

GLOBAL ENTERPRISE TO STRENGTHEN NONPROLIFERATION AND DISARMAMENT

DISCUSSION PAPER: TRANSPARENCY – OPTIONS FOR COOPERATIVE ENGAGEMENT

By Dr. Lewis A. Dunn, Independent Consultant*
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I. Background

For the purposes of this paper, transparency is defined as the provision, exchange, and discussion of information about the policies, doctrines, capabilities, and activities of the Nuclear Weapon States (NWS) of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT).¹ (This paper will use the term “NWS transparency” for short.) NWS transparency includes engagement between the NWS and the NPT’s Non-Nuclear Weapon States (NNWS), as well as among the NWS. Although a broad definition of transparency can include actions by the NNWS, this paper’s particular focus on NWS transparency reflects the special prominence of calls for greater nuclear transparency by NWS in past NPT Review Conferences (RevCons) and very likely again at the 2020 RevCon. NWS transparency is also an area in which there are opportunities for cooperative engagement between NWS and NNWS, thereby helping to strengthen the legitimacy, effectiveness, and ultimate success of the NPT.

Transparency between NWS and NNWS is important, in part, because it strengthens accountability. A commitment to greater accountability by NWS was one of the sources of support for indefinite extension of the NPT by consensus in 1995. NWS transparency can also build trust among NPT Parties, help to rebuild habits of cooperation, and, in so doing, strengthen support for the NPT. It can do so by demonstrating where progress has been made

¹ Transparency is a controversial term to some countries. In the context of nuclear security, “confidence building” has become the preferred expression. Substitute terminology, such as “reporting” or “reducing ambiguity” or “improving predictability” are components or effects of transparency and do not cover the full breadth of the term as defined here as the provision, exchange, and discussion of information about NWS nuclear policies, doctrines, capabilities, and activities. References to greater transparency are also now an established element of the NPT nuclear disarmament discourse. For these reasons, this paper continues to use “transparency.”

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in implementing the NPT's nuclear disarmament goal, explaining the reasons why progress has been slower and more limited in some areas, and demonstrating the readiness of NWS to take seriously NNWS concerns and interests.

Among the NPT NWS, greater transparency can help to clarify misperceptions, strengthen mutual understanding, and improve predictability of each other's nuclear policies, plans, postures, and programs. In so doing, transparency can reduce the likelihood of missteps that could intensify competition, increase risks (including the risk of use of nuclear weapons), and diminish future nuclear disarmament progress. More broadly, the provision, exchange, and discussion of such information among the NPT NWS is an essential enabler of longer-term nuclear disarmament progress.

NWS transparency, however, is also subject to limitations. In part, there are technical-practical reasons that may make it difficult for NWS to provide certain types of information, even among themselves, e.g., on past production or existing stockpiles of fissile material for nuclear weapons. Legal obligations, including the obligation under Article I of the NPT "not to assist" NNWS to acquire nuclear weapons, may also place limits on NWS transparency, e.g., on the ways in which they can cooperate with NNWS to address aspects of nuclear disarmament verification. Different approaches to nuclear deterrence and national security among the NWS can shape assessments of the security impacts of certain transparency measures and readiness to take them, e.g., release of information on numbers and types of nuclear weapons. The different histories, cultures, traditions, and political systems of the NPT NWS have been another limiting factor. From a very different perspective, NWS transparency is limited because, even though such transparency can facilitate nuclear disarmament, it is no substitute for it.

II. The transparency state of play

Despite the limitations and occasional controversy, as well as important variations among NWS, the overall trend has been towards greater provision, exchange, and discussion of information about NWS policies, doctrines, capabilities, and activities, both among NWS and between NWS and NNWS. This trend is exemplified in official national documents, including within the NPT process; discussions of nuclear doctrine, concepts, posture, and related matters within the so-called P5 Process and the NPT Review Process; and the ongoing interaction – now part of the P5 Process – between the NWS and the members of the Non-Proliferation and Disarmament Initiative (NPDI).

Nonetheless, although the NWS reported on their implementation of Action 5 of the 2010 NPT Action Plan to the 2014 Preparatory Committee (PrepCom) for the 2015 NPT RevCon,² as called

² See Appendix for relevant actions from the 2010 Action Plan.

for by the Action Plan, and continue to provide information on implementation of their NPT obligations, they have not done so using a “standard reporting form” as “encouraged” in Action 21 of the Action Plan. Their reporting has also stopped short of covering all past commitments referenced in Action 21, as well as the very comprehensive list of items set out repeatedly in NPT NPT Working Papers. Rather, reporting has been more idiosyncratic, with each of the NWS defining for itself what information to provide, to what extent, and how. Within the P5 Process, there have been productive discussions of nuclear doctrine, but the wider P5 discussion of nuclear concepts in their “Glossary” is widely regarded as having had limited results. In contrast, military-to-military engagement, a more tangible and effective means of greater transparency on nuclear-related activities (and competitive risks), with real-life risk reduction benefits, has broken down between the United States and Russia and remains limited between the United States and China.

The table below summarizes the proposals that have been put forward to increase NWS transparency. These proposals also provide the context for consideration of possible options to explore further in the Global Enterprise, as well as the 2020 Review Process.

Existing Transparency-related Proposals	
<i>Proposal</i>	<i>Status</i>
Reporting on strategic stability talks: U.S.-Russia, U.S.-China	Ad hoc reports provided
Sustained and strengthened provision of information to NNWS on P5 discussions on reducing nuclear risk and advancing non-proliferation and nuclear disarmament	P5 briefings with NPT now established after P5 meetings, but limited participation
NWS-NNWS dialogue on transparency actions to reduce nuclear risks, build confidence, and support nuclear disarmament	Not a P5 focus; ad hoc discussions in NPT Review Process
Standardized, comprehensive NWS reporting on implementation of NPT nuclear disarmament obligations	NWS remain reluctant to agree to standard form with all items proposed
Sustained, more comprehensive, and more detailed NWS reporting on nuclear forces, doctrine, policy, posture, and plans, with interactive dialogue between NWS and NNWS	Principle of reporting now established, but NWS define information provided
NWS-NNWS dialogue on constraints and facilitators of increased NWS transparency	Ad hoc references to constraints sometimes made by NWS
NWS discussion of how they envisage a step-by-step nuclear disarmament process	Ad hoc; preferred steps set out, but not systematic or comprehensive
NWS declaration of military fissile material stocks	Done by some NWS
NWS declarations of stockpiles of nuclear warheads	Done by some NWS

Comprehensive military fissile material transparency, including information on production sites, past production, stockpiles	Partly done by some NWS
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III. Exploring possible options for cooperative engagement

This section briefly explores some possible options for cooperative engagement to strengthen NWS transparency. For each one, it describes the option, potential benefits, constraints on pursuit of the option (and potential workarounds), and possible next steps. These options are not mutually exclusive, nor are they exhaustive. Possible specific transparency measures are suggested; but the options also reflect a judgment that one of the most important challenges today is to put in place a robust dialogue or process that will allow NWS and NNWS to identify jointly priorities for transparency-related action. Doing so would be an important step to rebuilding those habits of cooperation among NPT Parties that are critical to sustaining the legitimacy, effectiveness, and support for the NPT.

Option 1: Expand Dialogue and Engagement between NWS and NNWS Based on Existing Reporting and Activities

Description - Expanded dialogue and engagement between NWS and NNWS would have three elements. First, assuming continued NWS reporting on their implementation of NPT Article VI obligations (including with reference to the Action Plan), renewed efforts would be made to have an interactive NWS-NNWS dialogue based on that reporting within the RevCon process. A readiness of the NWS to provide their reports prior to the RevCon and setting aside time at the RevCon dedicated to a discussion of those reports would be one way to do so. Second, the P5 countries could be encouraged to provide more comprehensive and ongoing reports of their own dialogue on nuclear issues within the P5 Process, as well as bilaterally in strategic stability talks. Third, existing mechanisms for dialogue between P5 countries and NNWS could be strengthened. To that end, approaches to consider could include: to extend the time available for dialogue between the P5 and NPT countries after P5 meetings; to broaden the participation in that dialogue; and for the P5 to hold a half-day side event at each PrepCom and at the RevCon and invite participation by all interested NNWS.

Benefits, Constraints, and Workarounds - Expanded dialogue and engagement would help to rebuild trust and habits of cooperation by providing an opportunity for NNWS to question but also attain clarifications of specific NWS activities. More comprehensive NWS reporting on the results of the P5 process would address the continuing and legitimate NNWS interest in how the P5 dialogue is advancing NPT goals and reducing nuclear risks. Strengthened mechanisms for dialogue between the P5 countries and NNWS would increase the accountability of that process. For the NWS, both steps would provide an opportunity to highlight actions being

taken, perhaps with a particular focus on the implementation of past commitments, and to demonstrate a readiness to take seriously NNWS concerns.

A continuing constraint is likely to be the inability of NPT Parties to engage in the less scripted back-and-forth, question and response of an interactive dialogue as opposed to the recitation of talking points. If only due to the nature of government preparations for major conferences, such interactive dialogue has proved elusive in the past. Providing reports in advance of the RevCon could be a partial workaround to this impasse by giving countries the opportunity to develop specific questions to ask during sessions devoted to the reports. Another workaround for the period between the 2020 and 2025 RevCons could be to dedicate time at successive PrepComs to a discussion of reports provided at previous meeting, again allowing inter-sessional preparation. Moreover, the numbers of NNWS that might want to be involved as well as the time available for a dialogue between the P5 and a broader spectrum of NNWS after each P5 conference could complicate such efforts. A workaround could be to include past RevCon presidents and the chairs of the Main Committee, as well as the leader of the disarmament sub-group of the Non-Aligned Movement and other major non-NPDI groupings as *ex officio* participants in the broader P5-NNWS dialogue, along with the NPDI members.

Next Steps - An initial step towards expanded dialogue and engagement could occur at the upcoming 2019 PrepCom for the 2020 RevCon, which could encourage the NWS to sustain their existing reporting. The PrepCom could also endorse the idea of a dialogue at the RevCon on ways to provide greater transparency around the P5 Process itself and to broaden the participation in P5-NNWS dialogue.

Option 2: NWS-NNWS Dialogue to Identify High-Priority Transparency Actions to Support Nuclear Disarmament

Description - A dialogue among NWS and NNWS to identify high-priority transparency actions that would support a sustained nuclear disarmament process and a nuclear-weapon-free world is a second option. In addition to beginning this dialogue in the Global Enterprise process and continuing it in the RevCon process,³ this dialogue could also become part of the wider ongoing international dialogue proposed by the U.S. initiative on creating the conditions for nuclear disarmament. This dialogue could have a dual focus.

First, it would seek to identify a limited set of near-term priorities related to the provision, exchange, and discussion of information about NWS policies, doctrines, capabilities, and activities to facilitate next steps in the nuclear disarmament process and lessen nuclear risks. As

³ One way to facilitate such a dialogue at the RevCon would be to set aside time to be dedicated to it. There is a precedent for doing so in the availability of time provided in the “Indicative timetable” for each PrepCom for discussion of a series of “specific issue[s].”

part of this discussion, such a dialogue could explore the constraints on NWS transparency, ways to work around those constraints, and the enablers of greater NWS transparency. More specifically, this discussion could aim to identify priority actions across four baskets of transparency measures to support nuclear disarmament.

- A first basket would comprise measures to help provide the needed information baseline for a sustained process of nuclear disarmament, including information about the nuclear weapon production infrastructures in the NWS; best estimates of existing stockpiles of nuclear-weapon materials; and declarations of aggregate stockpiles of deployed nuclear weapons as well as weapons and components in storage, reserve, or eliminated over time.
- Another basket would be transparency measures to help reduce competitive pressures and ameliorate today's difficult strategic context which is impeding renewed disarmament actions. More detailed annual exchanges among the NWS on their strategic (nuclear offense-defense, cyber, space) plans, deployments, and programs to lessen existing uncertainties would be an important step forward here. It would build on already-underway P5 discussions of doctrine.
- A third basket would be transparency measures to lessen misperceptions that are adding to competitive pressures and nuclear risk among the NWS. A starting point could be discussions among the NWS simply to identify such misperceptions as well as options to lessen them.
- A final basket would be transparency measures to rebuild habits of cooperation among NWS and NNWS, thereby restoring a shared commitment and renewed momentum for the nuclear disarmament endeavor. Many such measures are reflected in the long list of reporting areas put forward by the NPDI, including those aimed at demonstrating progress in advancing the NPT Article VI goals. The challenge is to choose what is most important now.

Second, a NWS-NNWS transparency dialogue could explore the longer-term role of transparency in achieving and sustaining a nuclear-weapon-free world. There likely are different perspectives on this question. Suffice it to suggest that one requirement to sustain an eventual nuclear-weapon-free world would be a comprehensive and complete count and accounting for all nuclear-weapon usable materials. An exploration of this requirement in turn would point toward incremental transparency pathways to build that comprehensive understanding as a process of nuclear disarmament unfolds.

Benefits, Constraints, and Workarounds - The transparency actions called for by the 2010 Action Plan are very general.⁴ Action 5 calls on the NWS to “[f]urther enhance transparency,” and Action 19 refers to the importance of cooperation for “improving transparency.” By contrast, the NPT Working Paper provides a very comprehensive listing of over 40 detailed transparency actions (including sub-actions). Outside expert reports, e.g., the 2018 report of the Group of Eminent Persons for Substantive Advancement of Nuclear Disarmament, offer somewhat greater specificity, in the case of the Group of Eminent Persons highlighting dialogue between NWS and NNWS on transparency measures for “threat reduction and risk reduction,” “security concerns” related to the disarmament process, and “improving[ing] confidence and trust”.⁵ The principal benefit of a NWS-NNWS dialogue on high-priority transparency actions would be to help identify a narrower (and more achievable) range of specific transparency options the pursuit of which would help to advance the nuclear disarmament process. As such, this dialogue would build trust among NPT Parties; give substance to the step-by-step process by identifying key enablers of nuclear disarmament; strengthen the legitimacy of and support for the NPT; and, depending upon the specific action, possibly lessen today’s competitive nuclear pressures and risks among NWS.

The complexities of today’s difficult regional-global security environment may be the most important constraint on an action-oriented dialogue to identify specific transparency priorities that would facilitate nuclear disarmament next steps. Until great power relations and the security environment improve, some transparency steps may be too tough to take now – or too far-reaching. Difficulties in sustaining a truly interactive dialogue among NWS and NNWS would also need to be overcome.

Acknowledging up front that there will be limits in this dialogue between NWS and NNWS on what can be achieved now – but that beginning this dialogue is essential for the longer term – would be a partial workaround. A more focused approach on transparency – and confidence-building actions more narrowly focused on lessening competitive pressures among the NWS – would be a different workaround and is discussed more fully in option 3 below. Encouraging both NWS and NNWS to put forward a limited set of proposed high-priority transparency actions that support nuclear disarmament prior to the 2020 RevCon could make interactive dialogue easier (similar to option 1). Another concept, now being proposed, would be to seek to break down tough but important transparency priorities into more manageable steps-within-steps.

⁴ See Appendix for complete texts.

⁵ The papers on “Risk Reduction” and “Doctrine” prepared for the Global Enterprise project also highlight some possible specific near-term transparency priorities.

Next Steps - The possibility of an action-oriented dialogue at the RevCon among NWS and NNWS on near-term transparency priorities to support nuclear disarmament, as well as longer-term transparency priorities in a nuclear-weapon-free world could be explored at the upcoming 2019 PrepCom. The PrepCom could also be an opportunity to discuss the idea of setting aside dedicated time at the RevCon to dialogue on a small set of topics, including transparency priorities.

Option 3: Identify, Implement, and Report on Focused NWS Transparency and Confidence-Building Actions to Reduce Competitive Pressures among the NWS

Description - This option would entail three elements. First, there would be a debate at the RevCon on a spectrum of focused NWS transparency- and confidence-building measures aimed at reducing pressures for strategic competition among the NWS. Examples of specific measures to be considered could include (a) dialogue and exchanges to improve each other's understanding of their nuclear doctrines and policies; (b) notifications, visits, and related measures to reduce uncertainties about each other's nuclear, defense, space, and cyber plans, programs, deployments, and activities; (c) unilaterally declared limits on agreed deployments and programs; and (d) bilaterally and/or within the P5 process identification of possible misperceptions of each other's policies and postures, as well as ways to reduce those misperceptions. Second, the 2020 RevCon would identify and agree on a limited set of such actions that the NWS would commit to implement. Third, the NWS would commit to report back to the 2022 PrepCom on the status of implementation of the agreed-upon actions.⁶

Benefits, Constraints, and Workarounds - RevCon identification of specific NWS transparency and confidence-building actions would give considerably greater substance to the very general calls in the 2010 Action Plan on the NWS to "further enhance transparency" (Action 5 g) or for "increasing confidence, improving transparency" (Action 19).⁷ Doing so would speak directly to the call from NNWS for the NWS to implement past commitments. The element of reporting on measures so identified and implemented would enhance accountability. Putting the identification of specific transparency actions on the RevCon agenda would underscore the importance of carrying forward, strengthening, and expanding the current dialogue within the P5 process on nuclear doctrine. In addition, successful identification and implementation of such measures would help reduce today's growing strategic competition among the NWS, which is one of the most important constraints on disarmament progress

Current tensions among the NWS and the differences between their policies and postures may be the most significant constraint, making it difficult for the NWS to agree among themselves

⁶ As with the preceding option, a new Specific Time could be created and allocated to a discussion of such NWS transparency and confidence-building measures to reduce competitive pressures.

⁷ See Appendix for full Action Plan item.

on specific measures. There may also be reluctance among NWS to agree on specific measures at the RevCon, with a preference for doing so on a bilateral or a P5 basis. A possible workaround would be to hold the debate at the RevCon and to put the responsibility for identifying and agreeing to specific measures on the NWS, whether bilaterally or in other groupings as well as to report back at the 2022 PrepCom on implementation of specific steps that were agreed. The NWS could also respond to possible proposals from NNWS regarding their views on priority actions.

Next Steps - The importance of fostering a discussion at the RevCon of NWS transparency and confidence-building actions to counter today's competitive pressures could be raised at the upcoming PrepCom. To jump start a RevCon discussion, the NWS, individually and as the P5, could be encouraged prior to the RevCon to put forward their proposals for such measures.

IV. Overall judgment and next steps

In light of these options, a number of actions could be pursued in parallel to strengthen NWS transparency. Specifically:

- Continue to use the Global Enterprise to identify promising transparency actions that can be pursued by the NWS, whether unilaterally, bilaterally, by all or some of the P5, or at the RevCon;
- Through bilateral contacts as well as at the upcoming 2019 PrepCom, NNWS could emphasize the importance of continued NWS reporting, including coverage of more of the elements listed in the NPDI Working Paper, and broadening the scope, modalities, and participation of P5 engagement with NNWS after P5 meetings;
- Among themselves, the NWS could explore both (a) how to strengthen their own discussion within the P5 Process of their respective nuclear-related policies, doctrines, capabilities, and activities, with a view to identifying steps that would lessen competitive pressures and advance the NPT's disarmament goal, and (b) how to broaden their dialogue with NNWS to a group that is wider than only the NPDI countries;
- At the upcoming 2019 PrepCom, countries could explore, and if possible take a decision to dedicate time at the RevCon to discuss a limited number of agreed, high-priority new initiatives to strengthen cooperative engagement among NPT NWS and NNWS;⁸

⁸ RevCon procedure now includes the creation of three "subsidiary bodies", one on disarmament, one on regional issues (including the Middle East), and one on the NPT (including the Review Process, universal adherence to the NPT, and withdrawal from the NPT). For the most part, discussion in these bodies mirrors statements made in the Plenary discussion as well as in the Main Committees. The proposal here is to dedicate time to a much more focused discussion of a limited set of issues. As noted time is set aside in the PrepComs for discussion of "specific issues" though in that case, there again is a very broad rather than a narrow agenda.

- At the upcoming 2019 PrepCom or the 2020 RevCon, NWS could host a side event during which each of them would outline its nuclear policies, postures, and doctrines, in the model of the well-received U.S. side event at the 2018 PrepCom, during which time officials explained the 2018 Nuclear Posture Review;
- At the RevCon, within a new Specific Time or in some other fashion, countries could undertake a discussion of transparency actions to advance nuclear disarmament or a narrower set of transparency actions to reduce competitive pressures among NWS, with the goal of agreement on a short list of transparency priorities to be pursued between the 2020 and the 2025 NPT RevCons; and
- An ongoing discussion of NWS transparency requirements and actions as an enabler of sustained nuclear disarmament progress could be folded into the newly-proposed U.S. “Creating the Conditions Working Group.”

Appendix

Transparency-Related Actions in the 2010 Action Plan

Action 5: The nuclear-weapon States commit to accelerate concrete progress on the steps leading to nuclear disarmament, contained in the Final Document of the 2000 Review Conference, in a way that promotes international stability, peace and undiminished and increased security. To that end, they are called upon to promptly engage with a view to, inter alia:

- (a) Rapidly moving towards an overall reduction in the global stockpile of all types of nuclear weapons, as identified in action 3;
- (b) Address the question of all nuclear weapons regardless of their type or their location as an integral part of the general nuclear disarmament process;
- (c) To further diminish the role and significance of nuclear weapons in all military and security concepts, doctrines and policies;
- (d) Discuss policies that could prevent the use of nuclear weapons and eventually lead to their elimination, lessen the danger of nuclear war and contribute to the non-proliferation and disarmament of nuclear weapons;
- (e) Consider the legitimate interest of non-nuclear-weapon States in further reducing the operational status of nuclear weapons systems in ways that promote international stability and security;
- (f) Reduce the risk of accidental use of nuclear weapons; and
- (g) *Further enhance transparency and increase mutual confidence.*
[Italics added]

The nuclear-weapon States are called upon to report the above undertakings to the Preparatory Committee at 2014. The 2015 Review Conference will take stock and consider the next steps for the full implementation of article VI.

Action 19: Action 19: All States agree on the importance of supporting cooperation among Governments, the United Nations, other international and regional organizations and civil society aimed at increasing confidence, *improving transparency* [Italics added] and developing efficient verification capabilities related to nuclear disarmament.

Action 20: States parties should submit regular reports, within the framework of the strengthened review process for the Treaty, on the implementation of the present action plan, as well as of article VI, paragraph 4 (c), of the 1995 decision entitled “Principles and objectives for nuclear non-proliferation and disarmament”, and the practical steps agreed to in the Final Document of the 2000 Review Conference, and recalling the advisory opinion of the International Court of Justice of 8 July 1996

Action 21: As a confidence-building measure, all the nuclear-weapon States are encouraged to agree as soon as possible on a standard reporting form and to determine

appropriate reporting intervals for the purpose of voluntarily providing standard information without prejudice to national security. The Secretary-General of the United Nations is invited to establish a publicly accessible repository, which shall include the information provided by the nuclear-weapon States.