

# Threats to International Nonproliferation Regimes

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**A**ctions taken by Russia and other former Soviet republics will have a significant influence on the implementation of the major international treaties banning the proliferation of weapons of mass destruction: the Nuclear Nonproliferation Treaty, the Chemical Weapons Convention, and the Biological Weapons Convention.

### THE NUCLEAR NON-PROLIFERATION TREATY

Emergence of more than one nuclear power among the newly independent states of the former Soviet Union would seriously damage the nuclear nonproliferation regime. Such an action, which would signal that the political and diplomatic costs of rejecting the nuclear nonproliferation regime were tolerable, would threaten to derail the extension of the nuclear Non-Proliferation Treaty (NPT) in 1995. It would also significantly upset the security relationships in a newly unsettled part of the world, possibly leading other states in the region to reconsider their own commitments to nuclear nonproliferation. States with the incentive and the ability to seek nuclear weapons (e.g., Iran, Taiwan, North Korea) might either openly renounce the Treaty or work to kill it. A chain of events might well culminate in the termination of the Treaty as an effective arms control regime, producing an arms race in which tens of nuclear powers could emerge. While such a catastrophe would not be inevitable if Belarus, Kazakhstan, or Ukraine pursued nuclear weapons, such an outcome would be conceivable. Therefore, Russia and the West share a common interest in persuading these three countries to accede to the NPT as soon as possible.

Belarus was the first to do so, ratifying the NPT in 1993. It had hesitated primarily for economic reasons, clearly having at least



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considered whether there was some way of using the presence of nuclear weapons on its territory to gain economic benefits in a time of difficulty. Kazakhstan hesitated for these reasons as well, but also was concerned about obtaining security assurances in return for giving up the weapons. Nevertheless, the government of Kazakhstan followed Belarus' example and signed the NPT, submitting it to parliament during a 1993 visit of U.S. Vice President Al Gore and ratifying it by a near-unanimous vote on December 13, 1993.

In Ukraine, where the Treaty has faced the greatest opposition, its fate is still uncertain. Resistance to giving up the nuclear weapons on its territory was driven principally by security concerns—Ukraine being the most worried of the three states about perceived Russian designs on its sovereignty, territorial integrity, and very existence—but economic considerations were an issue there, too.

On the positive side, Ukrainian leaders have stated that Ukraine will become a party to the Nuclear Non-Proliferation Treaty as soon as practicable, joining the regime as a non-nuclear-weapon state.<sup>1</sup> They have already succeeded in securing ratification of the START I nuclear arms control treaty by the parliament (or Rada), overturning a previous action that had placed crippling conditions on that Treaty's ratification.

However, Ukraine has failed to deliver on similar commitments in the past. In May 1992, Ukraine, along with the other nuclear inheritor states of the FSU, signed the Lisbon Protocol to START I, promising to ratify START I and to join the NPT as a non-nuclear-weapon state.<sup>2</sup> Indeed, since

1991, President Kravchuk has often stated that Ukraine would eventually accede to the NPT.<sup>3</sup> Many other politicians, however, were ambivalent on the issue. In May 1993, many urged the Rada to keep at least some strategic nuclear rockets (all 46 of the SS-24s then on their territory) for the near future. Around the same time, 162 members of the Rada (about 40 percent) signed a petition asserting that Ukraine was already a nuclear-weapon state, since the Lisbon Protocol considers the four inheritor states to be successor states for the purpose of START I arms reductions. The petition further declared that Ukraine should remain a nuclear-weapon state. This novel legalistic position, presented by Yuri Kostenko, head of the Rada parliamentary working group on START I ratification and disarmament, has not been accepted by any of the other former Soviet signatories of the Lisbon Protocol, nor by any Western states.

In Ukraine, parliamentary debate on START I began fitfully in June 1993. Postponing its consideration until the fall, the Rada "ratified" START I on November 18, 1993 with a large number of conditions attached, rendering the situation even more ambiguous than before. To the consternation of the international community, the conditions included a demand for additional international security guarantees, for foreign aid of at least \$2.8 billion to cover the cost of weapon dismantlement, and, most disturbingly, for the destruction of only a fraction of the SS-19 and SS-24 missiles on its territory.<sup>4</sup> The West had expected that all of the SS-19s and SS-24s would be destroyed, pursuant to the Lisbon Protocol. The Rada specifically

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<sup>1</sup> All signatories to the NPT other than five acknowledged nuclear-weapon states agree to forego nuclear weapons and are designated as "non-nuclear-weapon states" by the Treaty. See footnote 1, p. 3.

<sup>2</sup> Russia has made its own ratification of START I (and START II) contingent on Belarus, Kazakhstan, and Ukraine honoring this pledge: that is, to ratify START I and accede to the NPT.

<sup>3</sup> See, for example, T. Bernauer et al., "Strategic Arms Control and the NPT: Status and Implementation," G. Allison, et al., eds., "Cooperative Denuclearization: From Pledges to Deeds" (Cambridge, MA: Center for Science and International Affairs, Harvard University, January 1993), p. 48 and several press articles in FBIS, JPRS-TAC-93-003, Feb. 25, 1993, pp. 30-34.

<sup>4</sup> The Rada agreed to the dismantlement of 36 percent of the launchers and 42 percent of the warheads in Ukraine. This fraction was determined by taking the fraction of launchers and warheads of the entire Soviet arsenal to be removed and applying it to those on Ukrainian territory.

withheld ratification of Article V of the Lisbon Protocol, which contained the commitment to accede to the NPT as a non-nuclear-weapon states

Considerable progress was made on January 14, 1994, when Presidents Clinton, Yeltsin, and Kravchuk signed a trilateral declaration concerning the nuclear weapons in Ukraine. The deal includes the agreement by Ukraine to transfer all nuclear weapons on its soil to Russia by the year 2000, as agreed under the Lisbon Protocols. In return, Russia will compensate Ukraine for the uranium in the warheads, valued at about \$1 billion, through some combination of cash, nuclear fuel for Ukraine's reactors, and partial relief of the substantial debt owed by Ukraine to Russia for previously shipped energy supplies. The uranium itself will be blended from high enrichment (required for weapons) to much lower levels, characteristic of nuclear fuel for power reactors. In addition, further security guarantees from Russia and the United States, including recognition of current borders, were given Ukraine, contingent on accession to the NPT. The United States also promised financial aid, including \$175 million for dismantlement costs and \$155 million for economic development that it had earlier offered. After this agreement was reached, the Rada withdrew its earlier reservations about Article V of the Lisbon Protocol and ratified the START I treaty unconditionally on February 3, 1994.

The Rada also endorsed the trilateral presidential declaration on February 3, 1994, removing considerable uncertainty as to whether the declaration would, in the end, be implemented. Even so, many of the nationalist voices for a nuclear Ukraine violently attacked the agreement and President Kravchuk as well, some going so far as to accuse him of "high treason."<sup>6</sup> In addition, the

Rada refused to ratify the NPT. It is likely that the new Rada, elected on March 27, 1994, will consider the NPT after a resubmittal by President Kravchuk.

The final outcome of the NPT in Ukraine will depend on many political factors, including economic developments, the composition of the new Rada, and the relationship between the president and the Rada. Given, however, that Ukraine has already committed to remove all Soviet nuclear weapons from its territory, refusal to accede to the NPT at this point appears to have lost any political or strategic advantage, while the negative repercussions of a refusal would be considerable. The logical outcome is, therefore, that Ukraine will soon accede to the NPT, which would allow the START process to continue, remove considerable political uncertainty in eastern Europe, and eliminate a major threat to the long-term extension of the NPT at the extension conference in 1995.

## THE CHEMICAL WEAPONS CONVENTION

As the possessor of the world's largest chemical weapon arsenal, Russia's participation in the international chemical nonproliferation regime is essential to its viability.<sup>7</sup> Failure of the Russian government to ratify and comply with the multilateral Chemical Weapons Convention, or to implement existing bilateral chemical disarmament agreements with the United States, could therefore have serious consequences.

The United States and the Soviet Union arrived at a number of chemical arms control agreements in 1989 and 1990. On September 23, 1989, Secretary of State Baker and Soviet Foreign Minister Shevardnadze signed a Memorandum of Understanding (MOU) at Jackson Hole, Wyoming, that

<sup>5</sup> See J. Lepingwell, "The Ukrainian Parliament's Resolution On START I Ratification," Nov. 19, 1993, RFE/RL Research Institute FAX, and S. Erlanger, "Ukraine's Hedging on A-Arms Angers Russia," *The New York Times*, Nov. 22, 1993.

<sup>6</sup> See, for example, "UNA Accuses Kravchuk of 'High Treason' Over Nuclear Issue," *Demokratychna Ukrayina*, Jan. 25, 1994 in FBIS-SOV-94-018, Jan. 27, 1994, p. 34, and "Rukh Leader Terms Treaty Signing 'National Betrayal,'" *UNIAN*, Jan. 14, 1994, FBI S-SOV-94-101, p. 71.

<sup>7</sup> Of the republics of the FSU, only Russia had significant capability in chemical and biological weapon research, although some production facilities and a test range were in what are now Uzbekistan and Kazakhstan.

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provided for a two-phase process. The first phase included bilateral facility visits and the exchange of general data on each side's chemical weapons. Later, in a second phase, more detailed data would be exchanged, with more rigorous bilateral inspections of chemical weapon production and storage facilities for the purpose of verification of the data. This agreement was carried further by the Agreement on Destruction and Non-Production of Chemical Weapons and on Measures to Facilitate the Multilateral Convention on Banning Chemical Weapons (also known as the Bilateral Destruction Agreement or BDA), signed by Presidents Bush and Gorbachev on June 1, 1990. The original version of this accord provided for the actual destruction of chemical weapon stockpiles down to the level of 5,000 tonnes of agent on both sides by the year 2002;<sup>8</sup> the latest proposal is to revise the deadline to 9 years after the BDA enters into force (which it has not yet done, pending additional negotiations). In addition, both parties agreed to stop producing chemical weapons and to institute onsite inspections that would verify the stockpile destruction.

In July 1992, the United States and Russia signed an agreement to cooperate in the destruction of chemical weapons in Russia. Under this cooperation agreement, distinct from the BDA, the United States promised about \$25 million to help Russia destroy its stockpile; there are ongoing discussions about possible further help. One recent concrete result has been the decision to fund the construction of a chemical demilitarization laboratory in Russia. U.S. aid is important because Russia currently lacks the funding and, possibly, the technical infrastructure to dispose of its stockpile in time to satisfy the requirements of the Chemical Weapons Convention (assuming that treaty's entry into force).

An important first step was taken on January 10, 1994, when the United States and Russia signed the 1994 Plan of Work for the U.S. Chemical Weapons Destruction Support Office in Moscow. This agreement paves the way for the release of up to \$55 million in so-called Nunn-Lugar funding (see section in chapter 3 on U.S. assistance to the FSU)-including the \$25 million referred to above-to initiate the program. U.S. help will certainly speed up the process of chemical demilitarization, although it may not guarantee achievement of the timetable.

The bilateral chemical weapon accords with the United States had been intended to pave the way for the multilateral Chemical Weapons Convention (e.g., by helping to persuade other nations to accede and by providing a bilateral template for inspections that would be overseen by multilateral efforts later). However, the bilateral accords are being overtaken by the progress of the Convention, which was opened for signature on January 13, 1993. Meanwhile, there have been many delays in the implementation of the two bilateral accords, in part caused by the dissolution of the Soviet Union and the consequent upheaval in Russia. So far, there have been a general exchange of data and some visits. Implementation of the second phase of the MOU regarding inspections and detailed exchanges of data was delayed for some time. Phase 11 was finally agreed to and implementation documents signed on January 14, 1994 in Moscow, and reciprocal inspections will begin soon. In April 1994, the first of the information exchanges actually occurred.

The United States has a number of concerns regarding Russian chemical weapons. First, the Soviet/Russian declaration of the total amount of stockpiled chemical weapons (equivalent to 40,000 tons of agent) has aroused skepticism

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<sup>8</sup> The Soviet Union had declared 40,000 tonnes of chemical weapon agents in its stockpile; the United States has approximately 31,000 tonnes. United States General Accounting Office, "Status of U.S.-Russian Agreements and the Chemical Weapons Convention," GAO/NSIAD-94-136, March 1994, pp. 10-11.

among some observers in the United States and even in Russia, who feel this number is too low.<sup>9</sup> Second, allegations of continued Russian chemical weapon development have attracted international attention. In the best known instance, one scientist previously working in the Soviet chemical weapon complex, Dr. Vil Mirzayanov, has claimed in the Russian and American press that Russia was developing new, highly potent binary agents, at least on a laboratory scale.<sup>10</sup> While not yet a violation of the letter of the BDA (which would restrict the *production*, rather than the *development*, of chemical weapons), such activity would certainly violate the spirit and the norms of the evolving international regime on the banning of chemical weapons. Moreover, if this development were to continue after the Chemical Weapons Convention enters into force, it would violate that treaty. Official Russian statements have been evasive as to whether Dr. Mirzayanov's allegations are true, but his prosecution for revealing state secrets (only recently halted) lends some credibility to his testimony.

A third concern has been the lack of progress in implementing the two bilateral accords. Although agreement has been reached on Phase II of the MOU, the BDA remains deadlocked. After delays, talks were finally held in March 1993, but Russia failed to follow up on the agreement, de-

spite several requests by the United States. In September 1993, the Russians still had not agreed to follow up and instead asked for additional changes to the text.

## THE BIOLOGICAL WEAPONS CONVENTION

Recently, concerns have arisen in the United States about the delayed Russian compliance with the 1972 Biological Weapons Convention (BWC). If these concerns are not satisfactorily addressed, that treaty regime could be threatened.

For some time, the United States had suspected the Soviet Union of conducting biological warfare activity despite Soviet ratification of the Biological Weapons Convention and the Soviet Union's status as a depository government of that treaty. In 1979, scores of people died of respiratory anthrax in Sverdlovsk (now Yekaterinburg), caused by what the United States suspected—and the Russian press and politicians have since confirmed—was an accidental release from a military research facility. Further revelations concerning the Soviet/Russian biological weapon program have appeared in the Russian and international press. On April 11, 1992, Russian President Yeltsin issued a decree securing Russian fulfillment of its international obligations and confirming the termination

<sup>9</sup>U.S. Director Of Central Intelligence R. James Woolsey, elaborating on his testimony before the Senate Committee on Governmental Affairs in February 1993, stated for the record that "We cannot confirm that the Russian declaration of 40,000 metric tons is accurate. In addition, we cannot confirm that the total stockpile is stored only at the seven sites declared by the Soviets—all of which are in Russia. Some other republics maintain that Russia still has CW [chemical weapon] materials on their territories." In fact, according to a press report, some Russian officials have conceded the number is too low. See M. Gordon, "Moscow Is Making Little Progress In Disposal of Chemical Weapons," *The New York Times*, Dec. 1, 1993. Further, on Mar. 10, 1994, Aleksei Yablokov, Chairman of the Russian Security Council's Interdepartmental Commission for Ecological Safety, claimed that up to a factor of 10 more chemical weapon stocks had been manufactured in the Soviet Union. Reportedly, the excess over 40,000 tons had been dumped. See, for example, Radio Rossii, Mar. 10, 1994 in FBIS-SOV-94-048, Mar. 11, 1994, p. 28.

A report of the House Committee on Armed Services, "Countering the Chemical and Biological Weapons Threat in the Post-Soviet World" (Washington, DC: U.S. Government Printing Office, Feb. 23, 1993), refers to a report in *The Washington Times* alleging that the U.S. Defense Intelligence Agency put the Soviet stockpile at 75,000 tons, whereas the Central Intelligence Agency estimated the total to be under 50,000 tons.

<sup>10</sup>See W. Englund, *The Baltimore Sun*, Sept. 17, 1992, and V. Mirzayanov and L. Fedorov, "A Poisoned Policy," *Moskovskiy Novosti*, Sept. 20, 1992 and more details in an interview with Mirzayanov, *Moskovskiy Novosti*, May 30, 1993, from FBIS, JPRS-TND-93-016, June 1, 1993. Binary agents consist of two relatively harmless substances that, when mixed together, react to form the nerve agent.

of offensive biological weapon research.<sup>11</sup> Nevertheless, reports persist in the press that allege continuing biological warfare research activity on the part of the military, possibly without the knowledge or consent of political leaders.<sup>12</sup>

In September 1992, the United States, the United Kingdom, and Russia agreed to allow mutual visits to biological facilities and to exchange data in order to address concerns regarding compliance with the BWC. Under the provisions of the agreement, visits will be allowed at anytime (and by either side—some U.S. visits have triggered Russian requests for visits to U.S. facilities) to any nonmilitary biological research site in order to remove ambiguities. Visits to military facilities are envisioned in the second phase of the agreement. This provision is subject to the need to respect proprietary information on the basis of agreed principles. Except for that constraint, such visits will permit unrestricted access, sampling, interviews with personnel, and audio and video taping. As of December 1993, some visits and data exchanges had been carried out, but more work along these lines is needed to satisfy U.S. officials that Russian former biological weapon facilities do not constitute “an active or short-term standby illegal program.”<sup>13</sup>

### SUMMARY

If Ukraine, following Belarus and Kazakhstan, accedes to the Nuclear Non-Proliferation Treaty, two major proliferation threats will have been suc-

cessfully averted: as NPT parties, these states will have committed themselves not to seek possession or control over the Soviet nuclear weapons on their territories, and they will have agreed not to “mine” the materials in the weapons or in civilian nuclear facilities to manufacture their own devices.

The slow pace of implementation of Russia’s chemical and biological nonproliferation obligations, on the other hand, has given the United States cause for some concern over Russia’s commitment to these regimes. Russian noncompliance could have serious consequences. **However, the United States and Russia are in frequent contact on these matters. Russian officials seem to be striving towards eventual implementation, but there is still concern over the possibility that the military may be continuing its chemical and biological weapon activities beyond control of the political leadership.** Finally, an indication of Russian government concern with its progress towards chemical and biological weapon dismantlement might be found in the fact that on April 8, 1994, Anatoly Kuntsevich was dismissed from his post as chief of the office for dismantling chemical and biological weapons. This official had been responsible for building much of the Soviet Union’s chemical weapon capabilities, and his commitment to dismantling these weapons was widely mistrusted by Western diplomats as well as by Russians.<sup>14</sup>

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<sup>11</sup> Of the republics of the FSU, only Russia had significant biological warfare capability; see footnote 7.

<sup>12</sup> See J. Adams, “The Red Death,” *The London Times*, Mar. 27, 1994.

<sup>13</sup> An American official quoted in M. Gordon, *The New York Times*, Op. cit., footnote 9.

<sup>14</sup> ITAR-TASS, MOSCOW, Apr. 8, 1994, FBIS-SOV-94-068, Apr. 8, 1994, p. 32. See also J. Adams, footnote 13.