

NPT ARCHITECTURE UNDER ATTACK

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It is an open secret that the international nuclear nonproliferation regime now is in crisis. Optimism and expectations resulted from the indefinite extension, without a vote, of the Nuclear Nonproliferation Treaty (NPT) in 1995 and, later, from the Final Document adopted at the 2000 Review Conference, have been evaporated.

The 2003 NPT Prepcom will face enormous challenges. Among them:

- Contradicting approaches on decision-making on the use of force against Iraq;
- Non-compliance case of North Korea which is leaving, if not yet left, the NPT;
- Speculations about intentions of some states-parties to the NPT, primarily, Iran;
- Failure to make any progress towards universality of the regime;
- Failure to make any significant progress towards the implementation of "the thirteen steps" of nuclear disarmament agreed by consensus at the 2000 Conference and, in certain cases, steps by nuclear-weapons states (NWS) exactly in the opposite direction;
- New challenges, coming primarily from non-state actors (international terrorist organizations and organized crime communities), in the form of nuclear terrorism.

Iraq

Every day it is more likely that the military solution will be chosen, without asking for the mandate from the UN Security Council, in the crisis over Iraq.

If - or, better saying, when - this happens, the whole architecture of the nonproliferation regime will be shaken and damaged. I am not certain whether it will survive, at least in its current form.

2003 UNMOVIC/IAEA inspections in Iraq, so far, should be considered as a success of the international community. Inspections, executed under the UN SC Resolution 1441, have been proved to be generally an efficient tool in investigating Iraqi WMD capabilities.

As far as a nuclear-weapon component of inspections is concerned, it is obvious that Iraq does not have problems with meeting UN SC requirements, and it does not have any nuclear-weapon-oriented program. It is critically important to continue inspections and, in the future, provide permanent monitoring of Iraqi facilities, because this country had been in violation with the nonproliferation regime in the past. The inspections and monitoring, if not interrupted by a military action, would provide a good example for such internationally approved actions in other regions of the world, if necessary.

However, if the military option finally prevails, and if it is not authorized by the UN SC, it would clearly demonstrate (for those who still have doubts) that the real question about Iraq is not terrorism and not nonproliferation concerns, but geopolitical and economic interests of a single superpower. Nonproliferation values and principles, in such a scenario, would be used only as a pretext. This would question the whole nonproliferation regime and may lead, already in the near future, to a revision by some NPT non-nuclear parties of their nuclear policy.

Iraq will be a checkpoint for the international community, and for the UN SC, whether it is able to act efficiently - aggressively but peacefully - in tracking and preventing nonproliferation violations.

It looks like Americans, in recent months, failed to see the nuances in Kremlin and mechanically added Russia to full subscribers to U.S.-led anti-Saddam plans. Such a simplification significantly offended Moscow foreign policy-makers. More, worries about political consequences of the military solution for Iraq, including nonproliferation regime erosion, have increased in Moscow and have made its position even less sympathetic to U.S. war strategy.

North Korea

North Korea is a classic case of non-compliance of the NPT regime. It has been a timely and correct decision by the IAEA to submit the case to the UN Security Council. With North Korean capabilities in nuclear-weapon and missile areas, it has become a serious factor of instability in Northeast Asia and in the world.

However, the resolution of the North Korea crisis is quite possible. It should be implemented on a multilateral basis, and on two levels simultaneously. The first level is UN SC which should take the North Korea case seriously and examine it closely. The first stage should not involve sanctions against Pyongyang but should indicate that, at some next stage, sanctions are considered as an option. The second level should be a six-party mechanism (both Koreas, U.S., China, Japan, and Russia) which should result in a document (probably, non-legally binding, using examples of the Agreed Framework or 1994 Trilateral Statement on Ukraine) having two key elements: (1) non-withdrawal of North Korea from the NPT and its readiness to open the whole territory for unconditional IAEA inspections; and (2) providing the U.S. security assurances to North Korea. These two elements should go in a package. Then, a bigger package can be negotiated, including economic and energy assistance to North Korea by the above mentioned states as well as by the EU, and, possibly, some other issues, like missile nonproliferation. Non-nuclear-weapon status of North Korea and security assurances to that country can be, simultaneously or later, strengthened by the revival of the agreement between the two Koreas of a non-nuclear-weapon status of the Korean Peninsula, and assurances provided by NWS.

Russia is well positioned to play a positive and active role in bringing resolution of the crisis, if joined in its efforts by the U.S., China, and Japan, at a minimum. If such an agreement is achieved, Russia is also well positioned to play its role in providing North Korea with different energy sources. One of the solutions may be a construction of a NPP in the Russian Maritime region, close to the Russia-North Korean border, and export of Russian nuclear energy to North Korea under multilaterally-developed mechanism.

The next few months will be decisive in dealing with North Korea and its nuclear-weapon program (regardless of how much this program is of imitation character, there is little doubt that such a program exists). This is a field of opportunities for talented diplomats. If, however, the North Korean crisis is mismanaged, it may lead to a disaster - a chain reaction. After North Korea develops at least a couple of primitive nuclear bombs, the whole balance of power in the region will be destroyed, and Japan will be the first to re-start thinking about its own nuclear-weapon option; this may open a door to a real catastrophe for the entire nonproliferation regime.

Iran

Iran is considered by Russian foreign policy strategists as an important political Russian partner in

the region, a partner, a dialogue with whom is sometimes very difficult but may finally bring concrete results. Iran is considered as a stabilizing, rather than destabilizing, player. At the same time, many in the Russian government are concerned about Iranian potential clandestine nuclear weapon program. However, a general assessment of the level of Iranian NW program in Russia is that (1) the program is on a very initial stage; (2) it lacks financial and intellectual resources; (3) it will not become successful without a massive outside support which is unlikely; (4) there is no political decision made in Tehran on "joining the nuclear club", and it is not clear whether it will ever be taken; (5) even if such a decision is taken, with its own resources Iran will need no less than eight years before its first nuclear test.

The policy implication of this assessment is that (1) there is no reason why Russia should stop completion of the Bushehr NPP, taking into account that this is a light water reactor and that spent fuel will be taken back to Russia; (2) there are some possibilities for expanding peaceful nuclear cooperation with Iran, though each of them should be carefully examined before decisions are taken, and no future joint project should go beyond construction of light water reactors; (3) situation in Iran and its intentions should be carefully monitored, and, in this context, Russian active presence in Iran should be considered as an important facilitating factor; (4) it is highly desirable if Iran joins the IAEA Additional Protocol and, in any case, IAEA involvement in monitoring Iranian nuclear activities should be a priority; (5) if, however, this does not happen and if there are signs of progress in such a program, Russian-Iranian cooperation in nuclear field should be frozen.

After my trip to Iran in December 2002 and numerous meetings I had there, my own assessment is that there are influential forces in Iran that are interested in "playing by the international rules" and make every effort possible to prevent a "nuclear-weapon" scenario for Iran. They see Iran as a responsible member of the NPT and IAEA. At the same time, these same forces strongly advocate for dynamic technological development of Iran (going in parallel with democratization of the society and more openness towards the West), including development of the full nuclear cycle. It is important to take into consideration that, under any scenario of Iranian domestic politics, Iranian plans are to be an active and strong player in nuclear issues in the 21-st century.

In this situation, it is imperative that IAEA continues its efforts with inspections in Iran, and DG ElBaradei's trip to Natanz earlier this month was an important, and positive, step in this direction. It may also be a productive idea of use the Nuclear Suppliers Group (NSG) in providing clear rules for nuclear imports to Iran by all NSG members, not only Russia. It is critical that there is an agreement in place between Russia and Iran on returning of the spent nuclear fuel from Iran back to Russia. And it is highly desirable, though politically not easy, to bring Iran to the Additional Protocol requirements.

Universality

U.S., Russian, and British plans, immediately after the 1995 NPT Extension conference, to make specific efforts to bring India, Pakistan, and Israel to the nuclear nonproliferation regime, at least in a long-term future, have never been activated. To the contrary, with Indian and Pakistani 1998 nuclear tests, the possibility of making steps towards bringing these two nations to the international regime has become close to zero. Euphoria of 1995 indefinite extension of the NPT has become unproductive.

No practical steps taken towards bringing Israel to the NPT is the mostly potentially dangerous "time bomb". NPT indefinite extension without a vote was possible thanks to a "big package", which included a resolution of the Middle East aimed at bringing Israel, one day, to the regime.

If Iraqi crisis is resolved with the use of force and if international community fails to prevent North Korea's departure from the NPT soon, others, particularly from the Islamic world, will likely examine, among other options, withdrawal from the NPT already at or by the 2005 NPT Review Conference using as an explanation failure to implement the Middle East resolution from the "big package" of 1995.

States-depositaries of the NPT, as well as others interested in survival of the NPT regime, such as New Agenda Coalition States (NAC) should start making efforts in resolving the "universality" problem. However, realistically speaking, in the current political climate practical ways to move it forward are not clear.

Nuclear disarmament

The 2000 NPT Conference decision on "thirteen steps" on nuclear disarmament could become practical working steps for NWS. However, the opposite has happened. To name just a couple of examples: CTBT has not entered into force, and, primarily with the U.S. position in mind, the Treaty looks more dead than alive; even a moratorium on nuclear tests has been questioned; the U.S. has increased a role of nuclear weapons in its policy; Conference on Disarmament is now more sleepy than ever before in its history; and sub-strategic nuclear weapons have not been yet included in US-Russian arms control agenda.

Is this the end of multilateral nuclear disarmament process and a beginning of an era of unilateral steps? Unlikely so. But this is definitely a profound crisis of multilateral diplomacy.

Russia is currently in a difficult - and, to some extent, an awkward - position, trying to balance between its view of multilateral disarmament diplomacy as an important tool in a changing world; and its frustration with the low efficiency of existing multilateral instruments. There has been a growing temptation in Kremlin to make deals with Americans, simply ignoring multilateral fora. But it would be also true to mention another tendency, competing with the US-centric one, which is to re-evaluate role of multilateral arms control mechanisms and find ways to bring a new life in them.

Nuclear terrorism

For Russia, nuclear terrorism is not a Hollywood-style scenario. According to the January 2003 statement of the head of the 12-th Main Directorate of the Defense Ministry Gen. Valynkin, who is in charge of nuclear weapon security, "the information we have obtained indicates that international terrorists have been looking for opportunities to get unauthorized access to [Russian] nuclear facilities and to provoke acts of terrorism and sabotage using nuclear devices".

Nuclear terrorism is considered as a major threat - internationally and to specifically to Russia's national security. It could have forms of unauthorized access to nuclear devices (weapons); sabotage of nuclear installations, primarily, NPPs; unauthorized access to weapon-grade fissile materials; or use or threat to use of radioactive sources. In each case, consequences (causalities among the population and psychological effect) would be disastrous. Russian government experts have implemented a detailed analysis of possibilities and consequences of acts of "megaterrorism" and came to a conclusion that nuclear terrorism, at least in one of its faces, is a real and present danger.

In my assessment, the most threatening trend is cooperation (or coordination) between various non-state actors, in particular, between international terrorist organizations and organized crime communities, which is a new phenomenon. With a tremendous increase in their financial power in

recent years, non-state actors have become more aggressive in their attempts to get access to (or to develop by themselves) weapons of mass destruction, including a “dirty bomb” scenario.

To achieve the most impressive psychological effect, mega-terrorists would most likely try to combine “traditional” terrorism with use of some WMD components (like CW) with a cyberterrorist act, aimed at paralyzing computer networks of ordinary users or financial markets.

It is not clear for me to what extent non-state actors enjoy support, directly or indirectly, from some “states of concern”. There are indications that several links existed in the past, and a possibility that such links have not disappeared, should not be ignored, but further investigated.

In 1995, after the NPT Extension conference, one of my colleagues made a juicy statement at a seminar that “the surgery went well, the patient is alive, but he is in the emergency room”.

In 2003, the patient is again in the emergency room, if of course he has ever left it. It is unlikely that he will need another surgery. What he really needs is everyday treatment based on already prescribed medicines.

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