

Contents

CHAPTER 19	649
Arms Control, Disarmament, and Nonproliferation	649
A. GENERAL	649
Compliance Report	649
B. NONPROLIFERATION	650
1. Non-Proliferation Treaty	650
2. Civil Nuclear Cooperation.....	662
3. Proliferation Security Initiative (“PSI”).....	665
4. Country-Specific Issues	665
<i>a. Iran</i>	<i>665</i>
<i>b. Japan</i>	<i>666</i>
<i>c. Romania</i>	<i>667</i>
<i>d. Agreements on Nuclear Safety</i>	<i>667</i>
C. ARMS CONTROL AND DISARMAMENT	668
1. United Nations.....	668
<i>a. Arms Trade Treaty.....</i>	<i>668</i>
<i>b. Conference on Disarmament</i>	<i>668</i>
2. MTCR.....	673
3. New START Treaty.....	676
4. INF Treaty	676
D. CHEMICAL AND BIOLOGICAL WEAPONS.....	681
1. Organization for the Prohibition of Chemical Weapons (“OPCW”).....	681
<i>a. Conference of States Parties</i>	<i>681</i>
<i>b. OPCW Adds Novichok to CWC Annex on Chemicals.....</i>	<i>683</i>

2.	Chemical Weapons in Syria	683
a.	<i>Fact-finding mission report on chemical weapons use in Douma in 2018</i>	683
b.	<i>Anniversary of Attack in Ghouta</i>	684
3.	Finding of Non-Compliance with CWC: Burma.....	685
4.	Biological Weapons.....	685
Cross References		686

CHAPTER 19

Arms Control, Disarmament, and Nonproliferation

A. GENERAL

Compliance Report

In April 2019, the State Department submitted its report to Congress on “Adherence to and Compliance with Arms Control, Nonproliferation, and Disarmament Agreements and Commitments,” including an unclassified trends section, pursuant to Section 403 of the Arms Control and Disarmament Act, as amended, 22 U.S.C. § 2593a. A longer unclassified version of the report was released in August 2019. The 2019 Report addresses U.S. compliance with and adherence to arms control, nonproliferation, and disarmament agreements and commitments, other States’ compliance with and adherence to arms control, nonproliferation, and disarmament agreements and commitments pertaining to nuclear issues, other States’ adherence to missile commitments and assurances, and other States’ compliance with and adherence to arms control, nonproliferation, and disarmament agreements and commitments pertaining to chemical issues, biological issues, and conventional issues. The 2019 report primarily covers the period from January 1, 2018 through December 31, 2018. The report is available at <https://www.state.gov/2019-adherence-to-and-compliance-with-arms-control-nonproliferation-and-disarmament-agreements-and-commitments-compliance-report/>.

B. NONPROLIFERATION

1. Non-Proliferation Treaty

On December 9, 2019, Assistant Secretary of State Christopher Ashley Ford addressed the NATO Parliamentary Assembly at the National Defense University in Washington, D.C. on responsible nuclear weapons stewardship. His remarks are excerpted below and available at <https://www.state.gov/challenges-of-policymaking-in-responsible-nuclear-weapons-stewardship/>.

* * * *

Every review conference of a treaty is, by definition, a chance to look back and review how countries have handled the challenges the instrument was designed to address, and how they have (or have not) lived up to its aspirations. It is also a chance to draw lessons from that history about how best to approach what challenges remain before us. The upcoming 50th Anniversary of the Nuclear Nonproliferation Treaty (NPT)'s entry into force is an especially good opportunity for such stock-taking — and for assessing our own way ahead — as we remember its successes, assess its limitations, and plan for the future by recommitting ourselves to the Treaty and to ensuring that it does at least as well in its second half century as it did in its first.

And I do think it's important to look back on the NPT's history, not least in order to remind ourselves of what we have accomplished — and thus what might be imperiled if we allow the nonproliferation regime to weaken. [As I've pointed out many times](#), it is critical on this anniversary to remember the security benefits that the NPT has brought to the world by helping forestall the catastrophic proliferation of nuclear weapons and risk of nuclear war that experts feared in the early 1960s. It is also critical to remind ourselves of the ways in which the nonproliferation regime has provided a foundation for other benefits we all hold dear, such as by making possible worldwide sharing of the benefits of peaceful nuclear technology, and by helping keep proliferation from precluding movement toward disarmament. It is of paramount importance that we remember all this on the Treaty's Golden Anniversary.

I. Seriousness and Unseriousness

But what I'd like to do today is take a slightly different approach, by exploring with you less *what* has been accomplished by the nonproliferation regime as a whole than drawing lessons from *how* some of this was done. I think such historical lessons can illustrate the complexities of living in a nuclear-armed world, as well as provide us examples to draw upon today from how thoughtful statesmen have wrestled with these challenges in the past.

* * * *

Studying our collective history in the nuclear realm can help us learn how to approach our collective future more wisely. Among other things, aspects of the NPT's history can help illustrate at least two points to assist us in being prepared for its next 50 years. Familiarity with this history can provide a corrective for moralistic absolutism and oversimplification, by

demonstrating how complex the various legitimate equities actually involved in nuclear policymaking can be. And it can provide insights into how such equities indeed *can* sometimes be balanced in responsible and enduring ways.

Such lessons are, I would submit, extremely important to all of us today. Whether we acknowledge it or not, those of us in government charged with such policy questions bear heavy responsibilities for stewardship of our countries' national interests — and those of international peace and security more broadly — that I believe we would betray by cynical fluidity and moralistic obsession alike. It is our job to navigate the ship of state between these rocks, and the study of history can help us do so better.

II. *Responsible Nuclear Stewardship: A Case Study*

To that end, my case study in nuclear negotiating and the challenges of responsible nuclear weapons stewardship derives from the dilemmas that the United States faced in trying to maintain NATO's nuclear deterrent against the threat of Soviet aggression while bringing to closure its negotiations with the Soviet Union over the core provisions of the international convention that would ultimately become the NPT. This example is valuable, I would argue, for a couple of reasons.

For one thing, it helps insulate us in the present day against propagandistic manipulation, for if you believe current Russian narratives, everything I am about to tell you is false and NATO nuclear policy violates the NPT. We should remember history in order to repudiate such disingenuous silliness. More importantly, however, this case study is important because it helps illustrate how responsible nuclear stewards struggle — but can nonetheless succeed — in balancing complex, interrelated equities. So let's take a look.

A. Balancing Equities

As the NPT negotiations advanced, Washington found itself having to manage a number of important equities. All of these were legitimate and important, but not all of them seemed to point in the same direction, at least not easily.

One obvious one was the importance in the mid-1960s of bringing the NPT negotiations to a close. U.S. intelligence estimates had for some years been giving grim forecasts of the nuclear weapons proliferation that could happen [as various countries around the world acquired the technical capacity to develop such weapons](#). Accordingly, there was a strong sense of urgency in successfully concluding a treaty that would help reduce these dangers. Ever since the so-called "Irish Resolution" at the United Nations in 1961, the conceptual core of the proposed treaty was the need for provisions both barring non-possessors from getting (or trying to get) nuclear weapons and barring possessors from giving non-possessors access to such devices or know-how. These twinned prohibitions indeed ultimately became Articles I and II of the NPT, but as of the mid-1960s there was not agreement between Washington and Moscow upon the details.

One source of such disagreement was the relationship between these core nonproliferation rules and another important equity the United States also badly needed to protect — specifically, the need to ensure the continued efficacy of the nuclear deterrent with which Washington confronted the Soviet Union as NATO and the Warsaw Pact faced off in Central Europe. With the Alliance numerically outgunned on the central front, it was critical to U.S. and NATO planners that they maintain a *nuclear* deterrent posture sufficient to deter the Soviet aggression that they most feared, and which they felt unequipped to meet with

conventional arms alone. This meant that NATO needed to make its threats of nuclear retaliation against Soviet attack highly believable.

A third equity was the importance of constraining nuclear proliferation pressures *within* NATO, and this was greatly complicated by game-theoretical problems of deterrence within an alliance framework. Specifically, the challenge was to make nuclear deterrence credible not merely to Moscow, but indeed to the NATO allies themselves.

The construct of U.S. “extended nuclear deterrence” in support of NATO relied heavily upon Washington’s willingness to use its own nuclear forces to back up the Alliance, and U.S. planners went to great lengths to make this threat as credible as possible. Nevertheless, the fact remained that the anticipated ground battle for Europe would take place thousands of miles from the U.S. homeland, and would most immediately decide the fate of territories and peoples that were not, at the end of the day, American.

This led some Europeans to worry about the possibility of the Alliance being “decoupled” from Washington, inasmuch as a Soviet invasion that *only* threatened Europe would confront the Americans with the choice — in phrasings one might have heard at the time — of whether to sacrifice Chicago in order to save Hamburg. It was central to U.S. planning to make American nuclear weapons available to prevent defeat at the hands of Warsaw Pact armor in Europe, but some Europeans worried that, in a pinch, Washington might opt to *avoid* risking Chicago. Might the United States, they feared, be tempted to *not* intervene with U.S. nuclear weapons against a Soviet invasion if doing so would imperil U.S. cities?

At least some such concerns might be imagined to lie behind the British and French decisions to maintain their own, independent nuclear deterrents — but such thinking was not confined to London and Paris. West Germany, in particular, also had such fears, and much of NATO planning during this period was devoted to trying to provide an answer to this reassurance problem that did *not* involve the Germans acquiring their own nuclear weapons — as indeed some in Bonn did feel might be needed. At this point in the mid-1960s, Nazism and World War II were still very recent memories, and the thought of German fingers on the proverbial nuclear “button” was a worrying one even in the West, and a terrifying one in Moscow.

And here’s where it got particularly tricky, however, because some of the ways one might reassure allies against “decoupling” might be *very* problematic from the perspective of crisis stability vis-à-vis the Warsaw Pact. How could the Federal Republic of Germany (FRG) be made sufficiently comfortable with the reliability of nuclear deterrence — and thus dissuaded from itself engaging in weaponization — without steps being taken that might exacerbate the escalation-management challenges associated with having more Western fingers on more triggers, and which could potentially also provoke overreactions from Moscow?

When my story begins, NATO had already begun to consult with NATO allies about potentially making U.S. nuclear weapons available to some of them in time of war. But at this point in the mid-1960s, NATO was entertaining a further possibility: a Multilateral [Nuclear] Force (MLF) of jointly-owned and -controlled nuclear missile submarines manned by crews drawn from the various NATO nations.

The MLF, however, was opposed by Moscow with a vehemence that threatened, at the very least, to sink the global effort then underway to establish a nonproliferation regime. Worse still, these dilemmas threatened to make the deterrent standoff in Central Europe more unstable. What ability the MLF might give NATO allies to launch nuclear weapons independently was not

entirely clear — at least not to Moscow, at any rate — and it might in any event give these allies access to some non-trivial amount of nuclear weapons knowledge. To the degree that Soviet planners imagined the FRG being able to launch NATO nuclear weapons against them at will, these discussions raised important questions of crisis stability vis-à-vis the Kremlin.

These challenges with the FRG thus wrapped together a complex brew of deterrence, reassurance, nonproliferation, and crisis stability issues. All of these equities came together in U.S.-Soviet negotiations over what would become Article I of the NPT: the Treaty's provision prohibiting helping others acquire nuclear weapons.

The resolution of all this balancing is well known to anyone who has followed these issues. It occurred in three more or less simultaneous moves:

- First, the United States dropped the MLF concept (as well as the alternative Atlantic Nuclear Force concept) in favor of sticking with a construct of purely wartime nuclear sharing arrangements in which the Americans forward-deployed nuclear warheads in Europe that were slated for employment in conflict by Allied air forces, but in which the United States retained absolute control over these devices in peacetime and prior to any U.S. decision to implement any such wartime allocation;
- Second, the Soviets grudgingly *accepted* that this NATO posture was better than the available alternatives — and that it met Moscow's fundamental security needs vis-à-vis potential additional NATO states' access to nuclear weaponry — and they agreed to the text of what became the NPT, while conceding that NATO's mere nuclear consultations and training for wartime operations did *not* present Article I problems; and
- Third, the FRG accepted that these arrangements met Bonn's deterrence needs without the necessity of either MLF-style shared launch authority *or* indigenous weaponization.

This historic compromise successfully balanced the complex and simultaneously compelling equities of deterrence, reassurance, nonproliferation, and crisis stability — and this bargain has held ever since, at least so far. It is in this compromise that [the extraordinarily valuable nonproliferation norms of the NPT](#) and [U.S. nuclear deterrence policy](#) ended up working together to help establish, and provide a strong foundation for, the nonproliferation regime.

B. The Story in Documents

While its broad contours are well known, however, one new element in recent years is that thanks to the declassification of U.S. records from the years of the NPT's negotiation, it is now possible to document this story in great detail. I will spare you today the blow-by-blow details of how U.S., Soviet, German, and other Allied officials worked out this momentous understanding, but I will put a more complete description in the longer version of these remarks we post on the ISN Bureau website. Last year the United States released a declassified negotiating history and NATO released a collection of contemporaneous documents, and we are working to declassify more of the original record.

For present purposes, one can treat this documentary story as beginning in October 1965, when U.S. National Security Council staffer Spurgeon Keeny [wrote a memorandum to his boss, President Lyndon Johnson's National Security Advisor McGeorge Bundy](#), observing that the draft NPT text that had been tabled by the Soviet Union would prohibit the proposed NATO MLF concept, and potentially any other NATO bilateral arrangements. This was obviously a problem for Keeny, since those arrangements represented U.S. policy at the time. Nevertheless, he also observed, presciently, that Moscow “might eventually propose to give up

the language outlawing our NATO arrangements if we were prepared to give up the MLF.” Ambassador Jacob Beam, who headed the Arms Control and Disarmament Agency (ACDA)’s International Relations Bureau, [made a similar point to Secretary of State Dean Rusk a month later](#), recounting that discussions with the Soviets had “conveyed an impression of a degree of possible flexibility on the subject of existing [nuclear] arrangements in NATO.”

After mulling over these ideas, President Lyndon Johnson [wrote a letter to the Chairman of the Soviet Council of Ministers, Alexei Kosygin](#), in January 1966, declaring that the United States was “not prepared to enter into any agreement that would deny our allies the possibility of participating in their own defense through arrangements that would not constitute proliferation.” He also made pointedly clear, however, that Washington understood “proliferation” to occur only when “a non-nuclear nation acquires its own national capability or the right or ability to fire nuclear weapons without the explicit concurrent decision of an existing nuclear nation.”

With this letter to Prime Minister Kosygin — the version I have is undated, but it was probably written in January of 1966 — President Johnson thus clearly flagged to the Soviets the idea that notwithstanding prior MLF planning, NATO’s nuclear arrangements would stop short of allowing European allies possession or control of nuclear weapons: the weapons would remain U.S. weapons and under U.S. control, and Washington would retain absolute veto rights over their actual use. The United States exhorted the Soviets to accept this principle as the basis of their work on the NPT’s core prohibitions upon proliferation.

A few months later, in June of 1966, [Spurgeon Keeny wrote another memorandum](#) recounting that ACDA Director William Foster had talked about this with Soviet ambassador Anatoly Dobrynin — and that the Russians seemed willing to accept *existing* NATO nuclear arrangements (of strict unilateral, peacetime U.S. control and an American veto upon Allied employment) as long as “the Soviets could be sure that Germany would not use or would not be able to use nuclear weapons on their own decision.” This was echoed in August by a memo from Foster himself to Secretary Rusk, arguing that joint ownership of nuclear weapons would need to be ruled out, but that in return for this concession “our present bilateral arrangements within NATO” could likely be preserved. [Foster made just such a case to President Johnson](#) himself in September.

But an implied signal from Dobrynin was one thing, and actually getting Soviet agreement to an NPT text was quite another. Nevertheless, progress was made, and declassified memoranda from the succeeding few months show the two sides gradually circling in on that conclusion from their respective positions. To this end, Rusk met repeatedly with Soviet Foreign Minister Andrei Gromyko at the United Nations in New York. In these discussions — [memorialized in U.S. memoranda](#) — the Soviets were keen to ensure that the draft treaty would bar “transfers” of nuclear weapons either to individual non-weapon states or “through an alliance,” while Rusk reassured Gromyko that some such agreement seemed feasible.

[The superpowers’ two top diplomats also explicitly discussed](#) the fact that NATO’s arrangements, in which the United States maintained complete control over its forward-deployed weapons, only applied in peacetime: should a war actually break out, Rusk made clear, things would be different. This did not bother Gromyko, however, who replied that such wartime questions were mere “political considerations” rather than issues of legality under the draft NPT. (Neither side seemed to think it was either desirable or feasible to worry about such treaty provisions in the event of all-out war between two alliances that between them then possessed

perhaps 40,000 or 50,000 nuclear weapons.) To help reassure Moscow that U.S. transfers of control or launch authority over nuclear weapons to NATO allies would never occur in peacetime, ACDA Director Foster met with Soviet Ambassador Alexei Roshchin later in September 1966 to make these points once more.

A U.S.-Soviet Working Group convened to work through the drafting challenges associated with these basic concepts was meeting by late September, and it reported back to the White House on September 30 that its members had agreed upon “compromise language for a non-proliferation treaty that both sides can live with.” This language would be “very nearly coextensive with present U.S. nuclear policy,” in that it would permit the continuation of the NATO *status quo* in which “U.S. nuclear weapons available for use by allied forces assigned to NATO in the event of hostilities could ... be transferred to those forces in that event.” The Soviets had agreed to drop draft treaty language upon which they had previously insisted, leaving only text that acceptable to the Americans since it would not apply to “consultative and planning arrangements of the type contemplated within NATO.” To make sure there was no misunderstanding, [Rusk met with Gromyko again in early October](#) to reaffirm their understanding that the treaty should focus on what was prohibited, not what was permitted, and to reinforce the message that the treaty would not ban U.S. nuclear consultations with NATO allies — that is, the kind of training and contingency planning that had then already been formalized within the Alliance.

All that really remained, then, was to convince the Germans. Accordingly, ACDA Director Foster reached out in January 1967 to the FRG’s ambassador in Washington, Karl Heinrich Knapstein, to recount that the Soviets seemed to have become reconciled to NATO’s existing consultative arrangements, had dropped language that would have prohibited “training of allied troops for possible use of nuclear weapons in the event of war,” and seemed to understand that delivery vehicles (such as allied dual-capable aircraft [DCAs]) would not be covered by the treaty as long as no actual “transfer of warheads or control over them” occurred. This didn’t mean that the Soviets wouldn’t *criticize* NATO’s arrangements, Foster stressed, but he made clear to the Germans that Moscow had indeed abandoned its prior argument that those arrangements would be *unlawful* under the draft treaty. National Security Advisor [Walt Rostow later made a similar point to German parliamentary leader Rainer Barzel](#) at the White House in February 1968: the Soviets, Rostow made clear, now “know they cannot raise the [NATO nuclear-use] double-key question or the question of nuclear consultation” as NPT problems.

These understandings with the Soviets and the Germans clinched the deal making clear that NATO’s “nuclear sharing” arrangements were not a problem under Articles I and II of the NPT. Under Secretary of State Nicholas Katzenbach duly [summed things up in a letter to Secretary of Defense Clark Clifford in April 1968](#), recounting that as a result of the Rusk-Gromyko negotiations in 1966, the NPT’s Article I now protects NATO “alliance consultations on nuclear defense” and “nuclear defense deployment arrangements.” An attachment to Katzenbach’s letter explained that the NPT would permit transfers of delivery vehicles or delivery systems “so long as such transfer does not involve [nuclear] bombs or warheads.” It also stressed that if “a decision were made to go to war ... the treaty would no longer be controlling.”

The various sides had thus reached a compromise that neatly handled all of the complex tensions and interrelationships between the important equities involved. The Soviets killed off the MLF, the Americans gained agreement that NATO arrangements were not barred by the NPT, and Germany retained the reassurance provided by an Alliance system that promised it the ability to deliver U.S. nuclear weapons against Warsaw Pact targets in wartime. It had proven possible to reach agreement on a nonproliferation treaty; NATO could still rely upon its existing arrangements to ensure Alliance “coupling” in the interests of deterrence; Germany and other NATO allies felt reassured enough about their likely degree of active involvement in the event of nuclear war not to pursue nuclear weapons on their own; and the Soviets did not have to worry about a new peacetime *status quo* in which Germans had their fingers upon the proverbial atomic trigger. Not too bad, I’d say.

III. Conclusion

So thus was history made. Notably — except for recent attempts by Putin regime propaganda to pretend, in effect, that none of this negotiating ever happened, and therefore to convince historically ignorant listeners that NATO’s nuclear policy is somehow in violation of the NPT — this historic compromise has lasted to the present day. It still remains critical to NATO’s nuclear deterrent concept.

We should remember this compromise as we approach the 50th Anniversary of the NPT’s entry into force. It can help remind us that actual policymaking in the nuclear arena requires the management and balancing of multiple legitimate but partly competing equities — and is thus entirely *unlike* the simplistic morality play that some would have it seem.

The story of negotiating the final text of the NPT’s Articles I and II illustrates how difficult it is to have a nuclear posture, and to conduct diplomacy, in ways that maximize the deterrence of aggression, minimize escalation risk and crisis instability, maximize ally reassurance, and minimize proliferation pressures — *all at the same time*. It also provides a case study in responsible nuclear stewardship, visible in how the Treaty’s negotiators worked through the ways in which these interrelated challenges then manifested themselves.

In the fraught security environment of our own time, we face our own challenges — not least with regard to how to do all of these sorts of things *and* to explore constructive ways forward that reduce tensions and strengthen trust (as the NPT exhorts us) in order to facilitate nuclear disarmament. Informed and inspired by the lessons of our past, and keenly aware of the complexities of nuclear policymaking and the responsibilities of nuclear stewardship, we are working to do this in multiple ways.

First and foremost, of course, we are continuing to modernize our own nuclear forces to avoid the block obsolescence of our strategic delivery systems and thereby preserve the nuclear deterrence upon which our security — and that of our friends and allies — has depended for many decades. It is important to bear in mind, however, that all “modernization” programs are not the same. For our part in the United States, we are replacing like with like — *i.e.*, simply replacing older systems with newer versions of the same thing, and in comparable numbers: a new ICBM, a new strategic ballistic submarine, and a new manned bomber.

These U.S. plans stand in sharp contrast with Russia’s push to add to its strategic arsenal with exotic new systems, such as the “flying Chernobyl” of its accident-prone nuclear-powered cruise missile and a nuclear-powered underwater drone. Our modernization also stands in sharp contrast with Russia’s anticipated expansion of its number of *non*-strategic weapons, and with

China's perilous track to at least *double* the size of its nuclear arsenal — while also expanding the range and diversity of its delivery systems — over the next ten years.

We are also modernizing the nuclear deterrence aspects of our NATO relationships in order to keep this longstanding capability viable in the years ahead, even while continuing to adapt the Alliance to the modern challenges of conventionally-armed deterrence forced upon us by Russia's aggression against its neighbors and belligerent posturing against us and our allies. We hope that our NATO allies will remain true to this path, and live up to their commitments in these regards, for our collective security depends upon it.

At the same time, we are doubling down on diplomacy in order to help build the foundations for a better security environment in the future. We are, for instance, implementing a new multilateral disarmament dialogue, based around our Creating an Environment for Nuclear Disarmament (CEND) initiative, that reconceptualizes and reframes global disarmament discourse to redirect it from its past fixation upon mere manifestations of underlying problems in the strategic environment to a serious exploration of how to start addressing the problems themselves.

This dialogue, while still in its early stages, continues to show promise. Sixty-two participants from 31 countries, including the United States, met at Wilton Park in the United Kingdom on November 20-22 for the second meeting of the CEND Working Group. Participants attended from NPT nuclear-weapons States and non-nuclear-weapons States alike, as well as from some nuclear weapons possessors who are not signatories of the NPT at all. These Participants began to lay the groundwork for translating the CEND dialogue into action by developing Concept Notes for each of the three CEND subgroups on:

- Reducing perceived incentives for states to retain, acquire, or increase their holdings of nuclear weapons and increasing incentives to reduce and eliminate nuclear weapons.
- Mechanisms to bolster nonproliferation efforts and build confidence in and further advance nuclear disarmament.
- Interim measures to reduce the risks associated with nuclear weapons.

The next meeting of the CEND Working Group will take place early next year.

We are also developing new approaches to arms control that aim to include both Russia and China, for the first time, in an accord to prevent a destabilizing new global arms race and help build a more stable security environment. And we are helping lead the global charge to develop norms of responsible behavior and “best practice” standards in new security domains being created by complex, rapidly-evolving, and potentially transformative technologies — such as in cyberspace and outer space — that can intersect with traditional deterrence approaches, but which in their very complexity are resistant to traditional legal-prohibitive arms control.

There is nothing simple or easy about these steps, nor about the complicated relationships between them. Doing all this *is* difficult — and none of what we are about is by any means guaranteed to succeed. But that is how things work in the real world; struggling to preserve and advance such interwoven equities in a complex environment is what responsible players do.

I hope that the upcoming anniversary of the NPT's entry into force can remind us of the importance of wrestling with such problems responsibly today — and in the future — as our predecessors did in bequeathing to us that important Treaty and the global nonproliferation regime of which it today forms the cornerstone.

* * * *

On December 16, 2019, Dr. Ford delivered remarks on the P5, the “N5” and the NPT Review Conference at the Wilton Park Nonproliferation Conference in the United Kingdom. His remarks are available at <https://www.state.gov/the-p5-the-n5-and-the-npt-review-conference/> and excerpted below.

* * * *

Our topic for this panel is the so-called “P5 Process” and its potential contributions to the upcoming Review Conference (RevCon) of the Nuclear Nonproliferation Treaty (NPT). I’m glad to have this chance to speak on this, since I do think that the P5 can play a constructive role, but I also think there can be pitfalls in how one approaches this.

I hope to do three things today in this talk: I will talk a little bit about terminology because I’m afraid we are confusing concepts by trying to be too “generic.” Second, I’ll talk about the value of communication among the nuclear-weapon States and the potential for increased global security, and, finally, I’ll explore the idea of communication between nuclear-weapon States and non-nuclear-weapon States to create better conditions for stability.

I. A Note About Terminology

Before I ruminate on where the P5 process can take us I want to take a moment to examine the use of the term “P5” itself, as I wonder whether it might be useful to drop the use of the term “P5” in the NPT context. We are all probably too casual in our language in talking about the “P5.” Properly speaking, the term “P5” refers to the five permanent members of the U.N. Security Council. I would submit that it *isn’t* really a good way to refer to the five countries that qualify as nuclear-weapon States (NWS) under Article IX(3) of the NPT by virtue of having “manufactured and exploded a nuclear weapon or other nuclear explosive device prior to 1 January 1967.” For my part, I think of the five NPT nuclear-weapon States as the “N5,” rather than the “P5.”

Since the N5 nowadays happen to be the same five countries as the P5, most people just refer to these states as the “P5” without distinguishing these very different contexts, but I would discourage this. Formally speaking, these are different categories, and historically have not always been the same. After all, the People’s Republic of China (PRC) was not recognized as the lawful representative of “China” in the United Nations — and therefore was not among the P5 — until 1971. Although it didn’t join the NPT until 1992, the PRC met the NPT’s Article IX(3) criteria — that is, those of the “N5” — from the outset, because it had tested a nuclear weapon in 1964. Moreover, the lawful representative of “China” in the United Nations before the change in 1971 was the government of the Republic of China, which had joined the NPT as a *non*-nuclear-weapon state (NNWS) in 1970, and was thus definitely *not* part of the N5.

I’m not just being pedantic, here. One potential risk of speaking too casually about the “P5” in an NPT context — that is, when one really means the N5 — is that a listener might conclude that having nuclear weapons is what earns one a permanent seat on the Security Council. That, of course, is not the case. (When the permanent membership of the Council was established in 1945, in fact, only *one* state had nuclear weapons.) Structurally, legally, and

historically, the term “P5” does *not* denote nuclear-weapon States: the P5 countries are, instead, the leading powers — or now, in two cases, the successors of those powers — that came together to anchor the United Nations system in 1945 in order to stabilize, rebuild, and keep the peace in a world shattered by the horrific bloodletting of the Second World War.

For anyone who cares about nonproliferation and disarmament, therefore, confusing the ideas behind the categories of P5 and the N5 can be dangerous. To be part of the P5 is to be a state with a special role and responsibility in the system of global order, while to be part of the N5 is merely to be one of the countries that had manufactured and exploded a nuclear weapon prior to January 1, 1967. Confusing these categories risks seeming — wrongly — to reify nuclear weapons possession as the ticket to some kind of special and laudable global status. Such confusion could have the unintended result of increasing the perceived incentive for non-possessors to acquire such weapons and of decreasing the incentives for current possessors to relinquish them. That’s why I think it may be better to speak about the “N5” rather than the “P5” when talking about NPT issues.

II. The N5 Process and Direct Arms Control Engagement

So... let’s see where careful thinking about the “N5 Process” can take us.

First of all, let me manage expectations by urging you not to overestimate the N5 Process and its potential contributions to the NPT RevCon. To be sure, there are things the N5 is already planning to do that should be constructive. We are planning to hold a side event at the Conference, for instance, at which all five nuclear-weapon States will exchange perspectives and answer questions about how we think about nuclear weapons, doctrine, and disarmament issues. To the degree that the N5 can demonstrate that they are responsible stewards of the nuclear arsenals they possess — and that they are living up to their NPT Article VI obligation to pursue negotiations in good faith on effective measures relating to nuclear disarmament — I hope this will help improve the atmosphere for the RevCon by rebutting false narratives suggesting that all of the N5 are *unserious* about such things.

Nevertheless, except in the sense that it would be worrisome — and not conducive to a constructive NPT RevCon — were the N5 *unable* to talk to each other *at all*, I would urge you not to read too much into the mere fact of meetings occurring among the five. We do continue periodic meetings, and they do help us better understand each other’s positions and approaches. But meetings *per se* are just that: meetings. The name of the game should be to achieve substantive progress, which is a different question than just whether or not N5 diplomats are willing to get together in a room from time to time.

Don’t get me wrong. I am pleased that we are still meeting. But I am resistant to holding meetings *just* in order to be able to say that we are doing so. Diplomacy among the N5 should be undertaken for reasons of statesmanship, to improve international peace and security, and not merely as a public relations exercise.

As I’ll explain in a moment, I do think some substantive progress is possible. That said, to the degree that it is currently difficult to make progress in N5 engagements, true statesmanship would involve *admitting* this and focusing upon *why* this is the case—rather than just pretending things are fine and holding meetings to paper over the existence of problems that need to be addressed.

Such honesty would seem particularly important to the degree that such problems actually stem from actions by one or more of the N5 states themselves. If you are alarmed by such things, you should want these problems expressly addressed and made the subject of corrective diplomacy.

And, unfortunately, there are a great many things to be alarmed about: Russia's invasion and occupation of portions of two of its neighbors; the PRC's huge military buildup, expansive maritime claims, and provocative conduct in the East Asian littoral; the Kremlin's maintenance of an undeclared chemical weapons program and indeed its use of a military grade nerve agent in an attempted assassination in the UK and its failure to demonstrate whether it dismantled the biological weapons program it inherited from the Soviet Union; as well as Beijing's dramatic expansion of its nuclear delivery systems and stockpile numbers and Moscow's continuing deployment of non-strategic nuclear weapons and development of destabilizing new strategic delivery systems, and the disturbing questions that have arisen about both countries' adherence to the "zero-yield" nuclear weapons testing moratorium adhered to by the United States, the United Kingdom, and France. Especially in the context of a nonproliferation treaty that expressly aims to ease international tension and strengthen trust between states in order to facilitate nuclear disarmament, N5 meetings should not be used to obscure the degree to which such developments in the security environment increase regional proliferation pressures, make movement toward disarmament more challenging, and threaten to ignite a new arms race.

I would also caution against letting the N5 Process interfere with or distract from diplomatic initiatives that hold out the prospect of substantive progress in addressing such problems. From a U.S. perspective, our diplomatic priority right now is to engage with both Moscow and Beijing in order to *stop* such an arms race from emerging—specifically, through the development of a nuclear arms control agreement on a trilateral basis, to stop the dangerous expansions now underway, forestall an arms race, and give humankind a chance to negotiate further, toward a better and safer future.

Trilateral arms control for a new era that moves beyond the bilateral treaties of the past should be a vital objective for the entire arms control community in order to avert a potential new arms race. We want to engage directly with our Russian and Chinese counterparts in bilateral and ultimately trilateral talks on strategic security, nuclear posture and doctrine, and the role of nuclear weapons in our respective security postures, with an eye to setting in place measures to deliver real security results to our nations and the entire world.

In theory, N5 engagement before the NPT RevCon should not interfere with trilateral arms control efforts, and it could perhaps even contribute to their success. I sound a note of caution only to the extent that we should not let ongoing N5 meetings provide Russia and the PRC with excuses *not* to engage directly with the United States on these critical questions. We shouldn't allow N5 meetings to be used as cover for avoiding the critical bilateral and trilateral engagement the world so desperately needs if we are to avoid a dangerous new arms race; the N5 Process must not provide Beijing and Moscow with an excuse for shirking their Article VI obligation to pursue negotiations in good faith on effective measures relating to nuclear disarmament.

III. Don't Forget "the Other Arms Race"

The NPT RevCon, of course, necessarily focuses principally upon issues relating to implementation of the Treaty by its Parties. Nevertheless, another cautionary note I would offer relates to the importance of not forgetting that the international security and nuclear disarmament

challenges of the world are in no way restricted to problems among NPT Parties, much less merely among the N5 themselves.

Indeed, the N5 process conspicuously leaves out two major nuclear weapons possessors — India and Pakistan — who find themselves today in a dangerous arms race that presents perhaps the single most likely scenario for nuclear warfare in the world today. Both are developing an ever-wider and more diverse range of potential delivery systems in ways that are likely to be notably destabilizing. They have not applied the hard-won lessons of our Cold War mistakes, instead following paths that shrewd observers now understand to be dangerous and destabilizing — for instance, Pakistan’s development of short-range, forward-deployed nuclear weapons of the very sort that NATO by the early 1980s had come to understand were more likely to lead to uncontrollable escalation or loss of control than they were to contribute to stable deterrence.

Meanwhile, Beijing’s nuclear build-up continues to catalyze expansion of New Delhi’s delivery systems — and these dynamics, coupled with cross-border terrorism emanating from Pakistan, are creating destabilizing ripple effects through the subcontinent. (This points, by the way, to yet another benefit of trilateral arms control between the United States, Russia, and China: it has the potential to help reduce arms race pressures in the South Asian context, too.) We have also watched with concern as Pakistan and India engaged in military confrontation under the “nuclear umbrella” of their mutual deterrence, seemingly overconfident in both governments’ ability to manage escalation and avoid catastrophe. Nothing about the South Asian nuclear situation is reassuring at the moment.

As we head toward the NPT RevCon, therefore, we should remember that the N5 Process, by definition, has little direct way to help address such “other-arms-race” problems. If a fixation upon exclusively N5 engagement distracts from such broader challenges, it could make things worse rather than better.

IV. A Constructive N5 Approach: Three Ideas

In light of these cautions, let me suggest three ways in which the N5 Process could — and, I would argue, *should* — contribute constructively to international peace and security in the months leading up to the NPT RevCon and beyond.

First, the N5 could endorse diplomatic efforts to find a future for nuclear arms control that averts a potential three-way arms race between Russia, China, and the United States. They could, moreover, endorse such engagement as a good way to help meet Article VI’s requirement to “pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament.”

Second, the N5 could lend their support for broader engagement with *other* nuclear weapons possessors in order to end nuclear arms race dynamics *elsewhere*, too. This need not imply any conflation or commingling of the NPT and non-NPT worlds, nor any “legitimizing” of nuclear weapons possession by states that are not recognized as nuclear-weapon States by the NPT. It would simply be a commonsensical recognition that there *are* dangerous nuclear dynamics involving such states, and not just among the N5, and a call for diplomatic engagement to help reduce these dangers. The N5 states could even endorse the principle of their own collective, direct engagement with those NPT non-Parties that are engaged in a nuclear arms race — an initiative that could be approached on a “P5 + 2” basis rather than an “N5 + 2” basis, thus focusing upon the P5’s special role at the center of the international security system instead of upon the status of the N5 as early nuclear weapons possessors.

Third, the N5 could voice support for larger multilateral engagements that are already underway to bring countries together in exploring ways to ameliorate the various conditions in the international security environment that make progress on disarmament so frustratingly slow. Most obviously, since all five of the N5 states are already participating in the Creating an Environment for Nuclear Disarmament (CEND) initiative — which just last month held its first round of working group meetings — the N5 could endorse CEND and encourage all participants to continue their engagement in that process.

Despite my concerns and caveats, therefore, I *do* think there are important ways the N5 can act together — symbolically and diplomatically — that will help make the RevCon more productive and that will genuinely contribute to reducing nuclear dangers.

* * * *

2. Civil Nuclear Cooperation

On February 26, 2019, Dr. Ford spoke at the Hudson Institute on civil nuclear cooperation policy. He introduced the concept of the nuclear cooperation memorandum of understanding (“NCMOU”) as a means of engaging in civil nuclear cooperation to a lesser degree than that which would require a formal civil nuclear cooperation agreement (“123 agreement”). His remarks are excerpted below and available at <https://www.state.gov/a-new-approach-to-civil-nuclear-cooperation-policy/>. See also May 30, 2019 State Department fact sheet on NCMOUs, available at <https://www.state.gov/nuclear-cooperation-memoranda-of-understanding-ncmou/>.

* * * *

Under United States’ law, U.S. suppliers can only sell nuclear power fuel or equipment abroad subject to a civil nuclear cooperation agreement, often referred to as a “123 agreement” after the relevant section of the Atomic Energy Act. For this reason, a 123 agreement — which my bureau is responsible for negotiating — is an important tool for enhancing the commercial prospects of the U.S. civil nuclear sector. Without a 123 agreement, U.S. suppliers cannot export nuclear material, equipment, or significant reactor components, U.S. industry cannot compete in foreign markets, and Americans forego job opportunities. So with these agreements, we lay the foundations for U.S. competitiveness in this critical, high-technology arena.

And here’s the best part: civil-nuclear cooperation agreements are *also* one of the strongest tools we have to promote nonproliferation as a government, because the Atomic Energy Act requires the highest standards in the world when it comes to the nonproliferation protections required with the United States’ civil nuclear cooperation partners. These statutory requirements are enormously important, for they ensure that all U.S. 123 agreements legally obligate our partners to observe specific standards in such areas as peaceful use, International Atomic Energy Agency (IAEA) safeguards, physical protection for nuclear materials, and

prohibitions on enriching, reprocessing, or transferring U.S.-obligated material and equipment without our consent.

Even beyond these requirements “baked in” to *all* 123s by U.S. law, the State Department also works hard to negotiate as many additional nonproliferation assurances as we can, such as political commitments to rely upon commercial fuel markets rather than explore indigenous uranium enrichment and reprocessing services, consistent with U.S. policy that seeks to limit the further proliferation of these technologies. In two cases, in fact — albeit, alas, pretty unique ones, since they involved one partner that already had domestic legislation prohibiting the activity in question, and another that simply lacked any alternative source of supply at all, thus giving us unique leverage — U.S. negotiators managed to get agreement on a *legally* binding commitment not to engage in any enrichment or reprocessing. We have also in recent years been going beyond the requirements of the Atomic Energy Act in ensuring that our civil-nuclear cooperation partners adhere to the IAEA Additional Protocol, which we consider to be the *de facto* international safeguards standard, as a condition for nuclear exports under those agreements.

What ends up being possible necessarily varies, of course, but *whatever* the negotiated terms, 123 agreements signed by the United States represent the global standard for nonproliferation-related nuclear supply “best practices,” and *always* protect nonproliferation equities better than the conditions attached by any other nuclear supplier. There is no case, in other words, in which a U.S. 123 agreement with any given recipient will not promote nonproliferation values better than that same recipient cutting a deal with another, competing supplier state. That’s why we view 123s as such a win-win outcome: U.S. industry and American workers have the chance to spread their wings in the international marketplace, and global nonproliferation standards improve in direct proportion to our suppliers’ commercial success.

Civil nuclear cooperation under sound nonproliferation conditions is also a win for our overseas partners. Not only do they gain access to the benefits of peaceful uses of U.S. nuclear energy, science and technology; they also develop the capacity to do so sustainably and responsibly, building confidence that such cooperation will not be misused—whether deliberately or inadvertently—to contribute to the proliferation of nuclear weapons. Widespread sharing of the benefits of nuclear power simply would not be possible without a firm foundation of nuclear nonproliferation measures built upon the Nuclear Nonproliferation Treaty, the IAEA, and the Nuclear Suppliers Group (NSG).

On the other hand, that “virtuous circle” can also work the other way. If we are unable to get a 123 in place—such as if we chase the “perfect” answer so intently that we prevent getting any deal at all by asking unacceptable terms from our would-be cooperation partners—U.S. industry loses the chance to compete *and* nonproliferation loses too, since a partner that goes with the foreign competition is not subject to the obligations we place in our agreements.

Nonproliferation and a competitive U.S. civil nuclear export sector are thus mutually dependent and mutually reinforcing goals for the United States. Because the conditions contained in 123s apply to nuclear material, equipment, and significant reactor components *transferred* subject to the agreement, we will see neither economic nor nonproliferation benefits if U.S. suppliers fail to make the sale. This raises the specter of a “vicious circle” of problems, with the competitiveness of U.S. industry being highly dependent upon the opportunities created by 123 agreements, but with our 123s—especially given their conditionalities—proving less attractive to would-be partners as U.S. industry competitiveness

wanes, and with fewer recipients actually *adopting* nonproliferation “best practices” as foreign competitors with deliberately lax proliferation standards gain market share at our expense. That is clearly a lose-lose situation, both for the United States and for the global nonproliferation regime.

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Another way we’re responding to these threats is to step up our diplomacy in urging other nuclear suppliers to insist upon the highest standards of safety, security, and nonproliferation in their own civil nuclear cooperation relationships—including by requiring, as we ourselves do, that recipient states have the IAEA Additional Protocol in force, to provide reassurances against the absence of undeclared nuclear activity. We also regularly urge suppliers to consider imposing limits on partners’ ability to enrich uranium and reprocess plutonium. And we are working to build “coalitions of caution” in the nuclear business by calling attention to the dangers of nuclear cooperation with Russia and China, both for would-be recipients and for industry partners, and by working with like-minded suppliers to develop joint approaches to counter those two countries’ destabilizing and predatory behaviors.

In *fora* such as the NSG and the NPT review cycle, we are also emphasizing the principle of “responsible supply”—urging others to come together with us to insist that *all* nuclear suppliers require nuclear safeguards, safety, and security “best practices” from the states with which they have cooperation agreements. No longer should suppliers be able to use proliferation *irresponsibility* as a marketing tool.

We will also continue to work with NSG partners to ensure that multilateral export control lists are properly updated to ensure that they address advanced nuclear technologies and emerging technologies with potential dual-use applications. And we are working in the NPT process to raise awareness about—and to find ways to advance—the peaceful sharing of nuclear technology, as well as to protect and advance the global nonproliferation regime that provides the foundation upon which the continued availability of such benefits depends.

B. NEW NUCLEAR COOPERATION MOUS

With regard to U.S. nuclear cooperation, the State Department is stepping up efforts to approach our 123 agreement diplomacy in a genuinely strategic way—not only, as before, to strengthen nonproliferation protections in a specific country or region or to help U.S. firms take advantage of market opportunities, but also to help develop *new* opportunities to advance U.S. strategic competitiveness. A full-fledged nuclear cooperation partnership can lead to the establishment of political and economic ties lasting as long as 50 or 100 years, and can be the catalyst for additional cooperation between governments on many other national security and foreign policy issues. Our diplomatic outreach on civil nuclear issues can thus serve strategic interests as well as economic ones, helping us build and mature relationships that will strengthen mutual prosperity and help ensure the security and autonomy of partner governments around the world against the designs of predatory revisionists.

As I have described, 123 agreements are a critical part of this mix. But they need not be viewed as the *only* tool, for not all countries that wish to develop better civil nuclear relationships with the United States will necessarily need to start that relationship with a 123.

To help provide an *additional* way to catalyze and nurture cooperative relationships, we are working to expand the use of less formal, non-binding bilateral political arrangements more

akin to a memorandum of understanding (MOU) than to a full 123. Such nuclear cooperation MOUs—or NCMOUs—would not suffice for actual power reactor projects, of course, which would still require a traditional 123 agreement. But a country weighing the *possible* development of a nuclear power program could use a less formal instrument to build strategic ties with the United States, its experts, industry, and cutting edge researchers about how best to tailor future opportunities to its specific needs. We would use these ties to help states build their own infrastructure for the responsible use of nuclear energy and technology and adopt best practices in nuclear safety, security, and nonproliferation, including independent regulatory oversight.

In such ways, these MOUs could establish the basis for a broader, strategic relationship between the United States and those countries considering civil nuclear energy. Working with our partners at the Departments of Energy and Commerce, the Nuclear Regulatory Commission, and other U.S. departments and agencies, such MOUs could open up new opportunities for all parties, laying the foundation for making partner countries fully prepared to take advantage of the emerging technologies and coming innovations in reactor design and other areas that are being pioneered in the United States, and to do so under the highest standards of safety, security, and nonproliferation. These foundations could provide valuable opportunities both for U.S. industry and for beneficiary states alike, for these are arenas in which the *future* of civil nuclear competitiveness is likely to be decided, and that are the pathfinders for how the benefits of peaceful uses of nuclear energy will be shared over the next century. We envision these NCMOUs as important tools to open doors and allow the U.S. government to build ties with foreign counterparts that will position all of us to take advantage of such opportunities together.

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3. Proliferation Security Initiative (“PSI”)

On February 22, 2019, the State Department welcomed the decision by the Federated States of Micronesia to endorse the Proliferation Security Initiative (“PSI”) in a media note, available at <https://www.state.gov/the-federated-states-of-micronesia-endorses-the-proliferation-security-initiative/>. The Federated States of Micronesia is the 107th state to become a PSI participant. Background information on the Proliferation Security Initiative is available at <https://www.state.gov/about-the-proliferation-security-initiative/>.

4. Country-Specific Issues

a. Iran

On January 15, 2019, the Iranian regime fired off a space launch vehicle, prompting the State Department to release the following press statement by Secretary of State Michael R. Pompeo (available at <https://www.state.gov/irans-firing-of-space-launch-vehicle-defies-international-community/>):

In continued defiance of the international community and UN Security Council Resolution 2231, the Iranian regime fired off a space launch vehicle today. Such vehicles incorporate technologies that are virtually identical and interchangeable with those used in ballistic missiles, including intercontinental ballistic missiles. Today's launch furthers Iran's ability to eventually build such a weapon.

We have been clear that we will not stand for Iran's flagrant disregard for international norms. The United States is working with our allies and partners to counter the entire range of the Islamic Republic's threats, including its missile program, which threatens Europe and the Middle East.

On February 7, 2019, the State Department issued a press statement after a second attempted space launch by the Iranian regime. The press statement, available at <https://www.state.gov/attempted-space-launch-by-the-iranian-regime/>, follows.

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In defiance of the international community, the Iranian regime continues to develop and test ballistic missiles, including a reported second failed space launch in less than a month. Space launch vehicles use technologies that are virtually identical and interchangeable with those used in ballistic missiles, including in Intercontinental Ballistic Missiles (ICBMs). This attempted launch furthers Iran's ability to eventually build such a weapon that threatens our allies.

The Iranian regime has continued to exploit the goodwill of nations and defied multiple Security Council resolutions in its quest for a robust ballistic missile force. The Iranian regime continues to increase its investment in missile testing and missile proliferation even as its economy crumbles and its people suffer. Today Iran has the largest ballistic missile force in the Middle East. Iran has also exported ballistic missile systems to malign actors in the region, threatening innocent civilians.

Iran continues to defy UNSCR 2231 brazenly, working to enhance missile capabilities that threaten our allies. Iran's blatant disregard for international norms must be addressed. We must bring back tougher international restrictions to deter Iran's missile program. The United States will continue to be relentless in building support around the world to confront the Iranian regime's reckless ballistic missile activity, and we will continue to impose sufficient pressure on the regime so that it changes its malign behavior—including by fully implementing all of our sanctions.

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b. *Japan*

On June 25, 2019, the United States and Japan effected the amendment of their March 9, 2012 Agreement Regarding Cooperation in Nuclear Energy-Related Research and

Development. The June 25, 2019 exchange of notes amending the agreement is available at <https://www.state.gov/19-625>.

c. Romania

On September 25, 2019, the State Department announced in a media note, available at <https://www.state.gov/u-s-and-romania-sign-nuclear-cooperation-memorandum-of-understanding/>, that the United States and Romania had signed a nuclear cooperation memorandum of understanding (“NCMOU”) (see Dr. Ford’s February 26, 2019 speech, *supra*, introducing the concept of the NCMOU). The United States and Poland had signed an NCMOU earlier in 2019. The media note on the Romania NCMOU includes the following:

This Memorandum strengthens U.S.-Romania ties in an area of cooperation that is deeply rooted in our mutual national security and strategic interests, and is supportive of our respective energy security goals. It signals our long-term commitment to working together to develop Romania’s civil nuclear program and jointly pursue the peaceful uses of nuclear energy. Romania is an invaluable NATO Ally and supports mutual and international security efforts in the region and globally.

Our NCMOUs are diplomatic mechanisms that strengthen and expand strategic ties between the United States and a partner country by providing a framework for cooperation on civil nuclear issues and for engagement between experts from government, industry, national laboratories and academic institutions.

d. Agreements on Nuclear Safety

The governments of Belgium and the United States signed a nuclear safety agreement at Vienna on September 16, 2019. The agreement entered into force upon signature, and the full text is available, with annex, at <https://www.state.gov/belgium-19-916-1>.

The U.S.- Brazil nuclear safety agreement was also signed at Vienna on September 16, 2019. The agreement entered into force upon signature, and is available with annex at <https://www.state.gov/brazil-19-916>.

The governments of the Czech Republic and the United States of America signed an agreement on nuclear safety at Vienna on September 18, 2019. The agreement entered into force upon signature. The full text of the agreement, with annex, is available at <https://www.state.gov/czech-republic-19-918-1>.

The U.S.-South Africa agreement on nuclear safety was signed at Vienna and entered into force on September 18, 2019. The agreement, with annex, is available at <https://www.state.gov/south-africa-19-918>.

C. ARMS CONTROL AND DISARMAMENT**1. United Nations****a. *Arms Trade Treaty***

See Chapter 4 for discussion of the U.S. decision to withdraw the Arms Trade Treaty from Senate consideration and not to become a party. For background on the Arms Trade Treaty, see *Digest 2016* at 926-27; *Digest 2015* at 883-84; *Digest 2013* at 710-15; and *Digest 2012* at 674-79.

b. *Conference on Disarmament*

On January 21, 2019, U.S. Permanent Representative Ambassador Robert Wood addressed the 2019 session of the Conference on Disarmament. His statement is available at <https://geneva.usmission.gov/2019/01/22/u-s-statement-by-ambassador-wood-at-the-2019-session-of-the-conference-on-disarmament/> and excerpted below.

* * * *

Today, I would like to speak with you about the importance of compliance with arms control obligations and the consequences when states violate arms control, nonproliferation, and disarmament agreements and commitments.

The Conference on Disarmament is historically known for negotiating landmark agreements but arms control is a means to an end, not an end unto itself. When applied in a verifiable and enforceable manner, arms control helps manage strategic competition among states and contributes to security and stability.

By reducing the risks of miscalculation, arms control can serve the interests of all parties to an agreement. These benefits, however, are diluted or lost when parties do not comply with their obligations.

Unfortunately, the United States increasingly finds that Russia cannot be trusted to comply with its arms control obligations and that its coercive and malign actions around the globe have increased tensions. Its actions, policies, and behavior are not those of a responsible state actor.

We must view the Russian threat in its entirety in order to understand its gravity—from disinformation campaigns; to arms control violations; to attempted annexations of its neighbor's territory; and to the development of advanced and new types of nuclear delivery systems, such as a nuclear-powered cruise missile and a nuclear-powered and -armed underwater drone that the Russian leader proudly described in his March 1, 2018 address to the Federal Assembly. Russian strategy and doctrine emphasize the potential to use nuclear-armed, offensive missiles for

coercion. Russia's destabilizing activity seeks to play spoiler in efforts to achieve and maintain global stability while enabling its contemporary revisionist geopolitical ambitions.

I would like to now turn in detail to a few specific examples:

INF Treaty

Russia has developed, produced, flight-tested, and fielded a ground-launched cruise missile, known as the 9M729 or SSC-8, with a range capability between 500 and 5,500 km, in direct and continuing violation of the INF Treaty.

Russia began the covert development of the SSC-8 probably by the mid-2000's.

To be clear the SSC-8 represents a flagrant violation of the INF Treaty that Russia intended to keep secret, and that represents a potent and direct threat to Europe and Asia. The U.S. finding is not based on a misunderstanding of this system or its capabilities. Russia is fielding an illegal missile in contravention of the main provisions of the INF Treaty and has made no concrete steps to return to compliance.

Since first informing Russia of our concerns about Russia's INF Treaty compliance in 2013, the United States has worked to induce Russia to return to full and verifiable compliance through a comprehensive approach that included extensive diplomatic efforts. During that time the United States raised the issue in more than 30 engagements with Russian officials at senior levels, including at the highest levels.

The United States provided detailed information to Russia including information pertaining to the missile and the launcher, including Russia's internal designator for the mobile launcher chassis and the names of the companies involved in developing and producing the missile and launcher. We also provided them with detailed information on the missile's test history, including coordinates of the tests and Russia's attempts to conceal the nature of the program. We provided information showing that the violating ground launch cruise missile, or "GLCM," has a range capability between 500 and 5,500 kilometers. Information showing that the violating GLCM is distinct from other missiles including the R-500/SSC-7GLCM and the RS-26 ICBM was also given to Russia. Finally, we told the Russians that their designator for the system in question is 9M729, and we provided a course of action and framework for the system's destruction in order for Russia to return to Treaty compliance.

For several years, Russia denied that the missile exists.

In parallel to their myriad denials and obfuscations over many years, Russia completed its research and development work and fielded multiple battalions of the SSC-8.

In 2017, the Trump Administration redoubled U.S. efforts to bring Russia back into compliance with an integrated strategy of diplomatic, economic, and military measures.

In December 2017, Russia finally acknowledged the designator of the missile—the 9M729—but did this only after the United States disclosed it publically, discrediting Russia's persistent cover story that the missile does not exist. Russia has since switched to a new cover story to maintain the façade that there is nothing wrong. Russia now admits that the missile does exist, but claims that it is Treaty compliant.

This too is false. The SSC-8 slash 9M729 is a ground-launched cruise missile that has been developed, produced, flight-tested, and fielded with a maximum range between 500 and 5,500 km in direct violation of the INF Treaty.

Russia's INF Treaty violation presents a direct security threat to the United States and our allies. It is destabilizing and has a corrosive effect on arms control and disarmament.

That is why President Trump, on October 20, 2018, stated that the United States intended to “terminate” the INF Treaty and why on December 4, 2018, Secretary Pompeo declared Russia’s ongoing violation of the INF Treaty a material breach of the Treaty and that the United States would suspend its obligations under the Treaty effective in 60 days from December 4 unless Russia returns to full and verifiable compliance.

Since the December 4 announcement, Russia has not taken any productive measures to return to compliance, and has responded with the same rhetoric and obfuscations from the past. Rhetoric and hollow words are not action, and they come amid Russia’s ongoing efforts to field multiple battalions of the SSC-8 as well as leveling threats against the United States and its Allies.

On December 18, Vladimir Putin threatened that if the United States eventually responds to Russia’s violation of the INF Treaty by developing intermediate-range missiles, Russia will “naturally have to respond in kind.” He said the European nations that agree to host U.S. weapons should understand that “they would expose their territory to the threat of a possible retaliatory strike.”

The truth is that Russia already has such a missile. It is capable of carrying both conventional and nuclear warheads and it is already a threat to many European nations. The United States is not the only country to come to this conclusion. On December 4, all NATO Allies stated that they have concluded that Russia has developed and fielded a missile system which violates the INF Treaty and poses significant risks to Euro-Atlantic security. They strongly supported the finding of the United States that Russia is in material breach of its obligations under the INF Treaty.

On January 15, Under Secretary of State Thompson traveled here to Geneva with an interagency delegation. Our delegation’s main goal was to see if Russia was serious about returning to compliance, and we presented a detailed framework illustrating specific steps Russia must take to do so. Unfortunately, rather than come to the meeting prepared to work constructively and seriously on their compliance issue, the Russian delegation continued to deny its violation and make false allegations regarding U.S. compliance. Russia has also used this meeting to try to portray itself publicly as a problem-solver, but Russia’s offer of so-called “transparency measures” is disingenuous and would not resolve Russia’s violation of the Treaty. A demonstration by Russia cannot possibly address the fact that Russia has previously tested this missile to Treaty-prohibited ranges.

Now it is the time for Russia to take demonstrable steps to return to compliance. There is only one path forward: Russia must verifiably destroy all SSC-8 missiles, launchers, and associated equipment in order to come back into compliance with the INF Treaty. The onus is on Russia to take concrete actions in order to prevent the INF Treaty’s demise.

Inertia will not drive policy in the Trump administration and the United States will not stand idly by when others cheat on international agreements. Such behavior both erodes these agreements and threatens our national security, and we will respond with the seriousness that this demands.

CWC

I would like now to turn to Russian non-compliance with the Chemical Weapons Convention, which was negotiated here in the CD. In March 2018, only months after claiming to have completed destruction of its declared chemical weapons stockpile, Russia used an

unscheduled, highly toxic nerve agent in an assassination attempt on Sergei and Yulia Skripal in Salisbury, the United Kingdom.

The United Kingdom's investigation into the assassination attempt concluded that two Russian nationals were responsible for the attack.

The use of this nerve agent in Salisbury further demonstrates that Russia has not met its obligations under the CWC.

As a direct result of the use of this unscheduled military grade nerve agent used in the UK, the United States jointly with Canada and the Netherlands put forward a technical change proposal recommending that such chemicals and a closely related family of toxic chemicals be added to the CWC Annex of chemicals. On January 14, the OPCW Executive Council agreed by consensus to recommend the proposal to all States Parties.

The United States urges Russia to meet and fulfill all of its CWC obligations.

Furthermore, Russia's continued support for and defense of the Assad regime's brutal tactics against its own people, including the use of chemical weapons. Russia has attempted to undermine every effort responsible nations have taken to address this unacceptable situation. Russia must be held accountable for enabling the Assad regime to do the same.

BWC

Turning to biological weapons, while Russia confirmed the existence of a BW program in 1992 and committed to its destruction, Moscow has failed to document whether the biological weapons items under these programs were destroyed or diverted for peaceful purposes, as required by the Biological Weapons Convention.

Again, as it has done on INF and CWC, Russia has developed false narratives and intensified its spurious attacks against the United States, its allies and its partners to deflect attention from Moscow's own dubious record. It has created blatantly false non-compliance accusations against U.S. partners to try to achieve its geopolitical aims. We must recognize this for what it is and we must stand united in pushing back against these efforts to obfuscate the truth and avoid accountability.

Open Skies and VDOC

Furthermore, Russia's aggressive actions in Europe and its disregard for basic international principles continue to undermine European security and strain the key pillars of the European conventional arms control architecture.

While Open Skies Treaty flights will resume in 2019 and the vast majority occur without incident, for years the United States and like-minded parties have engaged Russia—only to limited effect thus far—to resolve a number of specific compliance and implementation issues that limit full territorial access over Russia—a fundamental Treaty principle. In June 2017, the United States declared Russia in violation of the Open Skies Treaty and in September 2017 imposed a number of Treaty-compliant, reversible response measures to encourage Russia's return to full compliance with its Treaty obligations. Those efforts will continue, with the support of our allies and partners.

In addition, Russia selectively implements the Vienna Document, and has failed to report required data about its military forces located in the occupied territories of Georgia and Ukraine, and has improperly reported and failed to declare certain types of major armaments and equipment. Since 2015, Russia has blocked efforts to advance modest updates to the Vienna Document that would enhance transparency on military exercises, including most recently a broadly supported effort at the OSCE Ministerial Council in December 2018.

Most fundamentally concerning is Russia's continued occupation and attempted annexation of Crimea, Ukraine in 2014, as well as its arming, training, leading, and fighting alongside its proxy authorities in eastern Ukraine. These actions undermine the most basic commitments on refraining from the threat or use of force contained in the Helsinki Final Act and the Stockholm Document, and reaffirmed in the Vienna Document.

Regional Issues

Russian malign activity is perhaps most acutely felt on a regional level. In the Middle East, while the images of dead and dying children following the Syrian regime's chemical weapons attack in April 2018 were a call to action among the world's civilized nations, for Russia, they only served to reinforce its effort to shield the Assad regime from international accountability.

Russia also remains one of Iran's strongest defenders. It has provided Iran with advanced weaponry, such as the S-300 missile defense system. It consistently defends Iran's lack of transparency regarding its nuclear weapons program.

Responsible states must be united and resolute in our efforts to stop Russia's geopolitical revisionist agenda.

Ukraine

Mr. President, I would be remiss if I did not mention Russia's continuing aggression against your own country. Russia's unwarranted attacks on Ukrainian Navy vessels on November 25 have demonstrated yet again Russia's willingness to violate international norms as it escalates its ongoing aggression against Ukraine.

We call on Russia to immediately return to Ukraine its detained crew and vessels and to respect Ukraine's sovereignty and territorial integrity within its internationally recognized borders, extending to its territorial waters. The United States rejects Russia's invasion and attempted annexation of Crimea. We stand with Ukraine in the Donbas, a region that has suffered so greatly because of Russian aggression, and are committed to diplomatic efforts to resolve the conflict. Unfortunately, as with other issues I have already outlined, we still await Russia's constructive engagement.

Broader Russian Activities

Mr. President, Russian violations of arms control agreements and malign activities are not just a bilateral issue for the United States or a regional issue in Europe. The Russian approach disregards human life and often poses a direct threat to public safety in many countries. From the attempted murder of Sergei Skripal and subsequent death of Dawn Sturgess in the UK, to cyber-attacks that target critical infrastructure and electoral processes—Russian activities have broad effects that go beyond usual national security and foreign policy concerns. They target the everyday lives of our citizens and attempt to strike at the core of democratic systems. Responsible states must be united and resolute in our efforts to stop them.

Moving Forward

Mr. President, it is the policy of the United States that all violations of arms control agreements should be challenged and corrected, lest those violators—or other would-be violators—conclude that they may disregard those obligations at will. This policy makes the world a safer, more secure place, where arms control can help manage strategic competition.

We need arms control that works, and an agreement adhered to only by one side is not a working agreement. We also need an international body that, as Secretary Pompeo said at the

German Marshall Fund on December 4, 2018: “can help facilitate cooperation that bolsters the security and values of the free world.”

Russia must understand that it cannot reap advantages from arms control treaty violations. The Trump administration has moved quickly to rebuild links amongst our old friends and nurture new partnerships. We will continue to take a direct approach to confront Russia where it threatens our institutions, our interests, or our allies.

The dire situation we face today on the INF Treaty does not mean the United States is walking away from arms control. On the contrary, as the 2018 Nuclear Posture Review states, the United States remains committed to arms control efforts that advance U.S., allied, and partner security; are verifiable and enforceable; and include partners that comply responsibly with all obligations and commitments.

One such example is the continued implementation of the New START Treaty by the United States and Russia. Both countries met the Treaty’s central limits in February 2018, and continue to implement the Treaty’s verification regime, including 18 on-site inspections each year.

At the same time, the United States is prepared to consider arms control opportunities that return parties to compliance, and enhance predictability and transparency. We will remain receptive to future arms control negotiations if conditions permit and the outcome improves the security of the United States, its allies, and partners. But we need a willing, reliable partner on the other side of the table.

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On March 19, 2019, Assistant Secretary of State for Arms Control, Verification, and Compliance Yleem D.S. Poblete addressed the 2019 session of the Conference on Disarmament in Geneva. Her remarks are available at <https://www.state.gov/remarks-at-the-conference-on-disarmament/>.

2. MTCR

On February 12, 2019, Dr. Ford spoke at the Hudson Institute on the U.S. proposal for reforming the Missile Technology Control Regime (“MTCR”). His remarks are excerpted below and available at <https://www.state.gov/the-case-for-reforming-the-missile-technology-control-regime/>.

* * * *

The United States’ proposal to make an adjustment to the Missile Technology Control Regime (MTCR) Annex as [it] relate[s] to unmanned aerial systems (UAS) has been the subject of detailed discussion already in the MTCR for many months, and the MTCR’s Technical Experts Meeting (TEM) has explored our proposal extensively from a technical perspective. I would like to say a few words about the reasons why we believe this modest reform of part of the MTCR framework is both necessary today and an important part of keeping the MTCR relevant and effective in the years ahead.

It almost goes without saying that the MTCR is and remains a valuable nonproliferation instrument, and one that we are committed to preserving ...

Yet for all its accomplishments in slowing such proliferation and helping underpin peace and security, the MTCR is an ageing regime. ...

As we consider what specific parameters should continue to be enshrined in the MTCR in the years ahead, we must not forget just how extraordinarily long a time this has been in technological terms. ...

...[T]he world of the MTCR's birth was also a vastly different place in economic terms.

In technological and economic terms, in other words, the environment in which the MTCR's technological parameters were established was an entirely different universe from the one we inhabit today.

Make no mistake. Nothing was wrong — nor is anything wrong today — with the animating principle of the MTCR: that nonproliferation principles require restraint and circumspection in transferring systems that could conceivably be used to deliver WMD. This remains as important a principle as ever. What fidelity to this key principle means in practice, however, cannot ignore the whirlwind of technological changes that have been taking place in the world.

Not surprisingly, the MTCR framework is today somewhat outdated. A system that fixed in place technical standards based upon military hardware of the Cold War era, its approach to UAS predates the extraordinary revolution in UAS development that has occurred in recent years. That revolution—which is still underway, and in many respects picking up steam—has seen an explosion in UAS applications and technology that has, among other things, seen the emergence of increasingly broad ranges of systems that *technically* fall within MTCR Category I standards but that are not as significant in terms of WMD-related threats.

Though not threatening in the way that the MTCR aspired to prevent, however, these emerging UAS are very valuable, and increasingly subject to a great range of diverse uses entirely unrelated to WMD, not just for military purposes—e.g., having become essential in intelligence, surveillance, and reconnaissance applications, and having an emerging roles in areas such as logistics—but also throughout the civilian economy, science, industry, commerce, logistics, safety, environmental management, forestry, agriculture, entertainment, recreation, and more. This is a fast-growing sector, and soon to be quite a huge one.

Not surprisingly, the great value of these systems and their growing diversity has led to a growing demand for UAS, including for systems technically within the Category I framework, and this demand has elicited a growing supply.

But MTCR Partners are to an important extent shut out of much of this exploding market, unable to participate fully in the commercial benefits of this booming sector—because of the high hurdle imposed by the MTCR's reflexive presumption of denial for all Category I systems—and with their governments unable to reap the full benefits of the relationships that UAS engagement can bring as countries around the world seek to expand their capabilities into these diverse new, non-WMD-related areas.

But *other* suppliers—and in particular those outside the MTCR framework, who are not bound by its strictures and who may feel no special obligation to scrutinize proposed transfers from a rigorous nonproliferation perspective as we do—are not shut out in this way. Indeed, for them the MTCR is a tool of competitive advantage *against* MTCR Partners. Against all of us. Such other suppliers are increasingly stepping in where MTCR Partners find it difficult to tread

because even non-WMD-relevant UAS systems are covered by strict Category I rules with their associated presumption of denial. Under the right circumstances and with appropriate nonproliferation assurances, of course, it is not impossible to overcome a presumption of denial, but having to overcome such hurdles for the modest subset of Category I UAS that are in reality not a WMD-related threat represents a considerable impediment—and, we think, an unnecessary one.

This situation harms not just the competitiveness of MTCR Partners, but also the MTCR itself—and the cause of nonproliferation. It puts needless pressure upon the MTCR and could threaten its long-term integrity, for institutions that do not know how to be appropriately flexible in a changing world risk shattering. Nor does continuing this rigidity stop the spread of UAS, because non-MTCR supplies are stepping into this market.

Indeed, the system's current rigidity fails to provide real nonproliferation benefits either, because the growing sources of foreign supply for increasingly capable UAS mean that these systems are spreading anyway. And because non-MTCR suppliers of such equipment seldom feel the need to approach their transfer-related decision-making with the nonproliferation-focused scrupulousness that we and other MTCR Partners display, even for non-Category-I systems, allowing such non-MTCR suppliers to occupy this competitive terrain essentially uncontested means that nonproliferation equities will get less and less respect over time—unless, that is, we do something to fix this problem.

In reaction to all this, the United States has proposed a way out of the trap caused by the MTCR's rigidity in the face of UAS-related technological change.

We have proposed to carve out a carefully-selected subset of Category I UAS for treatment as if they were Category II systems. This subset is based upon a maximum speed value—which would, in effect, update the MTCR framework to allow more permissive treatment of run-of-the-mill, basically non-WMD-related modern UAS that are useful, and indeed in today's world all but essential, for a range of non-WMD military and an exploding universe of peaceful civilian applications.

This change, however, is carefully limited, and would avoid relaxing MTCR rules on the sorts of WMD-related systems that it has *always* been the great virtue of the MTCR to restrict. Things such as ordinary, slow, fixed-wing UAS—along with rotary wing systems and lighter-than-air craft—would be subject to somewhat more flexible Category II rules. But cruise missiles, advanced unmanned combat aerial vehicles, and hypersonic aerial vehicles would still be covered as Category I items, as they should be.

Our proposed MTCR reform would continue to ensure that transfers of any covered UAS—including the ones for which we propose to relax some Category I restrictions—remain subject to careful nonproliferation considerations, pursuant to well-established MTCR principles. They would also be covered by the new standards of international conduct that are currently being negotiated to cover the *uses* of UAS, an important additional project that is important to the future of the nonproliferation regime, and that I hope all of you will also support.

Under the new approach, however, the MTCR would no longer rigidly apply its strong presumption of denial under the strictest, Category I rules to a subset of UAS that in reality have essentially nothing to do with WMD but a great deal of potential in the growing global UAS market. This would facilitate commerce in less threatening systems, and ease the worrying pressure that is building upon the MTCR regime, but it would do so without causing proliferation harm—and indeed while helping preserve the MTCR's integrity.

In fact, by helping preserve or increase the market share and international engagements of MTCR partners who *do* approach all such questions with real nonproliferation integrity—at the expense of unscrupulous suppliers who have hitherto been benefiting from overly rigid MTCR rules and unless the system is reformed will continue to do so—the more flexible approach we propose would likely have net nonproliferation *benefits* rather than costs.

The United States first suggested this approach in a concept paper over a year ago, and we have presented technical explanatory papers on multiple occasions to walk our MTCR partners through the details. We have also modified our proposal on the basis of these very helpful discussions.

It is now time, we believe, to move this proposal forward, before the damage done by the MTCR's UAS-related rigidity gets any worse. A regime that sets its standards on the basis of technological parameters cannot long ignore whirlwinds of technological change, and the bough that does not flex in such a gale risks breaking.

This is a reasonable idea, and a prudent one, and we believe its time has come. We will continue to work to seek MTCR Partners' support to modernize controls on UAVs.

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3. New START Treaty

The Seventeenth Session of the Bilateral Consultative Commission under the New START Treaty was held in Geneva from April 3-12, 2019. See April 12, 2019 State Department media note, available at <https://www.state.gov/on-the-seventeenth-session-of-the-bilateral-consultative-commission-under-the-new-start-treaty/>. The delegations to the BCC discuss practical issues related to the implementation of the Treaty. The Eighteenth Session of the BCC was held in Geneva from November 6–13, 2019. See November 14, 2019 State Department media note, available at <https://www.state.gov/on-the-eighteenth-session-of-the-bilateral-consultative-commission-under-the-new-start-treaty/>.

4. INF Treaty

As discussed in *Digest 2018* at 117-18 and 769-74, the United States provided notice in late 2018 that it would suspend its obligations under the Intermediate-Range Nuclear Forces ("INF") Treaty in 60 days, should Russia not return to full compliance with the treaty. The United States followed through on that notification by suspending its obligations effective February 2, 2019. On the same day, the United States provided six months' notice of its withdrawal from the treaty. See Chapter 4 of this *Digest* for the text of that notification. Secretary Pompeo briefed members of the press on February 1, 2019 on the U.S. actions. Secretary Pompeo's remarks are excerpted below and available at <https://www.state.gov/remarks-to-the-press-12/>.

* * * *

For years, Russia has violated the terms of the Intermediate-Range Nuclear Forces Treaty without remorse. To this day, Russia remains in material breach of its treaty obligations not to produce, possess, or flight-test a ground-launched intermediate-range cruise missile system with a range between 500 and 5,500 kilometers. In spite of this violation, for almost six years the United States has gone to tremendous lengths to preserve this agreement and to ensure security for our people, our allies, and our partners. We have raised Russia's noncompliance with Russian officials, including at the highest levels of government, more than 30 times, yet Russia continues to deny that its missile system is noncompliant and violates the treaty.

Russia's violation puts millions of Europeans and Americans at greater risk. It aims to put the United States at a military disadvantage, and it undercuts the chances of moving our bilateral relationship in a better direction. It's our duty to respond appropriately. When an agreement is so brazenly disregarded and our security is so openly threatened, we must respond. We did that last December when the United States, with strong support from all of our NATO allies, formally declared Russia in material breach of the treaty. I also then provided notice that unless Russia returned to full and verifiable compliance within 60 days, we would suspend our obligation under that treaty. We provided Russia an ample window of time to mend its ways and for Russia to honor its commitment. Tomorrow that time runs out. Russia has refused to take any steps to return real and verifiable compliance over these 60 days.

The United States will therefore suspend its obligations under the INF Treaty effective February 2nd. We will provide Russia and the other treaty parties with formal notice that the United States is withdrawing from the INF Treaty effective in six months, pursuant to Article 15 of the treaty.

Russia has jeopardized the United States security interest, and we can no longer be restricted by the treaty while Russia shamelessly violates it. If Russia does not return to full and verifiable compliance with the treaty within this six-month period by verifiably destroying its INF-violating missiles, their launchers, and associated equipment, the treaty will terminate.

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On February 2, 2019, the State Department issued a press statement from Secretary Pompeo on the U.S. suspension of obligations under the INF Treaty and the U.S. notice of withdrawal from the INF Treaty. That statement is excerpted below and available at <https://www.state.gov/u-s-intent-to-withdraw-from-the-inf-treaty-february-2-2019/>.

* * * *

On December 4, 2018, the United States announced that the Russian Federation is in material breach of the Intermediate-Range Nuclear Forces (INF) Treaty, an assessment shared by all

NATO Allies. The United States also provided notice that unless Russia returned to full and verifiable compliance in 60 days, the United States would suspend its obligations under the Treaty as a consequence for Russia's material breach.

Russia has not taken the necessary steps to return to compliance over the last 60 days. It remains in material breach of its obligations not to produce, possess, or flight-test a ground-launched, intermediate-range cruise missile system with a range between 500 and 5,500 kilometers. The United States has gone to tremendous lengths to preserve the INF Treaty, engaging with Russian officials more than 30 times in nearly six years to discuss Russia's violation, including at the highest levels of government. Despite our efforts, Russia continues to deny that its noncompliant missile system—the SSC-8 or 9M729—violates the Treaty. In accordance with customary international law, the United States has suspended its obligations under the INF Treaty, effective today, in response to Russia's material breach.

In addition, today the United States provided Russia and other Treaty Parties with formal notice that the United States will withdraw from the INF Treaty in six months, pursuant to Article XV of the Treaty. The United States has concluded that extraordinary events related to the subject matter of the Treaty arising from Russia's continued noncompliance have jeopardized the United States' supreme interests, and the United States can no longer be restricted by the Treaty while Russia openly violates it. If Russia does not return to full and verifiable compliance with the Treaty by eliminating all 9M729 missiles, their launchers, and associated equipment in this six-month period, the Treaty will terminate.

The United States takes its treaty obligations seriously and will not stand idle when others flout their obligations. Violations of treaty obligations must have consequences. The United States remains committed to effective arms control that advances U.S., allied, and partner security; is verifiable and enforceable; and includes partners that comply responsibly with their obligations. The United States stands ready to engage with Russia on arms control negotiations that meet these criteria. Regrettably, the INF Treaty is no longer effective due to Russia's ongoing material breach. Today's actions are to defend U.S. national security and interests and those of our allies and partners.

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On July 30, 2019, the State Department released a fact sheet responding to Russian propaganda regarding the INF Treaty. The "INF Myth Busters" fact sheet is available at <https://www.state.gov/inf-myth-busters-pushing-back-on-russian-propaganda-regarding-the-inf-treaty> and excerpted below.

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Russian Myth: *Russia's demonstration of the 9M729 on January 23, 2019, proved that the system is INF Treaty compliant and showed that Russia is being transparent.*

Fact: Russia's so-called "demonstration" on January 23, 2019, of what it claimed was the 9M729 launcher and canister did not change the fact that the system is a violation of the INF Treaty, because it has been flight-tested to distances prohibited under the treaty. The United

States and most of our NATO Allies did not attend this briefing, because we all saw it for what it was—another attempt to obfuscate while giving the appearance of transparency. The “demonstration” was completely controlled by Russia. There is nothing that Russia can say or show to change the fact that Russia has already tested the 9M729 cruise missile to ranges beyond 500 kilometers in violation of the INF Treaty. The United States provided to Russia in writing an illustrative framework of the steps it would need to take to return to compliance and save the INF Treaty. Only the complete and verifiable destruction of Russia’s 9M729 missiles, launchers, and associated equipment will resolve U.S. concerns.

Russian Myth: *Russia is interested in dialogue about the treaty, while the United States is not.*

Fact: The United States has spent over six years in dialogue with the Russian Federation to try to resolve Russia’s non-compliance. Prior to the U.S. suspension of its obligations on February 2, the United States raised Russia’s INF violation in more than 30 engagements, including at the highest levels of government. The United States has convened six meetings of technical experts to discuss Russia’s INF Treaty violation since 2014. This included two meetings of the Special Verification Commission, the treaty body responsible for addressing compliance concerns, in November 2016 and December 2017, and four bilateral U.S.-Russia meetings of technical experts, in September 2014, April 2015, June 2018, and January 2019. At each of these meetings, the United States pressed Russia on its violating missile, urged it to come back into compliance, and highlighted the critical nature of our concerns. However, we were met only with obfuscation, falsehoods, and denials. During the past six months, senior U.S. officials continued to discuss the INF issue with their Russian counterparts, including Secretary of State Pompeo in Sochi on May 14, 2019 and at the July 17, 2019 Strategic Security Dialogue, where Deputy Secretary of State Sullivan led the U.S. interagency delegation.

Russian Myth: *We gave the Americans fully detailed information about when and at what distance tests of this missile had been conducted.*

Fact: For over four years Russia denied the existence of the missile and provided no information about it, despite the United States providing Russia the location of the tests and the names of the companies involved in the development and production of the missile. Only after we publicly announced the missile system’s Russian designator did Russia admit that the missile exists, and it has since changed its story by claiming that the missile is incapable of ranges beyond 500 kilometers. Russia claims that it is not obligated to provide the United States any more information about the missile, its capability, or its testing history to support Russia’s contention that the missile is treaty-compliant. Despite such obfuscation, Russia claims that it wants to preserve the treaty.

The United States has presented Russia many sets of questions over the last six years—always addressing the same set of facts regarding the ongoing violation that Russia refuses to discuss. Russia has refused to answer key U.S. questions about its violating missile. First, the Russians claimed they could not identify the missile of concern to the United States, despite the United States having provided extensive information about its characteristics and testing history. Only later, when the United States forced Russia to acknowledge the existence of the missile by publicly releasing its Russian designator, did the Russians claim the missile was not captured under the INF Treaty because its range did not exceed 500km. Russia now claims it is not obligated to provide any additional information about this missile.

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Russian Myth: *The United States is cheating, not Russia.*

Fact: The United States is in compliance with its obligations under the INF Treaty, and Allies affirmed this most recently in a statement issued by NATO Foreign Ministers on December 4, 2018. Russia is not in compliance and has ignored calls for transparency from the United States and Europe. In contrast to Russia's refusal to answer substantively key U.S. questions about the SSC-8/9M729, the United States has provided Russia with detailed information explaining why the United States is in compliance with the INF Treaty. The United States has even presented some of this information publicly, including in a fact sheet on the State Department webpage.

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Russian Myth: *The United States is manufacturing its allegations against Russia as an excuse to exit the treaty.*

Fact: The Russian Federation is producing and fielding a new offensive capability prohibited by the INF Treaty. The Russian Federation created this problem, not the United States. The United States has long maintained that an INF Treaty that all parties comply with contributes to global security and stability. The United States has discussed this violation with Russia for over six years in an effort to convince Russia to return to compliance with the treaty. We also have long stated that the status quo is untenable and our patience is not unlimited. Unfortunately, Russia has taken no significant steps toward resolving this problem.

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On August 2, 2019, the State Department issued a press statement from Secretary Pompeo announcing that U.S. withdrawal from the INF Treaty was effective as of that date. The statement is excerpted below and available at <https://www.state.gov/u-s-withdrawal-from-the-inf-treaty-on-august-2-2019/>.

* * * *

On February 2, 2019, the United States provided its six-month notice of withdrawal from the Intermediate-Range Nuclear Forces (INF) Treaty due to the Russian Federation's continuing violation of the treaty.

The U.S. withdrawal pursuant to Article XV of the treaty takes effect today because Russia failed to return to full and verified compliance through the destruction of its noncompliant missile system—the SSC-8 or 9M729 ground-launched, intermediate-range cruise missile.

Russia is solely responsible for the treaty's demise. Dating back to at least the mid-2000s, Russia developed, produced, flight tested, and has now fielded multiple battalions of its noncompliant missile. The United States first raised its concerns with Russia in 2013. Russia subsequently and systematically rebuffed six years of U.S. efforts seeking Russia's return to

compliance. With the full support of our NATO Allies, the United States has determined Russia to be in material breach of the treaty, and has subsequently suspended our obligations under the treaty. Over the past six months, the United States provided Russia a final opportunity to correct its noncompliance. As it has for many years, Russia chose to keep its noncompliant missile rather than going back into compliance with its treaty obligations.

The United States will not remain party to a treaty that is deliberately violated by Russia. Russia's noncompliance under the treaty jeopardizes U.S. supreme interests as Russia's development and fielding of a treaty-violating missile system represents a direct threat to the United States and our allies and partners. The United States greatly appreciates the steadfast cooperation and resolve NATO allies have shown in responding to Russia's violation.

The United States remains committed to effective arms control that advances U.S., allied, and partner security; is verifiable and enforceable; and includes partners that comply responsibly with their obligations. President Trump has charged this Administration with beginning a new chapter by seeking a new era of arms control that moves beyond the bilateral treaties of the past. Going forward, the United States calls upon Russia and China to join us in this opportunity to deliver real security results to our nations and the entire world.

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D. CHEMICAL AND BIOLOGICAL WEAPONS

1. Organization for the Prohibition of Chemical Weapons ("OPCW")

a. Conference of States Parties

On November 25, 2019, Thomas Dinanno, deputy assistant secretary for defense policy, emerging threats, and outreach, delivered remarks at the OPCW Conference of States Parties in The Hague on strengthening the CWC and raising the cost of non-compliance. Deputy Assistant Secretary Dinanno's remarks, which are available in full at <https://www.state.gov/strengthening-the-cwc-and-raising-the-cost-of-non-compliance/>, are also excerpted below.

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The United States is encouraged by the overwhelming support of States Parties through their votes and voluntary funding contributions to prevent further CW use and restore CW deterrence, including critical voluntary funding to the new OPCW Centre for Technology and Chemistry and to the OPCW's Syria Trust Fund, which includes funding for the Investigation and Identification Team. If we are to succeed in restoring deterrence against CW use and driving chemical weapons use down to zero, we must continue to support the tireless, brave and noble efforts of the Technical Secretariat.

The United States believes that it is imperative to support new OPCW initiatives; to call out States Parties for their non-compliance; and to push for States Parties to be held accountable for non-compliance. In doing so, we seek to dissuade and prevent other States Parties from violating the Convention.

It is essential to support new initiatives to strengthen the Convention, and the United States is taking active steps to do so. In response to the Salisbury and Amesbury incidents, the United States, Canada, and the Netherlands jointly submitted a proposal (known as the Joint Technical Change Proposal) to add two chemical families to Schedule 1 of the CWC Annex of Chemicals. I call on States Parties to adopt the draft CSP decision by consensus, so that implementation can begin. The United States also can join consensus in the adoption of the Russian set of proposals to add chemicals to the CWC Annex of Chemicals. We believe these two proposals can be adopted at this CSP in parallel, by consensus, with “a single bang of the gavel.” By their addition, further development and use of deadly novichok weapons will be deterred and prevented.

A second initiative that the United States recently has undertaken is not new, but it is necessary. The United States, Australia, Switzerland and 21 additional co-sponsors have spearheaded an initiative to adopt a set of decisions making clear States Parties’ understanding that under the CWC the aerosolized use of CNS-acting chemicals is inconsistent with law enforcement as a “purpose not prohibited.” This set of decisions neither imposes new obligations on States Parties nor requires any changes to the Convention; instead it makes clear States Parties’ understanding that such use is impermissible under the CWC. I call on States Parties who have not yet cosponsored this initiative to join us and together, we can work to ensure that there is no use of CNS-acting chemicals as chemical weapons.

It is also crucial to call out non-compliance with the Convention to make clear such behavior is not acceptable, and to prevent further malign behavior. Last year, the United States announced its assessment of Iran’s non-compliance with the CWC in its national statement to the CWC’s Fourth Review Conference. The United States highlighted its assessment that the Russian Federation violated the CWC when it used a military grade nerve agent in an assassination attempt in the UK. Further, we remind States Parties that the Syrian regime has used chemical weapons systematically and repeatedly against the Syrian people every year since acceding to the Convention. The United States will not allow these violations to go unchallenged.

This year, the United States believes it is important to raise issues regarding Myanmar’s CWC compliance to States Parties’ attention. Based on available information, the United States certifies that Myanmar is in non-compliance with the CWC due to its failure to declare its past chemical weapons program and destroy its CW production facility. The United States assesses Myanmar had a CW program in the 1980s that included a sulfur mustard development program and chemical weapons production facility. The United States has serious concerns that a CW stockpile may remain at Myanmar’s historical CW facility.

Beginning in February 2019, the United States held bilateral discussions with Myanmar to ensure that the civilian government and its military were aware of U.S. concerns regarding its past CW program. The United States urges Myanmar to declare its past program to the OPCW, remove this potential proliferation issue, and come into compliance with the CWC. Doing so provides an opportunity for Myanmar to deepen international engagement, meet its Convention obligations, and uphold international nonproliferation efforts. The United States stands ready to

assist Myanmar in its efforts, including through the provision of technical expertise. We call on others in this room to also assist in this effort.

It is essential for all of us to continue to work together and push for accountability for CW use. As such, I call on all States Parties to agree to the proposed OPCW 2020 Programme and Budget, which includes the work of the Investigation and Identification Team. This team has been tasked, by States Parties, to “identify the perpetrators of the use of chemical weapons in the Syrian Arab Republic.” Once the IIT has finished its work and releases its findings, it will be up to States Parties to review the findings and to take action, both here and at the United Nations.

The United States is proud of what States Parties and the OPCW together have accomplished. I think we all agree there is more to do to try to move toward a world free of chemical weapons and to drive chemical weapons use to zero. In this way, we strengthen the Convention.

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b. *OPCW Adds Novichok to CWC Annex on Chemicals*

In a December 6, 2019 State Department media note, the United States announced that it had succeeded in leading an effort at the OPCW to add to Schedule 1 of the Chemical Weapons Convention Annex on Chemicals two families of chemicals called novichoks, including the nerve agent used by the Russian Federation in an assassination attempt in the United Kingdom on March 4, 2018. As explained in the media note, available at <https://www.state.gov/under-the-chemical-weapons-convention-nations-act-to-prevent-further-use-of-deadly-novichok-nerve-agents/>,

On November 27, the OPCW CSP agreed by consensus to adopt two decisions to add novichoks, including the specific nerve agent used by Russia in Salisbury, and other highly toxic chemicals, to the CWC’s “Annex on Chemicals” targeted for rigorous verification.

These landmark decisions reaffirm the international community’s resolve to deter and prevent the use of chemical weapons—and preserve the norm against such use—strengthening international peace and security.

2. *Chemical Weapons in Syria*

a. *Fact-finding mission report on chemical weapons use in Douma in 2018*

On March 7, 2019, the State Department issued a press statement on the release of the OPCW fact-finding mission report on investigation into chemical weapons use in Douma, Syria, on 7 April 2018. The press statement is available at <https://www.state.gov/release-of-the-opcw-fact-finding-mission-report-on-investigation-into-chemical-weapons-use-in-douma-syria-on-7-april-2018/> and excerpted below.

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The Organization for the Prohibition of Chemical Weapons Fact-Finding Mission (FFM) released its final report on March 1, 2019, regarding its investigation into chemical weapons use in Douma, Syria, on April 7, 2018. The report concluded that there were reasonable grounds that chlorine was used as a chemical weapon in the attack. The FFM found that the weaponized chlorine was not manufactured at the sites, as alleged by the regime, and that it is possible that the chlorine was released by cylinders that had been dropped from the air, as indicated by their condition and surroundings.

The conclusions in the FFM report support what the United States determined in our assessment of the attack last April—that the regime is responsible for this heinous chemical weapons attack that killed and injured civilians. The Assad regime’s use of chlorine as a chemical weapon is a violation of its obligations under the Chemical Weapons Convention, to which it is a party, as well as UNSCR 2118.

The United States commends the FFM for its independent and impartial work undertaken in difficult and dangerous circumstances. We also welcome the full implementation of OPCW’s mandate to identify perpetrators of chemical weapons attacks in Syria. The victims of this barbaric attack and their families deserve justice and this is an important step in holding those responsible to account.

Further, the United States rejects the efforts of the Assad regime and its supporters—Russia chief among them—to sow disinformation about alleged chemical weapons attacks. We remain deeply concerned about such disinformation. As noted in our own assessment in April 2018, after the CW attack in Douma, the regime falsely accused opposition groups of perpetrating the chemical weapons attack in Douma; and regime and Russia forces delayed inspectors from entering Douma in an expedited manner with appropriate access consistent with their mandate.

Unfortunately, this is just the latest case where chemical weapons use in Syria has been confirmed by the FFM, an impartial outside investigator. Once again, the United States calls upon the Assad regime to fully cooperate with the OPCW, verifiably destroy its remaining chemical weapons program and completely disclose its activities related to chemical weapons. These are all obligations Syria accepted when it became party to the Chemical Weapons Convention in 2013, but has failed to honor.

The United States continues to condemn the use of chemical weapons anywhere, by anyone, under any circumstances. Those who resort to the use of chemical weapons must be held to account. We call on all responsible nations to help us bring an end to the use of chemical weapons.

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b. Anniversary of Attack in Ghouta

On August 21, 2019, the State Department issued a press statement recognizing the six-year anniversary of the Assad regime’s chemical attack using the nerve agent sarin on

the Ghouta district of Damascus; an attack that killed more than 1,400 Syrians including many children. The press statement, available at <https://www.state.gov/syria-anniversary-of-the-ghouta-chemical-weapons-attack/>, further states:

We reiterate our resolve to prevent further use of these deadly weapons and to hold the Assad regime accountable for these heinous crimes.

The regime's barbaric history of using chemical weapons against its own people cannot and will not be forgotten or tolerated. Assad and others in his regime who believe they can continue using chemical weapons with impunity are mistaken. The United States remains determined to hold the Assad regime accountable for these heinous acts and will continue to pursue all efforts alongside partner countries to ensure that those involved in chemical attacks face serious consequences. We will continue to leverage all of the tools available to us to prevent any future use.

We condemn in the strongest possible terms the use of chemical weapons anywhere, by anyone, under any circumstances.

3. Finding of Non-Compliance with CWC: Burma

On November 27, 2019, the State Department published a report finding Burma in non-compliance with the CWC due to its failure to declare its past chemical weapons program and destroy its CW production facility. The report is available at <https://www.state.gov/finding-of-non-compliance-with-the-chemical-weapons-convention-burma/>.

4. Biological Weapons

On April 11, 2019, Assistant Secretary Ford spoke at the U.S. National Defense University on biosecurity and biological weapons nonproliferation. His remarks are available at <https://www.state.gov/biosecurity-biological-weapons-nonproliferation-and-their-future/>.

Cross References

UN International Impartial and Independent Mechanism (Syria), **Ch. 3.C.3.b.**

U.S. withdrawal from the INF Treaty, **Ch. 4.B.1.**

Arms Trade Treaty, **Ch. 4.B.4.**

Preventing an arms race in outer space, **Ch. 12.B.2.**

Iran sanctions, **Ch. 16.A.1.**

Nonproliferation sanctions relating to Iran, **Ch. 16.A.1.c.(3)**

DPRK sanctions, **Ch. 16.A.6.**

Russia sanctions, **Ch. 16.A.7.**

Nonproliferation sanctions, **Ch. 16.A.8.**

Conventional weapons, **Ch. 18.B.**