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Report on Multilateral Nuclear Disarmament Structures

DEPARTMENT OF STATE

International Security Advisory Board

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United States Department of State
Washington DC 20520

November 8, 2024

MEMORANDUM FOR UNDER SECRETARY BONNIE D. JENKINS

SUBJECT: Final Report of the International Security Advisory Board (ISAB) on Multilateral Nuclear Disarmament Structures (MNDS)

This report responds to your request of March 12, 2024, that the Board undertake a study of where potential for progress may exist in multilateral nuclear disarmament forums, including the Conference on Disarmament (CD), the United Nations First Committee (UNFC), the United Nations Disarmament Commission (UNDC), a potential fourth special session on disarmament (SSOD-IV), and the Nuclear Non-Proliferation Treaty (NPT) review process. The report was drafted by members of the study group chaired by Dr. Daniel Byman. It was reviewed by all ISAB members and unanimously approved by all the members present at the ISAB plenary meeting on October 30, 2024.

In general, the focus of this ISAB report is on the machinery of MNDS, not on disarmament or nonproliferation per se. Current MNDS have made tangible contributions to avoiding nuclear disaster in the past, but now face significant challenges in addressing these threats. They are increasingly seen as insufficient in dealing with the complexities and rivalries inherent in contemporary nuclear politics, in today's security environment.

With that in mind, this report includes a series of findings and specific recommendations by which the United States can advance risk reduction and arms control initiatives within the

existing MNDS, including exploring alternatives to consensus, expanding partnerships, among others.

My ISAB colleagues and I stand ready to discuss our report with you.

Honorable Edwin Dorn
Chair
International Security Advisory Board

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I. Introduction

The evolving and increasingly unstable global security landscape brings a sense of urgency to the need for the United States to strengthen multilateral nuclear disarmament structures (MNDS). The People's Republic of China (PRC) is rapidly building a large and sophisticated nuclear force, and Russia has threatened to use nuclear weapons to deter U.S. and allied support for Ukraine. The Democratic People's Republic of Korea (DPRK) has developed nuclear weapons in the face of international opposition, while Iran continues to develop its nuclear and ballistic missile programs. Advancements in nuclear technology and delivery systems exacerbate this geopolitical friction, potentially lowering the threshold for nuclear use and increasing the likelihood of miscalculation. These and other challenges create a multifaceted threat that cannot be adequately addressed without multilateral cooperation led by the United States.

Current multilateral disarmament structures, such as the Conference on Disarmament (CD) and the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) review process, have made tangible contributions to avoiding nuclear disaster in the past, but now face significant challenges in addressing these threats. They are increasingly seen as insufficient in dealing with the complexities and rivalries inherent in contemporary nuclear politics. Additionally, the withdrawal, suspension, and de-ratification of arms control and disarmament agreements by key nations coupled with perceived paralysis of multilateral venues like the United Nations Security Council and the CD present credibility challenges for these bodies.

Without a comprehensive approach that accounts for rising nuclear risks and the security environment, disarmament efforts are likely to falter. Therefore, there is value in reinvigorating multilateral disarmament mechanisms that incorporate contemporary security dynamics, foster greater transparency, and build trust among all stakeholders to mitigate the growing risks of nuclear proliferation and use.

The 2022 Nuclear Posture Review stressed the role of nuclear weapons in deterrence and assuring allies and noted, "[a]s long as nuclear weapons exist, the United States and other nuclear weapons states have a special charge to be responsible custodians of these nuclear

capabilities and work with a sense of urgency to create a security environment that would ultimately allow for their elimination."[1] One particularly crucial responsibility of the United States and other nuclear weapons possessors that are parties to the NPT is demonstrating progress towards arms control and disarmament. National Security Advisor Jake Sullivan, however, warned that the foundation of arms control was eroding and called for advancing new arms control and risk reduction measures.[2] Are the existing multilateral disarmament structures and institutions fit for purpose, or do they need to be revisited and potentially replaced?

At the direction of Ambassador Bonnie D. Jenkins, the Under Secretary of State for Arms Control and International Security, the International Security Advisory Board (ISAB) examined the current state of multilateral nuclear disarmament structures:

> "The International Security Advisory Board (ISAB) is requested to undertake a brief study of where potential for progress may exist in multilateral nuclear disarmament forums, including the Conference on Disarmament (CD), the United Nations First Committee (UNFC), the United Nations Disarmament Commission (UNDC), a potential fourth special session on disarmament (SSOD-IV), and the Nuclear Non-Proliferation Treaty (NPT) review process."

As part of this study, the ISAB was asked to assess how to unblock the CD, ways to reinvigorate annual meetings of the United Nations related to arms control, the potential value and considerations of an SSOD-IV, ways to improve the overall disarmament atmosphere, and the realistic expectations for U.S. disarmament commitments today. In general, the focus of this ISAB report is on the machinery of MNDS, not on disarmament or nonproliferation per se. The full terms of reference are presented in Appendix A.

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[1] U.S. Department of Defense, "2022 Nuclear Posture Review", *2022 National Defense Strategy,* https://media.defense.gov/2022/Oct/27/2003103845/-1/-1/1/2022-NATIONAL-DEFENSE-STRATEGY-NPR-MDR.PDF#page=33, p. 2.

[2] "Remarks by National Security Advisor Jake Sullivan for the Arms Control Association (ACA) Annual Forum," June 2, 2023, https://www.whitehouse.gov/briefing-room/speeches-remarks/2023/06/02/remarks-by-national-security-advisor-jake-sullivan-for-the-arms-control-association-aca-annual-forum/

In ISAB discussions with interviewees from the U.S. government, allied and partner governments, and outside experts, virtually all agreed the current MNDS and overall disarmament environment were "in crisis," a judgment the ISAB shares. They cited numerous problems, including the following:

- *An inhospitable security environment*. Russian hostility to the rules-based order, which began well before the 2022 further invasion of Ukraine but accelerated since then, has led Moscow to oppose progress in MNDS, including on many issues where it had previously played a constructive role. The PRC is expanding its nuclear arsenal and is reluctant to engage in bilateral or multilateral arms control.

- *A breakdown in the nuclear order.* Existing arms control norms and agreements are buckling. Some states block progress, and many non-nuclear weapon states are no longer convinced the United States and other nuclear powers are serious about fulfilling their commitments related to disarmament.

- *Structural and procedural concerns.* Existing MNDS are often hobbled by their own rules, such as the consensus requirement the CD maintains. Many of the rules stem from a system devised during the Cold War, when progress was possible if and when the two superpowers agreed on the parameters, a situation that is no longer tenable. In addition, there are competing arms control and disarmament venues that may weaken bodies like the CD, which is often ignored or neglected by the senior security officials from key countries. Finally, many of the MNDS are interdependent, and a decline in one harms the functionality of the others.

Realistically, given these many problems, the short-term ability of the United States to achieve new disarmament agreements is highly circumscribed, and no one should expect the United States or other nuclear-weapon states to rapidly achieve progress toward disarmament. Rather, even as the United States continues to pursue the peace and security of a world without nuclear weapons, in the interim Washington should focus on nuclear risk reduction and arms control measures, including through the use of existing MNDS to reduce immediate nuclear risks. Success in these areas would contribute to global stability, reducing the danger of

nuclear use, war, and proliferation. This, in turn, could set the stage for long-term progress toward disarmament. At this point in history, however, the United States is at best in a holding pattern: the strategic environment constrains the institutions, and even significant institutional reform would not lead to progress in arms control and risk reduction.

The failure to make progress is not, however, primarily the result of inadequate disarmament machinery – the institutions, structures, and practices that allow for negotiations when there is political will to reach agreements. The single greatest obstacle to progress toward disarmament is a lack of will among the nuclear-weapon states to urgently pursue disarmament because of the security environment. It would be a mistake to try to alter the multilateral disarmament machinery without knowing in advance the outcomes the United States seeks and is likely to attain given the current policies of Russia and the PRC. Indeed, given the rules of the current system, any changes in MNDS would require Russian and PRC support, which is unlikely given their current hostility to nuclear transparency and restraint.

With this in mind, the ISAB recommends that the United States take the following steps to advance risk reduction and arms control initiatives within existing MNDS:

- Recognize the value and limits of consensus requirements in bodies like the CD. Under current geopolitical conditions, consensus prevents the CD from advancing arms control, but it also blocks negative initiatives Russia, the PRC, or other powers might propose.

- Explore alternatives to consensus in select areas. Although requiring consensus in general should be maintained, in select areas it might be overcome. This might include reducing the consensus requirement on procedural (not substantive) issues, convening "mini-laterals," and other ways to make progress aside from bodies where consensus is required. In most instances and venues, however, this would not be an effective approach.

- Ensure the support of key U.S. allies both in working within MNDS and acting outside existing institutions, recognizing that major European states, Japan, the Republic of Korea, Australia, and others are vital for overall U.S. arms control goals.

- Work with key actors in the "Global South," including high level political engagement to bypass bureaucratic impediments. The U.S. Government should identify countries that can engage with Russia and the PRC as well as the United States.

- Explore the possibility of negotiations in existing bodies in nuclear-adjacent areas, such as a radiological weapons ban or restrictions on use of artificial intelligence (AI) in managing nuclear weapons operations.

- Combat Russian and PRC disinformation on arms control.

- Support a SSOD-IV in principle contingent on a clear understanding both of U.S. goals and agreement in advance on the scope of any negotiation to ensure it matches overall U.S. interests.

- Upgrade the bureaucratic role of the permanent delegation in Geneva.

The remainder of the report has the following structure. Section II sets the scene, describing the main MNDS and how they interact. In Section III, the general challenges facing MNDS are assessed in detail. Section IV focuses on three structures – the CD, the SSOD, and the NPT review process – and evaluates their problems and the risks associated with various reforms. The report concludes in Section IV with a discussion of the implications for current U.S. policy and recommendations for improving the effectiveness of MNDS.

II. Overview of Main Disarmament Bodies

Since the invention of atomic weapons, scientists, politicians, and activists have attempted to control, and ultimately eliminate these weapons, including through multilateral institutions.

The first Resolution by the United Nations General Assembly in 1946 established the Atomic Energy Commission with a mandate to make proposals for the "elimination from national armaments of atomic weapons and of all other major weapons adaptable to mass destruction."[3] In the first decade of the atomic age, states supported a host of multilateral efforts to advance nuclear disarmament, including the Baruch and Gromyko Plans by the United States and Soviet Union, respectively, in 1946 and the establishment of the International Atomic Energy Agency (IAEA) in 1957. These MNDS efforts had mixed success, largely due to ongoing competition between the United States and Soviet Union, with the IAEA being one of the sole surviving institutions from that era.

The current MNDS ecosystem is largely the result of two factors. First, the security environment in the Cold War and immediate post-Cold War eras, while often contentious, at times facilitated dialogue, particularly among nuclear weapons possessors, with many existing institutions being the product of past eras of cooperation. The Cuban Missile Crisis in 1962 confronted the superpowers, their allies, and the global community with the risk of nuclear war, and its aftermath was a particularly important era for MNDS. Many disarmament efforts were intended to avoid another such crisis. Successes included agreements such as limits on nuclear testing, the NPT, and bilateral arms control agreements between the United States and Soviet Union, such as the 1987 Intermediate-Range Nuclear Forces (INF) Treaty, all of which ultimately led to an 80-90 percent reduction in global nuclear weapons stockpiles. As of September 2023, the U.S. stockpile of nuclear warheads consisted of 3,748 warheads, an 88 percent reduction in the stockpile from its maximum (31, 255) at the end of fiscal year 1967, and an 83 percent decrease from its level (22,217) when the Berlin Wall fell in late 1989.[4]

Leaders of the two superpowers believed, largely correctly, that if they reached consensus on arms control in a multilateral body, the other participating states would not break that

[3] "Global Issues: Disarmament," United Nations, accessed September 27, 2024, https://www.un.org/en/global-issues/disarmament#:~:text=The%20first%20resolution%20adopted%20by,use%20only%20for%20peaceful%20purposes.

[4] "Transparency in the U.S. Nuclear Weapons Stockpile," United States Department of State, accessed October 16, 2024, https://www.state.gov/transparency-in-the-u-s-nuclear-weapons-stockpile-2/

consensus. This would be particularly true in the CD, which unlike either the NPT Review Conferences or the Disarmament Commission, is a forum to negotiate disarmament treaties.

Pressure from non-nuclear weapon states, notably Ireland and Mexico, was another driver of disarmament efforts. The First Special Session of the General Assembly Devoted to Disarmament was held in 1978 and the Conference on Disarmament established in 1979, when nuclear disarmament was slowing. The Conference on Disarmament and the Disarmament Commission emerged as successors to previous disarmament bodies, such as the 1960 Ten-Nation Disarmament Committee, 1962-68 Eighteen-Nations Disarmament Committee, and 1969-78 Conference on the Committee on Disarmament.[5] They carried forward the legacies of past efforts and lessons learned in disarmament.

MNDS are a product of the environments in which they were founded and do not always reflect changes in the security environment. The NPT, for example, was opened for signature in 1968 and based on a "grand bargain": the nuclear - weapon State Parties[6] committed to "pursue negotiations in good faith" towards ending the arms race and "general and complete disarmament," as captured in the Treaty's Article VI. In exchange, the non-nuclear-weapon State Parties committed to refrain from manufacturing or acquiring nuclear weapons and to accept IAEA safeguards on nuclear material within their territory or under their control. This "grand bargain" resulted in a two-tiered system within the NPT between the nuclear haves and have-nots. Furthermore, the NPT promotes the peaceful uses of nuclear energy (under safeguards for the non-nuclear-weapon states). The NPT now has 191 members, with the PRC and France being the last of the five nuclear-weapon states to join in 1992. The NPT is

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[5] For a history of the predecessors to the Conference on Disarmament, see "A Brief Synopsis Of Disarmament And Arms Limitation Negotiations Since 1945 - Including Their Results - Carried Out Within The Framework Of The United Nations, On A Regional Basis, Or Bilaterally, With Indication, Where Appropriate, Of The Procedures Followed To Keep The United Nations Informed," Working Paper prepared by the Secretariat, A/AC.187/67, included in the Report of the Preparatory Committee for the Special Session of the General Assembly Devoted to Disarmament, Vol. IV, 1978.

[6] The NPT defines a nuclear-weapon state as a state which had manufactured and detonated a nuclear explosive device prior to January 1,1967, i.e. the United States, the United Kingdom, France, the Soviet Union, and China. For NPT purposes, all other states are non-nuclear-weapon states, regardless of whether they subsequently acquired nuclear weapons.

reviewed every five years in Review Conferences (RevCons), with three Preparatory Committee (PrepCom) sessions in the years preceding RevCons.

Over the years the NPT review process has come to include numerous groupings and initiatives. Important groupings include the Non-Aligned Movement, which currently has approximately 120 members, and the Non-Proliferation and Disarmament Initiative, established in 2010 which currently has 14 members, which emphasizes practical steps towards reaching consensus within the NPT and greater transparency. Another grouping within the NPT's ambit is the P5 process, which was established in 2009 as a forum for the nuclear-weapon states to demonstrate commitment to their NPT obligations and lay the groundwork for progress towards nuclear disarmament. The P5 process has met nearly every year since its founding, and its agenda includes topics such as transparency of doctrines and strategic risk reduction. The four known or reputed nuclear-armed states outside the NPT – India, Pakistan, North Korea, and Israel (although it neither acknowledges nor denies that it has nuclear weapons) – do not participate in the process or NPT proceedings. More recently, in 2019 the United States established the Creating an Environment for Nuclear Disarmament (CEND) initiative, which focuses on transparency, emerging technologies, and nuclear risk reduction, and includes dozens of countries, including some outside the NPT.

The United States, as a party to the NPT, has an obligation under Article VI of the treaty 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, and on a treaty on general and complete disarmament under strict and effective international control." The commitment by nuclear-weapon State Parties to make good faith efforts toward disarmament is an issue of fundamental importance for those states that have renounced nuclear weapons. Non-nuclear-weapon State Parties to the NPT have pragmatically accepted the imperfect reality that reducing nuclear dangers requires preventing new states from acquiring nuclear weapons, while those states with nuclear arms work to create the conditions for their elimination.

The United Nations Charter provides for the holding of special sessions of the General Assembly at the request of the Security Council or of a majority of the Members of the United Nations. Special Sessions on Disarmament (SSODs) can review the progress of disarmament initiatives,

assess existing policies, and address new challenges to keep disarmament efforts relevant as the global environment changes. SSODs provide a venue where UN member states can discuss aspects of disarmament, and the dialogue itself can lead to greater understanding. The special sessions can also establish new goals and frameworks, and present negotiated treaties. There have been thirty-two such special sessions of the General Assembly devoted to a variety of topics, including three on disarmament. Those special sessions on disarmament were held in 1978 (SSOD-I), 1982 (SSOD-II) and 1988 (SSOD-III) – although only the SSOD in 1978 succeeded in producing a final document.

SSOD-I introduced the Conference on Disarmament (originally called the Committee on Disarmament), which was formed in 1979.[7] The Conference on Disarmament (CD) is open to the NPT nuclear-weapon states and a certain number of other States (originally 32 to 35, now 60 in addition to the nuclear-weapon states), and is set up to report to the General Assembly at least annually, adopt its own agenda taking into account recommendations of the General Assembly as well as proposals by CD members, and conduct its work by consensus and adopt its own rules of procedures. Since its establishment in 1979, virtually every multilateral disarmament agreement the United States has negotiated sprang from the CD, notably the 1996 Comprehensive Test Ban Treaty (CTBT). The UN First Committee (UNFC) often initiated many agreements hammered out in the CD and then subsequently approved the treaties such as the CTBT without CD formal approval. The CD has 65 members, and its presidency rotates alphabetically every four weeks. It is the only permanent multilateral disarmament treaty-negotiating forum.

The 1978 SSOD also created the UN Disarmament Commission (UNDC) as a deliberative, subsidiary organ of the General Assembly, composed of all UN Member States. It was created as a deliberative body, with the function of considering and making recommendations on various issues in the field of disarmament and of following up on the relevant decisions and recommendations of the special session. It reports annually to the General Assembly. Like the CD, it was stymied for many years and unable to reach any consensus recommendations. It

[7] See Recommendations of the Preparatory Committee in 1977, included in the Report of the Preparatory Committee for the Special Session of the General Assembly Devoted to Disarmament, Vol. I, Supplement No. 1 (A/S-10/1), 1978.

broke this impasse in 2017 with recommendations for Confidence Building Measures (CBMs) in the conventional field and again in 2023 with recommendations for CBMs in outer space.

The original multilateral disarmament machinery in Geneva reflected the dominance of the United States and the Soviet Union. It evolved into a broad-based (albeit not universal membership). Even as the path towards new nuclear disarmament and nonproliferation agreements remains blocked, Geneva provides a standing forum for the United States to promote international security cooperation, such as its ban on destructive direct-ascent anti-satellite testing. The PRC and Russia similarly use the forum to promote their own proposals such as the Prevention of the Placement of Weapons in Outer Space (PPWT).

III. Challenges Facing Existing MNDS

MNDS face serious challenges that inhibit their functioning. Some of these are linked to the broader security environment in which MNDS must function, while others concern weaknesses and limits within the MNDS themselves.

The PRC and Russia Move Away from Nuclear Risk Reduction

Both Russia and the PRC have rejected U.S. efforts to pursue nuclear risk reduction because the leadership in both countries views the manipulation of nuclear risk as a potentially useful foreign policy tool to advance other interests. Russia, in particular, has sought to hold arms control, disarmament, and risk reduction measures hostage to undermine opposition to its ongoing aggression against Ukraine, such as when Russia blocked the adoption of a substantive outcome document at the August 2022 NPT Review Conference. Sergey Ryabkov, Russia's Deputy Foreign Minister, has made clear that Russia will not "discuss arms control issues in the mode of so-called compartmentalization."[8]

[8] "Russia not ready to conduct arms control dialogue in manner suggested by US — MFA." TASS Russian News Agency, July 21, 2023, https://tass.com/politics/1650391

Russia has also "suspended" its participation in the New START Treaty, which Moscow and the United States signed in 2010. It was renewed in 2021 for the one allowable five-year extension and will expire in 2026. Russia's claimed suspension is legally invalid. The agreement places a maximum limit on deployed nuclear warheads of 1,550, with sub-limits of 700 deployed launchers (ICBMs, SLBMs, and bombers), and 800 deployed and non-deployed launchers. Both countries met these limits in 2018 and are obliged to adhere to them until the treaty expires. Russia has refused to meet with the United States and negotiate a follow-on agreement "without conditions," as proposed by the United States.

In addition to Russian recalcitrance, the recent build-up in the PRC's nuclear forces and Beijing's refusal to engage in a sustained dialogue with the United States about nuclear doctrine or restraint has undermined global arms control efforts. Until recently, the PRC's nuclear arsenal has lagged considerably behind that of Russia and the United States, but Beijing now is seeking to build an arsenal which could conceivably match that of the United States and Russia in the next decade or so. In its 2023 annual report to Congress on military and security developments involving the PRC, the Department of Defense estimates that by 2030 the PRC is likely to have over 1,000 operational nuclear weapons as it modernizes and expands its nuclear forces. The buildup includes new strategic bombers, nuclear missile submarines, and missile silos that "[c]ompared to the [People's Liberation Army] PLA's nuclear modernization efforts a decade ago, current efforts dwarf previous attempts in both scale and complexity."

The PRC has largely avoided substantive discussions of arms control and disarmament issues, halting arms control and nonproliferation talks with the United States over U.S. arms sales to Taiwan and criticizing the United States for the "hypocritical approach of instigating confrontation and creating crisis on one hand while calling for the reduction of nuclear risks on the other."[9]

In addition to this troubling behavior by Russia and China, the DPRK broke its NPT obligations and gave notice of its withdrawal from the Treaty in 2003 and has developed a nuclear arsenal

[9] Statement of the Chinese Delegation at the Thematic Discussion on Nuclear Weapons at the First Committee of the 78th Session of the UNGA, October 16, 2023, http://un.china-mission.gov.cn/eng/chinaandun/disarmament_armscontrol/unga/202310/t20231017_11162037.htm#:~:text=We%20should%20reject%20the%20hypocritical,crisis%20management%20on%20the%20other.

that increasingly poses a threat to its neighbors and the United States. India and Pakistan are nuclear-armed states, as reputedly is Israel, although Israel maintains a unique non-confirmation policy on its nuclear status. Pakistan and the DPRK engaged in intense, clandestine nuclear proliferation activities that made a mockery of nuclear-related norms (described below) and nuclear stability in their respective regions. Meanwhile, the world is watching to see whether Iran will break out as a nuclear-armed state.

Because Moscow and Beijing now reject arms control and Iran and the DPRK are pursuing their own programs despite international opposition, progress toward disarmament and, to a lesser extent, risk reduction is not currently possible – but this is not the fault of the disarmament machinery itself. Progress is especially difficult as Beijing and Moscow do not wholly agree but often cooperate. Especially worrisome is the emerging anti-Western quartet of countries, the PRC, Russia, Iran, and the DPRK, that increasingly appears to be coordinating their military resources and activities in opposition to U.S. and Western interests. The PRC, Iran, and the DPRK have all aided the Russian war in Ukraine. The Department of Defense reported that Russia is supplying the PRC with highly enriched uranium for its fast-breeder reactors.[10]

In addition to the lack of progress on arms control, various norms for reducing nuclear risks are also being undermined.[11] Widely recognized nuclear norms include non-use, nonproliferation, and non-testing.[12] Many, but not all, norms are embodied in treaties (such as the NPT). Other

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[10] Vergun, David. "Russia Reportedly Supplying Enriched Uranium to China," U.S. Department of Defense; https://www.defense.gov/News/News-Stories/Article/Article/3323381/russia-reportedly-supplying-enriched-uranium-to-china/8 March 2023; https://www.defense.gov/News/News-Stories/Article/Article/3323381/russia-reportedly-supplying-enriched-uranium-to-china/; Meetings Coverage Security Council. "Security Council Fails to Adopt First-Ever Resolution on Arms Race in Outer Space, Due to Negative Vote by Russian Federation," 24 April 2024; United Nations; https://press.un.org/en/2024/sc15678.doc.htm.

[11] International norms are described as widely shared expectations about what constitutes appropriate behavior among governments (and certain non-state actors at the international level). Norms can be formalized, as in a treaty regime, or de facto norms. See "US-Backed International Norms Increasingly Contested," Office of the Director of National Intelligence, March 2021, https://www.dni.gov/files/images/globalTrends/GT2040/NIC-2021-02491_GT_Future_of_Int_Norms_22Mar22_UNSOURCED.pdf; Tannenwald, Nina, "The Great Unraveling: The Future of the Nuclear Normative Order," American Academy of Arts & Sciences, April 2018, amacad.org; Narang, Vipin, *Nuclear Strategy in the Modern Era: Regional Powers and International Conflict* (Princeton, NJ: Princeton University Press, 2014.

[12] Tannenwald describes the norm of nuclear non-use as a de facto norm. The United States declaratory policy regarding the use of nuclear weapons, as set out in the 2022 Nuclear Posture Review, states "The United States would only consider the use of nuclear weapons in extreme circumstances to defend the vital interests of the

relevant behaviors, though not formally recognized as norms, include: maintaining nuclear weapons strictly, or at least primarily, to achieve nuclear deterrence; seeking eventual nuclear disarmament, though often "not in my lifetime;" and pursuing transparency and arms control, in the nearer term, to limit the risks associated with maintaining nuclear weapons. In totality, these norms, and the bilateral and multilateral practices that institutionalize them, serve to limit arms races, lessen the need to act on the basis of worst-case scenarios, and enable open communication channels at the senior political and military levels for managing conflicts.

Adding complexity to these problems, the geopolitical and technological landscape is changing in major ways that affect arms control. Certain countries in the Global South have become important players on the global stage. They have influence regionally and also with global powers like the United States and China. Similarly, the increasing pace of technological change and the diffusion of advanced computational capabilities have brought nuclear and other advanced weapons within the capabilities of more countries, including some that can barely keep their citizens decently fed and housed.

Disinformation related to arms control is also rife. Moscow and Beijing have long sought to shape both public and elite perceptions, often via disinformation. For example, in the 1980s, the Soviet Union spread a variety of rumors linking the origin and spread of HIV/AIDS to the United States intelligence community. Significant numbers of South Africans are either unsure about the origin of HIV/AIDS or believe in a conspiracy theory abouts its origins. More recently, Russian officials have repeatedly sought to justify its invasion of Ukraine as a response to Ukraine's impending membership in NATO, have falsely accused Kyiv of planning attacks with radiological weapons, and have falsely accused the United States and Ukraine of developing chemical and biological weapons.

Over the past decade, Russia has stepped up its disinformation campaigns to erode trust in arms control. Russia uses diverse tactics and messaging methods—including social media, news media, and diplomatic channels, often in combination—to spread false information and create political pressures. For example, from 2013 to 2019 Russian diplomats used disinformation in

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United States or its Allies and partners." See "2022 Nuclear Posture Review" in U.S. Department of Defense, 2022 National Defense Strategy, https://media.defense.gov/2022/Oct/27/2003103845/-1/-1/1/2022-NATIONAL-DEFENSE-STRATEGY-NPR-MDR.PDF#page=33, p. 9.

official statements and in state-sponsored media to deflect and distort Russian non-compliance with the INF Treaty. Russian diplomats falsely denied the existence of their ground launched intermediate range SSC-8 missile and later denied that the range of the missile exceeded treaty limits.

Russia's noncompliance with the INF Treaty was initially difficult for the United States to publicly prove due to the sensitivity of the information that informed the United States of Russia's violations. A concrete public explanation of the Russian violation was not released by the United States until November 2018.[13] This delay enabled Russia to fill the time with disinformation campaigns.

Consensus Dilemmas

Consensus plays an important role in protecting the interests of all parties and ensuring that resulting agreements are sustainable because they have been agreed freely. However, the consensus rule for decision-making in the CD and the practice of requiring consensus on outcome and other statements at NPT Review Conferences have impeded the ability of those institutions to accomplish their objectives. In part due to its consensus-based voting system, the CD has made little progress on any issue of substance for many years. Because of this paralysis, some officials the ISAB interviewed called for considering whether to try to change decision-making from consensus to voting by a majority or supermajority.

In the Final Document of SSOD-I, the General Assembly "welcomed" the agreement following appropriate consultations among the Member States at the SSOD that the CD "will" conduct its work by consensus and adopt its own rules of procedure. The Rules of Procedure adopted by the CD have used the same language, providing that the CD "shall conduct its work and adopt

[13] ODNI Newsroom. "Director of National Intelligence Daniel Coats on Russia's INF Treaty Violation." 30 November 2018; https://www.dni.gov/index.php/newsroom/speeches-interviews/speeches-interviews-2018/3270-director-of-national-intelligence-daniel-coats-on-russia-s-inf-treaty-violation.

its decisions by consensus." In other words, nothing can be decided in the CD without the consensus of the current 65 member states.[14]

In the case of the NPT, the treaty itself requires approval by a majority of the NPT Parties of several specified matters. The rules of procedure adopted for the initial and then succeeding five-year NPT Review Conferences (RevCons) have, on the other hand, provided for a two-prong approach. The first prong is that decisions on matters of procedure shall be taken by a majority of representatives of the states present and voting at the RevCon. On substantive matters, however, the rules of procedure adopted by the RevCons have stated that every effort must be made to reach agreement by means of consensus. If consensus cannot be obtained despite best efforts of the delegates and of the President of the RevCon, the rules permit the substantive matter to be decided by a vote of two-thirds of the representatives present and voting.

In evaluating whether it would be desirable to change the consensus requirement for decision-making in multilateral nuclear disarmament structures, the ISAB explored whether the stalemate in the CD and the difficulty in obtaining approvals at NPT Review Conferences are due to the consensus rules.

Given that the CD is authorized to adopt its own rules of procedure, presumably it could decide by consensus to change the CD decision-making rules to remove the consensus requirement, even if only for procedural matters.

Changing consensus rules in the NPT Review Conference situation would presumably be determined by the parties to the NPT, in that the method of operation for RevCons is determined by the parties to the NPT. As the rules of procedure for RevCons have stipulated that voting on substantive matters is permitted as a last-ditch effort if consensus cannot be achieved, the problem does not seem to lie in the rule itself, but in its application.

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[14] By way of comparison, the SSOD I Final Document stipulated that the Disarmament Commission "shall" make every effort to ensure that, in so far as possible, decisions on substantive issues be adopted by consensus.

A consensus requirement acts like a filibuster or veto provision, allowing any one state to stymie an organization from moving forward. In the CD, the consensus requirement has been applied to all decisions, even on setting agendas and procedural issues, resulting in the paralysis of the body for many years. Allowing one state to block any action can lead other states to seek alternative fora, such as the General Assembly, where matters are decided by voting rather than consensus, further sidelining consensus-based entities like the CD.

Regarding the NPT RevCons, if consensus on an overall Final Document cannot be achieved, it might be productive to seek consensus documents focused on different, more narrow, and specific issues. For example, perhaps a group of countries could say that they are willing to accept something less than consensus on certain matters and then acknowledge success where broad but less than 100 percent acceptance on a particular matter is obtained. Also, it may not be necessary to even seek consensus on certain documents, such as the Chair's Report on the RevCon, as this reflects the Chair's views and does not need to be accepted by every party. Switching to voting instead of consensus also can highlight the unproductive behavior of recalcitrant states in blocking actions or not engaging.

Competing Venues

The United States is not a party to all disarmament agreements. Most notable among these is the 2017 Treaty on the Prohibition of Nuclear Weapons (TPNW), which prohibits stationing, development, testing, possession, stockpiling, transfer, assistance, and threat of use of nuclear weapons. The United States, virtually all of its allies and partners, and other nuclear-armed states have consistently objected to the TPNW. As the NPR stated, "The United States does not share the underlying assumption of the TPNW that the elimination of nuclear weapons can be achieved irrespective of the prevailing international security environment. Nor does the ISAB consider the TPNW to be an effective tool to resolve the underlying security conflicts that lead states to retain or seek nuclear weapons." Almost all U.S. allies and partners are similarly opposed, and the 2023 NATO Vilnius Communique opposed the TPNW on the grounds that it was "inconsistent and incompatible with the Alliance's nuclear deterrence policy, is at odds with the existing nonproliferation and disarmament architecture, risks undermining the NPT, and does not take into account the current security environment."

The TPNW has held two Meetings of States Parties to date. While the United States is unlikely to ever join the TPNW, it must work to ensure that diplomacy surrounding the TPNW does not undermine other MNDS, such as the NPT, or other objectives of U.S. nuclear policy, such as assurance to allies, which is vital to maintaining nuclear deterrence and removing incentives for our allies to build nuclear forces of their own.

IV. Specific Structures: Problems, Risks, and Evaluation

This section examines several MNDS bodies – the CD and the UNFC, the SSOD, and the NPT – and describes various problems they face.

The CD and the U.N. First Committee

The CD operates by its own rules and determines its own schedule of work but it is informed, not mandated, by the UNFC to which it reports annually (or more frequently if decided by the CD). In contrast to the 65-member CD, the U.N. General Assembly and its constituent committees, including the First Committee on Disarmament, are open to all UN members. Unlike the consensus-bound CD, the General Assembly operates by two-thirds or majority voting, depending on the nature of the issue, although its resolutions are not legally binding as UN Security Council resolutions are. Although the CD provides a unique forum for arms control discussion, it has not negotiated another arms control agreement since it finished its negotiation of the CTBT in 1996.

The United States has continued to try to negotiate a Fissile Material Cutoff Treaty (FMCT) in the CD, but Pakistan has consistently blocked such efforts, with the PRC also likely opposed. Instead of negotiating treaties, the body largely spends its time negotiating a consensus Program of Work, allowing for subsidiary bodies to conduct negotiations. States assert the primacy of their own long-standing goals such as Russia and the PRC's Preventing the Placement of Weapons in Space (PPWT), which the United States refuses to negotiate on the

grounds that it is unbalanced and unverifiable. The deep divisions among the major nuclear powers currently make a successful drive for consensus unlikely.

While formal negotiations have been blocked in the CD since the CTBT was finished in 1996, there have been extensive discussions on various items of the long-standing CD agenda.[15] The UNFC has over the years commissioned a number of temporary bodies such as the Group of Governmental Experts that have conducted detailed examinations of various arms control topics including FMCT and space.

Although all of these detailed disarmament discussions that have taken place in Geneva and New York fall short of formal negotiations, they have yielded extensive background that would inform negotiations once formally undertaken.

SSOD-IV

Because of the impasse in the CD, many members of the United Nations support convening a fourth Special Session of the General Assembly Devoted to Disarmament (SSOD-IV). Those states seeking an SSOD-IV believe that, like other special sessions, the event would draw attention to the neglected issue of nuclear disarmament, thus possibly increasing the political will of states to make progress on disarmament. SSOD-I resulted in both a declaration and program of action, and an SSOD has the potential to make changes to the existing machinery of disarmament. Those states advocating an SSOD-IV hope that it would alter the current machinery, although there are a variety of views on whether an SSOD should focus on reform of the CD, especially its rule on consensus, or make more significant changes to the structure of the system.

An SSOD-IV might advance the U.S. interest in demonstrable progress toward nuclear disarmament. It would afford an opportunity to showcase proposals that have been blocked in

[15] The current agreed agenda consists of: 1. Cessation of the nuclear arms race and nuclear disarmament; 2. Prevention of nuclear war, including all related matters; 3. Prevention of an arms race in outer space; 4. Effective international arrangements to assure non-nuclear-weapon states against the use or threat of use of nuclear weapons; 5. New types of weapons of mass destruction and new systems of such weapons; radiological weapons; 6. Comprehensive programme of disarmament; and 7. Transparency in armaments.

other fora, especially by Russia or China. The United States has a strong interest in focusing attention on the degree to which Russia and China, as well as North Korea, are increasing the salience of nuclear weapons and thus the danger of their proliferation or use. Discussions at an SSOD could also demonstrate that the United States, although committed to maintaining the capability of its nuclear deterrent, is not impeding progress toward nuclear disarmament. Finally, many of the advocates of an SSOD are allies or partners of the United States. For these states, progress on arms control and disarmament is an important element of their ability to sustain and deepen their partnership with the United States.

At the same time, an SSOD would come with risk. There is little reason to believe that any changes to the disarmament machinery would result in progress on arms control and disarmament without a corresponding change in the fundamental orientation of Russian and Chinese policies. Indeed, attempts to alter the disarmament machinery could end up damaging arms control efforts rather than improving them. And given Russia and China's current positions as well as the dangerous activities of countries like Iran and North Korea, it would be vital for the United States and its allies to craft a package of feasible steps that the SSOD could endorse with the backing of the non-nuclear armed states. An SSOD-IV would require the State Department's T bureaus to devote substantial analytic and diplomatic effort, as well as outreach to U.S. and other NGOs in the field, in order to make this a successful endeavor.

The NPT: Problems, Risks, Evaluations

The NPT was a landmark agreement, the only treaty committing the nuclear-weapon State Parties to disarmament, to peaceful uses of nuclear energy, and to the nonproliferation of nuclear weapons – the three "pillars" of the treaty. It also established a requirement for non-nuclear-weapon State Parties to accept nuclear "safeguards" under the IAEA to verify compliance with the NPT including non-diversion of nuclear material from peaceful uses to nuclear weapons. Today the NPT has 191 States Parties, whose status as the most widely-adhered treaty is only surpassed by the CWC with 193 States Parties.

Article VI of the NPT states: "Each of the Parties to the Treaty undertakes 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, and on a treaty on general and complete disarmament under strict and effective international control."[16]

The annual PrepCom meetings in the run-up to the NPT Review Conference in 2026 have made statements urging the nuclear states to reconsider their nuclear arms build-ups. A breakthrough in bilateral and/or multilateral relations, and/or useful unilateral and reciprocal arms control steps, are clearly necessary in the next two years if the NPT RevCon is to reach consensus.

The alleged failure of the nuclear-weapon State Parties to meet their Article VI obligations to negotiate in good faith on cessation of the nuclear arms race and eventual nuclear disarmament has caused much criticism among non-nuclear weapon State Parties and led, in part, to the Treaty for Prohibition of Nuclear Weapons (TPNW), discussed above. The TPNW also grew out of growing humanitarian concerns about victims of nuclear testing and radioactivity, with a "Humanitarian Pledge" launched in Oslo, Nayarit (Mexico), and Vienna in 2013 and 2014.[17]

The TPNW was negotiated at a conference mandated by the United Nations General Assembly in 2017 and was opened for signature the same year. It was adopted by 122 countries, with one against and one abstention. Today it has 70 States Parties, 93 signatories, and entered into force in 2021. No nuclear-armed states have yet signed, given that it bans development, testing, production, acquisition, possession, stockpiling, and use of nuclear weapons.

The parties to the NPT have failed to reach consensus on an outcome document at the past two RevCons in 2015 and 2022. This is not surprising given the contentious security environment and the consensus-based approach of the Treaty's review process. However, a consensus Final Document is often seen as the metric of success for the NPT and lack of consensus could be perceived as undermining the strength of the treaty. In 2022, the parties failed to reach

[16] United Nations, Office for Disarmament Affairs, Treaties Database, https://treaties.unoda.org/t/npt.

[17] See Nuclear Weapons Ban Monitor, https://banmonitor.org/the-tpnw.

consensus because of a last-minute objection on the part of Russia to language against targeting nuclear power plants, which specifically identified Ukrainian facilities.

The NPT is facing pressure from multiple directions. Russia and the PRC are increasing their reliance on nuclear weapons for their regional ambitions, to include qualitative and quantitative expansion of their nuclear arsenals. These actions challenge the spirit of the NPT and progress towards nuclear disarmament. In response, Moscow and Beijing portray U.S. efforts to strengthen its alliances, such as NATO and AUKUS, as undermining the NPT, and other critics point to the ongoing U.S. nuclear modernization program as inconsistent with Article VI. As progress towards disarmament has ground to a halt, many non-nuclear-weapon states and non-government organizations question the willingness of the NPT nuclear-weapon states to comply with Article VI of the NPT.

Ongoing proliferation risks also undermine the NPT. Iran continues to expand its nuclear program and restrict monitoring by the IAEA, and Iran is now much closer to being able to produce a nuclear device than it was under the Joint Comprehensive Plan of Action. The DPRK continues to develop and test nuclear weapons after giving notice of its withdrawal from the NPT in 2003. Several prominent figures from nations allied to the United States, notably the Republic of Korea, have expressed a potential interest in developing independent nuclear weapons programs out of concern that the United States is no longer a credible guarantor of extended nuclear deterrence.

V. Moving Forward: Recommendations and Implications

Efforts toward disarmament and arms control appear to be in crisis, and a failure to make progress may undermine core treaties such as the NPT and further undermine existing nuclear norms. Critics of various MNDS raise a legitimate question of why the United States should continue to participate in institutions that have produced little for so many years. We agree that the institutions, practices, and structures of disarmament have many weaknesses, but the failure to make progress on disarmament is primarily due to factors that go beyond the

disarmament machinery itself. Instead, the fundamental problem is the lack of pertinent political will among U.S. adversaries.

Although the disarmament machinery is far from perfect, it has functioned in the past when there was political will among states to reach an agreement. That the machinery cannot function in the current political environment is not a flaw or a failure: the existing structures are designed to work when there is the possibility for agreement but not when there is strong disagreement among the major players. A disarmament machinery that could produce outcomes over the objections of key states would neither be in the interests of the United States nor would it produce durable agreements. For arms control and disarmament measures to succeed, states party must believe the agreements are in their interests. This means that, when there is no will, the machinery cannot proceed.

The current hostility to disarmament and arms control, however, may not last forever, and it is important to anticipate opportunities for progress as well as prepare for setbacks. The 1962 Cuban Missile Crisis and the PRC's test of a nuclear weapon in 1964 were, less than a decade later, followed by strategic arms limitations and Nixon's outreach to China. Countries change leaders and leaders can change their minds. It is essential that the United States preserve the machinery, ensure that it is in good working order, and be prepared to use it effectively when the opportunity arises.

That said, there is almost universal agreement among those the ISAB interviewed that the existing machinery could be improved even if there is little agreement on what changes should be made. Even in the case of the one agreement that most people agree would be desirable – an agreement ending the production of fissile material for nuclear weapons – the different ideas about the forum for doing so reflect differences of opinion about the scope and purpose of the agreement. It is unwise to contemplate significant changes to the disarmament machinery without knowing what substantive outcomes the United States would seek, particularly since any changes to those structures would have to be made with the cooperation of Russia and China, neither of which is currently a constructive partner either in the reform of multilateral disarmament structures or in further steps toward eventual nuclear disarmament.

Ensure Support of Key U.S. Allies

One of the primary goals of U.S. nuclear policy is to sustain support for U.S. extended deterrence and assurance to NATO and major non-NATO allies. Although these states value U.S. extended deterrence, including U.S. nuclear weapons capabilities, they also desire deterrence to be stable. The late Michael Howard wrote elegantly about the need for the United States, during the Cold War, to provide both deterrence to NATO states as well as reassurance, the object of which is "to persuade one's own people, and those of one's allies, that the benefits of military action, or preparation for it, will outweigh the costs."[18] Work on MNDS, arms control, and disarmament more broadly must be conducted in tandem, therefore, with assuring U.S. allies and partners, so as not to undermine U.S. deterrence and extended nuclear deterrence commitments.

These alliances, however, require constant attention and the balancing of interests that are often in tension with one another. The United States must balance, on the one hand, the views of Britain and France, key nuclear-armed allies, with the views of other allies who hold a range of opinions about current nuclear weapons policies from strong support to deep skepticism. A credible diplomatic effort on arms control and disarmament is an essential element of the reassurance that must complement extended deterrence.

Allies and partners have a diverse range of views on the functionality of MNDS and on the role the United States should play in those institutions. Although some are pressing for more progress towards disarmament, the majority remain skeptical given the current security environment. Going forward, the United States will have to prioritize a credible extended deterrent but should find a way to balance and engage with the spectrum of allied views on MNDS.

To ensure a balance of deterrence and arms control, the United States must engage with allies in dialogue on issues such as expectations for MNDS. These can be part of wider dialogues,

[18] Michael Howard, "Reassurance and Deterrence: Western Defense in the 1980s." *Foreign Affairs*, November 1, 1982, https://www.foreignaffairs.com/world/reassurance-and-deterrence-western-defense-1980s.

such as the Nuclear Consultative Group with the Republic of Korea. Incorporating arms control and disarmament into such dialogues may present a challenge by overloading the agenda and broadening the dialogue; but it could also identify areas of opportunity for multilateral or mini-lateral progress, while also strengthening U.S. relations with key allies and partners.

Maintain Consensus-Based Approach

Although the consensus rule and other procedures that stymie progress on disarmament measures are frustrating to the United States and its allies, removing the consensus rule may cause more harm than good. Russia, the PRC, and other states could exploit the lack of a consensus requirement to push an agenda hostile to U.S. interests.

Speakers expressed skepticism that tinkering with the machinery of decision-making in the CD would make any difference, assuming it could even be accomplished. It is unlikely that there would be broad support for removing the consensus requirement in the CD in any case. The lack of agreement among the P5 and the worsening international security situation are what is really responsible for the disarmament machinery not functioning, not the consensus requirement per se.

For the United States, the consensus requirement allows the U.S. government to block actions to which it is opposed, ensuring the CD and other consensus-based entities do not become harmful to U.S. interests. If the CD eliminated the consensus rule, the United States would at least sometimes, if not often, be in the minority on voting. In the absence of a consensus requirement, moreover, the United States would not be able to control the narrative, allowing mistrust and disinformation even greater sway. Washington should also use the CD and other bodies to spotlight the refusal of Beijing to adopt a moratorium on fissile material production, which the United States and the other three NPT nuclear-weapon states have done.

Consider A Mini-Lateral Approach

Although removing the consensus requirement for the CD could backfire on the United States, there is still value to exploring alternatives to consensus in select cases.

Despite the long-term stasis at the CD, there are numerous opportunities for forging multilateral arms control agreements elsewhere. The United States should take advantage of the UNFC to promote its initiatives undertaken with support of like-minded states, a more profitable approach than simply pushing back against resolutions that Washington opposes. In recent years, the UNFC has approved actions that the United States opposed, such as the TPNW negotiation and the 2018 resolution mandating annual sessions of the Conference on the Establishment of a Middle East Zone Free of Nuclear Weapons and Other Weapons of Mass Destruction. In contrast, the UNFC in 2022 passed overwhelmingly, despite opposition from eight countries spearheaded by Russia, including the PRC, a resolution supporting the U.S. initiative to prohibit ASAT weapons testing that destroy objects in space, the ban on "destructive direct-ascent anti-missile testing."

This U.S.-led ASAT ban illustrates the value of a "mini-lateral" approach – that is, pursuing agreements that promote U.S. interests and can plausibly gain international support even if the PRC and Russia oppose them. But a "consensus minus" approach is ill-suited to formal agreements such as an FMCT that would be unlikely to gain political support in the United States or internationally if it left out key nuclear-armed states such as the PRC. Instead, the United States can pursue such a key arms control measure at the CD and build on related work over the years in Groups of Governmental Experts and similar bodies.

Engage the Global South

The United States should prioritize engagement with the Global South on nuclear issues. Russia and the PRC have committed significant time and resources to building support with Global South countries in Latin America and Africa.[19] Presumably that may be one reason these countries are often silent or reluctant to call out behavior that challenges nuclear norms and undermines MNDS, such as threats of nuclear use or rapid expansion in nuclear arsenals.

[19] Potter, William and Gaukhar Mukhatzhanova, *Nuclear Politics and the Non-Aligned Movement* (London: The International Institute for Strategic Studies, 2012).

The United States should engage in a series of small steps to build dialogue and trust with key Global South states in different parts of the world on nuclear issues including regional perceptions of nuclear risk and risk reduction, nuclear smuggling, and strengthening nuclear institutions, though the specifics depend on the particular issues in question and the broader political relationship. The Biden Administration has already demonstrated a commitment to Global South engagement, including numerous trips by Administration officials to various regions. These efforts should be solidified and institutionalized to withstand domestic political shifts and changes in the security environment.

A first step to bolster nuclear norms might be asking the Non-Aligned Movement (NAM) to issue a statement endorsing the January 2022 Joint Statement of the Five Nuclear-Weapons States on Preventing Nuclear War and Avoiding Arms Races. More specifically, this new statement could reaffirm the charge of the original statement to fashion a "conducive" security environment and acknowledge "each other's security interests and concerns." Encouraging such a move would signal U.S. interest in having a broader discussion about global security issues even as part of the dialogue about arms control and disarmament.

Global South countries also can be important bridges between the great powers. Although Washington, Beijing, and Moscow are not engaged in a productive dialogue about nuclear weapons issues at this time, the United States conducts relations with Global South countries that themselves have strong relationships with either the PRC or Russia. Some of these countries share U.S. interests and concerns about aspects of the nuclear threat (e.g., nuclear-weapons proliferation in Asia and the Middle East). Such an approach not only would help to broaden the cast of actors engaged in the discussion about nuclear stability and the security environment but also keeps the United States, the PRC, and Russia engaged on these issues, albeit peripherally.

We note, however, a more flexible approach would be necessary when it comes to engaging the Global South countries on nuclear stability and the security environment. This might include working from a "conventional-nuclear linkage" mindset, folding in threats from the

conventional realm as part of the discussion.[20] The U.S. government would also want to explore deeply what new inducements, even compromises, would be necessary to get Global South partners to engage with the United States anew in the MNDS, recognizing that this group is highly diverse and approaches would have to be appropriately differentiated.

Prioritize Strategic Risk Reduction in the P5

The United States should prioritize dialogue on strategic risk reduction, to include transparency and confidence-building measures, within the P5 process. The P5 process has slowed because of the security environment and competition among the nuclear-weapon states, which also directs the P5's focus away from disarmament issues.

The P5 process provides a confidential forum in which to explore possibilities for an FMCT or other measures such as risk reduction. Although geopolitical differences with Russia and the PRC have greatly diminished the ambitions of this forum, it nevertheless remains useful to explore possible progress and at a minimum discuss and minimize disagreements or misunderstanding.

The P5 is struggling to find opportunities for progress given the security environment. There have been some suggestions to expand the group's agenda to include peaceful uses of nuclear energy, for example; however, this shift could come at a cost to relationships with non-nuclear-weapon states and could potentially undermine the NPT and the P5 process itself. Global South countries and the majority of other non-nuclear weapon states have been explicit that they expect the P5 process to work towards disarmament, which was a key part of its original mandate. Broadening the P5's agenda could risk further polarization and weakening of the NPT.

This is an opportunity for the United States to listen to concerns from non-nuclear-weapon states and ensure they are addressed and represented in the P5's work. Disarmament agenda items could include crisis communication channels, transparency of nuclear doctrines,

[20] Zhao, Tong, "Political Drivers of China's Changing Nuclear Policy: Implications for U.S.-China Nuclear Relations and International Security," Carnegie Endowment for International Peace, 2024, Carnegieendowment.org.

transparency into nuclear test sites and historical activities, and a recommitment to uphold the norms of non-use, nonproliferation, and non-testing. Rather than expanding the P5 agenda further, the United States should lead an effort to work within existing agenda items such as transparency of doctrines and strategic risk reduction. This could be done by inviting in more non-governmental experts and representatives from non-nuclear-weapon states to specific portions of the P5 dialogue. Maintaining the P5's unique forum and discretion amongst the members should be a priority as it is unique. But opening up some of the P5 discussions could both identify opportunities for progress, improve transparency of the P5 process itself, and build trust with a wider set of actors, including from the Global South.

There may be an opportunity to work with the P5 given the PRC's current leadership position in this body. The PRC may seek the diplomatic credit that would come with progress, and the United States may have an opportunity to work with Beijing that might otherwise be lacking. Efforts to increase the frequency of P5 meetings, expand the topics of discussion, and increase the seniority of those involved in discussions may all help advance an agenda focused on reducing nuclear risk.

Explore Nuclear-Adjacent Issues in Existing Bodies

Although the MNDS currently are unable to produce progress on nuclear disarmament or arms control, they might produce progress in nuclear-adjacent issues. In addition to the benefits of specific agreements, successful negotiations in other areas would demonstrate the continued importance of MNDS and keep these bodies functioning in ways that may be useful should international conditions change in ways that enable progress on the more difficult nuclear issues.

There are several less contentious or emerging areas to explore, all of which could be done simultaneously. One area is a ban on radiological weapons. Another area involves nuclear weapons in space. Nuclear weapons in space would significantly undermine strategic stability by holding at risk communication satellites and other assets that billions of people rely on for their day-to-day activities, along with potentially jeopardizing America's nuclear command and control capabilities. Upholding the Outer Space Treaty and exploring opportunities for

additional arms control tools to prevent the deployment of nuclear weapons in space will be essential for strengthening strategic stability. Arms control related to artificial intelligence and nuclear weapons is another area to explore. The United States has stressed that humans must be firmly in charge of nuclear command and control, and an agreement in this area would be an important step both in nuclear safety and in the regulation of artificial intelligence.

In addition to any benefits accruing from successful agreements, the United States would also improve its global image among the vast majority of the world, which favors arms control and disarmament. Should the PRC, Russia, or other countries oppose progress on these areas, it would demonstrate the contrast between their intransigence and the more favorable U.S. position.

Combat Russian and PRC-backed Disinformation

Both Russia and the PRC routinely use the issue of nuclear risk to attempt to divide the United States from its allies. Moscow and Beijing consistently promote a false narrative that depicts the United States as the one creating conflict, largely in an effort to erode support for collective defense among allied publics in Europe and Asia.

A major goal of our disarmament diplomacy must be countering disinformation about U.S. motives and capabilities. In principle, this should be straightforward. As Senior Director for Arms Control, Disarmament, and Nonproliferation Pranay Vaddi stated to the Arms Control Association: "Unlike our adversaries, we will not develop radiation-spewing, nuclear-powered cruise missiles – or nuclear weapons designed to be placed in orbit—which would be a clear violation of the Outer Space Treaty." [21] It is important that the United States vigorously respond to the suggestion that it desires a resumption of the arms race with Russia and the PRC. The simplest and most effective way to do so is to have a serious, practical agenda for arms control, disarmament and risk reduction. The U.S. government should also encourage

[21] "Adapting the U.S. Approach to Arms Control and Nonproliferation to a New Era, "Remarks from Pranay Vaddi, Special Assistant to the President and Senior Director for Arms Control, Disarmament, and Nonproliferation at the National Security Council, June 7, 2024. Available at: https://www.armscontrol.org/2024AnnualMeeting/Pranay-Vaddi-remarks.

declassification—in cases where it would not harm national security—to arm the public with intelligence that can be used to counter future disinformation campaigns.

Support an SSOD-IV

In general, we believe that the United States should support an SSOD-IV in principle should there be a general consensus on what might be achieved that accords with U.S. interests. This session should be held only if there is a clear understanding that the purpose of the SSOD is to draw attention to the lack of progress in arms control but make only limited changes to existing disarmament mechanisms. The parameters of these changes must be negotiated before the session convenes. As a result, it is essential that prior to any convening of the SSOD there are clear understandings both about what substantive outcomes are possible and what outcomes are desirable. There should be clarity going in whether a final document is likely or not and appropriate expectations set: only the first of the three SSODs resulted in a final document. If a final document is unlikely, then it may still be worthwhile to support an SSOD if only to draw attention to the issue, please important allies, and demonstrate the constructive role of the United States. If a final document is achievable, it should be clear in advance what outcomes would be in the document. This would require significant consultation with the UN Secretary-General, the Under-Secretary-General and High Representative for Disarmament Affairs, and key U.S. allies and partners. An SSOD-IV would be useful in highlighting the degree to which Russia and the PRC are renewing the arms race. It could also allow modest changes in the applicability of the consensus rule in certain MNDS, although the United States must ensure that changes do not create long-term vulnerabilities for any important U.S. positions or offer opportunities for U.S. adversaries.

At a minimum, the United States should not be seen as obstructing an SSOD or making common cause with Russia and China as they seek to insulate their nuclear build-ups from criticism. U.S. support for an SSOD-IV, even if it does not go forward, would highlight the U.S. commitment to disarmament and arms control, in contrast to China and Russia.

Upgrade Geneva and Increase Focus on the UNDC

Given Geneva's status as the global disarmament capital, the United States should more effectively use the talent assigned to its permanent delegation there by broadening the scope of its current mandate and underscoring its unique focus on multilateral arms control issues, rather than solely "disarmament." Just as the U.S. Delegation to the Conference on Security and Cooperation in Europe (CSCE) was upgraded to mission status as the U.S. Mission to the OSCE years ago, the Geneva delegation should be given a broader role and formal mission status as the U.S. Mission for Multilateral Arms Control in Geneva rather than the currently more narrowly defined "Conference on Disarmament." Such a move would reflect the fact that the current staff assigned to handle arms control affairs in Geneva are permanently assigned there and not resident there during just the sessions of the CD as "Delegation" implies. Such a change from an antiquated status would underscore the permanent U.S. commitment to multilateral arms control writ large beyond the confines of the CD. The CD Ambassador has routinely in the past been dual accredited as responsible for Biological and Toxin Weapons Convention (BWC), which allows both that official as well as working-level Geneva staff to interact on a daily basis with the BWC secretariat in Geneva. Similarly, a recast multilateral arms control mission would also be able to cover multilateral arms control issues tied to the Convention on Certain Conventional Weapons (CCW), whose implementation support unit is also located in Geneva and cover any arms control issues in Geneva as directed by the Secretary of State and supervised by the Under Secretary of State for Arms Control and International Security (T) which already provides the budgetary resources and policy direction to the CD delegation.

Given the international arms control community located in Geneva (which also includes academic and think tank organizations beyond the official institutions), we recommend that the U.S. CD delegation be given its own public diplomacy resources as it currently vies for public affairs support from the separate U.S. Mission to United Nations Organizations in Geneva, whose resources are already overstretched. This would allow the staff to more broadly promote the U.S. narrative across the family of issues relevant to the Office of the Under Secretary of State for Arms Control and International Security in a key international venue and

help shape desired outcomes in the NPT realm as well as emerging issues such as artificial intelligence.

We also recommend that the U.S. government seek to build on the recent limited progress of the UNDC and, if warranted, increase the level of attention it devotes to this relatively obscure body.

VI. Conclusion

Today's complex and dangerous global security environment, underscored by the actions of the PRC, Russia, North Korea, and Iran, requires robust efforts to reduce nuclear risk and enhance arms control. Existing MNDS have played important roles in the past, but their current effectiveness is limited, with no immediate prospect of change.

The United States and its allies should explore reforms to MNDS without overhauling their foundational principles. Many of these institutions remain important for U.S. allies and partners, along with the wider international community, including the Global South. A review of MNDS should be seen as a moment of opportunity for strengthening and expanding partnerships to strengthen those institutions with states that share a commitment to strategic stability and the nuclear order. In particular, a focus on risk reduction and targeted arms control measures is essential for mitigating immediate dangers and, perhaps, laying the groundwork for long-term progress. Although the current institutional framework has many faults, it still has potential value. Its long-term relevance depends on the collective will to adapt and address today's most dangerous challenges.

VII. Appendix A – Terms of Reference

UNDER SECRETARY OF STATE FOR ARMS CONTROL AND INTERNATIONAL SECURITY WASHINGTON

March 12, 2024

MEMORANDUM FOR THE CHAIRMAN, INTERNATIONAL SECURITY ADVISORY BOARD (ISAB)

SUBJECT: Terms of Reference – ISAB Study on Multilateral Nuclear Disarmament Structures

The International Security Advisory Board (ISAB) is requested to undertake a brief study of where potential for progress may exist in multilateral nuclear disarmament forums, including the Conference on Disarmament (CD), the United Nations First Committee (UNFC), the United Nations Disarmament Commission (UNDC), a potential fourth special session on disarmament (SSOD-IV), and the Nuclear Non-Proliferation Treaty (NPT) review process.

Conference on Disarmament

In 1979, the CD was formed as the single multilateral disarmament negotiation forum of the international community, after agreement was reached among Member States during the first special session of the United Nations General Assembly devoted to disarmament (SSOD-I, 1978). The CD and its predecessors have negotiated multilateral arms control, nonproliferation, and disarmament agreements such as the NPT, Environmental Modification and Seabed treaties, the Biological Weapons Convention (BWC), the Chemical Weapons Convention (CWC), and the Comprehensive Nuclear-Test-Ban Treaty (CTBT). However, the CD has not been able to initiate subsequent disarmament negotiations due to differing political priorities among its member states. The CD and its predecessors have expanded over the decades to its current 65 members. The CD operates exclusively by consensus and has no recourse to voting in its rules. It has been unable to reach and sustain consensus on any formal

negotiations since its latest expansion in 1996, and it has been unable even to agree upon a program of work since 2009, though it is not clear that the expansion is the reason for the impasse.

The CD has seen an evolution in countries' application of its consensus rule. In the CD's early days, preventing consensus was rare and tended to be reserved to protect instances in which members determined their national security might be immediately affected. By contrast, CD members have increasingly described consensus as the absence of any objection or reservation, leading some members to apply the rule more frequently, with its effect becoming a veto to prevent work on an undesirable topic rather than hashing out differences at the negotiating table.

Insistence on the term "comprehensive and balanced" for a CD Program of Work has also become "code" for treating all the CD's standing agenda items equally, avoiding prioritizing issues that might be riper than others for negotiations and enabling members to "take hostage" progress on any agenda item by requiring commensurate progress on another.

In order to promote progress in the CD, the United States proposed a narrowly focused resolution on banning state use of radiological weapons in the United Nations First Committee at the 78th U.N. First Committee, with the goal of providing a topic for negotiation positioned for wide acceptance, which could rebuild confidence in the CD's capability to negotiate successfully. It passed with the overwhelming support of 164 UN members calling upon the CD to adopt a program of work that would enable negotiations to conclude a legally binding multilateral prohibition on the use of radiological weapons by States. The United States also offered flexibility to engage genuinely with CD members who prioritized negotiations of negative security assurances if CD negotiations on a fissile material cutoff treaty could simultaneously launch.

With the opening of the 2024 CD session, the United States modeled the spirit of compromise and came to the table committed to finding a path forward in the CD that rises to the level of ambition that the global security environment requires. After extensive consultations with all

CD members, the Indian presidency developed a compromise text for a decision of work articulating the minimally acceptable path forward for all delegations. The draft fell short of formally beginning negotiations on any agenda item but opened a path for constituting the CD's technical committees ("subsidiary bodies") on every major agenda item. This compromise text currently remains blocked by one member. It remains to be seen if the subsequent Indonesian CD presidency (which will then be followed in English alphabetical order by Iran, Iraq, Ireland, and Israel) will have any greater success adopting a program of work so the CD might once again advance toward disarmament negotiations.

The United Nations – First Committee, Disarmament Commission, and SSOD-IV

The United Nations First Committee meets for five to six weeks every October and covers matters pertaining to disarmament, and other global challenges and threats to peace that affect the international community. Every member state may participate in this committee and recommend resolutions for adoption by the General Assembly. Such resolutions are not legally-binding; however, they are political commitments and can establish norms among the international community. The Committee recommends approximately 60-70 resolutions every year for formal adoption, and such resolutions seek solutions to current challenges in the international security regime. The texts of resolutions are typically worked in open consultations, with the hope that differences might be managed, and that resolutions may be adopted by the Committee by consensus. When consensus is not reachable, the UN First Committee (and subsequently, the UNGA) votes, with a simple majority of present and voting required for passage.

The Committee is observing an increasing trend in resolution texts where disagreements remain unresolved and resolutions must be voted upon by the Committee, as opposed to adoption through consensus. Such disagreements are often rehashed annually in resolutions, and similar texts and votes are repeated year-after-year. The Committee also has seen an increasing trend toward duplicative resolutions covering the same topic, but with opposite aims; in practice, both competing resolutions are typically adopted, leading to the creation of parallel structures and creating both efficiency and staffing problems, particularly for smaller

delegations. In addition, country statements during plenary sessions are often redundant, well-known, and entrenched state positions. These repetitive and static procedures appear to increasingly harden the views in the disarmament debate, preventing any progress.

The United Nations General Assembly (UNGA) has held three Special Sessions devoted to Disarmament (SSOD). SSOD-I in 1978, SSOD-II in 1982, and SSOD-III in 1988. Only SSOD-I succeeded in producing a final document.

SSOD I established the United Nations Disarmament Commission (UNDC) as a subsidiary organ of the UNGA, composed of all 193 UN Member States. The UNDC meets for three weeks every April, operates in plenary meetings and working groups, and reports annually to the UNGA. The working group on nuclear disarmament and non-proliferation has failed to achieve consensus recommendations for the past two decades because some Non-Aligned Movement (NAM) states want all or nothing, including a non-discriminatory, multilateral, international, and effectively verifiable treaty on fissile material that includes stocks and a timeline for complete and unconditional nuclear disarmament, and the nuclear weapon States prioritize a Fissile Material Cutoff Treaty and are not ready to commit to giving up their nuclear weapons in the current security environment. However, the UNDC did achieve consensus on conventional weapons confidence-building measures (CBMs) in 2017 and on outer space transparency CBMs in 2023.

The General Assembly has been considering a fourth special session on disarmament since 1995 (SSOD-IV). An Open-Ended Working Group (OEWG) was held in 2007, and another that entailed three substantive sessions convened in 2016 and 2017. This OEWG was able to agree by consensus on recommendations for objectives and an agenda for an SSOD-IV and these were transmitted to the General Assembly. A lingering question about the establishment of a preparatory committee was referred to the UNGA for further discussions. A UN First Committee resolution on the “Convening of the fourth special session of the General Assembly devoted to disarmament” has passed by Consensus in recent years, and “encourages member states to continue consultations on the next steps for the convening” of an SSOD-IV. The United States previously participated in such meetings, but also has expressed reservations

given the potential costs of an SSOD-IV, particularly the costs for a preparatory committee for an SSOD-IV, especially when observing continued divisions among member states on fundamental concepts on disarmament matters in other fora. That said, if an SSOD-IV could address larger questions related to the disarmament machinery overall, that could be a welcome value-added contribution for further progress.

The NPT Review Process

The NPT is widely considered as the cornerstone of the nuclear nonproliferation regime and an essential foundation for peaceful nuclear cooperation and for progress on disarmament. The NPT contains a very broad and non-prescriptive nuclear disarmament obligation, and the NPT review process is widely understood to provide a mechanism for holding the nuclear-weapon states to account for their disarmament commitments and to set a consensus-based agenda for progress. It has long been understood that negotiation of actual disarmament measures would take place in other fora, such as the CD or bilaterally, but, as those channels have become stuck, more of the international community's aspirations and demands for disarmament are placed on the NPT review process, which was not designed for fulfilling them independently. The inability of the treaty to secure or accelerate progress toward nuclear disarmament has led to increasing questions about States' commitment to and confidence in the NPT itself.

NPT Review Conferences (RevCons) are held every five years. Since 1995, when the NPT was extended indefinitely, the NPT review cycle has also included Preparatory Committee meetings in each of the three years preceding it. These meetings allocate time to discussions of each of the three NPT pillars (nonproliferation, disarmament, and peaceful uses), but disarmament is the priority for most non-nuclear-weapon States. The second PrepCom in this cycle will be held July 22 – August 2, 2024, in Geneva, the third PrepCom in 2025, and the RevCon in 2026 (the latter two will both be held in New York). It is at the RevCon where language, reviewing implementation of the treaty and recommending actions to fulfill its provisions and achieve its purposes, will be negotiated by consensus. Given the lack of consensus on outcome documents at the last two RevCons, there will be renewed pressure for states parties at the 2026 RevCon to adopt a document that leans in on disarmament commitments, particularly around

transparency by nuclear-weapon States on how they are implementing those commitments. (However, although disarmament has always been a source of friction, it has not been the ultimate sticking point preventing consensus at NPT RevCons since 1995).

Given the international frustration at the slow pace or deadlock in various nuclear disarmament forums, it would be useful for the ISAB to examine these key disarmament structures for where there may be potential for progress. Accordingly, it would be of great assistance if the ISAB study on multilateral nuclear disarmament structures could examine and assess:

- How can we unblock the CD? What could be done to achieve a different result or build confidence to permit negotiations on topics to proceed? How can we encourage members' willingness to prioritize the CD's work and break the "comprehensive and balanced" deadlock? What strategies could the United States pursue that could lead to progress in the CD?

- What are some ideas for reinvigorating and fully utilizing the annual meetings of the United Nations First Committee and the United Nations Disarmament Commission?

- What considerations of the disarmament machinery should an SSOD-IV focus on that could potentially add something new and unblock the current deadlock in disarmament?

- What do other countries expect from the NPT review process? Is their confidence in the NPT regime at risk? How can the United States help set realistic expectations concerning its disarmament commitments and obligations?

- What measures overall could improve the atmosphere for genuine engagement on disarmament topics, including to advance synergy among the various parts of the disarmament machinery?

In the conduct of its study, as it deems necessary, the ISAB may expand upon the tasks listed above. I request that you submit a completed study to the ISAB Executive Directorate no later than September 30, 2024.

The Under Secretary of State for Arms Control and International Security will sponsor the study. The Assistant Secretary for Arms Control, Deterrence, and Stability will support the study. Julia Masterson will serve as the Executive Secretary for the study and Michelle Dover and Scott Bohn will represent the ISAB Executive Directorate.

The study will be conducted in accordance with the provisions of P.L. 92-463, the "Federal Advisory Board Committee Act." If the ISAB establishes a working group to assist in its study, the working group must present its report or findings to the full ISAB for consideration in a formal meeting, prior to presenting the report or findings to the Department.

Bonnie D. Jenkins

VIII. Appendix B – Members and Project Staff

Board Members

- Hon. Edwin Dorn (Chair)
- Ms. Sherri Goodman (Vice Chair)
- Dr. Daniel Byman
- Hon. Patricia Falcone
- Dr. Julie Fischer
- Dr. James Goldgeier
- Dr. Gigi Kwik Gronvall
- Dr. Gregory Hall
- ADM Cecil Haney, USN (ret.)
- Dr. Eboni Haynes
- Ms. Julie Herr
- Dr. Michael Horowitz
- Ms. Heather Hurlburt
- Hon. Shirley Ann Jackson
- Amb. (ret.) Laura Kennedy
- Dr. Susan Koch
- Dr. Edward Levine
- Dr. Jeffrey Lewis
- Hon. Jamie Morin
- Hon. Eric Rosenbach
- Dr. Ian Simon
- Ms. Lyric Thompson
- Dr. Paul Walker
- Dr. Heather Williams
- Mr. Jon Wolfsthal

Study Group Members

- Chair: Dr. Daniel Byman
- Dr. Gregory Hall
- Ms. Julie Herr
- Amb. (ret.) Laura Kennedy
- Dr. Jeffrey Lewis
- Dr. Paul Walker
- Dr. Heather Williams
- Mr. Jon Wolfsthal

Project Staff

- Ms. Julia Masterson, Executive Secretary, ISAB
- Ms. Michelle Dover, Executive Director, ISAB
- Mr. Scott Bohn, Deputy Executive Director, ISAB
- Ms. Thelma Jenkins-Anthony, Senior Advisor, ISAB

IX. Appendix C – Individuals Consulted by the Study Group

May 14, 2024

Gaukhar Mukhatzhanova	Japan Chair for a World without Nuclear Weapons and Director of International Organizations and Nonproliferation Program, Vienna Center for Disarmament and Non-Proliferation

May 16, 2024

Lewis Dunn	Former U.S. Ambassador to the 1985 Nuclear Non-Proliferation Review Conference

May 22, 2024

Daryl G. Kimball	Executive Director, Arms Control Association

June 6, 2024

Maria Antonieta Jaquez	General Coordinator for Disarmament, Nonproliferation and Arms Control, Mexican Ministry of Foreign Affairs
Eduardo Sanchez	Disarmament and Nonproliferation, Permanent Mission of Mexico to the United Nations

June 11, 2024

Mallory Stewart	Assistant Secretary of State for Arms Control, Deterrence, and Stability

June 12, 2024

Izumi Nakamitsu	Under Secretary General and High Representative for Disarmament Affairs, United Nations

Chris King	Chief, Weapons of Mass Destruction Branch, United Nations Office for Disarmament Affairs
Robert A. Wood	Ambassador, Alternate Representative of the United States of America for Special Political Affairs in the United Nations and Alternate Representative of the United States for Special Political Affairs in the Sessions of the General Assembly of the United Nations, U.S. Department of State

June 17, 2024

Rose Gottemoeller	William J. Perry Lecturer, Center for International Security and Cooperation, Stanford University

June 18, 2024

Christopher Ford	Professor of International Relations and Strategic Studies, Missouri State University

June 24, 2024

Richard C. Johnson	Deputy Assistant Secretary of Defense for Nuclear and CWMD Policy

June 26, 2024

Adam M. Scheinman	Special Representative for Nuclear Nonproliferation
Thomas Countryman	Former Assistant Secretary of State for International Security and Nonproliferation (2011-2017), IMOM

July 16, 2024

William C. Potter	Director, James Martin Center for Nonproliferation Studies and Sam Nunn and Richard Lugar Professor of Nonproliferation Studies, Middlebury Institute of International Studies at Monterey

August 12, 2024

Bruce I. Turner	Ambassador, U.S. Permanent Representative to the Conference on Disarmament, U.S. Department of State
Alison B. Storsve	Deputy Permanent Representative, U.S. Delegation to the Conference on Disarmament

September 10, 2024

Steven F. Fabry	Deputy Legal Adviser, U.S. Department of State