The remarks below were delivered at a symposium on “The Impact of Russia’s War on Ukraine on the Future of Arms Control and the Nonproliferation Regime” hosted by National Institute for Public Policy on April 19, 2022. The symposium examined the impact of Russia’s invasion of Ukraine on the prospects for future arms control, the risks of proliferation of nuclear and other weapons of mass destruction, and concerns over the credibility of U.S. security guarantees to treaty and non-treaty partners.

David J. Trachtenberg

David J. Trachtenberg is Vice President of the National Institute for Public Policy and served as Deputy Under Secretary of Defense for Policy from 2017-2019.

Before I turn the floor over to our speakers, I would like to invoke the moderator’s prerogative to offer a few comments, which I hope will help set the stage for today’s discussion.

Despite Russia’s brutal invasion of Ukraine, there are those who continue to assert not only that arms control with Russia remains imperative, but that it is even more essential now more than ever. For example, one analyst has written that the war in Ukraine means that “nuclear arms control must be strengthened and not further dismembered” and that the “strategic stability dialogue” between Washington and Moscow must be resumed.¹

Others have concluded that Russia’s actions in Ukraine—including the potential for actual nuclear use—highlight the growing dangers of nuclear weapons and lend credence to the view that because nuclear deterrence appears increasingly fragile, “The only way to eliminate the danger is to reinforce the norm against nuclear use and pursue a more sustainable path toward their elimination.”²

The notion that Russian aggression in blatant violation of international law (not to mention the norms of civilized behavior) means we should seek more arms control with Russia and move toward nuclear disarmament seems to reflect an idealistic worldview that appears completely divorced from the cold reality of an international system in which stronger autocrats and aggressors seek to conquer weaker actors in order to accumulate raw power and validate their own ruling legitimacy.

In light of Russia’s history of arms control violations and its scrapping of the 1994 Budapest Memorandum—in which Moscow pledged “to refrain from the threat or use of force against the territorial integrity or political independence of Ukraine”³—it may be that

Moscow is simply an unreliable security partner whose promises are not worth the paper they are written on. This hardly bodes well for future arms control efforts—not to mention the difficulty of seeking arms control with China. (Although, admittedly, arms control may be easier if we simply act unilaterally, as the Vice President announced yesterday we would do by foregoing direct-ascent anti-satellite testing in order “to lead the way and to lead by example.”)\(^4\)

With respect to the impact of Russia’s invasion on the nonproliferation regime, perhaps we should ask the Ukrainians whether they now believe it was wise for them to surrender their nuclear weapons in exchange for promises that Russia would be a guarantor of their territorial integrity. If a nuclear power can act so brazenly against its non-nuclear neighbor, what are the lessons that other nations are learning from Ukraine’s example?

As others have noted, “How do we convince any existing nuclear weapons state to give up its nuclear arsenal if experience teaches that nukes are the guarantor against imposed regime change? It would not be unreasonable for some states feeling threatened by nuclear-armed or nuclear-aspiring neighbors to consider developing their own arsenals.”\(^5\)

Moreover, some have suggested that Russia’s actions have “subverted” the Nuclear Nonproliferation Treaty by making it look “as if the treaty’s purpose is to keep weak countries defenseless and prey to the nuclear-weapon states.”\(^6\) As others have summed it up: “NOT having nukes clearly leaves one vulnerable…. If you have nuclear weapons, keep them. If you don’t have them yet, get them.”\(^7\)

If nothing else, Russia’s invasion of Ukraine is moving states to contemplate other ways to protect their own security. Finland and Sweden are now seriously considering NATO membership, despite Russia’s threats. And the U.S. extended nuclear deterrent is increasingly under stress. A recent poll showed a large majority of South Koreans—over 70 percent—now favor possessing nuclear weapons.\(^8\) And even Japan, the only country to have experienced the devastation of not one but two nuclear bombs, has been rethinking its traditional anti-nuclear stance, with former Prime Minister Shinzo Abe saying Tokyo should consider hosting U.S. nuclear weapons on its territory.\(^9\)

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\(^6\) Andreas Umland and Hugo von Essen, “Putin’s War Is a Death Blow to Nuclear Nonproliferation,” Foreign Policy, March 21, 2022, available at https://foreignpolicy.com/2022/03/21/nuclear-weapons-war-russia-ukraine-putin-nonproliferation-treaty-npt/.

\(^7\) Michael E. O’Hanlon and Bruce Riedel, “The Russia-Ukraine war may be bad news for nuclear nonproliferation,” The Brookings Institution, March 29, 2022, available at https://www.brookings.edu/blog/order-from-chaos/2022/03/29/the-russia-ukraine-war-may-be-bad-news-for-nuclear-nonproliferation/.


Finally, with Russia’s increasing nuclear threats, and with the Russian Ambassador to the United States declaring that the ultimate goal of the Ukraine invasion is to overturn the U.S.-dominated “world order,”\textsuperscript{10} I wonder if the purported nonproliferation benefits of cooperation with Russia on nuclear matters are still pertinent.

For example, there is a 30-year U.S.-Russia nuclear cooperation agreement—a so-called “Section 123 Agreement”—that entered into force with congressional approval in 2011 and remains in effect until 2041.\textsuperscript{11} Does this agreement, which allows for the transfer of nuclear material and equipment from the United States for peaceful uses, continue to benefit U.S. national security in light of Russia’s behavior? President George W. Bush withdrew the agreement from congressional consideration after Russia invaded Georgia in 2008, but President Obama resubmitted it. I’m not sure many people—including current Members of Congress—even know about it. But it doesn’t seem unreasonable to me to reassess the value of existing nonproliferation activities with Russia in light of Russia’s admitted efforts to change the “world order.”

In sum, it looks like the prospect for meaningful arms control may be quite dim at best, along with the future of the nonproliferation regime. Might we actually be on the cusp of the largest proliferation spike in recent memory?

So, with these comments as prelude, let me turn the microphone over to our speakers.

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Kathleen C. Bailey

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Prospects for additional nuclear arms control agreements have been dimming steadily over the past few decades. Some of reasons are: a realization of the technical limitations for effective verification; turmoil among states’ relations; cheating; the non-inclusion of China; and the failure of past agreements to accomplish their objectives. To this mix, we must now add the impact of Russia’s war against Ukraine. The outcome of this war will likely be a dominant determinant of the future of nuclear arms control and, particularly, nonproliferation, for the next decade and perhaps beyond.

I will begin with two points regarding the NPT. The first is that Russia’s nuclear saber-rattling regarding Ukraine has likely already undermined the NPT. Member states that have chafed at the lack of progress by nuclear weapons states toward disarmament will likely use Putin’s threat as further evidence that the weapons states ignore their treaty obligations.


The second point related to the NPT is that Ukraine is the first example of a state that acceded to NPT and traded its nuclear arsenal in return for promises by Russia (among others) to respect the territorial integrity and political independence of Ukraine. This promise is the principal purpose of the 1994 Budapest Memorandum. The lesson is that giving up one’s nuclear weapons for security promises is foolhardy, and that joining the NPT was a loss, not a gain.

In an interview with Fox News in February, Dmytro Kuleba, Ukraine’s Foreign Minister, spoke about Ukraine’s forfeiting its nuclear weapons in the 1994 Memorandum. When asked if that was a mistake, Kuleba said, “What’s done cannot be undone.” Then he added, “... a smarter decision could have been found if the United States, together with Russia, hadn’t taken a joint position to deprive Ukraine of its nuclear weapons.”

Russia’s invasion of Ukraine is prompting several states to rethink their security needs anew. They see that nuclear weapons possession empowered Russia to invade, and that Ukraine’s not having them made it vulnerable. The war is a fresh reminder to some that their most realistic chance of standing up to a powerful aggressor is to have access to nuclear weapons or be protected by a nuclear-armed defender.

Some analysts have noted that Taiwan is in a similar position to Ukraine. The United States removed its nuclear weapons from Taiwan in 1974, forced Taiwan to give up a nuclear weapons program in the late 1970s (and again squelched a revival attempt in the 1980s), and unilaterally abrogated the bilateral U.S.-Taiwan defense treaty in late 1979. Taiwan is now without nuclear deterrence of Beijing.

And there is South Korea. The United States forced South Korea to abandon its nuclear weapons program in the 1970s also, and then removed U.S. nuclear weapons from the country in 1991. Sporadically since then. South Korean officials have suggested that U.S. nuclear weapons should again be placed in South Korea. On April 6, incoming president Yoon Suk-yeol raised the issue in talks with top U.S. officials.

And Japan, longtime recipient of U.S. nuclear guarantees, is also nervous. For example, influential former Prime Minister Shinzo Abe called for Tokyo to consider hosting U.S. nuclear weapons in the wake of Russia’s invasion of Ukraine.

Even the jitter among Iran’s neighbors is justified, and not just because of Iran’s special nuclear materials production. It is quite possible that Iran and North Korea have shared test and design data, leaving Iran poised for a very rapid nuclear breakout.

The clear message to states that are under threat by hostile nuclear neighbors is that nuclear weapons matter. To be sure, this message is not new, but it is given fresh salience by Russia’s invasion of Ukraine. Fear of a similar fate is the very reason that some states historically have sought security assurances and the U.S. nuclear umbrella.

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But there is likely to be a difference in the future of the US nuclear umbrella due to the war in Ukraine, regardless of how that war ends. Even if Putin were to fall and Ukraine to survive, states under the shelter of the umbrella are likely to want even greater reassurance, as Japan and South Korea have already indicated. Thus, the United States needs to prepare how it will respond to states’ requests for a greater a greater say in issues such as arsenal composition, delivery systems types, stationing, and doctrine.

Yet the greater risks to proliferation will likely result from a Putin win, of course. States will see that non-aggression Memorandum was worthless, and that Ukraine lost despite the West’s broad-based assistance, particularly military support. This could lead the weak and strong alike to conclude that China, North Korea, Iran, and even perhaps India will be emboldened.

In the past, U.S. nuclear assurances have been a key building block of U.S. and Western nonproliferation policy. I posit that the assurances were somewhat easier to give in the past because the likelihood of a battlefield or limited regional nuclear war was less. With Ukraine, that has already changed, and the future will be even bleaker if nuclear weapons are used. My point here is that nuclear use may increase U.S. and NATO caution about extending assurances in the future. The United States, in particular, must be sure that it is willing and able to extend the umbrella, given that limited nuclear war would be much less “unthinkable.”

The United States could become more hesitant about reaffirming the umbrella, extending the umbrella to additional states, or providing assurances that the deterrent is effective. If this occurs, and states seek alternative nuclear protection, we will have lost one of the most valuable tools in restricting nuclear proliferation.

The usual proponents of nuclear disarmament will continue their calls for further arms control regardless of the outcome of war in Ukraine. But Putin’s war, for those whose responsibility is the security of their state’s territory and existence, has a countervailing message: unless you have nuclear weapons, or someone backing you with their nuclear weapons, you might be at risk of being gobbled up. And it is now evident that past arms control agreements, let alone future ones, are unlikely to change this.

The focus of these remarks has been on the implications of Putin’s war against Ukraine for nonproliferation. But it should be noted in conclusion that this invasion is but one of a few of the tremendous challenges to preventing the spread and potential use of nuclear weapons. A case could be made that the Joint Comprehensive Plan of Action is a meaningless fig leaf regardless of its terms, that China is hellbent on taking Taiwan and becoming the dominant military force worldwide regardless of outcome in Ukraine, that worldwide recession and food shortages will foster turbulence in all regions, and so on.

These bleak scenarios are what should guide our planning and readiness. To be sure, there are alternative futures. After all, I suppose it is possible that Putin could be ousted and that Russia would cease its aggression, that Iran’s populace could overthrow their repressive regime, or even that China’s Xi could be replaced. But we can’t count on any of these. So, for at least the next decade or two, military alliances and preparedness will be more practical than arms control regimes in keeping peace and security. The task facing the United States
is to make sure that its nuclear deterrent is effective and to convince those under U.S. and/or NATO protection not to pursue their own nuclear weapons.

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Susan J. Koch

Susan J. Koch is former Director for Proliferation Strategy on the National Security Council Staff and Deputy Assistant Secretary of Defense for Threat Reduction Policy.

First, please let me mention two limiting assumptions.

My remarks assume that Russia will not use nuclear weapons in its war with Ukraine or expand the conflict to a NATO ally.

If either or both of those assumptions prove unfounded, the world will be so dramatically changed that I could not speculate about the future—for arms control, proliferation or anything else.

I need not take long to discuss the effects of Russia’s war on Ukraine on arms control. Before February 24, the prospects for any US-Russia arms control treaty were bleak—and even worse for any including China.

The war has made those prospects nonexistent. Some of my colleague probably consider that good news. I do not.

But it would be difficult for even the most fervent arms controller to believe that an agreement is possible with a government of such appalling lawlessness.

The implications of the war for nuclear proliferation are not quite as straightforward.

On the positive side, our recent verbal reassurances to our NATO allies, our reinforcement of their defenses, and perhaps Putin above all, have helped to repair NATO unity and our European allies’ faith in the US extended deterrent.

I also believe—or at least hope—that Putin has persuaded the Biden Administration of the folly of policies like No First Use and Sole Purpose. I hardly need to mention how disastrous those would be for strategic and extended deterrence, allied reassurance, and proliferation prevention.

While the Russian invasion of Ukraine may not have increased the danger of nuclear proliferation among our European allies, that may not be the case in Asia.

Opinion polls have for years found that a majority of South Koreans strongly support a national nuclear deterrent. That appears to have grown since the Russian invasion of Ukraine.

Many South Koreans point to our earlier failure to implement the Budapest Memorandum as evidence that they cannot rely on the United States.

Others who recognize that we are now doing quite a lot to aid Ukraine—short of direct military engagement—may still question whether we would do the same for Asia.

Many probably doubt that, in order to protect them, the United States would pay the price of war with China, or event of sanctions like those that we have imposed on Russia. They
fear—perhaps justifiably—that China’s enormous economic power would deter us from either path.

More broadly, our allies and partners worldwide must question whether we would respond militarily to Russian or Chinese attack on them—especially now that we have been deterred from direct engagement in Ukraine by the fear of nuclear attack.

Moreover, all that the United States and our allies are doing to help Ukraine in this war has not erased the memory of our inaction in 2014. Our performance then was a disgrace.

The December 1994 Budapest Memorandum, and the January 1994 Trilateral Statement, were critical to Ukraine’s decision to denuclearize.

There were important elements to the January Trilateral Statement that are not well remembered.

With US assistance to get the process underway, Russia agreed to compensate Ukraine, in the form of fuel rods for nuclear power pans, for the value of the HEU in the warheads removed from Ukraine. Russia also committed to destroy all of those warheads under Ukrainian monitoring. The Ukrainians told us that they were satisfied with Russian compliance with all of those commitments.

Further, the United States committed to Cooperative Threat Reduction assistance to help Ukraine with warhead removal and elimination of its strategic nuclear delivery vehicles, and nuclear infrastructure.

But the parts of the January Trilateral Statement and Budapest Memorandum that are best remembered are the security assurances.

Those were neither new nor legally binding. They reiterated earlier assurances, primarily from the UN Charter, the Helsinki Final Act, and associated with the NPT.

But they were still important.

Unlike Belarus and Kazakhstan, Ukraine resisted denuclearization because it feared a resurgent, expansionist Russia. The 1994 assurances were designed to reassure Ukraine that Russia would respect its independence and territorial integrity, and that the United States and United Kingdom would respond if Russia violated those assurances.

Technically, we did respond when Russia invaded Ukraine in 2014. We called a meeting of the UN Security Council.

But we denied Ukraine the type of military assistance that has proven so important this year. We ousted Russia from the G-8 and instituted some sanctions, but those were meager compared to what we and our allies have imposed in response to this Russian invasion. Further, we failed to galvanize our allies to do more to punish Russia and assist Ukraine.

The fate of the Budapest Memorandum means that no other nuclear-armed state, or potential nuclear proliferation, will agree to denuclearize in light of such security assurances. States might still find sound reasons to abandon nuclear weapons programs—as South Africa, Brazil and Argentina did in the early 1990s—but US security assurances will not be among them.

Our security commitments to our Treaty allies are very different from the assurances to Ukraine. Will they be enough to persuade our allies not to proliferate—as they persuaded
Japan, West Germany and Italy to join the NPT as non-nuclear weapons states? The answer will depend in large part on us.

Finally, was Ukraine right to have denuclearized? I believe so, for several reasons. First, Ukraine had no nuclear warhead expertise, command and control system, or production facilities for warheads or fissile material. After it returned its short-range nuclear systems to Russia in May 1992, its only delivery vehicles were strategic-range, and it had no interest in threatening us.

Further, I question whether Russia would have stood idly by if Ukraine retained all of those nuclear warheads on its territory. If Russia sought to remove those by force, the consequences could have been horrendous—even worse than we are seeing today.

Finally, denuclearization was a requirement for good relations with the West. Those did not count for much militarily in 2014, but they mean a lot in military training and equipment over the past 8 years.

On the economic front, denuclearization was required for extensive, essential assistance from the World Bank, International Monetary Fund, United States and European Union.

So, I believe that denuclearization was the right path for Ukraine a quarter of a century ago. But will it be for others in the future?

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Robert G. Joseph

Robert G. Joseph is former Under Secretary of State for Arms Control and International Security and Special Envoy for Nonproliferation.

Both of the previous speakers have done a good job covering the nonproliferation implications stemming from the war in Ukraine. So, what I would like to do is address the question: is arms control dead?

With the bloody assault on Ukraine and the shocking images of Russian atrocities, the U.S.-Russia relationship is at its lowest point since the fall of the Soviet Union—or perhaps going as far back as the Cuban missile crises or the large-scale deployment of SS-20s in the late 70s and early 80s.

President Biden has declared President Putin to be a war criminal responsible for the ongoing—what he calls—genocide in Ukraine. Perhaps for this reason, some observers have stated—or rather predicted—that this is the death of arms control—at least the classic notion of arms control with large interagency delegations meeting in Geneva or Vienna to negotiate new treaties to reduce or restrict the nuclear arsenals of the two major nuclear states.

After all, how can we return to arms control business as usual with a genocidal war criminal? That may be the right question to ask but to me, the prediction of the death of arms control seems both premature and wrong.

Let me pose three ironies associated with the future of arms control.
The first irony is that Russia’s aggression will be cited as the very reason that we must resume arms control negotiations with Moscow. Soon after the daily images of the war in Ukraine subside from public view, perhaps after a convenient pause in the fighting that freezes in place Russians gains in the east and south—at least until the Russians are prepared to continue the war—there will almost surely be urgent calls from the arms control community—in and out of government—to reengage in the strategic stability talks that the Biden Administration had been pursuing with little success prior to the war in Ukraine.

Why do I think this will happen? What evidence is there? Well, in the very face of Russia’s aggression in Ukraine, the administration reportedly turned to none other than Sergey Lavrov, Russia’s Foreign Minister—and the principal purveyor of disinformation on Ukraine—to encourage Iran to return to the JCPOA negotiations and accept the deal that we were told was 90 percent or more complete. In those negotiations, the administration has demonstrated that arms control agreements—even bad arms control agreements—are their first priority.

In the nuclear talks with Iran, the U.S. has made concession after concession to the point that the U.S. deputy negotiator and others in the delegation have resigned because the positions taken by the U.S. side were deemed to be too weak—an extraordinary occurrence.

The second irony is that by conceding point after point, the Iranians have become convinced that they need not take yes for an answer—instead they keep coming back for more concessions. The latest issue, the demand by Teheran that the U.S. delist the IRGC as a Foreign Terrorist Organization is instructive. Press reports suggest that the U.S. side agreed to this outrageous demand in exchange for a promise by Iran that it will not attack U.S. forces or interests, including a pledge not to assassinate former officials.

We all know that would be an empty promise that would never be fulfilled—but that may be far from the worst of it. What I am told is that the U.S. initially responded to the Iranian demand by saying that Iran must agree not to attack U.S. citizens and interests and those of our allies. Iran replied that the promise would only extend to the U.S. and, shockingly, the U.S. side agreed.

In other words, the U.S. would abandon our allies and delist a terrorist organization with the blood of hundreds of Americans on its hands—and thousands of lives of our allies—to get an agreement—an agreement that will provide the mullahs with billions and billions of dollars to fund more aggression, more terrorism, more missiles, and the very nuclear program that is supposed to be constrained by the agreement. There is apparently nothing this administration has not and will not accept to get an agreement.

The third irony is that the Biden Administration, by renewing the New START agreement for five years, gave Russia exactly what it wanted and, thereby has undercut any real incentives for Moscow to negotiate a strategic agreement beneficial to American interests.

The New START treaty is fatally flawed on any number of counts—Russia went up in numbers and we went down, failure to limit so-called theater, tactical or non-strategic weapons, even the failure to account for new weapon systems that would clearly be considered strategic by any normal definition, such as the Status 6—the new intercontinental nuclear-powered and nuclear-armed super torpedo.
So now Moscow can take time—up to five years—to reject any U.S. efforts to limit these exempted nuclear forces in which it has large advantages—to the point of providing Moscow with escalation dominance—a long term goal of the Soviet Union and now Russia.

And I haven’t even mentioned China—currently in the middle of what our STRATCOM commander has described as a breathtaking nuclear buildup, while refusing to engage in any arms control negotiations.

Does that mean the end of arms control? No, not at all. When Wendy Sherman comes knocking on the door of the Kremlin to talk about strategic stability, she will be invited in.

Moscow will see it both as an opportunity to regain its legitimacy and, more importantly, as an opportunity to finally place limitations on U.S. strategic defenses—which I believe the administration is not just willing, but eager to give up. On this point, I have no doubt our president longs for the days of the ABM Treaty and considers our strategic defenses to be destabilizing—a seductive myth disproven by the facts but still prominent with arms control ideologues.

The Russians, like the Soviets before them, have always been willing to accept a one-sided deal in their favor. If the Biden Administration is willing to sacrifice the interests and lives of our allies for Potemkin constraints on Iran’s nuclear weapons program, it will be willing to sacrifice American security for the sake of an equally bad—and dangerous—agreement with Russia.

The primary metric of success seems to be getting to an agreement—not whether that agreement advances U.S. security. And the Senate’s constitutional power of consent to ratification—not a problem as the Obama Administration demonstrated with the JCPOA. So, to answer the question I posed at the start, is arms control dead? No, it is not.