

The NPT, NATO and Canada: The Future of Nuclear Weapons: A background paper prepared by Senator Douglas Roche, O.C.

Prepared for a joint seminar by Canadian Pugwash and Science for Peace

International Centre, University of Toronto - March 18, 2000

Two events of great importance to the future of nuclear weapons are looming:

- The Non-Proliferation Treaty Review Conference will be held at United Nations Headquarters in New York from April 24 to May 19, 2000. Participating will be delegates from the 187 states party to the NPT. At issue will be whether the Treaty will continue to be the centerpiece for global efforts to control the proliferation of nuclear weapons, or whether the Treaty regime will begin to unravel.
- NATO has tasked its Senior Political Committee "to review Alliance policy options in support of confidence and security building measures, verification, non-proliferation, and arms control and disarmament... ." The Committee is to report to NATO ministers in December, 2000, with an Interim Report tabled in June. Canadian Foreign Affairs Minister Lloyd Axworthy said this process constitutes the NATO review of nuclear weapons policy advocated by Canada. However, there is still resistance within NATO leadership to a full-scale review and whether the Strategic Concept, which holds that nuclear weapons are "essential," will be seriously addressed is far from certain.

The Non-Proliferation Regime in Crisis

As the 21st century opens, the non-proliferation regime is in critical condition. The U.S. Senate has rejected the Comprehensive Test Ban Treaty; the U.S. is preparing to deploy a missile defence system over the objections of Russia and China; India is preparing to deploy nuclear weapons in air, land and sea; Pakistan, which has successfully tested nuclear weapons, is now ruled by the military; meaningful discussions at the Conference on Disarmament are deadlocked; the preparatory conferences for the 2000 Review of the NPT have failed; the Russian Duma has not ratified START II; Russia's acting President, Vladimir Putin, has announced plans to double arms spending this year, and Russia has published a revised national security doctrine that broadens the possible scenarios in which Russia would use nuclear weapons. The gains made in the past decade on reducing the dangers posed by nuclear weapons are being wiped out. U.N. Secretary-General Kofi Annan warned that the non-proliferation agenda is in "deplorable stagnation." "It is even more disheartening," he said, "to hear Nuclear Weapon States reiterate their nuclear doctrines, postures and plans which envisage reliance on nuclear weapons in the foreseeable future."

The world is staring into an abyss of nuclear weapons proliferation. The danger of the use of nuclear weapons is growing. The publication *Disarmament Diplomacy* asks: "Are we sleepwalking toward nuclear war?"

In this analysis, several points stand out:

1. Nuclear disarmament and proliferation are inextricably interlinked -- not only in Article VI of the NPT but also in the minds of representatives of most all those Non-Nuclear Weapon States not allied to, or under the direct influence of, the Nuclear Weapon States. It will not be possible to prevent further nuclear proliferation in a world in which the Nuclear Weapon States continue to articulate and carry out policies that hold nuclear weapons to be a "cornerstone" of, or "essential" to, their security.

2. The non-proliferation regime will unravel further if the Nuclear Weapon States fail to make an unequivocal commitment to engage without delay in an accelerated process of negotiations leading to nuclear disarmament. This is the minimum for the survival of the regime

3. There is a sense that the window of opportunity to rid the world of nuclear dangers, provided by the end of the Cold War, may soon close unless the Nuclear Weapon States provide leadership.

4. The Principles and Objectives adopted at the 1995 NPT Review and Extension Conference will be an important issue at the 2000 Review Conference. These Principles and Objectives called for:

- Completion of a Comprehensive Test Ban Treaty (CTBT) by 1996
- Commencement and early conclusion of negotiations on a Fissile Material Cut-Off Treaty (FMCT)
- Determined pursuit of systematic and progressive efforts to reduce nuclear weapons globally with the ultimate goal of eliminating them.

The only one of these points that arguably can be said to have been fulfilled is the completion of a CTBT in 1996. But this treaty has not entered into force, and was dealt a serious blow by the U.S. Senate when it voted down ratification in 1999. There has been virtually no progress on achieving a FMCT. The arguments of the Nuclear Weapon States with regard to the "determined pursuit" clause will be contrasted with their failure to make progress in the START negotiations, their opposition to carrying out negotiations on nuclear disarmament in any international negotiating body, and continued reliance on their nuclear arsenals by them and their non-nuclear allies.

Steps to Nuclear Disarmament

The commitment to nuclear disarmament of the Nuclear Weapon States should be the major issue at the 2000 NPT Review Conference. The Chairman's Revised Working Paper, issued May 20, 1999 at the 1999 PrepCom, calls for the Nuclear Weapon States to reaffirm "their unequivocal commitment to the ultimate elimination of nuclear weapons, and to that end, agreement to pursue vigorously systematic and progressive efforts to further reduce nuclear weapons globally."

The records of the Nuclear Weapon States will be carefully examined. The U.S. position is that the major reductions which have already occurred, such as U.S. elimination of over 80 percent of its tactical nuclear warheads and 47 percent of its deployed strategic warheads and the ongoing bilateral negotiations under the START process demonstrate an end of the nuclear arms race and sufficient progress to fulfill Article VI obligations.

In addition, the UK will point to its announcement in 1998 that it has cut its nuclear arsenal by one-third to less than 200 warheads, and relaxed the notice to fire for its deployed Trident submarine from hours to days.

These welcome reductions in nuclear forces have not been matched by Russia, France or China. Moreover, efforts to reduce the salience of nuclear weapons have regressed since 1995. The U.S. indicated in its 1997 Presidential Decision Directive 60 that nuclear weapons remain the "cornerstone" of its security policy. NATO, at its Washington Summit in April 1999, reaffirmed that nuclear weapons "will continue to fulfil an essential role" in its Strategic

Concept , although at the urging of Canada, Germany and Norway the Alliance agreed in principle last December to an internal review of its nuclear policy.

Japan and Australia have reaffirmed their dependence on the so-called US "nuclear umbrella," while Poland, Hungary and the Czech Republic have joined NATO, with other Central European and Baltic States applying for membership; and Belarus has negotiated a bilateral treaty which revives dependence upon the Russian "nuclear umbrella."

In addition, the U.S. is racing to deploy a National Missile Defense (NMD) system, which threatens the integrity of the Anti-Ballistic Missile (ABM) Treaty and progress in bilateral strategic arms reductions. The U.S. is also pressing Russia to agree to modifications in the ABM Treaty. Further damage to the bilateral arms reductions process will further undermine the non-proliferation regime and could diminish international confidence in arms control treaties in general. Both Russia and China have indicated that NMD deployment will trigger a new offensive nuclear arms race: indeed, China has already begun the process of modernizing its nuclear arsenal. Furthermore, even if there is a bilateral START/NMD compromise, NMD deployments will inevitably impede deep strategic force reductions.

Almost all the Non-Nuclear Weapon States not allied to, or under the direct influence of, the Nuclear Weapon States believe there has been a failure of political will by Nuclear Weapon States to respond adequately to the nuclear disarmament obligations in the NPT.

Unless tangible steps are taken to change this perception in the next few months, a confrontation on this issue at the NPT Review Conference is inevitable.

United Nations Under-Secretary-General Jayantha Dhanapala, speaking at the Center for International Security and Cooperation at Stanford University on January 12, 2000, outlined the steps needed to revitalize this alarming situation:

"(I)t means new initiatives by the Nuclear Weapon States to demonstrate their sincere, good faith compliance with their disarmament obligations under the NPT. It means an early entry into force of the CTBT and START II treaties and early conclusion of START III involving deep cuts in nuclear arsenals and major improvements in the transparency of existing stocks of weapons and related materials. It means early agreement by the Nuclear Weapon States to de-alert their arsenals - as was recommended years ago by the Canberra Commission - to abandon first-use nuclear doctrines, and to eliminate all tactical nuclear weapons. It means the establishment in the Conference on Disarmament of subsidiary bodies on nuclear disarmament and on fissile nuclear material. It means the preservation of the ABM Treaty as a basis of strategic stability."

Universality

India, Pakistan and Israel have yet to become parties to the NPT. India and Pakistan, which both tested nuclear weapons in 1998, have repeatedly said that they would be Non-Nuclear Weapon States if they saw clear progress on the part of the declared Nuclear Weapon States to fulfill their obligations to achieve nuclear disarmament. Israel, widely understood to have over 200 nuclear weapons, has maintained an ambiguous position and has received no pressure from the other Nuclear Weapon States to give up its nuclear arsenal. Without major changes in nuclear disarmament policies by the Nuclear Weapon States, no progress can be expected on this issue.

Security Assurances

Negative security assurances -- the renunciation of the threat or use of nuclear weapons against Non-Nuclear Weapon States -- by the Nuclear Weapon States continue to be weak and

unsatisfactory to the Non-Nuclear Weapon States. The 1999 PrepCom Chairman's Revised Working Paper calls for the urgent conclusion of "a legally-binding negative assurances regime which will ensure the security of Non-Nuclear Weapon States against the use or threat of use of nuclear weapons." Negative security assurances were explicitly given by the Nuclear Weapon States as part of the bargain to gain indefinite extension of the NPT in 1995. However, NATO's and Russia's first use doctrine contradicts those pledges. Additionally, current Western Nuclear Weapon States' policies ambiguously assert the right to use nuclear weapons in response to biological or chemical weapon attack against their vital interests anywhere in the world, further diluting the 1995 assurances and creating new or reviving old rationales for keeping nuclear weapons indefinitely despite Article VI commitments.

Safeguards

The NPT relies upon the International Atomic Energy Agency (IAEA) to provide safeguards against diversion of nuclear materials for weapons uses. These safeguards will have to be considerably strengthened and made binding on all states, including the Nuclear Weapon States, if they are to be effective in preventing diversion of nuclear materials to weapons programs.

Middle East

The Middle East is recognized as a particularly volatile region, in which all states with the exception of Israel are parties to the NPT. The 1999 PrepCom Chairman's Revised Working Paper calls upon Israel "to accede to the Treaty and to place all its nuclear facilities under the full-scope of IAEA safeguards without further delay and without conditions."

Conclusions

The frustration level among the vast majority of Non-Nuclear Weapon States, including most members of the New Agenda Coalition, is high and rising due to their perception that the Nuclear Weapon States have failed to fulfill their obligations under the NPT, reinforced by the Principles and Objectives agreed to at the 1995 NPT Review and Extension Conference. This frustration undermines support for the NPT and could lead some Non-Nuclear Weapon States to consider withdrawing from it. In the short term, it is critical to global security that the NPT survive until a comprehensive plan for eliminating all nuclear weapons is negotiated. This means that the Nuclear Weapon States, recognizing the importance of the NPT to their own security, must be committed without equivocation to fulfilling their Article VI obligations. The New Agenda Coalition says this is the minimum required for the success of the NPT review.

To this end, the Middle Powers Initiative has called upon the Nuclear Weapon States to:

1. Affirm unequivocally that there are legally binding obligations to engage in good faith negotiations to eliminate nuclear weapons.
2. Take clear steps to diminish the salience of nuclear weapons by reducing national and allied reliance on them by, for example, taking them off hair-trigger alert, pledging never to use them first, and negotiating a legally binding agreement which assures Non-Nuclear Weapon States that nuclear weapons will not be used against them;
3. Recognize publicly that nuclear deterrence is ineffective in addressing nuclear dangers, especially those posed by rogue actors, accidental or unauthorized launches, computer error, terrorist attack, criminal syndicates, and from other unpredictable and irrational scenarios;

4. Acknowledge that the NPT regime cannot endure indefinitely if a few states insist that nuclear weapons provide them with unique security benefits while denying these alleged benefits to others; and

5. Move away from the morally and legally unacceptable doctrine of nuclear deterrence, which threatens all humanity and the planet, as part of a responsible security policy for any state.

The NPT relies upon the International Atomic Energy Agency (IAEA) to provide safeguards against diversion of nuclear materials for weapons uses. These safeguards will have to be considerably strengthened and made binding on all states, including the Nuclear Weapon States, if they are to be effective in preventing diversion of nuclear materials to weapons programs. Middle East The Middle East is recognized as a particularly volatile region, in which all states with the exception of Israel are parties to the NPT. The 1999 PrepCom Chairman's Revised Working Paper calls upon Israel "to accede to the Treaty and to place all its nuclear facilities under the full-scope of IAEA safeguards without further delay and without conditions."

NATO and Nuclear Weapons

BASIC (The British-American Security Information Council) reports that nuclear weapons and their role in NATO defence strategy were a cause for controversy during the debates on NATO's new Strategic Concept, unveiled at the Alliance's 50th Anniversary Summit in April 1999. The controversy centred around a clash between American-British-French insistence on maintaining a central role for nuclear defence, and German, Canadian and Dutch insistence on a wider debate on the role of nuclear forces in a post-Cold War environment. This potential embarrassment was swept deftly under the carpet with a promise from the U.S. for a full review of all aspects of NATO nuclear policy after the Strategic Concept was agreed. During the Washington Summit in April, the member states of NATO issued several documents, including a 'Summit Communiqué'. Paragraph 32 of that Communiqué stressed NATO's commitment to arms control and disarmament and reiterated the Alliance's interest in containing proliferation. As well as launching an Initiative on Weapons of Mass Destruction, the Allies promised to do the following:

"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. The Council in Permanent Session will propose a process to Ministers in December for considering such options." Sources on NATO's International Staff said that initial meetings after the Summit produced little agreement. The essential differences on the role of nuclear weapons in Alliance policy remains unchanged. The U.S. and U.K. argue strongly for the new Strategic Concept to be exempted from the review, and that it should concentrate on arms control and non-proliferation alone. Other nations, including those prominent in the debate before the Summit, remain convinced a wide review of NATO nuclear policy and doctrine is essential.

The Nuclear Weapon States in NATO have privately said that if there is to be a wide review then a full range of potential policies must be discussed, including potential use of nuclear weapons in counter-proliferation policy. This position has been reflected in a series of answers given by the U.S. Department of Defense to Senator Harkin in response to questions submitted by him during hearings earlier this year. Sources who have had access to MC400/1 have said that it contains phrasing which, while ambiguous, could be interpreted to allow for the use of NATO nuclear forces against potential chemical, biological or nuclear weapon proliferators posing a threat to the Alliance. This is widely thought to already be U.S. national doctrine as set out in Presidential Decision Directive 60, signed by President Clinton in November 1997.

The DoD told Senator Harkin that "U.S. national nuclear policy is established by the President of the United States and is in no way influenced by allies... ". The answer continues "...NATO nuclear policy has historically been consistent with U.S. nuclear policy." The answers also state that "U.S. strategic and theater nuclear doctrine is established by the President and set forth in a series of increasingly detailed documents... US nuclear doctrine applies equally to US forces stationed or deployed anywhere in the world, to include those in Europe." In short, U.S. nuclear forces deployed in Europe are available for potential use against WMD (weapons of mass destruction) proliferators, whether or not WMD are used against NATO. Secondly, the U.S. would expect to use its influence in the Alliance to apply this doctrine within NATO as a whole including those nations which, although nominally non-nuclear under the Non-Proliferation Treaty, have U.S. nuclear weapons deployed with their air forces and train those units of their national air forces for nuclear missions. The countries which participate in this NATO nuclear sharing are Belgium, Italy, Greece, Germany, The Netherlands and Turkey. The Alliance continues to maintain a careful silence over its current and future nuclear policies. In conversation with BASIC Reports and on the condition of anonymity, officials from several national delegations hinted at what was happening to the 'process' which had been decided in Washington. Whilst seeming extremely reluctant to speak on the issue, most gave the impression that some new confidence and security building measures would be announced at the December Ministerials, but that the essence of NATO's nuclear doctrine, as set out in the 1999 Strategic Concept, would remain unchanged. Other sources have indicated that the question of the nuclear policy review has been caught up in the review of the secret NATO strategy paper based on the Strategic Concept. The strategy described in a document called MC400/1 was last updated at the Berlin North Atlantic Council meeting in June 1996. The new version, MC400/2, is being written to accord with the new Strategic Concept. Some voices within NATO are arguing that the Strategic Concept also needs rewriting after the Kosovo War, and that simply rewriting MC400/1 is not sufficient. The question of the use of nuclear weapons in counter-proliferation missions will certainly be extremely controversial in this process.

Canada and NATO

In April 1999 the Canadian government set out its official policy calling on NATO to:

"... undertake a review that would address Alliance policies and their relationship to proliferation, arms control and disarmament developments." This review and complementary activities by the Alliance would send an important signal to would-be proliferators that both nuclear disarmament and non-proliferation are issues the Alliance takes seriously. Taking into account that NATO works on the basis of consensus, Canada will continue to urge NATO partners to consider the impact on potential nuclear proliferators when considering the characterization of the purpose of NATO nuclear forces.

Canada will continue to advocate that the Alliance play a positive role in advancing disarmament objectives through better co-ordination of threat reduction efforts among Allies; more co-ordinated effort on the part of Alliance member States in disarmament fora, with a view to giving greater content to our shared obligations under Article the Non-Proliferation Treaty, identification and promotion of new VI of confidence-building measures such as improved exchange of missile launch warning information, and consideration of steps that might lead to negotiations to reduce further sub-strategic nuclear weapons in Europe, including Russian stockpiles west of the Urals."

Although NATO has grudgingly accepted to do a review, there is no assurance it will be meaningful. Canada's Foreign Affairs Minister Lloyd Axworthy told the NGO Consultation on February 3, 2000 that Canada is not getting support from the other Non-Nuclear Weapon States of NATO for a full-scale review. In fact, he said, Canada is now referred to in NATO

circles as the "nuclear nag." In this chilling climate, Canada may lose its nerve in pressing NATO onwards, especially since there is so little public discussion of the issue. Certainly, Canada would have difficulty making the case to its NATO partners that widespread domestic pressure is forcing it to act. That is why attention should be paid to have Canadians - government and civil society - united in continuing to push NATO with clear, substantive reasons why it is in the interests of the NATO countries as well as the world community for NATO to move away from the Cold War doctrine of nuclear deterrence.

There is little hope for cooperation between civil society and government on this matter if Canadians are kept in the dark about the nature and quality of the NATO review. It is not enough for NATO to keep saying that nuclear weapons are "essential." Essential by what standards? NATO needs to openly address the powerful and substantial arguments made by the legal, military, political, religious and NGO communities that negotiations must be held toward the elimination of nuclear weapons.

Canadians need to hear and participate in this debate. By what right does NATO continue to bury these subjects in secret discussions? Canadians must demand an open debate on nuclear weapons. Since polls in Canada have shown that a vast majority of Canadians would prefer a nuclear-weapons-free world, NATO has no right to subvert the democratic process by forcing Canadians to live under a nuclear umbrella. Canadians must help our Government to have the courage to withstand the old NATO ploy of charging dissenters with disloyalty. Transparency and democracy in global security questions go hand in hand.

It will certainly not be good enough for any NATO State to argue at the NPT Review Conference that the fact that NATO has consented to a review is enough to ensure that Article VI of the NPT is being complied with. The record since the 1995 indefinite extension of the NPT of nuclear States' compliance with the terms of the extension is anything but salubrious.

In the light of the NPT/NATO interconnection, Canadian Pugwash/Science for Peace participants are asked to address three questions:

1. Given present tensions in the non-proliferation regime, what is the requirement for the success of the NPT 2000 Review?
2. Given the NATO leadership's reluctance to change the present Strategic Concept, what is required of NATO in order that its members be in compliance with Article VI of the NPT?
3. Given Canada's willingness to work with the New Agenda Coalition and to strengthen cooperation with Russia, what steps can be taken to persuade the Nuclear Weapon States to make an unequivocal commitment to commence negotiations leading to a program to eliminate nuclear weapons?