

The U.S. Non-proliferation and Disarmament Agenda

After the NPT Review Conference

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U.S. President Obama has applied significant effort and political weight to the issue of nuclear non-proliferation and disarmament in order to regain a leadership role. Where does the Administration stand now, after the Review Conference of the Non-Proliferation Treaty in May 2010?

The Future of Nuclear Non-proliferation

190 states signed the Treaty on the Non-proliferation of Nuclear Weapons (NPT), united in: "Believing that the proliferation of nuclear weapons would seriously enhance the danger of nuclear war [...]." The Treaty entered into force in 1970, after it was opened for signature two years previously. In 1995 the NPT signatories decided in favour of indefinite extension of possibly the most successful tool of nuclear non-proliferation.

The basic idea of the Treaty is that every country should have the opportunity to use nuclear energy for civil purposes, but that military use should be prohibited and limited exclusively to the five countries that had detonated a nuclear device before 1 January 1967, namely the United States, Russia, the United Kingdom, China and France. The International Atomic Energy Agency (IAEA) forms the control and verification body for compliance by NPT member states.

During the Cold War only two nations became nuclear-armed states, but are not recognized as nuclear-weapon states in accordance with the NPT, namely India and Israel. On 14 May 1974 India conducted a nuclear weapons test, after its nuclear programme started in the mid-1950s; Israel never publicly announced the possession of nuclear weapons, but it has been recognized as a nuclear-armed state by the United States since 1975.

Since the end of the Cold War, four cases of proliferation have gathered enormous attention. North Korea detonated nuclear devices in 2006 and 2009, and has proven all suspicions about a military nuclear programme to be correct. North Korea is also known to be developing multi-stage ballistic missiles and has conducted several missile flight tests over the last few years.

One case that remains an urgent topic among the members of the UN Security Council (UN SC) is the Islamic Republic of Iran, which has been suspected of developing a military nuclear capability since 2003. Furthermore, Iran is developing medium- and intermediate-range ballistic missiles that are capable of carrying a nuclear warhead. Several reports indicate cooperation between Iran and North Korea regarding the development of ballistic and cruise missiles.

Five years before the Iranian case first made the headlines, Pakistan successfully conducted a nuclear test in 1998, as a response to growing tensions between India and Pakistan. Pakistan also possesses a medium- and intermediate-range ballistic missile capability.

Finally, in the aftermath of the Gulf War in 1990-1991, Iraq surprised the world with its ambitions for a highly developed nuclear weapons programme and (limited) means to deliver weapons of mass destruction.

Analysis

Every five years all member states of the NPT convene for a review of the Treaty. Since the last Review Conference in 2005, the NPT has faced a severe crisis. Overshadowed by the confrontation between the United States and Iran, no progress but regress has been the outcome regarding all three pillars of the NPT – that is, non-proliferation; civil use of nuclear energy; and disarmament. While the EU countries and the United States demanded more commitment regarding the topic of non-proliferation, the non-aligned, non-nuclear-weapon states demanded disarmament of the nuclear arsenals owned by the five nuclear-weapon states. Moreover, they demanded and underlined each member's right to the peaceful use of nuclear energy, including the development of a domestic enrichment capability.

President Obama's Agenda

U.S. President Barack Obama repeatedly emphasizes that the greatest risk for the United States is the proliferation of nuclear weapons and materials combined with international terrorism. In his 5 April 2009 speech, the president described his solution: free the world of nuclear weapons, because the smaller the world's nuclear arsenal, the smaller the risk of proliferation. Therefore, existing instruments of nuclear non-proliferation and disarmament must be strengthened. In order to be able to disarm further, Obama continued in his speech that the role of nuclear weapons in U.S. defence planning must be reduced.

Nuclear Posture Review

On 6 April 2010, the U.S. announced a new Nuclear Posture Review (NPR). For the first time, the United States recognizes nuclear weapons only as instruments to deter the use of other nuclear weapons. Some important exceptions were made. The United States will continue to deter states with nuclear weapons that are not members of the NPT or are in violation of the Treaty. This formulation allows maintaining a nuclear deterrence against Iran and North Korea. However, this new NPR can be seen as a first step towards reducing the overall importance of nuclear weapons in U.S. defence planning.

New Strategic Arms Reduction Treaty

On 8 April 2010, the New Strategic Arms Reduction Treaty (New START) between Russia and the United States proved President Obama's commitment to nuclear disarmament. After the old START ended in December 2009, the New START sends a strong signal of the United States' commitment regarding Article 6 of the Non-Proliferation Treaty, which calls for complete nuclear disarmament. The New START reduces the number of strategic nuclear weapons to 1,500, plus 700 deployed and 100 undeclared delivery systems.

Nuclear Security Summit

The intention of the Nuclear Security Summit, held from 12-13 April 2010, was to strengthen measures for safeguarding nuclear materials. 45 nation-states were able to agree that nuclear terrorism is one of the most challenging threats to international security. They therefore signed a non-binding communiqué that affirms existing policies and calls for increasing security measures to safeguard nuclear materials and to hold follow-up meetings.

The NPT Review Conference

With the above events preceding it, the Review Conference (RevCon) started with a positive outlook. However, the main controversies were still located around all three pillars.

Among the debated issues of this year's conference was the improvement of Article 10, which regulates withdrawal from the Treaty. After the negative example of North Korea, the necessity for improvements was more than obvious. North Korea's underground nuclear test on 9 October 2006 marked the end of a long ongoing struggle to verify North Korea's nuclear programme and to persuade North Korea's government to limit its ambitions for the civil use of nuclear energy.

North Korea was first suspected of developing nuclear weapons in the 1980s. U.S. satellite images led to the conclusion that North Korea was developing a military nuclear capability with the help of the former Soviet Union. In reaction, North Korea was pushed to join the NPT, which it did in 1985, and seven years later in 1992 it completely approved the IAEA safeguard commitments. As early as 1993, North Korea informed the NPT member states that it wanted to withdraw from the Treaty in accordance with Article 10.

In addition to its plutonium-based approach, North Korea acquired centrifuge technologies from Pakistani nuclear scientist A.Q. Khan and is now able to pursue both ways to build the bomb. Despite several assured agreements in 1994 and 2005, North Korea finished developing a nuclear weapon and tested two devices: in 2006 and 2009. North Korea is also known to be developing and deploying multi-stage ballistic missiles and land-attack cruise missiles.

Currently, Article 10 of the NPT allows every member country to leave the Treaty after 30 days. The idea during the committee session was that declared nuclear materials and sites built during the time of Treaty membership would remain under IAEA control even after withdrawal from the NPT.

In order to strengthen the non-proliferation pillar of the NPT, it was also debated whether the additional protocol to the safeguards agreement with the IAEA should be mandatory. The



additional protocol would enhance the IAEA's ability to undertake on-site inspections. However, no substantial progress was achieved in the final document, neither for Article 10 nor any improvements with regard to the additional protocol.

The non-aligned movement, headed by the Egyptian delegation, criticized the five nuclear-weapon states for their reluctance to agree on a concrete timeframe for their complete nuclear disarmament, in accordance with Article 6 of the NPT. Additionally, the movement demanded progress on the issue of a nuclear-weapon-free zone in the Middle East. Finally, it refused to agree on any additional control measures for non-proliferation as long as the five nuclear-weapon states do not show more emphasis on the issue of disarmament.

During the Review Conference, the issue of Iran's nuclear programme was debated in the UN Security Council with regard to a new round of sanctions. UN SC Resolution 1929 put sanctions in place on 9 June 2010. However, as the only country that is considered to be in violation of its Treaty obligations, Iran is not mentioned in the final document.

The Islamic Republic of Iran is suspected of developing a military nuclear capability. In 2002 the Iranian government was confronted with these accusations for the first time and admitted that

parts of its civil nuclear programmes are undeclared according to the IAEA safeguards. Iran has been a member of the NPT since its origin in 1970. Iran is not, however, complying fully with its obligations under Security Council Resolutions 1737 (2006), 1747 (2007) and 1803 (2008). Iran developed its nuclear facilities in accordance with the third pillar of the NPT, the peaceful use of nuclear energy. But Iran was able to acquire additional sources of technology via A.Q. Khan's network and different companies in Europe. Iran is suspected of using its uranium-enrichment facilities to produce highly enriched, weapon-grade uranium and weapon-grade plutonium in its heavy-water reactor.

Iran has developed a limited domestic capacity to manufacture medium- and intermediate-range ballistic missiles. Critical are reports indicating that Iran is developing a re-entry vehicle for a nuclear warhead, but these reports cannot be verified. Iran is known to possess several land-attack cruise missiles that are theoretically capable of carrying a nuclear warhead. It is likely that Iran is acquiring this technology via reverse engineering. Iran's sources for these missile technologies are China and Russia, but mostly North Korea.

The non-NPT member states of Israel, Pakistan and India are mentioned in the final document and are asked to join the Treaty as non-nuclear-weapon states. With regard to a nuclear-weapon-

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free zone in the Middle East, the UN was called to organize a conference on that issue in 2012, while Israel's first reaction was a clear rejection of that idea.

Implications

The production of a final document from this year's NPT RevCon was an important step towards strengthening the non-proliferation regime and thereby maintaining the current nuclear order. For the sake of strengthening the non-proliferation regime, Obama's initiatives were successful. On the one hand, the United States was able to raise its profile with regard to non-proliferation and disarmament and to enter the NPT RevCon in a good negotiating position. But the Obama Administration was, on the other hand, under enormous pressure to achieve positive results after significant efforts in the domestic and international arena.

After all, the next steps for a world that is free of nuclear weapons will be more difficult, particularly given the United States' role in regional security worldwide. How do regional allies in Asia, the Middle East and Europe react to Obama's disarmament plans and new doctrines? The reduced reliance on nuclear weapons in U.S. defence planning can also cause irritations among allies, who still perceive the nuclear umbrella as a vital aspect of U.S. reassurance regarding Europe's security. For instance, the debate on nuclear sharing within NATO and the possible withdrawal of U.S. tactical nuclear weapons from Europe is one consequence of the nuclear disarmament debate.

Germany has taken a prominent role in this debate. The current German government coalition of conservatives and liberals has expressed an opinion in favour of a withdrawal of U.S. tactical nuclear weapons in the coalition contract. Germany's first attempt to address the issue came as quite surprising for most NATO Allies. But like in Germany, the majority of the population in many other European countries is in favour of withdrawal. However, it is very important to recognize the different threat perceptions among NATO Allies and therefore the different emphasis on the subject of U.S. withdrawal. Poland, like many other Eastern European countries, is still concerned about Russia's foreign policy and places much emphasis on U.S. security commitments to Europe. Also Turkey, as a neighbour of the Islamic Republic of Iran with its nuclear ambitions, has good reasons not to push for a withdrawal of U.S. tactical nuclear weapons from its soil.

It is important to recognize different threat perceptions among NATO Allies

In addition, there is an obvious imbalance in Europe between the 200 sub-strategic nuclear weapons on NATO's side and the roughly 3,000 Russian weapons. While the START treaty addresses strategic nuclear weapons only, and the Intermediate-range Nuclear Forces (INF) Treaty prohibits medium-range nuclear weapons, the sub-strategic nuclear arsenal is not part of any negotiations between the United States and Russia. At the NATO foreign ministers' meeting in Tallinn from 22-23 April 2010, U.S. Secretary of State Hillary Clinton stated clearly that there will be no withdrawals before the new strategic concept of NATO and without an agreement with Russia about its tactical nuclear arsenal in Europe.

In order to reach an agreement, it would be a helpful and necessary step to resolve the critical status of the Treaty on the Conventional Forces in Europe (CFE). Russia postponed its Treaty commitments after NATO member countries did not ratify the adapted CFE Treaty, which addresses the significant changes in Europe's military balance since the collapse of the Warsaw Pact. The NATO countries, on the other hand, demand the withdrawal of Russian troops from Georgia and Moldova in accordance with the 1999 Istanbul Commitments before they ratify the adapted CFE. But as long as Russia perceives a conventional superiority of NATO forces in Europe, it will rely on nuclear weapons to compensate for the imbalance. Only when Russian perceptions change will a solution for the tactical nuclear weapons in Europe be found. What remains is the need for U.S. reassurance of its European Allies, especially Turkey and Poland. Considering their threat perceptions, it is necessary to find ways of expressing U.S. commitments to these countries in a non-nuclear way. But is missile-defence sufficient as a substitute for U.S. nuclear weapons? The answer can only be yes if the perceived threat is caused by nuclear weapons and ballistic missiles, which might be right for the U.S. Allies in Europe perceiving an Iranian threat. Looking further to East Asia, U.S. allies might not be delighted by the idea of gaining missile defence, not in addition to nuclear weapons but instead of them.

Finally, the further that the United States proceeds in nuclear disarmament, the better it can make the case for nuclear non-proliferation. A central challenge for the U.S. disarmament agenda is to reassure U.S. regional allies in Europe, the Middle East and Asia, while considering their different threat perceptions.

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