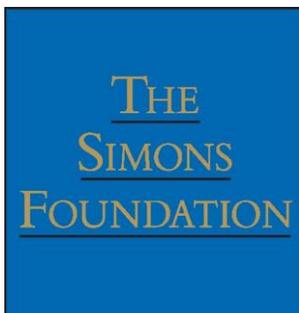


2010-2011 Graduate Research Awards

Debates on Disarmament, Arms Control and Non-Proliferation



A joint programme of



and the International Security
Research and Outreach Programme
(ISROP) of Foreign Affairs and
International Trade Canada (DFAIT)

February 17, 2011
Foreign Affairs and International Trade Canada (DFAIT)
Lester B. Pearson Building
Ottawa, Canada

Preface

The Graduate Research Awards for Disarmament, Arms Control and Non-proliferation (GRA) programme was initiated by Dr. Jennifer Allen Simons, President of The Simons Foundation, in partnership with the International Security Research and Outreach Programme (ISROP) of Foreign Affairs and International Trade Canada (DFAIT) in 2003. The primary objective of the Awards is to enhance Canadian graduate level scholarship on disarmament, arms control and non-proliferation issues.

Since its inception, the Graduate Research Awards programme has provided \$160,000.00 in scholarships to Canadian graduate students working on policy-relevant non-proliferation, arms control and disarmament issues (NACD) and has helped to encourage a new generation of young scholars dedicated to further expanding their knowledge and expertise on these critical issues.

The programme originally offered three Doctoral Research Awards of \$5,000.00 and four Master's Research Awards of \$2,500.00 each year to support research, writing and fieldwork leading to the completion of a major research paper or dissertation proposal on an issue related to disarmament, arms control and non-proliferation. For the 2010-2011 GRA, The Simons Foundation doubled the funding available for the awards with the intention of doubling the number of students able to participate, which allowed ISROP to develop a new and innovative format for the GRA consultations at DFAIT headquarters in Ottawa. Instead of having the successful GRA applicants make presentations to DFAIT officials on a NACD issue of their choosing, this year the programme was restructured to consist of a series of debates on the following timely issues:

- Should nuclear capabilities remain an essential element of NATO's defence strategy?
- Should the Biological Weapons Convention Review Conference in 2011 revive the verification debate or focus instead on compliance?
- In accordance with Canadian NACD policies, should Canada support the multilateralization of nuclear fuel cycle as a non-proliferation measure?
- In order to be both effective and enforceable, should the scope of an Arms Trade Treaty be broad or narrow?

Following an initial review of applications, 16 candidates were short-listed for further consideration and assigned one of the four debate topics. Applicants were then required to research and write, individually and independently, a 1,000 word position paper arguing their assigned position on the subject. The eight students who made the strongest argument in support of their position, as determined by an expert review panel, were selected to receive a Graduate Research Award of \$5,000.00 and were invited to debate their positions in person at the GRA Consultations held at DFAIT headquarters in Ottawa on February 17, 2001. The debates provided an unique opportunity for exchange among departmental officials, Canadian opinion-leaders and young leaders and the next generation of experts in the NACD field. At the GRA 'debates' in Ottawa, officials of the International Security Bureau of Foreign Affairs and International Trade Canada (DFAIT) attended the sessions and Mr. Donald Sinclair, Director General of the International Security Bureau at DFAIT, hosted a working lunch in honour of the GRA recipients. Additional monetary awards of \$2,000 were also provided to the two students deemed to have made the most effective arguments in support of their position at the debates in Ottawa.

The inaugural edition of the GRA Debates programme was a great success and we wish to acknowledge Elaine Hynes of The Simons Foundation and Jasmin Cheung-Gertler of ISROP for their work to coordinate and execute the programme this year. The organizers would also like to acknowledge and thank Dr. Jez Littlewood, Director of the Canadian Centre of Intelligence and Security Studies (CCISS) and Assistant Professor of International Affairs, The Norman Paterson School of International Affairs (NPSIA) at Carleton University, for his contributions as guest Chair at the GRA debates, as well as Justin Alger, Canadian Centre for Treaty Compliance, Carleton University, for his remarks to the group

We also wish to congratulate this year's Graduate Research Awards recipients who each received a cash award of \$5,000.00:

- Kawser Ahmed, Peace and Conflict Studies, University of Manitoba
- Adam Bower, Political Science, University of British Columbia
- Eric Macfarlane, Political Science, University of Saskatchewan
- Jeremy McGee, Infrastructure Protection and International Security, Carleton University
- Evan Rankin, International Study Centre, Queen's University
- Nathan Sears, Norman Paterson School of International Affairs, Carleton University
- Elizabeth Silber, Physics and Planetary Science, University of Western Ontario
- Jessica West, Balsillie School of International Affairs, Wilfrid Laurier University

Additional awards of \$2,000 were provided to Nathan Sears and Jessica West for the exceptional delivery of their arguments during the debates in Ottawa.

Jennifer Allen Simons, C.M., Ph.D., LL.D.

President

The Simons Foundation

Nadia Burger

Director, Defence and Security Relations Division

Foreign Affairs and International Trade Canada

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Contents

Opening Remarks by Mr. Louis-Philippe Sylvestre	1
Keynote Address by Dr. Jennifer Allen Simons	3
Doctoral Candidates Debate 1	
Should nuclear capabilities remain an essential element of NATO's defence strategy?"	
Yes: Argument presented by Jessica West	8
No: Argument presented by Kawser Ahmed	15
Doctoral Candidates Debate 2	
"Should the Biological Weapons Convention Review Conference in 2011 revive the verification debate or focus instead on compliance?"	
Revive the verification debate: Argument presented by Adam Bower	22
Focus on compliance: Argument presented by Elizabeth Silber	28
Master's Candidates Debate 1	
"In accordance with Canadian non-proliferation, arms control and disarmament (NACD) policies, should Canada support the multilateralization of the nuclear fuel cycle as a non-proliferation measure?"	
Yes: Argument presented by Evan Rankin	33
No: Argument presented by Jeremy McGee	38
Master's Candidates Debate 2	
"In order to be both effective and enforceable, should the scope of an Arms Trade Treaty be broad or narrow?"	
Narrow: Argument presented by Nathan Sears	43
Broad: Argument presented by Eric Macfarlane	49
Closing Remarks - Mot de la fin by Ms. Nadia Burger	53
Expert Review Panel	54
Annex: 2010-2011 GRA Application Information	56

Opening Remarks

Louis-Philippe Sylvestre

**Acting Director, Non-Proliferation and Disarmament (IDA)
Foreign Affairs and International Trade Canada (DFAIT)**

Au nom de la Direction de la non-prolifération et du désarmement et de la Direction des relations de sécurité et de défense, je vous souhaite la bienvenue à Affaires étrangères et Commerce international Canada pour cette première édition des Débats des lauréats des Bourses de recherche au niveau des études supérieures.

Nous sommes ravis de tous vous recevoir pour cet événement inédit, qui, comme mes collègues en conviendront, sera très certainement à la fois dynamique et informatif.

We are especially privileged to have an opportunity to hear from the 'best and brightest' in Canada, who have been chosen as recipients of the Graduate Research Awards for Disarmament, Arms Control and Non-Proliferation.

Our congratulations on your awards!

For myself and my colleagues, today's GRA debates will be an opportunity to step outside our daily work routines to explore current and emerging policy questions.

For the students from Carleton and other universities that have joined us for today's program, I hope you will also find the debates instructive and we are looking forward to hearing your questions during the discussion portion following each of the debates.

The GRA event is held annually to coincide with the Graduate Research Awards competition, which is an ongoing partnership between the Department's International Security Research and Outreach Programme (ISROP) and The Simons Foundation.

Le programme d'aujourd'hui mettra à l'honneur un format novateur pour discuter de ces importantes questions stratégiques dans le cadre de quatre débats.

The debates will be 50 minutes in duration, followed by 15 minutes of discussion.

We are encouraging you all to pose your questions to our guest 'debaters' – following the structured debates.

Briefly, the debates will explore the following four questions:

- Should nuclear capabilities remain an essential element of NATO's defence strategy?
- Should the Biological Weapons Convention Review Conference in 2011 revive the verification debate or focus instead on compliance?
- In accordance with Canadian NACD policies, should Canada support the multilateralization of nuclear fuel cycle as a non-proliferation measure?

- In order to be both effective and enforceable, should the scope of an Arms Trade Treaty be broad or narrow?

The first two debates, on NATO and the BTWC will take place immediately following the opening plenary at 9:45 am. You have the Agendas in front of you, and you will note that the NATO debate will be here in the Robertson Room but the BTWC debate will be outside in the Skelton Lobby.

After the coffee break, the second round of debates will be held, featuring our debaters on the nuclear fuel cycle which will be here.

And the ATT scope debate will be outside in the Skelton Lobby.

We will break for lunch at 12:20 and reconvene for the closing plenary here in the Robertson at 1:50.

During the closing plenary, we are looking forward to hearing from Justin Alger – - who will speak to his work with the Canadian Centre for Treaty Compliance at Carleton University. Justin, incidentally, is also a former recipient of a Graduate Research Award. Welcome back Justin!

The Debate Chairs will then present highlights from each of the debates.

Finally, we will have the great pleasure of presenting the Graduate Research Awards to each of our eight recipients for the 2011 competition. We will also announce the two additional ‘winners’ from the morning’s debates.

So that, in brief, is today’s program. As you can see, we will have a full day of listening, thinking and discussing.

Now, it is my honour and privilege to have the opportunity to introduce to you Dr. Jennifer Allen Simons who will deliver the keynote address.

Jennifer Allen Simons is the President of The Simons Foundation, based in Vancouver, Canada. Dr. Simons has pioneered research, advocacy and action in advancing nuclear disarmament, peace, human rights and global co-operation. Dr. Simons is also Adjunct Professor with Simon Fraser University’s (SFU) School for International Studies, and is active in the Canadian and international academic community.

In 2001, Dr. Simons founded the Simons Centre for Disarmament and Non-Proliferation Research at the Liu Institute for Global Issues in partnership with the University of British Columbia (UBC), and served as Adjunct Professor and Director.

In 2003, Dr. Simons initiated the Graduate Research Awards for Disarmament, Arms Control and Non-Proliferation, in partnership with the Department’s International Security Research and Outreach Programme (ISRPOP). Scholarships are provided annually to Canadian doctoral and master’s students working on the issues of disarmament, arms control and non-proliferation.

Dr. Simons was recently appointed a Member of the Order of Canada.

It is my pleasure now to invite Dr. Simons to begin her remarks.

Keynote Address

Jennifer Allen Simons, C.M., Ph.D., LL.D.

President

The Simons Foundation



Dr. Jennifer Allen Simons is the founder and President of The Simons Foundation, a private charitable foundation located in Vancouver, Canada, with a mission to advance positive change through education in peace, disarmament, international law and human security. As an award-winning educator, thought leader and policy advisor, Dr. Simons and her foundation have supported major international initiatives, providing critical financial support, convening international leaders in policy dialogue, and driving academic research. Her partnerships with other NGOs, academic institutions, the Government of Canada, international governments, and the United Nations have made her an important and effective actor in the effort to address violence and war. Dr. Simons was appointed to the Order of Canada for her contributions to the promotion of peace and disarmament in 2011 and, among her many other awards and acknowledgements, she received the Queen's Jubilee Medal in 2003 and the Vancouver Citizens Peace Award in 2006.

Good Morning,

It is a pleasure to be here to participate in the annual Graduate Research Awards seminar, a joint programme of the International Security Research and Outreach Programme of the Department of Foreign Affairs and International Trade, and The Simons Foundation. The new debate format is an innovative and most useful way to engage, enlighten and educate us all. I commend the members of International Security Research and Outreach Programme for suggesting this new approach. And congratulate Jasmin Cheung-Gertler for her excellent organization of this year's event.

I would like to congratulate the recipients of this year's Awards. I am looking forward to lively debate; and because the debates are an extension of the Award process, I wish all you debaters every success.

This Graduate Research Awards programme has been, I believe, of benefit to all three parties. The Simons Foundation is interested in furthering disarmament education and building a community of disarmament scholars. The Department of Foreign Affairs shared this goal which provided them with a pool of specialist expertise to aid them in their formulation of Canadian foreign policy. And as well, the programme contributed to the fulfillment of Canada's United Nations commitments to Disarmament Education. The students have had the opportunity to contribute to Canada's foreign policy, and to benefit financially. As well, participation in the programme, perhaps, has opened avenues for them for future career choices.

Because there are so many new faces, I would like to talk briefly about the history of the programme. The Graduate Research Awards programme began, because ten years ago, I became concerned about the lack of disarmament education in Canada, and the lack of emphasis on disarmament in university political science courses.

In 2003, I discussed this with Dr. Bob Lawson, the former Director of International Security Research and Outreach Programme, who told me about the Department of Foreign Affairs dilemma of not having a large pool of disarmament academic specialists and expertise from which to draw in developing Canadian foreign policy.

We agreed to join forces and share in the development, cost and implementation of the project. The original agreement was for a 1-year pilot project, but because of its success it became a programme which enhances the Canadian graduate level of scholarship in disarmament, arms control and non-proliferation. You will note that the traditional designation is reversed. Disarmament is placed in front, in order to place the emphasis on the importance of disarmament.

We would like to continue to expand the growing community of disarmament scholars because the world is at its highest level of militarization ever, with more and more funds expended on highly-advanced and increasingly dangerous military technology on land, sea, space and cyber-space. And, we find ourselves in an era of unprecedented nuclear danger from the proliferation of nuclear weapons; from their existence - possession - of nuclear weapons, and from the attempts by terrorist organizations to acquire nuclear weapons, nuclear technology and radioactive material.

Also, because there are many new faces here, I would like to say a few words about **The Simons Foundation** and its current priorities.

The Simons Foundation is an operating Foundation. We initiate projects and programmes; we partner with organizations; and we also fund other organizations' projects and programmes. We pioneer research, advocacy and action in advancing peace, disarmament, human rights and global cooperation. Our focus is on disarmament education, the prevention of genocide, Arctic security, nuclear disarmament, space security, International Law and Human Security. Nuclear disarmament is the major priority of The Simons Foundation.

Rather providing an update of our work, I will touch on a few highlights.

First of all, I am a Founding Partner of Global Zero and The Simons Foundation is its Principal Sponsor. I have with me a DVD, ***Countdown to Zero***, the documentary produced by Global Zero and Participant Media, first screened at Sundance and Cannes festivals, then in theatres around the world and now available on DVD. If anyone would like to have a copy, The Simons Foundation can provide the DVD free of charge.

Secondly, we have just welcomed retired Foreign Service Officer, Paul Meyer, to his joint appointment at Simon Fraser University as Centre for Dialogue Fellow in International Security and Senior Fellow at The Simons Foundation. He has assumed responsibility for the Foundation's Space Security portfolio and is already providing his expertise to UNIDR in the development of the next space security conference at the UN in Geneva; and is also active on the Department of Foreign Affairs-initiated Space Security Index.

The Simons Foundation is currently concentrating on legal issues specifically on the illegality of the existence - the possession - of nuclear weapons. There can be no doubt that nuclear weapons are illegal as weapons of war. There are a range of pertinent International Humanitarian Laws which have been adopted for weapons of lesser magnitude. International Humanitarian Law – the law of armed conflict - would be violated if nuclear weapons are used. Because the effects of nuclear explosions are

off the human scale and unacceptable from a legal or any other standpoint, nuclear weapons which produce these effects should not exist. The devastating consequences of a nuclear war would, without doubt, ensure that it would be too late for prosecution.

The greatest danger is not a deliberate war between the nuclear weapons states, but rather from the risks and harms arising from their production, storage, transport, and deployment. They include risk of accidental or unauthorized detonation caused by the deployment of nuclear forces on alert for quick launch; of inadequate command/control and warning systems; the risk of acquisition and use by non-state terrorists caused by inadequate securing of fissile materials and warheads; the risk of environmental degradation and damage to health for current and future generations.

Even with the new START there are more than enough nuclear weapons to destroy the world. It is past time for their prohibition and the law has a pivotal role to play in their elimination.

In 1996, the International Court of Justice spoke of “*the nascent opinio juris [of] a customary rule specifically prohibiting the use of nuclear weapons.*” Fifteen years later, following the establishment of the International Criminal Court, the entry into force of the Chemical Weapons Convention and the achievement of treaty bans on landmines and cluster munitions, the humanitarian imperative for abolition is overwhelming. The mere existence of nuclear weapons threaten the survival of humanity, endangers the whole of civilization.

In my research on this issue, I find the testimony of The Hon. Gareth Evans, Minister for Foreign Affairs of Australia to the International Court of Justice on October 30th, 1995, compelling and very useful. He seeks to establish that the **existence** of nuclear weapons is illegal under customary international law; that it is *illegal not only to use or threaten use of nuclear weapons, but to acquire, develop, test, or possess them. The right of States to self-defence cannot be invoked to justify such actions.* He argues that this is applicable to **all states** and provides a long record of statements and precedents in Customary International Law and Fundamental Principles of Humanity to support Australia’s position. Unfortunately, the Court did not pay much heed to the dangers of existence and the necessity for prohibition.

The principles of International Humanitarian Law – the laws of armed conflict - are applicable in times of peace. Both Evans and Geoffrey Robertson, in his book, *Crimes Against Humanity*, cite the case of the **existence** of a minefield in the Corfu Channel - 1949 *Corfu Channel Case* - and the finding against Albania by the International Court of Justice of responsibility for creating a hazard to human life. The Court ruled *that general humanitarian principles apply in times of peace.* The Court said that they are “**even more exacting in peace than in war.**”(GE#9,p.39).

Last week, in Vancouver, The Simons Foundation hosted and co-convened with International Association of Lawyers Against Nuclear Arms, a conference on **Humanitarian Law, Human Security: The Emerging Paradigm for non-Use and Elimination of Nuclear Weapons.**

The conference brought together, from around the world, international lawyers, experts in the humanitarian disarmament of landmines and cluster munitions, nuclear policy experts and diplomats to develop and specify the emerging International Humanitarian Law and human security paradigm for non-use **and** elimination of nuclear weapons.

The Conference focused on the developments in law during the fifteen years which have passed since the International Court of Justice Opinion. During this time we have seen the establishment of the International Criminal Court, the achievement of treaties banning landmines and cluster munitions, and the entry into force of the Chemical Weapons convention.

At our conference last week, concern was expressed that there is a lack of civilian awareness, even at the highest levels in the United States government - including elected officials - of nuclear operations; that nuclear operations are poised in a forward-leaning state of readiness with nuclear weapons on launch-ready alert; that the protocols have not changed since the end of the Cold War; that there is a warning signal every day with three minutes to assess whether it is genuine or false; that it is unknown if Russia has adequate early warning systems; that hundreds of nuclear weapons are moved around on a continuing basis by train, truck and plane and it is this transit that is the most vulnerable to terrorists.

We looked for new legal approaches to the issue: the International Criminal Court and the crime of aggression; the Law of the Sea; Human Rights Law; The Responsibility to Protect; the UN Convention on the Rights of the Child; Environmental Law; public international law - a very broad field and now viewed as a useful legal avenue for prosecutions related to nuclear weapons; We looked at International Criminal Law – New Zealand citizens criminalize their citizens who engage in any way with nuclear weapons – those who might work in the United States’ nuclear labs, for example, and will be prosecuted when they return to New Zealand.

We discussed the essential role of civil society; of public awareness and support; of the necessity for the public to be made aware of the illegality of nuclear weapons. It was stated by several participants that people are generally law abiding and respond if they are aware that their country is acting in ways contrary to law.

The conclusions drawn from the conference are that the world community must continue to build the norms. An example of norm building is by legislation in countries - four countries, so far have prohibited nuclear weapons. As more countries do this it becomes law. Another example of norm building is the practice of non-use of nuclear weapons. Since Hiroshima and Nagasaki nuclear weapons have not been used and the non-use of nuclear weapons, features in the US Nuclear Posture Review and it now can be viewed as a legal norm. Scotland set a legal precedent with the Court ruling that Trident submarines with nuclear weapons on alert status and underwater at sea constitute a threat.

The conference expressed concern that nuclear weapons pose a greater risk to humanity than landmines, cluster munitions, chemical and biological weapons; and expressed concern that hundreds of population centres in several countries continue to be targeted by nuclear weapons possessing many times the yield of the bombs dropped on Hiroshima and Nagasaki.

The reasons for the continuing existence of nuclear weapons – deterrence, reprisals, case by case analysis – could have been advanced with respect to landmines, cluster munitions, Chemical or Biological weapons. But, to quote the Conference Declaration, “elementary considerations of humanity have persuaded the world that such arguments are outweighed by the need to eliminate those inhumane weapons. This principle must now be applied to nuclear weapons, which pose an *infinitely* greater risk to humanity.”

Chemical and biological weapons are referred to, in the Conventions banning them, as weapons of mass destruction. And weapons of mass destruction are, by definition, contrary to the fundamental rules of

international humanitarian law forbidding the infliction of indiscriminate harm and unnecessary suffering.”

The Canadian Senate on 2 June 2010, adopted a motion endorsing the UN Secretary-General’s five-point plan on nuclear disarmament and encouraging the Canadian government to engage in negotiations for a nuclear weapons convention. The motion has not yet been voted on in the House of Commons.

At the 2010 NPT Review Conference, one hundred and thirty countries called for a convention prohibiting and eliminating nuclear weapons globally. And I am **deeply regretful** that Canada was not one of the 130 countries; and that Canada abstains from voting on UN General Assembly resolutions calling for a nuclear weapons convention.

In NPT Final Document, the Conference collectively affirmed “that all States need to make special efforts to establish the necessary framework to achieve and maintain a world without nuclear weapons,” and noted the “five-point proposal for nuclear disarmament of the Secretary-General of the United Nations, which proposes, *inter alia*, consideration of negotiations on a nuclear weapons convention or agreement on a framework of separate mutually reinforcing instruments, backed by a strong system of verification.”

It is my hope that Canada, rather than abstaining, at the next call, will vote in support of a nuclear weapons convention.

At our Vancouver conference, we concluded that civil society needs to be informed on a continuing basis of the dangers involved in the existence, the possession of nuclear weapons; that it is necessary to change minds about the so-called safety and security of deterrence policy and practice; and most importantly, of the laws to which these weapons are subject.

It was noted by several conference participants that President Obama, even in his visionary statements on the need for the elimination of nuclear weapons - both before and after his election - makes no mention of law. And it was noted that no government leader of a nuclear weapons states has mentioned the legal status of nuclear weapons.

The laws governing the illegality of nuclear weapons – International Humanitarian Law, customary International Law and Public International Law have not resonated in civil society from lack of knowledge, lack of understanding.

Law is not stagnant. And as the law continues to evolve it is our task to explore and pursue all legal paths for the prohibition of nuclear weapons. And to bring to public awareness the laws pertaining to the illegality of nuclear weapons – to ensure that this information become general knowledge.

Thank you very much.

Jennifer Allen Simons, C.M., Ph.D., LL.D.

Doctoral Candidates Debate 1

“Should nuclear capabilities remain an essential element of NATO’s defence strategy?”

Yes

Argument presented by Jessica West

Jessica West is a PhD candidate in the Global Governance program at the Balsillie School of International Affairs, who is pursuing a specialization in conflict and security studies. She has a Master's of Arts degree in International Affairs from the Norman Paterson School of International Affairs. Prior to beginning her doctoral studies, Jessica managed an international research project on space security and served as the editor of its annual publication as part of her role at Project Ploughshares, a peace and disarmament research and advocacy organization. she has also worked as a consultant on security and development at the Canadian International Development Agency and for the Stabilization and Reconstruction Task Force at the Department of Foreign Affairs. Jessica completed her Bachelor of Arts degree in political science at Wilfrid Laurier University. Her current research is focused on the application of resilience as a security concept.



Opening Statement: Balancing the Spirit of Disarmament with the Demands of Security

As much of the Western world is swept up in a newfound ‘spirit of disarmament,’¹ it might seem timely for the North Atlantic Treaty Organization (NATO) to abandon its collective nuclear deterrent. But this spirit is matched by a reality plagued with new and evolving threats to international security. It is thus with optimism of spirit but pessimism of intellect² that *NATO must be resolved to maintain nuclear capabilities as an essential component of its defence strategy*. Today, as in 1949, the primary purpose of the Alliance remains to “safeguard the freedom and security of all its members by political and military means.”³ Nuclear capabilities remain essential to this task, even as we attempt to move towards Global Zero.⁴ First, NATO must retain a credible nuclear deterrent as long as other states possess such weapons. Despite hopes for disarmament, existing nuclear powers are currently modernizing their arsenals while yet more states seek to acquire nuclear capabilities. Second, NATO must retain a credible nuclear deterrent to ensure that the transition to Global Zero is not only possible but that it does not threaten international order and security. Finally, even in a world of Global Zero, NATO must maintain a nuclear *capability* to deter possible weapons outbreaks, particularly as such facilities continue to spread: the proverbial genie cannot be put back in the bottle. NATO members take seriously their commitments to the Nuclear Non-Proliferation Treaty (NPT), which recognizes the need for balance between non-proliferation and disarmament efforts. For its part, the Alliance has drastically reduced both the numbers of and reliance on nuclear weapons, in the spirit of disarmament and international law. But nuclear threats from other parts of the world have not ceded, and so long as these threats exist NATO has an obligation to its members to provide equal security through an effective, collective, nuclear deterrent.⁵

Main Arguments: Deterrence and International Order in a Multinuclear World

Deterrence is an essential requirement to protect the freedom and security of Alliance members. And despite some who would claim otherwise,⁶ nuclear capabilities remain a pillar of deterrence in a world of cascading nuclear capabilities and the proliferation of ballistic missiles capable of launching them.⁷ Although global nuclear stockpiles have successfully been reduced to historic lows,⁸ nuclear powers including Russia and China are modernizing their arsenals and delivery systems, meaning that fewer weapons are needed to maintain the same level of threat.⁹ While NATO may not be directly threatened by these developments at the moment, the maintenance of its nuclear capabilities in face of this reality provides a critical hedge against an uncertain future.¹⁰ Moreover, despite the best efforts of non-proliferation, the number of states with nuclear capabilities sits at a tipping point.¹¹ Not only are Iran and North Korea known to be developing such capabilities, but an illicit trade in nuclear materials is flourishing.¹² In this context, deterring threats posed by weapons of mass destruction requires an effective nuclear capability that provides a credible, non-provocative ability to retaliate and therefore poses incalculable risk to potential aggressors.¹³ Moreover, deterrence requires both offensive and defensive capabilities,¹⁴ thus despite NATO's planned missile defense shield, a nuclear capability is still needed to provide effective deterrence. As long as these weapons exist, NATO has a responsibility to its members to secure them against possible attacks. Nuclear weapons do not protect against the universe of security threats. They do not protect against counter-insurgencies or prevent cyber-attacks. But they are *essential* to the preservation of peace and security in face of an increasingly nuclear-capable world.

Disarmament requires a stable international order, thus NATO's nuclear deterrent must be maintained as the world moves gradually towards the goal of Global Zero. Indeed, this is recognized in the Practical Steps for Nuclear Disarmament which stipulates that disarmament should proceed in a way that "promotes international stability, peace and undiminished and increased security."¹⁵ In today's multinuclear world, nuclear weapons serve to provide a stable and predictable deterrent by increasing the cost of war, providing a defender advantage, and reducing the likelihood of accidental war through miscalculations.¹⁶ Nuclear weapons are a critical means of limiting warfare among adversaries,¹⁷ and can help to prevent the emergence of a security dilemma triggering an arms race, or a power-transition war, if weapons are gradually rather than suddenly eliminated.¹⁸ Moreover, in support of a safe and stable approach to disarmament, NATO's nuclear umbrella serves to limit nuclear-proliferation within the Alliance and among its friends, which could be imperilled if extended deterrence were suddenly removed.¹⁹ This responsible transition to disarmament is reinforced by NATO's nuclear deterrent, which is no longer aimed at preventing conventional attacks but rather targeted at other weapons of mass destruction,²⁰ which both strengthens nuclear deterrence and facilitates arms reductions.

Finally, even in a future world of Global Zero, it will remain essential for NATO to maintain a nuclear *capability* to deter a potential nuclear breakout.²¹ This risk is particularly acute given the spread of civilian nuclear capabilities in response to energy demands and climate change, which may potentially result in 20 or 30 additional states with latent weapons capabilities that can be quickly mobilized.²² As demonstrated by contemporary non-proliferation failures, the knowledge of how to produce nuclear weapons is resilient: the proverbial genie cannot be forced back into the bottle of oblivion. Global Zero will not mark the end of nuclear threats, and even a nuclear-disarmed NATO will be forced to maintain access to a nuclear capability in order to protect its members from the new type of threats that will accompany a world that remains nuclearized if not weaponized.

Counter-Arguments: Maintaining Responsibility to the International Community

The most contentious argument against NATO's nuclear defense strategy is that it violates the NPT through nuclear sharing and a failure to disarm, by encouraging proliferation, and by threatening non-nuclear weapons states.²³ To be fair, NATO's nuclear umbrella pre-dates commitments to the NPT and both the original treaty and its 1995 extension were agreed to with this arrangement in place.²⁴ Further, all weapons placed in non-nuclear states remain under the full command and control of the United States military.²⁵ Most importantly, NATO has reduced these weapons to a bare minimum and no longer touts them as a solidary link, but further reductions are currently prevented by Russia's insistence in maintaining thousands of such weapons along NATO's borders despite efforts at regional engagement.²⁶

Second, the Alliance's contribution to internal non-proliferation has been detailed above, but it is prudent to point out that significant efforts towards disarmament have not discouraged other states from seeking to develop their own nuclear capabilities,²⁷ thus there is no link between NATO nuclear deterrence and proliferation beyond the Alliance.

Moreover, NATO members have been responsible leaders of nuclear disarmament and have adopted a long-term vision of Global Zero.²⁸ And to get there, members have significantly reduced the number of weapons, delivery systems, and their roles in defense policies,²⁹ and are leaders in complimentary steps including transparency and support for the Comprehensive Test Ban Treaty and Fissile Material Cut-off Treaty.³⁰ Further, although politically uncertain within the US Congress, NATO members have fully supported the latest round of strategic reductions between the US and Russia via New START.³¹

Finally, all nuclear and non-nuclear states within the Alliance have provided negative security assurances to non-nuclear members of the NPT.³² It is not NATO that poses a threat to the maintenance of the NPT and global security, but NATO must ensure the freedom and security of its members while maintaining its commitments to the international community: two goals that are in fact in harmony with one another.³³

Conclusion: Responsible Security Today with a View to Tomorrow

Those who are tasked with implementing a vision of disarmament recognize that that the journey will be long and arduous and must not lead to a world of greater insecurity.³⁴ *Nuclear capabilities remain an essential component of NATO's defence strategy* in order to deter threats to the freedom and security of Alliance members that stem from the current security environment including nuclear modernization and proliferation, to maintain international peace and security as the world moves gradually towards Global Zero, and to prevent the breakout of nuclear weapons once this goal is reached. NATO members take seriously their commitments to the NPT and to the international community. And by exercising responsible leadership to ensure security today, future generations might realize a world that is safe for nuclear disarmament tomorrow.

Rebuttal Points: Critics Miss the Point

- Critics argue that NATO's nuclear strategy is a relic of the Cold War and is not appropriate for contemporary security threats.³⁵ But this policy has undergone consistent review and modification to reflect modern challenges and as such nuclear weapons are no longer directed against conventional attacks and are reserved as a deterrent against only the most heinous of threats.³⁶

- The presence of 200 sub-strategic weapons in Europe receives great criticism, but in terms of disarmament, this is largely a symbolic issue. The removal of these weapons would not change the fact of NATO's extended deterrence, but would instead leave little incentive for Russia to reduce its 5000+ such weapons and weaken security for new NATO members along its border.³⁷

1 George P. Schultz et al., "Toward a Nuclear-Free World," *The Wall Street Journal*, 15 Jan. 2008; United States of America, Embassy of the United States Prague, "Remarks of President Barack Obama" 5 Apr. 2009, Web, <<http://prague.usembassy.gov/obama.html>>; Global Zero, N.d. Web, 30 Nov. 2010 <<http://www.globalzero.org/>>

2 Robert W. Cox, *Approaches to World Order* (Cambridge: Cambridge University Press, 1996) 527.

3 NATO, *The Alliance's Strategic Concept*, Approved by the Heads of State and Government participating in the meeting of the North Atlantic Council in Washington D.C., 24 Apr. 1999, para. 6.

4 This goal is endorsed in NATO, Lisbon Summit Declaration Issued by the Heads of State and Government participating in the meeting of the North Atlantic Council in Lisbon, Press Release, 20 Nov. 2010, para. 31.

5 United States of America, Department of Defense, *Nuclear Posture Review Report*, Apr. 2010; "Remarks of President Barack Obama"; Report of the Group of Experts, "NATO 2020: Assured Security; Dynamic Engagement," 17 May 2010.

6 Rebecca Johnson, "NATO Fiddling with Nuclear Bombs While the Planet Burns," *Open Democracy*, 6 Oct. 2010.

7 Michael Ruhle, "NATO and Extended Deterrence in a Multinuclear World," *Comparative Strategy* 28 (2009): 13; Attack by ballistic missiles remains the most likely threat against Alliance members according to the Report of the Group of Experts, 17. For an overview of ballistic missile proliferation see Cesar Jaramillo, ed., *Space Security 2010*, "Space Systems Negation," (Waterloo: Spacesecurity.org, 2010).

8 See summary of nuclear weapons states narrative reports to the NPT in Project Ploughshares, *Transparency and Accountability: NPT Reporting 2002-2009*, Apr. 2010.

9 Ian Anthony, *The Future of Nuclear Weapons in NATO* (Stockholm: SIPRI, 2008) 13; *Nuclear Posture Review*, 5; Chris Buckley, "China military paper spells out nuclear arms stance," Reuters, 22 Apr. 2010 <<http://www.reuters.com/article/idUSTRE63L0PR20100422>>

10 T.V. Paul, "Complex Deterrence: An Introduction," *Complex Deterrence: Strategy in the Global Age*, eds. T.V. Paul et al. (Chicago: University of Chicago Press, 2009) 9.

11 Anthony.

12 Patricia Lewis, "Germany, Nuclear Disarmament, Nonproliferation and NATO," *Four Emerging Issues in Arms Control, Disarmament, and Nonproliferation: Opportunities for German Leadership*, James Martin Center for Nonproliferation Studies, 2009 (prepared for Policy Planning Staff, Foreign Office, Federal Republic of Germany) 26; David Albright, *Peddling Peril: How the Secret Nuclear Trade Arms America's Enemies* (New York: Free Press, 2010).

13 Charles W. Durr, Jr. "Nuclear Deterrence in the Third Millennium," USAWC Research Project of the U.S. Army War College, 9 Apr. 2002, 22. Different classes of targets specifically mentioned in this article include mobile, fixed hardened, and distributed. Ruhle; *The Alliance's Strategic Concept*, 1999, para 46; Guy B. Roberts, (Deputy Assistant Secretary General for WMD Policy at NATO) "The Continuing Relevance of NATO's Nuclear Deterrence Strategy in an Uncertain World," Comité de Surveillance OTAN, 8 Dec. 2008.

14 Durr, 22.

15 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, *Final Document*, "Conclusions and Recommendations for Follow-On Actions," New York, 2010.

16 John J. Mearsheimer, "Back to the Future: Instability in Europe After the Cold War," *International Security* 15.1 (1990): 5-56.

17 Thomas C. Schelling, *The Strategy of Conflict*, (Harvard University Press, 1960), Appendix A.

18 Patrick M. Morgan and T.V. Paul, "Deterrence Among Great Powers in an Era of Globalization," *Complex Deterrence: Strategy in the Global Age* eds. T.V. Paul et al. (Chicago: Chicago University Press, 2009).

19 Ruhle, 14. In particular there are concerns that states that face nuclear weapons near their borders, such as those in Eastern Europe and Turkey, might be compelled to develop their own nuclear capabilities in the absence of nuclear assurances from NATO. Miles A. Pomper et al, *Reducing and Regulating Tactical (Non-Strategic) Nuclear Weapons in Europe*, The James Martin Centre for Non-Proliferation Studies (Prepared for Unit for Policy Planning and Research, Finnish Ministry of Foreign Affairs) Dec. 2009, 32, 40; Roberts. Some scholars predicted the

proliferation of nuclear weapons throughout Europe following the end of the Cold War, but the success of NATO's nuclear umbrella seems to have prevented this, for example see Mearsheimer.

20 "NATO's Nuclear Forces in the New Security Environment," NATO, Background Document, n.d. Web 30 Nov. 2010 <<https://www.nato.int/issues/nuclear/sec-environment.html>>.

21 Scott, D. Sagan, "Shared responsibilities for nuclear disarmament," *Doedalus* (Fall 2009): 158.

22 World Nuclear Association, "Nuclear Century Outlook," n.d. Web 30 Nov. 2010 <http://www.world-nuclear.org/outlook/clean_energy_need.html>; Ruhle, 13; Mohamed ElBaradei, "Addressing Verification Challenges," Statements of the Director General: Symposium on International Safeguards, 16 Oct. 2006, Web <<http://www.iaea.org/NewsCenter/Statements/2006/ebsp2006n018.html>>

23 Sverre Lodgaard, "The Relationship between Nuclear Disarmament and Nuclear Nonproliferation," *The Challenge of Abolishing Nuclear Weapons*, ed. David Krieger (New Brunswick: Transaction Publishers, 2009) 79; "NATO's Nuclear Sharing: A Cold War Anachronism that Undermines the NPT," The Acronym Institute, 2007, Web <<http://www.acronym.org.uk/nato/npt2007.htm>>; Oliver Meier and Paul Ingram, "A Nuclear Posture Review for NATO," *Arms Control Today* (October 2010).

24 "NATO's Positions Regarding Nuclear Non-Proliferation, Arms Control and Disarmament and Related Issues," NATO, n.d. Web 30 Nov. 2010 <<http://www.nato.int/issues/nuclear/position.html>>

25 Simon Lunn and Zachary Selden, "NATO, Nuclear Weapons and the New Strategic Concept," *World Politics Review* (26 October 2010); Ruhle, 12; "NATO's Positions Regarding Nuclear Non-Proliferation, Arms Control and Disarmament and Related Issues."

26 The 2010 Strategic Concept no longer makes reference to nuclear sharing as the key to political and military links within the Alliance. For reference to Russia's reticence to negotiate on this issue, see Pomper et al., 43. An unofficial version of the 2010 Strategic Concept negotiated at Lisbon mentions the fact that NATO will seek further reductions of weapons stationed in Europe but is seeking greater Russian transparency on this issue and the relocation of Russian weapons away from NATO borders. "Active Engagement, Modern Defence," Strategic Concept for the Defence and Security of Members of the North Atlantic Treaty Organization Adopted by Heads of State and Governments in Lisbon, 2010, para. 26 Web <<http://www.nato.int/lisbon2010/strategic-concept-2010-eng.pdf>>.

27 Wade L. Huntley, "Abandoning Disarmament? The New Nuclear Nonproliferation Paradigm," *The Challenge of Abolishing Nuclear Weapons*, ed. David Krieger (New Brunswick: Transaction Publishers, 2009) 31; Lunn and Selden; Roberts.

28 Lisbon Summit Declaration, para. 31.

29 "NATO's Nuclear Forces in the New Security Environment."

30 These are all efforts deemed essential to support disarmament in the Final Document of the 2010 NPT Review. See also Anthony, 13. Although NATO nuclear weapon states do not submit formal reports to the NPT, they clearly provide the greatest amount of information about weapons and delivery systems via official statements to Treaty members – see *Transparency and Accountability*; Lisbon Summit Declaration, para. 31; *Nuclear Posture Review*, 12; UN General Assembly, Resolution A/C.1/65/L.48 "Comprehensive Nuclear-Test-Ban Treaty," Record of Vote 8 Dec. 2010, Web <<http://www.reachingcriticalwill.org/political/1com/1com10/ga/91.pdf>>; United Nations General Assembly, Resolution A/C.1/65/L.33 "Treaty Banning the Production of Fissile Material for Nuclear Weapons or Other Nuclear Explosive Devices," Record of Vote 8 Dec. 2010, Web <<http://www.reachingcriticalwill.org/political/1com/1com10/ga/65.pdf>>.

31 *Nuclear Posture Review*, 27; "NATO-Russia Council Join Statement," Meeting of the NATO-Russia Council, Lisbon, 20 Nov. 2010, Web <http://www.nato.int/cps/en/natolive/news_68871.htm>.

32 *Nuclear Posture Review*, 15-16; "NATO's Positions Regarding Nuclear Non-Proliferation, Arms Control and Disarmament and Related Issues"; *Transparency and Accountability*.

33 *The Alliance's Strategic Concept*, para. 40; Report of the Group of Experts, 8.

34 "Remarks by President Obama"; Global Zero, "Global Zero Action Plan" n.d. Web 30 Nov. 2010 <http://static.globalzero.org/files/docs/GZAP_6.0.pdf>.

35 Rebecca Johnson; Arms Control Today article.

36 "NATO's Positions Regarding Nuclear Non-Proliferation, Arms Control and Disarmament and Related Issues"; Anthony.

37 Ruhle; Damon Wilson, "The NPR: Obama Finally Leading on NATO Nuclear Policy," *Atlantic Council* 4 July 2010. The need for NATO to actually place Intermediate-Range Nuclear Forces in Europe ahead of negotiations with

Russia to limit such forces is documented in Federation of American Scientists, "Intermediate-Range Nuclear Forces [INF] Chronology," n.d. Web 30 Nov. 2010 <<http://www.fas.org/nuke/control/inf/inf-chron.htm>>. World Nuclear Association, "Nuclear Century Outlook," n.d. Web 30 Nov. 2010 <http://www.world-nuclear.org/outlook/clean_energy_need.html>; Ruhle, 13; Mohamed ElBaradei, "Addressing Verification Challenges," Statements of the Director General: Symposium on International Safeguards, 16 Oct. 2006, Web <<http://www.iaea.org/NewsCenter/Statements/2006/ebsp2006n018.html>>.

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Doctoral Candidates Debate 1

“Should nuclear capabilities remain an essential element of NATO’s defence strategy?”

No

Argument presented by Kawser Ahmed

Lieutenant Colonel (retd) Kawser Ahmed was born in Bangladesh. He was commissioned in Bangladesh Army in 1990 and served there till he voluntarily retired in March 2010. He is a graduate of Defence Services Command and Staff College, Dhaka, Bangladesh and an alumnus of National Defence University, Washington D.C. He earned his Mphil degree in Peace and Conflict Studies from the department of Social Science, University of Dhaka, Bangladesh. Besides, he also served as a peacekeeper in the UN mission for the referendum of Western Sahara. He earned his diploma in Turkish language while he was an exchange student in Turkish Armed Forces. He is also a Rotarian. He is currently a PhD candidate in Arthur. V. Mauro Centre for Peace and Justice Studies at St. Pauls College, University of Manitoba, Winnipeg. He is married and father of two sons. He likes to travel. He has two books published to his credit and one of his publications is adopted as White Paper in National Defence University, Washington D.C. His research interest is nuclear disarmament and terrorism.



Introduction

As of this writing, NATO superseded the Red Army’s tenure in Afghanistan and the “Alliance” is engaged in a pernicious conflict with no end in sight¹. NATO’s fundamental and enduring purpose² is, “to continue fulfilling effectively...three essential core tasks – collective defence, crisis management, and cooperative security”. It is important to evaluate NATO’s achievements during and after Cold War and then analyze whether it is justified in keeping the nuclear capabilities as an essential element of its defence strategy. This “supra national military alliance” was founded after WW-II primarily to accomplish “Détente” and to maintain U.S. presence in Europe. However, the end of the Cold War gave rise to different sets of challenges as Russia lost its exclusive control of nuclear armouries and its nuclear ambitions diminished significantly. Due to the altered security environment, a different paradigm should be used to analyze NATO’s roles especially when it comes to prioritising its commitments through a realistic cost benefit analysis.³ This paper aims to develop three arguments supporting my position that **nuclear capabilities must not remain as an essential element of NATO’s defence strategy**. In addition; three counter arguments can also substantiate my position. However, the central theme of my argument is aimed at justifying Elise Boulding’s observation that, “the tendency of planners and policymakers to prepare for worst-case scenarios leaves societies unprepared for the opportunities involved in best-case scenarios” (Boulding: p 4).

What are the most pressing security concerns for NATO now?

This question must be viewed from an existential perspective. NATO is aware of changes and the Expert Group⁴ has already suggested reforms. BBC reports on the comments of NATO's "New challenges".⁵ Its latest strategy paper also highlights that "the Euro-Atlantic area is at peace and the threat of a conventional attack against NATO territory is low" further substantiating this argument.⁶ Its present security concerns include: terrorism (relative easy accessibility of technology, even low tech nuclear weapons by terrorists), religious extremism, trans-national illegal activities (i.e. trafficking in arms, narcotics and human), cyber attacks, the need for foreign energy supply and distribution networks, the need for enhanced technology oriented defence and key environmental and resource constraints.⁷ If these are the existential tasks, why does NATO cling to a nuclear mission, which is a significant operational and political burden and preventing it from transitioning to a post-Cold War alliance?⁸ The UN nuclear watchdog IAEA Chief Mohamed El Baradei also argued in the same vein that the World's "nuclear business" is significantly different now (even if North Korean or Iranian capabilities are considered).⁹

Who is the common enemy in this present and active security discourse?

The BBC's report on Afghanistan war is introspective.¹⁰ The Global War on Terror (GWOT) gave rise to another bizarre phenomenon— homegrown/indigenous terrorism. Terrorists are being recruited and motivated by religious rationales, aided by non-state resourceful partners, enabling them to carry portable weapons (i.e. even nuclear devices in the distant future) by dodging airport security system, or through the mail or some other medium¹¹. NATO's "strategy paper" and summit declaration explicitly admits these threats but fails to incorporate them in its action plan. There is an absence of a common agreement of identifying a common enemy (i.e. terrorism). NATO's plan for the "Post Afghanistan Security" is still haphazard. The enemy nevertheless remains allusive and at large (see British Commander's comment¹²). It is important to note Clement's argument about too much reliance on "hard power" (i.e. the language of NATO is too militaristic), with a fuzzy amalgamation in defining "terrorism" and its "subjective" or "objective" assessment and "a very deliberate discounting of civil society and civilian police views in favour of official military and security perspectives" (Chomsky 2003: 6-8 cited in Clements in Tongeren pp 77). NATO in its "Core Tasks and Principles" paragraph¹³ clearly identifies the priority of "international security" (i.e. "global terrorism"), but again retains the clause of nuclear posture because it fears being victim of a "time warp" (i.e. Cold War syndrome).

Does the cost benefit analysis of ongoing conflict support NATO's nuclear posture?

The NATO Secretary General's hope, "it will be more agile, more capable and more cost-effective, and it will continue to serve as an essential instrument for peace" seems to be incongruous. The U.S. estimates that the cost of the Afghanistan war would be raised from 104.9 (yr 2010) billion to 119.4 (yr 2011) billion USD¹⁴. Table 1¹⁵ below illustrates the progressive expenditure of NATO from 1985 to 2009 where the cost steadily climbed to a total amount of 875,145 million dollars in FY 2009 (it was 939,396 million USD in 2008).

Country/Pays	Currency unit/Unité monétaire (million)	1985	1990	1995	2000	2005	2006	2007	2008	2009
(0)	(-)	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
NATO-Europe*	US dollars	92218	186189	184352	164349	250064	261743	287782	314124	281205
Canada	Canadian dollars	10332	13473	12457	12314	16001	17066	19255	21100	22712
United States (g)	US dollars	258165	306170	278856	301697	503353	555950	586106	6-5496	574070
North America	US dollars	265731	317717	287933	309989	516557	570994	604032	625271	593939
NATO-Total*	US dollars	357949	503906	472284	474338	766621	832736	891814	939369	875145

Table 1: See Note for source

Now, in the midst of a worldwide economic recession how can we justify such enormous expenditures when a segment of these resources could have been diverted to address the root causes of terrorism i.e. poverty, environmental degradation and lack of hope. Consequently, the pie chart¹⁶ shows the U.S.'s budget allotment for Defense spending and climate security (90% vs. 10%). Prior to Lisbon Summit, a report noted that, expenditure remains as a matter of discord among the members.¹⁷ If a single engagement in Afghanistan drains such massive resources (e.g. one billion USD per month¹⁸), how can NATO wishes to maintain/enhance its nuclear posture simultaneously (which is even more expensive)?

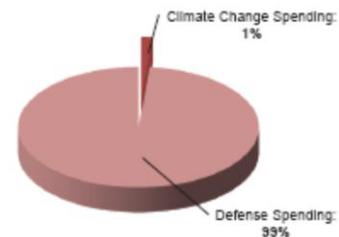
How the concept of 'cooperative security' being floundered?

In the preface of its strategy paper, there is a self-contradictory statement on NATO's determination to hold onto a nuclear posture¹⁹. The Iraq war (prelude to GWOT) diverted many resources that could have been utilized to address the root causes of terrorism and "it has certainly done huge reputational damage to the U.S. and its closest allies in Europe ...the war on terrorism and the war in Iraq have also generated a major transatlantic rift" (Benjamin et al., 2004 cited in Tongeren pp 77). The prevailing double standard of pursuing NPT also bred mistrust among its allies.²⁰ "Promoting international security through cooperation"²¹, will be floundered if NATO sticks to its nuclear posture for two reasons. First, recently NATO - Russia cooperation has gained strategic importance. Europe's traditional security discourse should not bypass Russia and too much U.S. centric NATO posture is eventually hurting the spirit of "The Alliance". Russia-NATO alliance almost nosedived due to the earlier U.S. plan for a Ballistic Missile Defense system in Poland and the latest concerns from the Russian Prime Minister is a mirror image of this reality.²² Second, NATO's strategy paper also argues about a "deterrence" policy²³ which does not even hold good if Russia turns out to be an active NATO partner. However, Boulding highlights the work of Narroll who analysed "deterrence in nine civilizations for periods ranging from four to twenty-five centuries show that military preparedness does not deter enemies but may rather incite them" (Boulding pp 27).²⁴

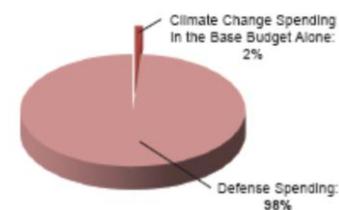
A great contradiction simmers about knowing the exact number of Tactical Nuclear Weapons (TNW) and its further disposal among the NATO members. As per the latest stockpile report, there are approximately 480 NATO's TNWs are stationed in Europe (Germany-150, UK-110, Italy-90, Turkey-90, Netherlands-20, and Belgium-20). But for Russia, it is best assumed that about 2,330 operational nonstrategic nuclear weapons for delivery by antiballistic missiles, air defense missiles, tactical bombers, and naval cruise missiles and torpedoes are available.²⁵ Under such circumstances, required clarity and even detail knowledge are absent in terms of maintenance and safekeeping of these nukes. Even at some point the exact number and location of the Russian held TNWs are difficult to be traced. The NPT review argued that:

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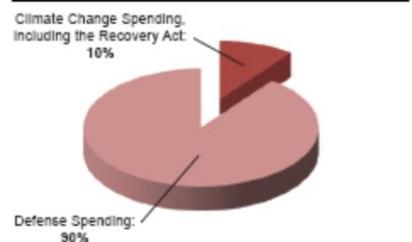
FY 2008 TOTAL SPENDING ON MILITARY V. CLIMATE SECURITY



FY 2010 BUDGET REQUEST: MILITARY V. CLIMATE SECURITY



TOTAL FY 2010 SPENDING ON MILITARY V. CLIMATE SECURITY



“Russia maintains a much larger force of non-strategic nuclear weapons, a significant number of which are deployed near the territories of several North Atlantic Treaty Organization (NATO) countries and are therefore a concern to NATO...non-strategic nuclear weapons, together with the non-deployed nuclear weapons of both sides, should be included in any future reduction arrangements between the United States and Russia. The United States will consult with our allies regarding the future basing of nuclear weapons in Europe, and is committed to making consensus decisions through NATO processes.”²⁶

This will remain as a bone of contention between NATO and Russia, as Russia would not likely to consider its TNWs for future decommissioning unless NATO dismantles its existing weapons in Europe. Seemingly there is no way out of this conundrum. However, further initiatives can be taken by NATO members aimed at gaining confidence from Russia so that a middle ground is found where at least for the time being, the “safety” of these weapons are ensured for not only to protect them from transnational terrorists but also from natural disasters/hazards.

Furthermore, if the NPT is carefully scrutinized, it is possible to see the contradictions in the concept of “Nuclear sharing” and its principles (under which the TNWs were stationed in Europe). The articles are cited below:

Article I of the NPT prohibits the transfer of nuclear weapons from NWS to other states:

“Each nuclear-weapon State Party to the Treaty undertakes not to transfer to any recipient whatsoever nuclear weapons or other nuclear explosive devices or control over such weapons or explosive devices.”

Article II requires Nuclear Non Weapon States not to receive nuclear weapons:

“Each non-nuclear-weapon State Party to the Treaty undertakes not to receive the transfer from any transfer or whatsoever of nuclear weapons or other nuclear explosive devices or of control over such weapons or explosive devices.”

Counter Arguments

However, there are three key issues that justify the success of NATO:

1. Maintaining a “status quo” in Europe.
2. Bringing its allies together through GWOT.²⁷
3. Contributing towards peace and security through various operations and missions.²⁸

But these achievements far outweigh the cost benefit aspects argued above. For example, NATO’s presence can be replaced by African Union’s (AU) operations. The so called “warmth of allies” to fight GWOT is fading fast and during the last summit it was even difficult to arrive at a consensus amongst the allies about the key issues of finance (note Robert Gate’s frustration), the Afghanistan war and perceived transition of power to the Afghan national army.

I deliberately invoke the term “conscientizacao” which refers to learning perceived contradictions leading to “liberation from fear of freedom” (Freire pp 35). NATO suffers from such syndrome of

“destructive fanaticism” or “sensation of total collapse of its world” if it abandons its nuclear posture which might be viewed nothing but its constrain of imagination. There is no “modernity” or “prosperity” linked with the development of such kind of weapons rather it cripples our ability to secure the world.²⁹

Conclusion

Kennet Waltz commented that it is more of agreement than disagreement that states engage in war³⁰. Likewise if the “Lisbon Summit” created agreement on many current pressing issues, it could not disagree on its nuclear position. Throughout this paper I have argued the need of identifying and setting NATO’s priority, evaluating a cost benefit analysis of current proposition of nuclear strategy, unearthing the ailing relationship of the Alliance and how NATO’s new alignment with Russia can bolster the relationship without too much U.S. centricism. Is it “fear” that generates the sense of insecurity? Krishnamurti summed up the psychology of fear and the need for perceived security³¹ from which we all now need to recover from. In hindsight, NATO has waged a war for ten years but who guarantees a far secure world beyond 2014?³² So let’s pursue a holistic strategy to end the ongoing calamity. NATO’s pursuit of nuclear posture would elude its goal “to promote international stability and peace through international cooperation”.

Acknowledgment

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1. “While success is being measured in numbers of insurgents killed or captured, there is little proof that the operations have disrupted the insurgency’s momentum or increased stability. The storyline does not match facts on the ground” see Afghanistan: Exit vs. Engagement, Asia Briefing N°115 28 Nov 2010 at <http://www.crisisgroup.org/en>
2. As quoted in Lisbon Summit Declaration, on 20 November 2010, at http://www.nato.int/cps/en/natolive/official_texts_68828.htm?mode=pressrelease accessed on 27 November 2010.
3. During the last NATO summit, Rasmussen admitted that “there are different positions when it comes to our nuclear posture”. In fact, the divisions among the allies were so serious that NATO defence ministers decided at their June 2010 meeting in Brussels to delete all references to NATO’s nuclear policies from the final communiqué as there was no agreement on the wording, See Karl-Heinz Kamp, “NATO’s Nuclear Weapons in Europe: Beyond „Yes” or „No,” NATO Research Paper, No. 61 (Sept 2010), p. 2 n.4, www.ndc.nato.int/download/downloads.php?icode=208.
4. The Group of Experts, chaired by Madeleine K. Albright, was convened by NATO’s Secretary General to lay the groundwork for the development of a new Strategic Concept for the Alliance.

- 5 . "The organisation now faces a variety of new threats from non-state actors, including terrorism, cyber-crime, and maritime piracy", NATO's future strategy was set out by an expert panel. This panel also says that, "reform of NATO is essential if the organisation is to be effective in meeting its responsibilities in the 21st century", see, <http://news.bbc.co.uk/2/hi/europe/8685939.stm>, accessed on 27 November 2010.
- 6 . "The proliferation of nuclear weapons and other weapons of mass destruction, and their means of delivery, threatens incalculable consequences for global stability and prosperity. During the next decade, proliferation will be most acute in some of the world's most volatile regions", see NATO Strategy Paper.
- 7 . NATO "Strategy paper", "Active engagement and modern defence", The Security Environment paragraph 7-15.
- 8 . Hans Kristensen. "US Nuclear Weapons in Europe: A Proposed Solution" Paper presented at the annual meeting of the International Studies Association, Town & Country Resort and Convention Center, San Diego, California, USA, March 22, 2006.
- 9 . "Controlling access to nuclear-weapons technology has grown increasingly difficult. The technical barriers to designing weapons and to mastering the processing steps have eroded with time. Much of the hardware in question is "dual-use"; it is hard to justify restrictions on exporting "hot cell" technology that could be used for plutonium separation when the same equipment is vital for producing radioisotopes used in modern medicine. Changes in political fortunes or economic downturns have at times found nuclear scientists without jobs and reportedly willing to offer their knowledge and services elsewhere. And with the passage of time, the sheer diversity of technology has made it harder to control both procurement and sales" quoted from „Towards a safer world“, 16 October 2003, Vienna from The Economist print edition page 1.
- 10 . "The Afghan war has been NATO's largest and deadliest mission and it has placed a huge strain on the alliance and fuelled tensions on whether its future focus should be on distant missions or closer to home", The BBC's defence and security correspondent, Nick Childs from <http://news.bbc.co.uk/2/hi/europe/8685939.stm>
- 11 . An Asian male's travel by Air Canada and Yemeni effort to transport bombs through Fed Ex are cases in point.
- 12 . General Sir David Richard's comments that , "Why we cannot defeat Al-Qaeda" - the global threat from al-Qaeda and its terrorist affiliates is an enduring one and one which, if we let it, will rear its head in states particularly those that are unstable. The national security of the UK and our allies is, in my judgment, at stake – that is why we are engaged in a global struggle against a pernicious form of ideologically distorted form of Islamic fundamentalism", the Daily Telegraph, Sunday 14 November 2010 page 1.
- 13 . "The Alliance will engage actively to enhance international security, through partnership with relevant countries and other international organisations", see NATO summit paper.
- 14 . Public laws, congressional appropriations reports, department of Defense data and CRS estimates from CRS report RL 33110.
- 15 . Financial and Economic Data Relating to NATO Defence, press release 10 June 2010, Public Diplomacy Division, Communiqué, PR/CP(2010)078.
- 16 . Military vs. Climate security, Mapping the Shift from the Bush Years to the Obama Era by Miriam Pemberton, Foreign Policy In Focus, a project of the, Institute For Policy Studies.
- 17 . "NATO currently faces one of its biggest challenges away from the battlefield as concern about the budget shortfall which is plaguing NATO threatens to drive a wedge between its members" followed by secretary general Rasmussen's admission, that the "growing discrepancy" between the U.S. and NATO's European allies was a potential problem, DW-World.de at <http://www.dw-world.de/dw/article/0,5310375,00.html>
- 18 . With the passage of the FY2010 supplemental, cumulative war funding totals \$1.12 trillion including \$751 billion for Iraq, \$336 billion for Afghanistan, and \$29 billion for enhanced security. In FY2010, Afghanistan receives about 60% of the total and Iraq 40%, a reversal of the previous year, The Cost of Iraq, Afghanistan, and Other, Global War on Terror Operations Since 9/11, Amy Belasco, Specialist in U.S. Defense Policy and Budget, September 2, 2010, Congressional Research Service, 7-5700, at www.crs.gov
- 19 . NATO's commits "to the goal of creating the conditions for a world without nuclear weapons – but reconfirms that, as long as there are nuclear weapons in the world, NATO will remain a nuclear Alliance", Active Engagement, Modern Defence, Strategic Concept for the Defence and Security of the Members of the NATO adopted by Heads of State and Government in Lisbon, Preface, at http://www.nato.int/cps/en/natolive/official_texts_68580.htm
- 20 . "As Germany and other European allies had warned, the pursuit of anti-proliferation policies without concurrent disarmament progress has severely imbalanced the carefully constructed stewardship of the non-proliferation regime", see Riecke, Henning, "Nuclear Disarmament and the 2010 NPT Review Conference: The

Position of the Major European Players," *Atlantisch Perspectief* 2008 No. 4, Netherlands Atlantic Association cited in Germany, Nuclear Disarmament, Non-proliferation, and NATO by Patricia M. Lewis.

21 . Paragraph 26, Arms Control, Disarmament, and Non-Proliferation, NATO Strategy Paper.

22. News quotes from The Associated Press; by Jim Heintz, "Russian Prime Minister Vladimir Putin is warning that his country will find it necessary to build up its nuclear forces, if the United State's doesn't ratify a new arms reduction treaty. The treaty, called New START, was worked out this year amid praise that it marked a newly co-operative spirit between Washington and Moscow. However, many Republicans in the U.S. Senate are expressing reluctance to ratify it. Putin says Russia will have to deploy new nukes if treaty with U.S. isn't ratified." See, The Canadian Press, Wednesday, 1 December, at 4:45 AM EST.

23 . "NATO"s goal is to bolster deterrence as a core element of our collective defence...the Council to continue to review NATO"s overall posture in deterring... taking into account changes in the evolving international security environment", see NATO Strategy Paper.

24 . Details are at Raoul Naroll, Vern Bullogh and Frada Naroll, *Military Deterrence in History* (Albany: Suny Press, 1974).

25 . Source: Center for defence information and natural resources defense council at <http://www.nti.org>

26 . The Future of NATO"s Tactical Nuclear Weapons by Dr. Richard Weitz at <http://www.sldinfo.com/>

27 . France came back to join the efforts of NATO and although "Afghanistan puts NATO in a very difficult situation, the overall transatlantic climate is much better than a couple of years ago" Quoted from DW-World.de, reported by Nick Amies and edited by Rob Mudge

at <http://www.dw-world.de/dw/article/0,,5310375,00.html>

28 . "Mediterranean safeguarding, countering piracy and armed robbery at sea the Horn of Africa, by providing support to its mission in Somalia and the development of its long-term peacekeeping capabilities, including the African Stand-by Force, by extending training mission in Iraq (NTM-I) and by supporting UNSCR 1325 on Women, Peace and Security", cited in Lisbon Summit Declaration, issued by the Heads of State and Government participating in the meeting of the North Atlantic Council in Lisbon, Press Release (2010) 155, Issued on 20 November 2010 at http://www.nato.int/cps/en/natolive/official_texts_68828.htm?mode=pressrelease

29 . "The age of bloc confrontations, in which nuclear weapons created a cynical security, is over. We cannot resolve the problems of our time with the politics of mistrustful isolation and deterrence, which prevailed during the Cold War.... For the first time in humankind's history, we can only resolve central problems if we work together.... Nuclear weapons and other weapons of mass destruction neither create modernity nor prosperity. On the contrary, if a growing number of countries have them, they will create less security – even for those countries in possession of them", see speech by Frank-Walter Steinmeier, Federal Minister for Foreign Affairs, at the CTBT Ministerial Meeting, New York, September 24, 2008, Das Auswärtige Amt, <http://www.auswaertiges-amt.de/diplo/en/Infoservice/Presse/Reden/2008/080924-BM-CTBT.html>.

30 . "Is force or the threat of force used within or among states because some men or states are evil? Is war brought about by the disagreements that exist among states, be they good or bad? Francis I, when asked what differences accounted for the constant wars between him and his brother in law Charles V, supposedly answered: "none whatever. We agree perfectly. We both want control of Italy" Kenneth N. Waltz, *Man, the State and War - a Theoretical Analysis*, 3rd ed., vol. One (New York: Columbia University Press, 2001). pp 187-188.

31 . "Is it that one wants complete security, and not being able to find it - this sense of complete safety, of protection, physically, emotionally, psychologically - one becomes terribly anxious about living? So there is this sense of uncertainty". Krishnamurti, J. (2000), *The Awakening of Intelligence*, Penguin Books, India, pp. 416-429.

32 . See Wikileaks documents on Afghanistan war and Toni Blair"s comment on the eve of his speech in McGill University, November 2010.

Doctoral Candidates Debate 2

“Should the Biological Weapons Convention Review Conference in 2011 revive the verification debate or focus instead on compliance?”

Revive the verification debate

Argument presented by Adam Bower

Adam Bower is a Ph.D. Candidate in the Department of Political Science at the University of British Columbia. His doctoral research explores whether and how international treaties created without the endorsement of powerful states may nevertheless prove broadly influential in the international system. To answer this question, his dissertation develops a constructivist account of treaty effectiveness, and applies this framework in assessing the Ottawa Convention banning anti-personnel landmines and the Rome Statute of the International Criminal Court. For the project, Adam has conducted field research in The Hague, Sarajevo, Geneva, Ottawa and Kampala, with further trips planned for New York and Washington D.C. Adam has been the grateful recipient of past grants from the Social Sciences and Humanities Research Council of Canada, the Department of National Defence Security and Defence Forum, and The Simons Foundation / Department of Foreign Affairs Graduate Research Award.



I. Opening Statement and Thesis

In the wake of the controversial collapse of a draft protocol on verification at the 2001 Review Conference, States Parties to the Biological Weapons Convention (BWC) have been reluctant to formally revisit the subject. At the time, the decision of the United States delegation to oppose any further consideration of the Chairman’s consolidated text was widely greeted with shock and dismay. Prominent scholars decried the act as a major error: “The United States has missed a real opportunity to help to protect itself—and its fellow States Parties—from the dangers of biological weapons.”¹ While diplomatic interest has remained tepid, the imperative for a multi-faceted system for monitoring compliance with the BWC has not receded in the intervening decade. Indeed, scientific advances have greatly outstripped current verification provisions, both in respect of proliferation and effective counter-measures. This suggests that a formal verification capacity is needed now more than any other time in the Convention’s history and, crucially, that such a capacity is within the reach of BWC parties.

This paper argues that despite the political challenges, the 2011 BWC Review Conference should seek to revive official discussion concerning treaty verification.² To do so, it makes three central claims. First, given the very real threat posed by the proliferation and potential use of biological weapons, improving international monitoring capacity is an overwhelming priority. Second, the technical means of

¹ Pearson, Dando and Sims (2002) 38.

² This paper defines a verification system as “one that gathers and analyses information, obtained through monitoring and other means, in order to make a judgement as to whether treaty parties are complying with their legal obligations.” This is distinguished from a compliance system which is “a structured procedure that allows states to bring noncompliance or other implementation questions before their fellow treaty parties.” Findlay (2004) 2.

implementing a functional verification regime already exist. Finally, notwithstanding the well-understood ambivalence of some key states, there may now be a modest window of opportunity to achieve meaningful progress this vital issue. Such an opportunity—even if it initially produces something less than a fully-integrated verification system—should not be ignored, even in view of the risks inherent in pushing the limits of diplomatic possibility.

II. Main Arguments

Existing institutional structures are incapable of assessing actual or potential instances of BW proliferation. This is deeply problematic, as the development and use of biological agents by states and terrorist groups has historical precedent and remains a pressing concern.³ A successful BW attack could kill many thousands of people and produce widespread panic and disruption to core services and economic activity. Rapid developments in the biological sciences have only increased these pressures.⁴ These factors argue strongly for a renewed diplomatic push to achieve a meaningful verification capacity within the BWC system. An effective verification regime would prove beneficial in two respects. On the one hand, a credible monitoring and investigatory capacity would act as a deterrent—averting the occurrence of violations in the first place—as many states would be unwilling to risk censure should their illicit activities be disclosed.⁵ On the other hand, should deterrence fail, revealing instances of non-compliance via an internationally accepted process would greatly improve the prospects for a collective response.⁶ This would represent a significant gain over the current status quo, which lacks a regularized and legally-binding mechanism for uncovering suspected violations.⁷ It is worth recalling that at the 2001 review conference the United States accused a number of states of violating the provisions of the BWC.⁸ Yet the U.S. delegation produced no evidence to substantiate these claims, and the allegations were never formally addressed. Developing an international verification regime is all the more essential since the most favoured alternative—a system based on robust national implementation controls—has not been broadly realized.⁹

This imperative is reinforced by the fact that verification is achievable with existing scientific techniques. Indeed, in contrast to the claims of U.S. negotiators, “developments have occurred that call into question the assertion... that the BWC is essentially unverifiable.”¹⁰ Technical advances and past experience offer a good degree of assurance.¹¹ Verification is increasingly viewed as a holistic process that necessarily incorporates a host of complementary procedures including confidence-building measures, disease surveillance, compulsory transparency declarations and data exchange, on-site

³ Borrie 7. For a historical overview of biological warfare, please see Dando and Nixdorff; and Grossman-Vermaas, Finlay and Turpen.

⁴ Findlay and Woodward 1.

⁵ See for example the conclusions of the Report of a Joint UK/Brazil Practice Non-Challenge Visit 6-7.

⁶ Statement by VERTIC.

⁷ Littlewood 4.

⁸ Iraq, North Korea, Iran, Syria, and Sudan, as well as one non-state actor, al Qaeda. Borrie 9; also Rissanen 78 and Littlewood 6.

⁹ Findlay and Woodward 1; Littlewood 4; Pearson, Dando and Sims (2002) 38.

¹⁰ Findlay (2006) 18. See also Pearson, Dando and Sims (2001) 12. For a detailed refutation of U.S. objections to the 2001 draft protocol on verification, see Pearson, Dando and Sims (2002).

¹¹ For detailed discussion of the scientific support for verification, see Smithson (2001) and (2002). For examples of practice challenge inspections, please see the working papers submitted by Australia; and Denmark, Finland, Iceland, Norway and Sweden.

inspections, and a strengthened Implementation Support Unit to facilitate these processes.¹² The formal legal architecture could be further integrated with existing civil society monitoring.¹³ This range of options is critical as it would allow for considerable flexibility in negotiating a new verification mechanism: a positive outcome is far more likely if representatives are absolved of the pressure to agree everything in one all-or-nothing package.

Finally, while prominent states are assumed to still oppose renewed negotiations on the subject of verification, there is real potential for reviving international interest. As Littlewood has noted, “it remains the stated policy of a number of states parties, the European Union Member States for example, to return to verification of the Convention at the appropriate time. By 2011 it will have been ten years since the demise of the Ad Hoc Group negotiations. Ten years arguably will constitute both the ‘longer term’ and the more enticing political climate a number of states parties have been waiting for.”¹⁴ The more internationally-minded Obama administration might be persuaded to join a multilateral process if there was evidence of widespread support (especially among allies), and the balance of benefits were sufficiently compelling. In addition to the security gains noted above, the political value of reinforcing the norm against biological weapons would be significant.¹⁵ Yet the resumption of negotiations on verification should be understood as a potentially long-term process, in which the Review Conference offers a vital opportunity to reinvigorate the process and build political interest; it is not, however, expected that the meetings would produce a final result on this complex subject.

III. Counter-Arguments and Rebuttals

Skeptics charge that any return to the acrimonious verification debate is unpalatable, and would only serve to distract attention from areas where real progress is achievable.¹⁶ Moreover, even if the political hurdles could be overcome, the existing scientific solutions to verification challenges are significantly overstated.¹⁷ Both of these concerns have merit. Indeed, since taking office the Obama administration has restated its fundamental opposition to a negotiated verification protocol, arguing against this course of action on both diplomatic and technical grounds.¹⁸ Forcing the issue might simply revive bad feelings from 2001 and bog-down discussions. In the continued absence of U.S. support, pursuing a renewed negotiating mandate would seem a waste of diplomatic resources at best, and seriously counter-productive at worst.

While important, neither of these considerations is necessarily determinative. First, there may be more scope for change than critics recognize. As noted above, many BWC members continue to officially endorse the goal of a formal verification system. Progress on this front would serve the interests of BWC regime by satisfying those states seeking a “legally binding, multilaterally negotiated and

¹² See variously Sims (2006) 14-16; Findlay (2004) 6-7 and (2006) 17-18; and Littlewood (2009) 12-13 and (2008).

¹³ For example, via the BioWeapons Prevention Project (BWPP). For more information please see www.bwpp.org and Rissanen 87-88.

¹⁴ Littlewood 18. Similarly, see Pearson and Sims 14; and Pearson esp. 37-39. Regarding past UK proposals, see Rissanen 84-85.

¹⁵ Borrie 11.

¹⁶ Borrie 7 and 10.

¹⁷ Findlay (2004) 2 and (2006) 17.

¹⁸ Regarding the Obama administration’s decision to retain the Bush-era opposition to verification, please see Tucker; and Pearson, Dando and Sims (2002).

nondiscriminatory agreement,”¹⁹ and if successful, would generate real security gains. The Review Conference should be properly viewed as the *beginning*—not the end—of this negotiation process. Ambitious diplomacy now can generate momentum going forward, by building support either for a gradual adoption of “modular” verification elements²⁰, or a longer-term process to conclude a fully-integrated agreement.²¹ And even a partially effective verification regime would be preferable to the current absence of any international mechanism. “A failure to... strengthen the convention will send a wrong message to those states that contemplate cheating or are already cheating: it will show that the international community is divided and helpless in the face of BW proliferation and that the BWC is becoming obsolete.”²²

IV. Conclusion

Any decision to revive verification negotiations will be complex and fraught with political challenges. This effort would not be easy, but given the stakes, it is worth pushing diplomatic envelope to achieve meaningful reform of the BWC. This is especially so as substantial empirical evidence demonstrates the efficacy of technical verification techniques.²³ With proper management of the diplomatic process, states can be convinced of the value of this initiative. The 2011 Review Conference should be the forum for reviving this debate and giving it the necessary political impetus, but a final agreement will undoubtedly require negotiation beyond the tenure of these meetings. The risk of failure—characterised by deadlock at the Review Conference and a stalled agenda—must be set against the view that other vital issues can only be effectively addressed in the context of a substantially improved verification regime.

V. Additional Rebuttal Points

Opponents frequently charge that existing technical verification options are excessively intrusive and thus imperil both private intellectual property and state secrets. However, the threat is likely overstated, as the 2001 draft protocol contained extensive safeguards for protecting sensitive national and corporate data²⁴; these features would certainly be included in any new agreement. Similarly, skeptics argue that the dual-use nature of many biological agents undermines the possibility of effectively distinguishing between legitimate scientific research and illicit weaponization. Yet these technical challenges make efforts at verification more, rather than less, critical, and the quest for solutions can spur new scientific capacities.

¹⁹ Littlewood (2009) 18.

²⁰ Findlay and Woodward.

²¹ Findlay (2004) 8.

²² Rissanen 88-89.

²³ See footnote 11 above.

²⁴ Findlay (2004) 7.

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Doctoral Candidates Debate 2

“Should the Biological Weapons Convention Review Conference in 2011 revive the verification debate or focus instead on compliance?”

Focus on compliance

Argument presented by Elizabeth Silber

Elizabeth Silber is a PhD. Candidate in Physics and Planetary Science at the University of Western Ontario, where she also obtained her Honours BSc. in Astrophysics in 2007. In addition to her doctoral research which includes theoretical and experimental investigation of infrasound and shock wave production, Elizabeth is also interested in propagation and modeling of infrasound produced by explosive sources, man-made or natural. Elizabeth’s research is funded by NSERC-CGS scholarship. She has previously conducted research in the area of missile and rocket infrasound, and re-analyzed the recently declassified bolide dataset from the Cold War era. Her other interests are in the area of disarmament, reduction of stockpiles of WMD, nuclear non-proliferation, monitoring and verification regime under the umbrella of the CTBT, and outer space security and defense. Elizabeth is a certified Professional Physicist and a recipient of several awards, including the Faculty of Science Teaching Award and Graduate Thesis Award.



1. Introduction

The invention and use of biological weapons is not a recent phenomenon in the history of mankind as records point to the use of biological agents by the ancient Greeks and Romans¹. The First World War witnessed the deployment of biological weapons on a larger scale² which in part prompted the postwar multilateral enactment of the Geneva Protocol in 1925, prohibiting the warfare use of the biological and chemical weapons³. Almost half a century later, in 1969, President Nixon announced that the United States (US) would destroy its arsenal of the biological weapons. More significantly, in 1972 the Nixon administration was instrumental in negotiating the Biological Weapons Convention (BWC), which became effective in 1975⁴, as a supplemental instrument to the Geneva Protocol⁵. The BWC was the first to ban a complete category of weapons under international law⁶, effectively prohibiting the development, production and stockpiling of the biological and toxin weapons⁷.

Even though the BWC contains the comprehensive framework to address the threat of biological weapons, it is considered comparatively the weakest of the international arms control agreements, as it is not supported by an effective verification system⁸. The lack of appropriate enforcement mechanisms and dedicated financial, logistical and human resources hamper its effectiveness and reflect on the overall level of collaboration and attitude among its members⁹. This became apparent during the subsequent Review Conferences that were held every 5 years in accordance with Article XII¹⁰.

In anticipation of the Seventh’s Review Conference in 2011, states parties are faced with the dilemma of gradual negotiations or taking concrete steps toward better verification of the BWC¹¹. Here, the arguments favouring a common sense approach centering on compliance will be proposed in hope to

ensure the success of the Seventh Review Conference. The geopolitical realities of the world have changed in the past 40 years and as time is running out for a concrete action, the main arguments favouring the compliance process are discussed in the subsequent section, followed by an assessment of the counter arguments.

2. A Common Sense Approach to Compliance

The Second Review Conference in 1986 resulted in a set of new agreements giving rise to the Confidence-Building Measures (CBMs) in order to improve international cooperation and reduce ambiguities and suspicions through the exchange of comprehensive actionable data and by encouraging active bilateral and multilateral contacts among member states¹².

Subsequent formation of a group of governmental experts (VEREX) during the Third Review Conference and an Ad Hoc Group in 1994, were bold steps forward with the intent to identify and examine potential verification measures, and to negotiate and develop a legally binding verification regime¹³. The illusion of success had disappeared in 2001, when the Fifth Review Conference almost collapsed because the US rejected all the previous developments that would lead to any perceived implementation of the verification measures. After limited progress in 2006¹⁴, and considering signs that the Obama administration effectively adopted the Bush doctrine¹⁰, the future of the Seventh Review Conference may depend on implementing a new common sense approach that would favour a shift toward compliance without invoking verification and be based on the accomplishments of the previous conferences¹⁵. The following set of arguments serve as a strong motivator to recognize compliance as a viable option.

The rapid development of life sciences¹⁶, including new compounds and their obvious potential for dual use, makes the verification process difficult to achieve. However, a set of self-imposed measures, such as the recently adopted ethical and legal education of the scientists and personnel in biotech fields combined with other practical measures adopted at recent conferences¹³ would be considered appropriate compliance steps if properly submitted and reviewed by adequate instruments.

The relative scope of the verification task is enormous and following the lack of financial resources and inability or unwillingness of states to commit the same represents another currently insurmountable obstacle to verification¹⁰.

Furthermore, verification measures cannot work for the biological weapons as they do for the nuclear and chemical arsenals, primarily because of illusive and difficult to track rapid advancements¹⁷.

The compliance regime would discourage the activity of non-state actors, as it is in the interest of each state to destroy such forces, especially following the events that transpired on the world stage shortly after 9/11. It is also widely accepted that state actors cannot efficiently act alone and consequently need a backing of a state¹⁸.

The developing states do not consider the biological weapons as particularly relevant, as the result of a strong dichotomy that separates them from the industrial nations, best reflected through the biotech industry. It must be recognized that all states parties are equal stake holders in the fight against biological weapons. Therefore, the structured compliance measures aimed to produce greater transparency and drawing from the CBMs and some groundwork laid by VEREX would give the

developing nations a sense of importance and relevance and would positively impact a complex spectrum of differences between the two camps¹⁹.

Considering strong divergence among some state actors, it may be necessary to sacrifice verification as a bold step forward, to save the cohesiveness of the Seventh Review Conference¹¹.

Mutually acceptable compliance measures are likely to result in a sense of equal representation and could potentially reduce tensions between the states with opposing geostrategic interests, as is the case with the US and Iran.

The gradual strengthening of compliance and seamless evolution from the CBMs, strengthened by already existing legal and logistical framework, would consequently lead to a more robust legally binding regime, clearly opening the door for verification in the future¹¹.

3. Assessing the Verification Options

The deadly potential of biological weapons²⁰, while not fully acknowledged among all relevant policy makers, is best mitigated through the verification regime. Such a regime would identify potential violators and through all legally available instruments, including UN Resolution 1540, mitigate potential threats appropriately²¹. This verification would also go a long way in addressing specific concerns that individual states may voice²². In addition, verification, if implemented appropriately, would prevent potential preemptive military excursions which could possibly lead to a much wider global conflict. A substantial verification would also conceivably prevent the clandestine development of biological weapons by rogue states and possession by non-state actors that are potentially affiliated with rogue regimes.

However, while potential benefits of the verification process would go afar, at this moment in time, and quite possibly until the Eighth Review Conference such course of action seems unlikely in the light of complex spectra of geopolitical and economic factors. Considering that the US is not willing 'to jeopardize proprietary secrets'¹⁰ of its biotech industry, the verification process does not seem to be realistic. Additionally, the lack of institutions under the umbrella of the BWC and the absence of the dedicated personnel would mean that help should be sought from outside parties, such as NGOs and corporations, which would further undermine confidence among some countries and further raise their suspicions of a biased approach, justifiable or not. Inevitably, it comes down to financial resources which are essential in running any verification regime. It can be recalled that even during good economic times most countries, including the developed nations, were hesitant in committing dedicated funds to BWC²³ as even NPT²⁴ and CWC²⁵ are experiencing funding difficulties. Therefore, a decentralized approach based on a mutually accepted set of compliance measures as a middle-ground still seems the best alternative.

4. Conclusion

As the geopolitical face of the world has changed significantly over the past 40 years, so have the threats of biological weapons. In order to mitigate such threats with a desired level of confidence and to maintain the integrity and coherence of the BWC, a new common sense approach has been suggested, favouring compliance in the light of a complex set of ground factors, such as rapidly evolving biotechnology, absence of funding and infrastructure, dichotomy between the industrialized and developed nations and overall powerful state disagreements. The middle-ground compliance approach

that would be mutually agreed and accepted, yet based on the previous accomplishments of the Review Conferences, is still the best option to move forward and to ensure gradual and seamless movement to the effective verification regime of the future.

5. Additional Rebuttal Points

Many states secretly develop and possess biological weapons under the umbrella of national bio-defense programs; the verification regime would embarrass them and make a pariah state status in the international community, thus they will always try to prevent verification²⁶.

Verification may potentially hamper the R&D of new life saving technologies with a high potential for dual use as the scientists would be hesitant to engage in legally dubious research^{27,18}.

While verification is critical in ensuring non-proliferation of biological weapons, certain states parties will consequently prevent anything they perceive as a threat to their national and global interests²⁸.

¹ Stockholm International Peace Research Institute, *The Problem of Chemical and Biological Warfare*, Vol. I. Humanities Press, New York, 1971

² Poupard, James A., and Linda A. Miller, 'History of Biological Warfare: Catapults to Capsomeres', *Annals New York Academy of Sciences, Microbiologist and Biological Defense Research: Ethics, Politics and International Security*, vol. 666, December 1992, pp. 9-20

³ Christopher, George W., et al., 'Biological Warfare, A Historical Perspective', *The Journal of the American Medical Association*, vol. 278, no. 5, 1997, pp. 412-417

⁴ McCauley, Phillip M., and Rodger A. Payne, 'The Illogic of the Biological Weapons Taboo', *Strategic Studies Quarterly*, vol. 4, Spring 2010, pp. 6 – 35

⁵ Guillemin, *Biological Weapons*, 24–2 , 5–91, 131–4 .

⁶ Available at: <http://disarmament.un.org/TreatyStatus.nsf> (Accessed on Nov 29, 2010)

⁷ Jez Littlewood, 'Confidence-building measures and the Biological Weapons Convention: where to from here?', *Canadian Centre for Treaty Compliance*, Carleton University. Available at: <http://www2.carleton.ca/cctc/ccms/wp-content/ccms-files/CC6.pdf> (Accessed 29 November 2010)

⁸ Malcolm Dando, 'Dual-use education for life scientists?', *Disarmament Forum Ideas for Peace and Security*, no. 2, 2009, pp. 41 – 44

⁹ Nicholas A. Sims, 'Midpoint between Review Conferences: Next Steps to Strengthen the BWC', *Disarmament Policy*, Issue no. 91, Summer 2009. Available at: <http://www.acronym.org.uk/dd/dd91/91bwc.htm> (accessed 29 November 2010)

¹⁰ The Biological and Toxin Weapons Convention, Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction. Available at: <http://www.brad.ac.uk/acad/sbtwc/keytext/textcon.htm> (accessed 30 November 2010)

¹¹ Jez Littlewood, 'The verification debate in the Biological and Toxin Weapons Convention in 2011', *United Nations Institute for Disarmament Research (UNIDIR)*, Disarmament Forum, Arms Control Verification, Geneva, Switzerland, 2010, Ed. Kerstin Vignard, pp. 15-27

¹² P.D. Millett, 'The biological and toxin weapons convention', *Revue scientifique et technique (International Office of Epizootics)*, vol. 25, no. 1, April 2006, pp. 35-52

- ¹³ Sixth Review Conference of the States Parties to the Biological Weapons Convention, November 2006, Geneva, Switzerland. Available at: [http://www.unog.ch/80256EDD006B8954/%28httpAssets%29/12F9BC8D8F5DB0B6C12571A200318F92/\\$file/BWC_Backgrounder.pdf](http://www.unog.ch/80256EDD006B8954/%28httpAssets%29/12F9BC8D8F5DB0B6C12571A200318F92/$file/BWC_Backgrounder.pdf) (Accessed on 29 November 2010)
- ¹⁴ Una Becker, 'Light at the End of the Tunnel?', *The Sixth Review Conference of the Biological Weapons Convention*, Peace Research Institute Frankfurt (PRIF) Reports No. 79, 2007
- ¹⁵ Malcolm Dando, 'Scientific Change and the Security Environment', *Institute for Public Policy Research (IPPR), Scientific Change and the Security Environment: Biotechnology and security to 2025*
- ¹⁶ Malcolm Dando, 'Advances in Neuroscience and the Biological and Toxin Weapons Convention', *SAGE-Hindawi Access to Research Biotechnology Research International*, Vol. 2011, 2010, pp. 9
- ¹⁷ Piers Millett, 'The Biological Weapons Convention: Securing Biology in the Twenty-first Century', *Journal of Conflict & Security Law*, 2010, pp. 1-19
- ¹⁸ D'Agostino, Mark, and Greg Martin, 'The bioscience revolution & the biological weapons threat: levers & interventions', *Global Health*, vol. 5, 2009, pp. 5
- ¹⁹ Jonathan B. Tucker, 2010, 'Seeking Biosecurity without Verification: The New US Strategy on Biothreats', *Arms Control Today*, January/February
- ²⁰ Grossman-Vermaas, Rita, et al., 'Old Plagues, New Threats: The Biotech Revolution and its Impact on US National Security', *Stimson Occasional Papers and Reports*, The Henry L. Stimson Center, Washington, DC, United States, 31 March 2008
- ²¹ *Weapons of Mass Destruction Verification and Compliance: the State of Play, Challenges, and Responses*, A research study prepared for the International Security Bureau of the Department of Foreign Affairs Ottawa, Canada, January 2005, Available at: http://www.international.gc.ca/arms-arnes/assets/pdfs/compliance_verification_2005.pdf (accessed 29 Nov 2010)
- ²² P. Terrence Hopmann, 'Negotiation Risk: Controlling Biological Weapons', *Negotiated Risks: International Talks on Hazardous Issues*, R. Avenhaus, G. Sjöstedt (eds.), Negotiated Risks, 2009, pp. 129-160
- ²³ Biological Weapons Convention Sees Limited Progress in 2008, WMD Insights, *Issues and Viewpoints in the International Media*, February 2009. Available at: http://www.wmdinsights.com/l30/l30_G2_BWC.htm (accessed 30 November 2010)
- ²⁴ Judith Miller, Stephen Engelberg and William Broad, 'US germ warfare research pushes treaty limits', *New York Times*, 4 September 2001, p. A1
- ²⁵ Jonathan B. Tucker, 'The convergence of biology and chemistry: Implications for arms control verification', *Bulletin of the Atomic Scientists*, vol. 66, no. 6, 2010, pp. 56-66
- ²⁶ Jenni Rissanen, 'Continued Turbulence over BWC Verification', *Verification Yearbook 2002, Verification Research, Training and Information Centre (VERTIC)*, London, United Kingdom, 2002, pp. 75-92. Available at: http://kms1.isn.ethz.ch/serviceengine/Files/ISN/13535/ichaptersection_singledocument/9fe3858d-f369-4e36-bede-408337f9c162/en/05_VY02_Rissanen.pdf (accessed 29 November 2010)

NPT – Nuclear Non-Proliferation Treaty
CWC – Chemical Weapon Convention

Master's Candidates Debate 1

“In accordance with Canadian non-proliferation, arms control and disarmament (NACD) policies, should Canada support the multilateralization of the nuclear fuel cycle as a non-proliferation measure?”

YES

Argument presented by Evan Rankin

Evan Rankin is a student at the University of Toronto's new Master of Global Affairs program. His interests lie in global security including nuclear proliferation, the Iranian domestic political scene as it relates to proliferation, disarmament and global approaches to cyber-security. During his undergraduate degree, he worked at the Queen's Center for International Relations as a junior researcher examining trans-Atlantic non-proliferation and disarmament efforts. Evan's most recently chaired an international conference on food scarcity's relationship with global security, which involved journalists, diplomats, academics and Canadian Forces officers.



Into the Future: Multilateralization of the Nuclear Fuel Cycle

The world is entering a period of increasing energy insecurity. Notwithstanding the recent tragedy in Japan, it seems that the world may turn to nuclear energy to fill its energy needs. Traditionally, this has led to the proliferation of uranium enrichment and processing capabilities. Unfortunately, the technology required for fuel enrichment is only a “screwdriver-turn” away from being able to produce material suitable for nuclear weapons.¹ This dual-use character has led to calls for, and some efforts towards, the “multilateralization” of the fuel-cycle in order to prevent further proliferation of nuclear arms.² “Multilateralization” denotes the placement of the nuclear fuel-cycle under multinational control in order to guarantee uninterrupted supplies of fuel to non-supplier states.³ Ambitious plans also encourage multilateralizing spent fuel management.⁴ The non-proliferation logic behind multilateralization is simple: if states have no reason to create their own stocks of fuel, they will not need to utilize their Article IV rights under the Nuclear Non-Proliferation Treaty (NPT) and develop easily abused enrichment technologies. Without this equipment, production of fissile materials is impossible. This explanation will be expanded upon below.

In this context of growing energy demands and rising proliferation concerns, Canadian policy should be directed at achieving the multilateralization of the nuclear fuel cycle. Multilateral mechanisms are not just amenable to Canadian NACD commitments: the development of these mechanisms will grant

¹ Yury Yudin, Multilateralization of the Nuclear Fuel Cycle: The Need to Build Trust (New York: UNIDIR, 2010) 2.

² Simon Palamar, “The Multilateralization of the Nuclear Fuel Cycle,” The Ploughshare Monitor 29.4 (2008): 14-15.

³ Yury Yudin, Multilateralization of the Nuclear Fuel Cycle: Assessing The Existing Proposals (New York: UNIDIR, 2009) 15.

⁴ Charles McCombie, “GNEP and Other Multinational Options for Spent Fuel Management,” Arius Association (2007) 1. < http://www.arius-world.org/pages/pdf_2006_7/02_INMM_Tucson_June_2007.pdf>.

Canadians a significant opportunity to assert influence over the structure of any agreements. This ensures that Canadian national interests are reflected in the eventual multilateralization of the fuel-cycle.

I will briefly argue that Canada should support multilateralization for three reasons. First, multilateral arrangements prevent states from reaching independent break-out capabilities.⁵ Second, as mentioned above, multilateralization of the fuel-cycle helps guarantee stable flows of fuel, removing the need to develop national capacities. Between these two arguments, non-cooperative states can be brought under suspicion and isolated. Third, multilateralization would reduce the workload of the IAEA, allowing it to more closely scrutinize suspicious operations.

Canada Should Pursue Multilateralization

It may first be worth noting the special position Canada occupies with regards to this debate. Because existing proposals for multilateralization vary so widely, Canada can exert a significant amount of influence in the debates and negotiations that surround the formation of a multilateral framework. The key to our potential influence is the fact that Canada is the single largest world supplier of natural uranium.⁶ By leveraging this resource wealth, Canada can encourage the creation of a framework that reflects Canadian interests. The current energy situation is not sustainable, and Canada should support the option that gives it the greatest leverage in the international arena- multilateralization.

Canadian NACD policy clearly states that Canada supports stringent national and multinational export controls in order to “deny access to WMD-related material and technology at home and abroad.”⁷ Multilateralization helps towards this goal in several ways.

First, international oversight and participation provide guards against unilateral break-out while guaranteeing fuel supply. The URENCO model illustrates this dual effect nicely. Processing operations are divided into three segments, with each participating state (the Netherlands, UK, and Germany) undertaking only one segment. In this way, no single state has mastery of the entire nuclear fuel-cycle, and any attempt to break-out would be detected.⁸ While the URENCO model may be more suitable for countries with pre-existing technological capabilities,⁹ it may be possible to create a model that allows other states to purchase stakes in the operation to guarantee drawing rights (similar to the EURODIFF model). This would help assure states of a steady supply of fuel, relieving the need for a national operation, but also insuring against unilateral break-out by participating states. In the same vein, such

⁵ Break-out capacity is the point at which a state can use existing technologies to cross into the realm of weaponization of nuclear material.

⁶ Palamar 15.

⁷ Foreign Affairs and International Trade Canada, “Controlling Access,” July 10, 2009 <<http://www.international.gc.ca/arms-armes/control-controle/access-acces.aspx?lang=eng>>.

⁸ IAEA, Multilateral Approaches to the Nuclear Fuel Cycle: Expert Group Report to the Director General of the International Atomic Energy Agency (Vienna: IAEA, 2005) 131.

<http://www-pub.iaea.org/MTCD/publications/PDF/mna-2005_web.pdf>.

⁹ Harald Müller, “Multilateral Nuclear Fuel-Cycle Arrangements,” The Weapons of Mass Destruction Commission 35 (2005): 11. <<http://www.wmdcommission.org/files/No35.pdf>>.

an arrangement would allow non-supplier states to have a say in how operations are managed and to profit from them,¹⁰ eliminating another impetus towards nationally controlled facilities.¹¹

The efficiency argument for multilateralization as a non-proliferation mechanism is similar. Large multinational facilities can take advantage of economies of scale, producing fuel far more efficiently than most nationally operated facilities.¹² This efficiency is an underlying tool for preventing proliferation. Bluntly, cost-efficiency will mostly eliminate the need for states to develop their own enrichment programs, reducing the risk of the proliferation of sensitive material and information. Even if a state did start its own domestic program, it would be several decades behind current state-of-the-art technologies and be immensely costly.¹³ Thus, not only would multilateralization prevent states from acquiring all the skills necessary to achieve a national break-out capability, but economies of scale would discourage states from entering the enrichment market.

While Article IV of the NPT will remain sacrosanct, multilateralization would allow Canada to more easily isolate states that are intent on developing weapons through their refusal to participate.¹⁴ Because these states insist on national processing programs in spite of inefficiency and an otherwise secure supply of fuel, particularly intense scrutiny in inspections can be justified. It may also be possible to bring the Nuclear Suppliers Group (NSG) into a multilateral framework in order to ensure that members only supply multilateral facilities, creating another way to pressure suspicious regimes.

Efficiency provided by multinational operations that are larger-scale and centralized will have another significant advantage: the IAEA's enormous burden of inspecting facilities all over the world will be eased significantly. The IAEA has been chronically underfunded since its inception, and the consolidation of sites to be inspected will result in a more thorough (and cheaper) execution of its responsibilities.¹⁵ If the IAEA is not overworked, it is logical to assume that their renewed thoroughness will aid non-proliferation efforts globally.

Counter-Arguments and Why They Fail

Critics have argued that multilateralization will simply not prevent states intent on proliferating from doing so. Article IV of the NPT, after all, is not likely to simply disappear, so states will continue to have the right to pursue nuclear energy (and thereby the capacity to break-out) unilaterally.

This argument is a red-herring: no non-proliferation mechanism will *ever* end the possibility of proliferation. All NPT signatories are entitled to mastery of the nuclear fuel cycle under Article IV, and therefore any multilateralization regime will have to incorporate that right. Multilateralization cannot guarantee non-proliferation, but it can serve to limit the chances of it occurring. This is accomplished by the means outlined above, as well as the protection against theft through limiting the dissemination of knowledge among parties associated with multilateral operations. The use of "blackbox" facilities to

¹⁰ James E. Goodby, "Internationalizing the Nuclear Fuel Cycle," (2008) 14-16.

<<http://web.mit.edu/stgs/pdfs/Goodby--Internationalizing%20the%20nuclear%20fuel%20cycle.pdf>>.

¹¹ Yudin, Need to Build Trust 23.

¹² Yudin, Need to Build Trust 23.

¹³ *ibid* 19.

¹⁴ Yury Yudin, Multilateralization of the Nuclear Fuel Cycle: Helping to Fulfill the NPT Grand Bargain (New York: UNIDIR, 2010) 39.

¹⁵ Yudin, Helping Fulfill the NPT 38.

prevent states from gaining sensitive knowledge is present in many of the proposed arrangements. Some have suggested that “blackbox” operations are actually useful in detecting illicit activities in host countries.¹⁶ Essentially, multilateralization enhances non-proliferation efforts by reducing the amount of knowledge and technology available to any single participant while ensuring a fuel supply. Additionally, states that refuse to participate in multilateral arrangements will inevitably be viewed with increasing suspicion and subject to more intense scrutiny.

Others have argued that non-supplier states will view multilateralization as an attempt to reinforce a two-tier production structure. This will be interpreted as cartelization of the fuel-process, reducing the likelihood of participation in multilateral arrangements.

This argument ignores the possibility of non-supplier participation and input in the construction and operation of multilateral regimes. If any multilateral regime is to be successful, it must address the concerns of non-supplier states by ensuring that they are consulted on an ongoing basis.¹⁷ Their participation may also be ensured in order to convince them that multilateralization is not a ploy by supplier states to reinforce their own dominance in the market. Therefore, any multilateral arrangement must contain mechanisms that allow non-supplier states to gain a vested interest.¹⁸ Both the URENCO and the EURODIF models contain such mechanisms. It may also be possible to place blackbox facilities in non-supplier states in order to make a concrete statement of cooperation. Gradually building confidence and trust in multilateral arrangements are crucial to their success. As trust is built, states are less likely to be suspicious of multilateralization and more likely to cooperate in order to take advantage of the opportunities that it provides.

A final argument disputing the usefulness of multilateral processing regimes refers to the apparent impossibility of instituting the multilateralization of existing operations. Rebutting this argument is relatively simple: older facilities will eventually become obsolete and new facilities will need to be built. In the wake of the Japanese tragedy, upgrading and replacing older facilities will likely be urgent priorities of some states. These new facilities could be constructed more cheaply and with more efficient equipment if they involved multiple stakeholders. This would diffuse the costs and risks while drawing on different states’ expertise. States that have mastered the fuel-cycle present the greatest risk of break-out, so political pressures and incentives should be used in order to encourage the multilateralization of their facilities (both existing and future) in particular.

Conclusion

Multilateralization is not a panacea for the problem of proliferation, but its potential to control sensitive materials is significant. To briefly restate, multilateralization secures the supply of nuclear fuel to non-supplier states while making operations more efficient, reducing states’ desire to proliferate sensitive technologies. Multilateral arrangements also reduce the possibility of break-out. Finally, multilateralization facilitates the consolidation of processing facilities, aiding the IAEA in its role as inspector. Canadian NACD policies coincide with these objectives, making multilateralization a natural extension of Canadian efforts to prevent the proliferation of nuclear weapons. Canada’s stake in the

¹⁶ Goodby 17.

¹⁷ Yudin, Need to Build Trust 57.

¹⁸ Goodby 7.

debate is enormous and it should use its leverage to support the multilateralization of the fuel-cycle in such a way that reflects Canadian interests. We cannot afford to do otherwise.

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Master's Candidates Debate 1

“In accordance with Canadian non-proliferation, arms control and disarmament (NACD) policies, should Canada support the multilateralization of the nuclear fuel cycle as a non-proliferation measure?”

NO

Argument presented by Jeremy McGee

Jeremy McGee is a Master's student in Infrastructure Protection and International Security at Carleton University. His interests include national security, the Middle East, diplomacy, and arms control. He has a Master's Degree in Religious Studies and wrote a thesis on the rise of political extremism in South Asia. Presently, he is interning as a Junior Policy Officer in arms control and disarmament for the Permanent Mission of Canada in Geneva, Switzerland. He is an intermediate to advanced student of Arabic and French and has lived and studied in Egypt, India, Jordan, Syria, the United States, and Switzerland.



Introduction

In 2003, the International Atomic Energy Association's (IAEA's) Director General, Dr. Mohammed ElBaradei, revived ideas centered on multilateralization of the nuclear fuel cycle as a means to strengthen the nuclear non-proliferation regime. These ideas were made amid revelations that Iran was constructing two nuclear sites - a heavy water reactor and a uranium enrichment site - and in reaction to North Korea's withdrawal from the Nuclear Non-Proliferation Treaty (NPT). Although there is an inherent agreement in the NPT that allows for non-nuclear weapons states to develop nuclear technology for peaceful purposes; "proliferation risks derive directly from the 'dual use' nature of certain [of these] nuclear fuel technologies," namely, "uranium enrichment and spent fuel reprocessing."¹ This has led to the fear that development of this technology could allow states to develop a 'virtual nuclear' weapons capacity whereby they "would be a 'screwdriver turn' away from acquiring nuclear weapons."² For this reason, the so-called sensitive aspects of the nuclear fuel cycle are often called the "Achilles Heel" of the nuclear non-proliferation regime, as they are akin to possessing a latent nuclear weapons capability.³ In an effort to limit the development of this capability and to prevent its further proliferation, ElBaradei proposed a three-step multilateral approach to denationalize and more strictly control the so-called sensitive parts of the nuclear fuel cycle and put them under

¹ Yudin, Yury. "Multilateralization of the Nuclear Fuel Cycle: The Need to Build Trust." *UNIDIR*. Jan 2010. Web. 6 December 2010. <http://www.unidir.org/bdd/fiche-ouvrage.php?ref_ouvrage=978-92-9045-197-6-en>

² Ibid.

³ Quoted from: du Preez, Jean. "The Potential Role and Functions of the African Commission on Nuclear Energy: Assessing the Benefits for Africa." James Martin Center for Nonproliferation Studies. *Monterey Institute of International Studies*, n.d. Web. 5 December 2010.

<http://cns.miis.edu/treaty_pelindaba/pdfs/pelindaba_afcone_rev2.pdf>

international control.⁴ First, an internationally run fuel bank for nuclear energy would be established. Second, future enrichment and reprocessing facilities would be put under multilateral control. And third, existing enrichment and reprocessing facilities would be transferred from national to multilateral operations and put under IAEA watch.⁵ While a laudable set of proposals, there are four principal reasons why Canada should not support such propositions: (1) that such a regime would do nothing to deter or prevent those nations that are *determined* to develop a nuclear weapons capability; (2) that the proposed multilateral mechanisms impinge upon Article IV of the NPT (which allows for full access to the nuclear fuel cycle for use in peaceful purposes); (3) because multilateralization encroaches upon the national sovereignty of nations – making its full implementation improbable; and (4) these ideas do not make any sense – there is no demand for such arrangements.

Main Arguments

As previously mentioned, Iran's recent attempt to develop enrichment technologies "heightened concern about recent fuel-cycle activities [and] ... renewed the interest of the international community to looking into the possibility of multilateral fuel arrangements." That said, it is a logical fallacy to assume that multilateral fuel cycle approaches would prevent states from acting to acquire this capacity indigenously and perhaps, clandestinely. In fact, multilateral proposals seem to be based on a rather naïve assumption - that nations are only seeking enrichment capabilities for peaceful purposes. Other reasons may include an opportunity to increase their technological prowess, to gain prestige, to increase their energy security, to ward off potential threats from other states, or for perhaps other nefarious purposes. Most recently, North Korea's development of nuclear weapons is a case in point as the principal claim behind their development of these weapons was that of national security. Consequently, it should be clear that one of the principal problems with the proposed multilateral arrangement it does nothing to halt determined actors.

Furthermore, Canadian Non-Proliferation Arms Control and Disarmament (NACD) polices have always firmly supported the NPT's Article IV. As the world's largest supplier of natural uranium and a user of nuclear technology for energy and other peaceful purposes, multilateralization of the nuclear fuel cycle is not conducive to Canadian energy security or to domestic economic considerations. For example, according to a study by the Centre for International Governance Innovation (CIGI), in the coming years Canada will be faced with the necessity of upgrading its current nuclear facilities.⁶ At present, these facilities are powered by natural uranium that is mined in Canada; however, in the future, Canada will require low enriched uranium as fuel for its new reactors. Although Canada does not possess the

⁴ This paper will focus on the most contested part of the nuclear fuel cycle, uranium enrichment and the potential to use this technology to create a nuclear explosive device. Other sensitive aspects of the nuclear fuel cycle that are relevant to the application of safeguards are: the "reprocessing of spent fuel, 'production of heavy water' and handling of plutonium, including manufacture of plutonium and mixed uranium/plutonium fuel." For more, see IAEA. "The Revised Guiding Principles and General Operating Rules to Govern the Provision of Technical Assistance by the Agency." IAEA, 1979. Web. 4 Dec. 2010.

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⁵ Referenced from, UNIDIR, "Multilateral Approaches to the Nuclear Fuel Cycle." UNIDIR, 2010. Web. 1 December 2010. <http://www.unidir.org/bdd/fiche-activite.php?ref_activite=395>

⁶ Dormuth, Kenneth; Jackson, David P. "Uranium Enrichment in Canada." The Nuclear Energy Futures Project. *The Centre for International Governance Innovation*, May 2009. Web. 1 December 2010.

<<http://www.cigionline.org/publications/2009/5/uranium-enrichment-canada>>

technology to enrich uranium, with an emerging domestic market and high profitability in selling enriched uranium, domestic companies have expressed an interest in acquiring this technology. Such technology would allow Canada to both mine and enrich uranium to fuel local reactors (increasing the country's energy independence) and to obtain maximum value from our uranium resources. If Canada were unduly restricted by a multilateral regime, it would likely be forced to give up this aspect of its energy independence, and forego the economic and other benefits of enriching uranium domestically. Further, by restricting rights on this technology, these proposals punish Canada, despite a legitimate need and full compliance with all relevant safeguards and verification obligations.

In order to strengthen and uphold its NACD policies, Canada should support measures that not only promote international security and national interests, but that also have broad international support and are feasible to implement. Since the first multilateral fuel cycle proposal of 1946 (the Baruch Plan), international efforts to place the fuel cycle under multilateral control have failed, largely due to energy security concerns, national security interests and disagreements over non-proliferation commitments. For as long as nuclear weapons exist, some countries will be unwilling to forego their potential or actual ability to develop these weapons as a deterrent. Moreover, while nuclear weapons still exist, it is simply inconceivable that the United States, Russia, China, India, Pakistan or any other nuclear weapons power would give up control of their enrichment or reprocessing centers; putting an aspect of their national security interests under international control.

Finally, it is well known that a reliable commercial nuclear fuel market already exists and if countries want to purchase fuel, it can be easily done. The fact that there is no demand for multilateral fuel supplies and that non-supplier states have hardly been consulted about their potential interest, only exacerbates tensions between the nuclear haves and have-nots. This is because those without the technology perceive this as a discriminatory attempt to limit their legal right (under the NPT) to their acquisition of this technology by those that already have it. To date, virtually all such proposals originate from the technology holders and, one way or another, reinforce their role as the exclusive providers of enrichment and reprocessing services and thus would protect their profits.

Counter Arguments

Advocates for multilateralizing the nuclear fuel cycle often build their case on two principal claims: that a nuclear revival could double nuclear power capacity by 2030 - disseminating uranium enrichment and reprocessing technologies worldwide;⁷ and that multilateralization could potentially benefit all by inhibiting the spread of sensitive nuclear technologies. That said, these are by no means uncontested views. For instance, according to Dr. Trevor Findlay of the *Canadian Centre for Treaty Compliance*, it is "likely that expansion in nuclear energy to 2030 will be confined largely to the existing nuclear energy producers, plus a handful of newcomers."⁸ For most states, nuclear energy will remain as elusive as ever.⁹ There are several reasons for this: economic implications of developing a nuclear energy capacity are extremely unfavorable; it is still cheaper to use coal or natural gas to produce electricity; the nuclear

⁷ See for instance, UNIDIR, "Multilateral Approaches to the Nuclear Fuel Cycle." *UNIDIR*, 2010. Web. 1 December 2010. < http://www.unidir.org/bdd/fiche-activite.php?ref_activite=395>

⁸ Findlay, Trevor, "The Future of Nuclear to 2030 and its Implications for Safety, Security and Nonproliferation." *The Centre for International Governance Innovation*, 4 Feb. 2010. Web. 1 December, 2010. < <http://www.cigionline.org/publications/2010/2/future-nuclear-energy-2030>>

⁹ *Ibid.*

waste problem is still unsolved and remains a public concern; and it takes approximately 10 years of planning, regulatory processes, construction and testing before a reactor can produce electricity.”¹⁰ In other words, since dramatic proliferation is not predicted, why focus efforts on this proposal rather than existing ones that deal with current non-compliance.

Regarding the claim that multilateralization could benefit all of humanity and inhibit the spread of sensitive nuclear technologies, this is questionable and a view not shared by states of the Non Aligned Movement. Multilateralization does not mean that countries could afford the benefits it proposes. Also, as Canadian NACD policies warn “rapid advances in the spread of scientific and technical knowledge seems likely to increase this threat.”¹¹ In other words, by spreading the capability to enrich, there is an increased risk of proliferation to nefarious actors. International control of facilities does not assure the defection of scientists and their potential aid of clandestine programs.

Conclusion

In sum, although multilateralization of the nuclear fuel cycle appears to have the potential to secure international security interests, the reality is that it does not and should not be supported by Canada. The proposal does not address the main issue that sparked its renewed interest - if states decide to develop a nuclear weapons program, they will do so regardless of a multilaterally controlled nuclear fuel cycle. Also, it does not support long-held Canadian proliferation policies that support peaceful uses of nuclear technology and energy, nor is it in Canada’s energy security or economic interests. Further, like its multilateral fuel-cycle predecessors, it is destined to fail because the majority of nations will not be willing to give up their national facilities to international control. Thus Canadian NACD policies priorities are better served by continuing to push for a Fissile Material Cut-off Treaty (FMCT); by supporting universalization of the Comprehensive Test Ban Treaty; for advocating that all states accept the IAEA’s Comprehensive Safeguards Agreement and the Additional Protocol as both the verification standard and as a condition for nuclear supply; and by continuing to seek Negative Security Assurances (NSAs) from nuclear weapons states. In other words, Canada should focus its efforts on more realistic and tangible efforts towards disarmament and non-proliferation. These efforts would gain broader acceptance while seeking to enhance existing regimes that are actually capable of discovering those in non-compliance.

¹⁰ Ibid.

¹¹ Foreign Affairs and International Trade Canada. “Controlling Weapons of Mass Destruction.” 29 June 2009. Web. 1 Dec. 2010.

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Master's Candidates Debate 2

“In order to be both effective and enforceable, should the scope of an Arms Trade Treaty be broad or narrow?”

NARROW

Argument presented by Nathan Sears

Nathan Sears received a four year Bachelor of Arts in 2009, with an honours specialization in history and minor in political science from The University of Western Ontario. The focuses of his degree were on the history of warfare, American foreign policy and the histories of Nazi Germany and the Soviet Union. He is currently a Master's student at the Norman Paterson School of International Affairs (NPSIA) at Carleton University and expects to graduate in the summer of 2011. The focuses of his degree have been on arms control and conflict analysis and his primary research interest is on the illicit trade of Small Arms and Light Weapons (SALW) and their applicability to the traditional model of a multilateral arms control treaty regime, in view of the ongoing Preparatory Committee to negotiate an Arms Trade Treaty in the United Nations in 2012. He has also received a Joseph-Armand Bombardier Canada Graduate Scholarship from the Social Sciences and Humanities Research Council of Canada (SSHRC) for the 2010-2011 academic year; the William Barton Award in Arms Control and Disarmament for 2011.

Section I – The “Scope” Problem of the Arms Trade Treaty

On December 18th 2006 the UN General Assembly passed Resolution 61/89, entitled *Towards an Arms Trade Treaty* (ATT) demonstrating international consensus for the objective of creating a “comprehensive, legally binding instrument establishing common international standards for the import, export and transfer of conventional arms.”¹ However, recent international enthusiasm towards this end is not without a particularly obvious caveat—UN member states are by no means unanimous in what they think an ATT should actually look like.² The consensus basis of the UN's mandate has made the negotiation process a balancing act between designing strong and robust treaty commitments, while not being so strict as to risk the alienation of key states—such as the United States, China or Russia—thereby derailing the entire process.

The debate has focused primarily on defining the “scope” of the ATT, particularly in consideration of the categories of weapons and items, the forms of transactions and activities, and the institutional infrastructure to be included in a treaty regime.³ In the interests of feasibility within the consensus

¹ United Nations General Assembly, “Resolution 61/89: Towards an Arms Trade Treaty: Establishing Common International Standards for the Import, Export and Transfer of Conventional Arms,” New York: United Nations, 18 December 2006.

² United Nations General Assembly, “Report of the Group of Governmental Experts to Examine the Feasibility, Scope and Draft Parameters for a Comprehensive, Legally Binding Instrument Establishing Common International Standards for the Import, Export and Transfer of Conventional Arms,” New York: United Nations, 26 August 2008.

³ Sarah Parker, [Analysis of States' Views on an Arms Trade Treaty](http://www.unidir.org/pdf/activites/pdf2-act349.pdf), Geneva: United Nations Institute for Disarmament Research, October 2007 <<http://www.unidir.org/pdf/activites/pdf2-act349.pdf>> (Accessed December 2010); Sarah Parker, [Implications of States' Views on an Arms Trade Treaty](http://www.unidir.org/pdf/activites/pdf3-act349.pdf), Geneva: United Nations Institute for Disarmament Research, January 2008 <<http://www.unidir.org/pdf/activites/pdf3-act349.pdf>> (Accessed December 2010).

framework of negotiations, this paper takes the degrees of support for specific criteria as the basis for determining the workable scope of the treaty. This paper argues that the scope of an ATT should be based narrowly on those criteria for which there is a high degree of support, should be precise in its articulation of states obligations, and should be receptive of institutional constraints if it is to be both effective and enforceable.

Section II – Arguments for the Narrow Scope of an Arms Trade Treaty

The strongest argument for a narrow ATT is the feasibility problem of building consensus for a broad treaty that regulates all aspects of the conventional arms trade. The ATT resolution received overwhelming support with 139 “yes” votes. However, there were also 24 states that abstained from voting, including two permanent members of the UN Security Council and major arms exporters: China and Russia.⁴ Furthermore, the United States has made its recent support contingent upon consensus in the negotiation process.⁵ Significantly, the states that remain the most reluctant to negotiate a broad treaty are also some of the most important in terms of an ATT—both in respect to legal imports and exports and the origins of illicitly transferred arms. Unfortunately, the longstanding impasse of the Conference on Disarmament is demonstrative of the difficulty of consensus building in arms control and disarmament.

The consensus provision is thus a death blow for a broad ATT because of the significant discrepancies in states’ positions on its scope. The ATT should be based on the pragmatic selection of highly supported criteria of the arms trade rather than comprehensive inclusion of all its aspects. The categories of weapons and related items should be limited to conventional weapons and ammunition.⁶ The types of transactions and activities should be limited to import, export, transfers, brokering and perhaps transit and trans-shipment. One useful strategy proposed by Sarah Parker would be to poll each state on all the possible criteria of an ATT and then determine which criteria pass the consensus test.

⁴ a) States that believe arms control should remain at the national level: Israel; b) States that believe international action should be limited to existing commitments: India, Venezuela; c) States that would support a political but not necessarily a legally binding agreement: Egypt; d) States that believe international action should be limited to basic criteria, such as combating the illicit trade of conventional arms and SALW: China, Russia; e) States with other disagreements or that have not explained their abstention: Bahrain, Belarus, Cuba, Djibouti, Iran, Iraq, Kuwait, Libya, Nepal, Oman, Pakistan, Qatar, Saudi Arabia, Somalia, Sudan, Syria, United Arab Emirates, Yemen. See: United Nations General Assembly, General and Complete Disarmament: Towards an Arms Trade Treaty: Establishing Common International Standards for the Import, Export and Transfer of Conventional Arms: Responses by Member States I and II, New York: United Nations, 17 August 2007; and Parker, Analysis of States’ Views, 4.

⁵ Jeff Abramson, “U.S. Supports Arms Trade Treaty Process,” Arms Control Association, November 2009 <http://www.armscontrol.org/act/2009_11/ArmsTradeTreaty> (Accessed December 2010).

⁶ “All conventional weapons” is based on the “7 + 1” framework, or the categories of the UN Register of Conventional Arms (battle tanks, armored combat vehicles, large-caliber artillery systems, combat aircraft, attack helicopters, warships, missiles and missile-launchers) plus Small Arms and Light Weapons.

Table I

Categories of Weapons and Related Items	
<p>Within Scope</p> <ul style="list-style-type: none"> - All conventional weapons - Ammunition 	<p>Outside Scope</p> <ul style="list-style-type: none"> - Arms for internal security - Dual-use goods - Explosives - Nuclear weapons, biological weapons or landmines - Privately owned firearms, antique or sporting rifles - Technology⁷
Types of Transactions and Activities	
<p>Within Scope</p> <ul style="list-style-type: none"> - Brokering - Export - Import - Transfers - Transit - Trans-shipment 	<p>Outside Scope</p> <ul style="list-style-type: none"> - Commercial sales - Gifts - Financing - Intangible transfers - Lease - Licensed production - Loans - Re-export - Stockpiling - Technical assistance - Temporary export - Temporary import - Transport

There has been considerable debate over whether the categories of weapons and types of transactions should remain broad and flexible or narrow and precise.⁸ This paper takes the position that precision is critical for a clear articulation of states’ obligations. Broad definitions can be flexible, but also ambiguous. When language is left ambiguous, interpretive power is ceded to individual states. Thus broad definitions could increase the opportunity for states to exploit loopholes of vague weapons categories or transaction types, which states would ultimately be left to interpret. The best way for the ATT to maintain precision of key terms would be to include an arms and munitions “control list,” or a

⁷ “Technology” should not be included unless there is a more precise definition of what it encompasses and if there is broad support for its inclusion in the treaty.

⁸ Parker, *Implications of States’ Views*, 13.

technical list of specific weapons and munitions to be monitored, best exemplified by the Wassenaar Arrangement.⁹ The inclusion of a control list has received considerable support by states.¹⁰

States have demonstrated varying levels of support for the institutional infrastructure of an ATT regime. The most highly supported institutional functions have been those for increasing international cooperation and assistance, monitoring, information sharing and reporting.¹¹ The consensus condition is thus likely only to support the creation of a relatively weak institutional infrastructure. It will no doubt fall short of creating a comprehensive verification and compliance system, exemplified by the Nuclear Non-Proliferation Treaty, the Chemical Weapons Convention and the Comprehensive Test-Ban Treaty. Verification and compliance systems are crucial to detect and deter violations, build confidence between states parties, and address cases of non-compliance. Without such a system, a broad treaty regime will be without the institutional infrastructure to make it effective and enforceable. An ATT regime with a narrower scope will be more capable of functioning without a comprehensive verification and compliance system, similar to the Landmine Treaty, which focuses narrowly on anti-personnel landmines and does not have a formal verification and compliance system.

Table II

Institutional Infrastructure of ATT Regime	
<p>Within Probably Scope</p> <ul style="list-style-type: none"> - Arms and munitions control list - Embargoes - Information sharing - International cooperation and assistance - Marking and tracing - Monitoring - Reporting - Transparency 	<p>Outside Probable Scope</p> <ul style="list-style-type: none"> - Accountability - Compliance - Dispute settlement - Executive - Financial penalties - Interpretive authority - Investigation or inspections - Sanctions - Secretariat - Verification

Section III – Counter Arguments and Rebuttals to the Narrow Scope of an ATT

Critics of a narrow scope argue that the ATT should be based on the “highest possible standards,” not the “lowest common denominator.”¹² If, for example, dual-use goods, gifts or stockpiling are not addressed, or if a strong secretariat and executive are not formed to verify and sanction violations, then

⁹ For the best example of a precise arms and munitions control list, see: “The Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies: List of Dual-Use Goods and Technologies and Munitions List,” Wassenaar Arrangement, 3 December 2009 <<http://www.wassenaar.org/controllists/index.html>> (Accessed November–December 2010).

¹⁰ Parker, Analysis of States’ Views, 5.

¹¹ Parker, Analysis of States’ Views, 11-2.

¹² This argument has been posed by Israel and the Netherlands. Parker, Analysis of States’ Views, 4; Parker, Implications of States’ Views, 10

this will detract from the effectiveness and enforceability of the treaty. There is obvious truth to this argument. However the proponents of a broad treaty fail to grasp the underlying rationale for a narrow treaty: a narrow treaty *is* based on the highest possible standards. If it were plausible to include all aspects of the conventional arms trade then this would be the easy formula. The fact is that there are too many states with too many differing views on the scope of the ATT, which forces negotiations into a selection process of which elements should and should not be covered. As a final point, a narrow treaty today does not rule out incremental refinements to deal with problems that may arise in the future.

Proponents of a broad treaty have argued for a generic control list of arms and munitions for reasons of feasibility of design and flexibility of incorporating future technological changes.¹³ The problem is that the ambiguity inherent to generic lists creates significant opportunities for the exploitation of loopholes. A generic list would require a strong secretariat with interpretive authority and enforcement powers to remain effective, like the WTO's Appellate Body. Changes in technology can be addressed through a precise control list by including a provision for periodic updates. The Wassenaar Arrangement demonstrates that a precise list of weapons and munitions is able to be reached on a multilateral basis with a built in mechanism for addressing changes in technology over time.

Section IV – Counter-Arguments to a Broad Treaty

There are several other nonconventional reasons that a broad treaty may be inherently flawed:

- a) It may interfere with states' sovereign rights to ensure their security;¹⁴
- b) More guns do not necessarily equal more violence;¹⁵
- c) Proliferation of big conventional weapons systems can strengthen strategic deterrence if the opportunity costs of war increase;¹⁶
- d) Transparency in stockpiling levels or arms transfers can increase the risk of war if information reveals vulnerabilities between rivals.¹⁷

These arguments suggest that regulation of legal military transfers between states should be limited in their application. Again, this supports the narrow scope of an ATT, perhaps limited to creating high common standards to prevent transfers that are likely to increase the risks of human rights violations, terrorism and war.¹⁸

Section V – Why Support a Narrow Scope for the Arms Trade Treaty

¹³ Parker, Implications of States' Views, 13.

¹⁴ Many states have wanted to have reassurances of their sovereign right to security and self defence built into the language of the ATT, as it was in Resolution 61/89. See: Parker, Analysis of States' Views, 2, 4; United Nations General Assembly, "Resolution 61/89: Towards an Arms Trade Treaty."

¹⁵ Recent empirical observations of the United States have demonstrated an inverse relationship between handgun proliferation and the violent crime rate. See: Angela K. Dills, Jeffrey A. Miron and Garrett Summers, "What do Economists know about Crime?" NBER Working Paper Series, Working Paper 13759 (January 2008) 14, 43.

¹⁶ Military think tanks have indicated that conventional weapons systems can play the role of "strategic deterrence," which would be particularly salient for deterring wars of non-nuclear powers. Elaine M. Grossman, "Debate heats up over Conventional, Nuclear Deterrence Tradeoffs," Global Security Newswire March 19, 2010 <http://www.globalsecuritynewswire.org/gsn/nw_20100319_6793.php> (Accessed December 2010).

¹⁷ Lock K. Johnson, ed., Strategic Intelligence, Volume 1 (United States of America: Library of Congress, 2007) 189.

¹⁸ These transaction criteria have received a high degree of consensus among states. See: Parker, Analysis of States' Views, 9-11.

The major argument of this paper is that the discrepancies in states' views on the scope of the ATT make building consensus for a broad treaty infeasible. To push too strongly for a comprehensive treaty would risk alienation of key states and jeopardize the goal of a legally binding treaty with common international standards on the trade of conventional arms. The scope of the ATT should therefore be based narrowly on the criteria that have received the highest degrees of consensus amongst states. The tables in Section II of this paper have attempted to breakdown the criteria that will probably be within and outside the workable scope of an ATT. It is also important that the definitions of weapons categories and transaction types be precise in order to reduce ambiguity and potential loopholes. Finally, the seeming lack of support for a broad verification and compliance system will reduce the significance of a broad treaty, which would likely be unable to detect, deter and address violations effectively. For these reasons a broad treaty is unlikely to be feasible, effective and enforceable. An ATT based narrowly on a consensus of states positions is therefore not only the best solution, it is the only realistic solution.

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Master's Candidates Debate 2

“In order to be both effective and enforceable, should the scope of an Arms Trade Treaty be broad or narrow?”

BROAD

Argument presented by Eric Macfarlane

Eric Macfarlane was born and raised in Saskatchewan. He received a BA in Political Studies at the University of Saskatchewan in 2009 and will finish his Master's in Political Studies at the same institution in 2011. He has worked in the military reserves as a Lineman since 2006 and also keeps busy through his involvement with a student network called Rights and Democracy, provincial politics, and a wide variety of sports.

Introduction

Following the Second World War, most arms control initiatives were centred upon nuclear arsenals. While conventional weapons may lack the immense destructive force of their nuclear counterparts, there is little doubt that they have been a major detriment to human relations and development. As Kevin Epps of Project Ploughshares writes, “The proliferation and misuse of conventional weapons – and especially of small arms and light weapons – are widely recognized global problems. Easy access to weapons intensifies the impact of violence, prolongs armed conflict, and escalates the risk that armed violence will recur.”¹ The impetus to control conventional weapons, therefore, stems from the desire to mitigate the occurrence of conflict. Although international politics and state (in)security are leading causes of proliferation, the arms trade itself is nothing less than an accomplice.

At present, there is an ongoing effort at the United Nations to adopt an Arms Trade Treaty (ATT) in order to address this issue. Although the majority of members of the United Nations General Assembly supported Resolution 61/89 — which prompted states to explore the viability of an ATT — there is disagreement as to whether the scope of such a treaty should be broad or narrow. This paper contends that a broad² Arms Trade Treaty is superior to its narrow counterpart due to its potential to address the contemporary nature of the global arms trade, protect human security, and maintain a high international standard for weapons transfers. After these arguments in favour of a comprehensive ATT have been sufficiently explored, the essay will respond to two potential counterclaims a proponent of a narrow ATT might make, including the notions that a comprehensive ATT is neither politically feasible nor effective. Lastly, a conclusion and final rebuttal will follow, confirming that a broad ATT is the better alternative with which to address the challenges posed by the conventional arms trade.

¹ Kenneth Epps, “Charting the course for an arms trade treaty,” *The Ploughshares Monitor*, Volume 30, number 2. Web. 26 Nov. 2010, 1.

² In this essay comprehensive, or broad, is understood to be all conventional weapons types and parts thereof, as well as all types of transactions and actors associated with the trade.

A Comprehensive Treaty and the Globalization of the Arms Trade

The evolving nature of the arms trade is accompanied by new hazards only a broad ATT can properly address. A globalized arms trade implies more than just inter-state and company-to-state transfers. The dynamics of globalization have engendered transfers increasingly characterized by black market smuggling, transnational arms brokers who can operate in almost any location with modern communications, and the demise of the state's monopoly of weaponry.³

It is no secret that private security companies, arms brokers, criminal organizations, and terrorist groups actively utilize the international conventional arms market and this trend is increasing.⁴ An ATT which is limited to weapon types, as well as imports or exports, would be ineffective at preventing groups who exploit the trade by technology transfer or clandestine redistribution. It is also absurd to assume light arms, ammunition, or explosive parts are not major parts of paramilitary arsenals; consider the illegal use of Improvised Explosive Devices (IEDs) by the Taliban in Afghanistan, or the arms and ammunition used in the recent drug cartel violence in Mexico. Such examples only illuminate the dangers accompanying such categories and the imperative to control them.

A Comprehensive Treaty and Human Security

By including all conventional weapons and transaction types in its scope, a broad treaty will play an important role in upholding human security. As a report published by Amnesty International noted:

The irresponsible and poorly regulated international trade in arms is contributing to grave human rights abuses and serious violations of [International Humanitarian Law] IHL, destabilising countries and regions and undermining sustainable development.... The existence of a strong and comprehensive ATT would greatly reduce the likelihood of arms ending up in the hands of irresponsible end-users and help prevent such destructive impacts on people's lives.⁵

There are two main reasons a comprehensive treaty would address human security. First of all, it would deny human rights violators access to all weapons types. Secondly, as Clare de Silva suggests, by enshrining the principles of IHL in impact assessments, states would have to consider the implications of arms transfers on human security.⁶

A Comprehensive Treaty and International Standards

A comprehensive ATT is also superior because it sets a higher standard. As US Secretary of State Hilary Rodham Clinton declared, "the Arms Trade Treaty initiative presents us with the opportunity to promote the same high standards for the entire international community that the United States and other responsible arms exporters already have in place to ensure that weaponry is transferred for legitimate

³ Safer World, "The Arms Trade Treaty and Military Equipment: The Case for a Comprehensive Scope." Safer World, Jul. 2009. Web. 2 Dec 2010, 4.

⁴ Paul Cornish, "Arms Trade Treaty: Building Consensus and Making it Work." Chatam House, June 2007. Web. 4 Dec. 2010.

⁵ Amnesty International, "Blood at the CrossRoads: Making the Case for a Global Arms Trade Treaty," 17 Dec. 2008, Web. 7. Dec. 2010.

⁶ Clare de Silva

purposes.”⁷ Such a notion is vital to the effectiveness of an ATT, as many states lack the capacity or political will to monitor and restrict arms. Many states that submitted their views in response to Resolution 61/89 supported the idea of international aid to ensure all states would have the capacity to comply with the treaty, through legal assistance, education, and financial aid among other mechanisms. The implementation of sanctions to enforce compliance was also warmly accepted. Such cooperation would not only help control the arms trade, but would also be a boon to international cooperation.

There is more to an all-encompassing ATT than just international control lists or arms management. Normatively speaking, a comprehensive treaty also suggests that every state is responsible for supervising all conventional weapon categories as part of a wider effort to delegitimize armed conflict. Just as support for human rights has grown since the Declaration of the Rights of Man, so too does a broad ATT carry the potential to elicit support for effective arms control and state security rooted in the rule of international law, rather than the sword.

Counterargument: A Comprehensive ATT is Infeasible

One potential counterargument against a broad scope treaty is that it is not politically feasible. Yet because so many states involved in the arms trade already have inclusive national control lists, convincing these players to sign a fairly parallel international agreement would not be unrealistic. As the non-governmental organization Safer World acknowledges, 98.9 percent of arms transferred originated in jurisdictions maintaining extensive national control lists.⁸ Moreover, regional agreements, like the Wassenaar Arrangement — of which forty of the largest arms traders are member to — maintain strong lists and highlight how such lists could be framed at the UN. For most states then, an international agreement only enshrines pre-existing domestic or regional regulations. Additionally, support for a broader treaty is slowly gaining international support, as the United States’ recent adoption of a supportive stance for a strong ATT in 2009 provides evidence of.⁹

Counterargument: A Comprehensive ATT is Less Effective

A second claim against a broad treaty asserts that a narrow scope is more effective.¹⁰ Such a position, however, defies the logic arms control rests upon: mitigating the occurrence and intensity of conflict. While controlling only the seven categories set out by the UN Arms Registry would be a step forward, it falls far short of managing some of the most important categories. Excluding Small Arms and Light Weapons (SALW), for example, would ignore a category which has arguably contributed to more conflict and human rights abuses than any other. Consider the violence wrought by AK-47s in much of the developing world. To exclude such weapons would not only be irresponsible, but also fail to limit the effectiveness of an ATT to discourage conflict and proliferation. Another point is that a narrow treaty might discourage some states who already maintain comprehensive lists from continuing to do so. Moreover, states with insufficient lists would face little pressure, and receive less international support, to enhance them.¹¹

⁷ Jeff Abramson. 2009, “US Supports Arms Trade Treaty Process” *Arms Control Today*. 30 Nov. 2010. Web. Nov. 2009.

⁸ Safer World, 1.

⁹ Abramson.

¹⁰ Michael Spies, “Towards a Negotiating Mandate for an Arms Trade Treaty,” *Disarmament Diplomacy*. Issue 91, Summer 2009. Web. 24 Nov. 2010.

¹¹ Safer World, 9.

Conclusion

Evidently then, a broad Arms Trade Treaty would be superior to a narrow ATT because of its ability to address the contemporary global arms trade, enhance human security, and promote strong international standards. Given the severity and episodic destruction conventional weapons inflicted on mankind throughout the twentieth century, the imperative to control the arms trade should be obvious. Nonetheless, as Michael Spies writes, “[i]n the end, getting it right should prove to be more important than doing it fast.”¹² With this in mind, the international community has a moral and ethical obligation to adopt a comprehensive ATT as part of humanity’s search for peace and order.

Final rebuttal

The positions which hold that a broad ATT would not be politically feasible or effective clearly do not stand the test of sound reasoning. Since the end of the Cold War, the climate for international agreements has drastically improved and, in the last decade alone, support for a comprehensive ATT has grown considerably. The claim that a narrow ATT would be more effective is simply perplexing, as most academics, NGOs, and states champion a broad scope for its potential to safely manage all categories of weapons. Controlling anything less than the full list of conventional weapon categories would demarcate a *de jure* and *de facto* void in which undesirable arms trading will only increase.

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¹² Spies.

Closing Remarks - Mot de la fin

Nadia Burger

**Director, Defence and Security Relations Division
Foreign Affairs and International Trade Canada**

Nadia Burger is Director of the Defence and Security Relations Division at the Department of Foreign Affairs and International Trade. Over the course of her career in the Department and Canadian foreign service, she has had various assignments at Embassies abroad (Hanoi, Paris, Beijing). At Headquarters her more recent assignments include Director of the South East and Oceania Division, Director of the Cabinet and Parliamentary Affairs Division, and Senior Departmental Advisor to the Minister of Foreign Affairs. She has a BA (Honours) in Political Science from McGill University in Montreal, and a MA in International Relations from the Graduate Institute of International Studies in Geneva.

Chers collègues,

Après cette journée bien remplie, j'ai l'honneur de conclure les débats avec le mot de la fin. Je voudrais tout d'abord féliciter chaleureusement les gagnants des débats et de remercier tous les participants.

The four debate themes this year were not simple questions to address, and you all acquitted yourselves admirably in presenting these complex issues. I know in speaking to colleagues that they, like me, have enjoyed listening to your debates and discussing the issues in more depth with you over lunch. I hope that you also found today's program a dynamic and useful one. And we would be most interested to receive your feedback on the new debates format which we are piloting for the first time this year.

While the debates are new, the Graduate Research Awards Program is a long-standing partnership of the Department's ISROP unit and The Simons Foundation. Since 2003, the Graduate Research Awards Program has been an important part of the Department's research and outreach activities. Participants have and continue to inform Canadian foreign policy development. The Program also provides a learning opportunity for bright students like you who are interested in finding out how diplomacy contributes to managing security challenges facing Canada and the international community.

Today's event has highlighted the value that comes from these kinds of unique discussions among officials, young scholars and expert communities working on non-proliferation, arms control and disarmament issues.

We are very grateful for The Simons Foundation's continuing support to the program. Therefore, let me convey our sincere gratitude to Dr. Jennifer Simons who has been the driving force behind the Graduate Research Award Program since the beginning. Her role and engagement is central to the Program continuing success.

You should all be proud of what you have accomplished today.

En posant un regard autour de la salle aujourd'hui, il est clair que le programme a atteint son objectif: promouvoir la recherche au Canada dans le domaine du désarmement et de la non-prolifération.

Let me conclude by saying how I was particularly impressed with the quality of the debates and debaters. It is a pleasure to see so many outstanding young Canadians. You are the next generation of policy leaders. And after seeing what you can do today, it is clear that the future will be in good hands. Thank you. Merci.

Expert Review Committee

Jeff Abramson
Deputy Director
Arms Control Association, Washington DC

Jeff Abramson joined Arms Control Association in 2007. As deputy director he works to promote efforts to reduce the humanitarian impact of certain types of conventional weapons, monitor the global arms trade, and prevent the use of weapons in outer space. He also provides leadership in ACA's management, membership, and resource development efforts.



Jeff serves as ACA's representative on the international Control Arms Campaign steering board seeking a robust Arms Trade Treaty. He also coordinates the Arms Transfer Working Group and co-chairs the security and development workgroup for the Washington chapter of the Society for International Development.

Prior to joining ACA, Jeff was a fellow at the William and Flora Hewlett Foundation and a director of education-related programs. He earned his master's degree in public policy from the Goldman School of Public Policy at the University of California, Berkeley, and serves on the board of the school's alumni association. Abramson received his undergraduate degree from Princeton University in 1993. His work has been published in *Defense News*, the *Journal of ERW and Mine Action*, and *World Politics Review* and his comments cited by Agence France Presse, BBC, the *Boston Globe*, Reuters, the *New York Times*, and others.

Brian Finlay
Director, Managing Across Boundaries Program
Stimson Center, Washington, DC

Brian Finlay is the director of Stimson's Managing Across Boundaries program, which focuses on proliferation, illicit trafficking, and other transnational threats.



Prior to joining Stimson in January 2005, he served four years as executive director of a lobbying and media campaign focused on counterterrorism issues, a senior researcher at the Brookings Institution, and a program officer at the Century Foundation. Finlay was a project manager for the Laboratory Center for Disease Control/Health Canada, and worked with the Department of Foreign Affairs and International Trade. He sits on the advisory board of Trojan Defense, LLC, and is a member of the Board of Directors of iMMAP, a pioneering organization leading the way forward in the effective use of information management practices in the service of humanitarian relief and development. Mr. Finlay has authored and co-authored numerous books, monographs, and reports, and is widely published in academic and policy journals and magazines. He is frequently asked to provide expert analysis and commentary on transnational and development challenges to media outlets

Finlay holds an MA from the Norman Patterson School of International Affairs at Carleton University, a graduate diploma from the School of Advanced International Studies, Johns Hopkins University, and an honors BA from the University of Western Ontario.

Patricia Lewis

**Deputy Director and Scientist-in-Residence, James Martin Center
for Nonproliferation Studies
Monterey Institute of International Studies, Monterey CA**



Dr. Patricia Lewis is the Deputy Director and Scientist-in-Residence at the James Martin Center for Nonproliferation Studies at the Monterey Institute of International Studies. Prior to assuming this appointment in August 2008, Dr. Lewis served for ten years as the Director of the United Nations Institute for Disarmament Research (UNIDIR) in Geneva, Switzerland. She also previously was the Director of VERTIC, the Verification Research and Training Centre in London, UK.

A dual national of Ireland and the United Kingdom, Dr. Lewis holds a BSc in Physics from the University of Manchester and a PhD in Nuclear Structure Physics from the University of Birmingham. Dr. Lewis has lectured in Physics at the University of Auckland in New Zealand, from where she also carried out research at the Australian National University in Canberra, and as a visiting lecturer at Imperial College London. She has also worked as a volunteer at the Rehabilitation Centres for Children, and at the Thakurpukur Cancer Centre in Kolkata, India.

Dr. Lewis has published and spoken widely on aspects of science, verification, arms control, disarmament and nonproliferation. She was the Elizabeth Poppleton Fellow at the Australian National University in 1992 and the UK Governmental Expert on the 1989-1990 United Nations Expert Study on Verification in All its Aspects. Dr. Lewis was a consultant the UK Foreign and Commonwealth Office and the UK Ministry of Defence on verifying the Conventional Forces in Europe Treaty. She was a reviewer for the Canberra Commission on the Elimination of Nuclear Weapons (1996), a Member of the Tokyo Forum for Nuclear Non-Proliferation and Disarmament (1998-1999) and a Commissioner (Ireland) on the Weapons of Mass Destruction Commission (2004-2006, commonly referred to as the Blix Commission). In her capacity as Director of UNIDIR, she was a member of the United Nations Secretary General's Advisory Board on Disarmament Matters (1997-2008).

Annex

Graduate Research Awards in Disarmament, Arms Control and Non-proliferation Research 2010-2011 Competition Details

Graduate Research Awards for Disarmament, Arms Control and Non-Proliferation 2010-2011 are offered by The Simons Foundation and The International Security Research and Outreach Programme (ISROP) of the Department of Foreign Affairs and International Trade Canada (DFAIT).

The primary objective of the Graduate Research Awards is to enhance Canadian graduate level scholarship on disarmament, arms control and non-proliferation issues.

Eight (8) awards of Cdn\$5,000.00 are available to Master's and/or Doctoral students to support the research and writing of short position papers that will be presented in a debate format at the Graduate Research Awards (GRA) Consultations hosted by the Department of Foreign Affairs and International Trade Canada (DFAIT). Awards include travel support (domestic transportation, accommodation, and meals) to Ottawa where successful candidates will be required to present their completed position papers in the form of a one-to-one debate during a special consultation at DFAIT in Winter, 2011.

Deadline for applications:	October 18, 2010
Short-list of 16 candidates:	November 22, 2010
Deadline for position papers:	December 10, 2010
Selection of 8 award recipients:	January 7, 2011

HOW TO APPLY:

Applications must include:

- A letter of interest that supports your candidacy for the GRA program
- A writing sample (1,000 words) that addresses NACD issues
- Resume, including citizenship status (Canadians and Canadian Landed Immigrants are eligible)
- Complete official transcripts of grades
- A letter of reference from your supervisor
- A second letter of reference

Complete applications must be received by close of business on October 18, 2010 and may be sent by e-mail to the attention of Elaine Hynes at The Simons Foundation:
elaine_hynes@sfu.ca

SELECTION PROCESS:

Following the initial review of applications, 16 candidates will be short-listed for further consideration. Applicants will be contacted by November 22, 2010 to advise if they have been selected as one of the 16 short-listed candidates.

Each of the 16 short-listed candidates will be assigned one of the four debate topics (see below) and will be required to research and write, individually and independently, a 1,000 word position paper arguing for or against, as instructed. Reading lists for each topic will be provided, along with a position paper template. The position paper must be submitted by December 10, 2010.

The students whose position paper is deemed to make the strongest argument for and against each of the four debate topics will receive an award of Cdn\$5,000. Selection of the eight award recipients will be made by January 7, 2011.

GRA CONSULTATIONS AND DEBATE:

Award winners will be required to debate their positions at the GRA Consultations hosted by DFAIT in Ottawa in Winter, 2011. The debates will be subject to the Chatham House Rule. At the debates, additional monetary awards will be presented to the two students who make the most effective arguments in support of their position. Winning position papers will be published online by The Simons Foundation and posted to The Foundation's website.

Please note that attendance at the GRA Consultations is a mandatory requirement of the award.

Domestic travel, accommodation and meal expenses will be provided for by ISROP, in accordance with Government of Canada Treasury Board Guidelines.

Successful award recipients will be notified by January 7, 2011.

DEBATE QUESTIONS FOR THE 2010 GRA CONSULTATIONS IN OTTAWA, HOSTED BY ISROP/DFAIT

- Should nuclear capabilities remain an essential element of NATO's defence strategy?
- Should the Biological Weapons Convention Review Conference in 2011 revive the verification debate or focus instead on compliance?
- In accordance with Canadian NACD policies, should Canada support the multilateralization of nuclear fuel cycle as a non-proliferation measure?
- In order to be both effective and enforceable, should the scope of an Arms Trade Treaty be broad or narrow?
