

US-Russian Working Group on the NPT Review Process**Geneva, Switzerland****HOW THE NUCLEAR NON-PROLIFERATION TREATY COULD DRAMATICALLY
ERODE – AND WHY THE UNITED STATES AND RUSSIA SHOULD COOPERATE
TO PREVENT THAT OUTCOME, AND HOW****Dr. Lewis A. Dunn**

More than fifty year ago, the United States and Russia took the lead in negotiating the Nuclear Non-Proliferation Treaty (NPT). In so doing, they overcame important political and security difference and created what has been one of the most successful treaties ever negotiated.¹ Increasingly, both American and Russian officials, but also those of many other countries, have come to assume that the NPT will always endure as what so often is termed in many countries' talking points, the cornerstone of the non-proliferation regime.

The following short think piece takes a different tack. In a gedanken experiment of thinking the unthinkable, it explores three questions: First, are there conditions which could lead if not to the collapse then to the dramatic erosion of the legitimacy, effectiveness, and support of the NPT? Second, what would be the impact of such an outcome on U.S. and Russian security interests? Third, how can the United States and Russia cooperate to prevent that outcome?

How Could the NPT Lose Its Legitimacy, Effectiveness, and Support – or Even Collapse?

There are at least five plausible scenarios that could dramatically impact the legitimacy, effectiveness, and support of the NPT. Some of these scenarios, moreover, could unfold together or in fairly rapid succession. If so, the corrosive impact on the NPT would be multiplied. Consider each of them briefly.

¹ For one view of the roots of this cooperation, see “Three NPT Snapshots – and Some Lessons and Implications for Rebuilding U.S.-Russian Cooperation”, November 30, 2017.

Scenario # 1: Unprecedented NPT Polarization and Concerns about Nuclear Use Leads to Withdrawals by Non-Nuclear Weapon States (NNWS) from the NPT. For many if not most NNWS, the NPT now is evaluated now primarily if not almost exclusively in terms of whether it can provide an effective framework to foster nuclear disarmament. This emphasis on the NPT as a framework for nuclear disarmament is rooted in the belief that Article VI of the Treaty imposed real and practical obligations on the NWS to advance toward a world without nuclear weapons. Though they have repeatedly reaffirmed their commitment to the elimination of nuclear weapons at NPT Review Conferences, this NNWS belief has never been fully shared by the NPT's NWS. For the United States and Russia when Article VI was added in response to NNWS demands – and then for the other NWS – a legal commitment to nuclear disarmament was a necessary concession to gain support for the NPT – not quite an after-thought but very far from the heart of their view of the NPT.

This NNWS evaluation of the NPT now primarily in terms of its Article VI obligation has been reinforced by the judgment of most NNWS that the NPT has essentially achieved its non-proliferation goals. Unlike the early 1960s, there no longer are fears of a world of many dozens of nuclear powers. Instead, a robust set of non-proliferation institutions exists, there is near universal adherence to the NPT (backed up by multiple, Nuclear Free Zones), and virtually all the Parties to these agreements are meeting their obligations in good faith. From this NNWS perspective, the problem of Iran has now been resolved via the Joint Comprehensive Program of Action (JCPOA) – unless the Trump administration undermines that success. In turn, so viewed, North Korea is the exception that proves the rule of non-proliferation success. By contrast, the NWS question whether non-proliferation has been achieved once and for all.

For many if not most NNWS, the humanitarian impact of nuclear weapons movement was a game changer in their thinking about nuclear disarmament. The three humanitarian impact conferences convinced the great majority of NNWS that the risk of risk of use of nuclear weapons is significant and increasing. The conferences also led to an unshakeable judgment among these NNWS that even a limited use of those weapons would have catastrophic

consequence for all of the world's nations. Lack of progress in advancing toward Article VI's vision of nuclear abolition has become a life and death matter for these countries, not simply a talking point for use in five-yearly NPT Review Conferences.

For their part, however, the NPT NWS stood aside from the humanitarian movement conferences, peremptorily rejected the movement's conclusions about the risk and consequences of nuclear use, and have yet to recognize the depth of frustration and more importantly, of concern among most NNWS. At the same time, the actions of the NPT NWS have served only to reinforce NNWS frustration and concern. There now is a serious prospect if not likelihood of the complete breakdown of the U.S.-Russia nuclear arms control in 2021 if not sooner. The United States and China have failed to ratify the CTBT despite that treaty's link to the 1995 Indefinite Extension of the NPT, and their likelihood of doing so with the Trump administration is virtually nil. Not least, the NWS have failed to take any actions to address NNWS concerns about the risk of nuclear use. Instead, in varying degrees, they have dismissed those concerns about the risk and consequences of use of nuclear weapons.

Combined together, this mix has already led over 122 countries to negotiate successfully the new Treaty on the Prohibition of Nuclear Weapons. Their goal was to find a new way outside of the NPT to reshape the international legal and normative framework of nuclear weapons and in so doing to reenergize the nuclear disarmament process. Over 50 countries now have signed the Prohibition Treaty and its eventual entry into force is virtually certain. The five NPT NWS have made clear that they will not adhere to the new Prohibition Treaty. They may also use their diplomatic influence with NNWS in a likely unsuccessful attempt to slow or prevent its supporters from reaching the needed 50 ratifications for entry-into-force.

Against this backdrop, it would be no surprise for at least those NPT NNWS that are most concerned about the dangers of nuclear weapons – spurred on by nuclear disarmament advocacy NGOs – to seek additional ways to “change the nuclear disarmament landscape” and “shake up the NPT NWS.” One way to do so would be for a number of NNWS to threaten to withdraw from the NPT on the eve of the upcoming 2020 NPT Review Conference unless that Conference

endorses the Prohibition Treaty and sets timelines for specific nuclear disarmament advances. At the Conference itself, such countries could well seek to gain widespread support for a resolution stating their intention to withdraw from the NPT unless specific actions were taken by the NWS. Some of these countries could go so far to carry out that threat of withdrawal. All such countries, moreover, could affirm their non-proliferation bona fides by citing their adherence to either or both the new Prohibition Treaty and their respective regional nuclear free zone treaties as much more effective and equitable international agreements. Even if this type of “withdrawal resolution and movement” did not gain majority support in 2020 among those NNWS seeking to energize nuclear disarmament, it would still damage the NPT’s legitimacy. It also could begin the Treaty’s unraveling in the not unlikely context already posited above of polarization, frustration, concern, and stalemate.

Scenario # 2: Some Arab Countries Threaten to Withdraw from NPT to Force Progress on the Middle East WMD Free Zone Issue. Passage of the so-called Middle East Resolution was part of the package of decisions resulting in the Indefinite Extension of the NPT without a vote in 1995. Sponsored reluctantly by the three NPT depositary countries, the United States, Russia, and the United Kingdom, that resolution’s provisions endorsed a Middle East zone free of nuclear weapons and other weapons of mass destruction and called “upon all States party to the Treaty on the Non-Proliferation of Nuclear Weapons, and in particular the nuclear-weapon States, to extend their cooperation and to exert their utmost efforts with a view to ensuring the early establishment by regional parties of a Middle East zone free of nuclear and all other weapons of mass destruction and their delivery systems.”

Given the political and security realities of the region, there has been no progress since 1995 in implementing the Middle East Resolution. The decision taken at the 2010 NPT Review Conference that the United Nations Secretary General and the three co-sponsors of the 1995 Middle East Resolution would convene a conference in 2012 on “establishment of a Middle East zone free of nuclear weapons and all other weapons of mass destruction . . .” could not be implemented. Substantive differences over the WMD free zone issue led the United States, the

United Kingdom, and Canada to block consensus agreement to the final declaration at the 2015 NPT Review Conference.

Setting this history aside, it is a good working assumption that there will be little if any progress toward a Middle East zone in the years ahead. Many persons believe that the past pattern of how this issue has played out in the context of the ongoing NPT Review process will persist in the current review cycle. Specifically, Arab countries led by Egypt will press for agreement on some specific progress toward a zone; the United States will seek to respond positively but always consulting closely with Israel and making the argument that Arab states should not be fearful of their nuclear security; the many NNWS will support Arab initiatives; and creative drafting possibly will square this circle at the 2020 NPT Review Conference or it will not be possible to do so and the Conference will again stalemate over this issue but with no practical non-proliferation impact.

This optimistic appraisal, however, may underestimate the deep emotional, ideological, personal, and psychological pressures brewing around the Middle East WMD free zone issue. Though contested by some U.S. officials involved in the Indefinite Extension decisions, some if not many Arab officials believe that Indefinite Extension of the NPT without a vote would not have been possible without this commitment to pursue a Middle East zone free of nuclear weapons and other weapons of mass destruction. It now is established wisdom among Arab countries that at least one Arab country, likely Egypt, would have blocked consensus and forced a vote on Indefinite Extension. In their view, they have been betrayed.

Thus, on the eve of the 2020 NPT Review Conference, Egypt and some other Arab states may look for some other way to shake up the process – rather than engaging once again in the longstanding “diplomatic dance” surrounding this issue. One way to do so would be to threaten withdrawal from the NPT – or even to initiate but then stop the process of NPT withdrawal. For at least some of these countries, moreover, NPT membership was never fully and wholeheartedly endorsed, e.g., to the Egyptian Foreign and Defense Ministries, joining the NPT was always a unilateral initiative of President Sadat to please the United States. In addition,

withdrawal from the NPT on the grounds of the Middle East WMD Free Zone issue would also provide new flexibility given these countries' uncertainties about Iran's longer-term nuclear weapon ambitions.

Taken alone, such threats to withdraw from the NPT could not but raise wider questions about the Treaty and its role in preventing proliferation. Any such impact would be increased by still other threats of withdrawal at much the same time by NNWS nuclear disarmament activists. Indeed, for an Egypt, these two issues – nuclear disarmament and the Middle East WMD Free Zone – could well combine to offer officials the logic for seeking to rally other Arab countries to a new strategy for the NPT.

Scenario # 3: Facing a Nuclear-Armed North Korea, South Korea and Japan Rethink their Non-Nuclear Status and NPT Membership. Faced with the threat from a nuclear-armed North Korea, a robust and effective U.S. alliance and deterrence posture still provides today a credible alternative to pursuit of nuclear weapons for both Seoul and Tokyo. More likely than not, despite growing arguments and support in Seoul for acquisition of a national nuclear deterrent, U.S. nuclear security guarantees will continue to be seen by the Seoul government as providing sufficient reassurance and deterrence vis-à-vis North Korea. Similarly, reliance on the U.S. security alliance, including its nuclear dimension, also has been seen as a preferable alternative by Tokyo. At the same time, Japanese officials in the past have purposefully raised the specter of nuclear acquisition to get U.S. attention when its leadership felt insecure. Moreover, in the past decade since North Korea's first test of a nuclear weapon, officials in both South Korea and Japan have pressed the United States to put in place bilateral Washington-Seoul and Washington-Tokyo mechanisms for continuing engagement on nuclear weapon policy, posture, and decision-making. As a result, such mechanisms now exist and play an important reassurance role.

Nonetheless, there are at least three pathways that could lead to a rethinking of non-nuclear status – and thus, NPT membership – by either or both South Korea and Japan. In each one,

pressures would greatly increase in Seoul and Tokyo to acquire nuclear weapons for their own more reliable, less unpredictable deterrence of North Korea.

President Trump and his closest advisors have repeatedly stated that a nuclear-armed North Korea capable of striking targets in the American homeland and threatening U.S. allies in Asia is unacceptable. In contrast with what apparently was the emerging approach in the closing days of the Obama administration, the Trump administration has ruled out reliance on nuclear deterrence vis-à-vis Pyongyang. Their preferred approach appears to be some mixture of stepped up pressure and the prospect of negotiated settlement of all the outstanding issues from the Korean War – with the threat of military action in the background. However, no more than past U.S. administrations may the Trump administration be able to convince the Kim family regime that giving up nuclear weapons is an acceptable alternative for it. If so, the Trump administration then would need to choose between “acceptance and deterrence” and attempted military action to eliminate North Korea’s nuclear capabilities. Assuming the former, the debate about national nuclear weapon capabilities almost certainly would grow in intensity in both Seoul and Tokyo. Reliance on the U.S. nuclear deterrent still could be seen as a better alternative than national nuclear capabilities – but it very likely would be a much closer decision, particularly in Seoul.

Consider, however, the possibility that faced with yet another failure of diplomacy, the Trump administration decides to use military force preventively. Its purposes could well vary, ranging from the most limited goal of preventing additional North Korea’s testing and deployment of a longer-range nuclear missile capable of striking the American homeland to seeking to destroy all of North Korea’s known nuclear-weapon stockpile and production infrastructure. U.S. military action conceivably could set back North Korea’s nuclear-missile programs; but it is hard to see the complete elimination of those programs. In response to a preventive attack, Kim Jong-Un could be expected to respond militarily. For the purposes of exploring this scenario, let’s posit that the ensuing limited conflict does not escalate to a full-scale conventional war on the Peninsula let alone nuclear escalation. North Korea is deterred but also United States and ROK are deterred from such escalation. Nonetheless, there are likely to be many voices in both Seoul and Tokyo that now will regard the United States as at best having gambled militarily and lost, at

worst, as trigger happy – and mostly to protect the United States since the trigger would have been North Korea’s advance to an intercontinental-range missile. The perceived risks of reliance on the United States – and the lack of a national deterrent – now could look very different in both countries.

Assuming that diplomatic negotiations do begin, a key consideration would be whether any given negotiated outcome is seen in Seoul and Tokyo as only reducing the North Korean nuclear threat to the United States and not also that posed to South Korea and Japan. One example currently rejected by the United States but supported by Russia and China would be a temporary freeze on North Korea’s testing of long-range ballistic missiles in return for limits on U.S. military deployments and exercises; another example would be an overall freeze on North Korea’ nuclear weapon program that leaves existing capabilities in place for a prolonged period of time. Rejections by the Trump administration of the preferred China-Russia freeze-for-freeze proposal suggest that U.S. officials are sensitive to this risk of being seen to sacrifice the interests of South Korea and Japan to protect the American homeland. Still if negotiations begin, that risk will be greater and would need to be managed successfully while still reaching a negotiated settlement. Otherwise, depending on the specifics, diplomatic negotiations to resolve peacefully the North Korean nuclear threat paradoxically could come to comprise a third pathway that could lead to a rethinking of non-nuclear status by South Korea and Japan.

In and of itself, decisions by South Korea and Japan to pursue their own nuclear deterrents would dramatically undercut perceptions of the NPT’s effectiveness. In particular, those decisions would raise significant new questions about whether a world of many nuclear-weapon states still can be avoided. They also would undercut the political and legal authority of the NPT in constraining other countries, not least in the Middle East, that for their own reasons could think again about nuclear acquisition. The corrosive impact on the NPT and the wider NPT regime could be even greater depending on how Seoul and/or Japan were to acquire nuclear weapons. Exercise of the right under Article X to withdraw from the NPT on the grounds that supreme interests were at stake could well be least damaging. But for both countries, concerns about how North Korea and China might respond could well argue for pursuing clandestine programs and

sudden breakout. How the United States reacts – whether to an Article X withdrawal or reports of clandestine activities – also would be critical. A readiness to accept the latter or to tolerate the former very likely would further erode the NPT's legitimacy, not least in the eyes of the many NNWS that already have doubt about the Treaty. But historic experience from France onward suggests that there will be strong arguments in Washington coming to terms with nuclear acquisition if not even directly supporting that choice as necessary realpolitik.

Scenario # 4: With Growing U.S.-Iran Confrontation, Iran Rethinks JCPOA, Clandestine IRGC Nuclear-Weapon Program Revives, Spillovers throughout the Gulf. The Trump administration has significantly changed the overall U.S. posture toward Iran. While stopping short of outright withdrawal now from the Joint Comprehensive Program of Action (JCPOA), President Trump in October 2017 refused to certify Iran's compliance, proposed major amendments to the JCPOA, and called for Congressional action to make possible reimposition of U.S. sanctions under specified conditions. Equally if not more important, the Trump administration has affirmed U.S. readiness to confront Iran's political-military expansion across the Middle East. A policy of seeking Iran regime change also is once again being debated in Washington.

For their part, the U.S. partners in the agreement have affirmed their support for it and rejected Trump proposals for seeking amendments to it. Responding to the Trump administration, Iranian President Rouhani strongly criticized the Trump decision and rejected any attempt to amend the JCPOA, while emphasizing that Iran would continue to abide by it. He also warned that the United States would pay a high cost if it eventually quit the agreement.

Looking back, however, to the negotiation of the JCPOA, one of the reasons for acceptance of the JCPOA by Iran's Supreme Leader is said to have been a belief that the United States did not pose an imminent threat to the Iranian regime. Intensified political if not military confrontation between the United States and Iran both in the Gulf and more widely in the region would undercut that judgement. A U.S. shift toward a policy of regime change would do so even more. In this context, the Iranian Revolutionary Guard Corps could well seek to resume clandestine nuclear-weapon related activities – perhaps with tacit support from the Supreme Leader, perhaps

not. Such activities could range from limited efforts to master fully weaponization to a parallel program to produce highly-enriched uranium and nuclear weapons. Iran's long-standing linkages to North Korea could be leveraged in an exchange of money for nuclear-weapon technology. Comparable to Saddam Hussein's choice to remain in the NPT and still pursue nuclear weapons a quarter-century before, Iran's leaders would choose to stay within the JCPOA (and the NPT) as the best cover for these activities.

Assuming eventual discovery, pressures would again be high on at least some Iranian neighbors to respond – whether, for example, in the case of a Saudi Arabia of seeking nuclear weapons deployments by Pakistan or by initiating its own clandestine activities in the case of an Egypt. Unfairly or not, revelations about a clandestine program would undermine the credibility of IAEA safeguards held by critics to have once again focused attention “under the lamppost.” In turn, the NPT would be seen as unfit to task for providing regional non-proliferation security.

In this scenario as well, there are linkages to other scenarios. Faced with clandestine Iranian nuclear-weapon activities, lack of movement on the Middle East free zone issue itself would provide a cover for withdrawal from the NPT by Arab neighbors – or perhaps simply for more limited steps to impede IAEA access. In turn, the prospect of a nuclear confrontation between the United States and a now nuclear-arming Iran – just as that now between the United States and a nuclear-armed North Korea – would heighten concerns about the dangers of use of nuclear weapons. The possibility would be further heightened that nuclear disarmament activists among the NNWS would threaten NPT withdrawals to prod the NWS.

Scenario # 5: Use of a Nuclear Weapon Shatters Nuclear Business as Usual, Further Energizes the Ban Movement, and Leads to Rethinking of the NPT. The risk of use of nuclear weapons is probably greater today than it has been since the early 1980s. Several possible pathways stand out.

Perhaps the most likely pathway is that yet another attack by terrorists based in Pakistan on a highly-symbolic target in India triggers an escalating crisis-conflict between India and Pakistan.

In such a conflict, the interaction of India's Cold Start doctrine (envisaging a large-scale conventional punitive strike across the India-Pakistan border in response to such an attack) and Pakistan's full-spectrum deterrence doctrine (threatening possible use of nuclear weapons in response to an Indian conventional attack that was seen to jeopardize Pakistan's territorial integrity) would provide the pathway to nuclear use – whether by accident or loss of control as Pakistan dispersed tactical nuclear weapons in the midst of a ground conflict, or intentionally.

On the Korean Peninsula, any attempted use of military force by the United States to eliminate North Korea's nuclear weapons would come with a risk of further escalation to use of nuclear weapons by the Kim Jong-Un regime. Or a lower-level North Korean provocation could spiral upward into North Korean nuclear use as could the less likely but not to be completely excluded pathway of escalation following a desperate gamble by Kim Jong-Un to reunify the Peninsula.

The Russian leadership's renewed focus on the usability of nuclear weapons and its apparent rejection of the Reagan-Gorbachev judgment that "a nuclear war cannot be won and must never be fought" represents yet another possible pathway. In today's heightened confrontation between Russia and NATO, the possibility exists that a lower-level crisis on Russia's borders could lead to open conflict. In such a conflict, Russia's implementation of its military doctrine to escalate with nuclear weapons to deescalate a conflict that threatened Russian existential interests – undefined – cannot be simply dismissed out of hand.

Almost certainly the shock of a next use of nuclear weapons would energize and mobilize supporters of nuclear abolition – and not only among today's supporters of the Prohibition Treaty. Even if not directly involved, the NPT NWS could be expected to resist resulting calls for dramatic nuclear disarmament action or for new cooperation among them to avoid yet another use. Thus, at the least the shock of a next nuclear use likely would further polarize NPT parties, heighten concerns among Prohibition Treaty supporters, and strengthen calls from the most activist of them (and their NGO allies) for dramatic action to shake up the NPT NWS if not for shifting allegiance to the Prohibition Treaty as a better nuclear risk reduction approach.

The direct impacts of a nuclear next use on thinking about acquisition of nuclear weapons by today's NNWS – and thus, the more direct corrosive impact on the NPT – are much more uncertain. Key variables would likely include the particular country; its regional security situation; the consequences broadly conceived of such use, including whether use was perceived to have achieved the next user's objectives or to have backfired; and on its impact on existing security relationships, including continued U.S. readiness to run the risks of providing nuclear security guarantees to its non-nuclear allies. Thus, depending on those specifics, the shock of nuclear use could reopen debates in some countries about the risks of reliance on the U.S. nuclear security guarantee as opposed to exercising the Article X right of withdrawal from the NPT and seeking national nuclear capabilities. But it also conceivably could reinforce still other countries' judgment that acquisition of nuclear weapons brings excessive risks and few security gains.

The Bottom Line: Don't Take the NPT for Granted: Different readers will come to different judgments of the credibility of the preceding scenarios. Some readers may suggest still other scenarios. All of these scenarios are unlikely to occur. But several of them are mutually reinforcing and the occurrence of one of them could make more likely the occurrence of others. Taken together, they should suffice to support the argument that the United States, Russia, the other NPT NWS, and the many NNWS supporters of the NPT, should not take for granted the Treaty's legitimacy, effectiveness, and support, or its longer-term durability.

Implications of NPT Erosion for U.S. and Russian Security Interests

At first glance, it could be argued that the implications for U.S. and Russian security interests of NPT erosion are considerably less than the original U.S. and Soviet interests that led Washington and Moscow to cooperate in creating the NPT in the mid-1960s. Fear of a world of dozens of nuclear weapon states – probably the most important U.S. motivation for pursuit of the NPT – no longer animates U.S. thinking. Fear of West German acquisition of nuclear weapons – probably the most important Soviet motivation at the time – no longer animates Russian thinking. This

line of argument, however, overlooks some important security interests that both Washington and Moscow have in a legitimate and effective NPT.

The NPT's Article II legal obligation on NNWS not to acquire nuclear weapons remains an important constraint on decisions to do so in an increasingly uncertain and unstable global security environment. In particular, that obligation would make it considerably more politically difficult for Japan or South Korea to seek nuclear weapons. It also would make it harder for Germany to become a full partner in any European nuclear deterrent centered on cooperation with France, a possibility about which there now is increasing speculation. As evidenced by the efforts of the EU-3+3 to reverse Iran's nuclear-weapon activities, the NPT legal obligations not to acquire and to accept safeguards provide a valuable political and legal hook in dealing with proliferation problems. Both U.S. and Russian security interests would be adversely impacted by decisions by any of these countries to pursue nuclear weapons.

More broadly, the NPT also provides the legal foundation for established export controls as well as for international safeguards. Closely related, its legal obligations provide the regulatory framework for the peaceful uses of nuclear energy and in so doing, go far to ensure responsible behavior by new and emerging nuclear suppliers. In both instances, the NPT makes it harder for today's proliferation problem countries to advance their nuclear-weapon programs or for those of tomorrow that cannot now be identified to acquire nuclear weapons. Typified by North Korea and Iran today, some of these problem countries will directly threaten the United States or U.S. interests, allies, and friends. Perhaps for Russia, a comparable direct threat does not exist. But even for Russia, the resulting regional instabilities could well spillover to impact Russian interests. For Russia, like the United States, moreover, the threat of access to nuclear-weapon materials from a new proliferator – and then nuclear terrorism – provides yet another interest in preventing additional proliferation and thus, in an effective, legitimate, and supported NPT.

By its near-universal adherence, the NPT also has come to symbolize that the world's nations believe that a world of many nuclear weapons is avoidable. Over the decades since the Treaty's creation, that belief has come to be an important if diffuse political-psychological barrier to

national decisions to seek nuclear weapons. By contrast, erosion of the NPT would send exactly the opposite signal. Though fears of runaway proliferation might not again become prevalent, more countries could well act to hedge against that outcome.

Closely related, there is one additional shared U.S. and Russian security interests in an NPT that remains a bulwark against proliferation. Perhaps even more so than when they put forward their original treaty drafts, the NPT is important to both Washington and Moscow because acquisition of nuclear weapons by ever-growing numbers of countries will significantly increase the risk of use of nuclear weapons. Today's nuclear dangers in both South Asia and the Korean Peninsula are proof of that proposition.

U.S. and Russian Cooperation to Prevent Dramatic NPT Erosion

In some of the scenarios set out initially, the primary burden falls on the United States to act in ways that would avoid a dramatic erosion of the NPT's legitimacy, effectiveness, and support. Sustaining the credibility of U.S. alliance relationships with Japan and South Korea – and avoiding military or diplomatic actions that would call into question reliance on that relationship in Tokyo and Seoul – is one example. For the Trump administration, stepping back from walking-away from the JCPOA even while still opposing Iranian adventurism throughout the region is another. Though the actions and postures of other countries, including those of Russia, will be important, avoiding an Arab NPT revolt ultimately also will hinge most on U.S. engagement with key Arab countries and U.S. policy on a Middle East WMD Free Zone.

At the same time, if today's NPT polarization – driven by NNWS frustration and concerns – is not to lead to a dramatic erosion of the NPT, Washington and Moscow need to act cooperatively to protect the Treaty that they created 50 years ago. Their starting point should to acknowledge in their own internal policy deliberation that there are conditions and developments that could result at the least in an erosion of the legitimacy, effectiveness, and support of the NPT. In turn, it is important that they also acknowledge that they have significant stakes in reducing the likelihood of that outcome. This dual acknowledgement then would then shape their ongoing

consultations in preparation for the 2020 NPT Review Conference. How cannot be stated or posited here. Suffice it only to suggest that one outcome almost certainly would be to impact internal policy debates in Washington and Moscow about whether and how much price to pay to meet today's challenges to the NPT as well as more broadly in support of the Treaty.

Addressing the Underlying Causes of NPT Polarization – the Arms Control Stalemate. Building on such an acknowledgment, U.S.-Russian cooperation is needed to reduce the dangerous mix of deep frustration at today's nuclear disarmament stalemate and intense concerns about the risk of use of nuclear weapons – as well as the resulting polarization – that already is corroding from within the NPT. In that regard, the most obvious and effective way for Washington and Moscow to counter NNWS frustration would be to affirm their commitment to resume official strategic arms control negotiations with a view to a post-New START regime. Even setting aside NPT considerations, a strong argument can be made that the security interests of neither the United States nor Russia would gain by exchanging over 50 years of negotiated regulation of their nuclear relationship with unfettered strategic unilateralism. But within both Washington and Moscow, that argument will encounter significant opposition, partly reflecting skepticism about that 50-year arms control process. In turn, continuing controversy over Russia's lack of compliance with the Intermediate Nuclear Forces (INF) Treaty also makes it near-impossible for the Trump administration to engage in formal negotiations.

There is a potential alternative, however, that could be somewhat more politically realistic in both Washington and Moscow – and still have important payoffs for reducing the frustration at the nuclear disarmament stalemate. Presidents Trump and Putin could announce the establishment of an official U.S.-Russia Senior Advisory Group to explore next steps in the strategic relationship between the United States and Russia. The membership of this Senior Advisory Group would be drawn from retired senior-most foreign policy, defense, and military officials in both countries. Some serving civilian, defense, and military officials would participate as observers. Its mandate would cover the full set of outstanding strategic issues between the two countries – offenses and defenses, nuclear and advanced conventional, space and cyber. Its task would be to assess the implications of a breakdown of cooperative

management of the strategic relationship; to explore respective concepts of strategic stability as well as to identify options to address each side's strategic concerns; and in so doing, to define a new approach to cooperative U.S.-Russian strategic management that would make use of a full spectrum of formal and less formal, treaty-based and non-treaty based means. With an eye on both the 2020 NPT Review Conference and the 2021 New START deadline, any such Trump-Putin announcement would state that the Senior Advisory Group would complete its work by June 30, 2019.

Addressing the Underlying Causes of NPT Polarization – Concern about Nuclear Use. U.S.-Russian cooperation also should be at the core of new initiatives to address NNWS concerns about the risk of use of nuclear weapons that is a powerful driver and rallying point for unilateral action by the most committed NNWS. Moreover, avoiding a next use is in both U.S. and Russian security interests, both of the likely impact of next use on the NPT and more directly because of likely spillovers for both countries. That said, for any number of reasons, it is difficult today to envisage a simple U.S.-Russian reaffirmation of the Reagan-Gorbachev injunction. However, it could be possible for Presidents Trump and Putin to affirm that the mandate of the Senior Advisory Group also would include reducing the risk of use of nuclear weapons. At the same time, more officially, the two presidents also could announce that active duty civilian and military officials in both countries would undertake a joint assessment of the lessons to be learned from Cold War nuclear crises for minimizing any future risk of use of nuclear weapons not necessarily only in the U.S.-Russian strategic relationship but in other new nuclear crises and confrontations. Closely related, U.S. and Russian officials could take the lead in encouraging a dialogue among NWS (including the P5 NPT NWS as well as with India and Pakistan) on actions to minimize the risk of use of nuclear weapons. Many actions exist – to enhance safety, security, and control of nuclear weapons; to reduce the risk of miscalculation in crisis; to use the influence the United States, Russia, and other NPT NWS to influence the risk of use in 3rd party nuclear crises; and possibly ultimately to pursue a strategic code of conduct. For the P5 NWS, taking this step also would be widely welcomed by NPT NNWS and would help address their concerns.

Rebuilding Habits of Cooperation among NPT Parties. More broadly, U.S.-Russian cooperation is needed as the 2020 Review process picks up momentum. The goal of such diplomatic and political cooperation should be on the one, hand to avoid actions that will only reinforce today's NPT polarization and on the other hand, to seek ways to reduce that polarization by beginning to rebuild habits of cooperation among all NPT Parties. In that regard, both Washington and Moscow's NPT interests would be served by seeking to damp down the all-but-inevitable debate in the NPT context over the new Prohibition Treaty. To that end, it would be preferable for both countries, as well as the other NPT NWS and indeed the NNWS, to resist the temptation to respond to each and every statement extolling the Prohibition Treaty. In such an exchange, no views will be changed and divisions only will be hardened. It also is none too soon to try to reach agreement first among the NPT NWS, then more widely on how to handle the Prohibition Treaty in any Final Declaration from the Review Conference. One approach would be agreed language reflecting the very divergent positions, in effect drawing on how the issue of CTBT was handled in the 1985 NPT Review Conference.

If the United States and Russia are to cooperate in an attempt to reduce polarization and rebuild habits of cooperation, however, more positive actions will be needed. One long-overdue action would be to signal readiness to engage in a full debate on how to define the "effective measures" for nuclear disarmament called for by Article VI of the NPT. It would be important to couch broadly any such debate. From a NWS' perspective, it should include not only political and security enablers of nuclear disarmament but also discussion of specific steps and their phasing that would be involved in a future renewed process of nuclear disarmament.

Until very recently, U.S.-Russian cooperation to highlight and work the challenges of nuclear disarmament verification would have been another potential area for cooperation to reduce polarization among NWS and NNWS. Concluded in November 2017, Phase I of the International Partnership for Nuclear Disarmament Verification (IPNDV) had just this effect. NWS and NNWS worked together to advance international understanding of the potential challenges of nuclear disarmament verification and how they could be addressed. However, Russia has now stated that it will not participate in Phase II of the Partnership. Unless revisited,

that decision rules out this potential area of U.S.-Russian cooperation. That Russian decision is regrettable, not least because the Partnership remains the only international activity in which NPT NWS and NNWS have been cooperating and in which the NWS can demonstrate support for Article VI as well as focus attention on at least one of the key practicalities of nuclear disarmament, its verification. Moreover, the work of Phase I of the Partnership has shown that Russia's stated concern that any such cooperation involving NNWS will result in the loss of proliferation sensitive information is very much overdrawn. Though significant technical and procedural challenges remain, the Partnership identified a path forward that would allow NNWS involvement in a future nuclear disarmament agreement while at the same time protecting proliferations sensitive information as well as meeting safety and security requirements.

One Bottom Line

Five decades after the United States and Russia worked together in the midst of their Cold War confrontation to put the NPT in place, it no longer should be taken as a given that like "death and taxes" or "the poor" a legitimate, effective and strongly supported NPT always will be an international constant. For reasons already set out, its dramatic erosion is quite conceivable. That outcome would adversely impact both U.S. and Russian security interests. Even in the midst of today's heightening U.S.-Russian political-military confrontation, both countries need to renew their cooperation and be prepared to pay a price to protect the NPT. In particular, their cooperation is absolutely vital to reducing today's dangerous polarization in the NPT by dealing with the underlying causes of that polarization in the frustration of many NNWS at the nuclear disarmament stalemate and their concerns about the risk and catastrophic consequences of a next use of nuclear weapons. Whether Washington and Moscow will acknowledge that the NPT is increasingly at risk and that their own security interests demand cooperation to protect the Treaty remains at best uncertain.