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A REGIME ON THE EDGE?

HOW REPLACING TRIDENT UNDERMINES THE NUCLEAR NON-PROLIFERATION TREATY

DR. NICK RITCHIE

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About this briefing

This briefing paper is the third in a series to be published during 2007 and 2008 as part of the Bradford Disarmament Research Centre's programme on *Nuclear-Armed Britain: A Critical Examination of Trident Modernisation, Implications and Accountability*.

The first briefing, *Trident: The Deal Isn't Done – Serious Questions Remain Unanswered,* is available to download at **www.brad.ac.uk/acad/bdrc/nuclear/trident/briefing1.html**

The second briefing, *Trident: What is it For? – Challenging the Relevance of British Nuclear Weapons,* is available to download at **www.brad.ac.uk/acad/bdrc/nuclear/trident/briefing2.html.**

The third briefing, *Trident and British Identity: Letting go of British Nuclear Weapons*, is available to download at **www.brad.ac.uk/acad/bdrc/nuclear/trident/briefing3.html.**

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About the author

Nick Ritchie is a Post-Doctoral Research Fellow at the Department of Peace Studies, University of Bradford. He is lead researcher on the *Nuclear-armed Britain* programme. He previously worked for six years as a researcher at the Oxford Research Group on global security issues, in particular nuclear proliferation, arms control and disarmament. His PhD thesis examined the evolution of US nuclear weapons policy from 1990-2004. Recent publications include *US Nuclear Weapons Policy Since the End of the Cold War* (Routledge, 2008), *The Political Road to War with Iraq* with Paul Rogers (Routledge, 2007) and *Replacing Trident: Britain, America and Nuclear Weapons*, Contemporary Security Policy, 28(2) (August 2007).

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A Regime on the Edge?

How Replacing Trident Undermines the Nuclear Non-Proliferation Treaty

Summary

In December 2006 the British government announced its intention to begin the process of replacing its current Trident nuclear weapons system due to retire in the mid-2020s, thereby enabling it to retain a strategic nuclear weapons capability well into the 2050s. The government claims that its decision will have no impact on the Nuclear Non-Proliferation Treaty (NPT) and efforts to halt the further spread of nuclear weapons. This assertion is wrong. This briefing paper argues that:

- The NPT embodies two crucial norms: a norm against nuclear proliferation and a norm of progress towards nuclear disarmament. It is these norms that legitimise efforts to constrain proliferation, hold proliferators to account, and provide a means through which countries can reassure others by identifying themselves as law-abiding non-nuclear weapon states.
- A strong NPT is vital for British and global security. The strength of the treaty and compliance with its norms is based on its perceived *legitimacy*. Legitimacy rests on the principles of sovereign equality and non-discrimination. Illegitimate norms and institutions do not command long term adherence and support.
- The NPT's legitimacy is undermined by its discrimination between nuclear and non-nuclear weapon states. Its long-term legitimacy depends on progress towards ending this discrimination through nuclear disarmament as well as non-proliferation.
- The majority of non-nuclear weapon states therefore accept a clear relationship between the NPT's non-proliferation and disarmament norms in which the strength and legitimacy of one is tied to the strength and legitimacy of the other. This is a widely held global view.
- Support for actions to reinforce the non-proliferation norm, such as rolling back nuclear programmes in North Korea and Iran and new non-proliferation obligations, is increasingly *dependent* upon actions in support of the disarmament norm through further concrete nuclear disarmament measures by the nuclear powers.
- The actions and policies of the nuclear weapon states will *either* reinforce these norms *or* undermine them. To pretend otherwise is a fallacy. Policies and actions that implicitly or explicitly support the prospect of permanent discrimination through indefinite possession of nuclear weapons *can only* support the prospect of a permanently illegitimate and weak NPT.
- Britain's decision to renew Trident *can only* reinforce the value of nuclear weapons and the logic of nuclear deterrence, reproduce the discrimination at the heart of the NPT, and weaken the treaty by further undermining its legitimacy and with it the legitimacy of efforts to prevent the spread of nuclear weapons.
- Western exceptionalism that frames the possession of nuclear weapons by the USA, Britain and France as 'good' and their possession by those hostile to, or at least not allied to, the West as 'bad' only serves to legitimise the general existence of nuclear weapons and undermine the legitimacy of the NPT.

The government's decision to begin replacing Trident may not have a direct effect on the decisions of states like Iran and North Korea that seem determined to pursue a nuclear weapons programme, but it will undermine the NPT's legitimacy. It is therefore vital that Britain take a lead in the run up to the 2010 NPT Review Conference to ensure concrete measures are agreed pursuant to nuclear disarmament to bolster the treaty's legitimacy, strength and effectiveness, including measures to delay, scale down or reverse the decision to replace Trident given the absence of any compelling strategic rationales for Britain remaining a nuclear power.

Dr. Nick Ritchie

November 2008

1. The Nuclear Non-Proliferation Treaty (NPT)

In December 2006 the British government announced its intention to begin the long process of replacing its current Trident nuclear weapons system due to retire in the mid-2020s. The decision to proceed was endorsed by parliament in March 2007 and will enable Britain to retain a strategic nuclear weapons capability well into the 2050s.

The government has claimed that the decision will have no impact on the Nuclear Non-Proliferation Treaty (NPT) and efforts to stem the further spread of nuclear weapons. It claims that the decision to replace Trident and maintain a strategic nuclear weapons capability is essentially benign with no negative international political repercussions. It asserts that Britain must continue to field these weapons for the foreseeable future as a necessary element of its security in order to deter the use nuclear weapons and other weapons of mass destruction by other states and potentially terrorist groups.[1]

This assertion is wrong. Britain's decision reinforces the political-military utility and status value of nuclear weapons and weakens the NPT by undermining its legitimacy.[2] The question is not whether the decision will undermine the treaty, but how much and to what effect. This briefing paper examines the international norms that underpin the NPT and the detrimental effect of the decision to replace Trident on its legitimacy and effectiveness.

The NPT was signed in 1968 and entered into force in 1970. It recognised five states as 'nuclear weapon states', defined as those that had "manufactured and exploded a nuclear weapon or other nuclear explosive device prior to January 1, 1967." These were the United States, the Soviet Union (now the Russian Federation), Britain, France and China. It now enjoys near-universal membership.

Every five years the countries that have signed the treaty come together for a Review Conference (RevCon) to assess the treaty's implementation and agree steps to improve its effectiveness. Since 2000 the NPT has suffered a series of setbacks following the failure to reach a positive outcome at the 2005 Review Conference, North Korea's nuclear test in 2006, the expansion of India's and Pakistan's nuclear weapon programmes outside the NPT framework (they have never signed the treaty), major concerns about Iran's suspected nuclear weapons programme and the continued modernisation of nuclear arsenals by the five acknowledged nuclear weapon states. Many commentators and governments regard a positive outcome at the next Review Conference in May 2010 as essential to the treaty's survival.

The treaty is often described as a 'grand bargain' between the five nuclear weapon states and the rest of the world in which the nuclear weapon states agree to work towards nuclear disarmament, to prevent other countries acquiring nuclear weapons, weapon materials or weapon technology, and to assist non-nuclear weapon states with the peaceful uses of nuclear technology. Non-nuclear weapon states in return agree not to acquire or develop nuclear weapons and to accept international safeguards on their civil nuclear programmes monitored by the International Atomic Energy Agency (IAEA) to ensure they are not being used for clandestine nuclear weapon programmes.

Compliance with the NPT and support for nuclear non-proliferation activities is widely regarded as a vital part of global security. The government acknowledges in its 2008 *National Security Strategy* that the NPT is the cornerstone of international efforts to curb the spread of nuclear weapons[3] and that "the NPT has helped ensure that fewer states have acquired nuclear weapons than many predicted", even if the number of nuclear-armed states has slowly increased.[4] Ambassador John Duncan, head of Britain's delegation to the 2008 NPT Preparatory Committee, stated that "the NPT remains the foundation stone of international non-proliferation architecture. If it didn't exist, the world would be a much more dangerous place, and we would assuredly need to re-invent it."[5]

The government also places considerable emphasis on the importance of a multilateral rules-based international system for international peace and security. It says that it is "committed to a multilateral, rules-based approach to international affairs, where issues are resolved through discussion and due process, with the use of force as a last resort."[6] This applies equally to addressing the proliferation of weapons of mass destruction where the government says its approach reflects its "commitment to multilateralism and the rules-based international system."[7]

The effectiveness of multilateral institutions in terms of their ability to achieve commonly agreed objectives depends on their legitimacy. The government argues that addressing today's international security challenges requires "multilateral engagement, ideally through international institutions…to allow the international community to draw on the full range of political, economic, and security resources at the disposal of different countries, *and to provide the legitimacy on which effective action demands"* (emphasis added).[8] This applies equally to the NPT.

We can therefore conclude that the government considers a) the spread of nuclear weapons to be detrimental to national security; b) the NPT to be a vital international institutional tool for stemming the spread of nuclear weapons; c) that national and international security can best be achieved through a multilateral rules-based international order, of which the NPT is an important component; and d) that the effectiveness of the NPT is tied to its perceived legitimacy.

2. The NPT's norms and their legitimacy

The NPT embodies two crucial norms: a norm against nuclear proliferation and a norm of progress towards nuclear disarmament. The first norm is widely accepted and supported by the world's major powers, particularly following the accession to the NPT of France, China, South Africa, Argentina, Brazil and all the post-Soviet states in the 1990s. The second norm is contested by a number of nuclear weapon states.

Norms are a vital component of international security. They operate in two ways. First, they can define a state's identity so that upholding or disregarding particular norms defines and validates what sort of state the state is, for example a 'civilised' or 'responsible' state, or conversely a 'rogue' state. As Martha Finnemore and Kathryn Sikkink argue, "states comply with norms to demonstrate that they have adapted to the social environment – that they 'belong'."[9] A state's identity and self-esteem are reinforced by complying with certain norms and receiving approval from the identity group they belong or aspire to, for example a 'Western' state identity or a 'non-aligned' state identity.[10]

Second, norms perform a more instrumental role by regulating the behaviour of states by prescribing or proscribing particular actions in particular situations based on a state's established identity and interests.[11] They do not directly determine or dictate state actions, but instead provide collective expectations about proper, appropriate and therefore legitimate behaviour.[12] The non-proliferation norm, for example, may not prevent states that are determined to possess nuclear weapons from acquiring them but it does provide a collective understanding of appropriate behaviour based on the non-proliferation of nuclear weapons. This in turn provides a vital framework for legitimising the condemnation and sanctioning of norm violators. Without the NPT regime the norm against nuclear proliferation would lack a robust and legitimate foundation.[13]

The effect of the nuclear non-proliferation norm is exemplified by Ukraine's decision to renounce its new-found nuclear weapon status after the collapse of the Soviet Union and transfer its Soviet nuclear forces to Russia and then join the NPT as a non-nuclear weapon state. Scott Sagan argues

that "numerous pro-NPT Ukrainian officials insisted that renunciation of nuclear weapons was now the best route to enhance Ukraine's international standing" and confirm its new identity as a full and responsible member of the international community. The normative international social structure into which Ukraine emerged meant that declaring itself a nuclear weapon state would have placed it in the undesirable company of 'pariah' states such as Iraq and North Korea and subjected it to international opprobrium and sanction.[14] William Walker, too, argues that Ukraine's decision would "have been impossible (no exaggeration) without the framing authority of existing arms control norms and treaties and of the NPT."[15]

Norms therefore help to define a state's identity and its interests and they affect state practices by shaping understandings about appropriate behaviour in particular situations.[16] Some norms may become so widely accepted that conformity is taken for granted, adherence and state actions are automatically conducted in accordance with them.[17]

Norms and the institutional structures that embody them may shape state identity and behaviour but they have no independent existence beyond the actions of states. If all states ignored a norm it would eventually cease to exist. Norms and normative institutions must therefore be continually *reproduced* and reconstructed through state policies and actions, even as they are guided by them.[18] State practices therefore affect what a norm means, its strength and legitimacy and therefore its effectiveness in international politics.[19]

The actions and policies of the nuclear weapon states will *either* reinforce and reproduce these norms *or* undermine them. To pretend otherwise is a fallacy

The non-proliferation and disarmament norms embodied by the NPT are a vital part of international security and stability, but they are not immutable and will not endure without support. The actions and policies of the nuclear weapon states will *either* reinforce and reproduce these norms *or* undermine them to varying extents. To pretend otherwise is a fallacy.

Compliance with international norms and institutions is achieved through a combination of coercion, pure self-interest and legitimacy.[20] Legitimacy can be defined as "the normative belief by an actor that a rule or institution ought to be obeyed."[21] When an institution or norm is considered legitimate it is invested with authority by the actor, such as a state, and the rule or institution becomes an 'authority'.[22] States will comply with norms and institutions they consider legitimate because they become motivated "by an internal sense of moral obligation: control is legitimate to the extent that it is approved or regarded as 'right'."[23] State interests are then defined by compliance with the norms and rules of the institution by account of their legitimacy.[24]

Legitimacy is crucial because without it the exercise of control either through coercion or through provision of sufficient levels of incentives to induce self-interested compliance becomes costly, difficult and potentially counter-productive.[25] As Professor John Simpson writes, "the use of raw power without legitimacy generates the anarchy it may be claiming to moderate."[26] Ian Hurd agrees that "a common lesson of studies of complex organizations is that coercion and repression tend to generate resentment and resistance, even as they produce compliance, because they operate against the normative impulses of the subordinate individual or group."[27]

Equality is a defining dimension of legitimacy. As Nina Rathbun argues, "Legitimacy refers to the degree to which regimes ensure sovereign equality. Legitimate regimes are universal and nondiscriminatory."[28] The NPT does not discriminate when it comes to preventing the proliferation of nuclear weapons or benefiting from the peaceful uses of nuclear energy, but it does discriminate between nuclear and non-nuclear weapon states. This "is the major factor reducing the legitimacy of the treaty" and it is here that the norm of progress towards nuclear disarmament is so vital because it

"strengthens the legitimacy of the regime by creating the expectation that the special rights of the nuclear weapon states will end at some point in the future."[29] As a result the legitimacy and effectiveness of the NPT is based on "a fine balance of interests and principles that work together to circumscribe and limit the fundamental discrimination inherent in the treaty."[30] William Walker similarly argues that the legitimacy of the nuclear non-proliferation regime rests upon the principle of sovereign equality that leads to mutual obligations and reciprocity to prevent proliferation, avoid nuclear war and achieve nuclear disarmament.[31] Hurd adds a further component by arguing that legitimacy requires accountability as well as equality and that the authority of a rule or institution may be stripped of legitimacy in the absence of accountability.[23]

Compliance with and support for the NPT's norms is therefore intimately linked to the treaty's legitimacy. Illegitimate norms and institutions do not command long term adherence and support. Legitimacy is underpinned by the fundamental principles of sovereign equality and non-discrimination together with an appropriate level of accountability. The discrimination between nuclear and non-nuclear weapon states that weakens the legitimacy of the treaty is ameliorated through the norm of progress towards nuclear disarmament that will end the treaty's discrimination by eliminating the distinction between nuclear and non-nuclear weapon states. Progress towards nuclear disarmament alongside progress in preventing nuclear proliferation is therefore intrinsic to the legitimacy and consequently the strength and effectiveness of the NPT.

3. Nuclear proliferation, disarmament and legitimacy

Current efforts to galvanise support for containing and rolling-back illicit nuclear weapon programmes in North Korea and Iran and efforts to negotiate and implement new initiatives to enhance controls on peaceful uses of nuclear technology as a means of impeding further proliferation depend on the *legitimacy* of these actions under the NPT as an authoritative, multilateral, rules-based international institution.

This has become particularly salient with the prospect of a proliferation of nuclear energy capabilities in response to climate change and energy security demands. The world's major powers are anxious to ensure that emerging and expanding civil nuclear programmes cannot be put to military use. This will require a broader and deeper international verification and inspection regime and additional non-proliferation measures.[33] This is further compounded by the threat of nuclear terrorism that brings added incentives to reduce the number of nuclear weapons and quantity of fissile material in the world and maximise the security of expanding nuclear energy programmes.

For the majority of states the legitimacy of further non-proliferation measures under the NPT is *dependent* upon further nuclear disarmament measures. New initiatives by the nuclear weapon states to impose further obligations on non-nuclear weapon states under the NPT in terms of restricting access to nuclear energy capabilities are likely to be resisted unless the nuclear weapon states take further concrete and irreversible steps towards nuclear disarmament.[34] James Acton and George Perkovich's 2008 study on nuclear abolition for the International Institute for Strategic Studies argues that the renewed momentum behind calls to take nuclear disarmament seriously have been motivated by "the belief that it will be impossible to curtail nuclear weapons proliferation without serious progress towards nuclear disarmament."[35] They argue that "seriously pursuing disarmament is therefore necessary to prevent proliferation and make the probably inevitable expansion of nuclear energy safe."[36]

The norm of progress towards nuclear disarmament must therefore be adhered to *in order to* reproduce and strengthen the norm against nuclear proliferation. The lack of much greater progress

towards nuclear disarmament will undermine the NPT's legitimacy and risk eroding the non-proliferation norm.[37]

Sir Michael Quinlan seems to support this argument in stating that "Legitimacy and acceptance matter...because the regime imposes constraints, obligations, and sometimes significant costs on many if not most parties, and legitimacy is necessary in order to sustain willingness to bear these burdens" and that one the three major threats to the legitimacy of the NPT is that "it may be felt that obligations under Article VI of the Treaty are not being properly honoured by the nuclear-weapon states".[39]

This view maintains that the NPT acknowledges the possession of nuclear weapons by the five nuclear weapon states not as a permanent situation but as a 'temporary trust' until nuclear disarmament is achieved.[38] Leading nuclear proliferation experts Tariq Rauf and John Simpson argue that "implicit in the NPT text is the proposition that the possession of nuclear weapons by the NWS is not a permanent situation, and that the NPT is both a nuclear disarmament and a nonproliferation treaty, with the latter being a contributing condition for achievement of the former, and vice versa."[40] The double standard at the heart of the NPT that allows some states to enjoy the supposed security benefits of nuclear weapons whilst denying those benefits to others cannot last indefinitely.[41]

The policies and actions of the nuclear weapon states that implicitly or explicitly support the prospect of permanent discrimination through indefinite possession of nuclear weapons and downgrade or even dismiss the disarmament norm by their very nature support the prospect of a permanently illegitimate NPT and the attendant consequences in terms of its effectiveness. Professor William Walker, for example, questions whether "the non-proliferation norm [can] possess meaning and legitimacy if its grounding in disarmament is denied, and if the NNWS [non-nuclear weapon states] come to regard the NPT as a duplicitous instrument for locking them into permanent inferiority and dependence."[42] David Broucher, former British Ambassador to the Conference on Disarmament, warns that if the nuclear powers implicitly or explicitly abolish the idea they are on a path towards nuclear disarmament and "if you say there are always going to be nuclear weapons in the world, then it becomes very much more difficult to maintain the moral authority for saying that some countries can have it [a nuclear arsenal] and some cannot."[43]

This sentiment is expressed in growing disillusionment with the decision to extend the NPT indefinitely in 1995. The NPT originally entered into force in 1970 for a period of 25 years. In 1995 members of the treaty came together for a special Review and Extension Conference and after much wrangling agreed to extend the treaty indefinitely. Non-nuclear weapon states insist that this decision cannot and must not be interpreted as legitimising the indefinite possession of nuclear weapons by the nuclear weapon states. In 2007 the New Agenda Coalition comprising Brazil, Egypt, Ireland, Mexico, New Zealand, South Africa, and Sweden, stated that "any presumption of the indefinite possession of nuclear weapons by the nuclear weapon-States is incompatible with the integrity and sustainability of the nuclear non-proliferation regime and with the broader goal of the maintenance of international peace and security."[44] As Acton and Perkovich argue, the non-nuclear weapon states would not have agreed to extend the treaty indefinitely "if the nuclear weapons states had tried to claim that they were not obliged to pursue nuclear disarmament."[45]

The NPT's legitimacy therefore depends on the realisation of a non-discriminatory NPT through nuclear disarmament, universal application of the non-proliferation norm and acceptance by the nuclear weapon states that their possession of nuclear weapons is a temporary phenomenon. The two norms of non-proliferation and progress towards nuclear disarmament are therefore innately connected through the powerful and mobilising notion of legitimacy. Statements and actions that reinforce the value of nuclear weapons and the logic of nuclear deterrence *can only* stand in opposition to the norm of progress towards nuclear disarmament and in support of the discrimination at the heart of the treaty that weakens its legitimacy.[46]

4. A widely held global view

The majority of non-nuclear weapon states accept a clear relationship between the NPT's non-proliferation and disarmament norms in which progress on nuclear non-proliferation and the strength and legitimacy of the non-proliferation norm is linked to progress towards nuclear disarmament and the strength and legitimacy of the nuclear disarmament norm. The argument that the NPT is primarily about non-proliferation is refuted, the argument that the nuclear weapon states have done more than enough to meet their nuclear disarmament obligations is rejected, and a norm of progress towards nuclear disarmament is considered integral to the NPT and cannot be dismissed.[47]

This is a widely held global view. It is reflected in a number of important documents and statements. These include the Principles and Objectives for Nuclear Non-Proliferation and Disarmament agreed at the 1995 NPT Review and Extension Conference, the '13 steps' towards nuclear disarmament agreed at the 2000 Review Conference, and the 1996 Advisory Opinion of the International Court of Justice that confirmed "an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control."[48]

The lack of much greater progress towards nuclear disarmament will undermine the NPT's legitimacy

This view is reflected in statements from the UN and those who have presided over previous NPT Review Conferences. UN Secretary General Ban Ki-Moon, for example, declared in 2007 that the NPT "has done far more than create a norm of nonproliferation. It commits the nuclear-weapon states to disarmament."[49] Former Under-Secretary General for Disarmament Affairs at the United Nations Jayantha Dhanapala, who steered the 1995 Review and Extension Conference to a successful outcome, argues that the NPT's legal and normative obligations "pertain both to the nonproliferation of nuclear weapons and to the total elimination of all such weapons."[50] Ambassador Sergio Duarte of Brazil who presided over the 2005 NPT Review Conference stated in 2006 that "progress on nuclear disarmament is in my view essential for progress on the other problems the NPT is facing."[51]

It is reflected in statements by many of Britain's 'Western' allies. In Europe, Switzerland argues that "In the field of nuclear disarmament…it has always considered substantial progress in this area as the best guarantee of nuclear nonproliferation." It also chastises nuclear modernisation programmes such as Trident: "Unfortunately, we are obliged to note that since 2005 there have been no substantial developments in nuclear disarmament. This situation has been exacerbated by the fact that all nuclear weapons states are currently pursuing programmes to develop or replace their existing nuclear arsenals and delivery systems."[52] Norway, a NATO member and convenor of the Seven Nation Initiative on nuclear proliferation and disarmament, of which Britain is a member along with Chile, South Africa, Australia, Indonesia and Romania, states that "Norway advocates a comprehensive approach where disarmament and non-proliferation must mutually reinforce each other… It has been rightly affirmed that the NPT is also a disarmament agreement… Nuclear disarmament is a priority area for the Norwegian Government. The Review and Extension conference in 1995 and the Review Conference in 2000 identified principles and concrete steps in order to move forward the disarmament agenda. We must base our deliberations on the outcome of these two conferences as well as taking into account new developments."[53]

Allies in Asia concur. South Korea, for example, insists that "nuclear disarmament, non-proliferation and the peaceful uses of nuclear energy are mutually reinforcing and complementary, the weakening of any one pillar will debilitate the whole balance. A holistic approach is crucial to ensure the Treaty's continuing relevance…we believe that nuclear weapon states must demonstrate a higher standard of

compliance through sustainable nuclear disarmament measures…voluntary deeper cuts can lead nuclear weapon states to gain greater moral authority and political legitimacy to demand non-nuclear weapon states to join with them in strengthening nonproliferation norms."[54] Japan also maintains that "Advancing nuclear disarmament together with nuclear non-proliferation bolsters faith in the fundamental bargain that underpins the NPT, and leads to the strengthening of the NPT regime. Nuclear disarmament must be promoted persistently while respecting to the fullest possible extent the 'Principles and Objectives' of 1995 and the outcome of 2000 including the 13 practical steps."[55] Australia, too, maintains that "A credible nuclear-weapon state commitment to nuclear disarmament is essential for maintaining the NPT's political strength and vitality."[56]

Beyond the 'West' it is reflected in concerted pressure from the New Agenda Coalition and 118-member Non-Aligned Movement to establish a programme of action on nuclear disarmament in order to hold the nuclear weapon states' commitment to disarmament to account.[57] The Non-Aligned Movement comprising nations from Africa, Asia, Latin America and the Caribbean argues forcefully for nuclear disarmament and declared in 2007 that "The lack of balance in the implementation of the NPT threatens to unravel the NPT regime, a critical component of the global disarmament framework…The nuclear-weapon States continue to believe in the relevance of nuclear weapons, despite a globalized and interconnected world. The nuclear-weapon States and those States remaining outside the NPT continue to develop and modernize their nuclear arsenal, threatening international peace and security. We must all call for an end to this madness and seek the elimination and ban on all forms of nuclear weapons and testing as well as the rejection of the doctrine of nuclear deterrence."[58] The League of Arab States comprising 10 countries from North Africa and the Middle East also contends that many countries are "concerned that attempts are made to achieve progress in the area of horizontal non-proliferation while no progress whatsoever in the area of disarmament to eliminate nuclear weapons in a verifiable and irreversible manner" and that "Either we manage to face up to the challenges and achieve the necessary balance, or we will end up with a nonproliferation regime that is invalid and void of any meaningful substance."[59]

This majority view is reinforced by a review of a representative sample of government delegation statements made to the 2002, 2003 and 2004 NPT Preparatory Committees.[60] States made a combined total of 75 recommendations in their opening statements on all aspects of the NPT dealing with non-proliferation and disarmament over the three years. Some were made by one government in one particular year whilst others were consistently advocated by a number of governments over all three years. The top three recommendations made by over half of the sample in all three years had a clear focus on progress towards nuclear disarmament. They were: 1) the Comprehensive Test Ban Treaty (CTBT) should enter into force as soon as possible; 2) the '13 steps' towards nuclear disarmament set out in the 2000 NPT RevCon Final Document should be fully implemented; and 3) a fissile material treaty, or fissile material cut-off treaty (FMCT), should be negotiated as soon as possible.

A particularly salient statement was made by the Brazilian delegation to the NPT in 2007. Brazil hesitantly acceded to the NPT in 1998. It has a significant civilian nuclear power programme that now includes a uranium enrichment capability, a nuclear research programme that dates back to the 1930s and had a secret nuclear weapons programme that was terminated in 1990. It represents a state that may in the future opt to leave the treaty if the nuclear weapon states fail to make significant progress towards nuclear disarmament.[61] In 2007 the Brazilian delegation stated that "the implementation of a sustainable and long-term strategy in the field of non-proliferation depends on the simultaneous adoption of concrete measures as far as nuclear disarmament and fissile material are concerned… Without effective, verifiable and irreversible progress in the field of disarmament, nonproliferation regimes can provide little - if any - sustainable results…an essential step to face nuclear proliferation is the fulfilment by the nuclear armed states of their unequivocal commitment towards nuclear disarmament, assumed at the 2000 NPT Review Conference." In the context of the Trident decision Brazil also stated that "We are also concerned with modernization processes of

nuclear arsenals which seem to ensure that nuclear weapons will remain operative for at least a quarter of a century."[62] This is reinforced by Selig Harrison who outlines in detail the impact of the persistent refusal of the nuclear powers to work seriously towards nuclear disarmament on decisions by India and Japan to purse an overt and latent nuclear weapons capability respectively.[63]

The essential link between the NPT's two core norms was also acknowledged, with a degree of surprise, by a 2006 report on *Foreign Perspectives on U.S. Nuclear Weapons Policy and Posture* by the Pentagon's Defense Threat Reduction Agency (DTRA). One of the report's conclusions was that America should rethink its approach to nuclear disarmament in order to secure help from others for its non-proliferation objectives. This was judged "the most controversial potential implication of this exploration of foreign perspectives on U.S. nuclear policy and posture."[64] It has also been acknowledged by members of the British government. Then Foreign Secretary Margaret Beckett stated in 2007, for example, that "our efforts on non-proliferation will be dangerously undermined if others believe – however unfairly – that the terms of the grand bargain have changed, that nuclear weapon states have abandoned any commitment to disarmament...the moderate majority of states – our natural and vital allies on non-proliferation – want us to do more [on nuclear disarmament]. And if we do not, we risk helping Iran and North Korea in their efforts to muddy the water, to turn the blame for their own nuclear intransigence back onto us."[65]

Several nuclear weapon states have attempted to 'de-link' the NPT's disarmament and non-proliferation norms

5. Denying the link

The nuclear weapon states generally do not accept this view. They tend to argue that their nuclear weapon policies and actions have little or no effect on the legitimacy of the NPT, on nuclear proliferation, or on the willingness of other states to assist them in achieving non-proliferation goals. They argue, for example, that the major reductions in nuclear forces by Russia and the United States throughout the 1990s have done little to stop North Korea or Iran pursuing nuclear weapons.

Several nuclear weapon states have attempted to 'de-link' the NPT's disarmament and non-proliferation norms.[66] The extent to which the NPT represents a 'grand bargain' between the nuclear weapon states and non-nuclear weapon states to halt proliferation in exchange for eventual nuclear disarmament is disputed.

They argue that the NPT is a treaty to halt nuclear proliferation rather than a treaty to achieve nuclear disarmament and that the nuclear weapon states have done more than enough to disarm since the end of the Cold War. America's Ambassador to the Conference on Disarmament, for example, declared in 2007 before the UN First Committee that the US had done more than its fair share of work towards nuclear disarmament under the NPT and that it was now time to focus on the "crisis of noncompliance with its core of nonproliferation provisions." She declared that "To those who say progress on disarmament and non-proliferation are out of balance, I say that the United States fully agrees. It is time for the international community to make the kind of gains on strengthening nonproliferation norms that we have made in reducing the numbers of nuclear weapons and the degree of reliance on those weapons in national security strategies."[67] Nuclear disarmament is relegated to a long-term aspiration far in the future following a radical transformation of inter-state relations.[68]

The British government claims that the decision to begin replacing Trident to maintain the capability to deploy nuclear weapons into the 2050s will have no detrimental effect on the NPT. Defence secretary Des Browne, for example, argues that "there is nothing destabilising about our plans. Under the NPT regime all the recognised nuclear weapon states have taken equivalent steps to maintain their deterrents, including ourselves in the 1980s, without any perceptible 'destabilising' effect."[69]

The government limits the definition of 'effect' to whether the decision to replace Trident will affect the decisions of the handful of states that are suspected of seeking nuclear weapons, such as Iran.[70] This limited conception of 'effect' obscures the wider impact of the British decision on the *legitimacy* and therefore effectiveness of the NPT.

The decision to renew the Trident system *can only* reinforce the value of nuclear weapons and the logic of nuclear deterrence

The decision by the British government to renew the Trident system with what initially appears to be a like-for-like replacement *can only* reinforce the value of nuclear weapons and the logic of nuclear deterrence in international politics. The decision to replace Trident and the rationales presented to support it reveal a commitment by the government to what it considers an inescapable and fundamental logic: nuclear weapons are an essential capability in an increasingly uncertain world. Declarations of retaining only a 'minimum deterrent', of not targeting nuclear weapons at any particular country and of only using them in extreme situations of national survival are overshadowed by this logic. This makes it very difficult for the government to fully support efforts to reduce the spread of nuclear weapons and support a universal norm against nuclear proliferation whilst insisting that it needs these weapons for its own security for the foreseeable future, particularly when Britain faces no strategic nuclear threats.[71]

The decision to replace Trident therefore reproduces rather than ameliorates the discrimination at the heart of the NPT and by its very nature fails to support or reproduce the norm of progress towards nuclear disarmament, despite government rhetoric to the contrary. In doing so the decision intrinsically undermines the legitimacy of the NPT and the norm of non-proliferation because of the widely accepted linkage between the NPT's two core norms.

The government fails to acknowledge the detrimental impact of the decision to replace Trident on the legitimacy of the NPT, although this was highlighted by a number of MPs during the parliamentary debate on Trident replacement in March 2007. Michael Meacher, for example, argued that "There is no question that renewing Trident will undermine the spirit of the non-proliferation treaty…let us be clear that the deal in that treaty is that the non-nuclear countries will not seek nuclear weapons, on condition that nuclear countries move steadily and in good faith to full – I emphasise the word 'full' – nuclear disarmament. If we decide to renew Trident, that will be a clear message that the nuclear states – although I entirely concede that they are making some important reductions in their nuclear weaponry – are nevertheless still baulking at the end process of nuclear disarmament."[72]

Undermining the NPT is clearly not the government's intention – it stated before the NPT gathering in 2008, for example, that "the UK does not belong to an opposite camp that insists on 'non-proliferation first.' The UK fully accepts the proposition that progress must be made on the disarmament and non-proliferation tracks in parallel."[73] It is the outcome nevertheless.

6. Legality, legitimacy and the nuclear weapon states

The nuclear weapon states, particularly in the West (the United States, Britain and France), have a different interpretation of legitimacy under the NPT. They argue that the distinction drawn in the NPT between nuclear and non-nuclear weapon states represents a legal, and therefore legitimate, entitlement to possess and deploy nuclear weapons and that there is no legal obligation to disarm, only an obligation to pursue disarmament negotiations.[74]

The British government legitimised its decision to begin replacing Trident based on this legal definition of legitimacy, stating that "The UK's retention of a nuclear deterrent is fully consistent with our international legal obligations. The NPT recognises the UK's status (along with that of the US, France, Russia and China) as a nuclear weapon state. The NPT remains the principal source of international legal obligation relating to the possession of nuclear weapons. We are fully compliant with all our NPT obligations, including those under Article I (prevention of further proliferation of nuclear weapon technology) and Article VI (disarmament)."[75]

The problem with this legal interpretation of legitimacy is that by extension it appropriates the logic of nuclear deterrence for just those five countries the treaty recognises as 'nuclear weapon states' and no others. Yet the logic of nuclear deterrence as an abstract process of reasoning can be objectively applied to and appropriated by *any* state that feels militarily threatened regardless of whether they have accepted legal obligations and the legal designation of a non-nuclear party to the NPT.

A legal definition of legitimacy under the NPT is used to justify the nuclear weapon states' "do as I say, not as I do" approach to the possession of nuclear weapons

The Western nuclear weapon states proceed *as if* the logic of nuclear deterrence is not applicable to non-nuclear weapon states *because* they have accepted the legal designation of 'non-nuclear weapon states'. The danger is that the nuclear weapon states feel free to extol the virtues of the logic of nuclear deterrence seemingly secure in the knowledge that such activity has no adverse persuasive effect on the non-nuclear community of states in the NPT because the logic of nuclear deterrence *cannot* be appropriated by them, or in some cases is ameliorated through extended deterrence guarantees. It is this legal definition of legitimacy under the NPT that is used to justify the nuclear weapon states' "do as I say, not as I do" approach to the possession of nuclear weapons.

The problem is that it *does* have a persuasive effect precisely *because* the logic is universally applicable on its own strategic political-military grounds (although this is not to say that the logic is valid). Non-nuclear weapon states recognise that the logic of nuclear deterrence articulated by the nuclear weapon states is objectively applicable to all states. They recognise that the logical destination of the non-discriminatory application of this logic is a world brimming with nuclear-armed states and argue that the only *legitimate* alternative is the non-discriminatory rejection of the logic of nuclear deterrence to avert a frighteningly dangerous nuclear-armed world.[76] It was just such a prospect that motivated states to negotiate the NPT in the 1960s.

Repeated articulation of the validity of the strategic political-military reasoning that underpins the logic of nuclear deterrence whilst denying the appropriation of that logic by others based on a legal (rather than strategic) distinction reinforces the discrimination at the heart of the NPT. This erodes the regime's legitimacy and with it the legitimacy of efforts to prevent the spread of nuclear weapons. As William Walker argues, "to pay open homage to nuclear deterrence is to jeopardize the non-proliferation norms and regime."[77]

By framing the issue of compatibility with the NPT in a purely legal context, the government avoids discussion of whether the decision to replace Trident is compatible with reinforcing the NPT as a legitimate and therefore effective normative framework for state behaviour regarding the possession of nuclear weapons. The government's position may arguably be legal according to the letter of the NPT, but that does not mean it is legitimate. As Rathbun argues, "although legality is a necessary prerequisite for legitimacy, it is not sufficient."[78]

7. Legitimacy through exceptionalism

Western nuclear weapon states have further legitimised their possession of nuclear weapons through an implicit claim to Western exceptionalism. This argument asserts that even if the actions of the nuclear weapon states, particularly the Western nuclear powers, do in some way undermine the NPT by eroding its long-term legitimacy, it is entirely beside the point.

This interpretation of the nuclear non-proliferation regime insists that governments decide whether or not to pursue a nuclear weapons programme on the basis of national political and military power calculations, regional ambitions, status and prestige, domestic politics and perhaps Western conventional capabilities, not diplomatic agreements.[79] The most important pillar supporting global nuclear order is not the NPT but the possession of advanced nuclear weaponry by Western states. The West successfully 'won' the Cold War nuclear stand-off against the Soviet Union and Warsaw Pact and it is Western conventional and nuclear military power that will contain and roll-back the nuclear ambitions of current and future nuclear outlaw states. This argument downplays the extent to which the NPT's norms are a provider of security in favour of the argument that it is the weapons themselves, the logic of nuclear deterrence and the West's ability to control nuclear proliferation and its attendant risks indefinitely that provide security in a nuclear-armed world.

At the heart of this argument is the contention that nuclear weapons are not morally equivalent. Those in the hands of the West and its allies are inherently legitimate because actions that reinforce the security of the West by extension reinforce the security of the 'international community'. Continued Western possession of nuclear weapons is legitimised as an essential bulwark against non-liberal, non-democratic nuclear-armed states that might use their nuclear might to challenge and possibly overturn the Western international order. Western nuclear weapons are good for international peace and security. Those in the hands of authoritarian states or states beyond the West's remit are illegitimate and dangerous.[80] In this context the NPT constitutes a useful diplomatic tool to be used instrumentally to mobilise international isolation of and opprobrium against Western-designated 'rogue' states seeking nuclear weapons, rather than a normative framework based on global nuclear disarmament.

Adherents to this view implicitly and sometimes explicitly argue that the discrimination at the heart of the NPT between nuclear and non-nuclear weapon states can (and indeed must) continue indefinitely, nuclear disarmament is an impossible dream, and any adverse effects on the security of the West can be managed as necessary. Even if the NPT does collapse it need not be a catastrophe since a cascade of nuclear proliferation (either leading to or in response to the collapse of the NPT) may not be as bad or insecure as a nuclear weapons-free world.[81]

This perspective informs the views of Julian Lewis MP, a Conservative Shadow Defence Minister, and one of parliament's strongest proponents of a British nuclear arsenal. Dr. Lewis argues that "it is not the weapons themselves which we have to fear but the nature of the governments that possess them"… "it is quite right to have fewer qualms about the possession of deadly weapons by

democracies, though regarding their possession by dictatorships as wholly unacceptable" based on the theory that liberal democratic states do not fight each other. Nuclear disarmament under the NPT is described as a 'utopian' obligation dependent upon the creation of world government.[82]

Michael MccGwire argues that many countries now despondently view the NPT in this light: "Having achieved the indefinite extension of the NPT, the NATO NWS seem disinclined to heed the concerns of the non-nuclear-weapon states. This contributes to the post-9/11 image of 'the West against the rest', a corrosive conception that is reinforced by the rhetoric of the Bush administration. A cynical view is that, whatever the original intentions, the NPT is now a convenient instrument of US foreign policy. In terms of global power projection, it ensures that US conventional forces will not be deterred or hampered by the threat of a nuclear response, while the treaty justifies punitive action against any 'rogue state' that is thought possibly to be seeking such a capability."[83]

The sense of Western exceptionalism is particularly acute in US foreign and defence policy discourse, particularly the hard-line Republican and neo-conservative worldview. It is based on a nationalist identity in which America is the embodiment of a set of universal liberal democratic ideals and has an innate obligation to support the spread of those ideals abroad.[84]

Western nuclear weapon states have further legitimised their possession of nuclear weapons through an implicit claim to Western exceptionalism

Neo-conservatives insist that the United States is exceptional because it has overwhelming global power but no imperial ambitions and has found itself in the position of a global hegemon through "pure accident of history."[85] The prevailing view is that what is good for America is by definition good for the world because America seeks to create a benevolent imperium founded on universal values of human liberty and democracy.[86] According to neo-conservatives, this benevolent American global hegemony is the only thing that stands between peace and security and war and tyranny.[87] Exporting and defending democracy is considered an obligation, the moral duty of a unique and exceptional country, and the path to long-term security.[88]

It is wedded to a deep belief in the necessity and utility of military power for achieving these Wilsonian ambitions. US hegemony must be grounded in total military dominance of other states or possible coalitions of states – allies and adversaries alike. Military power should, according to neo-conservatives, be returned to the centre of US foreign policy and used to "champion its ideals as well as its interests," including the spread of liberal democracy and the downfall of dictatorial regimes hostile to the US.[89] The utility of military power is based on the belief that democracy will flourish in areas of repression once the obstacles to democracy are knocked down, and that the US has the economic, political and above all military power to remove such obstacles, for example in Iraq. This view is legitimised through a belief in the benign and virtuous nature of US power. Nuclear superiority is a crucial facet of this military hegemony.[90]

This worldview accepts the idea of multilateralism when it is defined as convincing others to support America's agenda or forming useful alliances, with a little give and take. Neo-conservatives recognise that the US needs support for the values and institutions of liberal democracy and free trade, but insist that support comes from active and determined US leadership.[91] Multilateralism that is seen to tie America's hands, mire issues in somewhat dysfunctional international institutions, and make the US "subservient to, dependent on, constricted by the will – and interests – of other nations" is dismissed entirely.[92] Clinton-style liberal internationalism and its emphasis on multilateral cooperation and collective security is rejected. The United Nations in particular is often singled out for attack.[93] In January 2003 John Bolton, under secretary of state for arms control and international security, epitomised the neo-conservative view of the UN: "There is no such thing as the United Nations. There is only the international community, which can only be led by the remaining superpower,

which is the United States."[94] Bolton went on to become the US Ambassador to the UN from 2005-2006.

A sense of Western moral exceptionalism also underpins New Labour's foreign and defence policy.[95] Its narrative of Britain's international identity claims that the combination of Britain's history, power, influence and values mean that it has a *responsibility* to uphold international peace and security. Britain can and should play a crucial role not as a global power anymore, but as a 'pivotal' power at the centre of world events acting as a 'force for good'.[96]

The narrative argues that the combination of Britain's innate responsibility for international security and the growing interdependence of global security challenges translate into an enduring British obligation, willingness and capability to actively intervene in international conflicts and defend a set of universal values of liberty, democracy and justice that coincide with those at the heart of the Blair/ Brown New Labour vision.[97] This is a morally legitimate, just, rational and enlightened pursuit of national self-interest.[98]

This view goes to the heart of Britain's 'special relationship' with America in which Britain presents itself as America's primary military and political ally working alongside the United States to spread American/British/universal values throughout the world to ensure peace and security. America was portrayed by Blair as "the leading representative of our values", the country that "can bequeath to this anxious world the light of liberty"[99] and "bring the democratic human and political rights we take for granted to the world denied them."[100]

Both countries share a powerful righteousness through which their actions are deemed inherently good because they seen to be defending and promoting Western values, which are synonymous with universal values, in the name of international peace and security. Military force is a vital means of achieving these ends and that includes a nuclear capability. Since Western actions are inherently legitimate because they are conducted in the name of universal values for the greater good, Western possession of nuclear weapons must also be legitimate.

This argument therefore rests on a different type of discrimination. Instead of focusing on nuclear weapons themselves and undertaking actions to eliminate the discrimination between nuclear and non-nuclear weapons states, this argument focuses on the nature of the governments that possess or are seeking to acquire nuclear weapons and on actions to eliminate the discrimination between nuclear-armed states that are allied to or at least not hostile to the West and nuclear-armed states that are or could potentially become hostile to the West. This legitimises the general existence of nuclear weapons and their possession by certain states whilst delegitimising the possession of nuclear weapons by those hostile to the West based on exceptionalist claims of the fundamental moral legitimacy and 'rightness' of Western policies and actions.

William Walker argues that the ascendance of this view under the George W. Bush administration has been "a dagger that sank deep into the NPT, given its basic principle that nuclear weapons are intrinsically illegitimate everywhere and for all time…without this principle, the non-proliferation norm could itself possess no legitimacy."[101] This legal and moral exceptionalist logic therefore tends to discriminate between the West and 'the rest' on the grounds of governing institutions and ideals, dismisses the sovereign equality of states that underpins the legitimacy of the NPT, and places a pivotal emphasis on an enduring role for military power in shaping world order. By using the NPT to mobilise actions against 'rogue' states whilst simultaneously claiming the value and legitimacy of its own nuclear weapon, the Western nuclear powers have eroded the treaty's legitimacy and effectiveness.[102]

More broadly, the exceptionalist logic of the neo-conservative worldview under the George W. Bush administration has consistently undermined the practice and legitimacy of multilateralism in

international politics and the value of multilateral instruments in international security affairs. This has undermined the legitimacy of the West's claim to international leadership and its authority in international institutions such as the NPT. Whitehall's very close relationship with the White House has inevitably sullied Britain's reputation by association.[103]

8. Conclusions and recommendations

The NPT exerts a crucial normative effect by legitimising efforts to constrain proliferation, hold the nuclear weapons states to account for their disarmament commitments, hold proliferators to account and mobilise international action and opprobrium against them, and to provide a vehicle through which countries can define their identity and consequently their interests as law-abiding non-nuclear weapon states.

Progress on nuclear disarmament is widely regarded as essential for maintaining the integrity of the non-proliferation norm and the legitimacy of the NPT. The treaty's legitimacy and therefore effectiveness is contingent upon concrete actions that reproduce and reinforce both the non-proliferation and disarmament norms and make real progress towards eliminating the discrimination at the heart of the treaty and realising a nuclear weapons-free world.

Legal and Western moral exceptionalist conceptions of the legitimate possession of nuclear weapons are widely rejected because they undermine the core legitimacy of the NPT by sanctioning the indefinite and discriminate possession of nuclear weapons.

The government's argument that the decision to renew Trident will have no impact on the NPT is wrong. The decision to begin renewing Trident based on the claim that nuclear deterrence remains a *necessary* part of British security undermines the legitimacy of the NPT by reinforcing the value of nuclear weapons, the intention to remain a nuclear weapon state for the indefinite future, and consequently the discrimination at the heart of the treaty. This, in turn, places further strain on the non-proliferation norm and undermines the legitimacy of new initiatives to enhance nuclear non-proliferation measures that draw on the legitimacy of the NPT, despite government proclamations to the contrary.

At a fundamental level the government's nuclear weapons policies and actions can either support *or* undermine the NPT's norms and the decision to replace Trident falls under the latter. This reality cannot be escaped. The decision can be argued to be legally permissible, but legality should not be conflated with legitimacy.

It is abundantly clear that diplomatic initiatives to agree concrete steps towards nuclear disarmament will be essential at the 2010 NPT Review Conference if the nuclear weapon states are to successfully negotiate additional effective and legitimate steps to stem nuclear proliferation. The government can take a number of steps to reinforce the norm of progress towards nuclear disarmament and the legitimacy of the NPT.

First, the government should consider revisiting the decision to replace Trident by commissioning and publishing a detailed study of steps Britain could take to further de-value and reduce its own nuclear force on a verifiable path from the current definition of 'minimum deterrence' based on having at least one submarine from four on patrol at all times armed with 48 warheads under a 'continuous-at-sea deterrence' policy, towards zero nuclear weapons. This would be a significant step towards former Foreign Secretary Margaret Beckett's vision of Britain as a nuclear 'disarmament

laboratory'.[104]

Second, the government should further de-value nuclear weapons by formally restricting its nuclear deterrence doctrine to the deterrence of the nuclear arsenals of other major nuclear powers and pledging not to use nuclear weapons first in a conflict. The government currently insists that the logic of nuclear deterrence still pertains in four broad areas: 1) Deterrence against aggression towards British/NATO vital interests or nuclear coercion/blackmail by major powers with large nuclear arsenals; 2) Deterrence against nuclear coercion or blackmail by regional 'rogue' states; 3) Deterrence against state-sponsored acts of nuclear terrorism; and 4) A general 'residual' deterrent to preserve peace and stability in an uncertain world.[105] It also asserts that British nuclear weapons are not only meant to deter possible threats from other nuclear forces, but also the threat from chemical and biological weapons and general threats to British 'vital interests' anywhere in the world. This broad and controversial remit for nuclear weapons extends far beyond extreme threats to the survival of the nation to include the deterrence of threats to the security of the European continent, global economic interests based on the free flow of trade, overseas and foreign investment and key raw materials, the safety and security of British citizens living and working overseas and its Overseas Territories, and general international stability.[106]

Finally, the government should introduce a working draft of a Fissile Material Cut-off Treaty (FMCT) to the Conference on Disarmament to ban the further production of fissile materials for use in nuclear weapons and consider direct or indirect sponsorship of high-level meetings with other government delegations to explore how an FMCT could be negotiated and options for developing a negotiating process outside the moribund CD framework in order to invest the negotiation of such a treaty with the full political will and capital of a nuclear weapon state.

An FMCT is widely accepted as the next step towards multilateral nuclear disarmament after the Comprehensive Test Ban Treaty. The UN Conference on Disarmament in Geneva has failed to initiate negotiations on such a treaty despite agreement on a negotiating mandate in 1995. When the government introduced its motion to parliament in March 2007 to authorise its decision to begin the process of replacing Trident it assured MPs that it would renew its efforts to secure measures pursuant to nuclear disarmament under Article VI of the NPT, in particular to bring about negotiations on a FMCT.[107]

Above all the government must heed and act upon Selig Harrison's warning that "looking further ahead, the stark choice facing the international community will become increasingly clear and compelling: honor Article Six [of the NPT that refers to nuclear disarmament], or learn to live with a continuing erosion of the non-proliferation regime and the emergence of new nuclear weapon states, big and small."[108]

Notes

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3. 'The National Security Strategy of the United Kingdom: Security in an Interdependent World', *Cm 7291*, (London, HMSO, March 2008), p. 30.
4. Ibid, p. 11.
5. John Duncan, 'UK General Statement to the 2008 Non-Proliferation Treaty Preparatory Committee', (Vienna, United Kingdom Permanent Representation to the Conference on Disarmament, April 28, 2008).
6. 'The National Security Strategy of the United Kingdom', p. 47.
7. Ibid, p. 29.
8. Ibid, p. 37.
9. Martha Finnemore & Kathryn Sikkink, 'International Norm Dynamics and Political Change', *International Organization* 52: 4, Autumn 1998, p. 903
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11. Peter J. Katzenstein, Alexander Wendt, et al., 'Norms, Identity, and Culture in National Security', in Katzenstein, P. J. (Ed.) *The Culture of National Security: Norms and Identity in World Politics* (New York, Columbia University Press, 1996), p. 54.
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16. Nina Tannenwald, 'The Nuclear Taboo: The United States and the Normative Basis of Nuclear Non-Use', *International Organization* 53: 3, Summer 1999, p. 463.
17. Finnemore & Sikkink, 'International Norm Dynamics and Political Change', p. 904.
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19. Antje Wiener, 'Contested Compliance: Interventions on the Normative Structure of World Politics', *European Journal of International Relations* 10: 2, 2004, p. 192.
20. Ian Hurd, 'Legitimacy and Authority in International Politics', *International Organization* 53: 2, Spring 1999, p. 381.
21. Ibid, p. 381.
22. Ibid, p. 381.
23. Ibid, p. 387 and p. 400.
24. Ibid, p. 388.
25. Ibid, pp. 383, 388.
26. John Simpson, 'The Nuclear Non-Proliferation Regime: Back to the Future', in Vignard, K. (Ed.) *Strengthening Disarmament and Security* (Geneva, Disarmament Forum, UNIDIR, 2004, No. 1).
27. Hurd, 'Legitimacy and Authority in International Politics', p. 384.
28. Nina Rathbun, 'The Role of Legitimacy in Strengthening the Nuclear Non-Proliferation Regime', *The Nonproliferation Review* 13: 2, July 2006, p. 228.
29. Ibid, p. 233.
30. Ibid, p. 237.
31. William Walker, 'Nuclear Order and Disorder', *International Affairs* 76: 4, October 2000, p. 709.
32. Hurd, 'Legitimacy and Authority in International Politics', p. 383.
33. See James Acton & George Perkovich, *Abolishing Nuclear Weapons* (London, Routledge for IISS, 2008).
34. Rathbun, 'The Role of Legitimacy in Strengthening the Nuclear Non-Proliferation Regime', p. 236.
35. Acton & Perkovich, *Abolishing Nuclear Weapons*, p. 7.

36. Ibid, p. 109.
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43. 'The Future of the UK's Strategic Nuclear Deterrent: The Strategic Context', *HC 986*, (London, HMSO, June 2006), Ev. 22.
44. The New Agenda Coalition represents a group of middle power countries seeking to build an international consensus for progress on nuclear disarmament. See statement by Ambassador Paul Kavanagh, 'The First Preparatory Committee for the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons', (Vienna, Permanent Mission of Ireland to the Conference on Disarmament on behalf of the New Agenda Coalition, May 1, 2007).
45. Acton & Perkovich, *Abolishing Nuclear Weapons*, p. 10.
46. See Muller, 'The Future of Nuclear Weapons in an Interdependent World', p. 72.
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48. 'Legality of the Threat or Use of Nuclear Weapons, Advisory Opinion at the request of the UN General Assembly', *ICJ Reports*, (The Hague, International Court of Justice, July 8, 1996).
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51. Sergio Duarte, 'Keeping the NPT Together: A Thankless Job in a Climate of Mistrust', *The Nonproliferation Review* 13: 1, March 2006, p. 9.
52. Ambassador Jurg Streuli, 'Statement to the 1st Session of the Preparatory Committee for the 2010 Review Conference of the States Parties to the Nuclear Non-Proliferation Treaty (NPT)', (Vienna, Permanent Mission of Switzerland to the International Organizations in Vienna, April 20, 2007).
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Bradford Disarmament Research Centre
Department of Peace Studies
University of Bradford
Richmond Road
Bradford
West Yorkshire, BD7 1DP

Tel: +44 (0)1274 232323
Email: n.ritchie@bradford.ac.uk
Web: www.brad.ac.uk

A REGIME ON THE EDGE?

HOW REPLACING TRIDENT UNDERMINES THE NUCLEAR NON-PROLIFERATION TREATY

This briefing paper argues that the government's claim that the decision to replace Trident will have no impact on the Nuclear Non-Proliferation Treaty (NPT) and efforts to stem the further spread of nuclear weapons is wrong.

The NPT is a vital tool for combating the spread of nuclear weapons. Its strength and effectiveness is based on its perceived legitimacy, but this is increasingly dependent upon progress towards nuclear disarmament by the nuclear weapon states, including Britain.

The decision to replace Trident *can only* undermine the legitimacy of the treaty by reinforcing the value of nuclear weapons, the logic of nuclear deterrence, and the prospect of indefinite possession of nuclear weapons by the nuclear powers.

It is vital that Britain takes a lead in the run up to the 2010 NPT Review Conference to agree concrete measures pursuant to nuclear disarmament to bolster the treaty's legitimacy, including measures to delay, scale down or reverse the decision to replace Trident.

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