

Towards Nuclear Disarmament

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Nuclear weapons are held by a handful of states which insist that these weapons provide unique security benefits, and yet reserve uniquely to themselves the right to own them. This situation is highly discriminatory and thus unstable; it cannot be sustained. The possession of nuclear weapons by any state is a constant stimulus to other states to acquire them ... a central reality is that nuclear weapons diminish the security of all states.

Report of the Canberra Commission on the Elimination of Nuclear Weapons

Barring unexpected dramatic breakthroughs in the remaining few weeks of this century, the millennium will begin with a legacy of false promises and dashed expectations in the realm of nuclear arms control and disarmament. Following decades of a costly East-West arms race, the late 1980s witnessed the beginning of a hopeful new era in nuclear arms reductions with the negotiation of the 1987 Intermediate- and Shorter-Range Nuclear Forces (INF) Treaty; START I in July 1991 and parallel unilateral cuts in American and Soviet sub-strategic nuclear weapons a few months later; moratoria on nuclear weapon testing initiated in October 1990 by the then-Soviet Union and followed by the United States in 1992; renunciation of "inherited" (Soviet stationed) nuclear weapons by Belarus, Kazakhstan and Ukraine; START II in January 1993; indefinite extension of the nuclear Non-Proliferation Treaty (NPT) in 1995; establishment of nuclear-weapon-free zones (NWFZs) in South-East Asia in December 1995 and in Africa in April 1996; and conclusion of a Comprehensive Nuclear-Test-Ban Treaty (CTBT) in September 1996. The ending of the Cold War and its associated winding down of the nuclear and conventional confrontation between East and West raised hopes internationally of finally moving towards prohibition of biological, chemical and nuclear weapons.

But in the aftermath of the Cold War several factors intervened to dampen hopes and bring into question the resolve to achieve further nuclear reductions and to implement fully a number of negotiated arms control agreements. The bilateral START process has been at a standstill, entry into force of the CTBT remains at best a remote possibility, testing and deployment of missile defence systems threaten the integrity of the Anti-Ballistic Missile Treaty, and new rationales justifying the continuing retention or modernization of nuclear forces are ascendant in three out of the five NPT nuclear-weapon states (NWS).

Impediments to nuclear arms reductions include, but are not limited to, marked deterioration in relations between the United States and the Russian Federation and the People's Republic of

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China, increased saliency of nuclear weapons in the Russian Federation's security policy, the rise to power of a domestically focused element in the legislatures of the Russian Federation and the United States that remain unconvinced about the importance of arms control as an element of national security policy, eastward expansion of the North Atlantic Treaty Organization (NATO) without adequately taking into account non-proliferation implications, increased reliance by the Russian Federation on nuclear arms in general and sub-strategic nuclear weapons in particular, NATO's continuing reliance on nuclear weapons even in the absence of a credible threat, and heightened proliferation concerns in South Asia, the Korean Peninsula and the Middle East.

On the multilateral track, the world's sole negotiating forum remains mired in deadlock, unable to initiate negotiation on a fissile material treaty (FMT) or even a discussion on nuclear arms reductions or preventing weapons in space. The much vaunted "strengthened review process" agreed at the 1995 NPT Review and Extension Conference (NPTREC), which made indefinite extension possible, failed to deliver expected results primarily due to the unhelpful stance of the NWS. The inability of the Preparatory Committee (PrepCom) for the 2000 NPT Conference to agree on even draft recommendations on substantive matters, together with the failure of the international community to respond adequately to the South Asian nuclear tests, threatens to erode global non-proliferation norms.

The decade of the 1990s was largely unproductive in terms of nuclear arms control. Nonetheless there were a few bold attempts to provide new thinking about nuclear disarmament and eventually a nuclear-weapon-free world. These initiatives, which continue to face major resistance among the NWS, include: the August 1996 Report of the Canberra Commission on the Elimination of Nuclear Weapons outlining practical steps towards a nuclear-weapon-free world, including the related problem of maintaining stability and security during the transitional period and after; the efforts of the New Agenda Coalition's "Towards a nuclear-weapon-free world: the need for a new agenda", initiated by the Joint Ministerial Declaration of 9 June 1998;¹ and most recently the Report of the Tokyo Forum for Nuclear Non-Proliferation and Disarmament² of 25 July 1999. These were supplemented by other national efforts to cope with the nuclear challenge, such as by Canada³ and Germany. Each of these initiatives tried to inject new life into the moribund nuclear arms control debate but fell upon deaf ears in the NWS and among new nuclear proliferators.

Except for a handful of middle powers — such as Canada, Finland, Germany, Japan, South Africa and Sweden — policy-makers in the NWS and most Organisation for Economic Co-operation and Development countries remain disengaged with nuclear disarmament and non-proliferation matters, thus adding to the policy drift and conceptual deficit on nuclear arms control.

Given these challenges that threaten to reverse hard won gains in nuclear disarmament and non-proliferation, it is essential for the international community not to "substitute a new adversary from the South or elsewhere for the former enemy in the East ... [but] to take account of the ... dangers of proliferation."⁴ French Admiral Jacques Lanxade aptly pointed out that: "There is indeed something paradoxical about the representatives of nuclear powers condemning the evils of proliferation and at the same time defending the virtues of their own national deterrent."⁵ This sentiment was further amplified by the Canadian Foreign Minister, Lloyd Axworthy, in his address to a North Atlantic Council meeting, when he noted that "we need to 'see ourselves as others see us' and ensure that we do not send messages that we do not intend. We should be circumspect about the political value we place on NATO nuclear forces, lest we furnish arguments proliferators can use to try to justify their own nuclear programmes."⁶

This paper briefly addresses the future of the NPT, nuclear disarmament (including sub-strategic weapons, FMT, CTBT and NWFZs), restoring American-Russian cooperation in non-proliferation, and principles for nuclear disarmament and nuclear non-proliferation.

The Future of the NPT

The Treaty on the Non-Proliferation of Nuclear Weapons signed on 1 July 1968 remains the bedrock of the post-Second World War global non-proliferation regime. With 187 states parties, this Treaty is the most widely adhered to and the most successful multilateral arms control agreement in history. Today, only four states remain non-parties: Cuba, India, Israel and Pakistan. The NPT remains the only global legally binding instrument committing the NWS to disarm, and its indefinite extension in 1995 strengthened the global nuclear non-proliferation norm. Responding to the most significant challenge to the NPT to date, i.e. the Indian nuclear detonations of May 1998, in contrast to the largely hypocritical statements emanating from the NWS, Canadian Foreign Minister Axworthy stressed that: “The nuclear non-proliferation regime is based on, and anchored in, international law and norms, as well as incorporated into international mechanisms. The NPT is fundamental, but the broader regime is a complex system of multilateral and bilateral agreements, arrangements and mechanisms intended to promote and achieve a world without nuclear weapons, sooner rather than later. This was valid during the Cold War and remains valid today. At the same time, the regime is intended to provide a framework to enable the world to make effective use of nuclear capability for peaceful purposes.”⁷

As the 2000 NPT Review Conference draws closer, the NPT finds itself under threat on several fronts that require bold and concerted action:

- Nuclear tests by India and Pakistan have challenged the international non-proliferation norm established by the Treaty, and the international community remains at a loss how to categorize and deal with these two states: as non-nuclear-weapon states (NNWS) not party to the NPT; NWS not party to the Treaty; or threshold nuclear-weapon states? Similar concerns also apply to Israel.
- Compliance with the safeguards obligations and overall intent of the Treaty by two states — North Korea and Iraq — remains unresolved and in question.
- Nuclear disarmament obligations of the NWS essentially remain unfulfilled, with bleak prospects for further reductions in the near term.
- Many NNWS believe that the strengthened review process for the Treaty is being undermined, principally by the NWS. The strengthened review process agreed at the 1995 NPTREC failed to deliver expected results, thus increasing the frustration of many member states and the risk of failure at the 2000 Review Conference.

Regarding nuclear non-proliferation, the key issue is compliance with the Treaty, especially Articles I and II in the following contexts:

- alleged breaches of Article II of the Treaty by NNWS through clandestine activities designed for the production of nuclear explosives — in particular, programmes in North Korea and Iraq that clearly were violations and which many feel have not been adequately addressed; while some identify Iran as a possible similar case, the IAEA has not found any evidence;
- controversy over the legitimacy of “nuclear sharing” or nuclear war planning involving NWS and NNWS, as in NATO;
- nuclear tests by India and Pakistan directly challenged the NPT’s non-proliferation norm; and
- whether the nuclear arms build up and inadequate progress in nuclear disarmament by the NWS is contrary to their nuclear disarmament commitments under Article VI.

The 1995 NPTREC decision on “principles and objectives” recommended a “programme of action” comprising three specific measures: an immediate objective of the completion of negotiations on a CTBT before the end of 1996; a follow-on objective of the “early conclusion of negotiations on a non-discriminatory and universally applicable convention banning the production of fissile material for nuclear weapons or other nuclear devices” (a FMT); and the “determined pursuit by the nuclear-weapon States of systematic and progressive efforts to reduce nuclear weapons globally”.

COMPREHENSIVE TEST-BAN TREATY

The CTBT opened for signature in September 1996 with an entry into force provision requiring ratification by all forty-four states operating nuclear research reactors. In the event that these ratifications were not completed three years after its opening for signature, a political conference of states parties would be held to consider how to expedite entry into force and repeated annually thereafter. This conference was held in Vienna from 6–8 October 1999 but its outcome remains unclear. Thus far only two NWS, France and the United Kingdom, have ratified the Treaty. Three of the forty-four still have not signed (North Korea, India and Pakistan) and the latter two states have blatantly detonated nuclear devices in May 1998. Furthermore, loopholes in the CTBT permit subcritical laboratory tests that are not subject to any verification or observation as well as the retention of operational national test facilities. Useful confidence-building measures that might be considered in this context could be a form of managed transparency for subcritical tests to provide reassurance that new warhead designs or nuclear explosive concepts were not being tested, and for national test facilities to be either permanently closed or at least placed under a monitoring regime.

Unless serious measures are undertaken to promote the early entry into force of the CTBT and a legally binding norm against further testing is established, there will be pressure in some of the NWS to resume nuclear testing. Such a resumption of testing would be justified in the United States

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on the grounds of revitalizing an ageing arsenal and maintaining the nuclear weapons production infrastructure, in the Russian Federation in terms of certifying existing or new sub-strategic warhead designs to compensate for declining conventional forces, and in China as required for nuclear force modernization to respond to deployment of theatre or national missile defences by the United States. These pressures are likely to be the strongest in the Russian Federation and China, and should these two countries resume nuclear testing it is unlikely that the United States would not respond in kind.

FISSILE MATERIAL TREATY

After two years of deadlock in the Conference on Disarmament (CD) over whether negotiations on a FMT and discussions on a future programme for disarmament should proceed in parallel, the South Asian tests prompted establishment of an *ad hoc* committee in August 1998 on a FMT based on the mandate contained in the March 1995 report of the Special Coordinator. However, during its 1999 session, the CD was unable to re-establish an *ad hoc* committee on a FMT, due to differences over parallel negotiations on nuclear disarmament, and consideration of “prevention of an arms race in outer space” to prevent weaponization of space, among other reasons.

Originally conceived as a nuclear disarmament instrument, a FMT has come to be regarded by the NWS principally as a non-proliferation treaty. The inclusion of existing stocks or historic production of weapon-usable fissile material has become a bone of contention, with the NWS, India and Pakistan arguing for exclusion while the G-21 and other (Western and Eastern) states would prefer to include such stocks. In order to be effective, a FMT will have to fulfil both nuclear disarmament and nuclear non-proliferation functions, and will have to be fully consistent with the principles and obligations of the NPT. Other complexities pertaining to definitions, scope, declarations, verification et cetera will not be addressed here due to space considerations and the reader is referred to issue 2, 1999 of *Disarmament Forum*, which dealt with the FMT. Suffice it to add that a FMT negotiation will be the most complex and controversial yet at the multilateral forum of the CD. Given current trends, it is unlikely that the CD will have started serious negotiations on a FMT by the time of the 2000 NPT Review Conference — this would indicate clearly a failure as regards the achievement of one of the elements of the programme of action elaborated at the 1995 NPTREC.

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NUCLEAR DISARMAMENT

Disagreements over whether progress has been achieved toward the goal of nuclear disarmament have been a perennial feature at previous NPT reviews. The significance of these disputes derives from several factors. The NPT is the only legally binding instrument through which the NWS have committed themselves to “pursue negotiations in good faith on effective measures relating to ... nuclear disarmament”. Its significance was highlighted by the International Court of Justice (ICJ) in 1996 when it rendered an advisory opinion on nuclear weapons. The Court found that Article VI of the NPT committed the NWS to not just negotiate on nuclear disarmament, but also to conclude agreements. Thus the NPT provides a legal framework within which the NNWS hold the NWS accountable for their actions on nuclear disarmament.

Furthermore, it is implicit in the NPT that the possession of nuclear weapons by the NWS is only temporary and not a permanent situation and that the NPT is both a nuclear disarmament and a nuclear non-proliferation treaty, with the latter being a contributing condition for achievement of the former and *vice versa*. Thus both politically and from an international security perspective, substantively addressing nuclear disarmament in NPT reviews constitutes an important mechanism for strengthening both the NPT and the non-proliferation regime.

Current negotiated and unilateral nuclear arms reduction agreements between the United States and the Russian Federation, if fully implemented, will result in roughly an 80% decrease in *deployed* nuclear weapons by 2007. Given its weak economy and declining strength of conventional forces, the Russian Federation has increased its reliance on nuclear weapons. And while the role of nuclear weapons has diminished in the defence posture of the United States, such weapons “continue to play a critical role in deterring aggression against the United States, its overseas forces, its allies and friends”.⁸ The United Kingdom and France have unilaterally reduced their nuclear weapons, and France is dismantling its weapon-usable fissile material production facilities. China apparently may be increasing its nuclear arsenal, partly as a response to the missile defence plans of the United States.

In the field of diplomacy, however, the NWS have systematically and determinedly opposed all attempts since the 1995 NPTREC to be involved in a substantive engagement on nuclear disarmament

issues in any multilateral fora, be it the NPT review process, the CD, the First Committee or even NATO councils. In NPT review fora, the NWS have accepted “talking” sessions on nuclear disarmament, but they have continued to reject any and all proposed language calling upon them to either implement existing bilateral treaties, negotiate new reductions, or to take unilateral measures toward nuclear disarmament. This phenomenon was markedly in evidence at the 1999 session of the NPT PrepCom. At the American-Russian bilateral level, the START standstill has endured for nearly a decade and negotiation of START III remains uncertain. The three lesser NWS continue to reject participation in any plurilateral mechanism on nuclear arms reductions until the United States and the Russian Federation drastically reduce their respective arsenals. Thus, the NWS continue to dance around implementing their NPT disarmament commitments.

To shore up the NPT and non-proliferation norms it is vital for the NWS to ensure that their commitment to nuclear disarmament is not empty rhetoric or merely a smokescreen to maintain their nuclear weapons monopoly. What is urgently required is for the United States and the Russian Federation to speedily conclude a START III agreement and proceed to the simultaneous implementation of both START II and III. Beyond START III, the following phase in nuclear arms reductions should involve plurilateral negotiations among the NPT NWS aimed at reducing nuclear arsenals to a few hundreds, while at the same time engaging the three NPT pariah states and finding non-nuclear means of assuring their security — to be followed by steps to achieve a world free of nuclear weapons.

Sub-Strategic Nuclear Weapons

Over the past decade attention has focused on reductions in, and safety and security of, strategic nuclear weapons in the context of START I/II and the denuclearization of the Soviet successor states — Belarus, Kazakhstan and Ukraine. Sub-strategic or tactical nuclear weapons have been largely ignored following the successful conclusion and implementation of the 1987 INF Treaty and the late 1991 Bush/Gorbachev unilateral initiatives on sub-strategic nuclear weapons. These weapons comprise those with ranges up to 500 kilometres. Under their respective unilateral initiatives, the United States would cut by one-third and Russia by one-half their sub-strategic nuclear weapons, with the remainder being deployed on national territories. Reportedly, the Russian Federation now holds the entire stockpile of over 20,000 sub-strategic nuclear warheads produced by the former Soviet Union, while the active tactical stockpile of the United States numbers approximately 1,500 warheads (with several thousands in storage), including some 150 B61 (Mod. -3, -4, -10) air-delivered warheads still deployed in five countries in Europe.

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to re-deploy sub-strategic nuclear weapons in Belarus and some of the newly independent states along the Russian Federation’s western and southern borders, and on ships in the Baltic Sea, or to make additional ones. American military planners, for their part, remain interested in the perceived

deterrent value of sub-strategic nuclear systems to thwart chemical and biological weapons use by so-called “rogue” states.

With the advent of “smart” advanced conventional munitions, sub-strategic nuclear weapons are no longer as crucial for military planners as they once were during the height of the Cold War. Reportedly, even the United States Air Force would prefer to remove its remaining B61 nuclear bombs from Europe. Security would be enhanced if steps were taken to codify the 1991 Bush-Gorbachev declarations and to agree on a framework on data exchanges covering numbers and locations of sub-strategic nuclear warheads, monitored central storage, and warhead deactivation and dismantlement. Both the United States and the Russian Federation should be encouraged to take steps to withdraw all sub-strategic nuclear weapons from Europe — i.e. the area from the Atlantic to the Urals — and further to consider the complete prohibition of this class of weapon, perhaps in the framework of START III. At the 1999 NPT PrepCom, several countries from across the political spectrum spoke out about the compelling need to address immediately sub-strategic nuclear weapons disarmament.

Nuclear-Weapon-Free Zones

Over the past four decades, NWFZs have achieved recognition as a regional concept designed to complement other international security arrangements. Negotiated NWFZ treaties, together with United Nations expert studies and pronouncements, have assisted in further defining the scope and framework of the concept. The NPT sanctioned such zonal arrangements in its Article VII, and Decision 2 of the NPTREC endorsed the negotiation of additional such treaties. Strong support was expressed for NWFZ arrangements at all three sessions of the PrepCom for the 2000 NPT Review Conference. A consequence of more than 100 countries covered by negotiated NWFZ arrangements in four continents is the reduction in the area for the deployment of nuclear weapons, thus contributing to the objective of promoting nuclear non-proliferation and disarmament.

Of the four NWFZ treaty arrangements — Tlatelolco (1967), Rarotonga (1986), Bangkok (1995) and Pelindaba (1996) — three have already entered into force and efforts are underway to facilitate the entry into force of the African NWFZ (Pelindaba). Efforts have been underway since 1997 to draft a NWFZ treaty arrangement for Central Asia and in April 1999 a draft treaty text was completed for further consideration and negotiation. Some countries have unsuccessfully floated proposals for a NWFZ to cover parts of Central and/or Eastern Europe. In 1992, Mongolia proclaimed the nuclear-weapon-free status of its territory and sought international recognition for this initiative. The United Nations General Assembly adopted resolution 53/77D in December 1998, accepting Mongolia’s nuclear-weapon-free status. Such initiatives would compliment negotiated NWFZ treaties and could be considered by other countries as well.

While the 2000 NPT Review Conference will welcome the two latest NWFZ arrangements — Bangkok and Pelindaba — the completion of a Central Asian NWFZ treaty by mid-2000 would be one of the few positive developments in nuclear non-proliferation and disarmament at the start of the new millennium.

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Devaluing Nuclear Weapons

Nuclear deterrence overwhelmingly dominated the Cold War calculus of international security. Nuclear weapons dictated a requirement for instant readiness for war-fighting that continues to this day. Even though Presidents Ronald Reagan and Mikhail Gorbachev agreed that a nuclear war cannot be won and must never be fought, thousands of nuclear weapons remain on hair-trigger alert.

Despite their best efforts the supporters of the concept of nuclear deterrence cannot prove that nuclear weapons preserved the peace in Europe or elsewhere in the world. What can be claimed though is that they played a supporting role in preserving the peace. Nor can supporters of deterrence prove that the many crises during the Cold War were resolved or contained primarily by the threat of nuclear war. The history of the Cold War is replete with compelling evidence of the

pernicious effects of the open-ended quest for nuclear deterrence, as shown by Professors Janice Stein and Richard Ned Lebow in a study entitled *We All Lost the Cold War*.⁹

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powerful conventional simplifications that are no longer valid. Unfortunately, many of these traditional and out-moded concepts retain great currency amongst certain security analysts and defence planners, and the dominance of military and strategic considerations in the conduct of international relations endures as a legacy of the Cold War. While stability was and continues correctly to be of prime strategic importance, in a transforming world its pursuit by some influential countries places exaggerated emphasis upon nuclear weapons and military concepts that are presumed still to lie at its core.

In a post-Cold War world, the political value of nuclear weapons has declined markedly rendering them more a liability than an asset. Despite the changed political climate and the window of opportunity to restructure international relations away from reliance on nuclear weapons, many influential thinkers and military planners in the United States, NATO, the Russian Federation and in some other countries still believe in the integrity of nuclear deterrence — i.e. that stability and security would necessarily be jeopardized in the absence of nuclear deterrence. Such deeply embedded beliefs are extraordinarily resistant to new thinking or to change. They also reflect the reluctance of national security planners in the NWS to conceive of a security architecture that does not rely on nuclear arms.

With the collapse of the Soviet Union, defence planners have had to live with a shrinking of their bloated Cold War nuclear arsenals and have had to reduce their target sets in order to comply with START restraints. In the United States, present targeting requirements call for 2,000–2,500 deployed strategic nuclear warheads, with about 5,000 kept in reserve, along with some 500 sub-strategic nuclear warheads, for a total of about 8,000 warheads. The arbitrary nature of the 1994 Nuclear Posture Review and of the 1997 Quadrennial Defense Review of the United States gives rise to questions about their governing rationales, which recommended continuing high levels of deployed nuclear forces together with a “hedge” against the possibility of a resurgent Russian Federation should its democratic reforms fail. Starkly put, the Russian Federation simply has little capacity to maintain even 1,000 strategic nuclear warheads, much less the several thousands now permitted under existing START I and START II, and the proposed START III, agreements. Over the

next ten to fifteen years, the Russian Federation is likely to go down to 500 operational strategic weapons. If there are concerns about nuclear safety and security in the Russian Federation, should not that constitute an argument for getting rid of as many Russian warheads as rapidly as possible? And if that is the case why is it that the Russian Federation is pressing for deeper cuts under a START III — going down to 1,000 or less deployed nuclear warheads?

Reducing nuclear arsenals down to a few hundred requires a fundamental change in how the United States and the Russian Federation view the utility of deterrence. Unless Moscow and Washington recognize the sufficiency of an existential deterrent of 50–100 weapons, their nuclear forces will remain at relatively high levels. After presidential elections this year in both the United States and the Russian Federation, the new leaders must clean house in the respective defence and nuclear weapon complexes and retire Cold War era nuclear war planners who seem unable to formulate security doctrines without nuclear weapons.

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New Initiatives on Nuclear Disarmament

Given the continuing stalemate in the CD and NPT reviews on nuclear disarmament, an increasing sense of frustration permeates the representatives of many NNWS due to the lack of progress in formulating a new agreed international vision for nuclear disarmament. This is compounded by the emergence of a “new nuclear realpolitik” conveying a complex of new and modified political and military rationales used both by proliferators, such as India, and by the NWS to justify proliferation or retention of nuclear weapons — even if at lower numbers.¹⁰ Continuous efforts by the NNWS are required to confront and defeat this nuclear realpolitik.

One important plurilateral initiative was the 9 June 1998 Joint Ministerial Declaration “Towards a Nuclear-Weapon-Free World: The Need for a New Agenda”. This effort was the product of eight states from all the main United Nations caucus groups, which later sponsored Resolution L.48 at the First Committee and Resolution 53/77Y in the United Nations General Assembly. Most notable was that twelve NATO states abstained rather than vote “no” as urged by the United States and supported by the United Kingdom and France. The New Agenda Coalition must now focus on broadening and deepening the consensus on a new disarmament agenda by working through all available international fora such as the CD, NPT reviews and the First Committee.

On 25 July 1999, the Tokyo Forum produced its report on “Facing Nuclear Dangers”. The Forum was set up in August 1998 by then Foreign Minister and current Prime Minister of Japan, Keizo Obuchi, to respond to the loss of confidence in the non-proliferation regime resulting from the South Asian nuclear tests as well as from the failure of the NWS to proceed toward a prohibition of nuclear weapons. Having sponsored and funded the Tokyo Forum it would come as a great disappointment if the Japanese Government did not take the necessary steps to promote broad acceptance and implementation of the Forum’s recommendations (see article in Open Forum).

Restoring American-Russian Cooperation in Non-Proliferation

One of the few but important successes in managing international security during the Cold War was the often close consultations between the United States and the Soviet Union on constraining nuclear proliferation and promoting adherence to the NPT. This cooperation in the form of high-

level semi-annual consultations continued despite changes in leadership in both Washington and Moscow, and persisted even during the most troubled periods of East-West relations in the 1970s and 1980s. Though the Cold War has ended, this cooperation ironically has been withering under the deterioration in American-Russian strategic relations and differences over a wide range of security matters — such as Russian nuclear cooperation with India and Iran, divergent policies regarding UNSCOM activities, and absence of cooperation on important regional security issues in South Asia, the Korean Peninsula and the Middle East.

Restoration of American-Russian cooperation is key to dealing with security challenges such as avoiding nuclear anarchy in the territories of the former Soviet Union, preventing defections from the NPT, shoring up the role of the United Nations in combating possible reconstitution of Iraq's weapons of mass destruction programmes, and preventing terrorist use of biological, chemical, radiological or information weapons. In addition to reviving American-Russian cooperation in non-proliferation, at the same time it is critical to draw China further into the fabric of global non-proliferation norms and regimes.

Conclusion

At the NPTREC, Vice President Al Gore, and later at the September 1996 signing of the CTBT, President Bill Clinton, committed the United States to promote non-proliferation and disarmament measures leading to the eventual prohibition of all nuclear weapons. The leaders of the other NWS made similar promises. On living up to these commitments, however, the record is mixed and there is a crying need for political leadership.

Following the NPTREC decisions, all states parties are legally bound to work toward achieving the eventual prohibition of nuclear weapons, and the NWS are doubly bound — first under the NPT and again through the NPTREC decisions. While there might be contradictory views on the advisory opinion rendered by the ICJ on the elimination of nuclear weapons, what cannot be challenged is the ICJ's unanimous finding that: "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."

More specifically, the opinion added: "[T]he legal import of that obligation goes beyond that of a mere obligation of conduct; the obligation involved here is an obligation to achieve a precise result — nuclear disarmament in all its aspects by adopting a particular course of conduct, namely the pursuit of negotiations on the matter in good faith." The Court's opinion does not dictate any timetable or negotiating forum for reaching this result. The ICJ's emphasis on the obligatory character of NPT Article VI appears to represent common legal ground between the NWS and the NNWS.

Although the Court's opinion refrains from directly criticizing the current behaviour and practice of the NWS, it seems rather evident that the most important NWS have for several decades preferred, and even insisted upon, an arms control approach based on minimizing the risks of possessing nuclear weapons rather than on prohibiting them. Given the politics of nuclear weapons and their continuing role in international security, without concerted international pressure, in the short- to medium-term it is unlikely that prohibition regimes of the type negotiated for biological and chemical weapons could be achieved for nuclear weapons.

A constructive alternative, in the interim, might be to give greater weight to the legal commitment (under the NPT) of the NWS to pursue nuclear disarmament as a serious policy goal, and to urge the establishment at the CD of an *ad hoc* committee for the substantive discussion and consideration of nuclear disarmament issues.

The undertakings in Article VI of the NPT include a commitment “to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament”, which is binding on all NPT parties and is not necessarily contingent upon negotiations toward general and complete disarmament.

“We have met the enemy and he is us” observed Pogo, the comic-strip sage. While the end of the Cold War has greatly reduced the traditional threat of superpower conflict, maintaining and even strengthening global non-proliferation regimes have become important new challenges. The linkage between nuclear non-proliferation and nuclear disarmament has acquired greater saliency. In this context, the challenge to the NWS is to fashion a strategy to delegitimize nuclear weapons that follows the new logic of post-Cold War security dynamics and capitalizes on the possibilities opened by emerging strategic realities where inter-state war is declining. Establishing new norms in concert with proactive diplomacy to resolve regional conflicts, meshing supply-side restraints and demand-side motivations, offers the best prospect of reversing proliferation and shoring up a fraying NPT regime. A fundamental question is: How important is nuclear disarmament and nuclear non-proliferation, and what price are the NWS prepared to pay to realize the non-proliferation objective?

The challenge to the NWS is to fashion a strategy to delegitimize nuclear weapons that follows the new logic of post-Cold War security dynamics and capitalizes on the possibilities opened by emerging strategic realities where inter-state war is declining.

General (ret.) George Lee Butler, former Commander in Chief of the United States Strategic Command, who is one of a very few nuclear war planners to evaluate the entirety of the 12,500 targets in the single integrated operational plan of the United States for using nuclear weapons and reduced it down to 3,000 targets, concluded: “I long ago took to heart the words of Omar Bradley, spoken virtually a half century ago, when he observed, having seen the aftermath of the bombs on Hiroshima and Nagasaki, this: ‘We live in an age of nuclear giants and ethical infants. We live in a world that has achieved brilliance without wisdom, power without conscience. We’ve unlocked the mysteries of the atom and forgotten the lessons of the Sermon on the Mount. We know more about war than we know about peace, more about killing than we know about living’.”¹¹

Leadership whether on regional security, nuclear disarmament or non-proliferation issues depends on vision. Being satisfied with the lowest common denominator of agreement among states is at best an unreliable guide to security and stability. It is therefore vital to formulate a grand strategy for the prohibition of nuclear weapons as part of a broader vision of international security. That is why it is important to enunciate principles for nuclear disarmament and nuclear non-proliferation.

Principles for Nuclear Disarmament and Nuclear Non-Proliferation

- Promote the complete prohibition of all categories of weapons of mass destruction — nuclear, chemical and biological — in the shortest feasible time frame.
- Work consistently to reduce and eliminate the political legitimacy and value of nuclear weapons as a basis for international security, with the goal of securing the complete prohibition of such weapons. Defend and assert nuclear disarmament and nuclear non-proliferation principles and goals in the context of a human security agenda and principles of multilateralism.
- Promote transparency and irreversibility in the process of nuclear disarmament and nuclear non-proliferation. Preserve the integrity of all negotiated nuclear arms reduction and non-proliferation instruments.

- Reinforce the authority, integrity and relevance of the NPT with respect to international peace and security. Promote universal adherence to, compliance with and full implementation of all aspects of the NPT, as well as ways of further strengthening the NPT regime — i.e. permanence with accountability.
- Defeat any new nuclear realpolitik that espouses political and security rationales justifying the proliferation or continuing retention (even at lower numbers) of nuclear weapons.
- Ensure the purely peaceful, non-explosive uses of nuclear energy under effective international safeguards.

Notes

- ¹ United Nations, The Joint Ministerial Declaration issued by the Ministers of Foreign Affairs of Brazil, Egypt, Ireland, Mexico, New Zealand, Slovenia, South Africa and Sweden, entitled “Towards a nuclear-weapon-free world: the need for a new agenda”, *Official Records of the General Assembly*, A/53/138, annex.
- ² *Facing Nuclear Dangers: An Action Plan for the 21st Century*, The Report of the Tokyo Forum for Nuclear Non-Proliferation and Disarmament, 25 July 1999, www.infojapan.org/policy/un/disarmament/forum/tokyo9907/key.htm.
- ³ *Canada and the Nuclear Challenge: Reducing the Political Value of Nuclear Weapons for the Twenty-First Century*, Report of the Standing Committee on Foreign Affairs and International Trade, House of Commons, Canada, 10 December 1998, www.parl.gc.ca/InfoComDoc/36/1/FAIT/Studies/Reports/faitrp07-e.htm; *Government Response to the Recommendations of the Standing Committee on Foreign Affairs and International Trade on Canada’s Nuclear Disarmament and Non-Proliferation Policy*, Department of Foreign Affairs and International Trade, 19 April 1999, www.dfait-maeci.gc.ca/nucchallenge/ANNEXB-e.htm; and *Government Statement: Nuclear Disarmament and Non-Proliferation: Advancing Canadian Objectives*, 19 April 1999, www.dfait-maeci.gc.ca/nucchallenge/POLICY-e.htm
- ⁴ Admiral Jacques Lanxade, Chef d’état-major des armées, Ministère de la défense, France, 1993, quoted in Serge Sur (ed.), *Nuclear Deterrence: Problems and Prospects in the 1990’s*, New York, United Nations, 1993, p. xvii.
- ⁵ Ibid.
- ⁶ Notes for an Address by The Honourable Lloyd Axworthy Minister of Foreign Affairs to the North Atlantic Council Meeting, Department of Foreign Affairs and International Trade, Ottawa, Canada, given in Brussels, Belgium, 8 December 1998.
- ⁷ Notes for a Statement by The Honourable Lloyd Axworthy Minister of Foreign Affairs to the Standing Committee on Foreign Affairs and International Trade, *India’s Nuclear Testing: Implications for Nuclear Disarmament and the Nuclear Non-Proliferation Regime*, Department of Foreign Affairs and International Trade, Ottawa, Canada, 26 May 1998.
- ⁸ Walter Slocombe (United States Under-Secretary of Defense for Policy), “Is there still a role for nuclear deterrence?”, *NATO Review*, November-December 1997, p. 24, www.vm.ee/nato/docu/review/articles/9706-07.htm
- ⁹ Richard Ned Lebow and Janice Gross Stein, *We All Lost the Cold War*, Princeton, NJ, Princeton University Press, 1994; and “Deterrence and the Cold War”, *Political Science Quarterly*, Vol. 110, No. 2, 1995.
- ¹⁰ See note 7.
- ¹¹ Testimony on 10 March 1999 before the Standing Committee on Foreign Affairs and International Trade, House of Commons, Ottawa, Canada.