the interest in more effective "bunker busters" to be able to destroy underground facilities before weapon acquisition programs come to fruition. Not only may significant facilities be destroyed: regimes sticking their neck out risk being destroyed by military force.

Nonproliferation in the NATO-Russia Council

Nonproliferation is a candidate item on the NATO-Russia Council. However, the parties are in the early stages of determining what the Council should try to do. Among all the issues that may be raised under this label, which are the suitable ones for this Council?

The European Union and Russia are firm supporters of the nonproliferation regime while in US policy, the regime has been sidelined. Clearly, the US government pays little attention to compliance with NPT provisions and associated international commitments. The focus is first of all on the so-called rogue states. In the view of leading Americans, there is nothing inherently wrong with the *weapons*: what matters is in *whose hands* they are¹¹. China is a matter of concern; Pakistan too, because of the political instabilities there. Any proliferation to the Arab world is unacceptable, while no pressure is put on Israel to become nuclear weapon-free. Other weapons are in more or less legitimate hands. It is not easy to

⁹ For Russia, Iran is an important regional partner, both politically and economically. Construction of nuclear power reactors is tied to commercial interests in other sectors. Concessions to the United States stop short of accommodation to US pressures to stop cooperation with Iran in the nuclear field. In Russian politics, this is often seen as a line of demarcation – the last line of defense which the US should not be allowed to cross (without major concessions in return).

¹⁰ Bill Kristol, "US Foreign Policy After 9/11: The Bush Doctrine", speech at the BESA Center, Tel Aviv, March 2002.

¹¹ This view entails forgetting that weapons – be they nuclear weapons or small arms – do something to their possessors. Not only do weapons present options in terms of violent solutions to problems; new options also translate into broader considerations of political agendas and priorities. At the low end of the arms spectrum, this is well known from studies of small arms and light weapons. For instance, many African countries no longer allow people to carry arms at public places, because this tends to nurture cultures of violence. At the high end, we see that super-power – sometimes referred to as hyper-power – encourages unilateralism. There is no simple answer to the question of which is *more* important, the gun or the man behind the trigger. Both matter.

see how these agendas can be combined in a way that engages the Council in fruitful discussions.

No doubt, the NPT review process will suffer from the new approach to proliferation problems that have emerged with the Bush Administration. Precisely because the agendas are so different, it is important to have a joint examination of their strengths and weaknesses. For such an exercise to be meaningful, however, the parties must recognize that their own approaches are not without flaws, and that the cause of nonproliferation may benefit from a search for common positions. For instance, the nonproliferation regime is not good enough in responding to safeguards violations. And what should be the supplier policy towards India and Pakistan, nuclear weapon states that have not been recognized as such and where full-scope safeguards do not apply? Cases like Kazakhstan, the Ukraine, Belarus, North Korea, Iran and Iraq have been treated in very different ways: differential treatment of critical cases may be fully justified, but it speaks to the shortcomings of the regime and leaves some questions behind.

Will consideration of such issues in the NATO-Russia Council be seen by others as a cartel-like initiative undermining the significance of the NPT process? Will it be perceived as a counterproductive move and therefore to be dismissed? This possibility cannot be excluded, although on a great many issues big-power collusion is not imminent danger. On the contrary; dialogue with the Americans to modify US unilateralism is widely appreciated.

Are there particular issues that can profitably be discussed in the NATO-Russia Council? What about harmonization of policies in relation to critical cases like North Korea, Iran and Iraq? North Korea would not be a natural choice since China, Japan and South Korea – not members of the Council – are crucial to that case. Nuclear exports and export control policies in relation to Iran might be discussed, although Russia would be less than keen to do so. The issue is high on the bilateral US-Russian agenda anyhow. Such questions are also for the NSG to consider.

What about cooperative threat reduction? To reduce the scope for illicit transfers of weapons of mass destruction, and materials from which such weapons are made, is also an entirely legitimate and commendable thing for the NATO-Russia Council to do, if it can contribute. However, there are bilateral frames of cooperation on these important matters; cooperation between the EU and Russia; and recently the G-8 also began to address them. This is not to exclude the possibility that yet another forum could help in certain respects – it is worth considering - but in large measure it may prove redundant.

Should the Council address other aspects of WMD terrorism? Maybe, but there are already a great many conventions and forums dealing with various aspects of this problem.¹² One of them is the NSG, which is currently reviewing its guidelines in order to make itself more relevant to the fight against terrorism.

Tactical nuclear weapons are not included in SORT. One thing European members of the Council could do is to challenge the United States and Russia to reconfirm their unilateral statements of 1991. This is not just a bilateral matter: indeed, the whereabouts of thousands of small, mobile nuclear weapons are a security concern also for non-nuclear-weapon states. Moreover, some 150–200 nuclear weapons are still deployed in seven West

¹² For an overview, see William Potter and Nicolas Florquin, “The Different Faces of Nuclear Terrorism”, Appendix One: Summary of International Initiatives Related to Nuclear Terrorism, paper prepared for the Monterey Nonproliferation Strategy Group, Stockholm, 5-6 September 2002.

European countries. However, Russia's perceived dependence on tactical nuclear weapons, especially to defend its borders with China, may block joint discussion of this issue. Better safeguarding and control of materials and weapons are in high demand, but it is not obvious that the Council can add much of significance to the cooperative threat reduction programs that already exist.

Would the NPT review process, and implementation of the 13 steps agreed upon at the 2000 Conference, be suitable agenda items? At this stage, probably not. Given the low priority accorded to the NPT and the review process in US policy, it is unlikely to fly. It would be better, first, to engage in a joint examination of basic approaches to nonproliferation and – if this proves productive – move on to consideration of specifics.

During the Cold War, the US and the USSR agreed on the main tenets of the nonproliferation policy, to the benefit of the nonproliferation regime. Today, approaches differ, not just between the USA and Russia, but between the US and the Europeans as well. The Council may try to regain lost common ground by initiating a concerted effort to strengthen nonproliferation policies.