

Remarks to the 17th Republic of Korea-UN Joint Conference on Disarmament and Nonproliferation Issues

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Prepared remarks by Kelsey Davenport to the 17th ROK-UN Joint Conference on Disarmament and Nonproliferation Issues
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As we look toward the 10th Review Conference of the NPT in 2020, the nonproliferation treaty regime faces serious challenges.

Regional rivalries, a deterioration of U.S.-Russian relations, and qualitative nuclear buildups create significant challenges to efforts to fulfill the goals and objectives of the NPT as it enters its sixth decade.

Given these challenges, it is more important than ever that NPT states parties work together with urgency to seek consensus on steps to strengthen the treaty in this review cycle.

While the success of the Review Conference should not be solely measured by whether or not there is agreement on a final document, these texts are important guideposts to assess progress and to establish political commitments designed to fulfill treaty objectives. Coming off of the failure to garner consensus in 2015, it is more important than ever to work with urgency and creativity to develop consensus solutions in 2020.

As the UN Secretary General noted in his comprehensive disarmament agenda released earlier this year:

“The existential threat that nuclear weapons pose to humanity must motivate us to accomplish new and decisive action leading to their total elimination. We owe this to the Hibakusha—the survivors of nuclear war—and to our planet.”

Over the next 20 minutes I will describe in more detail four key challenges facing the NPT and outline some possible paths forward that hopefully answer the UN Secretary General’s call for “new and decisive action.”

1) Reinvigorating Progress on Article VI

One of the most significant challenges to the NPT is the uncertain future of U.S.-Russian cooperation on arms reduction treaties and the failure to negotiate further reductions as agreed in the 2010 NPT Review Conference action plan. While it is positive that the United States and Russia met New START limits as required earlier this year, prospects for further negotiated cuts remain bleak.

U.S.-Russian relations have deteriorated dramatically since Russia’s 2014 invasion of Ukraine. Compounding the situation is the accelerating effort to replace and upgrade U.S and Russian nuclear arsenals, Russian and American nuclear saber-rattling, and the ongoing dispute over Russian noncompliance with the INF Treaty.

The Trump administration is demonstrating a marked disinterest in providing leadership on disarmament. The 2018 Nuclear Posture Review makes no mention of U.S. legal obligations to pursue arms control and disarmament measures as required by Article VI – rather Washington defers

action until security conditions have improved. Nor does the NPR put forward any new proposals for working with Russia on a new round of reductions or steps to reduce risk.

Now, the Trump administration announced Dec. 4 it will suspend its obligations under the INF Treaty in 60 days over Russia's deployment of the noncompliant 9M729 missile. Diplomacy to address the problem has not yet been exhausted and should be pursued. Worse still is the U.S. equivocation about the future of the New START Treaty, which is scheduled to expire on Feb. 5, 2021, unless Moscow and Washington agree to extend it.

While Russia has offered to begin talks to extend New START and restart strategic stability dialogue with the United States, these discussions have not begun.

Without INF or New START extension, in 2021, there will be no legally-binding limits on the world's two largest nuclear arsenals for the first time since 1972 - in short, the United States and Russia would be in violation of their NPT Article VI obligations.

How can states parties to the NPT prevent this dangerous reality?

First, in the short term, all NPT states parties must press the United States and Russia to agree to extend New START before the start of the 2020 Review Conference and to agree to further, sustained negotiations to reach agreement on verifiable reductions of all types of nuclear weapons, whether strategic, intermediate-range, or short-range.

Second, the United States and Russia, and the United States, Russia and China, must enter into regular strategic stability talks, and engage in an expanded dialogue that also considers the impact of new technologies and advancing ballistic missile defenses. While China may not have numerical parity with the United States or Russia, Beijing's expanding nuclear arsenal and delivery systems pose a risk to strategic stability. Perhaps one area of discussion could be moving away from nuclear-tipped cruise missiles and agreement that hypersonic glide vehicles remain conventional. U.S. President Donald Trump opened the door to such discussions with Russia and China during the G20 meeting in Argentina this week.

Third, in the lead up to the 2020 Review Conference and at the conference itself, member states should refrain from using the NPT cycle to continue to debate the Treaty on the Prohibition of Nuclear Weapons. The TPNW plays an important role in reinforcing the taboo against nuclear weapons and advances the goal the NPT. But the TPNW is not going to lead to progress on disarmament in the near term and acrimonious debate over it risks continued polarization and entrenchment within the NPT process.

And now I'll turn to the increased risk of use.

While the prospects of expanding arsenals pose a significant challenge, progress on Article VI cannot be measured through warhead reductions alone. Reductions are an important marker, but there are other critical steps that can and must be taken to reduce nuclear risks and realize disarmament, including checking the expanding role of nuclear weapons in security doctrines.

All five of the recognized nuclear weapon states, as well as states outside of the NPT that possess nuclear weapons, are upgrading and investing in new nuclear-capable missiles- some of which are designed with the intent to make the use of nuclear weapons "more credible." The emphasis on lower-yield nuclear weapons, nuclear-capable cruise missiles and forays into hypersonic missiles represent a dangerous and destabilizing trend that could lower the threshold for nuclear weapons use. Investments in these new systems contravene the obligations set forth in Article VI.

The 2018 U.S. Nuclear Posture Review expands the circumstances under which the United States would consider using nuclear weapons to include non-nuclear attacks, even if a state is complying with the NPT. Ambiguity and confusion over whether or not Russia's nuclear doctrine includes an "escalate to deescalate" policy further heightens tensions.

This greater reliance on nuclear weapons - combined with some of the new systems designed to

make deterrence more “credible” and the significant portion of the deployed U.S. and Russian nuclear-tipped ballistic missiles that remain on prompt launch- increases the prospect of nuclear use.

Given the global consequences of even a single nuclear strike, this is an area ripe for NPT states parties to press for additional measures that reduce nuclear risks.

First, given the polarized environment, it would be beneficial during the review cycle for all NPT states parties – particularly the United States and Russia - to reaffirm the 1985 statement of U.S. President Ronald Reagan and Soviet Leader Mikhail Gorbachev that “a nuclear war cannot be won and must never be fought.” Furthermore, states should unequivocally reaffirm their support for progress on Article VI and, at a minimum, the goals outlined in the 2010 Action Plan.

Second, NPT states parties should call for an end to these “launch under attack” postures and urge all states to adopt a clear policy of nuclear no first use.

As a tangible step toward no first use, states could push all five of the nuclear weapon states to commit at the 2020 Review Conference that the sole purpose of nuclear weapons is to deter a nuclear attack.

The United States came close to declaring sole purpose for the U.S. arsenal in 2016. As former Vice President Joe Biden said in the final days of the Obama Administration in January 2017, “The President and I strongly believe we have made enough progress that deterring—and if necessary retaliating against—a nuclear attack should be the sole purpose of the U.S. nuclear arsenal.” And now, in the United States, momentum is gathering around moving toward no first use as policy. For instance, U.S. Representative Adam Smith – who will chair the House Armed Services Committee beginning with the new Congress- will again introduce his bill calling for no first use to be adopted as U.S. nuclear policy.

While the actions outlined previously address some specific and immediate challenges, in looking at Article VI and the NPT more broadly - it also may be time to consider pursuing a new enterprise free from the consensus-based, least-common-denominator thinking and the entrenched positions of established factions within existing forums. As the UN Secretary General noted in his disarmament agenda, existing international institutions for addressing disarmament have stagnated.

One bold idea is a new series of disarmament summits, modeled on the Nuclear Security Summit Process. An NSS-like process that emphasizes the same concept of national and multilateral commitments, would give likeminded states the option to pursue steps that push beyond the status quo on key issues and create political pressure to follow up on pledges and demonstrate progress.

Additionally, the current disarmament architecture has not been able to integrate states that possess nuclear weapons outside of the recognized nuclear order (namely India, Pakistan, Israel, and North Korea) into multilateral efforts. Increasingly, the nuclear arsenals of these states will impact the ability to make progress on Article VI. A summit series could be a more inclusive forum that includes these states.

Ultimately, a summit-like process could help to transform bilateral tracks into multilateral talks that would include both nuclear weapon states and non-nuclear weapon states, creating a process of multilateral arms control and risk reduction that would lead toward a full realization of Article VI of the NPT and the broader goal of a world without nuclear weapons.

2) Preserving and building upon the JCPOA

The 2015 multilateral nuclear deal between Iran, the European Union, and six countries, resolved a decades-long crisis over Iran’s nuclear program, and brought Tehran back into compliance with its NPT safeguards obligations. The deal was endorsed by the UN Security Council, which in Resolution 2231 notes the importance of NPT compliance. The JCPOA also exemplifies the continued centrality of the NPT and the international commitment to prevent proliferation.

But, despite Iran's record of compliance with the JCPOA and the obvious nonproliferation value of the accord, the United States withdrew from the deal, re-imposed sanctions, and is threatening states with punitive measures if they do not stop legitimate business with Iran allowed under the JCPOA and encouraged by the Security Council.

The remaining P4+1 parties to the nuclear deal with Iran, particularly the European partners, have taken significant actions not only to reaffirm their commitment to the JCPOA, but also to develop mechanisms to protect legitimate trade with Iran. While the EU's blocking regulation and creation of a Special Purpose Vehicle to facilitate trade sends a strong political signal, these mechanisms are bound to fall short in providing the sanctions relief envisioned under the deal. This puts the long-term viability of the deal in question.

Collapse of the nuclear deal would have profound negative implications for Iran, the Middle East, and the NPT.

In the lead up to 2020, maintaining international support for the nonproliferation value of the JCPOA is critical. The NPT review cycle offers an important opportunity for states to reaffirm their support for the JCPOA and denounce the U.S. withdrawal as not only jeopardizing the deal, but also undermining nonproliferation efforts writ large.

But NPT member states should not stop at defending the JCPOA. The nuclear deal was not intended to set a precedent, but we would be foolish not to look at the unique and positive nonproliferation elements of the nuclear deal and try not to expand upon them to better serve nonproliferation and safeguards efforts in the region and writ large.

Under the JCPOA, Iran, for instance, agreed to real time monitoring of uranium enrichment levels, greater accountancy at uranium mines, and a time-bound process for allowing IAEA access to undeclared sites. Is there value in other states making similar pledges to incorporate such steps into safeguards practice? Learning from the JCPOA to further strengthen safeguards must be explored.

Additionally, we should look to build on the JCPOA to develop ideas that would reduce the threat of proliferation at the regional level. Iran, for instance, agreed to a 15-year ban on reprocessing and said it may never pursue this technology. Why not pursue a region free of reprocessing in the Middle East, initially through voluntary pledges by states? The commitments could be announced at the 2020 Review Conference. This would be a positive step toward realizing the goal of a MEWMDFZ, protect against the development of stockpiles of separated plutonium as states build up nuclear power infrastructures, and bolster the NPT.

This is particularly critical now, as there is a growing interest in nuclear power in the Middle East. This will also provide greater assurance that Iran's nuclear program remains peaceful as limitations under the JCPOA begin to expire.

3) Finding a Path Forward on the MEWMDFZ

While we are on the Middle East, let me say a few words about the MEWMDFZ. Nearly 25 years after the 1995 resolution on establishing a MEWMDFZ played a critical role in securing the indefinite extension of the NPT, the promise of the zone has failed to materialize.

We cannot forget that it was disagreement over the MEWMDFZ that prevented consensus on a final document in 2015. And failure to outline a path forward ahead of 2020 risks derailing consensus on the NPT Review Conference again.

Yet few new and creative ideas are being brought forward to advance the zone. The United States and Russia appear unwilling to take a leadership role and have lost credibility since 2015.

The Arab League purports to seek progress on the zone, but it is not apparent that any of these states have reached out to Israel to engage in discussions over the zone or brought forward new and

creative ideas. And when some of these states also fail to condemn statements by Saudi Arabia threatening to pursue nuclear weapons and when they fail to condemn the use of chemical weapons in Syria, it erodes the credibility of these states as honest brokers for the zone. It gives the impression that the politics of the issue are more important than achieving results.

Building on the JCPOA, as highlighted above, to make progress on the zone is one idea. **Another positive step could be a new consultative process, similar to the lead-up to 2015.** Perhaps the UK, as one of the three conveners, could take a leadership role in facilitating a new dialogue for a conference agenda ahead of 2020.

Alternatively, the UN General Assembly First Committee voted in favor of an Arab League proposal on the zone in November, which would require the UN Secretary General to convene a conference on a zone in 2019 and every year after until the zone is realized. There are critical questions yet to be answered about the scope of this process. And, as Israel voted against it, it is unclear if all states in the zone will be willing to engage with it. But a UN-led process could serve a similar consultative role in developing a path forward if states are willing to engage in good faith.

Additionally, ahead of the 2020 NPT Review Conference, members of the Arab League and the broader Non-Aligned Movement that recognize that a weakened NPT bodes ill for the zone, **should make clear that realistic steps toward the MEWMDFZ will be supported, but holding consensus on the 2020 Final Document hostage by insisting on unrealistic and arbitrary demands for the zone concept will not be tolerated.**

4) The North Korea Challenge

North Korea represents a dual challenge to the NPT – bringing Pyongyang back into compliance with the treaty and the current lack of agreed upon consequences of withdrawal.

At the end of 2017, the United States and North Korea were locked in a spiral of escalating tensions and increasingly hostile rhetoric. Thanks to the leadership of South Korean President Moon Jae-in in reaching out to Pyongyang, the crisis stabilized and a path for meaningful negotiations over North Korea's nuclear weapons program was opened. And in an historic meeting between the U.S. President Donald Trump and North Korean leader Kim Jong Un, the two leaders agreed to the complete denuclearization of the Korean Peninsula and to build a peace regime.

While North Korea's voluntary actions early in the process, such as the long-range missile and nuclear test moratorium, and blowing up the test tunnels at Punggye-ri are positive steps that have limited qualitative advances in the country's nuclear arsenal, North Korea continues to expand its nuclear arsenal and develop nuclear-capable ballistic missiles in direct contravention of its NPT obligations and UN Security Council resolutions. Continued failure by both the United States and North Korea to agree to reciprocal steps in the negotiations risks a return to the escalating tensions of 2017.

One step that the NPT member states should encourage is exploring how to convert the voluntary test moratorium and dismantlement of Punggye-ri into a legally-binding commitment to refrain from nuclear testing by securing North Korea's signature and eventual ratification of the Comprehensive Test Ban Treaty. In a special, high-level meeting on the CTBT at the UN in September, a group of foreign ministers led by Japan called on Pyongyang to solidify its voluntary nuclear test moratorium announced in April by signing and ratifying the treaty. Interim steps could include deploying monitoring equipment at the North Korean test site.

As another interim step in this vein, NPT states should encourage the United States to include the Comprehensive Test Ban Treaty Organization in any visit to inspect the dismantled test site. Not only would the presence of the CTBTO aid in assessing the condition of the test site and the reversibility of North Korean actions, it would also gauge North Korea's willingness to work with international inspectors, such as the IAEA, which must be part of any verification regime agreed to as part of a denuclearization process.

Furthermore, the North Korea case highlights the critical need to make progress on the

consequences of withdrawal. Withdrawal by any state undermines the security and benefits envisioned by the NPT.

In the 25 years after North Korea first announced its intent to withdraw from the NPT, insufficient action has been taken in the NPT context to address the gaps highlighted by the North Korean case. Even if the 2015 Final Document had been adopted, it would not have addressed this serious, outstanding issue that is more urgent now than ever, given the current geopolitical climate.

States could agree, by consensus at the 2020 NPT Review Conference, that any state will be held responsible under international law for actions committed by a state in violation of the treaty prior to their withdrawal.

Similarly, a **consensus endorsement of the principle that states can demand the return of materials and technology transferred to any state that chooses to withdraw from the NPT**, would be a common sense step and provide further assurance that peaceful programs cannot be converted to nuclear weapons programs without consequence.

Conclusion

I would like to conclude by again quoting Secretary-General Guterres: “ There are moments in history when individual and collective courage and conscience come together to change the course of events.”

The NPT faces unprecedented challenges; but with dedication, urgency, and creativity they can be overcome and goals of the treaty realized.

Thank you.

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