

# How to Save the Irreplaceable Nuclear Nonproliferation Treaty

Interview with Adam Scheinman

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The world has been trying to contain the nuclear genie ever since the United States dropped atomic bombs on Hiroshima and Nagasaki in World War II. A core element of that effort centers around the nuclear Nonproliferation Treaty (NPT), which entered into force in 1970 and now includes 191 states-parties, including five of the world's nine states that have nuclear weapons.



In August, hundreds of diplomats representing the states-parties, along with representatives of civil society, will convene at UN headquarters in New York for the 10th NPT Review Conference. This event occurs more than a quarter-century after the states-parties agreed on the indefinite extension of the NPT at the 1995 review and extension conference.

The month-long meeting will cap a five-year review of implementation and compliance with the treaty. Diplomats will attempt to reach agreement on an outcome document that helps to advance the treaty's main goals: preventing the further spread of nuclear weapons while supporting the peaceful use of nuclear technology, halting and reversing the nuclear arms race, and achieving nuclear disarmament.

Over the past decade, growing tensions among the major nuclear powers have been accompanied by the intensifying risk of nuclear proliferation, nuclear competition, and nuclear weapons use.

Now, the NPT regime faces a new challenge: the attack by Russia, one of its recognized nuclear-armed members, against Ukraine, a non-nuclear-weapon state, along with open threats of nuclear weapons use by Russia against any state that might try to intervene.

As a result, this review conference could prove to be one of the most important in the 50-plus-year history of this bedrock nuclear agreement. Carol Giacomo, chief editor of *Arms Control Today*, asked Adam Scheinman, the U.S. special representative of the president for nuclear nonproliferation, to discuss the Biden administration's expectations for the meeting. This interview has been edited for length and clarity.

***Arms Control Today:*** In a recent interview, nuclear scientist Siegfried Hecker told the *Bulletin of the Atomic Scientists* that Russian President Vladimir Putin has “blown up” the global nuclear order. How has the Russian invasion of Ukraine affected the global nuclear proliferation and

disarmament regime, including the negative security assurances that nuclear-weapon states have extended to non-nuclear-weapon states-parties to the NPT?

**Adam Scheinman:** I think that's really an important question. I have absolutely enormous respect for Dr. Hecker. He's a legend in the field, but I'd say "blown up" is a little bit hyperbolic. There's no doubt that this is a very serious shock to the nonproliferation system and wider global order, but I wouldn't say the damage is total or irreversible. It is going to require that the international community respond and recenter the NPT in that rules-based order.

It's certainly the case that Russia's aggression undercuts every core precept of the NPT. It's totally irresponsible. Russia's nuclear saber rattling is out of step with the treaty's disarmament goals. It has betrayed the security assurances given to Ukraine in 1994 that helped bring Ukraine into the treaty as a non-nuclear-weapon state, and its military actions around Ukrainian civilian nuclear facilities raise fears of a serious radiological calamity. It also threatens the right of NPT parties to access the peaceful atom. So, these are very serious problems. It's going to require that we deal with them equally seriously.

I would say that the argument of some that Russia's violation of the Budapest Memorandum shows that security assurances are worthless is just wrong. It's Russia that violated the security assurances. That's an indictment of Russia, not of the utility of security assurances that the other nuclear-weapon states have given, including the United States, and implement faithfully.

If nothing else, I think Russia's war on Ukraine should focus the minds of the parties on the fact that, by every conceivable measure that I can think of and most intellectually honest people can think of, the world is better off with the NPT than without it. So, if we're interested in solving nuclear problems, the fact that there's wide agreement around the idea that we're better off with it should give us some optimism that the treaty will hold together and we'll find our way through this troubling time.

**ACT:** In light of this war, has the NPT review conference taken on greater significance?

**Scheinman:** I think this review conference was always going to be significant. We're at the 50-year, half-century point with the NPT, which is pretty astonishing. It's hard to find examples of durable, global security treaties in history. Even before Russia's invasion, we understood that the NPT faces pretty serious challenges; I think of them as both political and strategic in nature. The political challenge concerns well-documented frustrations over the pace of nuclear disarmament, one that the United States in fact shares, even if we don't agree with everyone on the solutions offered to deal with it.

Of a more strategic character, I think it's pretty widely understood that if Iran were to acquire a nuclear weapon and if North Korea's nuclear buildup were to continue, others might wish to leave the treaty and seek their own nuclear weapons capabilities. So, I think that's more of a strategic kind of problem for the treaty.

But without a doubt, I think this review conference takes on even greater significance and consequence following Russia's aggression in Ukraine. We hope that NPT parties will come to

the review conference and reject Russia's very reckless behavior, and we should insist that states-parties take their obligations to one another seriously. So if there's ever a time for parties to set aside their differences and focus on what we share and put a marker down in support of this treaty, I think this is the time.

**ACT:** What else does the United States want to see emerge from the review conference? Will President Joe Biden or Secretary of State Antony Blinken address the conference?

**Scheinman:** I can't really tell you today who will address what, when, and where, but the administration is tracking our preparations for the conference very closely. The NPT is very much part of the president's commitment to multilateral institutions, treaties, and norms to uphold the rules-based order and tackle big transnational problems like nuclear proliferation. So, what do we want to emerge? I think one is that the conference reaffirm the commitment of the states-parties to all three pillars of the treaty and to strengthen it. Given the current security climate, it should be evident how important it is that we work collectively to insulate the NPT and preserve its authority. There is no global treaty that can take its place, so it's important that we work to preserve it. It's a really big deal and is why the United States nominates a special representative with the task of watching over the treaty.

One additional point: It's apparent that Russia's actions have created a new fault line in the NPT. It's one that distinguishes states that act responsibly from those that don't. What I think can emerge at the review conference is convergence on a set of principles and actions that advance the treaty's contributions to international security and highlight the security and economic benefits shared by its members. It necessitates holding states to account when they act outside of accepted norms.

**ACT:** How can you hold Russia to account?

**Scheinman:** We should understand that the review conference is not an enforcement mechanism. It serves a political function; states-parties can make clear in their national positions that this is totally unacceptable. They can work on a set of principles or proposals that a review conference could endorse or if not the entire review conference, then the vast majority of states. It should be made clear that it's not acceptable to threaten the use of nuclear weapons, as Russia has. It's not acceptable to put at risk nuclear facilities and impede the International Atomic Energy Agency's (IAEA) ability to conduct safeguards inspections and allow for safe and secure operations. It's that political action that I think the conference can take to hold Russia to account.

**ACT:** What else would make the review conference successful?

**Scheinman:** There's a tendency to rate a successful review conference by whether it produces a consensus final document. In the history of the NPT, I think we've only had five such consensus final documents, and the treaty has continued to function and has force. So, I wouldn't say the fact of reaching consensus is the right measure of success. We certainly will do our best to secure a consensus, but I think it's as important that we deal openly and honestly with the challenges

made plain by Russia's actions, as well as longer standing challenges, such as regional proliferation concerns, securing universal adherence to the [Model] Additional Protocol, and expanding peaceful nuclear uses in energy and for sustainable development.

**ACT:** How can the conference constructively encourage North Korea to reengage in diplomacy? Is there a new opening with the North Koreans because of their COVID-19 problem?

**Scheinman:** I can't really say whether the COVID-19 issue has opened the door to diplomacy. There are others in the administration responsible for North Korean policy and have a better feel for what is or is not possible. But I'd say that the review conference ought to address North Korea, and in particular, I think we all need to be very concerned about reports of a possible North Korean nuclear test and ongoing efforts to develop ballistic missiles.

The administration has said repeatedly that the door is open to diplomacy with North Korea and we're ready to meet without preconditions. We hope North Korea takes up the offer, and we'd like to see the review conference urge that it do so. The review conference should also call attention to North Korea's reckless behavior and its repeated violations of UN Security Council resolutions.

There's one other point worth noting. It's not specific to North Korea; it's more of a consequence of what North Korea has done by exiting the treaty. This is the issue of preventing abuse of the treaty's withdrawal provision. It's been 20 years since North Korea announced its intention to leave. In that time, NPT states-parties have not agreed on a single step to discourage abuse of withdrawal. I would think at a minimum we should discuss this issue openly and agree that, as a principle of international law, states remain accountable for violations of the treaty that occurred when still a party to it. There's no "get out of jail free" card because you withdraw. It's that kind of abuse of withdrawal that we ought to discourage, and I hope we can have a productive discussion at the review conference.

**ACT:** Do you think there will be agreement on a course of action?

**Scheinman:** I would very much like to see something in an outcome document that at least restates the principle in international law. Other ideas include convening extraordinary meetings of the parties, cutting off nuclear supplies to a state that engages in such behavior. There are a number of ideas that could be considered.

**ACT:** When you say cutting off supplies, do you mean the supply of nuclear material and fuel?

**Scheinman:** Yeah, any nuclear-related exports ought to be terminated in such cases. It's hard to think how this would work in practice, but the withdrawing country could also be required to return materials that have been supplied so they are not used for a military program. States-parties could also insist that international safeguards remain in place in the withdrawing state. North Korea kicked out the IAEA inspectors after terminating its IAEA safeguards agreement. We don't want to see that in the future. We should aim to preserve verification, even as we pursue all diplomatic options.

**ACT:** In 2010 the review conference agreed to an action plan on all three pillars of the treaty, including Article VI. Does the administration recognize those past commitments as still valid? Will it seek to update those goals, particularly Article VI, through the consensus document?

**Scheinman:** I think this issue of past commitments, which is talked about quite a bit, is a bit of a red herring. It's important to understand that only the terms of the treaty are legally binding on states-parties and that any commitment recorded at review conferences in a consensus document are political. They reflect what seems achievable or desirable at the time they were made. Now, it's certainly the case that many of the actions in review conference final documents remain relevant and certainly important. Others are past their shelf life. There's a call in previous documents for fully implementing the ABM [Anti-Ballistic Missile] Treaty, which hasn't been in force for two decades now. Other actions are important, but were the product of the time, when conditions for action were more favorable.

That's certainly the case in terms of U.S.-Russian arms control opportunities in the early post-Cold War period and also in connection with the Oslo Middle East peace process in the mid-1990s. What I will say is that we remain firm in our support for legal undertakings in the NPT, as I hope all parties are, and in our support for realistic arms control and disarmament measures. We also recognize the political importance of implementing commitments made in past documents. But security conditions change in unpredictable ways, and so it's probably more productive if we take a forward-looking approach and not lose time debating the history.

**ACT:** Do you expect the proposal for a Middle Eastern zone free of weapons of mass destruction will be as contentious as in the past? What is the U.S. approach on this issue?

**Scheinman:** I think whether the issue is likely to be contentious is a question for others, not for us. We have no desire to hold the review conference hostage to this issue or any other particular issue, and I hope other states-parties see it the same way. In terms of our approach, we have consistently supported the goal of a Middle East free of weapons of mass destruction and systems for their delivery.

But we also made clear that progress toward that goal can only be achieved through direct and consensus-based dialogue among all states in the region, which as a practical matter is both the arms control issue and the wider regional security issue. That remains our position. I'm well aware that there's a UN conference process on the Middle Eastern zone that started a couple of years ago. We're not participating in it, but I expect parties can find a way to address it at the review conference in an even-handed and factual manner.

**ACT:** In past review conferences, the five nuclear-weapon states have consulted on issue-coordinated statements. Are you consulting with Russia and China in preparation for the conference? If yes, do you see hope for constructive action beyond a reiteration of the statement from December, that a nuclear war can never be won and must never be fought?

**Scheinman:** I don't want to comment on specific diplomatic undertakings at the moment, but I'll say that we have to be realistic about what can be achieved among the five in the current environment. Russia's war on Ukraine naturally limits possibilities for productive work among the five; I think that's just the reality of where we are today. But in the interim, we'll continue to work with others on topics that hold promise for engagement among the five down the road.

One example is strategic risk reduction, a topic having obvious relevance to strategic stability and disarmament goals. At the end of the day, I think we should probably recognize that a full and functioning P5 process is not a precondition to work on issues of common interest, whether of interest to the five nuclear-weapon states or the wider NPT membership. I really don't expect the five to issue new statements beyond the one on preventing nuclear war that Russia joined in January, six weeks before invading Ukraine. We certainly stand by the statement. Whether Russia does, they'll have to speak for themselves.

**ACT:** The United States has identified China and its expanding nuclear capability as a threat. What conversations are you having with China about the review conference and its Article VI obligations?

**Scheinman:** There's no doubt that China's rapid nuclear buildup is out of step with the other nuclear-weapon states. It is certainly out of step with the United States, France, and the United Kingdom. I'd say it's not exactly keeping with the spirit of Article VI, and that merits some attention at the review conference. Our approach has been to seek bilateral discussions with China on measures to reduce and manage strategic risks. President Biden conveyed our interest to President Xi Jinping last November, suggesting that we ought to have some commonsense guardrails in place to ensure that competition doesn't veer into conflict. To this point, China has not engaged or shown interest in engaging. We hope China will take a fresh look at this and see the value of exchanges both for regional stability and for nuclear security.

**ACT:** Are the Chinese really not talking to you about the review conference?

**Scheinman:** I didn't really answer in that context. I was answering more in the context of bilateral strategic stability discussions. But now, in the context of the NPT review, we did meet regularly with China as part of the P5 process prior to Russia's invasion of Ukraine. But our NPT dialogue with China isn't limited to the P5, and we will pursue all avenues for dialogue as we would with any other NPT state-party. We have our differences but probably many more NPT issues on which we agree.

**ACT:** May 26 marks the 50th anniversary of the first U.S.-Soviet nuclear arms control agreements: the Strategic Arms Limitation Talks (SALT I) agreement and the ABM Treaty,

which emerged after the NPT entered into force in 1970. If there is no official U.S.-Russian dialogue on strategic stability, nuclear risk reduction, or disarmament now, how does the Biden administration think the two sides can maintain verifiable limits on their strategic stockpiles past 2026, when the New Strategic Arms Reduction Treaty (New START) is due to expire?

**Scheinman:** I'm glad you note the anniversary of SALT I and the ABM Treaty. It has particular personal meaning to me because my first job in the field out of grad school was for a small Washington-based think tank led by Ambassador Gerard Smith, who was the negotiator of the SALT I and ABM treaties. This is someone who understood the purposes of nuclear arms control as well as anyone. He understood that arms control was needed for both stable nuclear deterrence and to preserve the future credibility of the NPT, that we couldn't choose whether to base our nuclear strategy on deterrence or arms control, that we have to do both together, and I think that is exactly true for today. It's among the reasons why President Biden on his first day in office gave the administration direction to extend New START for five years, to 2026.

Looking ahead, our thinking about future steps in arms control with Russia hasn't changed following Russia's invasion of Ukraine. We remain interested in pursuing a future agreement that maintains control on intercontinental-range systems and deals with some of the novel nuclear systems that Russia has developed, as well as nonstrategic nuclear weapons, which aren't subject to any arms control agreement and which Russia has developed in violation of the Intermediate-Range Nuclear Forces Treaty, at least in the intermediate-range category.

We also remain open to pursuing a broader type of arms control to address strategic stability, which could mean discussion of threat perceptions and of non-nuclear systems that can have strategic effect—conventional, missile defense, and so forth. Strategic stability talks are on hold given Russia's actions in Ukraine. I can't predict when it would be appropriate to resume that dialogue, but we'll certainly consider doing so when it best serves U.S. interests.<sup>i</sup>

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<sup>i</sup> <https://www.armscontrol.org/act/2022-06/features/save-irreplaceable-nuclear-nonproliferation-treaty-interview-adam-scheinman?emci=fd273d46-600f-ed11-b47a-281878b82c0f&emdi=ca36f8bc-610f-ed11-b47a-281878b82c0f&ceid=15315930>