NATO and the Future of the NPT
OVERVIEW

Introduction

On 12 September 2006, the NATO Defense College and the Los Alamos National Laboratory held a workshop on "NATO and the Future of the NPT." The workshop was divided into two sessions: "The Future of the NPT" and "Implications for NATO." This overview provides a summary of the workshop conclusions, which are presented in greater detail in the report.

The Future of the NPT

The participants all agreed that the NPT is under challenge. Since the late '90s, there has been growing concern about increasing proliferation dangers, including rogue states and terrorists; cooperation on weapons of mass destruction (WMD) among rogues; technology diffusion via the Internet as well as through loose nukes, materials leakage and brain drain in the former Soviet Union, Pakistan and other states and through non-state actors like the A. Q. Khan network; and problems with export controls. The prospects of radiological/nuclear terrorism are seen to be rising. Non-proliferation efforts are under increasing pressure in the face of today's challenges, some of which are unprecedented. Despite these challenges, the treaty cannot be amended or replaced, unless perhaps following a crisis. Because it is an essential framework for non-proliferation, arms control, and disarmament, the view that it needs to be strengthened, internally and externally, was widely shared. Nonetheless, there were differences, notably over approaches to Article IV, assessments of progress on Article VI and the best ways of dealing with non-compliance by Iran and other states.

Implications for NATO

The Allies have often expressed their commitment to the NPT and to non-proliferation. However, there has been a long-standing consensus among the Allies that they should not duplicate within NATO the work that they are doing in other institutional frameworks. There has been no coordination of positions by the NATO Allies before NPT Review Conferences or deliberations in other international fora. Although NATO's non-proliferation role is limited, it could be expanded, in view of the common ground among the Allies concerning non-proliferation policy. The Allies will probably remain divided on interdiction and preventive action. A question that merits more analysis is to what extent NATO can supplement national efforts.

Follow-up work

The workshop noted but did not full address the following issues, which deserve more attention: nuclear terrorism, strategy for the 2010 NPT Review Conference, and the need for improved Alliance cooperation with respect to these issues and others.
It was also recognized that the Allies need to anticipate issues affecting their interests at the 2010 NPT Review Conference and prepare accordingly for the deliberations. The issues extend beyond Articles IV and VI of the NPT to encompass how the future of the NPT-centered nonproliferation regime could affect the three NATO nuclear weapons-states and the security of the Alliance as a whole.

REPORT
The Future of the NPT

The participants all agreed that the NPT is under challenge. Since the late ’90s, there has been growing concern about increasing proliferation dangers, including rogue states and terrorists; cooperation on weapons of mass destruction (WMD) among rogues; technology diffusion via the Internet as well as through loose nukes, materials leakage and brain drain in the former Soviet Union, Pakistan and other states and through non-state actors like the A. Q. Khan network; and problems with export controls. The prospects of radiological/nuclear terrorism are seen to be rising—concern over a proliferation/terrorism nexus after 9/11 has never been higher. Nonproliferation efforts are under increasing pressure in the face of today’s challenges, some of which are unprecedented.

In particular, the NPT, the centerpiece of the regime, is challenged by:

- states acquiring weapons, which cannot be accommodated within the treaty and which affect the views of key states such as Japan and Brazil;
- North Korea’s withdrawal from the treaty;
- growing access to sensitive technologies and emerging virtual weapon programs, including Iranian programs that raise the troubling issue of noncompliance with the treaty’s provisions but, beyond that, demonstrate the Article IV “loophole”;
- limited consensus on compliance enforcement; and
- the issue of its relevance to activities by non-state actors, including black marketeers and potential nuclear terrorists.

Despite these challenges, the treaty cannot be amended or replaced, unless perhaps following a crisis. Because it is an essential framework for non-proliferation, arms control, and disarmament, the view that it needs to be strengthened, internally and externally, was widely shared.

Article IV and nuclear fuel cycle technologies

The workshop participants seemed to be in general agreement in supporting the promise of the NPT’s Article IV, which provides for the peaceful uses of nuclear energy. It was widely held that the focus should be on incentives to accept arrangements such as nuclear fuel leasing assurances and the take-back of spent fuel by suppliers. Questions remained as to the nature of desirable restrictions on access to the technology of the full nuclear fuel cycle, and as to whether differences on such issues can be resolved.

Some participants noted that efforts to devise formal restrictions on the transfer of nuclear fuel cycle technologies have created what one called “bad blood” in relations with some countries. As nuclear power plants spread to address growing energy needs, steps should be taken to make this technology diffusion as “proliferation proof” as possible by limiting access to the most sensitive parts of the fuel cycle dealing with enrichment and reprocessing. Paradoxically, the move to create incentives that would discourage the diffusion of these fuel cycle technologies may be

prompting some nations to obtain enrichment technologies, so that they will be "on the right side of the fence" if restrictions are established.

When one participant observed that reliance on foreign suppliers of nuclear fuel would be cheaper than developing and operating a national fuel cycle, another pointed out that decisions on such matters include subjective factors in addition to economic rationality. That is, pride in national sovereignty and autonomy may not have a quantifiable economic value, but may be of decisive importance in seeking a full nuclear fuel cycle in some cases.

Article VI issues

The participants agreed that, while NATO's interests in the NPT extend beyond Article VI, issues associated with Article VI must be addressed in a persuasive fashion.

In terms of compliance with Article VI, which concerns measures related to nuclear arms control and disarmament,[1] the record is clear regarding reductions in warheads and delivery systems since 1991 by France, the United Kingdom, and the United States, as well as by Russia. However, these achievements need to be better publicized, notably the U.S. stockpile decisions and actions. The U.S. stockpile of nuclear weapons will by 2012 be near half of what it was in January 2001, when President George W. Bush took office, and the smallest U.S. nuclear stockpile since the Eisenhower administration. In the view of some states, however, the Article VI-related measures taken by NATO's nuclear-weapon states (especially the United States) are insufficient.

The workshop participants noted that the fact that the United States has not adhered to the Comprehensive Test Ban Treaty is seen as an important Article VI issue for some states, but they differed as to how much significance to attach to this issue, in view of the fact that the United States has continued to observe the moratorium on testing in place since 1992. Moreover, as some participants observed, the United States is taking steps under the stockpile stewardship program and seeking a Reliable Replacement Warhead design to lessen the likelihood that it will ever have to conduct nuclear tests again.

The workshop also noted that no negotiations have yet taken place on a Fissile Material Cut-Off Treaty (FMCT), although a U.S. draft treaty was presented to the Conference on Disarmament earlier in 2006. Critics of the nuclear-weapon states have frequently demanded the conclusion of an FMCT in relation to Article VI of the NPT. Some workshop participants argued that a verifiable FMCT is feasible. However, others pointed out that the enrichment facilities in North Korea have still not been identified, and that one of the illegal facilities in Iran was discovered only because a political opposition group in Iran revealed its existence. Moreover, some workshop participants observed that four of five NPT-recognized nuclear weapons

[1] According to Article VI of the NPT, "Each of the Parties to the Treaty undertakes to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control."

states (all except China) have instituted moratoria on the production of fissile materials. The question of whether an FMCT verification regime is necessary or feasible was raised.

Another issue raised at the workshop was whether a new paradigm for Article VI-related achievements, one based on political practicalities, is taking shape. The three NATO nuclear weapons states have made substantial capability reductions since 1991 both within and outside the scope of formal arms control treaties. Some argued that further nuclear warhead reductions should be formalized in treaties with verification provisions, while others stressed that more attention need to be placed on positive results rather than formal treaties.

The Article VI debate has had a limited impact on NATO policies and posture to date, but it could have a corrosive effect, owing to differences of perception among the Allies and other states about the reality of the Article VI-related achievements of the NATO nuclear-weapon states. For example, one workshop participant argued that the Allies must take action to "push back the salience of nuclear weapons" and deplored reported U.S. plans to develop "bunker-busters" and "mini-nukes" as "employable weapons." Another workshop participant pointed out in reply (a) that there are no such development programs in the United States, (b) that the United States has not developed a new warhead design for 20 years, and (c) that congressional approval will be required even to develop the Reliable Replacement Warhead, which does not provide new military capabilities, and is intended to reduce the likelihood that the United States will ever need to resume testing of nuclear weapons.

Workshop participants disagreed on the extent to which there is a relationship between nonproliferation and nuclear disarmament. Some participants noted that Iran and North Korea appear to have pursued their nuclear programs in complete indifference to the nuclear weapons reductions made by Britain, France, Russia, and the United States since the early 1990s. Other participants said that progress on Article VI-related nuclear disarmament matters to many non-nuclear-weapon states party to the NPT, including NATO allies. These states use the lack of greater Article VI performance by the nuclear-weapon states party to the NPT to justify not adhering to the Additional Protocol and not supporting pressure against countries found in non-compliance with safeguards agreements by the IAEA.

Article X issues

Article X of the NPT concerns withdrawal provisions, and these provisions require more attention. The workshop took note of a Franco-German proposal designed to ensure that states withdrawing from the NPT cannot benefit from technologies and materials acquired under NPT auspices. It was suggested that withdrawal should be made "more difficult," but it was acknowledged that withdrawal is a sovereign right of all states party to the NPT.

NPT enforcement in cases of non-compliance

The workshop generally agreed that it is imperative to take steps to improve means for the enforcement of NPT obligations and to deal with cases of non-compliance. The UN Security Council is of central importance in this regard. Indeed, Iran and

North Korea are testing the role of the UN Security Council in the non-proliferation regime. There are, however, clearly differences among the NATO Allies regarding the use of force and the extent to which meaningful UN Security Council action can be expected.

Weaknesses in the NPT regime

Some workshop participants highlighted inherent weaknesses in the NPT regime. A situation similar to Iran's current acquisition and exploitation of enrichment technology under NPT auspices was foreseen in the 1970s by Albert Wohlstetter, who wrote about "Spreading the Bomb Without Quite Breaking the Rules."[2] Iran's claim that it has "a right to enrich" and that in upholding this right it is defending the right of other non-nuclear-weapon state parties to the NPT has won widespread support among countries in the Non-Aligned Movement. There is thus a risk of Iran acquiring a "break-out" capability and of further "latent or virtual proliferation" as more countries obtain fuel-cycle technologies under NPT auspices.

The UN Special Commission's discoveries in 1991 about the progress in the Iraqi nuclear weapons program undermined confidence in International Atomic Energy Agency safeguards. The Additional Protocol has not fully restored confidence in the IAEA, partly because of the Additional Protocol's own shortcomings and partly because a number of nations have declined to adhere to it.

Other developments have also undermined the NPT. For example, the discovery of the A.Q. Khan network for illicit transfers of nuclear technology and transfers highlighted the fact the NPT's assumption that such transfers could only be made by states with advanced nuclear capabilities.

Prospects for UN Security Council leadership

Several workshop participants underscored the legal authority and responsibility of the UN Security Council to take action regarding specific cases of non-compliance and to strengthen the NPT-based non-proliferation regime. Some said that a "robust" and "credible" UN Security Council response to Iran's behavior may be the key to restoring confidence in the NPT.

However, as suggested above, workshop participants held out little hope for such action by the UN Security Council. The IAEA has reported to the UN Security Council every year since 1993 that North Korea has been in non-compliance with its safeguards agreement, and the UN Security Council has taken no action. Nor did the UN Security Council take any action in 2003 when North Korea gave notice that it was withdrawing from the NPT, or in 2004 when North Korea declared that it had produced nuclear weapons.

Some workshop participants said that one of the factors explaining inaction by the UN Security Council is the increasing importance of priorities other than non-proliferation. China has made clear that it will veto any resolution adverse to North

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[2] Albert Wohlstetter, "Spreading the Bomb Without Quite Breaking the Rules," *Foreign Policy*, no. 25 (Winter 1976-1977), pp. 88-96, 145-179.

Korea. From China's perspective, Iran is "far away" and an important source of oil essential to China's economic growth. Energy supplies and the world energy market have become so significant for both China and Russia that it appears that these two NPT-recognized nuclear-weapons states may be prepared to accept Iran's becoming a de facto nuclear power. Both China and Russia have indicated that they would veto any UN Security Council resolution adverse to Iran. One workshop participant added that Russia may be the main beneficiary of the Iran crisis, because the increase in oil prices adds to Russia's export earnings.

Implications for NATO

NATO policy on the NPT

The Allies have often expressed, as at the June 2004 Istanbul Summit, their "commitment to reinforcing the Nuclear Non-Proliferation Treaty, the cornerstone of non-proliferation and disarmament, and ensuring the full compliance with it by all states Party to the Treaty."[3] However, there has been a long-standing consensus among the Allies that they should not duplicate within NATO the work that they are doing in other institutional frameworks. There has been no coordination of positions by the NATO Allies before NPT Review Conferences or deliberations in other international fora.

One workshop participant noted that the Alliance has had a "good" policy framework for discussing nuclear proliferation issues since 1994, yet the discussions within the Alliance have often been "too separate," with not enough dialogue between the people monitoring proliferation and the people formulating NATO strategy and defining force requirements. There is "not enough cross-talk" between people with related responsibilities, and there is not enough discussion of strategic options in NATO. For example, the Allies rarely discuss basic concepts such as deterrence by denial and deterrence by threat of punishment, and how missile defense could contribute to deterrence.

NATO and supplementing the NPT-based nonproliferation regime

NATO's non-proliferation role is limited, but it could be expanded, in view of the common ground among the Allies concerning non-proliferation policy. The Allies will probably remain divided on interdiction and preventive action. A question that merits more analysis is to what extent NATO can supplement national efforts.

Some workshop participants argued that the Allies, working collectively or at least by coordinating national efforts, could contribute more to "hands on" activities that may usefully supplement the NPT. These could include UN Security Council resolution 1540, the Proliferation Security Initiative, strengthening export control measures, and incentives to discourage the further diffusion of nuclear fuel cycle capabilities for enrichment and reprocessing.

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[3] Istanbul Summit Communiqué, 28 June 2004, paragraph 14.

The Allies have been discussing, one participant noted, possible roles for NATO in the Proliferation Security Initiative and the Global Initiative to Combat Nuclear Terrorism. No decision has been reached, partly because the discussions "quickly become theological."

NATO's contributions to nuclear non-proliferation

Some workshop participants observed that the Alliance's nuclear consultation arrangements and the commitments made by the United Kingdom and the United States to the security of their Allies have contributed directly to nuclear non-proliferation goals by obviating the need for other Allies to seek nuclear weapons. France has also contributed to the overall nuclear deterrence posture of the Alliance, though without participating in its nuclear consultation arrangements. One participant hypothesized that the NPT would never have been concluded without the Alliance's nuclear deterrence arrangements and that, absent these arrangements, there would today be additional nuclear-armed European states.

Missile defense

Some workshop participants said that the cost of missile defenses for the protection of NATO territory and populations would be so high as to be prohibitive for Allied governments. One participant said that if Iran becomes a nuclear power, the Alliance's capabilities to retaliate in the event of aggression "ought to suffice" for deterrence; and, in his view, missile defense capabilities do not deserve any expenditure of NATO's "time or money." In contrast, some workshop participants saw an important role for missile defenses to enhance deterrence, as well as in crisis management in the event of confrontations with Iran.

NATO and nuclear deterrence

One participant said that the Alliance ought to undertake a more comprehensive discussion of nuclear deterrence. France does not participate in the deliberations of the Nuclear Planning Group (NPG), and the NPG's deliberations are focused on British and U.S. non-strategic nuclear forces. A more comprehensive discussion would include U.S. strategic nuclear forces as well as all French and British forces.

While one participant agreed that a more open discussion among Allied governments about nuclear deterrence issues would be valuable, another said that European governments are "intimidated" by the prospect of such a debate.

Some workshop participants noted that reductions in warhead numbers are not the only element in reducing nuclear risks. On the contrary, it was argued that excessive reductions in warhead numbers in an uncertain security environment could pose risks for NATO.

NATO's nuclear-weapon states and negative security assurances

Some workshop participants recommended that the Alliance's three nuclear-weapon states party to the NPT adopt legally binding negative security assurances (NSAs).[4] Others replied that legally binding NSAs would be damaging to deterrence. Legally binding NSAs would constitute, as one put it, a "green light" for enemies to employ chemical and biological weapons with no risk of nuclear retaliation. No alternative deterrent threat, some workshop participants said, could be as potent as the threat to employ nuclear weapons. One workshop participant described NSAs as "rhetoric" and "atmospherics" and expressed doubt as to whether a government would hesitate to use nuclear weapons to defend its interests because of "the fact that it had said something in a distant place."

U.S. "Prompt Global Strike" capabilities as a deterrent

The U.S. Department of Defense is seeking congressional approval for its proposal to equip some Trident sea-launched ballistic missiles with precision non-nuclear warheads in order to have a non-nuclear "Prompt Global Strike" capability that could support deterrence and defense objectives.

A workshop participant asked whether there was a risk that the launch of such a missile could be confused with a nuclear attack. The reply was that Russia is the only country that could detect and track such a missile launch. Russia could predict the trajectory and aim point of the missile and rapidly determine that it was not threatened, and the United States could organize the launch geometry to minimize any risk of misinterpretation by Russia. Moreover, the United States has direct communications links with Russia. If Congress approves the development of "Prompt Global Strike" capabilities, detailed procedures for launch notification could be worked out with Russia. At any rate, it should be obvious that the United States would not start a war with Russia by launching only one or two or even five missiles.

One workshop participant expressed doubt about the gravity of the risk of misinterpretation and called it "far-fetched," but nonetheless saw no need for the new capability. One workshop participant said that the term "Prompt Global Strike" is "scary," and some added that the term and the capability could be counterproductive by persuading some countries that they need nuclear weapons for their own security.

Conclusion: Follow-up work required

The workshop noted but did not full address the following issues, which deserve more attention: nuclear terrorism, strategy for the 2010 NPT Review Conference, and the need for improved Alliance cooperation with respect to these issues and others.
For example, workshop participants agreed that strategies of dissuasion — persuading potential adversaries not to acquire nuclear weapons — would clearly be preferable to relying on deterrence and defense. No ideas about to achieve dissuasive effects were discussed, however. The Allies need to anticipate issues affecting their interests at the

[4] NSAs are the promises, subject to certain conditions, by the five NPT-recognized nuclear-weapon states not to use or threaten to use nuclear weapons against non-nuclear-weapon states party to the NPT. France, the United Kingdom, and the United States have all expressed caveats concerning their NSAs.

2010 NPT Review Conference and prepare accordingly for the deliberations. The issues extend beyond Articles IV and VI of the NPT to encompass how the future of the NPT-centered nonproliferation regime could affect the three NATO nuclear weapons-states and the security of the Alliance as a whole.

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