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China and NPT Article VI

In the midst of the pandemic in 2020, the golden anniversary of the Nuclear Nonproliferation Treaty (NPT) was quietly delayed. Some delegates may have been disappointed but others undoubtedly were relieved.

The United States, a champion of the treaty, had blundered its way through arms control and nonproliferation crises for more than a few years. The Trump administration killed the nuclear deal with Iran; reduced negotiations with North Korea to photo ops useful for Kim Jong Un; and sought to use Russia as a proxy to get China to agree to strategic nuclear weapons limits. The predictable result was to jeopardize the extension of New START. Moreover, its 2018 Nuclear Posture Review increased reliance on nuclear weapons and called for development of a small warhead to deter Russia from escalating to use of nuclear weapons early in a conflict. US diplomats inveighed heavily against China, belittled the arms control community for suggesting negotiated solutions (and told ban treaty negotiators the US would “never ever” join the treaty), and called instead for “Creating the Environment for Nuclear Disarmament.” The latter was a thinly veiled attempt to punt the ball down the field forever until someone forgot what disarmament meant.

We are very nearly there. The one agreement that keeps US and Russian arsenals from growing is the New START treaty, extended by Presidents Biden and Putin until 2026. Strategic stability talks with Russia and China have stalled. Meanwhile, US defense planners seek to blunt what they see as a possible tripling of Chinese strategic nuclear weapons. China, the UK and France have not participated in negotiated reductions of their nuclear forces, although the US has called for China to join talks and Russia has called for limits on the UK and France. Violation, not compliance, of all kinds of benchmarks is the new norm. Russia’s invasion of Ukraine violated not just the Budapest Memorandum on Security Assurances that guaranteed security for Ukraine in 1994 but all ten of the principles of the 1975 Helsinki Accords. Despite the December 2021 statement by the P-5 that a nuclear war cannot be won and must never be fought, Russian President Putin issued broad threats of nuclear weapons use if the West came to Ukraine’s aid early in the Ukraine war.

The US delegation to the NPT will be hard-pressed to contain its China- and Russia-bashing in New York in August when parties gather. However, shared security objectives in nonproliferation and arms control need to triumph over rhetoric. Focusing attention on what China can do to support nonproliferation could help accomplish two goals: assuage some concerns about China’s capabilities and provide China a platform for leadership. One potential area of focus is how the nuclear weapon states are measuring up to their commitments on

Article VI – the obligation to “to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date.”

Past as prologue

Discussions of Article VI implementation have been contentious over the fifty years of the NPT, but particularly after the indefinite extension in 1995 as non-nuclear-weapon states sought a *quid pro quo*. The 1995 Principles and Objectives document contained no fewer than 64 steps that states could take to implement Article VI. In 2000, that was boiled down to 13 practical steps toward disarmament. These included:

1. CTBT
2. Nuclear test moratorium*
3. FMCT
4. Establishing a body at the CD on practical steps toward nuclear disarmament
5. Applying irreversibility to nuclear reductions
6. An unequivocal undertaking by the nuclear-weapon States to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament to which all States parties are committed under Article VI.
7. Full implementation of Start II, III, ABM Treaties
8. Securing excess fissile material (trilateral initiative)
9. Unilateral actions: reductions, transparency, reductions of non-strategic weapons, reduce alert/operational status; reduced role of nuclear weapons in defense policy; reductions of non-strategic nuclear weapons; engaging all nuclear weapon states in process. (* Some of these have occurred)
10. All nws to place excess material under safeguards
11. Reaffirm general and complete disarmament
12. Regular reports on disarmament progress*
13. Further develop verification capabilities*

Of these 13 steps, only a handful have been implemented (marked with an *) and even then, not fully. The quality /strength of their implementation is questionable. It is clear that the 13 Practical Steps were both too specific and not specific enough. They were also oriented primarily toward US and Russian actions, since these were widely regarded to be precursors for other states to get involved. In any event, non-weapon state parties to the NPT eventually became so frustrated at the lack of progress that they took their grievances to the UN General Assembly and negotiated a treaty to prohibit nuclear weapons in 2017, which entered into force in 2021. This has largely not solved the grievances of non-nuclear weapon states.

What can China do?

Historically, China has been slow to join and ratify agreements. China opposed the NPT for many years (negotiations began after China exploded its first nuclear weapon in 1964) but It joined the IAEA in 1984 and completed a safeguards agreement with the IAEA a few years later, joining the NPT in 1992. Although it signed the CTBT when it opened for signature in 1998, it has not ratified the CTBT and remains (along with the US) one of the eight states holding up

CTBT entry into force. China adopted export controls in the late 1980s, joining the Zangger Committee in 1997 and the Nuclear Suppliers Group in 2004. Some of those steps were required by the United States in exchange for entry into force of a nuclear cooperation agreement, which was held up by the US Congress for 13 years until 1998 because of poor Chinese compliance with nonproliferation norms.

The prospects for China undertaking any actions on its own are low and so is the leverage that the US can exert. However, there may be a few steps that China might find in its own self-interest to take up, particularly if refusing to do so reflected negatively upon China. It likely would be more motivating for China to take such steps if all P-5 (or P4-Russia) take them. Of course, there may be actions that would be truly beneficial not just for the US but for international security that China could take, for example, providing information about its new missile silos that could build confidence in its intentions, but this is too big of an undertaking within the NPT context.

Below are a steps that the US could request from China.

Nuclear testing: China's ratification of the CTBT is a non-starter because the prospect of US ratification is close to zero, but the US should encourage China to engage the DPRK on adhering to the CTBT. Given US concerns about activities at Lop Nur, it should extend again its invitation to visit Nevada Test Site for confidence-building and ask China to offer some confidence-building measures (visits, notifications, information) regarding its compliance with the zero-yield nuclear test moratorium.

Fissile material: FMCT negotiations are unlikely, but China's fissile material production for weapons is a concern. In particular, its lack of transparency regarding civil and/or military stockpiles of fissile material is a concern. Steps could include: pledge by some/all P-5 on no unsafeguarded fissile material production for weapons; declaring excess fissile material to put under safeguards; expanding voluntary offer eligible facilities lists. In particular, China has stopped reporting since 2017 on the INFCIRC/549 Guidelines for Management of Plutonium. Its last declaration, a single page, stated it held 40kg of unirradiated plutonium at a reprocessing plant as of December 2016. All other states adhering to INFCIRC/549 have continued reporting.

Bilateral actions with the US: The US should offer to establish risk reduction measures with China, such as a hotline agreement (and mechanism) or even a nuclear risk reduction center. The US should offer to partner with China at a technical level on safeguards approaches for fast reactors. This could be done via the Nuclear Security Center of Excellence the US helped China establish during the nuclear security summit process. It could be marketed as a way of ensuring that any nuclear exports do not export proliferation.

Unilateral actions: The 13 practical steps envisioned a host of unilateral actions that states could individually take to reduce risks. At a minimum, China (and all P-5) should be urged to demonstrate how the role of nuclear weapons has been reduced in its defense policy.