Mondays 5:45 – 7:45 PM in Williams L420AB

COURSE INFORMATION

Faculty member: Professor David S. Jonas
Cell: [redacted]
E-mail: [redacted]

Best means of contacting faculty member: e-mail or cellphone. I do not maintain regular office hours, but an adjunct faculty office is available for use by appointment. Otherwise, I will generally be available to meet with students immediately before class, and very briefly, after class.

Course title: Nuclear Non-proliferation Law and Policy: Preventing Nuclear Terrorism.
Two (2) credits.
Basis of Grading: Take at home examination and class participation.

CLASSROOM POLICIES:

• Class Attendance:
Regular attendance at classes is required and is necessary for successful completion of the course. Students who miss three or more classes will not receive credit for the course, unless these absences were approved by the professor in advance or were the result of emergency or hardship.

• Class Participation:
I reserve the right to raise or lower the student’s grade on the basis of class participation. A student’s grade may be raised or lowered for class participation by only one grade step, e.g., from B to B+, or B to B-.

COURSE DESCRIPTION

The most significant and realistic current threat to the national security of the United States is nuclear terrorism, (although recently Cold War style deterrence appears to making a comeback). The current and prior two presidents concur with that assertion. Among so-called Weapons of Mass Destruction, only nuclear weapons are uniquely
powerful and destructive. Therefore, they are deserving of special scrutiny. This course will provide students with an understanding of the current matrix of nuclear non-proliferation treaties, agreements, laws, regulations, initiatives, proposals, and organizations that aim to halt the spread of nuclear weapons and prevent nuclear terrorism. No discussion of this subject would be complete without looking at the Joint Comprehensive Plan of Action, otherwise known as the Iran Nuclear Deal. The Iran Deal has everything you need for a national security law course: interagency process, negotiations, foreign relations, intelligence, NGOs, international organizations, use of force, foreign assistance, and the interplay of law and science. This is truly law in practical application. Nuclear non-proliferation law is an exciting blend of international and treaty law, statutory, national security and regulatory law coupled with elements of policy. Students will review the existing nuclear non-proliferation framework to include, *inter alia*, the Nuclear Nonproliferation Treaty, Comprehensive Nuclear Test Ban Treaty, Nuclear Weapon Free Zones, the proposed Fissile Material Cutoff Treaty, export control regulations, and the roles of the International Atomic Energy Agency and the Conference on Disarmament. Prevention of nuclear terrorism will figure less prominently in our discussions this year, since deterrence and nuclear strategy and policy have regained some of their lost prominence. We will explore the strategic purposes of nuclear weapons and look at the Cold War, with its astonishing growth of nuclear weapon stockpiles, giving rise to a complex set of issues and dilemmas that continue to confound contemporary strategists. We will consider great power strategies, allies, regional rivalries, emerging nuclear powers, and non-state actors, and their decisions to acquire nuclear weapons, and consider whether or how they might use them. And we will consider the recent actions of Russia, seemingly calculated to re-start a new kind of Cold War.

Class 1/January 19, 2016

**Welcome and Introductions; Course overview; Nonproliferation basics**

- Discussion of course requirements
- Grading/attendance/participation/exam/experts
- The current national security environment
- The Manhattan Project
- The DOE/NNSA nuclear weapons complex
- What are your views of nuclear weapons now?
- What is your view of the Iran Nuclear Deal?
- What do you worry about in this context?
- Who are the proliferators?
- Current nuclear issues/EMP
- Contrast nonproliferation, arms control, counterproliferation, counterterrorism
- Nuclear weapons unique status among Weapons of Mass Destruction
- The interagency policy process

Class 2/February 1, 2016

The Nuclear Nonproliferation Treaty

- The keystone of the nuclear nonproliferation regime
- Nonproliferation/Disarmament/Peaceful Uses
- Discussion of international law
- Treaty law basics
- Nuclear weapons 101
- Universality versus compliance
- NWS/NNWS
- The Grand Bargain
- Ambiguity in the NPT
- NSA/PSA


Class 3/February 8, 2016

The Nuclear Nonproliferation Regime

- CTBT, Nuclear Testing and the Nuclear Testing Moratorium
- DIME
- Nuclear Fuel Assurance Arrangements
- IAEA/UN/Conference on Disarmament
- Nuclear Suppliers Group
- Verification
- Sanctions/Threat or use of Force/UNSCRs
- NWFZs
- Export controls/10 CFR 810
- Safeguards
- Additional Protocol
- Vertical and horizontal proliferation
- 13 Practical Steps


NO MONDAY CLASS ON FEBRUARY 15TH. CLASS WILL BE HELD ON THE 18TH.
NPT Articles IV and VI/NPT Wrap-up

- Peaceful uses
- Indemnification
- Yucca Mountain
- Nuclear Waste Policy Act of 1982
- Nuclear power as “clean” energy
- 123 Agreements
- U.S. – India Agreement
- General and Complete Disarmament
- FMCT
- Global Zero

CLASS EXERCISE - - NPT REVCON 2015 - - NWS v. NNWS


Class 5/February 22, 2016

The Joint Comprehensive Plan of Action (JCPOA) aka the Iran Nuclear Deal

- What was the goal of this deal?
- What is your view of this deal?
- How did it turn out? (hint: we will watch in real time)
- Will Iran observe the agreement?
- Who can inspect? Where? Notice requirements?
- Was there really a meeting of the minds?
- What happens if/when Iran violates the deal? Options?

Reading Assignment: The Joint Plan of Action; the Senator Cotton Letter; and the JCPOA. Focus on the preface, preamble, general provisions, and sections on nuclear, sanctions, and implementation. The JCPOA is available at www.state.gov and is widely available online; read the open letter to Iran from Senator Cotton and other Republican senators, and associated commentary; David S. Jonas, Why the Iran Deal is Still a Really Bad Idea, Oct. 2015, available at: http://warontherocks.com/2015/10/why-the-iran-deal-is-still-a-really-bad-idea/


You know where I stand on the deal based on my articles. Where do you stand and why? There are dozens and dozens of articles out there on why this is a good deal. Read the Administration’s viewpoint on the White House and State Department websites, read why the Arms Control Association supports the deal. Read editorials. I am not providing
specific assignments here since I don’t want to limit you and since there is so much out
there on this important topic. Read what others who oppose the deal think and make your
own decision. Read broadly, form your own opinions, and be prepared to discuss.

Class 6/February 29, 2016
The Iran Deal and the Way Ahead/The Ethics of Negotiations with Iran
• Now what?
• What if Iran cheats on the deal? Oops….Iran already is.
• Sanctions “snapback”
• Other options?
• Should we have negotiated with a “rogue” state?
• What ethical considerations exist in such a decision?
• Does your view change from your personal perspective to a national perspective?

Reading Assignment: Litwak, Iran’s Nuclear Chess: After the Deal (I will email this to
you); Bertram I. Spector, Negotiating with Villains revisited, pp. 165-173 (2006),
available at: https://www.law.upenn.edu/live/files/4619-
spectornegotiatingwithvillainsrevisited8intlnegoti
Paul Sharp, Diplomatic Theory and Appeasement in Diplomatic Theory of international
Relations, pp. 298-305, available at https://www.law.upenn.edu/live/files/4594-
conclusionsharpdiplomatic-theorypdf
NOTE: FOR BOTH OF THESE ARTICLES, JUST CLICKING ON THE LINK WILL
NOT WORK. YOU WILL NEED TO TYPE THE LINK INTO YOUR BROWSER.
Please try this well before class, so that I can bring hard copies or re-send better links if it
is too hard to access.

NO CLASS ON MARCH 7TH. ENJOY SPRING BREAK!

Class 7/March 14, 2016
Nuclear Terrorism
• The threat
• Dirty Bombs/RDDs
• INDs
• Nuclear forensics
• Nuclear security
• Nuclear safety
• CLASS EXERCISE - - NUCLEAR TERRORISM

Reading Assignment: David S. Jonas and Christopher Swift, Reformulating the Nuclear
Nonproliferation Regime: Al-Qaeda, Global Terrorism, and the Rogue State Paradigm,
Preface, Prologue, and Chapter 1 only, available at: http://www.cfr.org/defense-
strategy/nuclear-terrorism/p13915 (note that you must click on the download button);
Class 8/March 21, 2016:

**The Cold War, MAD, and Nuclear Strategy**

**Movie and Pizza: Dr. Strangelove**
- U.S. v. USSR
- Growth of the U.S. arsenal
- Unipolar/bipolar/multipolar
- Recurring dilemmas and puzzles in nuclear strategy
- Concept of a “rogue” operator
- Are more or less nuclear weapons better for international security?
- Is the purpose of nuclear weapons to avoid war?
- Nuclear weapons as an equalizer
- Israeli nuclear opacity
- Israeli-Iranian Cold War?
- Jonastan v. Koplovia
- Stability/instability paradox
- Is victory a viable concept when both sides have nukes?

**Reading Assignment**: begin reading Cimbala, *The New Nuclear Disorder*.

Class 9/March 28, 2016

**PLACEHOLDER FOR GUEST SPEAKER**

Class 10/ April 4, 2016

**The New Nuclear Disorder**
- Geography and Nuclear Arms Control
- Anticipatory Attacks and Nuclear Weapons
- Nuclear Crisis Management in a Digital Age
- Ending Nuclear War: Deterring and Controlling Escalation
- Cyber War and Nuclear Weapons

**Reading Assignment**: Cimbala, *The New Nuclear Disorder: Challenges to Deterrence and Strategy*, Introduction and Chapters 1-5

Class 11/April 11, 2016

**The New Nuclear Disorder, continued**
- Tsar Wars and Star Wars
- Nuclear Weapons in Asia: Promise and Peril
- Nuclear Proliferation: Theory and Reality
- Deterrence and Intelligence in Nuclear History: The 1983 War Scare
- Armed Persuasion and Arms Control: Putin in Ukraine

**Reading Assignment**: Cimbala, Chapters 6-10 and conclusion.

Class 12/April 18, 2016

**Wrapup of Deterrence and Nonproliferation**
• Do we need nuclear weapons given our conventional force superiority?
• Does France need nuclear weapons?
• The Doomsday Clock
• What purpose do nuclear weapons serve?
• What actors are we trying to deter from what acts?
• What threats might we issue to deter others?
• What capabilities must we have to issue threats?
• How many nuclear weapons do we need now?
• What effect do our nukes have on conventional wars/regional conflicts?
• What if Poland had nukes in 1939?


Class 13/April 25, 2016/LAST CLASS
CLASS WRAP UP AND EXAM REVIEW

Reading assignment: review all materials. Come prepared with questions.