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Unlocking disarmament diplomacy through a "stepping stone" approach

Working paper submitted by Sweden

The security context and the prospects for the 2020 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

One of the most distressing aspects of today's global security environment is the return of the growing threat of the use of nuclear weapons as a political issue of the first order. We are witnessing a dangerous downward spiral that is damaging peace and stability and eroding the capacity of the international community to avoid catastrophe.

This development has several dimensions:

– The gradual dismantlement of a nuclear arms control architecture, a framework that has paved the way for substantial reductions in global arsenals and which has served to stabilize strategic relations since the end of the Cold War;

– Regional proliferation issues, including the precarious future of the Joint Comprehensive Plan of Action and the volatile diplomatic situation on the Korean peninsula;

– The development of new nuclear weapon capabilities, including low-yield "usable" warheads and delivery systems, foreboding an upward turn of global arsenals for the first time since the mid-1980s, – violating the principle of irreversibility and moving us further away from the jointly agreed goal of a world free of nuclear weapons;

– Irresponsible political rhetoric, hinting at the possibility of achieving strategic dominance by deploying emerging disruptive technologies or the possibility of pre-emptive nuclear use;

– Deadlocked multilateral frameworks which have become victims of entrenched positions and a severe lack of mutual trust.

Reversing this negative trend will be highly challenging and will require visionary leadership and a change in approach. Yet – in view of the increasing global security risks – there can be few more urgent tasks. To be effective and have a chance

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of attracting sufficient support in the short term, proposals must take into account the existing security environment.

The crucial platform for all diplomatic efforts to this end is the Non-Proliferation Treaty – the cornerstone of the global disarmament and non-proliferation regime. The 2020 Review Conference will be pivotal: it provides the venue for nuclear- and non-nuclear-weapon States to come together and agree on a way forward in the implementation of Non-Proliferation Treaty across all three pillars, including article VI/disarmament. The Non-Proliferation Treaty and its past review conferences form legal and political obligations that remain unfulfilled.

In this context, there is an urgent need for initiatives designed to mobilize political support in the run-up to the 2020 Review Conference. The objective should be to enable Member States to demonstrate their commitment towards the shared goals at the heart of the disarmament and non-proliferation regime and to make meaningful progress on previous obligations. The overarching focus must be to contribute to a successful outcome by pursuing an ambitious yet realistic agenda, intended to create the necessary common ground.

While the specific focus of this paper is the disarmament dimension of the Non-Proliferation Treaty, it is clear that for any outcome to gather the necessary support, meaningful progress will have to be made across all three pillars of the treaty.

Setting the level of ambition for the Review Conference

In close collaboration with other engaged Non-Proliferation Treaty parties, Sweden will be working towards an outcome at the 2020 Review Conference that reaffirms:

– The undisputed position of the Non-Proliferation Treaty as the cornerstone of nuclear disarmament and non-proliferation;

– The continued validity of previous commitments made within the framework of the Non-Proliferation Treaty, specifically commitments made in 2000 and 2010;

– An unequivocal expression against the notion of any nuclear use:– “a nuclear war cannot be won and must never be fought”;

– A package of realistic measures, covering all three pillars of the treaty, which includes progress in implementation of outstanding article VI-related commitments, based on a “stepping stones” approach;

– An improved Non-Proliferation Treaty process which provides a framework for systematic follow-up in the years beyond 2020.

A package containing elements along these lines would signal the essential intention to break the vicious circle. That in itself would be a very powerful political message.

A critical scene setter for the 2020 Review Conference will be the further developments in the United States of America-Russian Federation arms control dialogue in the upcoming year. In this context, Sweden strongly encourages the parties to reach early agreement on a five-year extension of the new Strategic Arms Reduction Treaty (START) and to negotiate a successor regime, preferably encompassing both strategic and non-strategic weapons, in the period leading up to 2026.

The case for a “stepping stone” approach

The traditional progressive step-by-step approach contains several long-standing items (among them negotiations on a treaty banning the production of fissile

material for nuclear weapons or other nuclear explosive devices, the entry-into-force of the Comprehensive Nuclear-Test-Ban Treaty and a global and legally binding negative security assurance), articulated, inter alia, in the 2000 Review Conference's "13 steps" and the 2010 Review Conference's "64-point action plan". Each step would be extremely worthwhile in its own right. However, few seem ripe for action by 2020. This is partly because particular States perceive them as requiring too much compromise in their national security in the current low-trust strategic environment. It is also because the pathway to implementing the established steps requires practical interim steps that prepare the ground.

The Non-Proliferation Treaty community cannot come up empty handed in 2020. The situation is too dangerous for the future stability of the international community; hence the need for "actionable" implementation measures that:

- Signal intent to engage in mutual managed disarmament in support of the global disarmament regime;
- Build trust for subsequent steps; and
- Take into account the existing security environment that they themselves may contribute to improving.

This "stepping stone" approach recognizes differing State perspectives and offers a process to build political support for pragmatic, short-term, achievable demonstrations of commitment to the global disarmament regime. Crucially, it is not contradictory to other approaches to nuclear disarmament. Based on a recognition that nuclear disarmament forms as an integral part of broader security policy, its core objective is to facilitate the implementation of previous agreements on the Non-Proliferation Treaty.

The purpose of each stepping stone, in addition to the value in its own right, would be to rebuild the trust and confidence lacking today. Such an approach could help to unlock current diplomatic blockages, and, in the process, making the more substantial disarmament steps already on the diplomatic agenda a more realistic future possibility.

The stepping stones form possible pathways to implementing larger steps identified in Final Documents of previous review conferences. Early stepping stones are by definition more easily achievable in the shorter run.

Possible measures to include in a stepping stone approach

In making progress to implementing existing obligations, it is important that the 2020 Review Conference succeed in producing measures that work to:

- Reduce the salience of nuclear weapons;
- Rebuild habits of cooperation in the international community;
- Reduce nuclear risks; and
- Take steps to enhance transparency on arsenal size, control fissile materials and nuclear technology.

While there may be different perspectives on what particular steps go far enough in achieving this, a package of measures designed around these principles would go a long way towards honouring previous commitments and enhancing the disarmament and non-proliferation regime.

Below is non-exhaustive list of stepping stones that would contribute to meaningful progress and respect this vision.

Reducing the salience of nuclear weapons

Nuclear-weapon States committed to "a diminishing role for nuclear weapons in their security policies" in the Final Documents of the 2000 and 2010 review conferences. Stepping stones to implement commitments to limit the salience of nuclear weapons could include:

- **Enhanced negative security assurances:** Exceptions to negative security assurances for non-nuclear-weapon States signal a level of attachment to nuclear deterrence against non-nuclear-weapon States that is widely seen as illegitimate. All States agreed, in action 8 of the 2010 Final Document for the Conference on Disarmament, to work towards negative security assurances, "not excluding an internationally legally binding instrument". If legally binding assurances are currently out of reach, it is incumbent on nuclear weapon States to take steps that make progress on this previous commitment.
- **Ratification of outstanding protocols to nuclear-weapon-free zones:** There remain many gaps in the ratification of protocols. All States agree on the benefit of nuclear-weapon-free zones with regard to the implementation of the Non-Proliferation Treaty and to the wider non-proliferation regime, and according to action 10 of the Final Document of the 2010 Review Conference "concerned States are encouraged to ratify the nuclear-weapon-free zone treaties … [and] review any related reservations". Specifically, nuclear-weapon States could re-evaluate the reservations to signing and ratifying the protocols to the Treaty of Bangkok.
- **Sole-purpose and "No first use":** Nuclear-weapon States could consider tighter declaratory policy to signal their willingness to limit use and reassure the international community. Recent developments in States' declaratory policies appear to expand the scope of nuclear deterrence and walk away from changes that upheld previous commitments, including action 9 of the 2010 Final Document in which "all nuclear-weapon States commit to fully respect their existing commitments with regard to security assurances". Consideration of the obstacles that prevent the move towards more limited declaratory policies would itself strengthen confidence within the international community.
- **An unequivocal expression against the notion of any nuclear use:** "A nuclear war cannot be won and must never be fought"

Rebuilding habits of cooperation in the international community

Reflecting a polarization of opinion within the international community, arms control and nuclear diplomacy has suffered significant set-backs, frustration has deepened and trust has been damaged. The health of the non-proliferation and disarmament regime and States' commitments to fulfil their obligations are more frequently called into question. Somehow, States need to rebuild the habits of cooperation and a level of strategic empathy essential to realizing the objectives of the Treaty and the decisions of its Review Conferences.

- **Transparency and clarity:** Greater transparency is essential to building international trust and confidence, as well as clarity in signalling and communication.
- **Systematic follow-up:** In terms of the 2020 outcome document, the international community would be well served by a follow-up process to facilitate an effective implementation phase and bring confidence that commitments have meaning. This should be seen as an integral part of the

package designed to ensure accountability to agreed obligations and should be established soon after the Review Conference.

Reducing nuclear risks

Nuclear-weapon States have a special responsibility to minimize nuclear risks and to take steps to reduce those risks. Risk reduction demands that the deterrence communities and the military be fully engaged within disarmament discussions, and that the diplomatic community integrate those perspectives into its considerations. When identifying these stepping stones, States parties may contribute their perspectives on the sequencing of these steps, or to categorize some as being more short term and others as taking place further down the road. Steps to reduce nuclear risks could include:

- **Improving crisis communication channels and protocol:** The introduction of hot lines and military-to-military contact was seen as a significant improvement during the Cold War. Exploring ways that establish unambiguous and credible messaging is perhaps one of the most urgent and critical challenges in reducing nuclear risk.
- **Creating a clear distinction between conventional and nuclear delivery systems:** The separation of conventional and nuclear assets would demonstrate that nuclear weapons are purely political/strategic tools, signal that militaries are not contemplating fighting to win in nuclear conflict and reduce the risk that attacks on dual-use command, control, communications, intelligence (C3I) facilities could be interpreted as strategic attempts to knock out a second-strike capability.
- **Command and control vulnerabilities to cyber threats:** While there are a number of potentially destabilizing emerging technologies, including hypersonic glide vehicles, autonomous platforms and artificial intelligence, the potential impacts of cyber-vulnerabilities upon confidence and deterrence stability are highly significant and insufficiently understood. Measures might include agreements and best practices to avoid undermining command and control.
- **Codifying existing non-deployment arrangements for non-strategic nuclear warheads:** Shorter-range non-strategic warheads are generally seen as more destabilizing, and yet are not subject to arms control. Verification challenges will have to be addressed, possibly by drawing on procedures utilized under the new START Treaty. Rearticulating and considering ways to build on the 1992 Presidential nuclear initiatives would be a useful first step to address this risk.
- **Considering measures aimed at extending decision-times in crisis:** Nuclear-weapon States could explore mutual steps to increase decision-times and facilitate clearer crisis signalling through the prior interpretation of particular actions by each other. For instance, while there are those that maintain that moving away from “launch on warning” postures and de-alerting could increase crisis instability in the earlier stages of a crisis, as adversaries rush to prepare their nuclear forces in anticipation of possible pre-emptive attacks, hair-trigger postures carry high risks of accidental or inadvertent launch through misperception and miscalculation. The complex risks associated with different nuclear postures deserve increased attention.

Transparency on arsenals, controlling materials and technology

Nuclear disarmament obviously includes the reduction in warheads, delivery systems and their platforms. This is a fundamental principle agreed to by all, and

affirmed by nuclear-weapon States' "unequivocal undertaking… to accomplish the total elimination of their nuclear arsenals" and their agreement to "undertake further efforts to reduce and ultimately eliminate all types of nuclear weapons, deployed and non-deployed, including through unilateral, bilateral, regional and multilateral measures" in 2000 and 2010. There are also essential steps needed to regulate and reduce military-grade fissile materials and access to key technologies.

- **Reporting on arsenals, plans for their modernisation and for reducing the salience of nuclear deterrence over time:** Giving clarity on plans shows a degree of accountability to the international community, builds greater understanding, facilitates exchange and potentially builds confidence in the mutual pathway towards disarmament, even if States are not currently reducing their arsenals
- **Reporting on stocks of fissile material and declaration of excess fissile material to be put under International Atomic Energy Agency safeguards:** Having greater clarity over stocks and their designation gives a sense of scale to the issue and facilitates confidence in future disarmament processes.
- **Ratify the Comprehensive Test Ban Treaty and take measures to create a treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices as all States committed to in 2000 and 2010:** States should consider measures that make progress towards these steps, which appear out of reach.
- **Developing capabilities and procedures for disarmament and arms control scenarios, building on lessons learned from the International Partnership for Nuclear Disarmament and Verification, the Quad Nuclear Verification Partnership and other related projects:** Reducing the technical barriers to verification can build the mutual confidence States have in the implementation of disarmament undertakings of others.