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Confidence-Building and the Delegitimization of Nuclear Weapons: Canadian Contributions to Advancing Disarmament

David Mutimer

International Security Research and Outreach Programme
International Security Bureau

March 2000



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PREFACE

The International Security Research and Outreach Programme commissioned a study to identify and explore the utility of various nuclear CBMs. This report stemmed from that study.

The views expressed in this paper are those of the author, and do not necessarily reflect the views or positions of the Department of Foreign Affairs and International Trade or of the Government of Canada.

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EXECUTIVE SUMMARY

In the 1990s the proliferation of weapons of mass destruction became a central problem of international security. Yet, despite the unprecedented attention given to proliferation in general and to nuclear proliferation in particular since 1990, the nuclear non-proliferation regime is perhaps as unstable as it has ever been. In 1998, for the first time since the Nuclear Non-Proliferation Treaty (NPT) was signed, a state openly declared itself to be a nuclear weapon state by testing its nuclear arms, to be followed almost immediately by another. The Comprehensive Nuclear Test-Ban Treaty (CTBT) has yet to enter into force, and is unlikely to do so while India refuses to sign and the Treaty languishes unratified and only barely still alive in the United States. This report considers the role of various confidence and security building measures (CSBMs) in shoring up the nuclear disarmament regime, and in particular the role Canada can play in advancing the cause of these CSBMs.

The threat to the NPT, and therefore to the broader agenda of non-proliferation, arms control and disarmament, stems in large part from the inability of the nuclear weapon states to fulfil their commitment to negotiate nuclear disarmament. In order to address this threat, therefore, the nuclear disarmament process must be revitalised. A crucial step in this revitalisation is the delegitimation of nuclear weapons as instruments of security for those states which still possess them until such time as comprehensive nuclear disarmament is complete. Confidence and security building measures have an important part to play in facilitating this delegitimation.

Over the past several years, a number of authoritative proposals have been made for advancing the nuclear disarmament agenda. The first of these was the "Principles and Objectives for Nuclear Non-proliferation and Disarmament", adopted by the NPT Review and Extension Conference in 1995, in parallel with the NPT extension decision. It was followed in 1996 by a ruling of the International Court of Justice on the legality of the threat and use of nuclear weapons, in 1997 by the Report of the Canberra Commission on the Elimination of Nuclear Weapons, and in 1998 by the statement of the New Agenda Coalition. In Canada, these were joined by the SCFAIT Report of 1998. Taken together these various proposals set out a menu of possible confidence and security building measures designed to advance the nuclear disarmament process.

Because it is centrally important to any of these efforts to deligitimise nuclear weapons as instruments of security, NATO's strategy takes on particular importance. In 1999 NATO revised its Strategic Concept, but in doing so it restated the central role nuclear weapons are to play in guaranteeing the security of the Alliance. The report evaluates a further revision of the NATO Strategic Concept, which would move Alliance strategy away from its reliance on nuclear weapons as a final nuclear CSBM.

The report concludes that the two most important CSBMs, judged in terms of the need to delegitimize nuclear weapons as instruments of security, are a list of specified changes to the NATO Strategic Concept and the de-altering/de-mating of the Non-Nuclear Weapon States (NWSs) strategic nuclear arms.

- The NATO Strategic Concept must be revised to remove the centrality of nuclear weapons. While NATO operationally considers nuclear weapons essential to providing security against any form of attack, it is in no position to suggest that such weapons are not equally important to any others.
- The de-alerting of strategic nuclear weapons, particularly de-mating warheads from delivery systems, draws these weapons as far from the routine security policy of the NWSs as is possible, without disarmament.

The report also suggests that these two measures can usefully be supported by a number of the others surveyed: legally-binding negative security assurances and no-first-use declarations; the removal from deployment of non-strategic nuclear weapons; and, negotiations on further nuclear arms reductions, which would include all five nuclear weapon states.

These measures are mutually supporting, and would form an important advance in the delegitimation of nuclear weapons on the road to nuclear disarmament. The report also considers a number of other possible measures, most of which may be useful but not of high priority. In light of these findings, the report makes five recommendations for Canadian policy:

1. Canada should press its NATO allies to reconsider the Strategic Concept, as soon as possible, and argue for it to be changed as proposed in the Appendix to this report.
2. Canada should quietly explore the possibilities for a consensus on the removal of American tactical nuclear weapons from Europe, and the commitment to base Alliance nuclear weapons only on the territories of the NWS Allies.
3. Canada should join with the New Agenda Coalition in urging, in particular, the de-mating of strategic warheads from their delivery systems by the NWSs, and legally-binding negative security assurances and no-first-use declarations.

In pressing for the de-mating of nuclear weapons, Canada should recommend that all reference to avoiding accidental nuclear war be omitted. Rather, the measures should be promoted in terms of their confidence-building contribution to Article VI and to bringing nuclear strategy in line with the ICJ's 1996 ruling on the legality of the threat and use of nuclear weapons.

4. Canada should refuse to integrate NORAD into any proposed American Ballistic Missile Defence (BMD) system.
5. Canada should propose the use of the NPT Prepcom/Review process as the logical institutional home for a five-power negotiation on nuclear reductions.

RÉSUMÉ

Dans les années 90, la prolifération des armes de destruction massive est devenue un problème crucial de sécurité internationale. Pourtant, malgré l'attention sans précédent consacrée à la prolifération en général et à celle de l'armement nucléaire en particulier depuis 1990, le régime de non-prolifération nucléaire n'a peut-être jamais été aussi fragile. En 1998, pour la première fois depuis la signature du Traité sur la non-prolifération des armes nucléaires (TNP), un État a ouvertement déclaré être doté d'armes nucléaires en testant ses armements, suivi presque immédiatement par un autre. Le Traité d'interdiction complète des essais nucléaires (CTBT) n'est pas encore entré en vigueur, ce qui a peu de chances de se produire considérant que l'Inde refuse de le signer, qu'il n'est pas ratifié et qu'il n'est effectif qu'aux États-Unis. Ce rapport envisage le rôle de différentes mesures de confiance et de sécurité (MDCS) pour consolider le régime de désarmement nucléaire, notamment l'influence que le Canada peut exercer pour promouvoir la cause de ces MDCS.

La menace qui pèse sur le TNP et donc, plus largement, sur les objectifs de non-prolifération, de contrôle des armements et de désarmement, tient en grande partie à l'incapacité des États dotés d'armes nucléaires à remplir leur engagement de négocier le désarmement nucléaire. Pour y remédier, il faut donc donner un nouvel élan au processus de désarmement. L'un des moyens les plus efficaces pour le faire redémarrer consiste à délégitimer les armes nucléaires comme instruments de sécurité pour les États qui en possèdent encore jusqu'à ce que le désarmement nucléaire soit total. Dans ce travail de délégitimation, les mesures de confiance et de sécurité ont un rôle important à jouer.

Ces dernières années, plusieurs propositions de valeur ont été formulées pour faire progresser le dossier du désarmement nucléaire. La première d'entre elles, baptisée « principes et objectifs pour la non-prolifération nucléaire et le désarmement », fut adoptée par la conférence d'examen et de prorogation du TNP en 1995, parallèlement à la décision de proroger le TNP. Elle fut suivie en 1996 par une décision de la Cour internationale de Justice sur la légalité de la menace et de l'utilisation des armes nucléaires, puis en 1997 par le rapport de la Commission de Canberra sur l'élimination des armes nucléaires et enfin, l'année suivante, par la déclaration de la New Agenda Coalition. Au Canada, le rapport de 1998 du Comité permanent des affaires étrangères et du commerce international est venu compléter ces propositions. Ensemble, ces différents textes forment un éventail de mesures possibles pour instaurer la confiance et la sécurité afin de faire progresser le processus de désarmement nucléaire.

Comme il est crucial que ces efforts visent à délégitimer les armes nucléaires comme instruments de sécurité, la stratégie de l'OTAN revêt une importance particulière. En 1999, l'OTAN a révisé son concept stratégique, mais ce faisant, a réitéré le rôle central que doivent jouer les armes nucléaires pour garantir la sécurité de l'Alliance. Le rapport envisage une révision supplémentaire du concept stratégique de l'OTAN, qui s'écarterait de la dépendance vis-à-vis du nucléaire comme MDCS de dernier recours.

Le rapport conclut que les deux MDCS les plus importantes, appréciées à l'aune de la nécessité de délégitimer les armes nucléaires comme instruments de sécurité, sont une liste de changements spécifiques à apporter au concept stratégique de l'OTAN et la diminution du niveau d'alerte/le découplage des armes nucléaires stratégiques des États non dotés d'armes nucléaires (ENDAN).

- Le concept stratégique de l'OTAN doit être révisé afin de supprimer la place centrale dévolue aux armes nucléaires. Bien que l'OTAN juge que les armes nucléaires sont essentielles pour assurer la sécurité contre toute forme d'attaque, il n'a pas les compétences pour prétendre que ces armes sont plus importantes que d'autres.
- La diminution du niveau d'alerte des armes nucléaires stratégiques, notamment le découplage des têtes explosives des vecteurs, permet d'éloigner ces armes le plus possible des instruments habituels de la politique de sécurité des États non dotés d'armes nucléaires, sans désarmement.

Le rapport suggère également que ces deux mesures soient encadrées par plusieurs autres : garanties de sécurité négative ayant force exécutoire et déclarations de non-recours en premier aux armes nucléaires; arrêt du déploiement d'armes nucléaires non stratégiques; et négociations sur de nouvelles réductions des armes nucléaires qui engloberaient les cinq puissances nucléaires.

Ces mesures se renforcent mutuellement et représenteraient une avancée considérable dans la délégitimation des armes nucléaires sur la voie du désarmement nucléaire. Le rapport envisage également d'autres mesures possibles, dont la plupart peuvent être utiles mais ne revêtent pas une priorité absolue. À la lumière de ces résultats, le rapport formule cinq recommandations pour la politique canadienne :

- 1 Le Canada doit faire pression sur ses alliés de l'OTAN pour réexaminer le concept stratégique le plus rapidement possible et doit plaider en faveur des modifications exposées à l'annexe du présent rapport.
- 2 Le Canada doit analyser soigneusement les possibilités d'un consensus sur le retrait des armes nucléaires tactiques américaines d'Europe, et sur l'engagement de déployer les armes nucléaires de l'Alliance uniquement sur les territoires des alliés ENDAN.
- 3 Le Canada doit se joindre à la New Agenda Coalition pour exiger notamment le découplage des têtes explosives stratégiques de leurs vecteurs par les ENDAN, des garanties de sécurité négative ayant force exécutoire et des déclarations de non-recours en premier aux armes nucléaires.

Dans ses efforts en faveur du découplage des têtes nucléaires, le Canada doit insister pour que toute référence à la prévention d'une guerre nucléaire accidentelle soit

omise. Au contraire, il faut insister sur la contribution de ces mesures à l'établissement de la confiance prévu par l'article VI et sur leur efficacité pour aligner la stratégie nucléaire sur la décision de 1996 de la CIJ sur la légalité de la menace et de l'utilisation des armes nucléaires.

- 4 Le Canada doit refuser d'intégrer le Commandement de la défense aérospatiale de l'Amérique du Nord (NORAD) à un éventuel système américain de défense contre les missiles balistiques (DMB).
- 5 Le Canada doit proposer d'utiliser le processus du comité de préparation et d'examen du TNP comme forum institutionnel logique pour une négociation sur les réductions des armements nucléaires entre les cinq parties.

CONFIDENCE-BUILDING AND THE DELEGITIMIZATION OF NUCLEAR WEAPONS: CANADIAN CONTRIBUTIONS TO ADVANCING DISARMAMENT

INTRODUCTION

In the 1990s the proliferation of weapons of mass destruction became a central problem of international security. The United States has identified it as an over-riding security concern, NATO has identified the problems caused by proliferation as one of the central elements of its contemporary strategic environment, and perhaps most noteworthy, the UN Security Council has declared the proliferation of weapons of mass destruction (WMD) a threat to international peace and security. At the heart of the agenda to control the proliferation of WMD is the prevention of the proliferation of nuclear weapons. Yet, despite the unprecedented attention given to proliferation in general and nuclear proliferation in particular since 1990, the nuclear non-proliferation regime is perhaps as unstable as it has ever been.

In 1995, it appeared that the nuclear nonproliferation regime had been secured for the foreseeable future. The Nuclear Non-Proliferation Treaty (NPT), the heart of that regime, had been extended indefinitely. There was a negotiation underway at the Conference on Disarmament (CD) which would produce, at long last, a Comprehensive Nuclear Test-Ban Treaty (CTBT) the following year. The efforts to construct an encompassing agenda to control all forms of weaponry, particularly WMD, appeared to have been broadly successful. Barely five years later, that success has been severely tarnished. In 1998, for the first time since the NPT was signed, a state openly declared itself to be a nuclear weapon state by testing its nuclear arms, to be followed almost immediately by another. The CTBT has yet to enter into force, and is unlikely to do so while India refuses to sign and the Treaty languishes unratified and only barely still alive in the United States.

At the end of 1998, the Canadian Parliament's Standing Committee on Foreign Affairs and International Trade released a report, *Canada and the Nuclear Challenge*, which included a series of recommendations for how the Government of Canada might work to redress these problems. In particular, it proposed ways of advancing the cause of nuclear disarmament, a cause that has had a proud place in Canadian foreign policy for at least the past thirty years. In April 1999, the government replied officially to this report, and accepted the vast majority of its recommendations. This report considers the role of various confidence and security building measures in advancing the agenda of nuclear disarmament as a means of contributing to this process of implementation.

- Part I discusses the importance of a clear process of nuclear disarmament in overcoming the present problems in the broad agenda of nonproliferation, arms control and disarmament. In particular, it argues that a crucial step in shoring up the nonproliferation agenda is the delegitimation of nuclear weapons as instruments of security for those states which still possess them until such time as comprehensive nuclear disarmament is complete. Confidence and security building measures have an important part to play in facilitating this delegitimation.

- Part II of the report reviews recent authoritative documents in the debate over nuclear disarmament. It begins with the 1995 NPT Extension decision, reviews the 1996 International Court of Justice (ICJ) advisory opinion on the legality of nuclear weapons, the 1997 report of the Canberra Commission, the 1998 statement of the New Agenda Coalition and *Canada and the Nuclear Challenge*. From these documents, I cull a collection of potential measures which reflect a single theme, the same theme I raise from a different starting point in Part I: the need to delegitimise nuclear weapons. For this reason, Part II closes with a consideration of the recent renewal of NATO's strategic doctrine, to see the part that nuclear weapons play in NATO's security policy. I argue that very little has changed from the 1991 strategy, and so confidence building measures might be able to contribute to the disarmament process by moving NATO away from its nuclear reliance.
- Part III provides an analytical framework for assessing the contribution confidence-building can make. It briefly reviews the history and theory of confidence building, in order to provide a means of organising the analysis of Part IV.
- Part IV provides detailed analyses of the various proposals adduced in Part II. The analysis focuses on the contribution these measures can make to the delegitimation of nuclear weapons as instruments of security. Of particular importance in this regard are amendments to the NATO Strategic Concept, which are considered at the end of Part IV.
- Part V gathers the analyses of Part IV together to present a series of recommendations for Canadian policy on the issue of nuclear confidence-building for disarmament.

PART I: DENUCLEARIZATION AND THE THREAT TO THE NPT

The NPT is considered to be the 'lynchpin' of the broad efforts aimed at combatting weapons proliferation of all kinds. The proliferation agenda now encompasses almost all forms of weapons, conventional and weapons of mass destruction as well as small arms and light weapons. Nevertheless, nuclear non-proliferation is seen as the central element in efforts to control the spread of weapons and related technologies, and the NPT is, in turn, the centrepiece of the range of efforts designed to prevent the spread of nuclear weapons technology. Therefore, the survival and continued robustness of the NPT is seen as crucial to proliferation control.

The argument linking the NPT to broader efforts at proliferation control was deployed to good effect in the run-up to the 1995 NPT Review and Extension Conference, producing a strong endorsement for the indefinite extension of the NPT. The idea of an indefinite extension was not uncontested in 1995, despite the arguments of the United States and its allies, including Canada, that only an indefinite extension of the NPT would secure the future of proliferation control efforts. The Non-Aligned Movement in general, and India in particular (though as a non-Party to the NPT, India had no standing at the conference) led the opposition to the indefinite extension. Several alternatives were proposed to indefinite extension, each of which was a variation on a single theme. That theme

is best expressed as the 'rolling extension' option.

The idea of a rolling extension grew from the language of Article X.2 of the NPT, which required a decision on the extension of the Treaty, either indefinitely or for an additional fixed period or periods. The various rolling extension options picked up on the possibility of extending the NPT for additional periods, and proposed extending the NPT subject to periodic review as the Treaty moved from one period to the next. The reason for these proposals was to allow for continued pressure to be brought to bear on the nuclear weapons states (NWS) in general and the United States and its allies in particular for movement on nuclear disarmament. The opponents of indefinite extension saw the West's preferred option as institutionalising the inequality of the NPT, and at the same time insulating the nuclear weapon states from any pressure for further advance on their Article VI commitments to nuclear disarmament.

It would seem that the opponents had a point. In anticipation of the Review and Extension Conference, the United States ended its long-standing opposition to a Comprehensive Nuclear Test-Ban Treaty, and spearheaded the campaign to complete the CTBT.¹ With the indefinite extension successfully achieved, we now approach the next NPT review conference with the CTBT barely alive in the United States Senate, and Canada's Minister of Foreign Affairs publicly taking the US President to task for failing to advance the agenda of nuclear disarmament. For example, in two speeches delivered in Massachusetts on October 22, 1999, Minister Axworthy expressed concern "that the United States is retreating from its traditional leadership role in the field of nuclear disarmament and arms control."² It is too late to reject the indefinite extension option and to recognise the validity of the concerns of the non-aligned states. However, indefinite extension does not guarantee the continued survival and robustness of either the proliferation control regime generally or even the NPT itself. It is of tremendous concern that the only open declarations of new nuclear weapon state status since the 1968 signing of the NPT came soon after the 1995 extension decision. Furthermore, the NPT still allows for states to withdraw on three month's notice (Article X.1).

The NPT is not secure, and as a consequence, the broad efforts to control the spread of weapons and related technologies is not secure. What is more, the development of a proliferation control agenda in the past decade has tied together all efforts at arms control and disarmament in a large network linked by the threat of 'proliferation'. This means that not only are the NPT and proliferation control efforts insecure, but so are the full range of arms control and disarmament

¹ For my more extended treatment of the NPT Extension, and its relation both to the broader proliferation agenda and the completion of the CTBT, see David Mutimer, *The Weapons State: Proliferation and the Framing of Security* (Boulder: Lynne Rienner, 2000).

² Jeff Sallot, "Axworthy blasts U.S. on nuclear policy" *The Globe and Mail* (Saturday, October 23, 1999). For the text of one of these speeches, see "Notes for an Address by the Honourable Lloyd Axworthy Minister of Foreign Affairs to Accept the Endicott Peabody Award" DFAIT Statement 99/54, October 22 1999, (http://198.103.104.118/minpub/Publication.asp?FileSpec=/Min_Pub_Docs/102764.htm).

measures that have been put in place or are under negotiation or discussion. Thus, even for those who object to the present proliferation control agenda, the threat to the NPT and the nuclear nonproliferation regime is of considerable concern.³ The threat to the NPT stems, ultimately, from the central contradiction of the treaty itself: the legitimization of five nuclear weapon states in a treaty outlawing nuclear arming of all other states. Therefore, the way to combat the threat to the NPT is to continue to redress this fundamental inequality; it is to work **towards nuclear disarmament** – in good faith, even if complete nuclear disarmament is not achievable in the short to medium term – as NPT States Party are obliged to under the terms of the NPT.

Legitimacy and Nuclear Doctrines

The insecurity of the NPT, and hence the whole proliferation control regime and even the assembly of arms control and disarmament agreements which are in place or in prospect, result from the fundamental inequality of the NPT. The contemporary international system is founded on the juridical equality of states. Central to that equality is the right of states to defend themselves, and the concomitant right of states to arm themselves for that defence. These rights are recognised in the Charter of the United Nations, and they are invoked in various arms control, arms limitation and non-proliferation instruments. At one end of the technological scale, the UN Register of Conventional Weapons, for example, cites the UN Charter in reminding states of the right of self-defence and the corollary of that right, the right to arm. At the other end, the NPT, while not directly invoking the right to arm for self-defence, recognises it implicitly in Article X.1 which gives a State Party the ability to withdraw from the Treaty “if it decides that extraordinary events, related to the subject matter of this Treaty, have jeopardized the supreme interests of its country.”

The implied right of states to acquire nuclear weapons if their supreme interests are jeopardised is an important weakness in the nuclear nonproliferation regime. It is tied directly to the provision of the NPT for accepted nuclear weapon states. If it is legitimate for some – in this case five – states in a system of sovereign equality to hold nuclear weapons as a means to guarantee their security, then it must be acceptable for all states in the system to hold nuclear weapons to guarantee their security, at least in some circumstances. Only when all states renounce the right to nuclear weapons can this loophole be closed. This argument is implicit in the combination of Article VI and Article X.1 of the NPT, and it has served as the explicit basis of India’s policy on nuclear weapons since the time of the original NPT.

If we accept this argument, and furthermore if we accept that nuclear disarmament is a goal which, should it be reached, will be reached progressively, then it seems clear that an important step

³ I count myself among those opponents of the present proliferation control agenda. This is not the place to rehearse those arguments. They can be found in Mutimer, *The Weapons State* as well as in “Reimagining Security: The Metaphors of Proliferation” in Keith Krause and Michael Williams, eds., *Critical Security Studies* (Minneapolis: University of Minnesota, 1997) and “Reconstituting Security: The Practices of Proliferation Control” *European Journal of International Relations* 4(1) (1998).

on that road is the delegitimation of nuclear weapons as a means of security. The further nuclear weapons are removed from the immediate security policies of the nuclear weapon states, then the more difficult it becomes to argue that 'events related to the subject matter' of the NPT necessitate the acquisition of nuclear weapons.

There is a further argument in support of delegitimising nuclear weapons as part of a programme to bolster the NPT and global efforts at nonproliferation, arms control and disarmament. The sovereign equality of states produces the right to arm, which ultimately gives rise to the right to acquire nuclear weapons. However, states are more than simply identical receptacles of sovereignty. Issues of prestige and international status are important to states, despite juridical equality. It is a sad fact of international life that weapons, in addition to providing resources for security and war, have potent symbolic value in the interstate games of prestige. A recent study of arms acquisition by states concludes "that countries procure arms simply because such actions are an inherent part of the role of the 'independent', 'modern' nation-state."⁴

The authors make a similar argument concerning individual weapons systems, in addition to arms in general. Thus, particular weapons – they cite supersonic aircraft as an example – will be procured because of the meanings ascribed to those weapons rather than because they fill a particular strategic need.⁵ At the 'entry-level' of the international system, the possession of some form of modern military and its attendant contemporary technology is a badge of membership. Possession of a military is a potent symbol of statehood, and the potency derives from its importance in gaining and sustaining the international recognition that is constitutive of sovereignty. At the other end of the states' scale, a "global superpower" needs a "powerful, high-tech military establishment equipped with a full range of modern combat systems."⁶ In between these two positions, differential locations in the hierarchy of states are marked off, in part, by specific weapons, and so the possession of certain weapons is considered the *sine qua non* for claiming places higher up the international ladder. Perhaps of central importance in this regard are nuclear arms.

The fact that the five nuclear weapon states are also the five permanent members of the UN Security Council is the most often-noted example of the symbolic importance of nuclear weapons. The common rebuttal is to note that this overlap is largely accidental: the UN Charter was drafted before the five became nuclear powers, and even at the time of the NPT, the China seat was held by non-nuclear Taiwan. The response is both true and largely irrelevant. Symbolism does not

⁴ Mark Suchman and Dana Eyre, "Military Procurement as Rational Myth: Notes on the Social Construction of Weapons Proliferation" *Sociological Forum* 7(1) 1992, p. 150.

⁵ *Ibid*, p. 150.

⁶ This language is from Michael Klare's characterisation of the order given by the Chairman of the Joint Chiefs of Staff, Colin Powell, for the US military in developing a new military posture for the post-Cold War. The actual directive has not been released. See Michael Klare, *Rogue States and Nuclear Outlaws: America's Search for a New Foreign Policy* (New York: Hill and Wang, 1995), 11.

necessarily rest on neat logical arguments, and the fact of the identity of the NWS and the P-5 cannot be ignored. This means that efforts must be made to reduce the role nuclear weapons play in the security policy of all five of the present NWS/P-5 states, in order to combat the symbolic importance of nuclear weapons in conferring political status.

A second, and increasingly important, instance of the symbolic power of nuclear weapons is the continued reliance of NATO on a nuclear security strategy. NATO is busy claiming for itself a central role in the post-Cold War security structure – particularly, though, all claims to the contrary notwithstanding, not exclusively, in Europe. To the degree it is successful in creating for itself the image as the one effective multinational security organisation in the world, NATO also fosters the symbolic credit of nuclear weapons.⁷ NATO strategy is, therefore, an important site at which to contest the legitimacy of nuclear weapons as instruments of security.

It is, therefore, of central importance to the future of the NPT and of non-proliferation, arms control and disarmament efforts more generally, for all of the nuclear weapons states to move away from a reliance on nuclear weapons to provide security. While this argument applies to all of the NWS, including China and Russia, NATO in general and the United States in particular have, perhaps, an additional obligation in this regard. NATO's obligation arises from the role it is claiming for itself, and from the fact that it contains a majority of the NWSs. The further obligation on the United States stems from the leadership role it has claimed in global security generally and in the fight against weapons proliferation in particular. This argument should not be read as downplaying the importance of the other two nuclear powers, but rather as highlighting the extra obligation NATO and the United States have brought upon themselves. These additional obligations, combined with Canada's location in relation to NATO and the United States, mean that Canada is ideally placed to lead the campaign for the delegitimation of nuclear weapons. It is a position the government has clearly recognised, and it is a campaign that has been undertaken by the present Minister of Foreign Affairs.⁸

One possible means of advancing this campaign is through the advocacy of Confidence and Security Building Measures (CSBMs). Confidence-building can be seen as a process designed to reshape the security environment of states to allow for a reduction in the military requirements of security policy. Considered in this way, CSBMs can contribute in two ways to the progressive denuclearisation of international life. The first of the contributions of CSBMs is to change the global

⁷ I have argued the case of the symbolic importance of nuclear weapons more extensively in *The Weapons State*. See particularly Chapter 7, "Questions of Interest". One of the important examples I develop at some length is the recent Defence Policy Review in the United Kingdom, which explicitly excluded a review of the British nuclear posture – a decision, I argue, motivated by the need to retain a claim to great power status, which could only be achieved through nuclear possession.

⁸ See, for example, "Government Response to the Recommendations of the Standing Committee on Foreign Affairs and International Trade on Canada's Nuclear Disarmament and Non-proliferation Policy", which states: "... Canada will continue to stress the necessity to devalue the political significance of these weapons. Canada will also continue to resist any movement to validate nuclear weapons as acceptable currency in international politics."

security environment so that those states which are not presently armed with nuclear weapons, but which might otherwise decide to nuclearise, do not do so. This contribution would appear to have been recognised by states in the final documents of the NPT Review and Extension Conference: "Nuclear disarmament is substantially facilitated by the easing of international tension and the strengthening of trust between States which have prevailed following the end of the cold war."⁹ The second potential contribution of CSBMs to the process of denuclearisation is in improving the security environment of the nuclear weapon states in general, and the United States and NATO in particular, so that they are more willing to reduce their reliance on nuclear weapons.

The principal aim of this report is to assess the possible contributions of CSBMs to these two, closely related goals. However, before turning to an evaluation of confidence and security building measures, I will first review a number of important recent contributions to the effort to build confidence and denuclearise international life.

PART II: RECENT AUTHORITATIVE DOCUMENTS ON NUCLEAR WEAPONS

In the past decade there have been several important interventions in the debate over the future of nuclear weapons, interventions that have served both to advance discussions to the point we have now reached, and to shape the trajectory of discussions of nuclear weapons can now take.

NPT Principles and Objectives

As part of the compromise which produced the indefinite extension of the NPT in 1995, the Review and Extension Conference adopted a document entitled "Principles and Objectives for Nuclear Non-proliferation and Disarmament", in addition to its decision on extension. The 'Principles and Objectives' document set out markers for assisting the movement "towards the full realization and effective implementation of the provisions of" the NPT; in other words, it represented a more explicit commitment to fulfil those parts of the original NPT bargain that might fall into abeyance with the removal of the Article X threat to the NPT's future. These markers, therefore, take on special significance in any efforts at nuclear confidence-building, because these are measures demanded by the non-nuclear weapon states (NNWSs) who have renounced their nuclear rights, and which have the explicit commitment of the NWS. There are three sections in the document of particular relevance to the topic of this report: nuclear disarmament, nuclear weapon free zones (NWFZs) and security assurances.

⁹ NPT Review and Extension Conference, Decision: "Principles and Objectives for Nuclear Non-proliferation and Disarmament" NPT/CONF.1995/32/DEC.2, paragraph 3.

As part of the case for indefinite extension, the five NWSs issued statements at the UN Security Council providing negative security assurances to non-nuclear weapons states. These statements recorded promises by each of the NWSs not to use nuclear weapons against non-nuclear opponents, unless those states are involved in an attack "carried out or sustained by such a non-nuclear-weapon state in association or alliance with a nuclear-weapon state."¹⁰ The Security Council then collectively recognised these statements, and supplemented them with positive assurances, that is the assurance that the Security Council, and its NWS members in particular, would provide assistance to any NNWS threatened or attacked with nuclear weapons. The assurances were relatively weak and conditional, however. Paragraph 2

"Recognizes the legitimate interest of non-nuclear-weapon States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons to receive assurances that the Security Council, and above all its nuclear-weapon State permanent members, will act immediately in accordance with the relevant provisions of the Charter of the United Nations, in the event that such States are the victim of an act of, or object of a threat of, aggression in which nuclear weapons are used."

The assurances that this recognition produced are found in paragraph 6 in which the Council

"Expresses its intention to recommend appropriate procedures, in response to any request from a non-nuclear-weapon State Party to the Treaty on the Non-Proliferation of Nuclear Weapons that is the victim of such an act of aggression, regarding compensation under international law from the aggressor for loss, damage or injury sustained as a result of the aggression."

Given this limited form of assurance, the 'Principles and Objectives' document calls for "further steps ... to assure non-nuclear-weapon States party to the Treaty against the use or threat of use of nuclear weapons. These steps could take the form of an internationally legally-binding instrument."

The second relevant section concerns nuclear weapons free zones (NWFZs). The document recognises the important of NWFZs, and welcomes the prospects of new ones before the 2000 Review Conference. The only substantive features of this call are a particular mention of the Middle East, and the suggestion to expand the concept of NWFZs to zones free of all WMD.

Finally, but perhaps of greatest significance, are the two paragraphs gathered under the heading: 'nuclear disarmament'. In this section, the NPT Conference tackled directly the requirements for advance on Article VI. In particular, the document sets out a programme of action which represents the Conference's view on the next steps to be taken on nuclear disarmament. The third of these is too general to warrant prolonged discussion, as it calls for "the determined pursuit

¹⁰ This language is found in each of the statements. These statements were released as documents: A/50/151 (S/1995/261) through A/50/155(S/1995/265).

by the nuclear-weapon States of systematic and progressive efforts to reduce nuclear weapons globally," and so is little more than a restatement of Article VI. The first two elements of the programme of action, however, are rather more concrete.

The first element of the programme of action is the completion of a Comprehensive Nuclear Test-Ban Treaty, with the endorsement of the 1996 deadline which had been set by US President Clinton. This deadline has been met, and there is a signed CTBT in place, although it has not yet entered into force, largely owing to its very stringent entry-into-force conditions, requiring ratification by 44 listed states which include a number who are not strong proponents of the non-proliferation agenda. Most damaging to the future of nuclear disarmament, the CTBT has not been ratified by the US Senate. Almost as important as the call for a CTBT, this first element also states that "Pending the entry into force of a Comprehensive Test-Ban Treaty, the nuclear-weapon States should exercise utmost restraint." The promise of restraint is important because very soon after the successful extension of the NPT, two of the NWSs resumed testing. This move, particularly the series of French tests, dramatically undermined the confidence of the NWSs which had been persuaded to support the indefinite extension. The French tests, combined with fact that the CTBT has not entered into force and has been rejected by the United States, stand as the most potent threats to the consensus which produced the extended NPT, and thus to the future of the nuclear nonproliferation regime.¹¹

The second element of the programme of action is the completion of a Fissile Materials Cutoff Treaty (FMCT). This element is particularly welcome to Canada, as the paragraph makes direct reference to the report of the Special Coordinator of the Conference on Disarmament on the FMCT, a report prepared by the Canadian representative to the CD. However, the CD has been unable to proceed on the FMCT, in large part because India has objected to an FMCT which is not explicitly tied to a programme for nuclear disarmament on a clear timetable. Therefore, negotiations have taken place outside the CD, among small groups of affected states and multilaterally within the preparation process for the 2000 NPT Review Conference.¹²

Taken as a whole, the NPT 'Principles and Objectives' document sets out an important series of benchmarks on the way to a more secure global consensus on nuclear weapons. Unfortunately, there has not been much progress in reaching those marks. There is no legally-binding statement

¹¹ I have argued extensively elsewhere about the connection between the NPT extension decision, the French decision to test soon after the Conference, the CTBT and the Indian nuclear test of 1998. See Mutimer, "Testing Times: Of nuclear tests, test bans and the framing of proliferation" *Contemporary Security Policy* (forthcoming, 2000). While both the French and Chinese conducted tests following the Review and Extension Conference, the Chinese tests were largely accepted as the completion of a series needed to upgrade their weapons, which were still substantially inferior to the other NWSs. The French tests, by contrast, were seen as part of a cynical programme to evade the spirit of the CTBT and therefore to contradict directly the commitment to exercise restraint.

¹² For an account of the recent negotiations, and the effects of the South Asian nuclear tests, see George Bunn, "Making Progress on a Fissile Material Cut-Off Treaty After "the South Asian Tests" *The Non-Proliferation Review* 5 (3) (1998), <http://cns.miis.edu/pubs/npr/bunn53.htm>.

of security assurances, the extent of NWFZs has not been dramatically advanced, the CTBT languishes widely-signed, but unratified in important quarters, and the FMCT negotiations have not produced the kind of consensus necessary for the creation of a negotiating committee in the CD.

Ruling of the International Court of Justice

In December 1994, the UN General Assembly asked the International Court of Justice (ICJ) for an advisory opinion on the question: "Is the threat or use of nuclear weapons in any circumstance permitted under international law?"¹³ The Court decided that it was competent to render an opinion on the question, and on 8 July 1996 delivered a somewhat complicated opinion. There are six elements to the opinion, decided by different majorities. The crux of the opinion split the court, with the President of the Court deciding a 7-7 tie in favour of the following opinion:

"It follows from the above-mentioned requirements that the threat or use of nuclear weapons would generally be contrary to the rules of international law applicable in armed conflict, and in particular the principles and rules of humanitarian law;

However, in view of the current state of international law, and of the elements of fact at its disposal, the Court cannot conclude definitively whether the threat or use of nuclear weapons would be lawful or unlawful in an extreme circumstance of self-defence, in which the very survival of a State would be at stake."¹⁴

¹³ This followed a request from the World Health Organization in August 1993 for an advisory opinion on the legality of the use of nuclear weapons. The ICJ decided in this case that it was not competent to render an opinion.

¹⁴ The full text of the elements of the opinions, together with their majorities, reads as follows:
"[The Court] Replies in the following manner to the question put by the General Assembly:
A. Unanimously,
There is in neither customary nor conventional international law any specific authorization of the threat or use of nuclear weapons;
B. By eleven votes to three,
There is in neither customary nor conventional international law any comprehensive and universal prohibition of the threat or use of nuclear weapons as such;
C. Unanimously,
A threat or use of force by means of nuclear weapons that is contrary to Article 2, paragraph 4, of the United Nations Charter and that fails to meet all the requirements of Article 51, is unlawful;
D. Unanimously,
A threat or use of nuclear weapons should also be compatible with the requirements of the international law applicable in armed conflict, particularly those of the principles and rules of international humanitarian law, as well as with specific obligations under treaties and other undertakings which expressly deal with nuclear weapons;
E. By seven votes to seven, by the President's casting vote,
It follows from the above-mentioned requirements that the threat or use of nuclear weapons would generally be contrary to the rules of international law applicable in armed conflict, and in particular the principles and rules of humanitarian law;
However, in view of the current state of international law, and of the elements of fact at its disposal, the Court cannot

The ICJ ruling does not prohibit the threat or use of nuclear weapons, but it does appear to place a higher standard on the acceptable use of these weapons than of any others, inasmuch as the Court ruled (as weakly as it could rule) that the very employment of nuclear weapons in threat or action would in almost all circumstances constitute a violation of international law.

The ICJ's opinion is not binding, and even if it were binding, rules that are never broken do not need to be codified in law. Nevertheless, the ruling alters the political context in which the future of nuclear weapons is to be debated. It is now more difficult to argue that nuclear weapons are in any way acceptable within a general security strategy, even if the goal of that strategy is deterrence. By including the **threat** of nuclear use in the opinion, the Court suggests that general deterrence strategies contravene international law. This requires some clarification. The two elements of section E of the ruling combine to suggest that the only time that the threat or use of nuclear weapons **might** be legal is in cases in which "the very survival of a State would be at stake." This is a high standard to meet, and it is not one which can reasonably be said to be met in the day-to-day operation of international relations. Thus a strategy of general deterrence, such as the one NATO has had throughout the Cold War and has recently reconfirmed, appears to be illegal in the opinion of the ICJ. Only at such a time as the 'very survival' of a NATO member is threatened may NATO or NATO members threaten the use of nuclear weapons. The importance of this argument is not to produce an immediate repudiation of deterrence doctrines, but rather to provide potent resources to those who wish to see a reduction in, for example, NATO's reliance on nuclear weapons, and to undermine the justificatory arguments those supporting that reliance can muster.

Report of the Canberra Commission on the Elimination of Nuclear Weapons

Together with Canada, Australia has prided itself on taking a leading role in global arms control and disarmament. In November 1995, the Australian government created an independent commission with the mandate to "develop ideas and proposals for a concrete and realistic program to achieve a world totally free of nuclear weapons."¹⁵ In January 1997, the Commission reported with an extensive programme for the elimination of nuclear weapons. The Report first suggests a series of steps which could be taken 'immediately': "Taking nuclear forces off alert; removal of warheads from delivery vehicles; ending deployment of non-strategic nuclear weapons; ending nuclear testing; initiating negotiations to further reduce United States and Russian nuclear arsenals;

conclude definitively whether the threat or use of nuclear weapons would be lawful or unlawful in an extreme circumstance of self-defence, in which the very survival of a State would be at stake;

F. Unanimously,

There exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control."

¹⁵ The text is from the mandate of the Commission, reprinted in the Commission's final report. The Commission comprised: Celso Amorim; Lee Butler; Richard Butler (Convenor) (Convenor); Michael Carver; Jacques-Yves Cousteau; Jayantha Dhanapala; Rolf Ekeuss; Nabil Elaraby; Ryukichi Imai; Ronald McCoy; Robert McNamara; Robert O'Neill; Qian Jiadong; Michel Rocard; Joseph Rotblat; Roald Sagdeev; Maj. Britt Theorin.

agreement amongst the nuclear weapon states of reciprocal no-first-use undertakings, and of a non-use undertaking by them in relation to the non-nuclear weapon states.” In support of these measures, and in the somewhat longer term, the Commission proposed the following: action to prevent further horizontal proliferation; developing verification arrangements for a nuclear weapon-free world; cessation of the production of fissile material for nuclear explosive purposes; move to integrate the UK, France and China into the US-Russian nuclear disarmament talks; bolstering the Anti-Ballistic Missile Treaty (ABM); and, extending and expanding NWFZs.

This ambitious agenda joins together a number of disparate proposals. It is notable, for instance, that action to prevent horizontal proliferation is included in the Canberra Commission’s recommendations. The West in general, and the United States in particular, have lavished attention on the horizontal proliferation of nuclear weapons. Of course, the proliferation control agenda had been recently strengthened by the NPT extension, in a way that none of the disarmament measures endorsed by the Commission had been. Nevertheless, a gesture towards horizontal proliferation was crucial, if the Report was not to be dismissed entirely as the work of naive idealists. Similarly, the Commission reports that it “considered carefully the merits of setting out a precise timeframe for the elimination of nuclear weapons, but elected not to do so.” This omission is important, because just such a timeframe has been a key part of the Indian position in its refusal to accede to the NPT as a NNWS.

As with a number of previous ‘independent commissions’,¹⁶ the real value of the Canberra Commission is not so much its production of new ideas, nor its capacity to achieve its agenda, but rather that it provides both the moral authority of independent expertise and the convenience of a single statement for that agenda. Neither of these contributions should be under-emphasised. A common point of reference for those struggling to advance the disarmament agenda may well prove crucial. The language of both common security and global governance, for example, was sustained in official discourse largely through its expression in previous independent commission reports. Similarly, the eminence of the membership of the independent commissions makes their suggestions difficult to ignore, and so provides an important resource supporting arguments in favour of a disarmament agenda.

¹⁶ These include the Brandt Commission on distributive justice, the Palme Commission on common security and the recent Commission on Global Governance.

New Agenda Coalition

In June 1998, the Foreign Ministers of eight states issued a statement designed to support the process of disarmament.¹⁷ The states in question are notable for the divisions they cross.¹⁸ The eight represent states of both the North and South, they include states of the former East and West, as well as a number of neutral states. One of the more interesting members is South Africa, which has admitted to building nuclear weapons and subsequently dismantling them and joining the NPT as a NNWS. The Coalition therefore brings considerable moral and political authority to its proposals.

The particular proposals that the Coalition endorsed are very similar to those found in the Canberra Commission's report, which it explicitly cited in the second paragraph of the Statement, and, like that report, the Statement gathers together nuclear disarmament measures with elements of the West's preferred non-proliferation agenda. Thus, the Coalition proposed the continuation of US-Russian nuclear reduction talks and their extension to include all the NWS. It also called for the de-alerting and de-mating of strategic weapons, and the removal of non-strategic weapons from their sites of deployment. It called for the negotiation of an FMCT, and for the extension of NWFZs. Reinforcing the 'Principles and Objectives' document, the Coalition called for legally-binding no-first-use declarations among the NWSs, and a set of legally-binding negative security assurances. To these measures, the Coalition added two key features of the non-proliferation agenda. The first is the call for the nuclear weapon capable states to destroy their capability and join the NPT as NNWSs, a measure that is bolstered tremendously by having South Africa as a member of the coalition. The second is a commitment to the principles of non-proliferation, particularly the control over fissile materials and other weapons components.

Since the release of its original statement, the Coalition has sponsored two resolutions at the United Nations General Assembly, one each in 1998 and 1999. These resolutions, both titled "Towards a Nuclear-Weapon-Free World: The Need for a New Agenda" develop and promote the measures proposed in the 1998 statement.¹⁹ The 1999 Resolution, reflecting the most current position of the Coalition, reflects both the breadth of inclusion and the compromises of political advance. Three measures not originally included in the 1998 document are included in the 1999 Resolution: the need to develop verification measures for a non-nuclear world, a call for transparency among the NWSs and an explicit call for states to adopt the International Atomic

¹⁷ "Towards a Nuclear Weapons-free World: The Need For a New Agenda" Joint Ministerial Declaration, 9 June 1998.

¹⁸ The New Agenda statement was released jointly by the Foreign Ministers of Brazil, Egypt, Ireland, Mexico, New Zealand, Slovenia, South Africa and Sweden. Slovenia has subsequently withdrawn from the Coalition.

¹⁹ UN General Assembly, 53rd Session 1998, "Towards a Nuclear-Weapon-Free World: The Need for a New Agenda" A/RES/53/77Y, and UN General Assembly, 54th Session 1999, "Towards a Nuclear-Weapon-Free World: The Need for a New Agenda" A/RES/54/54G

Energy Agency's (IAEA) New Model Protocol.²⁰ These seem to have been added as the Coalition drew others in to support the agenda by introducing it in the General Assembly. Of course, such a process also opens the agenda to contestation from the NWSs and their allies.

Two measures which are included both in the 1998 statement and the 1999 Resolution are weaker in the latter in than the former, seemingly in accord with views of the NWSs in general and the United States in particular. The 1999 document calls on the NWS "to **examine the possibilities for and to proceed to**" de-alerting and de-mating,²¹ whereas the original statement called for them "to abandon present hair-trigger postures by proceeding to" de-alerting and de-mating. The original call for the NWSs to remove all their non-strategic weapons from deployment has been even further weakened, with the 1999 Resolution calling only for the NWSs to "reduce tactical nuclear weapons with a view to their elimination."²² The most dramatic concession to the position of the nuclear armed states and their allies, particularly the US and NATO, is that the 1999 Resolution makes no mention of no-first-use declarations. This omission is particularly noteworthy in light of the Resolution's call for the reduction in the role of nuclear weapons in security policies²³ – surely this is precisely what no-first-use is designed to achieve.

It is of considerable importance that the New Agenda Coalition does not contain a single NATO member. Clearly, there is a potential contradiction between the push to denuclearisation in the New Agenda statement and membership in a military alliance which continues to adhere to a security strategy centred on nuclear weapons – a contradiction revealed in the absence from the text of the 1999 Resolution of any mention of no-first-use. If there is any NATO member likely to feel that contradiction keenly, it is Canada. Canada places NATO at the heart of its security policy, while at the same time trying to take a leadership role in disarmament affairs. This is clearly a difficult position to maintain, but at the same time, NATO membership provides Canada with an unparalleled opportunity to advance important features of that agenda within the alliance. In order to steer a path between these two positions, in 1996 the Government of Canada requested the Parliament's Standing Committee on Foreign Affairs and International Trade to review Canada's policy. The result of those deliberations was a report released in December 1998 to which the Government provided an official response in 1999.

²⁰ A/RES/54/54G, paragraphs 5, 8 and 17. The proposal for verification measures is found in the Canberra Commission Report, the other two are included in the Canadian Parliament's Standing Committee on Foreign Affairs and International Trade's Report, *Canada and the Nuclear Challenge*. See below, page 15.

²¹ A/RES/54/54G, paragraph 5.

²² A/RES/54/54G, paragraph 5.

²³ See A/RES/54/54G, paragraph 4.

Canada and the Nuclear Challenge

The Canadian Parliamentary document is somewhat different from any of the documents reviewed above. While it calls on the Government of Canada to support the New Agenda Coalition, and sets out a number of measures of comparable form to those found in the New Agenda statement and the Canberra Commission report, *Canada and the Nuclear Challenge* is at once more focussed and wider in scope than the other documents. The focus of the Parliamentary Committee, quite rightly, is on the policy the Canadian government can and should pursue rather than on broad proposals for nuclear disarmament. At the same time, the report covers the range of Canada's nuclear policy, and so includes matters not considered by the other documents, particularly issues concerned with Canada's civilian nuclear programmes. Nevertheless, the report includes a number of proposals for advancing a disarmament agenda, which have generally been endorsed by the Government in its official response to the Parliamentary Report.

The report calls on the Government to work with the New Agenda Coalition, which the Government commits to doing. Neither the Report, nor the Government's response, explicitly endorsed all elements of the Coalition's 1998 statement. There were direct points of overlap, however, as the Report called for the promotion of de-alerting, called for renewed bilateral talks on nuclear reductions between the US and Russia, and also recommended exploring ways to include the other NWSs in such future discussions. Each of these points was endorsed by the Government in its response.

Canada and the Nuclear Challenge also proposed a number of measures not found in the other documents. These include: moves to strengthen early warning of missile launches among all the NWSs, promoting transparency arrangements among the NWSs, devising regionally specific programmes of arms control and confidence-building, endorsing Germany's 1993 proposal for a nuclear weapons register, promoting the use of the IAEA's new Model Protocol, and urging Canada to work within NATO to review and update the nuclear component of the Strategic Concept. Taken together with the NPT Review and Extension Conference document, the Canberra Report and the New Agenda Coalition Statement, the range of measures proposed for advancing the nuclear disarmament agenda can be gathered together as shown in Table I.

TABLE I
Recent Proposals for Nuclear CSBMs

Measure	NPT	CC ¹	NAC ²	SCFAIT ³
Legally-binding negative security assurances	X		X	
Extend NWFZs	X	X	X	
Fissile Material Cutoff	X	X	X	X

De-alerting		X	X	X
De-mating		X	X	
Removing non-strategic weapons from deployment		X	X	
CTBT / End nuclear testing	X	X	B	X
Negotiate further US-Russian reductions		X	X	X
Bring other NWSs into negotiations		X	X	X
Binding no-first-use declarations		X	A	
Verification measures for a non-nuclear world		X	B	
Protect integrity of the ABM		X		
Explicit timeframe for disarmament				
Strengthen missile warning				X
Transparency among the NWSs			B	X
Regionally specific CSBMs				X
Promote the New Model Protocol			B	X
Nuclear Weapons Register				X
Update NATO Strategic Concept				X

Notes

1 Canberra Commission

2 New Agenda Coalition. This list combines to the original 1998 Statement with the 1999 UNGA Resolution:

A Indicates measures included in the 1998 Statement but omitted from the UNGA Resolution.

B Indicates measures included in the UNGA Resolution but not the 1998 Statement.

3 Because of the nature of this comparison of proposals, the list of measures included for the SCFAIT report is drawn exclusively from the Recommendations of the Committee, and does not include measures discussed but not included in the recommendations, nor the Canadian Government Response.

A common theme runs through these proposals, a theme well in keeping both with the requirements I outlined above for redressing the threat to the nuclear nonproliferation regime and with the ICJ's advisory opinion. In both cases, the clear sense is that nuclear weapons must be treated as truly exceptional, much more than they are now. Nuclear weapons must not be treated as legitimate means to the end of state security policy (except, possibly, in truly extreme circumstances), and, while they are still held by states, those states must engage in meaningful processes of disarmament. The ICJ makes this point by marginally deciding that the use or even threatened use of nuclear weapons is contrary to international law, but remaining unable to decide if the threat or use of nuclear weapons in extreme circumstances would similarly be illegal. The

variety of measures culled from the other documents in Table I also appear to encode this theme by proposing means of limiting the scope of nuclear employment and of withdrawing those nuclear weapons which are deployed from the 'cutting edge' of day-to-day security policy. This theme provides a useful standard against which to judge the various measures proposed as confidence and security building measures, a task to which this report turns below.

In the context of this common theme, there is particular significance to the Parliamentary committee urging Canada to pursue the revision of the NATO strategic concept. To begin, it highlights the unique position in which Canada finds itself as a member of the Alliance. Secondly, it draws attention to one of the most important locations for advancing the nuclear disarmament agenda. If the common theme of measures designed to advance the nuclear nonproliferation and disarmament agenda is the denuclearisation of NWS's security policy, NATO – with three of the nuclear weapon states – will be central to any such programme. The reputation of NATO as the effective multinational military organisation means that its continued reliance on a nuclear security strategy is particularly damaging to efforts aimed at promoting nuclear disarmament. The legitimacy of nuclear weapons must be undermined, and that will be very difficult to do while NATO retains an essentially nuclear security strategy. Therefore, before analysing the proposals gathered in Table I, I briefly review the outcome of the recent NATO review of its strategic concept.

NATO Strategy and the Washington Declaration

In April 1999 the North Atlantic Council met in Washington to consider, among other things, a revision to NATO's Strategic Concept. In its own words, the Strategic Concept "expresses NATO's enduring purpose and nature and its fundamental security tasks, identifies the central features of the new security environment, specifies the elements of the Alliance's broad approach to security, and provides guidelines for the further adaptation of its military forces."²⁴ The Strategic Concept is the basic strategic document of the Alliance, and the 1999 version is the first revision since 1991. The 1991 Strategic Concept was the first version of NATO's strategy document to be made public; all previous iterations had been classified.

The Washington meeting of the NAC issued three documents: its usual Communiqué, the new Strategic Concept, and the Washington Declaration which was to mark the fiftieth anniversary of the Alliance. These three documents together mark the constitutional renewal of the Alliance as it moves into the 21st Century, fresh from its recent expansions in both membership and scope. The importance of NATO, particularly NATO's nuclear strategy, in the arguments above makes these documents of central importance to assessing the current state of the disarmament agenda following from the NPT extension. Unfortunately, such a reading is not particularly encouraging.

²⁴ The Alliance's Strategic Concept: Approved by the Heads of State and Government participating in the meeting of the North Atlantic Council in Washington DC on 23rd and 24th April 1999. NAC-S(99)64, 23 April 1999, paragraph 5.

The Washington Declaration is largely a collection of anodyne platitudes, expressing in very broad and general terms the nature of the Alliance as it moves into the 21st Century. For the present purposes there are two points that deserve at least passing mention. The first is that nowhere in the documents is the term 'nuclear weapons' used. This means that even a radical denuclearisation of NATO's security strategy is possible, without requiring any change to this broad statement of NATO's identity. The second point is that the one paragraph which deals explicitly with the present security environment highlights the role of disarmament in providing security.²⁵ Thus, the argument can be put to NATO that it should be denuclearising, and that such a policy would be entirely in keeping with its own statement of self. This is not much to go on, but it is rather more than emerges from the more detailed, and ultimately more important, Strategic Concept.

There are four key sections in the Strategic Concept that bear directly on the role of nuclear weapons in the strategic posture of the Alliance. The first is a short paragraph in the section detailing the Security Challenges and Risks facing the Alliance, which notes that the "existence of powerful nuclear forces outside the Alliance also constitutes a significant factor which the Alliance has to take into account if security and stability in the Euro-Atlantic area are to be maintained."²⁶ While this section does not draw the conclusion that 'powerful' external nuclear arsenals require that NATO retain its own powerful nuclear arsenal, such a conclusion is not difficult to infer, given the strategic history of the Alliance.

The central passages setting out the nuclear component of NATO's strategy are found in Part IV: Guidelines for the Alliance's Forces, in the first in the section entitled Principles of Alliance Strategy, and then later in a series of paragraphs, entitled Characteristics of Nuclear Forces, which form part of the section on The Alliance's Force Posture. In two paragraphs of the Principles of Alliance Strategy (paragraphs 2 and 6), the Strategic Concept reaffirms both the centrality of nuclear weapons to NATO's security strategy and the need for the continued deployment of US nuclear weapons in Europe. In paragraph 2 the Strategic Concept notes: "The presence of United States conventional and nuclear forces in Europe remains vital to the security of Europe, which is inseparably linked to that of North America." The centrality of nuclear weapons to NATO's strategy is stated strongly in paragraph 6: "the Alliance's conventional forces alone cannot ensure credible deterrence. Nuclear weapons make a unique contribution in rendering the risks of aggression against

²⁵ Paragraph 7 of the Washington Declaration reads:

"We remain determined to stand firm against those who violate human rights, wage war and conquer territory. We will maintain both the political solidarity and the military forces necessary to protect our nations and to meet the security challenges of the next century. We pledge to improve our defence capabilities to fulfill the full range of the Alliance's 21st century missions. **We will continue to build confidence and security through arms control, disarmament and non-proliferation measures.** We reiterate our condemnation of terrorism and our determination to protect ourselves against this scourge." [Emphasis added.]

²⁶ The Alliance's Strategic Concept, "Security Challenges and Risks", paragraph 2.

the Alliance incalculable and unacceptable. Thus, they remain essential to preserve peace."²⁷

The 'central role' indicated in the Principles section is then detailed in the later section on the Characteristics of the Nuclear Forces. These three paragraphs set out a strategy of nuclear deterrence not much changed from the Cold War. Perhaps of greatest significance is the following passage, from the first of these three paragraphs: "[NATO's nuclear forces] will continue to fulfil an essential role by ensuring uncertainty in the mind of any aggressor about the nature of the Allies' response to military aggression. They demonstrate that aggression of any kind is not a rational option. The **supreme guarantee** of the security of the Allies is provided by the strategic nuclear forces of the Alliance, particularly those of the United States." [Emphasis added.]²⁸ By raising the possibility of nuclear response to 'aggression of any kind', this passage clearly retains the first-use nuclear deterrent strategy that was followed throughout the Cold War. Furthermore, by indicating that nuclear weapons provide the 'supreme guarantee' of NATO security, the Strategic Concept clearly enshrines a fundamentally nuclear security policy.

The second and third paragraphs of the section on nuclear forces do try to mitigate this Cold War deterrence concept, to a degree, in light of the changes of the past decade. NATO commits itself to maintaining this deterrent posture at the lowest level possible (paragraph 2), and states that "the circumstances in which any use of nuclear weapons might have to be contemplated by them are ... extremely remote." (Paragraph 3) Nevertheless, these paragraphs also continue the Alliance practice of basing nuclear weapons outside the territory of the nuclear weapon state Allies, and they maintain as part of the Alliance's deterrent strategy: "adequate sub-strategic forces based in Europe which will provide an essential link with strategic nuclear forces, reinforcing the transatlantic link." (Paragraph 3)

Taken as a whole, these passages in the Strategic Concept – passages which constitute less than 10% of the total text – reaffirm a nuclear deterrent strategy virtually unchanged from the Cold War. Indeed, the key passages of the 1999 document are lifted almost verbatim from the 1991 Strategic Concept. The text I quoted above from paragraphs 2 and 6 of the Principles section is reproduced word for word from the comparable section of the 1991 document (with the single exception that in 1991 NATO referred to 'North American conventional forces', the change reflecting Canada's withdrawal of its NATO forces from Europe.) More startling is that the entire section on the Characteristics of the Nuclear Forces is almost identical to the previous version of the Strategic Concept. The first two of the three paragraphs are reproduced entirely verbatim. The third paragraph has been updated, but only insofar as it reports on the achievement of certain promises of the earlier text. Following is a side-by-side comparison of the two documents, with the changes in the third paragraph highlighted.

²⁷ The Alliance's Strategic Concept, "Principles of Alliance Strategy" paragraph 6.

²⁸ The Alliance's Strategic Concept, "Characteristics of the Nuclear Forces" paragraph 1.

Thus, NATO's fifty year renewal does not mark a particularly impressive break with the past, and it in no way advances the Article VI commitment of the NPT. The 1999 Strategic Concept, therefore, stands as an important obstacle to the delegitimation of nuclear weapons as instruments of security. Fortunately, the document concludes by stating that "The Strategic Concept will govern the Alliance's security and defence policy, its operational concepts, its conventional and nuclear force posture and its collective defence arrangements, **and will be kept under review in the light of the evolving security environment.**" [Emphasis added.]²⁹ As we turn to consider the possibilities for confidence and security building measures to advance the nuclear disarmament agenda, we must therefore pay particular attention to two related possibilities. The first is the possibility for changing the strategic concept to effect the delegitimation of nuclear arms. The second is the contribution confidence-building can make to altering the security environment of NATO so as to make such strategic changes possible. In order to assess these possibilities, it is first necessary to develop an analytic framework for thinking about confidence-building.

COMPARISON OF THE CHARACTERISTICS OF NUCLEAR FORCES: 1991 AND 1999 STRATEGIC CONCEPTS

Changes are italicized

1991 Strategic Concept

The fundamental purpose of the nuclear forces of the Allies is political: to preserve peace and prevent coercion and any kind of war. They will continue to fulfil an essential role by ensuring uncertainty in the mind of any aggressor about the nature of the Allies' response to military aggression. They demonstrate that aggression of any kind is not a rational option. The supreme guarantee of the security of the Allies is provided by the strategic nuclear forces of the Alliance, particularly those of the United States; the independent nuclear forces of the United Kingdom and France, which have a deterrent role of their own, contribute to the overall deterrence and security of the Allies.

A credible Alliance nuclear posture and the demonstration of Alliance solidarity and common commitment to war prevention continue to require widespread participation by European Allies

1999 Strategic Concept

The fundamental purpose of the nuclear forces of the Allies is political: to preserve peace and prevent coercion and any kind of war. They will continue to fulfil an essential role by ensuring uncertainty in the mind of any aggressor about the nature of the Allies' response to military aggression. They demonstrate that aggression of any kind is not a rational option. The supreme guarantee of the security of the Allies is provided by the strategic nuclear forces of the Alliance, particularly those of the United States; the independent nuclear forces of the United Kingdom and France, which have a deterrent role of their own, contribute to the overall deterrence and security of the Allies.

A credible Alliance nuclear posture and the demonstration of Alliance solidarity and common commitment to war prevention continue to require widespread participation by European Allies

²⁹ The Alliance's Strategic Concept, "Part V - Conclusion".

involved in collective defence planning in nuclear roles, in peacetime basing of nuclear forces on their territory and in command, control and consultation arrangements. Nuclear forces based in Europe and committed to NATO provide an essential political and military link between the European and the North American members of the Alliance. The Alliance will therefore maintain adequate nuclear forces in Europe. These forces need to have the necessary characteristics and appropriate flexibility and survivability, to be perceived as a credible and effective element of the Allies' strategy in preventing war. They will be maintained at the minimum level sufficient to preserve peace and stability.

1991 Strategic Concept...cont.

The Allies concerned consider that, with the radical changes in the security situation, including conventional force levels in Europe *maintained in relative balance* and increased reaction times, NATO's ability to defuse a crisis through diplomatic and other means or, should it be necessary, to mount a successful conventional defence *will* significantly improve. The circumstances in which any use of nuclear weapons might have to be contemplated by them are therefore *even more remote. They can therefore significantly reduce their sub-strategic nuclear forces.* They will maintain adequate sub-strategic forces based in Europe which will provide an essential link with strategic nuclear forces, reinforcing the trans-Atlantic link. These will consist *solely* of dual capable aircraft *which could, if necessary, be supplemented by offshore systems.* Sub-strategic nuclear weapons will, however, not be deployed in normal circumstances on surface vessels and attack submarines. *There is no requirement for nuclear artillery or ground-launched short-range nuclear missiles and they will be eliminated.*

involved in collective defence planning in nuclear roles, in peacetime basing of nuclear forces on their territory and in command, control and consultation arrangements. Nuclear forces based in Europe and committed to NATO provide an essential political and military link between the European and the North American members of the Alliance. The Alliance will therefore maintain adequate nuclear forces in Europe. These forces need to have the necessary characteristics and appropriate flexibility and survivability, to be perceived as a credible and effective element of the Allies' strategy in preventing war. They will be maintained at the minimum level sufficient to preserve peace and stability.

1999 Strategic Concept...cont.

The Allies concerned consider that, with the radical changes in the security situation, including *reduced* conventional force levels in Europe and increased reaction times, NATO's ability to defuse a crisis through diplomatic and other means or, should it be necessary, to mount a successful conventional defence *has* significantly improved. The circumstances in which any use of nuclear weapons might have to be contemplated by them are therefore *extremely remote. Since 1991, therefore, the Allies have taken a series of steps which reflect the post-Cold War security environment. These include a dramatic reduction of the types and numbers of NATO's sub-strategic forces including the elimination of all nuclear artillery and ground-launched short-range nuclear missiles; a significant relaxation of the readiness criteria for nuclear-ruled forces; and the termination of standing peacetime nuclear contingency plans. NATO's nuclear forces no longer target any country. Nonetheless, they will maintain, at the minimum level consistent with the prevailing security environment, adequate sub-strategic forces based in Europe which will provide an essential link with strategic nuclear forces, reinforcing the transatlantic link. These will consist of dual capable aircraft and a small number of United Kingdom Trident warheads.*

Sub-strategic nuclear weapons will, however, not be deployed in normal circumstances on surface vessels and attack submarines.

PART III: NUCLEAR CONFIDENCE-BUILDING: A CONCEPTUAL FRAMEWORK

In this section I develop a framework within which to organise measures for nuclear confidence and security building. In order to do so, it is useful briefly to review the origins and development of confidence-building measures, as well as nature of the confidence-building concept. While it is generally useful to situate a discussion in its historical and conceptual context, such contextualisation is particularly useful for the present purposes because of the unusual context in which this report is considering 'confidence-building'. Nuclear confidence-building in the context of a process of global denuclearisation is very different from the traditional context of confidence-building - although there are sufficient connections to make the term worth retaining.

The idea of confidence-building measures is intimately connected with the Conference on Security and Cooperation in Europe. The original CSCE developed both the terminology and a number of specific CSBMs, which were instituted in the 1975 Helsinki Final Act. This discussion, and the particular measures which emerged from it, form the basis for the subsequent expansion of both the debate (yielding, for example, the elaboration of CSBMs) and the list of measures and areas of application.³⁰ This point of origin is important for present purposes, because the CSCE was designed to fill in the spaces left by vital elements of the Soviet-American relationship, and nothing was more vital to that relationship in the 1970s than nuclear weapons. Discussion of the nuclear component of the Cold War confrontation took place in bilateral meetings between the superpowers, and was expressly excluded from the CSCE talks. This means that the CSBM concept and practice were developed in strict isolation from nuclear arms and strategy, and also that they were developed in and for the military confrontation in central Europe during the Cold War.

Within this context, confidence-building developed as a practice concerned with the relationship between two large, hostile conventional armies, confronting each other in a confined space. The measures that the CSCE and its follow-on process devised were aimed at reducing the likelihood of war between these two armies, largely by increasing transparency and providing for information exchange. The goal was principally to reduce the chances that one side would erroneously determine that the other was launching a surprise attack, when it was in fact merely conducting military manoeuvres. This made sense in a context governed by the tenets of strategic stability. It led, however, to a practice that was characterised centrally by measures "that attempt to reduce or eliminate misperceptions about specific military threats or concerns (very often having to do with surprise attack) by communicating adequately verifiable evidence of acceptable reliability

³⁰ See James Macintosh, *Confidence (and Security) Building Measures in the Arms Control Process: A Canadian Perspective* (Ottawa: Department of External Affairs, 1985), p. 16.

to the effect that those concerns are groundless."³¹

The origin and nature of confidence-building results in certain inconsistencies between the CSBM concept and the idea of nuclear confidence-building in the present climate. The first, and most obvious, is that CSBMs have been designed around the practices of conventional militaries rather than of nuclear weapons, and the two forms of military practice cannot be assumed to be identical. Rather more importantly, the practices have been developed for the sides in a clearly binary and openly antagonistic relationship. The present context is neither of these. There are not two potential enemies envisioned in nuclear confidence-building, whose practices need to be shaped so as not to lead inadvertently to war.³² These differences are important because the central features of the conceptual understanding of confidence-building are therefore missing. Referring to the definition quoted above, we are not now dealing with "specific military threats", and certainly not the threat of "surprise attack", so that there is little chance of "misperception" as there is nothing to be misperceived. We are therefore talking of a rather different practice, which is nonetheless drawing on the conceptual language and historical record of confidence-building for its inspiration.

The situation with which we are dealing can be characterised in the following terms. The fundamental inequity of the nuclear non-proliferation regime poses an obstacle to efforts designed to combat the spread of arms. Therefore, a move away from the legitimate possession of nuclear arms and their integration into military strategy is vital for advancement of the nonproliferation commitments of those very nuclear weapon states. Indeed, the move to denuclearise on the part of the NWSs can be seen as an important 'confidence-building measure' in its own right, but clearly one of a very different character from classic, or OSCE, CSBMs. Rather more directly related to the classical concept, however, are measures designed to make such denuclearisation possible; that is, where classic confidence-building sought to address specific military threats concerning surprise attack, nuclear CSBMs in the current context must seek to address the general military concerns of nuclear strategies. The goal of nuclear CSBMs, in other words, is to create conditions in which NWSs have the confidence in their own security to move away from reliance on nuclear weapons.

With these new requirements in mind, it is worth returning to the classic CSBM literature in order to develop a framework within which to think about nuclear CSBMs. Again, James Macintosh's work is a useful place to begin, as it has produced some of the most conceptually-developed thinking on confidence-building. In a 1996 report, Macintosh adduced a three part typology of CSBMs, each with a number of sub-types:

³¹ Macintosh, *Confidence (and Security) Building Measures*, p. 60. This passage is the central claim of a composite definition of CBMs Macintosh culled from the CBM literature in the mid-1980s. It is therefore useful to indicate the central features accepted across the range of definitions advanced for confidence-building.

³² This feature of confidence-building as it emerged in Europe has posed difficulties as the idea has been exported to other regions, none of which share the key central features of Cold War Europe in having two sides locked in a relationship of accepted mutual enmity. (For a discussion of the dangers of imposing practices designed for binary relations in more complex security environments, see Mutimer "Reimagining Security".)

Type A: Information, Interaction and Communication CSBMs

1. Information measures
2. Experience measures
3. Communication measures
4. Notification measures

Type B: Verification and Observation Facilitation CSBMs

1. Observation-of-movement conduct measures
2. General observation measures
3. Inspection measures
4. Monitoring measures
5. Facilitation of verification measures

Type C: Constraint CSBMs

1. Activity constraint measures
2. Deployment constraint measures
3. Technology constraint measures³³

The typology clearly carries the marks of a process rooted in conventional arms in Europe. Nevertheless, it points in the direction of two key elements of a collection of CSBMs: the need to free information flows to make military activity more transparent and the need to alter military practices in ways which make them less threatening. The second of Macintosh's types, those concerned with verification and observation, fulfil the first of these functions, the freeing of information, but in a particular way related to the history of Cold War military interaction in Europe. Such observational practices — while clearly important in the context of multilateral arms control agreements — are not so central to the requirements of the current context as to warrant separating them from other measures designed to free information flows.³⁴ For a number of reasons, it also makes sense to rework slightly the final of Macintosh's three types. All of the 'Constraint' CSBMs refer to measures restricting the ways in which militaries are built (technology), deployed and used (activity). While technology, deployment and potential use are important to nuclear strategy, they are meaningfully different from their conventional counterparts. In addition, as a large part of the present agenda for those supporting nuclear CSBMs is to convince the nuclear powers to adopt them, it is probably politically inadvisable to talk about 'constraints'!

³³ James Macintosh, *Confidence Building in the Arms Control Process: A Transformation View*, Arms Control and Disarmament Studies, No. 2 (Ottawa: Department of Foreign Affairs and International Trade, 1996), pp. 53-4.

³⁴ Interestingly, this tripartite typology is a refinement of an original binary typology consisting solely of information and constraint measures. Verification CSBMs appear to have emerged from the information type, presumably in answer to the centrality of verification and monitoring to any advance in European arms control during the Cold War. See Macintosh, *Confidence (and Security) Building Measures*, pp. 68-84.

The first two elements in a typology of nuclear CSBMs are, therefore, Information Measures and Strategic Measures. The former refers to those measures designed to increase transparency and facilitate information exchange. An important example of this kind of measure is providing clear, accurate and timely information on future missile launches. In keeping with the classic conception of CSBMs, such a measure reduces the chances of someone misinterpreting a ballistic missile test for a nuclear launch. Strategic Measures refers to measures designed to alter or restrict the nuclear strategy of NWSs in order to make them appear less threatening. Such measures come in three flavours: measures effected through declaratory strategy, those effected through operational or deployment policy, and finally those effected through the physical technology of the weaponry.

These two forms of measure flow well from the classic conception of CSBMs. However, the altered context in which we are now considering the term suggests other directions for confidence and security building. Because we are now concerned with a broad, multilateral security context rather than a binary context, it is important to foster practices which build community among the various players in that broad context. There has been considerable work in the recent security studies literature emphasising the importance of 'security communities' in reducing the overall levels of state insecurity.³⁵ The goal of such multilateral community-building is to increase mutual familiarity and reduce distrust. Community-building measures may be seen as forms of informational, or transparency, measures, but the goal is rather different, in that it is the transformation of the conditions in which military force – or in this instance nuclear weapons – could even conceivably be used. There is a certain irony in this suggestion, as the CSCE process may be an excellent example of such community-building, but in the areas outside the CSBM 'basket' of the Helsinki Final Act. That is, the more mundane practices of economic contact, as well as the very fact of routine meeting in the CSCE contributed in a not insignificant way to the development of a sense of 'Europe' across the East-West divide. This sense of Europe, in turn, might be seen to contribute to a security community in the whole of Europe, rather than just the West.

Certain multilateral arms control and disarmament efforts illustrate the form such community-building measures might take. These clearly are important in their own right, but have important confidence, or at least security, building functions. Consider, for example, the Comprehensive Nuclear Test-Ban Treaty. In substantive terms, this can be seen as a CSBM insofar as it makes it very difficult for states to develop nuclear arms. It fits, in other words, into the Strategic/Technology category identified above, by limiting an extremely important military technology available to states. However, the CTBT is also symbolically important in the context of nuclear proliferation control. It has been singled out as a privileged marker of the NWSs commitment to fulfilling their Article VI obligations under the NPT. In this way, regardless of its technical effects, the CTBT serves to build confidence. It is worth considering what other such measures there might be which could both provide multilateral limitations of a strategic or informational kind and would also have importance just in the fact of their being achieved.

³⁵ For a useful, recent discussion of the security community concept, see Emanuel Adler and Michael Barnett, eds., *Security Communities* (Cambridge: University of Cambridge, 1998).

It therefore makes sense to provide a second organising axis to the consideration of nuclear CSBMs. The first point on this axis we can call the 'classical' form of CSBM, designed to build trust between or among potential adversaries in a confrontational, military relationship. The second we can label 'community-building', which are those measures designed to foster a more general environment of confidence and security and thereby create the conditions for denuclearisation. Joining this set of distinctions to the definitional discussion above provides us with a conceptualisation and framework of nuclear CSBMs. In terms of a definition, nuclear CSBMs are measures designed to address specific or generalised security concerns so as to reduce the apparent requirement for nuclear weapons within a military security strategy. In terms of a framework, we can organise these measures in the following way:

**Nuclear CSBMs
An Analytic Matrix**

	'Classical'	Community-Building
INFORMATION		
STRATEGIC (Declaratory)		
STRATEGIC (Operational)		
STRATEGIC (Technology)		

In the next section, I develop this matrix in order to consider the range of nuclear CSBMs which might now be usefully considered.

**PART IV: ASSESSING THE PRESENT PROSPECTS
FOR NUCLEAR CBMs**

In Part II I reviewed the various proposals to advance the nuclear disarmament agenda that have emerged since the 1995 Review and Extension Conference of the NPT. I am now in a position to evaluate these proposals in light of the conceptual discussion of CSBMs. The key feature of any potential collection of CSBMs must be the delegitimation of nuclear weapons as a means to security. This criterion emerged clearly in the Review and Extension process, as well as in the subsequent interventions in the nuclear disarmament debate reviewed above. In this section, I develop the analytic matrix of potential CSBMs in light of those proposals, and apply the criterion of nuclear deligitimation as the principal standard of assessment.

To begin, I can reorganise the measures listed above in Table I in terms of the Analytic Matrix from Part III (Table II, below). It is worth noting that a number of the measures appear on both sides of the matrix. Indeed, it would not be difficult to argue that most, if not all, the measures could be listed on both sides, because measures which serve to build confidence among the nuclear armed states will increase the possibilities of greater nuclear disarmament, and thereby build community confidence. It is also interesting that most of the proposals are for community-building CSBMs, rather than classical measures designed to improve the confidence of the nuclear states. Nevertheless, the division between classical and community-building CSBMs is a useful one, pointing to the two different, direct functions which can be served by confidence-building.

TABLE II
Matrix of Proposed CSBMs

	'Classical'	Community-Building
INFORMATION	<ul style="list-style-type: none"> Strengthen missile warning 	<ul style="list-style-type: none"> Nuclear Weapons Register Transparency among the NWSs
STRATEGIC (Declaratory)	<ul style="list-style-type: none"> Legally-binding negative security assurances Binding no-first-use declarations 	<ul style="list-style-type: none"> Legally-binding negative security assurances Binding no-first-use declarations Explicit timeframe for disarmament (Nuclear Weapons Convention) Update NATO Strategic Concept
STRATEGIC (Operational)	<ul style="list-style-type: none"> De-alerting / De-mating Removing non-strategic weapons from deployment US-Russian reductions 	<ul style="list-style-type: none"> De-alerting / De-mating Removing non-strategic weapons from deployment Bring other NWSs into negotiations
STRATEGIC (Technology)	<ul style="list-style-type: none"> Integrity of the ABM Promote the New Model Protocol 	<ul style="list-style-type: none"> Fissile Material Cutoff CTBT

Information CSBMs

In some ways it is surprising that relatively few of the proposals for nuclear CSBMs which have emerged in recent years can usefully be characterised as 'information CSBMs', particularly given the importance of information exchanges early in the Cold War history of confidence-building. This may, however, reflect a feeling that the global security environment is rather more mature than it was in the 1960s and 1970s.³⁶ There are three proposals, however, that are properly classified as information CSBMs, calling for the transfer or transparency of key data.

Improving Ballistic Missile Warning

The one classic information CSBM contained in the various proposals is the SCFAIT Report's call for an improvement in early warning for ballistic missile launches. In particular, it recommended a NORAD hotline to supplement Russia's early-warning capabilities, and a move to include the other three NWSs in such a system. This proposal reflects a) a concern over the Russian early-warning capability that has grown as the general infrastructure of Russia has deteriorated, and b) a recognition that NORAD membership is one of the few particular advantages Canada has in these debates. The concern over Russian early-warning has begun to be addressed, as the Committee noted, by a 1998 agreement between Russia and the United States. Under the terms of the agreement each state will give the other information about missile or other space-vehicle launches detected by its early warning system.³⁷ In addition, Russia and the United States have a hotline, established in the 1960s, precisely to reduce the risk of unintended nuclear war. Finally, in September 1999, the United States and Russia established a Centre for Year 2000 Strategic Stability (CY2KSS), based in Colorado Springs and staffed by Russians and Americans, to monitor missile launches over the Y2K transition period.³⁸ A NORAD hotline seems to be largely redundant in these circumstances.

On the other hand, efforts to include the other NWS would represent genuine advances, perhaps not so much for the direct as for the indirect effects of the move – very much in keeping with the ethos of confidence-building. The direct benefits of a ballistic missile warning system which included all five NWSs are that it would provide the highest level of assurance possible that these states were not under attack, and thus reduce the risks of inadvertent launches. In particular, in the present political context, it would provide assurances to the United States over Chinese

³⁶ The idea of 'mature' anarchy is Barry Buzan's. By 'mature', Buzan means that while states still seek their own interests, they become embedded in systems of rule-governed practices which move self-interested behaviour away from the purely conflictual. See Barry Buzan, Charles Jones, and Richard Little, *The logic of anarchy: neorealism to structural realism* (New York: Columbia University Press, 1993).

³⁷ See Craig Cerniello, "Moscow Summit Brings Two Minor Arms Control Agreements" *Arms Control Today* August/September 1998 (<http://www.armscontrol.org/ACT/augsep98/sumas98.htm>).

³⁸ See Assistant Secretary of Defense (Public Affairs) "United States and Russia Sign Joint Statement to Establishing Center for Year 2000 Strategic Stability" News Release No. 412-99, 13 September 1999, http://www.defenselink.mil:80/news/Sep1999/b09131999_bt412-99.html.

launches, and to the Chinese over Russian launches – although neither of these should be spoken of too loudly! The indirect benefits of such a joint monitoring project are perhaps even more important than the direct. Including the other NWSs in ballistic missile early warning would represent an important, practical move towards nuclear arms control that involved **all** the NWSs, rather than a fraction – usually two of the five. Given that there are direct benefits to all the NWSs, it might make sense as a first move towards a broader nuclear disarmament practice involving the five – for example, the proposed NWS transparency measures. The moment is particularly auspicious for such a move, as the CY2KSS in Colorado Springs could serve as the basis for such a facility by continuing its mandate beyond the early months of the year 2000, and inviting the other NWSs to participate.³⁹

One potential danger to this proposal should be noted. Ballistic missile launch warning systems make the world safer for nuclear deterrence. That is, with a robust early-warning system in place, there is less incentive to move to lower levels of nuclear armament. It is thus possible that a five-power system of ballistic missile warning could work against the general goal of delegitimation, and be perceived as a move toward strengthening the nuclear monopoly of the NWSs. In order to combat this problem, any ballistic missile early-warning system should be global, rather than limited to the nuclear weapon states. Not only would such a global early-warning system not fall prey to the discrimination of the NPT, but it could serve as part of the NWSs negative security assurances to the NNWSs. In this way, the move to a ballistic missile early-warning system could have important community-building consequences.

Nuclear Transparency and the Nuclear Weapons Register

There are two related proposals that emerge from the documents reviewed above concerning increased transparency among the nuclear states. *Canada and the Nuclear Challenge* recommends both that transparency be fostered among the nuclear states – particularly the three ‘secondary’ NWSs – and endorses the 1993 German proposal for a nuclear weapons register. Indeed, a nuclear arms register, which included all nuclear weapon states – official and unofficial, in other words including India and Pakistan⁴⁰ – would serve the purposes the SCFAIT report seeks. Recommendation 9 of that report, accepted by the Government, calls for the UK, France and the PRC to increase transparency on nuclear holdings, fissile materials and doctrine. Recommendation 14, seemingly accepted by the Government,⁴¹ calls for a register of nuclear weapons and fissile

³⁹In its response to the SCFAIT Report, the Canadian Government expressed its support for such a continuation and multilateralisation of the CY2KSS, and for the involvement of other states in a broad ballistic missile early warning system. Furthermore, the Canadian Government accepts the possibility of NORAD serving as the basis for such a multilateral system. (See "Government Response" point 7.)

⁴⁰ Such a register could not include Israel, at least at present, as the Israeli government has not admitted to holding nuclear weapons.

⁴¹ The government's response to this recommendation is actually rather odd: "The Government supports further transparency measures by the nuclear-weapons States that will promote reductions and the elimination of nuclear

material. Were such a register to include doctrine as well – as does the UN Register of Conventional Arms, at least on a voluntary basis – it would serve both purposes. Furthermore, a multilateral register would be more in keeping with both Canada's traditional preference for multilateral action and the general desire for the multilateralisation of the disarmament process revealed throughout the documents above.

Both of these measures, particularly if done in a multilateral framework, could have important community-building effects. Transparency has long been considered an important first step toward restraint, reduction and elimination of military capability, hence the importance of information CSBMs in the early history of Cold War confidence-building, and in the attempts to construct regional confidence-building regimes. Such openness concerning holdings and doctrine provides the raw material for debates over requirements and reductions: it allows questions to be put to the nuclear weapon states about the justification for the specific features of their holdings, rather than the fact that they hold weapons and fissile material. Done within a multilateral framework, such as a UN nuclear weapons register, it has the added community-building effect of strengthening the multilateral character of the nuclear disarmament process, in keeping with the language of Article VI of the NPT.

Such transparency measures are largely neutral on the central problem of the delegitimation of nuclear weapons as instruments of security. To the degree that they contribute to later disarmament, they are supportive of the overall aim. However, as with the UN Register of Conventional Arms, there is no necessary relationship to the delegitimation of weapons in transparency. When it works, transparency tends towards minimum arsenals, rather than disarmament. In the present context, however, even this would be an improvement.

Strategic (Declaratory) CSBMs

The second set of measures gathered from the various proposals above concern changes to the declaratory strategy of the NWSs. These are recommendations for changes to the strategic concepts within which the NWSs hold their arsenals. While traditional strategic analysts tend to be wary of declarations that are not then translated into observable behaviours (and even then if those behaviours are easily reversible), the more 'mature' the international system is considered to be, the more stock may be placed on declaratory changes.

weapons. An effective FMCT and parallel undertakings by the NWS to address stockpiles of fissile material for nuclear weapons purposes will be important practical steps towards this objective." While it does not reject the committee proposal, it shifts the discussion away from the concrete suggestion of a register to general transparency measures and a FMCT.

Security Assurances and No-First-Use

Both the NPT 'Principles and Objectives' document and the 1998 New Agenda Coalition Statement call for the security assurances provided by the NWSs in the Security Council in the run-up to the Review and Extension Conference of the NPT to be translated into legally-binding form. (The NPT document is weaker in this regard, only noting that such a legally-binding set of security assurances is one way to strengthen those provided at the Security Council.) The New Agenda Coalition, following the Canberra Commission, also proposes legally-binding no-first-use declarations among the NWSs. These proposals can be seen as both classical and community-building CSBMs. In classical terms, each of the nuclear weapon states and their allies would be legally safeguarded from a nuclear attack. Even unilateral no-first-use declarations were seen in the Cold War as important measures for the building of confidence, if not ultimately for providing security. Similar declarations enshrined in international law are that much stronger and more reliable — again, to the degree that states accept that we are in conditions Buzan describes as mature anarchy. In community-building terms, these measures are equally, if not more, important. Negative security assurances have been accorded a symbolic status similar to that of the CTBT in discussions of the NPT. Thus, even if they were strategically meaningless (which I would never argue), legally-binding security assurances and no-first-use declarations would be powerful symbols of the NWSs commitment to fulfilling their Article VI obligations.

These two proposals also fit together, particularly in light of the common limitation on negative security assurances that they do not apply to NNWSs in any form of alliance with a NWS. Thus legally-binding negative security assurances of this type, together with legally-binding no-first-use declarations, would create the condition in which the only lawful use of nuclear weapons would be in response to a nuclear attack. This combination of measures would therefore be a dramatic advance in the delegitimation of nuclear weapons as instruments of security. The effect would go beyond the conclusion of the ICJ in its advisory opinion on the legality of nuclear weapons. The ICJ decision left open the possibility that nuclear weapons were legal in cases in which the survival of the state is in question. While clearly a strategic nuclear attack would meet this condition, it is conceivable that a state might find itself — and certainly might perceive itself — to be under such a threat even if it had not been subject to nuclear attack.

Legally-binding negative security assurances and no-first-use declarations are, therefore, to be highly valued in terms of the delegitimation of nuclear weapons as instruments of security. This combination of measures would mean that there are **no circumstances in which nuclear war could be legal**. This is not to say that there would be no circumstances in which nuclear use would be legal. Rather, the only legal use of nuclear weapons would be in response to a prior, illegal use of those weapons. This contrasts, for example, with the characteristics of the nuclear forces in NATO's 1999 Strategic Concept which continues to consider nuclear weapons as a possible response to any form of aggression, or, in other words, as a central instrument of the Alliance's military security.

The contradiction between the 1999 Strategic Concept and the effect of binding security assurances and no-first-use declarations demonstrates the need to consider changes to NATO's

nuclear posture, as called for by the SCFAIT report. Such changes can be seen as community-building CSBMs insofar as they restrict the scope of nuclear weapons as instruments for security in NATO and the United States. They are sufficiently important, that I will defer consideration of such changes until I have discussed the rest of the measures proposed above.

An Explicit Timeframe for Nuclear Disarmament (Nuclear Weapons Convention)

Canada and the Nuclear Challenge calls for the Canadian government to support moves for the negotiation of a nuclear weapons convention. This can be seen as a more institutionalised version of the longstanding call by India and other Non-Aligned states for an explicit timetable for nuclear disarmament, and an even higher hurdle to leap. Any Nuclear Weapons Convention would necessarily enshrine a staged process of denuclearisation leading to eventual disarmament. A timetable which was not enshrined in a treaty would merely presuppose the kinds of negotiation which produced the Convention. Therefore, the two can be treated as one.

The Canadian government has rejected this recommendation as premature, and it is interesting that none of the other proposals reviewed here call for a disarmament timetable. Taking this position, both the Canadian government and the authors of the various proposals are correct, in terms of reading the political climate of the times. In conditions in which, to take an important example, neither India nor the United States can ratify the CTBT, it is not possible to foresee the early conclusion to a nuclear weapons convention. Calls for beginning negotiations on a nuclear weapons convention are liable only to distract attention from more limited measures which might presently be achievable. What is more, these calls might also alienate major players to the point that such limited measures would no longer be feasible.

There is a danger in this position, however. There has been a marked tendency on the part of the NWSs to commit to nuclear disarmament, but only in the long term – a term which never arrives. For example, David Yost has written in a recent Adelphi Paper: "The consensus in official circles appears to be that, while nuclear disarmament remains an ultimate goal in conjunction with general disarmament, in the foreseeable future nuclear deterrence will remain valuable for Western security."⁴² Certainly, the analysis above of the NATO Strategic Concept bears out this point. It is for precisely this reason that India has repeatedly demanded a timetable, so that the platitudinous commitment to disarmament will be replaced with a meaningful one. While the Indian argument is undeniably sound, the goal of nuclear disarmament must be approached in a staged manner, and the stage of a final treaty on nuclear disarmament is not yet upon us – unfortunately.

⁴² David Yost, *The US and Nuclear Deterrence in Europe*, Adelphi Paper 326 (London: Oxford for the IISS, 1999, p. 44.

Strategic (Operational) CSBMs

Operational confidence-building measures concern changes to the deployment and operational practices of, in this case, nuclear weapons. Operational CSBMs have the advantage over Declaratory CSBMs of being more open to observation and verification. While this advantage will tend not to be of great relevance to the NNWSs calling for the delegitimation of nuclear weapons, it is important to ensuring the participation of the United States, at least, in the development of any such CSBMs. The Operational CSBMs suggested in the various documents surveyed above fall into three general types. The first is further negotiated arms reduction agreements, both between the US and Russia, and among all the NWSs. The second concerns deployment strategies, in particular the withdrawal of non-strategic (so-called tactical and battlefield) nuclear weapons from active deployment. The third set of proposals are those for the de-alerting/de-mating of strategic nuclear weapons.

Negotiated Arms Reductions

The Canberra Commission, the New Agenda Coalition and the SCFAIT Report all call for further negotiated arms reductions between Russia and the United States and for the other NWS to be brought into the arms reduction discussions.⁴³ While the NPT does not explicitly call for such negotiations, both are implicit in the language of Article VI and, in conditions in which a nuclear weapons convention is not immediately possible, such negotiations represent the most pragmatic approach to real disarmament. It is worth noting, however, that negotiated arms reductions are not generally considered to be confidence-building measures. Raising them in the context of a discussion of confidence-building, however, can lead us to ask slightly different questions about such negotiations than are common, questions about the confidence-building effect of actual disarmament measures.

The first point to raise is the effect on the other three (or five) nuclear weapon states of further negotiated reductions in Russian and US arsenals. To the degree that any other nuclear weapon state feels threatened by the arsenals of the former superpowers, such negotiated reductions will have a direct, security-building effect, making reductions in their own arsenals more likely. This should mean that renewed reductions in the Russian and American arsenals will increase the likelihood of Chinese reductions. Similarly, India has long tied its willingness to relinquish its nuclear capability to disarmament among the NWSs, and so further US-Russian reductions can only assist in bringing about Indian disarmament. The situation for the UK and France is rather more ambivalent. The European NATO allies have traditionally been supportive of superpower arms reductions, while at the same time expressing concerns that such reductions do not effect the decoupling of the United States from NATO Europe. Given the continued emphasis on that coupling

⁴³ In its response to the SCFAIT Report, the Canadian Government largely endorsed the Committee's position, supporting both the continued START process between Russia and the United States and the incorporation of the other NWSs into future arms reduction discussions.

in the recent Strategic Concept, the ambivalence towards further Russian and American reductions must remain. However, it is likely that domestic and pan-European political pressures for Anglo-French reductions would grow if the United States and Russia embarked on another round of deep cutting to their nuclear arsenals.

The second point that emerges from viewing arms reduction through the confidence-building lens concerns the effect of the three secondary NWSs joining the Russians and Americans in a disarmament process. When negotiated arms reduction is considered as a disarmament, rather than a confidence-building measure, moves to include the UK, France and China are seen as of minor importance. In relation to the arsenals of the former superpowers, these secondary NWS arsenals have been considered too small to make a substantial difference to aggregate reductions. Seen through a confidence-building lens, however, the question of relative size loses most of its importance. In terms of confidence-building, the important question is whether a measure is seen to be fulfilling the NWSs Article VI obligations, and particularly whether it contributes to the delegitimation of nuclear weapons as an instrument of security. Through this optic, having the three secondary NWSs join Russia and the United States in arms reduction is much more important. Such negotiations would clearly indicate a practical willingness to fulfil the obligations of Article VI, and so would serve the community-building function of CSBMs. Put more simply, if the time is not right for a broad nuclear weapons convention, then the next best thing is a nuclear arms reduction process that includes all the nuclear weapon states.

The last point raises the difficult question of how to treat India and Pakistan. Logically, a process of multilateral nuclear disarmament should aim to include all states with nuclear weapons. The political problem is clear, however: including India and Pakistan in a nuclear arms reduction negotiation with the five acknowledged nuclear weapon states would be tantamount to recognising their status as NWSs, which only France among the NWSs **might** be willing to concede. While ultimately it will be necessary to engage with India and Pakistan – perhaps even in terms of nuclear weapon states – for the time being it is best to begin by excluding them from a process which would be limited to the five NWSs. This could be done by housing the negotiations within the NPT Review framework, rather than either as autonomous negotiation or in the CD. Autonomous discussions would make the exclusion of India and Pakistan clear and potentially galling – at least to the Indians. Housing the negotiations in the CD would make excluding India all but impossible, and turn the discussions into a negotiation on a nuclear weapons convention. The NPT Review process, on the other hand, necessarily excludes India and Pakistan, and does so through their own choice in not joining the NPT. Furthermore, it is clearly justifiable to fulfil the commitments of Article VI within the review process. Finally, such a negotiation would substantially enhance the standing of the NPT Review process, which would in turn tend to community-building among the NNWSs.

De-alerting / De-mating

The New Agenda Coalition followed the Canberra Commission Report in recommending the removal of strategic nuclear weapons from alert status (de-alerting), and furthermore the physical removal of warheads from nuclear-tipped missiles (de-mating):

"Terminating nuclear alert would reduce dramatically the chance of an accidental or unauthorised nuclear weapons launch. It would have a most positive influence on the political climate among the nuclear weapon states and help set the stage for intensified cooperation. Taking nuclear forces off alert could be verified by national technical means and nuclear weapon state inspection arrangements. In the first instance, reductions in alert status could be adopted by the nuclear weapon states unilaterally.

The physical separation of warheads from delivery vehicles would strongly reinforce the gains achieved by taking nuclear forces off alert. This measure can be implemented to the extent that nuclear forces can be reconstituted to an alert posture only within known or agreed upon timeframes, much as is the case with bomber forces today. Adequate response to nuclear threats would remain certain, but the risk of large scale preemptive or surprise nuclear attack and the imperative for instantaneous retaliation would be obviated. Further, the barriers against inadvertent or accidental use would be greatly strengthened. The range of verification procedures which are already in place between the United States and Russia could likely be applied as the basis of a regime to ensure that no state would have a meaningful advantage in terms of the ability to reassemble its nuclear force for a first strike capability."

De-alerting and de-mating can usefully be considered as part of a single measure – as the Canberra Commission notes, de-mating would ‘strongly reinforce’ de-alerting.⁴⁴ The goal of such a measure is to remove strategic nuclear weapons as far as possible from active alert status – in other words, to increase the time and effort necessary to launch a strategic nuclear weapon. The most important concrete example we have of a de-alerting measure is the decision to remove US and Russian bombers from alert status, and the subsequent unloading and storage of the bombs from the planes (a de-mating measure). It is possible to consider the 1994 agreement between Russia and the United States to stop aiming their strategic missiles at each other as a de-alerting measure, but the real effect is minimal because of the amount of time it takes to reload targeting computers.⁴⁵

The limitations of the de-targeting agreement point to the importance of de-mating for effective de-alerting. De-mating nuclear warheads from nuclear missiles presents a real, physical obstacle to the rapid launch of nuclear missiles. It does not make it impossible, by any means, but

⁴⁴ In its response to the SCFAIT Report, the Canadian Government endorsed proposals for both de-alerting and de-mating. See the response at point 5.

⁴⁵ See Bruce G. Blair, Harold A. Feiveson and Frank von Hippel, "Taking Nuclear Weapons off Hair-Trigger Alert", *Scientific American* (<http://www.sciam.com/1197issue/1197vonhippel.html#link2>)

rather increases the time it would take for a nuclear weapon to be prepared for launch. It has the added bonus of being the most readily verified de-alerting measure.

The proponents of de-alerting often follow the Canberra Commission and tie it to the reduction in the likelihood of accidental war – removing nuclear weapons from the ‘hair trigger’ as a recent *Scientific American* article puts it.⁴⁶ While this is almost certainly true, it is also probably irrelevant and serves as a potential point of purchase for opponents to delegitimise the proposals.⁴⁷ It is true that any increase in the steps needed to prepare a missile for launch reduces the chances of accident; it is irrelevant because the key to de-alerting is what the Canberra Commission calls the positive influence on the political climate: in other words, its confidence-building effect.

Genuine de-alerting, principally de-mating, would serve to draw nuclear weapons further back from being an instrument of routine security. By making nuclear weapons more difficult to launch, de-alerting and de-mating make nuclear weapons more obviously weapons for extreme circumstances. Such an effect will both improve the security situation of any potential adversary of a nuclear weapon state, and serve to delegitimise nuclear weapons as instruments of routine state security. Thus, de-alerting functions as both a classical and community-building CSBM.

There is one potential danger with de-alerting that is worth raising. Because it has the effect of making nuclear weapons more obviously weapons of extreme circumstances, if not last resort, the act of re-alerting these weapons becomes more symbolically potent. A move by a NWS to put its weapons on alert, by re-mating the warheads, for example, would be particularly provocative. This problem has been raised, for example, by US Senator Bob Smith. "The very act of restoring de-alerted forces to a higher alert status would be viewed as provocative and destabilizing. Thus, de-alerting should be considered a permanent act of disarmament...."⁴⁸ Smith is overstating the case to argue that de-alerting is a permanent act of disarmament; weapons taken off alert are not destroyed, and so can be reactivated. However, the perceptions to which he refers mean that, even more than the physical limitations to launching imposed by de-mating, the political limits are raised by de-alerting weapons. This suggests both that de-alerting is a particularly important measure, and that there will be notable political obstacles to achieving it.

Overcoming the political obstacles represented by Smith's statement, and by the Bailey and Barish article reporting it, requires a shift in the language in which de-alerting and de-mating are

⁴⁶ Blair, Feiveson and Hippel, "Taking Nuclear Weapons off Hair-Trigger Alert".

⁴⁷ Kathleen Bailey, a leading commentator on nuclear issues and a former member of ACDA, for example, in a paper she co-wrote for Lawrence Livermore and which has subsequently been published by *Comparative Strategy* bases much of her opposition to de-alerting on the argument that Russian command and control are much more robust than many in the West give them credit. See Kathleen Bailey and Franklin Barish, "De-alerting of US Nuclear Forces: A Critical Appraisal" (<http://nuclear-security.com/de-alerting.htm>).

⁴⁸ Quoted in Bailey and Barish, "De-alerting of US Nuclear Forces."

considered. The argument that Bailey and Barish make, for example, is firmly rooted in the logic of Cold War deterrence theory. Thus they conclude:

"There are a host of problems associated with de-alerting, including, increased incentive for pre-emption, lack of verifiability, increased instability during crises, and incentives for a 'regeneration race.' Most importantly, de-alerting diminishes the effectiveness of the nuclear deterrent by reducing survivability."⁴⁹

This passage, as does the article from which it was taken, reads like something out of a strategic studies text from 1980. Talk of pre-emption, verifiability, crisis instability and arms races assumes the continued presence of a large, nuclear-armed adversary. Survivability, in particular, assumes an adversary with a nuclear arsenal large enough to threaten a substantial portion of the US nuclear missile force. Such arguments seem plainly anachronistic, but they still have some potency, particularly in the United States. For these reasons, it would be as well to couch arguments for de-alerting in language other than that of Cold War deterrence theory. This is the problem, for example, with defending de-alerting and de-mating in terms of accidental nuclear war. De-alerting is about the transformation of the strategic environment such that 'incentives for pre-emption', 'crisis instability', 'survivability' and even 'accidental war' are no longer the issue. Such a result would build tremendous confidence, and be firmly in keeping with the need to delegitimise nuclear weapons.

Proponents of de-alerting and de-mating must, therefore, adopt an alternative language when framing their arguments. The ICJ has provided the possibility of such an alternate language in its judgement on the legality of the threat or use of nuclear weapons. As I argued above, the Court's judgement can be read as outlawing strategies of general deterrence because these strategies threaten the use of nuclear weapons when the survival of the state is not at stake. Nuclear weapons that are kept on alert, with their warheads mated to the delivery system, implicitly project a general deterrent threat. De-alerting and de-mating make it possible for strategic nuclear weapons to be reserved for those circumstances in which extreme measures are warranted – and might even be legal in the terms set out by the ICJ. Therefore, arguments in favour of de-alerting and de-mating should be made in terms of the legal uses of nuclear weapons, rather than in terms of the dangers of accidental nuclear war. These legal arguments tend to undermine the very claims to Cold War deterrence theory to which opponents of de-alerting and de-mating can appeal to in response to the accidental war arguments.

Removing Non-Strategic Weapons from Deployment

As with the suggested de-alerting/de-mating of strategic nuclear weapons, the Canberra Commission was followed by the New Agenda Coalition in recommending the removal of non-strategic weapons from deployment. In fact, the logic of the two positions is closely tied, as the

⁴⁹ Bailey and Barish, "De-alerting of US Nuclear Forces."

removal of tactical nuclear weapons from deployment can be seen as the functional equivalent of de-alerting strategic arms. This is a point made by the Canberra Commission in its succinct defence of such a measure:

"The nuclear weapon states should unilaterally remove all non-strategic nuclear weapons from deployed sites to a limited number of secure storage facilities on their territory. This would be a logical follow-on to the 1991 unilateral declarations of the United States and the Soviet Union, whereby each pledged to remove all non-strategic nuclear weapons from ships and submarines and store them on shore. As regards NATO, with the dissolution of the Warsaw Pact and all that has followed in its wake, the nuclear threat long felt by the alliance has evaporated. United States tactical nuclear weapons deployed in Western Europe serve no security purpose. To the contrary, they send a subtle but unmistakable message that Russia is still not to be trusted, thus feeding the fears that NATO harbours aggressive designs against it. These nuclear weapons can be returned to US territory and stored so that, much like strategic forces removed from alert, they can not be readily redeployed."

The confidence-building features of this proposal are readily seen. In a classical sense, the removal of tactical weapons, particularly from Europe, serves much the same function as conventional moves towards non-offensive defence. In the present context, it serves as a gesture of trust in Russia, against whom the weapons were originally deployed. In terms of community-building, such measures have the effect of denuclearising routine security policy, and thus tending to the delegitimation of nuclear weapons. While tactical weapons are deployed, particularly while they are deployed on the territory of non-nuclear allies, they appear to be weapons of early resort, if not first resort. Once they are placed into secure storage, they become weapons to be used only in extreme circumstances.

The greatest single obstacle to such a measure, as implied by the Canberra Commission, is the continued place of tactical nuclear weapons in ensuring the transatlantic link of NATO. Once again, the discussion returns to the NATO Strategic Concept and highlights once more the importance of effecting change in NATO strategy.

Strategic (Technology) CSBMs

The final category of CSBMs raised in the various proposals are those putting limits on the technology of nuclear arms. Again, a number of these are generally not considered as confidence-building measures, but rather as arms control, disarmament or non-proliferation measures. As with the discussion of nuclear arms reductions above, however, thinking about them in terms of confidence-building allows us to ask different questions about their effects.

Comprehensive Nuclear Test-Ban Treaty

The CTBT would not conventionally be considered a CSBM, and yet it has even classical confidence-building features. The CTBT can be seen in two distinct ways, as an instrument of proliferation control and as one of disarmament.⁵⁰ As an instrument of proliferation control, the CTBT makes it more difficult for a state to develop nuclear weapons. To the degree that this is true, it should improve the confidence of states such as the US which are concerned about the possibilities of 'rogue states' and 'nuclear outlaws' threatening their security and requiring the retention of a nuclear capability.⁵¹ As a disarmament treaty, the CTBT makes difficult the further development and refinement of nuclear warheads, and might undermine the confidence of NWSs in their arsenals (although this latter effect has largely been rendered moot by virtual testing). To the degree that the disarmament function holds true, the CTBT provides a legislated guarantee against arms racing, a classic security-building function.

In the present context, however, it is the community-building function of the CTBT that is paramount, and that accrues not from the technical features of the treaty, but from the political symbolism which has been attached to it. The CTBT has come to be regarded as the most important indicator of good faith in relation to Article VI of the NPT. The text of the NPT itself calls for a ban on testing, and the call has been reiterated by each of the Review conferences, up to and including the 1995 Review and Extension conference. Indeed, the 1996 agreement to a CTBT was largely the result of the pressure exerted by the possibility of the 1995 conference reaching a conclusion other than indefinite extension.

As important as the CTBT is to the future of the NPT, the nonproliferation regime more broadly, and the process of nuclear disarmament (not necessarily in that order), there is not a great deal that can be done directly to bring it into force at this time. The entry-into-force requirements for the Treaty are very stringent, requiring ratification by 44 states named in an appendix to the text. The 44 are those members of the Conference on Disarmament which also have the technological capability to produce nuclear explosives, importantly including India, Pakistan, Iraq, North Korea, and, of course, the United States. The conclusion that entry-into-force is not imminent is reinforced by the platitudes gathered together as the final declaration of the recent conference of CTBT signatories designed to further the process of entry-into-force. The twelve points can be boiled down to one: a request that those states among the 44 who have not yet signed and ratified the treaty please do so. The US Senate has made it quite clear that it does not intend to ratify the CTBT, at least in the present constitution of the Senate; India has linked its accession to the CTBT to a more far-reaching disarmament agenda. The US position means that there will be little or no movement until

⁵⁰ For the difference between these two views of the CTBT, and their importance in the history of the test ban debate, and broader agenda of proliferation control, see Mutimer, "Testing Times".

⁵¹ For a discussion of the role of 'rogue states' in the redevelopment of American security doctrine following the Gulf War, see Klare, *Rogue States and Nuclear Outlaws*, and for a different take on the same theme, see Mutimer, *The Weapons State*, particularly chapter 5.

after the 2000 elections. On the other hand, the Indian position suggests that advances on nuclear disarmament in other areas – areas such as those discussed in this report – might produce the conditions for India's (and thus Pakistan's) accession to the CTBT. Thus, while little can be done directly for the CTBT, much might be accomplished indirectly.

Fissile Materials Cutoff Treaty

In addition to the CTBT, the NPT 'Principles and Objectives' document singled out a second multilateral measure which could advance the disarmament agenda: a fissile materials cutoff.⁵² As with the CTBT, an FMCT can be seen to have some classical confidence-building functions, but the importance of the treaty lies in its creation of community confidence. In essence, an FMCT would involve a declaration by the NWSs of their stocks of fissile materials for weapons, and the adoption of full-scope safeguards. The NWSs would then be under the same inspection regime as the NNWSs, but would legally hold a set amount of fissile material for weapons purposes.

The community-building effect of an FMCT stems as much from the real effects of the treaty as from the symbolic importance it has gained by often being mentioned together with the CTBT as a gesture of good faith.⁵³ The principal objection of NNWSs to the NPT – and of those like India which refuse to join – is the discriminatory character of the Treaty. NNWSs must forego nuclear weapons development, and sign full scope safeguards agreements. NWSs may hold nuclear weapons, and need not sign safeguards agreements (although all five have signed voluntary safeguards agreements, excluding their nuclear weapons production facilities). An FMCT would not entirely eliminate this inequity, but it would reduce it by preventing the further development of fissile material for weapons purposes, and bring the NWSs into the mandatory safeguards regime with the other Parties to the NPT.

⁵² In its response to the SCFAIT Report, the Canadian Government reaffirmed its commitment to a FMCT. This is a longstanding commitment on the part of Canada, as Canada took a lead in initiating discussions on a FMCT in the CD. The Government of Canada has also proposed that the NWSs as well as India and Pakistan declare a moratorium on the production of fissile material for nuclear weapons, pending the negotiation of an FMCT. See the Canadian Government Response, at points 10 and 14.

⁵³ Indeed, part of the conflict over the CTBT which has largely prevented its entry into force is the fact that its disarming potential seems to have been subverted, in part at least by the development of virtual testing which appears to remove the safety and reliability concerns which plagued discussions on CTBT in the United States throughout the Cold War. Of course, it is precisely these concerns which make the CTBT valuable to proponents of disarmament: if a CTBT undermines the confidence NWSs have in the safety and reliability of their weapons, it will ultimately lead to nuclear disarmament.

The New Model Protocol (INFCIRC/540 [Corrected])

IAEA safeguards are at the heart of the NPT's approach to the control of nuclear proliferation. The discoveries of the UN Special Commission in Iraq, however, suggested that the safeguards system was not as robust as had been previously assumed. This is not to say the safeguards system failed, but rather that there were large gaps in its coverage through which a state determined to build nuclear weapons could operate undetected. In order to solve this problem, the IAEA has developed a new set of safeguarding protocols, INFCIRC/540 (Corrected), to add to the existing safeguarding arrangements.⁵⁴ The new protocols extend the purview of IAEA inspections beyond facilities in which nuclear material is used, and allow for short-notice access to facilities which could, but are not supposed to, contain such material to ensure that nuclear material has not been introduced to evade inspection.

Canada and the Nuclear Challenge recommended that the government promote the adoption of the new protocols. Universal adherence to the protocols – even adherence by all the NNWS Party to the NPT – would serve an important, classical confidence-building function. Again, this result is most clearly seen in relation to the US 'Rogue Doctrine', in which the threat is of 'rogue states' modelled closely on Iraq. INFCIRC/540 agreements make it much more difficult for a NNWS Party to the NPT to develop nuclear weapons undetected, and thus reduce the threat such a possibility poses to the NWSs in general, and to the United States in particular. Furthermore, the confidence-building functions of the new protocols would be greatly enhanced were they married to an FMCT, so that the NWSs (and nuclear weapons capable states not Party to the NPT) were covered not only by full-scope safeguards but by the new protocols.

The Canadian government response to the SCFAIT report was ambivalent on this point. It did not accept the suggestion that states be required to adopt the new protocols as a precondition for any new bilateral nuclear cooperation agreements. Rather, the government's response pointed out that Nuclear Cooperation Agreements were required, and were verified by IAEA safeguards. There seems little reason for the government's hesitation on this point, and the Canadian position should probably be revised to come in line with the Committee's recommendation. However, until an FMCT is concluded, the new protocols will do little to advance the cause of the delegitimation of nuclear weapons as instruments of security.

⁵⁴ The IAEA reports that as of 10 December 1999, the Board had approved 46 agreements based on INFCIRC/540, 45 of those have been signed by the states involved, and seven have entered into force. Canada's agreement was approved and signed on 24 September 1999, but the protocols have yet to enter into force.

Ensure the Integrity of the ABM Treaty

The *Canberra Commission Report*, alone among the documents reviewed above, stressed the importance of maintaining the integrity of the ABM Treaty. Again, the ABM has never been considered a CSBM, but it does have important confidence-building functions. Those functions, however, presuppose a situation akin to the Cold War. Given the Soviet-American arms race, ballistic missile defences (BMD) were profoundly problematic. If successful, BMD undermines the basis for mutual deterrence on which Cold War superpower security was seen to rest. Even if the BMD appears capable only of substantially degrading opponents' nuclear forces, there would be a tremendous incentive to increase both the numbers and capabilities of opposing nuclear forces to overwhelm the defences. In other words, in a condition in which a nuclear arms race is a possibility, BMD introduces powerful arms-race instabilities.

As I noted above with reference to the arguments opposed to de-alerting, we should be very careful when importing arguments based on a Cold War logic to the present situation. Nevertheless, there are two reasons to accept the Canberra Commission's argument that the ABM Treaty must be maintained. The first is that even in a condition in which the only ballistic missile threat is of a small number of launches by an opponent with a limited arsenal, building anything less than a global BMD introduces inequities. The United States, for example, is not likely to be the primary target of such limited attacks, and yet it is the United States which will deploy BMD. Secondly, and more importantly, the symbolism attached to the ABM makes any move by the United States, in particular, to eviscerate the Treaty very problematic. Any deployment of a US BMD system in contravention of the spirit of the ABM would be interpreted widely as an attempt to reinforce the potency of the US nuclear arsenal in face of nuclear reductions, and would therefore tend to reinforce American commitment to its nuclear weapons as instruments of its security.

Finally, and perhaps of greatest significance, the end of the ABM might also spell the end of the wider processes of nuclear arms control and disarmament. It is likely to prove very difficult indeed to convince Russia to continue the negotiated dismantling of its nuclear weapons should the United States abrogate the ABM. For instance, in September 1999, Russian Foreign Minister Igor Ivanov stated in answer to a question about the ABM:

"On the one hand it is absolutely clear that one should continue with the process of reducing strategic arms. I here would like to stress once again that the leadership of Russia is a staunch supporter and has all intentions to see the START II treaty ratified and to launch the negotiating process in connection with START III. We believe it quite realistic to reach considerably lower level of nuclear weapons. And regarding the ABM Treaty, as Secretary Albright has just mentioned, it represents a core of the strategic stability. Should this core be disrupted, the strategic stability could also be disrupted. That is why we attach such great importance to the issue."⁵⁵

⁵⁵ "Secretary of State Madeleine K. Albright and Russian Foreign Minister Igor Ivanov Joint Press Availability, Stamford Plaza Hotel Auckland, New Zealand, September 10, 1999". US Department of State (<http://www.state.gov/>)

While Ivanov did not directly threaten the START process should the ABM be undermined by the United States, the implication seems quite clear. Similarly, China has linked the ABM to strategic stability, and opposes the deployment of advanced ballistic missile defences in a national, rather than a theatre, missile defence system.⁵⁶ Thus the continued development of BMD in such a way that it undermines the ABM Treaty poses a serious risk to the continued development of the nuclear arms control and disarmament process.

Canada is in a crucial position in relation to BMD, because of its membership in NORAD. Any BMD deployment will have implications for NORAD, and so Canada is in a unique position to influence the United States in its decision on missile defence. It seems clear that the Canadian is committed, at present, to supporting the ABM within the context of a North American BMD. In October, Foreign Minister Axworthy recently remarked: "Both Russia and the United States say [the ABM Treaty] is the cornerstone of strategic stability. It should not be undermined with changes that are incompatible with its intent. In the effort to accommodate the possibility of an eventual National Missile Defence, great care should be taken not to damage a system that, for almost 30 years, has underpinned nuclear restraint and allowed for nuclear reductions."⁵⁷ However, the strength of this commitment is questionable, given that Canada abstained from a resolution in the 1999 UN General Assembly calling for the preservation of and compliance with the ABM Treaty.⁵⁸

Revising NATO Nuclear Strategy

There is a common theme running throughout this report: the heart of any advance in the disarmament agenda to shore up the NPT, and thus the broader nonproliferation regime, is the delegitimation of nuclear weapons as instruments of security. Of primary importance in this regard is the nuclear policy of the United States and of NATO. While NATO continues to place nuclear weapons at the heart of its security policy, it is difficult for its members to argue that other states should not have the right to acquire nuclear weapons to protect their own security. Because NATO is seen as the leading global military organisation, and furthermore contains three of the five NWSs, including the United States, the position of NATO on nuclear weapons is magnified. It is for these reasons that I have withheld consideration of NATO strategy to the end of this discussion of possible measures. The denuclearisation of NATO strategy is both the most important possible, immediate

[www/global/arms/speeches/albright/albright_990910.html](http://www.global/arms/speeches/albright/albright_990910.html))

⁵⁶ "Arms Control Official on Theatre Missile Defensive (TMD)" Federation of American Scientists (<http://www.fas.org/nuke/control/abmt/news/991125-prc-tmd.htm>).

⁵⁷ "Notes for an Address by the Honourable Lloyd Axworthy Minister of Foreign Affairs to Accept the Endicott Peabody Award" DFAIT Statement 99/54, October 22 1999, (http://198.103.104.118/minpub/Publication.asp?FileSpec=/Min_Pub_Docs/102764.htm).

⁵⁸ "General Assembly Calls For Strict Compliance With 1972 ABM Treaty, as it Adopts 51 Disarmament, International Security Texts" Annex V, Press Release GA/9675, 1 December 1999 (<http://www.un.org/News/Press/docs/1999/19991201.ga9675.doc.html>).

nuclear CSBM and the one of central relevance to Canada.

The 1999 Strategic Concept retains nuclear weapons as a cornerstone of NATO security policy, because: "the Alliance's conventional forces alone cannot ensure credible deterrence. Nuclear weapons make a unique contribution in rendering the risks of aggression against the Alliance incalculable and unacceptable. Thus, they remain essential to preserve peace." With the Cold War having ended almost ten years ago – almost exactly ten years ago, if dated from the fall of the Berlin Wall – and with the commitments under Article VI of the NPT renewed and reaffirmed almost five years ago, this posture is entirely unacceptable. It represents precisely the sort of northern, western arrogance that threatens to unravel the nuclear nonproliferation regime, and the wider efforts at arms control and nonproliferation which have been built on the NPT's foundation. If nuclear weapons provide a unique contribution to the security of NATO, such that they are essential to preserving peace, why are they not available to everyone?

The first step towards the complete denuclearisation of NATO's security policy – assuming that its immediate denuclearisation is politically unfeasible – is to disconnect nuclear weapons from the routine security policy of the alliance. Pending the complete nuclear disarmament promised in Article VI, NATO's nuclear weapons should be retained solely as weapons of last resort, in keeping with the advisory opinion of the ICJ. They should no longer provide the 'supreme guarantee' of NATO security. In terms of NATO's declaratory strategy, this change would entail a strong no-first-use declaration – ideally as part of the kind of legally-binding instruments discussed above. A strong no-first-use declaration would end NATO's strategy of general nuclear deterrence, a strategy seemingly outlawed by the ICJ's 1996 ruling. Operationally, such a change would mean removing nuclear weapons from the routine practices of the alliance, by deploying nuclear weapons only in the territories of the three NWSs. This change would involve removing the nuclear umbilical cord between the United States and NATO-Europe; but unless the European states seriously believe that a Russian assault across the north German plain, perhaps accompanied by the summary destruction of Paris and Berlin, is a possibility worth building a strategy around, then the time has come for such a break.

This kind of change to NATO's nuclear strategy could be effected through a relatively small series of changes to the strategic concept. What is more, there is a warrant for such changes in the Summit Communiqué which accompanied the 1999 Strategic Concept. In paragraph 32, the North Atlantic Council wrote: "In the light of overall strategic developments and **the reduced salience of nuclear weapons**, the Alliance will consider options for confidence and security building measures, verification, non-proliferation and arms control and disarmament." [Emphasis added.] The central argument of this report is that one, if not the most important of the confidence and security building measures presently imaginable is the alteration of the NATO Strategic Concept. The following is a proposed set of the changes which would be required:

In the section concerning 'Security Challenges and Risks', paragraph 2 presently reads:

"The existence of powerful nuclear forces outside the Alliance also constitutes a significant factor which the Alliance has to take into account if security and stability in the Euro-Atlantic area are to be maintained."

To this paragraph should be added:

"The Alliance is committed to eliminating this risk through the fulfilment of the commitment to global nuclear disarmament made by all Allies in signing the NPT and reaffirmed at the time of its indefinite extension."

In Part IV, Guidelines for Alliance Forces: Principles of Alliance Strategy, the second paragraph includes the following sentence: "The presence of United States conventional and nuclear forces in Europe remains vital to the security of Europe, which is inseparably linked to that of North America." This sentence should be changed to read: "The presence of United States military forces in Europe remains vital to the security of Europe, which is inseparably linked to that of North America."

Ideally, paragraph 6 of the same section should be eliminated entirely. As an interim measure, paragraph 6 should be replaced as I propose below. The following shows present text together with my proposed alternative text:

Present Paragraph 6	Proposed Alternative Text
To protect peace and to prevent war or any kind of coercion, the Alliance will maintain for the foreseeable future an appropriate mix of nuclear and conventional forces based in Europe and kept up to date where necessary, although at a minimum sufficient level. Taking into account the diversity of risks with which the Alliance could be faced, it must maintain the forces necessary to ensure credible deterrence and to provide a wide range of conventional response options. But the Alliance's conventional forces alone cannot ensure credible deterrence. Nuclear weapons make a unique contribution in rendering the risks of aggression against the Alliance incalculable and unacceptable. Thus, they remain essential to preserve peace.	To protect peace and to prevent war or any kind of coercion, the Alliance will maintain conventional forces based in Europe and kept up to date where necessary, although at a minimum sufficient level. Taking into account the diversity of risks with which the Alliance could be faced, it must maintain the forces necessary to ensure credible deterrence and to provide a wide range of conventional response options. The Alliance is committed to providing for its deterrence and military response needs with conventional forces, as part of a global process of nuclear disarmament to which all allies have committed through their adherence to the NPT. Until this process is complete, the nuclear forces of the Alliance remain essential to preserve peace.

The key paragraph, paragraph 3, of the 'Guidelines for an alliance force posture' should have a subparagraph added which would read:

Until such time as nuclear forces are removed from the Alliance force posture, such forces will be based only on the territory of the three Nuclear Weapon State Allies.

Finally, the section entitled 'Characteristics of Nuclear Forces' should ultimately be eliminated. However, in the interim the text must be entirely reworked, rather than retained almost unchanged from the Cold War. Here is a suggestion for such a reworked text, together with the present text for comparison:

Present Text

1. The fundamental purpose of the nuclear forces of the Allies is political: to preserve peace and prevent coercion and any kind of war. They will continue to fulfil an essential role by ensuring uncertainty in the mind of any aggressor about the nature of the Allies' response to military aggression. They demonstrate that aggression of any kind is not a rational option. The supreme guarantee of the security of the Allies is provided by the strategic nuclear forces of the Alliance, particularly those of the United States; the independent nuclear forces of the United Kingdom and France, which have a deterrent role of their own, contribute to the overall deterrence and security of the Allies.

2. A credible Alliance nuclear posture and the demonstration of Alliance solidarity and common commitment to war prevention continue to require widespread participation by European Allies involved in collective defence planning in nuclear roles, in peacetime basing of nuclear forces on their territory and in command, control and consultation arrangements. Nuclear forces based in Europe and committed to NATO provide an essential political and military link between the European and the North American members of the Alliance. The Alliance will therefore maintain adequate nuclear forces in Europe. These forces need to have the necessary characteristics and appropriate flexibility and survivability, to be perceived as a credible and effective element of the Allies' strategy in preventing war. They will be maintained at the minimum level sufficient to preserve peace and stability.

Proposed Alternative Text

1. All of the members of the Alliance have committed themselves, as states party to the NPT, to nuclear disarmament. The fundamental purpose of the nuclear forces of the Allies is political: to preserve peace and prevent coercion and any kind of war. Until such time as the disarmament commitments of the NPT are achieved, the Allies' nuclear forces will continue to fulfil an essential, deterrent role.

2. In keeping with the Allies' commitment under Article VI of the NPT, reaffirmed in 1995, in "Principles and Objectives for Nuclear Non-proliferation and Disarmament", adopted by the states Party to the NPT, including all members of the Alliance, while the Alliance continues to maintain a strategy of deterrence it will do so at the minimum level sufficient to preserve peace and stability and seek to reduce that level whenever possible.

3. The Alliance's nuclear forces are weapons of last resort. Therefore, the Alliance will base nuclear weapons only on the territories of the nuclear armed Allies. Furthermore, the Alliance pledges never to be the first to use nuclear weapons in an armed conflict.⁵⁹

3. The Allies concerned consider that, with the radical changes in the security situation, including reduced conventional force levels in Europe and increased reaction times, NATO's ability to defuse a crisis through diplomatic and other means or, should it be necessary, to mount a successful conventional defence has significantly improved. The circumstances in which any use of nuclear weapons might have to be contemplated by them are therefore extremely remote. Since 1991, therefore, the Allies have taken a series of steps which reflect the post-Cold War security environment. These include a dramatic reduction of the types and numbers of NATO's sub-strategic forces including the elimination of all nuclear artillery and ground-launched short-range nuclear missiles; a significant relaxation of the readiness criteria for nuclear-armed forces; and the termination of standing peacetime nuclear contingency plans. NATO's nuclear forces no longer target any country. Nonetheless, NATO will maintain, at the minimum level consistent with the prevailing security environment, adequate sub-strategic forces based in Europe which will provide an essential link with strategic nuclear forces, reinforcing the transatlantic link. These will consist of dual capable aircraft and a small number of United Kingdom Trident warheads. Sub-strategic nuclear weapons will, however, not be deployed in normal circumstances on surface vessels and attack submarines.

Taken together, these changes to the 1999 Strategic Concept would fundamentally alter the character of the nuclear policy of the Alliance, removing it from its present central position and reinforcing the commitment to nuclear disarmament under Article VI of the NPT. (The complete texts of the proposed revisions to the relevant sections are appended to this report.)

PART V: CONCLUSIONS AND RECOMMENDATIONS

While most of the measures reviewed in this report would contribute to the nuclear disarmament agenda, not all are equally important, nor do all fit equally well with Canada's place and comparative advantages. The report therefore concludes with recommendations for which measures should be emphasised in Canadian policy. Before turning to these recommendations, I provide a brief summary of the relations among and priorities within the nuclear confidence and security building measures reviewed above.

Nuclear CSBMs: Connections and Priorities

The goal of confidence and security building measures, developed to advance the disarmament agenda in order to safeguard the NPT and the regimes built around it, must be the delegitimation of nuclear weapons as instruments of security for those who retain them. Judged by this standard, the two most important of the measures surveyed in this report are the changes to the NATO Strategic Concept and the de-alerting/de-mating of the NWSs strategic nuclear arms.

- The NATO Strategic Concept must be revised to remove the centrality of nuclear weapons. While NATO operationally considers nuclear weapons essential to providing security against any form of attack, it is in no position to suggest that such weapons are not equally important to others.
- The de-alerting of strategic nuclear weapons, particularly the de-mating warheads from delivery systems, draws these weapons as far from the routine security policy of the NWSs as is possible, without disarmament.

These two measures can usefully be supported by a number of the others surveyed above:

- Legally-binding negative security assurances and no-first-use declarations would render nuclear war illegal in all circumstances (while not rendering all use of nuclear weapons illegal). Such binding declarations would, therefore, provide an important normative context for de-alerted strategic weapons.
- The removal of non-strategic nuclear weapons from deployment is in keeping with the logic of de-alerting, and so should be adopted in parallel to the de-alerting of strategic weapons. Such a removal of non-strategic weapons from deployment is also intimately tied to the changes in NATO's Strategic Concept, because the presence of US tactical nuclear forces in Europe is presently considered to be essential to maintaining the transatlantic link. Were the Strategic Concept amended to remove the centrality of nuclear weapons from NATO's security policy, it would require the return of US tactical weapons to the United States.
- Nuclear arms reductions are a necessary element of any programme of nuclear disarmament. Therefore, further negotiated reductions in the US and Russian nuclear arsenals would be welcome. Because of the importance of the inequity of the NPT to the opposition to the Treaty, it is also important that the other three NWSs join these discussions in order to demonstrate their good faith. In an attempt both to link these discussions explicitly to Article VI, and to provide a way to avoid tacitly recognising India and Pakistan as nuclear weapon states, these discussions should be held within the context of the NPT Prepcom/Review Process.

These measures are mutually supporting, and would form an important advance in the delegitimation of nuclear weapons on the road to nuclear disarmament.

- The two transparency measures reviewed under the section entitled Information CSBMs (a nuclear weapons register and transparency among the NWSs) would do no harm, but should not be a particularly high priority. Transparency in conventional arms, leading to the UN Register of Conventional Arms, is important because there is no consensus on restraint, let alone reduction. Such is not the case in relation to nuclear weapons.
- The third information measure, strengthening missile launch warnings and including all the NWSs, is potentially useful in its own right, and also provides possible support for two other measures. First of all, any improvement in missile early warning makes de-alerting/de-mating that much easier to countenance. Secondly, improved early warning could serve to bolster the ABM Treaty, and make deployment of a BMD system less likely.
- An explicit timeframe for nuclear disarmament and/or negotiations on a nuclear weapons convention is premature. Once nuclear weapons have been removed from routine provision of security among the NWSs and their allies, the conditions may allow for the consideration of a staged programme leading to nuclear disarmament. At present, pushing such a timetable or early convention negotiation is likely to damage the prospects for more urgent priorities.
- The CTBT is of vital importance to the future of the nonproliferation and disarmament agenda. There is very little that can be done directly to bring about its entry into force at present. However, the measures endorsed by this report should, if achieved, create conditions which would make entry into force much more likely. Such an outcome is, unfortunately, very much dependent on the domestic politics of the United States, an issue outside the purview of this report.
- A fissile material cutoff treaty would rank only just behind the measures identified above in terms of its contribution to global community-building. The FMCT, particularly if married to the adoption of the new IAEA safeguard protocols by all NNWSs Party to the NPT and by Parties to the FMCT, would significantly reduce the inequity at the heart of the NPT by subjecting the NWSs to the same restrictions as the NNWSs.

Recommendations for Canadian Policy

Canada is in a unique position in relation to nuclear disarmament. It has a long tradition as a supporter of arms control and disarmament, combined with its traditions of multilateralism. This combination has been seen most recently in the Ottawa Process and its resulting Landmines Convention. At the same time, Canada's military security policy is nuclear-armed. It is a member of a nuclear alliance, and routinely cites that alliance as central to Canadian security. In addition, Canada is a member of an air defence system with the United States, a system which will take on added salience with the increased attention the United States is paying to ballistic missile defence.

In the present circumstances, Canada's membership in NATO is both its biggest liability and its biggest asset. The liability stems from the hypocrisy which necessarily stems from claiming that others should relinquish the right to use nuclear weapons for their protection while at the same time shielding itself behind a strong nuclear guarantee. The asset provided by NATO membership is that changing NATO's security policy is at the heart of advancing the disarmament agenda. Canada's seat at the table did not produce a noticeably denuclearised strategy in April 1999, but at least the seat remains.

- 1. Canada should continue to press its NATO allies to reconsider the Strategic Concept, as soon as possible, and should argue for it to be changed as proposed in the Appendix to this report.**

The removal of tactical nuclear forces from Europe would be an important element of such a strategic change. Canada may have lost some of the political capital necessary to argue for such a move when it withdrew its forces from Europe. Nevertheless, it should explore the possibilities for building a consensus on this point among the European Allies.

- 2. Canada should quietly explore the possibilities for a consensus on the removal of American tactical nuclear weapons from Europe, and the commitment to base Alliance nuclear weapons only on the territories of the NWS Allies.**

Such actions at NATO should help to bolster Canada's credibility on nuclear disarmament issues, allowing it to join with the New Agenda states in advancing the disarmament agenda globally.

- 3. Canada should join with the New Agenda Coalition in urging, in particular, the de-mating of strategic warheads from their delivery systems by the NWSs, and legally-binding negative security assurances and no-first use declarations.**

In pressing for de-alerting and de-mating of nuclear weapons, Canada should recommend that all reference to avoiding accidental nuclear war be omitted. Rather, the measures should be promoted in terms of their confidence-building contribution to Article VI and to bringing nuclear strategy in line with the ICJ's 1996 ruling on the legality of the threat and use of nuclear weapons.

Canada's position is made unique by more than its membership in NATO. Its membership in NORAD should be exploited by Canada to advance the nuclear disarmament agenda. In particular, any move by the United States to deploy a BMD system would necessarily have an impact on the common system of air and space defences in NORAD.

- 4. Canada should refuse to integrate NORAD into any proposed American BMD system.**

Such a refusal by Canada might well put our NORAD membership in jeopardy. It is well beyond the scope of this report to assess that possibility, but it is an important area for immediate investigation.

Finally:

5. **Canada should propose using the NPT Prepcom/Review process as the logical institutional home for a five-power negotiation on nuclear reductions.**

While proposals on most of the other measures surveyed in this report should be welcomed by Canada, these five measures should be made priorities in Canada's nuclear disarmament policy. They represent measures designed to delegitimise nuclear weapons as instruments of security – including Canada's security – and are concentrated in areas in which Canada has particular advantages. Should Canada succeed in having these measures adopted, it will represent an important advance towards a nuclear weapons-free world.

APPENDIX

Proposed Revisions to the 1999 NATO Strategic Concept

Security challenges and risks

1. Notwithstanding positive developments in the strategic environment and the fact that large-scale conventional aggression against the Alliance is highly unlikely, the possibility of such a threat emerging over the longer term exists. The security of the Alliance remains subject to a wide variety of military and non-military risks which are multi-directional and often difficult to predict. These risks include uncertainty and instability in and around the Euro-Atlantic area and the possibility of regional crises at the periphery of the Alliance, which could evolve rapidly. Some countries in and around the Euro-Atlantic area face serious economic, social and political difficulties. Ethnic and religious rivalries, territorial disputes, inadequate or failed efforts at reform, the abuse of human rights, and the dissolution of states can lead to local and even regional instability. The resulting tensions could lead to crises affecting Euro-Atlantic stability, to human suffering, and to armed conflicts. Such conflicts could affect the security of the Alliance by spilling over into neighbouring countries, including NATO countries, or in other ways, and could also affect the security of other states.

2. The existence of powerful nuclear forces outside the Alliance also constitutes a significant factor which the Alliance has to take into account if security and stability in the Euro-Atlantic area are to be maintained. The Alliance is committed to eliminating this risk through the fulfilment of the commitment to global nuclear disarmament made by all Allies in signing the NPT and reaffirmed at the time of its indefinite extension.

3. The proliferation of NBC weapons and their means of delivery remains a matter of serious concern. In spite of welcome progress in strengthening international non-proliferation regimes, major challenges with respect to proliferation remain. The Alliance recognises that proliferation can occur despite efforts to prevent it and can pose a direct military threat to the Allies' populations, territory, and forces. Some states, including on NATO's periphery and in other regions, sell or acquire or try to acquire NBC weapons and delivery means. Commodities and technology that could be used to build these weapons of mass destruction and their delivery means are becoming more common, while detection and prevention of illicit trade in these materials and know-how continues to be difficult. Non-state actors have shown the potential to create and use some of these weapons.

4. The global spread of technology that can be of use in the production of weapons may result in the greater availability of sophisticated military capabilities, permitting adversaries to acquire highly capable offensive and defensive air, land, and sea-borne systems, cruise missiles, and other advanced weaponry. In addition, state and non-state adversaries may try to exploit the Alliance's growing reliance on information systems through information operations designed to disrupt such systems. They may attempt to use strategies of this kind to counter NATO's superiority in traditional

weaponry.

5. Any armed attack on the territory of the Allies, from whatever direction, would be covered by Articles 5 and 6 of the Washington Treaty. However, Alliance security must also take account of the global context. Alliance security interests can be affected by other risks of a wider nature, including acts of terrorism, sabotage and organised crime, and by the disruption of the flow of vital resources. The uncontrolled movement of large numbers of people, particularly as a consequence of armed conflicts, can also pose problems for security and stability affecting the Alliance. Arrangements exist within the Alliance for consultation among the Allies under Article 4 of the Washington Treaty and, where appropriate, co-ordination of their efforts including their responses to risks of this kind.

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Part IV – Guidelines for the Alliance’s Forces

Principles Of Alliance Strategy

1. The Alliance will maintain the necessary military capabilities to accomplish the full range of NATO’s missions. The principles of Allied solidarity and strategic unity remain paramount for all Alliance missions. Alliance forces must safeguard NATO’s military effectiveness and freedom of action. The security of all Allies is indivisible: an attack on one is an attack on all. With respect to collective defence under Article 5 of the Washington Treaty, the combined military forces of the Alliance must be capable of deterring any potential aggression against it, of stopping an aggressor’s advance as far forward as possible should an attack nevertheless occur, and of ensuring the political independence and territorial integrity of its member states. They must also be prepared to contribute to conflict prevention and to conduct non-Article 5 crisis response operations. The Alliance’s forces have essential roles in fostering cooperation and understanding with NATO’s Partners and other states, particularly in helping Partners to prepare for potential participation in NATO-led PfP operations. Thus they contribute to the preservation of peace, to the safeguarding of common security interests of Alliance members, and to the maintenance of the security and stability of the Euro-Atlantic area. By deterring the use of NBC weapons, they contribute to Alliance efforts aimed at preventing the proliferation of these weapons and their delivery means.

2. The achievement of the Alliance’s aims depends critically on the equitable sharing of the roles, risks and responsibilities, as well as the benefits, of common defence. The presence of United States military forces in Europe remains vital to the security of Europe, which is inseparably linked to that of North America. The North American Allies contribute to the Alliance through military forces available for Alliance missions, through their broader contribution to international peace and security, and through the provision of unique training facilities on the North American continent. The European Allies also make wide-ranging and substantial contributions. As the process of developing the ESDI within the Alliance progresses, the European Allies will further enhance their contribution to the common defence and to international peace and stability including through

multinational formations.

3. The principle of collective effort in Alliance defence is embodied in practical arrangements that enable the Allies to enjoy the crucial political, military and resource advantages of collective defence, and prevent the renationalisation of defence policies, without depriving the Allies of their sovereignty. These arrangements also enable NATO's forces to carry out non-Article 5 crisis response operations and constitute a prerequisite for a coherent Alliance response to all possible contingencies. They are based on procedures for consultation, an integrated military structure, and on co-operation agreements. Key features include collective force planning; common funding; common operational planning; multinational formations, headquarters and command arrangements; an integrated air defence system; a balance of roles and responsibilities among the Allies; the stationing and deployment of forces outside home territory when required; arrangements, including planning, for crisis management and reinforcement; common standards and procedures for equipment, training and logistics; joint and combined doctrines and exercises when appropriate; and infrastructure, armaments and logistics cooperation. The inclusion of NATO's Partners in such arrangements or the development of similar arrangements for them, in appropriate areas, is also instrumental in enhancing cooperation and common efforts in Euro-Atlantic security matters.

4. Multinational funding, including through the Military Budget and the NATO Security Investment Programme, will continue to play an important role in acquiring and maintaining necessary assets and capabilities. The management of resources should be guided by the military requirements of the Alliance as they evolve.

5. The Alliance supports the further development of the ESDI within the Alliance, including by being prepared to make available assets and capabilities for operations under the political control and strategic direction either of the WEU or as otherwise agreed.

6. To protect peace and to prevent war or any kind of coercion, the Alliance will maintain conventional forces based in Europe and kept up to date where necessary, although at a minimum sufficient level. Taking into account the diversity of risks with which the Alliance could be faced, it must maintain the forces necessary to ensure credible deterrence and to provide a wide range of conventional response options. The Alliance is committed to providing for its deterrence and military response needs with conventional forces, as part of a global process of nuclear disarmament to which all allies have committed through their adherence to the NPT. Until this process is complete, the nuclear forces of the Alliance remain essential to preserve peace.

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Guidelines for the Alliance's Force Posture

1. To implement the Alliance's fundamental security tasks and the principles of its strategy, the forces of the Alliance must continue to be adapted to meet the requirements of the full range of Alliance missions effectively and to respond to future challenges. The posture of Allies' forces, building on the strengths of different national defence structures, will conform to the guidelines developed in the following paragraphs.

2. The size, readiness, availability and deployment of the Alliance's military forces will reflect its commitment to collective defence and to conduct crisis response operations, sometimes at short notice, distant from their home stations, including beyond the Allies' territory. The characteristics of the Alliance's forces will also reflect the provisions of relevant arms control agreements. Alliance forces must be adequate in strength and capabilities to deter and counter aggression against any Ally. They must be interoperable and have appropriate doctrines and technologies. They must be held at the required readiness and deployability, and be capable of military success in a wide range of complex joint and combined operations, which may also include Partners and other non-NATO nations.

3. This means in particular:

(i) that the overall size of the Allies' forces will be kept at the lowest levels consistent with the requirements of collective defence and other Alliance missions; they will be held at appropriate and graduated readiness;

(ii) that the peacetime geographical distribution of forces will ensure a sufficient military presence throughout the territory of the Alliance, including the stationing and deployment of forces outside home territory and waters and forward deployment of forces when and where necessary. Regional and, in particular, geostrategic considerations within the Alliance will have to be taken into account, as instabilities on NATO's periphery could lead to crises or conflicts requiring an Alliance military response, potentially with short warning times;

(iii) Until such time as nuclear forces are removed from the Alliance force posture, such forces will be based only on the territory of the three Nuclear Weapon State Allies;

(iv) that NATO's command structure will be able to undertake command and control of the full range of the Alliance's military missions including through the use of deployable combined and joint HQs, in particular CJTF headquarters, to command and control multinational and multiservice forces. It will also be able to support operations under the political control and strategic direction either of the WEU or as otherwise agreed, thereby contributing to the development of the ESDI within the Alliance, and to conduct NATO-led non-Article 5 crisis response operations in which Partners and other countries may participate;

(v) that overall, the Alliance will, in both the near and long term and for the full range of its missions, require essential operational capabilities such as an effective engagement capability; deployability and mobility; survivability of forces and infrastructure; and sustainability, incorporating logistics and force rotation. To develop these capabilities to their full potential for multinational operations, interoperability, including human factors, the use of appropriate advanced technology, the maintenance of information superiority in military operations, and highly qualified personnel with a broad spectrum of skills will be important. Sufficient capabilities in the areas of command, control and communications as well as intelligence and surveillance will serve as necessary force multipliers;

(vi) that at any time a limited but militarily significant proportion of ground, air and sea forces will be able to react as rapidly as necessary to a wide range of eventualities, including a short-notice attack on any Ally. Greater numbers of force elements will be available at appropriate levels of readiness to sustain prolonged operations, whether within or beyond Alliance territory, including through rotation of deployed forces. Taken together, these forces must also be of sufficient quality, quantity and readiness to contribute to deterrence and to defend against limited attacks on the Alliance;

(vii) that the Alliance must be able to build up larger forces, both in response to any fundamental changes in the security environment and for limited requirements, by reinforcement, by mobilising reserves, or by reconstituting forces when necessary. This ability must be in proportion to potential threats to Alliance security, including potential long-term developments. It must take into account the possibility of substantial improvements in the readiness and capabilities of military forces on the periphery of the Alliance. Capabilities for timely reinforcement and resupply both within and from Europe and North America will remain of critical importance, with a resulting need for a high degree of deployability, mobility and flexibility;

(viii) that appropriate force structures and procedures, including those that would provide an ability to build up, deploy and draw down forces quickly and selectively, are necessary to permit measured, flexible and timely responses in order to reduce and defuse tensions. These arrangements must be exercised regularly in peacetime;

(ix) that the Alliance's defence posture must have the capability to address appropriately and effectively the risks associated with the proliferation of NBC weapons and their means of delivery, which also pose a potential threat to the Allies' populations, territory, and forces. A balanced mix of forces, response capabilities and strengthened defences is needed;

(x) that the Alliance's forces and infrastructure must be protected against terrorist attacks.

* * * * *

Characteristics of Nuclear Forces

1. All of the members of the Alliance have committed themselves, as states party to the NPT, to nuclear disarmament. The fundamental purpose of the nuclear forces of the Allies is political: to preserve peace and prevent coercion and any kind of war. Until such time as the disarmament commitments of the NPT are achieved, the Allies' nuclear forces will continue to fulfil an essential, deterrent role.

2. In keeping with the Allies commitment under Article VI of the NPT, reaffirmed in 1995 in "Principles and Objectives for Nuclear Non-proliferation and Disarmament", adopted by the states Party to the NPT, including all members of the Alliance, while the Alliance continues to maintain a strategy of deterrence it will do so at the minimum level sufficient to preserve peace and stability and seek to reduce that level whenever possible.

3. The Alliance's nuclear forces are weapons of last resort. Therefore, the Alliance will base nuclear weapons only on the territories of the nuclear armed Allies. Furthermore, the Alliance pledges never to be the first to use nuclear weapons in an armed conflict.

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