

BRIEFING PAPER

Compliance with the Treaty on the Non-Proliferation of Nuclear Weapons: Russia¹

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Introduction

This Briefing Paper summarises compliance by the Russian Federation (Russia) with the 1968 Treaty on the Non-Proliferation of Nuclear Weapons (NPT), identifying several instances of violation of the Treaty's provisions. Specifically, Russia has failed to comply with its international legal obligations to pursue negotiations in good faith to end the nuclear arms race and to negotiate in good faith for nuclear disarmament.

Status as Nuclear-Weapon State under the NPT

Under Article IX(3) of the NPT, a nuclear-weapon State is one which has manufactured and exploded a nuclear weapon or other nuclear explosive device prior to 1 January 1967. Russia first test-detonated a 22-kiloton nuclear explosive device on 29 August 1949, in an operation later codenamed First Lightning.² The so-called Tsar Bomba, a hydrogen bomb with a yield of about 50 megatons when it exploded on 30 October 1961 over the Arctic Circle, was the largest, most powerful nuclear weapon ever detonated.³ The Soviet Union conducted a total of 715 test detonations of nuclear weapons until it ended its programme. Its final test was carried out on 24 October 1990.⁴

In accordance with Article IX(2) of the NPT, Russia (as successor State to the Soviet Union) is one of the three Depository States of the Treaty. It signed the Treaty on 1 July 1968 and ratified it on 5 March 1970, the same day as the United States, whereupon the NPT entered into force. Russia possesses more nuclear weapons than any other State. As of 2022, Russia was believed to possess 5,977 nuclear warheads, of which 1,588 were deployed.⁵

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² Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization (CTBTO), "29 August 1949 – First Soviet Nuclear Test", at: <https://bit.ly/3ccyavS>.

³ Preparatory Commission for the CTBTO, "The Soviet Union's Nuclear Testing Programme", accessed 14 November 2021 at: <https://bit.ly/2XEMwif>.

⁴ United Nations, "Ending Nuclear Testing", accessed 14 November 2021 at: <https://bit.ly/3Ccljn6>.

⁵ Federation of American Scientists (FAS), "Status of World Nuclear Forces", accessed July 4th, 2022, at: <http://bit.ly/2B71Qcf>.

Prohibition on Assisting Non-Nuclear-Weapon States to Acquire Nuclear Weapons

Under Article I of the NPT, each nuclear-weapon State Party to the Treaty undertakes not to assist, encourage, or induce any non-nuclear-weapon State to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices. The notion of assistance is broad in scope. Furthermore, Article III(2) obligates every State Party not to provide to any non-nuclear-weapon State source or special fissionable material or related equipment or material unless they are subject to the requisite Comprehensive Safeguards with the International Atomic Energy Agency (IAEA).

Compliant

Russia is not believed to have assisted any non-nuclear-weapon State to manufacture or otherwise acquire nuclear weapons.

Prohibition on Transferring Nuclear Weapons to Any Recipient

Under Article I of the NPT, each nuclear-weapon State Party to the Treaty undertakes not to transfer to any recipient whatsoever nuclear weapons or other nuclear explosive devices. This is a very broad prohibition that renders illegal the transfer of such devices, not only to non-nuclear-weapon States, but to any State or other entity. At the 2010 Review Conference of the NPT, the five nuclear-weapon States formally “reaffirmed their commitment not to transfer to any recipient whatsoever nuclear weapons or other nuclear explosive devices”.⁶

Compliant

In November 2021, Belarus’s President Alexander Lukashenko said in an interview with a Russian defence magazine that he wants Russian nuclear-capable Iskander missile systems to be deployed in the south and west of the country.⁷ Russia has not acceded to the request. On 25 June 2022, Russian president Putin declared that the decision had been made to transfer Iskander-M tactical missiles to Belarus “within the next several months”, to modify Belarusian Su-25 planes so they could deploy nuclear weapons, and train aircrew in their use.⁸ A statement on the stationing of nuclear warheads themselves in Belarus had not been made as of 1 July 2022.⁹

⁶ Final Document, 2010 Review Conference of the NPT, Doc. NPT/CONF.2010/50 (Vol. I), Part I: Review of the operation of the Treaty, para. 3.

⁷ C. Jewers, N. Fagge, and AFP, “Now Lukashenko wants Russian nukes: Putin tries to play down Belarussian dictator’s wild threats made ‘out of anger’ as he asks for ‘several divisions’ of the Red Army’s nuclear-capable missiles”, *Daily Mail*, 13 November 2021, at: <https://bit.ly/30lgCuW>.

⁸ President of Russia, “Meeting with President of Belarus Alexander Lukashenko”, 26 June 2022, at: <https://bit.ly/3bSPx8b>.

⁹ N. N. Sokov, “Russia-Belarus nuclear sharing would mirror NATO’s—and worsen Europe’s security”, July 1st 2022, at: <https://bit.ly/3NPP0G3>.

Duty to Negotiate in Good Faith to End the Nuclear Arms Race

The first obligation in Article VI of the NPT obligates every State Party to the Treaty to “pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date”. A good faith interpretation of Article VI is that no nuclear-weapon State may seek to provoke or act to cause a new nuclear arms race.

Not compliant

In the wake of the collapse of the Soviet Union, a number of bilateral treaties were adopted that reflected the end of the Cold War, and both the United States and the Russian Federation embarked on massive reductions in their nuclear forces. In 2002, however, following the US withdrawal from the 1972 Anti-Ballistic Missile (ABM) Treaty Russia did not allow the 1993 START II Treaty to enter into force. START II would have prohibited multiple independently targetable reentry vehicles (MIRVs) on intercontinental ballistic missiles (ICBMs).¹⁰ Russia subsequently began modernising its nuclear forces.¹¹

Russia has aggressively pursued the development of new nuclear weapons, including hypersonic glide weapons, which are provoking a new technological arms race.

On 1 March 2018, speaking in a televised address, Putin showed video and animations of ICBMs, nuclear-powered cruise missiles, underwater drones, and other weapons that he claimed Russia had developed as a result of the US withdrawal from the ABM Treaty. “You didn’t listen to our country then”, he declared. “Listen to us now.”¹²

The RS-24 Yars ICBM, which was developed in 2005, can strike anywhere in the United States with what may be as many as ten MIRVed missiles. The RS-24, which can be launched from either underground silos or road-mobile launchers, fires the missiles into space. They re-enter the earth’s atmosphere at almost five miles per second.¹³ On 6 February 2019, Russia conducted a test launch of its RS-24 at Plesetsk spaceport in the Arkhangelsk region. According to a press release from the Russian Ministry of Defence, the missile, which was armed with multiple warheads, was successful.¹⁴

The Sarmat is a three-stage, liquid-fuelled ICBM with a maximum range of 18,000 kilometres that has been under development for several years. Designated a “heavy” ICBM, the Sarmat can reportedly load up to 10 large warheads, 16 smaller ones, a combination of warheads and

¹⁰ A. Roth, “Putin Threatens US Arms Race with New Missiles Declaration”, *The Guardian*, 1 March 2018, at: <http://bit.ly/30c7Pte>.

¹¹ TASS, “Putin Says Arms Race between US, Russia Followed Washington’s Withdrawal from ABM Treaty”, 2 March 2018, at: <http://bit.ly/3qnePOE>.

¹² A. Roth, “Putin Threatens US Arms Race with New Missiles Declaration”, *The Guardian*, 1 March 2018, at: <http://bit.ly/30c7Pte>.

¹³ A. Lockie, “How the US’s Nuclear Weapons Compare to Russia’s”, *Business Insider*, 28 September 2016, at: <http://bit.ly/30d41I3>.

¹⁴ J. Chin, “Russia Tests RS-24 Yars ICBM”, *Missile Threat*, Center for Strategic and International Studies, last updated 8 April 2019, at: <http://bit.ly/2ANrzJa>.

countermeasures, or hypersonic boost-glide vehicles.¹⁵ In October 2021, two test launches of the Sarmat were planned to be completed before the end of 2021, a source in the defense industry told the Russian news agency, TASS. The aim is to deploy the new missiles by the end of 2022.¹⁶

Russia has also developed a plane-launched hypersonic missile, the Kh-47M2 Kinzhal (“dagger”), which could manoeuvre while travelling at more than ten times the speed of sound, and deliver a nuclear strike.¹⁷ Russia has been establishing a MiG-31 K regiment in the Siberian city of Kansk, which will be equipped with the Kinzhal hypersonic missiles. Training of flight crews was planned to begin in late 2021, with the switch to the new weapons systems due to be completed by 2024.¹⁸

Russia’s financial investments, to the extent they are publicly known, are detailed in the latest Nuclear Weapons Spending Report, *Squandered*, by ICAN published in May 2022. The report puts Russian nuclear weapons spending at US\$8.6 billion in 2021.¹⁹ The Russian company Rostec produces the Iskander-M missile system, which contributed to the failure of the Intermediate Nuclear-Forces Treaty in 2019. SpecChemistry JSC, a Rostec subsidiary, produces more than 80% of the key components for Russian missiles. Outstanding investments for the period 1 January 2019–1 October 2020 are reported to have been more than US\$3 billion.²⁰

The 2010 Review Conference of the NPT did not address the issue of a new nuclear arms race. No final document was issued at the 2015 Review Conference. The 2022 Review Conference—the Tenth of the Treaty—must address compliance with the obligation by the nuclear-weapon States head on. Russia has signed and ratified the 1996 Comprehensive Nuclear-Test-Ban Treaty (CTBT). It is one of the Annex 2 States whose ratification is necessary in order to bring the CTBT into force. In a joint statement on 15 September 2016, the five NPT nuclear-weapon States declared that: “a nuclear-weapon test explosion or any other nuclear explosion would defeat the object and purpose of the CTBT”.²¹

Russia invaded Ukraine on 24 February 2022. In the context of the invasion, Russian officials have repeatedly alluded to nuclear weapons use. On February 24 itself, President Putin

¹⁵ “First Image of RS-28 Sarmat, Russia’s Largest Ever ICBM, Unveiled”, Sputnik, 24 October 2016, at: <https://bit.ly/3DefVSU>.

¹⁶ Tass, “Two test launches of Sarmat ICBM to be made by 2021 year-end — source”, 11 October 2021, at: <https://bit.ly/3FfSysl>.

¹⁷ J. Lavikainen, “Strengthening Russia’s Nuclear Forces in the Arctic: The Case of the Kinzhal Missile”, Center for Strategic and International Studies, 14 September 2021, at: <https://bit.ly/3CelsHy>.

¹⁸ R. McDermott, “Russia’s Aerospace Forces Prepare Training for Kinzhal Hypersonic Missiles”, *Eurasia Daily Monitor*, Vol. 17, No. 67 (May 2020), at <http://bit.ly/3cBw6eD>.

¹⁹ A. Sanders-Zakre and S. Snyder, “Squandered: 2021 Global Nuclear Weapons Spending, ICAN, May 2022, at: <https://bit.ly/3yPbj5Y>.

²⁰ *Ibid.*, p. 65.

²¹ Statement issued jointly by the Governments of China, France, the Russian Federation, the United Kingdom, and the United States, Media Note, Office of the Spokesperson, US Department of State, Washington, DC, 15 September 2016, at: <http://bit.ly/2Z56ymV>.

threatened countries who would interfere in Ukraine with “consequences they have never seen before”,²² before placing Russian nuclear forces on high alert on 27 February.²³

Duty to Negotiate in Good Faith for Nuclear Disarmament

The second obligation in Article VI of the NPT obligates every State Party to the Treaty to “pursue negotiations in good faith on effective measures relating to ... nuclear disarmament”. In the common statement to the Ninth Review Conference of the NPT by the five permanent members of the UN Security Council, these five nuclear-weapon States asserted that there had been “very substantial progress on Article VI. The Cold War nuclear arms race has ended. Global stocks of nuclear weapons are at their lowest point in over half a century as the result of unprecedented efforts on the part of the nuclear-weapon States”.²⁴ Today, none of these three assertions is correct.

Not compliant

The 2015 statement already acknowledged the “need to pursue further efforts in the sphere of nuclear disarmament in accordance with Article VI of the NPT”.²⁵ But in their common statement, the five nuclear-weapon States declared that: “We continue to believe that an incremental, step-by-step approach is the only practical option for making progress towards nuclear disarmament, while upholding global strategic security and stability.”²⁶

The 1987 Intermediate Nuclear Forces (INF) Treaty, which eliminated a class of nuclear weapons from Europe and required their physical destruction, entered into force in 1988. In 2019, however, Russia followed the United States’ withdrawal from the Treaty, causing it to come to an end. Short- and intermediate-range nuclear weapons might be reintroduced into Europe (and elsewhere) by Russia or the United States or both.

Despite being the country with more nuclear weapons than any other, Russia has not sought to initiate any formal negotiations towards nuclear disarmament. Indeed, in its individual statement to the 2015 Review Conference, Russia claimed to have reduced its nuclear arsenal “to a minimal level, which is a significant contribution to general and complete disarmament”.²⁷ Moreover, Russia has been developing new nuclear weapons, which directly impede moves towards their elimination. This constitutes a serious violation of the duty to pursue nuclear disarmament in good faith.

²² France 24, “‘Consequences they have never seen’: Putin announces Russian invasion of Ukraine”, 24 February 2022, at: <https://bit.ly/3RjmkDu>.

²³ A. Roth, S. Walker, J. Rankin, and J. Borger, “Putin signals escalation as he puts Russia’s nuclear force on high alert”, The Guardian, 28 February 2022, at: <https://bit.ly/3yqYIEF>.

²⁴ Statement by the People’s Republic of China, France, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland, and the United States of America to the 2015 Treaty on the Non-Proliferation of Nuclear Weapons Review Conference, New York, 2015, at: <https://bit.ly/3qHcqAU>, para. 5.

²⁵ Ibid., para. 6.

²⁶ Ibid., para. 4.

²⁷ Statement of Russia to the 2015 Review Conference of the NPT, New York, 27 April 2015, at: <https://bit.ly/3kiWGTJ>, p. 2.

The 2011 New START Treaty with the United States was extended until February 2026 but it will then expire. Russia must initiate discussions for its replacement with both a bilateral and a multilateral treaty as a matter of urgency.

Russia voted against UN General Assembly Resolution 75/40 in December 2020 and has continued to be hostile to the TPNW. In the discussions in the First Committee of the Assembly in October 2021, France spoke on behalf of the five nuclear-weapon States, including Russia, declaring that “those States will not sign or ratify the Treaty, which fails to address key issues, ignores the international security”.²⁸ In December 2021, France voted against the adoption of Resolution 76/34 on the TPNW, which calls upon “all States that have not yet done so to sign, ratify, accept, approve or accede to the Treaty at the earliest possible date”.²⁹ In December 2021, Russia voted against the adoption of Resolution 76/34 on the TPNW, which calls upon “all States that have not yet done so to sign, ratify, accept, approve or accede to the Treaty at the earliest possible date”.³⁰

²⁸ UN, “Delegates Approve 25 Draft Resolutions, Decisions on Disarmament, Non-Proliferation Issues, as First Committee Begins Action Phase”, UN doc. GA/DIS/3675, 27 October 2021, at: <https://bit.ly/3lf7WxW>.

²⁹ UN General Assembly Resolution 76/34, adopted on 6 December 2021 by 128 votes to 42 with 16 abstentions.

³⁰ UN General Assembly Resolution 76/34, adopted on 6 December 2021 by 128 votes to 42 with 16 abstentions.