An Agenda for NATO-Russia Cooperation on Nonproliferation

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The media has a tendency to highlight any possible difference of view between NATO and Russia and to recall the old Cold War saying that, “What is bad for Washington is good for Moscow.” This framing is both untrue and counterproductive. In today’s world and even more so in the future, Russia and NATO members will have ever more reasons to cooperate on economic and security issues. Less attention should be paid to short term tensions such as the Russian threat to install medium-range Iskander missiles in Kaliningrad targeted at European missile defense installations. Given interdependencies and shared interests, there can be no war between Russia and NATO in the foreseeable future and it is in our common interest to work together to achieve a safer world. To strengthen the nuclear non-proliferation regime, Russia and NATO should cooperate to: dissuade states from becoming nuclear “threshold states;” deter NPT withdrawal; treat the four non-NPT nuclear states in a fair and balanced way; and encourage the creation of additional nuclear-weapon-free-zones.1

Dissuading States from becoming Nuclear “Threshold States”
Achieving a world free of nuclear weapons is a desirable long-term goal that can only be reached incrementally. For nuclear-weapon-states, the final step of going from a few hundred nuclear weapons to zero will be especially difficult. President Obama has recognized that this goal may not be reached in his lifetime. In the meantime, it is likely that an increasing number of non-nuclear-weapon-states (NNWSs) will acquire the necessary scientific, technical and industrial capability to manufacture nuclear weapons, and should they decide to do so, become so-called “threshold states.”2 What is troubling is that these states can achieve this status without violating their International Atomic Energy Agency (IAEA) safeguards obligations.

Indeed, under an IAEA Comprehensive Safeguards Agreement (CSA), a state may construct a uranium enrichment facility and produce not only low-enriched uranium (LEU) but also high enriched uranium (HEU), or extract plutonium from spent nuclear fuel, provided these activities and material are declared and placed under IAEA safeguards. This “right,” enshrined in Article IV of the Non-Proliferation Treaty (NPT), holds even if there is no clear economic justification for undertaking these activities. However, in such a case, it seems legitimate for the international community to question whether such “legal” activities are undertaken “in furtherance of any military purpose.”
The NPT prohibits the manufacture by NNWSs of nuclear explosive devices. It seems generally accepted by the international community—though not codified in any legal instrument—that this prohibition extends to the production of components for the purpose of manufacturing nuclear explosive devices. However, under a Comprehensive Safeguards Agreement, as long as no nuclear material is used, a state is not obliged to report to the IAEA activities such as:

- Studying and testing the effect of shock waves on non-nuclear materials;
- Developing explosives for high-precision applications such as shaped charges;
- Undertaking theoretical studies on the effect of nuclear explosions; or
- Developing or procuring neutron sources (which have industrial applications but which can also be used as initiators in nuclear weapons).

This omission is a clear shortcoming in the international non-proliferation regime, due in part to the fact that the NPT does not define activities that should be understood to be part of the process of preparing nuclear weapons, and therefore illegitimate for NNWSs to conduct, particularly if such activities do not have plausible peaceful applications. Because of this governance gap, it is critical that states use all possible soft power means to dissuade NNWSs from attempting to become nuclear threshold states. Among those means, Russia and NATO members are well placed to promote legal and structural nuclear fuel supply guarantees and the strict implementation of updated NSG guidelines. Most importantly, Russia and NATO should collaborate to advance the adoption of preventive UN Security Council (UNSC) generic resolutions (as suggested below) and an agreement by the IAEA Board of Directors on the broadest possible interpretation of IAEA verification provisions. This agreement should include making the implementation of “special inspections” a much more common practice. Special inspections give the IAEA, when it has a reason, the authority to inspect undeclared sites in a state. It is the most powerful verification tool at the disposal of the Agency and must be used whenever necessary.

**Deterring NPT Withdrawal**

Under Article X of the NPT, a state may leave the treaty within three months of giving notice of withdrawal if it decides that extraordinary events have jeopardized its supreme interests. A particularly threatening case for international peace and security is the withdrawal from the NPT of a non-nuclear-weapon state that has been found by the IAEA to be in noncompliance with its safeguards agreement. As has been stressed on many occasions, the strength and influence of the NPT would be dangerously eroded if countries violating their safeguards agreements felt free to withdraw from the treaty, develop nuclear weapons, and enjoy the fruits of their violations with impunity.

The 2010 NPT Review Conference underscored that under international law, a withdrawing party is still responsible for violations of the Treaty committed prior to its withdrawal. But the NPT regime contains no penalties for states that violate the terms of the treaty and then withdraw, as North Korea has done. A key way to strengthen the regime is to establish consequences for withdrawal in order to deter states from doing so.
For instance, the UNSC should adopt a Chapter VII generic resolution declaring that a notification of withdrawal from a NNWS that is in non-compliance with its NPT safeguards constitutes a threat to international peace and security. The resolution could specify a number of disincentives that would be automatically implemented in such a case. Another important measure would be to require that any proliferation sensitive nuclear fuel cycle facility located in NNWSs be subject to a facility specific INFCIRC/66-type safeguards agreement with the IAEA which, contrary to a CSA, does not lapse if the state withdraws from the NPT.

NATO should promote these measures when discussing common security issues with Russia. It is indispensable to convince Russia—and China—that the unraveling of the non-proliferation regime is not in their best interest and that if Iran were to withdraw from the NPT, the credibility and strength of the Treaty would be severely jeopardized. NATO allies should also emphasize the tremendous regional instability that would ensue. Independent of the question of whether or not it is appropriate to further increase sanctions on Iran, the nonproliferation regime would be inherently stronger if NATO and Russia supported the enactment of measures aimed at deterring NPT withdrawal.

**Dealing With The Four Non-NPT Nuclear States**

There are presently three regions in the world experiencing high levels of nuclear tension: South Asia, North-East Asia, and the Middle East. All three regions include at least one of the four non-NPT states that possess nuclear weapons: India, Pakistan, Israel and North Korea. Both Russia and NATO members have important economic and strategic interests in those three regions which would be best protected by a coordinated approach to diminish (and not exacerbate) tensions.

It is worth recalling how the international community has so far responded to nuclear tensions in these three regions to see whether a common approach is possible.

**South Asia**

India, which violated its peaceful use commitment by using Canadian and U.S. civil nuclear assistance to conduct its 1974 nuclear explosive test, conducted a second series of nuclear tests in 1998. Pakistan immediately followed with its own series of nuclear explosive tests. Under resolution 1172 (8 June 1998), the UNSC
• “Calls upon India and Pakistan immediately to stop their nuclear weapon development programs, to refrain from weaponization or from the deployment of nuclear weapons, to cease development of ballistic missiles capable of delivering nuclear weapons and any further production of fissile material for nuclear weapons; [and] 

• “Urges India and Pakistan, and all other States that have not yet done so, to become Parties to the Treaty on the Non-Proliferation of Nuclear Weapons and to the Comprehensive Nuclear Test Ban Treaty without delay and without conditions.”

Unfortunately, both India and Pakistan have not heeded the UNSC’s calls for restraint and still today continue to increase their nuclear arsenals and delivery systems. Furthermore, India and Pakistan are two of the eight states that must still ratify the CTBT before it comes into force.

Under resolution 1172, the UNSC also encouraged “all States to prevent the export of equipment, materials or technology that could in any way assist programs in India or Pakistan for nuclear weapons.” Yet, in September 2008, the Nuclear Suppliers Group agreed to grant India a waiver allowing it to commence civilian nuclear trade. The decision has since provoked an increased nuclear arms race between India and Pakistan and also led Pakistan to block progress on establishing a Fissile Material Cut-off Treaty.

NATO member states should therefore be more mindful of how various actions they have taken or could take in the future may undermine the global nonproliferation regime.

North-East Asia

After having been found in non-compliance with its NPT safeguards obligations, North Korea withdrew from the NPT in 2003, tested a multi-stage Taepodong-2 missile over the Sea of Japan in 2006, and conducted nuclear tests in 2006 and 2009. North Korea has sold ballistic missile technology to over half a dozen countries and provided nuclear-weapons-related assistance to Libya, most likely to Iran, Syria, and possibly other states as well.

The “six-party talks” initiated in 2003 have so far failed to stop or even slow down Pyongyang’s nuclear military program due to China’s refusal to apply sufficient pressure on its neighbor. There is no peace treaty between North and South Korea, and North Korea has on a number of occasions undertaken serious military provocations against South Korean targets, including the sinking of the Cheonan naval frigate and shelling of Yongpyong Island in 2010.
North Korea and China are the two states of the region that still need to ratify the CTBT before it can enter into force. There is a high risk that North Korea will conduct additional nuclear tests in the future. The longer North Korea’s nuclear program goes unchecked, the greater the likelihood that demand will increase in South Korea and possibly Japan for nuclear sharing arrangements and collective policy planning similar to the U.S.-NATO posture. Such a possibility would most likely raise major concerns and opposition from China, which is another reason why China should ratify the CTBT and insist that North Korea do the same.

The Middle East

It is increasingly likely that Iran will become a nuclear threshold state with delivery systems capable of reaching NATO members and their allies. It is nevertheless unlikely that NATO would take the risk of launching a preemptive strike against Iran’s nuclear infrastructure without the approval of the UNSC. It is even more unlikely that Russia and China would approve a resolution accepting a military intervention against Iran.

However, if due to Russia’s and China’s opposition, no effective measures are undertaken to stop Iran from becoming a nuclear threshold state, tensions in the Gulf region will further increase and possibly lead to a WMD arms race. An Israeli attack would also create chaos in the Middle East and far beyond.

Riyadh has repeatedly voiced fears about the nuclear threat posed by Iran. As reported by The Guardian in June 2011, Prince Turki al-Faisal, a former Saudi intelligence chief and ambassador to Washington, warned senior NATO military officials that if Iran came close to developing nuclear weapons it “would compel Saudi Arabia … to pursue policies which could lead to untold and possibly dramatic consequences.” This message is clear and has been repeated recently in no uncertain terms. Subsequent regional proliferation is a real and pertinent threat.

To mitigate such a risk, Russia and NATO members should formally agree upon a common approach to nuclear cooperation with NNWSs and commit not to use more or less stringent non-proliferation requirements as a tool to gain political or competitive advantages. These requirements should include the ratification of the CTBT and the IAEA Additional Protocol. Russia and NATO should also promote the adoption by the UNSC of legally binding generic resolutions aimed at preventing nuclear proliferation.
**Nuclear Weapons Free Zones (NWFZ)**

When discussing progress towards a world free of nuclear weapons, it seems that one of the most fashionable subjects today is the creation of a weapons-of-mass-destruction-free-zone (WMDFZ) in the Middle East. But given the difficulty of enacting such a treaty, it is crucial to proceed stepwise by adopting feasible confidence building measure without trying to reach the end result at once.

Before discussing the establishment of such a zone, one has to mention an important issue for NATO. Some states and experts argue that NATO’s nuclear sharing arrangements violate Article I of the NPT.\(^{10}\) Ostensibly, some NNWS have U.S. nuclear weapons on their territory under the NATO rubric and have pilots trained to deliver them. This issue came up again at the 2010 NPT Review Conference.

It is therefore important for NATO to define what kind of credible extended security guarantees it could provide to NATO’s NNWSs and to NATO allies that would not violate Articles I and II of the NPT. This challenge is all the more relevant in that NATO shares a border with, and is therefore directly subject to the nuclear tensions emanating from, the Middle East.

In considering possible withdrawal or redeployment of NATO-based tactical nuclear bombs, NATO members should deliberate (privately) on how various options would address or fail to address the Article I problem and not cause Turkey to conclude that its future security would be better assured with an independent nuclear capability.

Considering the discussion about regional nuclear tensions above, it is not obvious why there is much more pressure to establish a NWFZ in the Middle East rather than in North-East Asia or South Asia. Is it a different illustration of the much-criticized double standard?\(^{11}\) Indeed, why does the Non-Aligned Movement emphasize the great importance of a Middle East NWFZ while generally remaining silent on the possession and testing of nuclear weapons by two of its members, India and Pakistan?

For a NWFZ in the Middle East to be credible, the treaty will likely need to establish a regime of cross-inspections. Before we can hope to see Israeli inspectors in Iran and vice-versa, Iran would have to recognize the existence of Israel and establish normal diplomatic relations. Also, Syria and Israel, which are legally in a state of war, would have to conclude a peace treaty.
Finally, since NATO has nuclear weapons based in Turkey, would it not be logical to include Turkey in a Middle East regional NWFZ? If so, how would this inclusion affect NATO’s security guarantees to Turkey? In order to encourage Israel to join the NPT as a NNWS, would NATO agree to accept Israel as one of its members? Clearly, such questions demonstrate that a NWFZ in the Middle East remains a valuable, but very long term objective.

There is, however, an important step that can be made in this direction without waiting for a peace agreement between Israel and Syria or diplomatic relations between Iran and Israel: the P-5 can promote the creation of a Nuclear-Test-Free Zone (NTFZ) in the Middle East. This step would be a significant confidence building measure if all states in the region—in particular Egypt, Iran, Israel, Saudi Arabia and Syria—would ratify the CTBT in a coordinated way and within an agreed period of time.

With the exception of the United States, all the remaining seven states that need to ratify the CTBT for its entry into force belong to one of the three nuclear tension areas described above. It is therefore critical to consider establishing NTFZs not only in the Middle East, but also in North-East Asia (including China) and South Asia as an important step on the path to creating NWFZs in these regions.

Although not inconceivable, it is unlikely that China, India and other states in tension areas will join the CTBT so long as the United States has not ratified the treaty. Since the whole of Europe, including the EU and Russia, is already a de facto NTFZ, members of NATO and Russia should strongly encourage the United States to ratify the CTBT, thereby improving the chance that others follow suit as an important first step to de-escalate nuclear tension in the three regions.

Conclusion
NATO and Russia have much more common interest in improving the nonproliferation regime than is often perceived. Their different views on issues such as missile defense and Georgian membership in NATO should not inhibit cooperation on further nuclear disarmament and nonproliferation steps.

Without an effort to establish a regional political and security order, it is highly unlikely that arms control can be effectively addressed. A transition from grand visions and declarations to concrete confidence-building measures would have unparalleled implications for the nonproliferation regime and international security. International conferences on a NWFZ in the Middle East are not sufficient to reach that goal.
Russia and NATO should support the adoption by the UN Security Council of a generic Chapter VII resolution establishing consequences that would automatically follow the withdrawal from the NPT of a state found in non-compliance with its IAEA safeguards undertakings. In addition, they should advocate the immediate creation of nuclear-test-free-zones in the Middle-East, North-East Asia and South Asia.

As Cardinal de Richelieu once said: “Politics is the art of making possible what is necessary.” Not doing so when it is in everyone’s best interest is an unforgiveable mistake.16

1. This Proliferation Analysis is an extended version of a paper presented at a NATO Conference on “The New Challenges to Global Security,” Brussels, 28 November, 2011.

2. Defined here as a state that has the scientific, technical and industrial capability to manufacture more than one nuclear weapon within one year of a decision to do so.

3. Under Comprehensive Safeguards Agreements the Agency may make a special inspection if it “considers that information made available by the State, including explanations from the State and information obtained from routine inspections, is not adequate for the Agency to fulfil its responsibilities under the Agreement.” Special inspections have only been invoked in two cases: Romania (in 1992) and North Korea (in 1993).


5. It is notable that Pakistan has been the origin of the worst case of nuclear proliferation in history causing damages that might never be repaired.


9. See footnote 5.

10. NPT Article I states that “Each nuclear-weapon State Party to the Treaty undertakes not to transfer to any recipient whatsoever nuclear weapons or other nuclear explosive devices or control over such weapons or explosive devices directly or indirectly…”

11. For example, advocating non-NPT states to dismantle their nuclear arsenals before the five nuclear weapon states do so as they committed to
12. One could also question whether it is logical for the IAEA to include in its definition of the Middle East region states such as Mauritania and the Comoros but not Turkey. See “Application of IAEA Safeguards in the Middle East,” IAEA GOV/2011/55 (2 September 2011).

13. This is not to imply that Israel would be interested in joining NATO in any case.

14. A recent poll shows that more than 60 percent of Israelis support a Middle East Nuclear Free Zone. [Source: http://www.worldpublicopinion.org/pipa/articles/bmiddleeastafriaca/695.php?nid=&id=&pnt=695&b&utm_source=Paulo%27s+Corner+Daily+Nuclear+News+Digest&utm_campaign=635c00812f-RSS_EMAIL_CAMPAIGN&utm_medium=email]

15. Israel is the only non-NPT state that has signed the CTBT (in 1996). India, Pakistan and North Korea have not.

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