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# Detering or Dissuading NPT Withdrawal: Lessons for the Like-Minded

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## THE PROBLEM OF NPT WITHDRAWAL

It has now been nearly 29 years since North Korea, or the Democratic People's Republic of Korea (DPRK), first announced its withdrawal from the Nuclear Nonproliferation Treaty (NPT) in March 1993. This occurred after it was caught violating that treaty—as well as its safeguards agreement with the International Atomic Energy Agency (IAEA)—by engaging in undeclared plutonium activities. North Korea “suspended” its withdrawal from the NPT right before it came into effect in June of that year, then completed the exit in January 2003 after having been confronted by U.S. officials with evidence of undeclared work to enrich uranium for nuclear weapons. Since its NPT withdrawal 18 years ago, North Korea has tested nuclear weapons on multiple occasions and developed a force of Intercontinental Ballistic Missiles (ICBMs) and other nuclear weaponry, which it uses to threaten its neighbors and the rest of the world.

Ever since Pyongyang completed its withdrawal from the NPT after being caught cheating for the second time, the international community has struggled with how to manage the prospect of further withdrawals. In the wake of its withdrawal, North Korea undertook a series of destabilizing provocations

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that ought to have reminded the world of the baleful potential consequences of such a step—a parade of horrors that includes destabilizing a regional military balance and facilitating aggression, augmenting proliferation pressures upon other regional states, making possible transfers of weapons, technology, or materiel to additional states or non-state actors, and increasing the danger of nuclear accident or uncontrollable escalation. Despite such reminders, however, various other governments have in recent years *also* threatened to withdraw from the NPT, including Iran,<sup>1</sup> Turkey,<sup>2</sup> and Saudi Arabia.<sup>3</sup> Moreover, several prominent politicians in South Korea have called for their country to consider developing nuclear weapons in response to DPRK threats.<sup>4</sup> Press reports have suggested the possibility that similar debates occurred in Japan.<sup>5</sup> Even Myanmar is reported to have considered the possibility not long ago.<sup>6</sup>

The international community has tried to respond to DPRK provocations through increasingly severe UN Security Council sanctions imposed between 2006 and 2017,<sup>7</sup> as well as through a range of multilateral and unilateral responses by various nations.<sup>8</sup> The global response to the question of how

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To be sure, the United States has tried periodically to raise this question, urging attention to the issue of deterring withdrawal in the NPT review process,<sup>9</sup> and publishing multiple policy papers on this topic at NPT meetings.<sup>10</sup>

U.S. diplomats have not been alone. In 2008, for instance, South Korea joined the Americans in calling upon all states to cease nuclear cooperation with any country that withdrew from the NPT. Seoul also asked for steps to be taken to ensure that withdrawing states can no longer benefit from nuclear material they acquired while a party to the treaty—including requiring the elimination or the return of such items to their original supplier in the event of the recipient's withdrawal. The resulting joint U.S.-South Korea paper also urged the UN Security Council to ensure continuity of IAEA nuclear safeguards in any country that withdraws from the NPT.<sup>11</sup> Among European counterparts, France has further urged that a country that violates the NPT should not be permitted to escape accountability for its noncompliance simply by withdrawing, while Germany has urged that all nuclear material and technology a withdrawing country obtained while an NPT party be thereafter restricted to exclusively peaceful purposes.<sup>12</sup> For its part, Luxembourg has recommended that all of a country's pre-existing nuclear materials, equipment, technologies, and

facilities be “restricted to peaceful uses only” and remain subject to IAEA safeguards after withdrawal.<sup>13</sup>

While the question of how to deter further withdrawals has never been omitted from the international agenda, such deterrent proposals have so far been unable to elicit enough support to permit much of anything to be done. To date, no action has been taken along any of the lines suggested by those governments, with the sole exception of UN Security Council Resolution 1887 of 2009. This is a non-binding measure that merely “encouraged” nuclear suppliers to acquire the return of items or material in the event that a recipient withdraws from the NPT, and “urged” states to make permanent IAEA safeguards a condition of nuclear supply.<sup>14</sup>

To further complicate matters, it has never been completely evident whether NPT States Party actually agree that the DPRK fully withdrew from the treaty in the first place. This led to the dispiriting diplomatic charade in which North Korea’s name plate was kept behind the chair’s desk at NPT conferences rather than being either displayed (which would signal that the DPRK remained a State Party) or discarded (which would signal the legal efficacy of its 2003 withdrawal).<sup>15</sup> With even that point apparently being too contentious for the international community to handle, it is not surprising that addressing the broader withdrawal question has proven to be too much.

Therefore, from the very first moment that China began working to keep the UN Security Council from acting against North Korea in response to its withdrawal from the NPT—an effort that successfully prevented Council action until Pyongyang’s first nuclear test three years thereafter—the “withdrawal issue” has languished.<sup>16</sup>

### THE GOLDSCHMIDT PROPOSALS

The failure to act on deterring NPT withdrawal has certainly not been due to a lack of ideas. In addition to the abovementioned proposals made in the 2000s by several NPT States Party, former IAEA Deputy Director General for Safeguards Pierre Goldschmidt—leader of the IAEA’s safeguards work when North Korea withdrew from the treaty—published an important examination of the question in January 2020.<sup>17</sup>

Goldschmidt acknowledged that because the NPT contains an explicit withdrawal clause in Article X,<sup>18</sup> it was

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“impossible” to deny the right of States Party to withdraw. He argued, however, that it was not impossible “to put in place appropriate preventive measures to dissuade withdrawal from the Treaty.”<sup>19</sup> Specifically, he urged the UN Security Council to adopt “a legally binding generic resolution” providing the IAEA expanded verification rights when a state is found to be in noncompliance with safeguards, ensuring that all sensitive fuel cycle facilities in a withdrawing state remain covered by “irreversible” safeguards agreements, and mandating that previously safeguarded materials and facilities not be used for weapons production after withdrawal.<sup>20</sup>

In Goldschmidt’s view such a “generic and legally binding resolution” would define any announcement of NPT withdrawal as “a threat to international peace and security” under Article 39 of the UN Charter, thus teeing up subsequent legally binding Council action to impose specific consequences as soon as the withdrawal became effective. He also suggested an alternative approach whereby the Council would decide in advance that any notice of withdrawal would be deemed a threat to international peace and security if the country in question had first been found by the IAEA to be in violation of its safeguards obligations.<sup>21</sup> Goldschmidt also recommended that the Nuclear Suppliers Group (NSG) adopt the requirement of “irreversible safeguards” as “an export condition before making any nuclear-related transfer to a state.”<sup>22</sup> His hope, in other words, is for the international community to come together—in advance of another state’s withdrawal—to establish clear ground rules.

## WITHDRAWAL AND ITS DISCONTENTS

Given the attention on deterring and responding to NPT withdrawal over the years and the lack of progress on such matters, it is worth exploring why the international community has not been willing to do more—even as North Korea has provided the world with a clear lesson about the potential problems that withdrawal can produce. The reasons seem fairly clear, though they vary considerably between several groups of key stakeholders.

### *Differing Political Perspectives on Withdrawal*

The most discreditable actor in this drama, of course, is Iran. Previously caught in violation both of its safeguards obligations and of Article II of the NPT,<sup>23</sup> Iran has threatened to withdraw if the international community does not give it what are in effect extortion payments.<sup>24</sup> As such, even leaving aside any domestic political pressures that may now exist given the degree to which the Iranian regime has sought to depict restraints upon

its nuclear ambitions as an affront to national pride, Iran naturally has an interest in preventing anything being done to make its own potential future withdrawal more difficult. In this, unfortunately, Iran shares an interest with countries such as Saudi Arabia and Turkey, whose authoritarian leaders might contemplate such a move themselves, particularly if Iran withdraws first. Iran does not have many overt diplomatic allies in NPT-related debates, but its *de facto* sympathizers certainly stand in the way of progress.

In explaining the paralysis of the UN Security Council on such matters, however, one needs to look no further than Russia and China. Both countries have effectively signaled over the years that they do not mind nuclear weapons proliferation, provided that it does not directly threaten them and that it does threaten the interests of the United States and its allies. During the Cold War, the Soviets drew a hard line against any possibility of proliferation to additional countries within the NATO Alliance,<sup>25</sup> but they were willing—at least before the Sino-Soviet split—to help China develop its own weapons program.<sup>26</sup> They later worked constructively with the United States to draft the NPT.<sup>27</sup> In more recent years, however, the government of Vladimir Putin seems again to have soured upon nonproliferation, undertaking an unsuccessful effort—in collaboration with pro-nuclear-weapons hardliners in the Iranian Revolutionary Guard Corps—to sabotage negotiations with Iran to rein in its nuclear program.<sup>28</sup> Russian diplomats have also worked to undermine IAEA safeguards around the world, such as by resisting IAEA efforts to implement its “state level concept” for modern safeguards implementation, and by trying to reduce IAEA investigative authorities under the Joint Comprehensive Plan of Action (JCPOA) with Iran.<sup>29</sup>

China, for many years, also seems to have felt perfectly comfortable with nuclear proliferation to recipients whose possession of such weapons complicate national security planning for Beijing’s adversaries. According to U.S. nuclear weapons scientists Thomas Reed and Danny Stillman, Chinese officials in the early 1980s

“apparently decided not only to tolerate, but also to actively support the proliferation of nuclear weapons within the Third World. China welcomed Pakistani nuclear scientists to Beijing and passed along information on the CHIC-4 A-bomb design to those visitors. ... There is also evidence the Chinese conducted an underground nuclear test for the Pakistanis at Lop Nur on May 26, 1990, well before Pakistan’s announced 1998 shots in South Asia.”<sup>30</sup>

Even in recent years, China has continued to permit transfers of technology to Iran’s missile program,<sup>31</sup> and—as described above—has worked to protect its troublesome DPRK quasi-client state from accountability at

the UN Security Council, and to shelter it from United Nations efforts to investigate North Korean sanctions evasion.<sup>32</sup>

The unfortunate Russian and Chinese track record of *de facto* toleration of proliferation, where it principally threatens the United States and its allies, appears to carry with it the implied codicil that withdrawal from the NPT should not be made too challenging for regimes such as the DPRK or Iran. Otherwise, it may be more difficult for Moscow or Beijing to continue to use proliferation as a tool of grand strategy as they work to restructure the U.S.-centric post-Cold War global environment to privilege their own relative power. This does not mean that they necessarily seek proliferation itself, and it is surely the case that both Russia and China would fiercely oppose NPT withdrawal and nuclear weapons development by a U.S. ally either in NATO or in the Indo-Pacific. Nevertheless, it does seem to mean that Moscow and Beijing cannot be counted upon to do much to make withdrawal by Iran or some other West-vexing “rogue” regime any more difficult. Their behavior at the UN Security Council supports this conclusion.

Another group of states uneasy with doing more to deter NPT withdrawal can loosely be seen as centering around the Non-Aligned Movement (NAM). NAM states seem to be hesitant about anything related to making withdrawal more unattractive, not necessarily out of any desire to *see* such withdrawal occur, but for reasons more abstract and ideological.

From a NAM point of view, the NPT is to some extent an intrinsically “unfair” instrument that divides the world into nuclear “haves” and “have-nots,”<sup>33</sup> and under which non-possessors of nuclear weapons are bound to forswear them. But, as many in the NAM see it, the NPT nuclear weapons states (NWS) either unjustly do not have to give up such weaponry or have inexcusably failed to do so. Some also contend that the indefinite extension of the NPT in 1995 represented an additional layer of “bargain” under which the NWS must disarm. Without progress toward such disarmament, non-possessors feel that it is problematic to remain forever bound by the treaty’s Article II obligations not to develop nuclear weapons.<sup>34</sup>

This NAM perspective is notably flawed. It ignores much of the NPT’s own history and negotiating record and confuses important questions of international law.<sup>35</sup> It also overlooks the treaty’s nature as a “bargain” that includes the nuclear non-possessors themselves—which reap profound security benefits from the NPT because they “have powerful reasons not to see their neighbors or regional rivals acquire nuclear weapons, and ... would lack nuclear tools with which to deter threats from proliferators if this occurred.”<sup>36</sup> Nevertheless, such NAM-flavored positions are apparently sincerely felt and vociferously defended.

Through the NAM prism, making NPT withdrawal more difficult would accentuate the supposed injustice of the treaty's structure, threatening to "lock" non-nuclear weapon states (NNWS) into constraints from which they have every reason to preserve the option of departure. To be sure, supporters of measures that deter withdrawal have often carefully qualified their position to make clear that they only wish to deter withdrawal by a state that has been found in violation of the treaty.<sup>37</sup> Yet this distinction appears insufficient to win significant NAM support. For the NAM, the very idea of doing anything to "impede" exercise of the withdrawal right specified in the NPT is apparently unacceptable.

### *The Challenge of Impeding All Withdrawal*

Indeed, it must be admitted that while one neither can nor should defend a country for trying to "cure" noncompliance by withdrawing from the NPT after having been caught in a violation, there is a strong and principled argument against measures that would restrict the exercise of Article X withdrawal *per se*. However, the argument against de-privileging all NPT withdrawal has little or nothing to do with NAM-style confusions about the treaty's structure or history.

To some degree, this argument lies in simple contractual fairness, insofar that there is something anomalous about retroactively changing terms on the basis of which a country signed and ratified a treaty containing an express withdrawal provision. More fundamentally, there is a substantive policy reason why the NPT has a withdrawal provision in the first place. Article X(1) allows withdrawal where a State Party decides that "extraordinary events, related to the subject matter of this Treaty, have jeopardized the supreme national interests of its country."<sup>38</sup> As North Korea has demonstrated, it is clearly possible for a country to invoke this provision when in fact it does not truly face such a threat. (After all, through a combination of conventional forces and chemical and biological threats to the South Korean capital of Seoul, North Korea had for decades already successfully "deterred" the U.S. invasion it allegedly fears, even *before* whatever threat U.S. nuclear weapons in South Korea presented had disappeared with their withdrawal in the early 1990s.)<sup>39</sup> Nevertheless, one cannot say that it is impossible for a country to ever have a sound reason for withdrawal. It would thus be legally and morally wrong to deny the exercise of Article X(1) in all circumstances.

This prospect may not be well-received in some non-proliferation circles, but in a hypothetically grim future in which U.S. alliance guarantees have collapsed and an erstwhile U.S. ally such as Estonia, Poland,

South Korea, Japan, or even the Republic of China (Taiwan) faces an overwhelming threat of invasion by Russia or China, could one in good conscience tell that respective country that it must sacrifice its very existence on the altar of nonproliferation scrupulousness? In such an extreme scenario, the threatened country might well be able to truthfully declare—as the withdrawal provisions in the NPT require—that “extraordinary events” have “jeopardized ... [its] supreme interests” in ways that require the recovery of a nuclear weapons option to deter that aggression.<sup>40</sup>

The International Court of Justice made clear in its 1996 Advisory Opinion on nuclear weapons that even the use of nuclear weapons—let alone their development for deterrence—would be lawful “in an extreme circumstance of self-defense, in which the very survival of a State would be at stake.”<sup>41</sup> If such survival were indeed at stake, it would be hard to argue that NPT withdrawal in order to develop nuclear weapons would be entirely inappropriate.

The case for not trying to block such withdrawal, moreover, would be especially compelling if the threatened state were a rights-based, rule-of-law democracy and its adversary a brutal dictatorship. In this case, the long-standing political, moral, and international legal value of self-determination by sovereign peoples would also support a NNWS’s withdrawal from the NPT in order to ensure self-preservation through nuclear deterrence.<sup>42</sup>

### *The Importance of Deterring (Almost) All Withdrawal*

Nevertheless, one should not overread this caveat. The circumstances in which withdrawal should be justified would be exceedingly rare and would only arise in an existentially grave situation that corresponds to none of the actual or threatened cases of withdrawal that the world has seen. No country has yet made a serious case that it faces such circumstances. At least until one truly can, it makes sense to work to deter and penalize NPT withdrawal.

Even in such a justifiable case, one should not deny that the arrival of an additional “player” in the global nuclear weapons “game” would intrinsically raise the risks of nuclear weapons use through a failure of deterrence, escalation, miscalculation, or accident. Some risk may be worth paying if the alternative is the subjugation of a free people to tyranny, but such scenarios are certainly to be avoided if possible. This is further explored below, with regard to the importance of ensuring that no U.S. ally ever comes to feel such a need for their own weaponization.

Therefore, given the risks that would increase as a result of any proliferation, there are dangers in any NPT withdrawal. In any case other than



the sort of existential extremity described above, the international community continues to have strong reasons to make withdrawal as difficult as possible. It is not hard to envision examples.

Most obviously, it will remain very important to deter withdrawal by a country discovered to be in violation of the treaty (as occurred with North Korea). Such a state would not only have proved to be on a path toward nuclear weaponry—with all that this portends for international peace and security—but would also, through its violation, have demonstrated a degree of dishonesty and contempt for international law. This would undermine the credibility of any protestation that its “supreme national interests” had truly been threatened.<sup>43</sup>

Withdrawal by a country whose hegemonic regional ambitions already present threats to its neighbors—threats that nuclear weaponry would hugely exacerbate, as with Iran—would also clearly present a threat to international peace and security and should therefore be deterred. The same might also be said for withdrawal by:

- (a) a country that seemed interested in nuclear weapons merely as a way of increasing its influence in a bid for regional and global status (e.g., Turkey);
- (b) a state acting out of a strange sense of political pique or ideological principle (e.g., the allegation that the NPT is in some fashion “unfair”);
- (c) a country seeking to use that move as a bargaining tool with which to coerce sanctions relief or other benefits (e.g., Iran); and
- (d) a country that sought to make more viable some future weaponization “option” for which circumstances of existential threat did not give it a compelling need. These six examples are also surely not exhaustive.

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Despite my initial caveat about the theoretical possibility of justified withdrawal, Pierre Goldschmidt is therefore clearly correct to see it as important to deter NPT withdrawal in almost every imaginable case. Nevertheless, the various cross-cutting State Party interests that we have outlined above help explain why—despite thoughtful entreaties by Goldschmidt and others—the political stars have not yet aligned to permit general support for reasonable measures to disincentivize withdrawal by violators. To be sure, international stakeholders have been able to come together in response

to specific circumstances of NPT withdrawal after the fact. Even here, the international community's collective action problems have not generally permitted such action to be taken quickly enough to make much difference.<sup>44</sup> Nevertheless, there seems little likelihood of agreement upon anything like the kind of pre-established "generic" approach through multilateral mechanisms at the UN and IAEA that Goldschmidt advocates.

#### AN AGENDA FOR THE LIKE-MINDED

Thankfully, this does not mean that nothing can be done to help meet this challenge by countries of goodwill whose governments are serious about nonproliferation. Lack of agreement at the UN level need not preclude responses by coalitions of states with the good sense both to prize nonproliferation and to see threats to international peace and security for what they are.

#### *Disincentivize Destabilizing Withdrawal*

One place to start is for like-minded governments to act together to salvage something of Goldschmidt's withdrawal-ameliorative agenda by taking the following steps:

1. Such states should agree among themselves—in advance and as a matter of national policy that is reinforced by collective public declarations of mutually-reinforcing national commitment—to act resolutely against any state that withdraws from the NPT under circumstances that create a threat to international peace and security.
2. States serious about fighting proliferation threats should establish authorities in their national legislation for the imposition of mandatory sanctions triggered by a country's withdrawal from the NPT after having been either (a) found by the IAEA or by the UN Security Council to be in violation of IAEA safeguards or Article II of the NPT, or (b) found to be in such violation by appropriate national authorities in the state having such legislation. Even in the absence of a finding of violation, this legislation would also be triggered where national authorities deem that the circumstances of another state's NPT withdrawal present a threat to the country's national security or to international peace and security more generally.

It is worth remembering that the IAEA is not empowered to make direct findings of NPT violations; such determinations are inherently left to individual national authorities, either acting individually or speaking together in and through fora such as the UN. It would be a dereliction of duty not to exercise such judgment, and states serious about nonproliferation should not be squeamish about doing so—even acting entirely on their own, if need be. A state unwilling to speak out against violations of a treaty signals that it does not actually value that instrument. Those who value the NPT must not remain silent when it is violated.

3. The United States and its allies should establish agreed public understandings on these matters within their alliance networks in advance. Specifically, they should agree that withdrawal from the NPT by a country that has violated the treaty or that has expressed hostility toward one or more members of such an alliance inherently presents a threat to collective security. It could be also made clear that such withdrawal could provide a legitimate basis for requesting alliance assistance (e.g., through invoking NATO's Article 5) as a threat develops.
4. All states serious about nonproliferation and deterring destabilizing NPT withdrawals should press for the improvement of IAEA safeguards, including universalization of the Additional Protocol, in order to maximize the chance that a violation of safeguards or of the NPT itself would be detected early enough to permit potential remedial action before nuclear weapons threats emerge. Taking inspiration from UN Security Council Resolution 1887, they should also press for all NNWS to negotiate provisions with the IAEA pursuant to which indefinitely continuing INFCIRC/66-type safeguards would supersede Comprehensive Safeguards Agreements under INFCIRC/153 in the event of NPT withdrawal.<sup>45</sup> States might even make such ancillary agreements a condition of nuclear supply and promote an accepted standard based on “best practices” for safeguards implementation. Such steps would not affect the availability of withdrawal, but effective verification measures and continued monitoring might have some effect in deterring violations by making it harder to commit them without detection—or in maximizing the time available to try to overcome collective action problems in mobilizing an international response.

5. As already called for in Resolution 1887, like-minded countries serious about nonproliferation should insist that “disgorgement” provisions be included in nuclear cooperation agreements. Items, technology, or material provided under such agreements would have to be returned to their country of origin (or otherwise appropriately disposed of) in the event of NPT withdrawal by their recipient. A country’s refusal to agree to such a proviso would be interpreted as a sign of potential nuclear weapons intentions—and presumably a compelling reason not to supply it with nuclear technology or material in the first place. Adherence to the IAEA Additional Protocol should also be made a firm condition of nuclear supply by all technology possessor states. This requirement is presently insisted upon only by the United States and Japan, to the shame and discredit of China, France, Russia, and South Korea.

Having like-minded nonproliferation-responsible states adopt these measures as collective national policy priorities would not be as effective as legally-binding UN Security Council resolutions. Nevertheless, moves in this direction by coalitions of like-minded governments would still represent important steps beyond current practice, and send a constructive message to those who might contemplate withdrawal. They would help, in some degree, to make destabilizing and provocative North Korea-style withdrawals—e.g., by Iran—less attractive and therefore less likely.

#### **AVOIDING AN ALLY’S WITHDRAWAL**

There may also be more that a coalition of sensible like-minded states can do with regard to preventing any NPT State Party—for instance, a democratic government whose continued existence is threatened by a powerful autocracy, assuming that democracy can no longer credibly rely upon security guarantees given to it by others—from confronting a situation in which withdrawal might genuinely be needed.

Given that the strength and credibility of the security guarantees provided by U.S.-led alliance networks has for many decades helped obviate any need for developing nuclear weapons by NNWS within them,<sup>46</sup> a key priority must be to shore up and strengthen America’s alliances. It is essential to ensure that despite severe and growing threats from Russia and China, no U.S. ally will ever feel that it has no choice other than to resort to NPT withdrawal and nuclear weapons development.

This is not a challenge for the United States alone, since in order for

these alliances to continue providing credible security guarantees to potentially threatened partners within them, all allies will have much work to do. Shirking on burden-sharing and mutually supporting defense spending and modernization within an alliance framework, for example, must be seen as grossly irresponsible. This can directly contribute to making NPT withdrawal and subsequent nuclear weapons proliferation more likely.

Burden-sharing questions are commonly depicted as disputes between the United States and individual allies attempting to shirk their responsibilities, but they are in fact problems between such allies as well. A country that refuses to pay its fair share of alliance costs and live up to collective defense commitments is an ally that disregards the security of its neighbors within that alliance. As a result, such a country that shirks its responsibilities makes its neighbors less secure and contributes to proliferation pressures.

Failure to invest in the continued efficacy of collective nuclear deterrence strategies—e.g., the refusal to permit U.S. deployments of nuclear weaponry needed as part of the Atlantic Alliance deterrent—are also grossly irresponsible and must be avoided. For many decades, U.S. “extended” nuclear deterrence in Europe, and the Indo-Pacific has been an essential element of ensuring that regional allies do not face regional threats that can be met only by their own indigenous development of nuclear weaponry. Therefore, policies that undermine alliance deterrence strategies make NPT withdrawal and proliferation more likely.

America’s allies clearly have much work to do in shoring up these alliance networks, and the biggest burden falls upon Washington. It is absolutely essential that U.S. leaders remain strongly committed to preserving the credibility and effectiveness of the security guarantees—including the “extended” nuclear deterrence guarantees—that America’s alliances provide to countries that might otherwise feel the need to resort to more autonomous varieties of nuclear deterrence. Ensuring the solidity of these guarantees will have both nuclear and conventional force posture implications, as well as requiring that the United States credibly signal not just its capability but also its willingness to come to allies’ aid when needed.

In the nuclear realm, it will be important to retain U.S. capabilities—or build them where necessary—as they provide credible responses to the growing threats presented by Russian and Chinese strategic and non-strategic nuclear (or dual-capable) delivery systems. To provide a specific empirical case, the lower-yield W76-2 warhead recently deployed on some U.S. ballistic missile submarines should be retained.<sup>47</sup> The United States should also move rapidly to replace the nuclear-armed submarine-launched cruise missile (SLCM) capability that was unilaterally scrapped by the

Obama administration in 2010 to the consternation of U.S. allies in the Indo-Pacific threatened by North Korean and Chinese military power.<sup>48</sup> If the U.S. alliance system is to continue to meet the existential security requirements of its allies, the United States must continue to maintain and properly resource its nuclear weapons infrastructure.<sup>49</sup>

Non-nuclear capabilities that contribute to deterring aggression against U.S. allies must also be augmented so as to keep up with growing Sino-Russian threats. Now that the bilateral Intermediate-Range Nuclear Forces (INF) Treaty has collapsed as a result of Russia's violation of it, conventionally-armed intermediate-range systems (whether land-, sea-, or air-launched) should be a particular priority. These systems offer ways to degrade adversary "anti-access/area denial" (A2/AD) capabilities more easily and effectively than through exclusive reliance upon manned aircraft, thus preventing China and Russia from using their A2/AD and theater nuclear weapons to create envelopes of "denied space" projecting out from their borders over the territory of key U.S. allies, and under which aggression might be contemplated without fear of effective counter.<sup>50</sup> Effective deterrence relies upon being able to deny Beijing and Moscow these opportunities, and this will soon require more theater or regional conventional military capabilities than the United States and its allies presently possess.

Across the range of military capabilities—including next-generation tools facilitated by innovations in emerging technology fields such as human-machine teaming, as well as through steps to deter or counter Russian and Chinese militarization of outer space and cyberspace,<sup>51</sup> it will be essential to ensure a robust, effective, and resilient U.S. and allied force posture. In light of the threats facing U.S. alliances, such capabilities are vital on their own terms. However, we must not forget that as components of deterrence and ally reassurance, they are also essential bulwarks against NPT withdrawal and nuclear weapons proliferation.

It will also be important for U.S. leaders to take seriously their responsibilities in giving allies the security assurances they need. It will not be enough, as demonstrated by past events, for American officials to adopt the force posture and declaratory policies they want, and then to lecture U.S. allies about how those choices should be reassuring to them. As threats grow in the security environment, power balances shift, and alliance solidarity increasingly depends upon collective endeavors, U.S. leaders must truly listen to what our allies tell them. Even if this is often only in private, it will be most reassuring to them, and we must make their desires and needs an important factor in our own procurement and planning—especially in the nuclear arena.

If regional threats to U.S. allies grow especially severe, the United States must not be afraid to consider creative solutions to deter aggression and alleviate the nuclear weapons proliferation pressures that risk of aggression can create. When NATO allies were confronted with grave Warsaw Pact threats in Central Europe during the Cold War, great effort was put into the development of NATO's "nuclear sharing" construct to help meet these needs.

Under NATO "nuclear sharing," the United States deployed nuclear weapons in Europe that were carefully kept under U.S. lock and key. Hence, the weapons were not an NPT compliance problem under Article I,<sup>52</sup> as even Moscow acknowledged during the collaborative U.S.-Soviet negotiation of that provision.<sup>53</sup> They were, however, designated for potential release to and employment by multiple NATO allies in time of war, quite separately from the national nuclear forces maintained by the United Kingdom and France.<sup>54</sup> The "nuclear sharing" construct sought to do three things simultaneously: (1) confronting would-be invaders with the near-certainty of a NATO nuclear response notwithstanding the emergence of strategic Soviet threats to U.S. cities; (2) reassuring NATO allies such as West Germany that they did not need their own nuclear weapons because U.S. devices would be made available in time of conflict; and (3) reassuring the Soviets against the provocative development of additional individual national nuclear weapons programs in NATO states were all "nuclear sharing" innovations. This system thus deftly supported deterrence, reassurance, nonproliferation, and crisis stability, and it continues to support alliance needs in the present day.<sup>55</sup>

Thankfully, there is so far no need to contemplate an analogous arrangement of forward deployments and "dual-key" storage in the Indo-Pacific, nor for any major revision of such arrangements within NATO. We should remember this history, however, for it reminds us that careful planning and thoughtful diplomacy can sometimes discover ways forward that balance complex deterrence, reassurance, nonproliferation, and crisis stability needs. One hopes that such creativity is not needed in the future. However, in worsening circumstances these concepts might still be better than the most likely alternative: weakened deterrence and increased proliferation pressure that potentially leads to conflict, NPT withdrawal, and nuclear weapons development by a U.S. ally. From the perspective of deterring NPT withdrawal, strong U.S. alliances can help make justified departures from the treaty framework unnecessary, thus allowing all states to focus more intently and directly upon deterring future North Korea-like problems.

## CONCLUSION

The abovementioned twin-track agenda includes building like-minded coalitions of states committed to deterring destabilizing NPT withdrawal while shoring up U.S. alliances against Sino-Russian threats in order to reduce the likelihood of withdrawal by one of America's allies or another state finding itself in the crosshairs of such potential aggression. It is different than the more broadly internationalist approach advocated by Pierre Goldschmidt. Nevertheless, as long as the international community remains as divided as it has hitherto been on the withdrawal issue, as afflicted by proliferation-tolerant policies in Moscow and Beijing, and as paralyzed by multilateral timorousness and collective action problems, this twin-track approach may be the best one available.

The United States has partners who take nonproliferation seriously, and who seem to be deeply concerned about the possibility of further North Korea-style withdrawal from the NPT, particularly by Iran. These are states with whom we ought to collaborate in implementing a constructive agenda. We should not give up hope on more internationalist answers, but rather than simply waiting for the international community to do what it seems manifestly unwilling to do, we have before us an opportunity to use our own statesmanship to make progress in a dangerous world. *f*

## ENDNOTES

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