

Paragraph 32 Process: Final analysis

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Basic Notes, 11 January 2001



British American Security
Information Council

On the second day of their December 2000 ministerial meeting at alliance headquarters in Brussels, NATO foreign ministers adopted a report on options for confidence and security building measures, verification, non-proliferation, arms control and disarmament. Originally mandated by paragraph 32 of the final communiqué agreed at NATO's 50th anniversary summit in Washington in April 1999, the document is the result of ongoing debate within the alliance about possible new directions for nuclear policy – a debate instigated in 1998 by German and Canadian proposals.

During the negotiating and drafting process, it became clear that the result of this process would look nothing like the nuclear policy review envisaged by the more progressive allies during 1998 and 1999. There were several reasons for this. First, any changes would require consensus among the 19 NATO allies, and there was little they could all agree needed done. Second, NATO had an extremely full agenda, trying to deal with operations in the Balkans, the Defence Capabilities Initiative and, crucially, the row over EU-NATO relations with regard to the EU Rapid Reaction Force. Third, with impending presidential elections in the United States and both candidates committed to reviewing U.S. nuclear posture, NATO would have its hands tied to a certain degree and would not realistically have been able to consider 'theological' nuclear issues until the results of the U.S. exercise were known.

On release of the arms control review, NATO diplomats were keen to point out the 'integrated' and 'comprehensive' nature of the document, noting that this report was the first of its kind since the 1989 Comprehensive Concept of Arms Control and Disarmament. It is easy to pass over the importance of this kind of achievement, but the fact that this report went through so many different committees and both sets of ministers is crucial. First, it encouraged, and hopefully set the trend for, 'joined-up' work on weapons of mass destruction and arms control issues, with both the military and political sides of the alliance involved. Second, according to some insiders, its evolution revealed the need for the bureaucratic reorganisation to ensure that complex issues will be properly handled both in Brussels and between Brussels and national capitals. The implications, as far as the arms control agenda is concerned, should be a better linkage between those working on defence and disarmament policies. The increasing awareness of the need to match up alliance nuclear policies and member states' commitments under the Nuclear Non-Proliferation Treaty (NPT) is a good example of this.

In their final North Atlantic Council communiqué, which was held up by arguments over language relating to the future use of NATO assets and capabilities by the European Union, allied foreign ministers welcomed the publication of this "comprehensive" report and tasked "the Council in Permanent Session to pursue vigorously implementation of the recommendations contained in this report, including with Russia through the [Permanent Joint Council]." Whilst only two allies – Canada and Norway – mentioned the report in their ministerial interventions, NATO Secretary-General Lord Robertson praised it as "a good report" in his summing-up at the end of the private session. Lord Robertson did not see fit, however, to mention the report in his remarks to the press shortly afterwards. Nor was there any mention of the report in any national press conferences, other than that of the Norwegians. A NATO spokesman said privately that NATO "had fulfilled the mandate set by the Washington Summit and was committed to openness with regard to its policies on weapons of mass destruction."

Diplomats from several member states came up with careful, but nonetheless enthusiastic praise for the report. One said: "We are also pleased that this process has concluded with a set of modest but practical suggestions for furthering dialogue between NATO and Russia on nuclear weapons issues. We look forward to pursuing these ideas through the Permanent Joint Council in the New Year." Another said: "We welcome this report – it is an important step and we look forward to taking forward the proposals for joint action with Russia." However, it was clear that this report was nothing like the nuclear

policy review originally envisaged by the Germans and Canadians.

Open publication of the report was in some doubt two weeks before the foreign ministers' meeting. The French delegation, still unhappy with the outcome of the NPT 2000 Review Conference and US moves on missile defences, sought to block the report's publication, but they were by no means the only ones. Consensus for publication was nonetheless achieved because some allies were desperate to prove that alliance transparency had increased since the 2000 Review Conference, but also because those who opposed publication considered the battle over EU-NATO relations more important and had to give ground somewhere during negotiations prior to the foreign ministers' meeting. However, not all of the report presented to ministers was given out to the public: several pages, possibly up to 10, were excluded on the basis that they either revealed contrasting allied positions (and therefore threatened alliance unity) or that they contained intelligence analysis which had to remain classified. NATO officials of course did not seek to publicise the disparity between the two documents.

Despite this in-house debate on publication, the report contained three useful paragraphs on transparency, including a commitment to "meaningful public outreach to interested individuals and groups," as well as a willingness to "broaden its engagement with interested non-governmental organizations, academic institutions and the general public." The Canadians were given some credit for the inclusion of this language. Responding to these paragraphs, diplomats from the United Kingdom, Canada, the United States and the Netherlands all declared themselves happy with this statement of intent towards greater transparency and increased outreach to publics and non-governmental organizations.

The report is divided into three broad sections: an analysis of recent developments in the conventional, nuclear, biological and chemical arms control fields; a statement of alliance principles on arms control; and a collection of forward-looking possible measures – the 'options' mandated by the 1999 Washington communiqué. Whilst NATO was keen to stress its post-Cold War record on arms control, most eyes were on the third section of forward-looking recommendations (Section 5), especially in light of the practical steps towards nuclear disarmament agreed at the NPT 2000 Review Conference.

These recommendations were in turn divided into policy statements and initiatives on nuclear proliferation, transparency and future NATO-Russia initiatives. The latter were designed to be implemented through the NATO-Russia Permanent Joint Council (PJC). These initiatives comprised four specific proposals for joint confidence and security building measures: enhanced dialogue on matters relating to nuclear forces; information exchange regarding the readiness status of nuclear forces; information exchange on nuclear weapons safety issues; and data exchange on US and Russian sub-strategic nuclear forces.

Privately, some diplomats noted with concern the reliance of the forward-looking proposals on the PJC functioning well, something which has not always been the case. During the Kosovo conflict, for example, the PJC did not meet at all. They also acknowledged that it remains vulnerable to changes in NATO-Russia relations, such as the possible enlargement of the alliance at the next NATO summit in Prague in the autumn of 2002.

One Russian official, speaking in a private capacity, said that Moscow would need time to study these proposals and that it might be desirable to work on them in the future as part of a more formal arrangement. One sign of Russia's continued willingness to work cooperatively with the West on nuclear weapons issues was the December 16th announcement by US Secretary of State Madeleine Albright and Russian Foreign Minister Igor Ivanov of an agreement aimed at strengthening cooperation to prevent accidental missile launchings. The deal was an updated version of an initial early-warning system set up by US President Bill Clinton and Russian President Vladimir Putin. Discussions

with the Russians were slated to begin in early 2001, but more sceptical observers thought that the Russians would take their time in studying the proposals. Some NATO officials, acknowledging the vacillations of the NATO-Russia relationship, emphasised the need to take discussions of the joint action recommendations to the level of expert-expert discussions as quickly as possible in order to reduce the dangers of political upsets. But it is clear that, whatever pace Russia chooses, these joint initiatives could be held hostage to any future downturn in NATO-Russia relations.

As if to highlight the pitfalls that could undermine this process, a Reuters report on January 3rd quoted US officials who claimed that Russia had been 'forward-deploying' sub-strategic nuclear weapons to the enclave of Kaliningrad. Concerned claims and denials subsequently echoed around the region, with the US leaking of intelligence reports through the Washington Times fanning a fire of discontent in Warsaw, Vilnius and other places.

As to the NATO-Russian initiatives themselves, they are a mixed bag of proposals. Option A (Enhance and deepen dialogue on matters relating to nuclear forces) states that NATO will propose "a more frequent in-depth exchange of views, assessments and information on nuclear forces" through "seminars, workshops and other expert-level meetings." This is a welcome initiative, but lacks timelines, specific details and, crucially, the agreement of Russia. As stated elsewhere, even if Russia agrees to it in some form or other, it will remain as vulnerable as all other NATO-Russia arrangements.

Option B (Exchange information regarding the readiness status of nuclear forces) seems to be a rather limited proposal. As a confidence-building measure, allies will seek to make Russia fully aware of the changes they have already made on readiness status in exchange for Russian information on the readiness status of its own forces. It is difficult to see any great attraction for Russia here. Two specific proposals are mentioned: information exchange on "the present state of alert for nuclear weapons of NATO countries and Russia" and "a discussion of the unilateral measures already taken by NATO countries and Russia to reduce the alert status and readiness of their nuclear forces." The proposal on information exchange on readiness status only serves to highlight the dangerous levels of alert at which nuclear weapons are still kept. Again, all of this is dependent on harmonious NATO-Russia relations.

Option C (Exchange information on safety provisions and safety features of nuclear weapons) was given some political credibility by the (belated) Russian invitation for NATO to assist with the rescue of the stricken Kursk. It proposes five concrete measures: "Safety and security features of nuclear weapons"; "Share personnel reliability programme oversight practices"; "Mutual observation of exercises"; "Joint NATO-Russia accident exercise"; and "a Shadow exchange officer programme." These seem to be sensible, concrete measures, but serious questions remain about the Russian Defence Ministry's willingness (and indeed, ability) to engage in this type of mutual exercise with regard to weapons on which it is increasingly reliant.

Option D (Exchange data on U.S. and Russian sub-strategic nuclear forces) is the shortest and most interesting of the four options. It proposes a "reciprocal data exchange", conducted through the PJC, in order to enhance "transparency and knowledge of the size of the US and Russian stockpiles." This demonstrates two things. First, NATO is extremely concerned about the safety and security of the Russian sub-strategic nuclear arsenal and is keen to find ways to ensure that the arsenal is not susceptible to theft or misuse. Second, the brevity of language for this option shows the lack of consensus on how far the alliance could go with regard to formally naming and locating the US sub-strategic weapons. It also raises the intriguing prospect of NATO giving information to Russia that it has not given to allied publics or parliaments. This latter point was mentioned during the drafting process, and it is clear that countries which pride themselves on their openness, such as Germany and the Netherlands, would have

great difficulty in justifying giving information about the location of US nuclear weapons on their territory to the Russians without giving it to their own constituents. Whilst the aims of this option – to ensure maximum transparency on both NATO and Russian sub-strategic nuclear weapons – are clear and valid, differences amongst allies in terms of their willingness to talk about nuclear weapons stationed on their soil should not be underestimated.

Section 5 also contained some interesting analysis of nuclear proliferation and justification for the continuing inclusion of nuclear weapons in alliance security policy. Despite including the actual text of the practical steps agreed at the NPT 2000 Review Conference in paragraph 106, the alliance included language in other sections of the report which re-iterated current nuclear policy, as if there were no disconnect between the two. Statements such as “the alliance’s nuclear weapons will be maintained at the minimum level sufficient to preserve peace and stability” sit ever more uneasily with an “unequivocal undertaking” to nuclear disarmament, as given by the nuclear-weapon states at the NPT 2000 Review Conference.

Paragraphs 99-102 explore the oft-touted suggestion that proliferant states use NATO’s nuclear practices to justify their own actions. Refuting this, the report claims: “no evidence was found that proliferant nations acquire nuclear capabilities based on the fact that NATO maintains nuclear weapons in Europe for ensuring the security of the alliance. [...] NATO’s residual sub-strategic nuclear arsenal [...] is not responsible for nuclear proliferation.” Having claimed that its sub-strategic arsenal was to ensure “the security of the alliance,” NATO goes on to claim that the role of its nuclear weapons is “fundamentally political” (p.101). It seems as though NATO is trying to have its sub-strategic cake and eat it.

NATO makes a fair point in p.102 about proliferant states saying one thing in international discussions and then doing another in their own backyards, as well as underlining the real commitment that many allies have made to many arms control and disarmament agreements. However, the alliance cannot escape the fact that the publication of this report and the refusal to change position will place more scrutiny and criticism on its nuclear policies and not less, since the allies themselves have chosen to make the dichotomy between NPT and NATO policy explicit.

To sum up, this is a process that was derailed by Kosovo and US presidential elections – and thus ended in a result nothing like its original intent. Public and private pressure has forced the publication of a large document, but little of it relates to the future. In fact, only roughly a third of the report could actually be described as containing ‘options’ for the future. NATO has made some welcome effort to match up member states’ NPT commitments with alliance defence policy, but the fundamental contradictions remain. Paragraph 101 confirms: “the Alliance’s nuclear weapons will be maintained at the minimum level sufficient to preserve peace and stability. This enhances the security of the Euro-Atlantic region and beyond.” Despite all the support offered for other parts of the arms control agenda, nuclear weapons policy was the *raison d’être* of this process and the aforementioned language does nothing to alter the fundamental criticism of incompatibility. There is no explicit indication that this process will be continued, but the foreign ministers’ communiqué stated: “We task the Council in Permanent Session to pursue vigorously implementation of the recommendations contained in this report.” It would seem more likely that no more serious attention to alliance nuclear policy will be paid by member states until the outcome of the impending US nuclear posture review is known.