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Ministry of Foreign Affairs of Ukraine and State Committee of Ukraine for Nuclear and Radioactive Security, 'Possible Consequences of Ukraine Not Joining the Treaty on the Non-Proliferation of Nuclear Weapons (Analytical Report)'

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Summary:

The Foreign Ministry issues a report on the possible consequences of not joining the NPT given Ukraine's position, following the breakup of the USSR, as neither a nuclear or non-nuclear state.

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**Possible consequences of Ukraine not joining the
Treaty on the Non-Proliferation of
Nuclear Weapons (NPT)**

(Analytical report)

The Treaty on the Non-Proliferation of Nuclear Weapons of 1968 is one of the most substantial factors in maintaining strategic stability in the world.

For more than twenty years since the Treaty entered into force, the regime of the non-proliferation of nuclear weapons, which emerged on its basis, has proven its effectiveness. The NPT is the most widely adhered-to treaty in the field of arms control. More than 150 states are party to the Treaty.

The principles of the non-proliferation of nuclear weapons, established by the Treaty, are widely recognized by the international community. Reflecting the objective reality of the existence of both nuclear and non-nuclear states, the Treaty plays a positive role in the development of international cooperation and creates the basis for consolidating collective efforts by the states toward cessation of the arms race and strengthening of the international peace and security.

I

Attempts by some states (Israel, India, Pakistan, Iraq, North Korea, South Africa, and others) to undermine the status quo established by the Treaty drew only negative reaction from the NPT member-states. The desire to achieve the status of a nuclear power by states that stood outside the NPT framework and developed national nuclear programs in order to create their own nuclear weapons (according to unofficial reports, some of these states even tested nuclear explosive devices) did not facilitate their integration into the international community nor did it provide them with an opportunity to join the nuclear club.

Even in times of confrontation between two military-political alliances, the arms race advanced only vertically (within the “recognized” nuclear states) - the great majority of countries, regardless of their political orientation, unanimously counteracted any horizontal proliferation of such weapons. It was exactly this kind of unity in the international community that forced the Republic of South Africa to accept comprehensive safeguards of the IAEA. After hesitating for a while, under pressure from the international community, the DPRK also placed its activity under IAEA safeguards. One can hope that other “threshold” nuclear states will also make the same decision.

Therefore, the unquestionable fact is that due to the NPT an effective international regime for the non-proliferation of nuclear weapons was established.

II

The peculiarity of the situation, in which Ukraine has found itself after the

breakup of the former USSR and the declaration of its intention to become a non-nuclear state (in the future) rests is that, per provisions of the NPT, Ukraine cannot be defined as either nuclear or non-nuclear state in the course of accession to the NPT.

Ukraine has become a de facto successor of the nuclear weapons, deployed on its territory. But because [operational] control of these weapons never belonged to Ukraine, it cannot be viewed as a nuclear state in a pure form.

Evidently, the right of ownership rests on at least three main conditions: possession, use, and disposal of the object of ownership.

Ukraine has never had the capacity to “use” nuclear weapons, despite statements about “Ukraine’s” nuclear weapons.

III

We could assumed that Ukraine, as a successor of the former Soviet Union, could continue the USSR’s participation in the NPT as a nuclear weapons state. This would be the only legitimate, from a legal standpoint, possibility for our state to join the club of “recognized” nuclear states or, in other words, become a party to the NPT with a nuclear status.

According to Article 9 of the Treaty, a nuclear weapons state, for the purposes of the NPT, is a state that manufactured and exploded a nuclear weapon or other nuclear explosive device before January 1, 1967.

Ukraine, as a successor state of the USSR, meets such a definition. Had efforts of Ukraine been aimed in precisely this direction, there would have been a theoretical possibility that Ukraine could become a “recognized” nuclear power. But first, Ukraine would have had to solve all of the legal and technical issues with the Joint Command for the Strategic Nuclear Forces of the CIS (which in fact means with Russia) regarding the implementation of the “possibilities to use” of its own “property.”

IV

There was also another scenario for Ukraine to acquire the “recognized” nuclear power status, which could be achieved if Ukraine were able to independently solve all technical issues to ensure its capacity to independently “use” the nuclear weapons deployed on its territory.

However, even after Ukraine’s acquisition of the “nuclear button”, there would be a problem of reproducing nuclear warheads, without solving which Ukraine would be able to remain a nuclear state only for a limited period of time.

Nuclear warheads have a limited lifespan. Calculations by the experts suggest that the service life of nuclear warheads that are presently located on the territory of Ukraine is limited to ten years, after which term these warheads would turn into highly radioactive waste. In order to secure their storage it would be necessary to build a reliable storage facility, the cost of constructing which American expert estimate at

over 1 billion US dollars.

We could follow the path of periodic “cleaning” of accumulated nuclear slag but this would necessitate creating in Ukraine a plant specializing in the reprocessing of nuclear materials. Building such a plant is associated with the need to solve numerous complex technological problems, significant expenses of material and financial resources, availability of appropriate specialists, and annual operational costs that would amount to 400-500 million US dollars.

V

In order to create our own nuclear program and provide for Ukraine’s defense with missile nuclear weapons, we must obtain the capacity to manufacture, on our own, and constantly modernize nuclear warheads, which requires the following:

- 1) relevant scientific and technological capacity;
- 2) industrial capacity to produce nuclear materials (first of all, highly enriched uranium and plutonium);
- 3) industrial capacity to manufacture nuclear warheads and maintain them in appropriate condition;
- 4) industrial capacity to manufacture delivery vehicles for nuclear weapons;
- 5) infrastructure that would ensure transportation, maintenance, secure storage, physical protection of nuclear warheads;
- 6) infrastructure for operational command and control of nuclear weapons;
- 7) a test range for testing nuclear warheads.

The lack of any one of the listed elements makes it impossible to create and reliably maintain nuclear missile forces. Ukraine, completely lacks elements listed in points 1, 2, 3, 7 and, partially, in point 5.

Undeniably, solving the abovementioned problems is too complex a task for Ukraine. Counting on any assistance and support from other states in this realm is impossible.

VI

If Ukraine abstains from the NPT, it will basically be left outside of the international economic and scientific-technical cooperation, even in the field of peaceful use of nuclear energy. First of all, this is connected to the fact that the leading countries producing nuclear materials, equipment, and technologies are also part of the so-called “nuclear clubs” - the Nuclear Suppliers Group and Zanger Committee – designed to prevent the proliferation of nuclear weapons. The guiding principles, agreed in the framework of these international associations, provide for the possibility of transferring dual-use nuclear materials, equipment, and technologies,

listed in relevant international registers, only to states parties of the NPT, whose nuclear activity is placed under comprehensive safeguards of the IAEA.

Therefore, by not joining the Treaty, Ukraine will not be able to maintain equitable economic and scientific-technological ties with other states in the nuclear industry. As a result of such isolation, for instance, supplies of nuclear fuel and equipment from Russia, necessary for Ukrainian nuclear power plants, could halt. In accordance with the Decree of the President of the Russian Federation, such exports are prohibited to countries, whose nuclear activity is not subject to IAEA comprehensive safeguards. The creation by Ukraine of its own nuclear fuel cycle requires time and significant additional expenditures. Amid a deepening energy crisis, any disruption in electricity supply (nuclear power plants produce up to 30% of all electricity in Ukraine) would lead to further deterioration of the economic situation in our state.

VII

Given the abovementioned, we could state with confidence that any intention of Ukraine to join the NPT as a nuclear [weapons] state could exist only as purely theoretical. In reality, had Ukraine gone down this path from the start, the process of international recognition of our state independence would have been significantly more complicated.

Ukraine can make the following choice:

either join the Treaty as a non-nuclear [weapons] state and confirm that it is a state that adheres to its declared intentions, and contributes to the strengthening of the nuclear weapons non-proliferation regime and international security,

or, despite its earlier declared intention, make no decision about the Treaty at this point, and, effectively, remain outside its fold.

VIII

The following is our forecast of events and possible international, legal, military, and political consequences for Ukraine and the international community in case of the ratification by the Verkhovna Rada of START and the Lisbon Protocol, without making the decision on NPT accession.

Such a decision would lead to Ukraine, on the one hand, making its contribution to the process of nuclear disarmament, thereby strengthening the principles of the NPT (Article VI), while on the other hand, it [Ukraine] would, in a way, “reserve” a right to acquire nuclear weapons in the future, hence undermining the universality of the nuclear weapons non-proliferation regime. Such situation already exists in Kazakhstan, and if the deliberations and decision on these issues in the Verkhovna Rada will play out in a similar way, Ukraine would become the second state with nuclear weapons, the ownership of which is basically ambiguous, but for the elimination of which is bears full responsibility.

Taking into account that START does not directly require the elimination of all nuclear weapons located on Ukraine's territory, such state of affairs would be interpreted as an attempt to buy time in order to resolve technical issues aimed at the acquisition of the "capacity to use" these weapons.

Such situation would reinforce trends toward the creation of preconditions for the establishment of a "second nuclear club" for states that are not party to the NPT. The potential members of this club are India, Pakistan, Israel, and several other states, whose nuclear activity is not subject to comprehensive safeguards of the IAEA. Such negative for the international security trend is evident from the DPRK's decision on March 12 of this year to withdraw from the NPT.

Further development of events could considerably destabilize international affairs. States that possess sufficient technical and technological capacity to produce nuclear weapons but, based on their voluntarily undertaken obligations under the Treaty, have not developed their own nuclear weapons, could demand a revision of the Treaty. This problem could emerge already at the Conference, which according to Article 10 of the Treaty, is due to take place in 1995, and where the issue of extension of the Treaty will be considered. If we assume that the majority of the participants of the Treaty decide to terminate the Treaty, the international regime of the non-proliferation of nuclear weapons will be destroyed. This could possibly lead to the emergence of new nuclear states, which would significantly increase the risk of the outbreak of a local nuclear war.

Ministry of Foreign Affairs of Ukraine

State Committee of Ukraine

for Nuclear and Radioactive Security