

Could the Non-Proliferation Treaty Collapse? The Uncertain Road Ahead

Sharon RIGGLE

The question of nuclear proliferation has increased in salience since the end of the Cold War. The deadly nuclear standoff between the two superpowers reduced the need and probability that other nations would attempt to build independent arsenals. While the Cold War raged, there were a few cases of covert development, but the situation in the 1990s has brought with it new and dangerous challenges unprecedented in the nuclear age.

The NPT is endlessly cited as the “cornerstone of the nuclear non-proliferation regime”. True, it is the treaty with the largest membership in the world, second only to the United Nations Charter, and that it has traditionally provided a respectable level of security to protect against the massive proliferation of nuclear weapons. It has also, however, shown its shortcomings and is currently revising its way of operating, attempting to address these shortcomings in its new strengthened review process.

To survive, however, it will need to do more than simply revise its *modus operandi*. It will need to also look at its *raison d'être*. All states parties agree in principle that proliferation of nuclear weapons would be a very negative turn of events. They also support the provisions in the treaty that allow for the transfer of information and technology to assist countries in their civilian nuclear programmes. *In principle*, they also stand together on the question of nuclear disarmament, the key future task of the treaty, but the actions of some states parties call into question the depth of commitment to this necessary goal. Nuclear disarmament is now not merely a question of *when*, but also of *if*.

In order to salvage and strengthen this important regime, steps will need to be taken in the near future to maintain the high level of commitment of states parties to the noble goal of non-proliferation. Some are small, some are enormous, but one of the keys will be a convincing commitment by the nuclear-weapon states (NWS) that they are determined to fulfil their commitment to Article VI sooner rather than later.

Sharon Riggle is currently the Director of the Centre for European Security and Disarmament (CESD) in Brussels. She previously served for two years as the Programme Director for CESD. The organization researches and reports on the related security and disarmament activities of the European Union, NATO and the United Nations. Her speciality is nuclear weapons policy. The CESD hosts an annual seminar in Geneva on timely topics within the NPT. In 2000, the seminar will be one day long and cover many of the topics discussed in this article. Please contact CESD if you would like information on past seminars, or an invitation to the 2000 seminar. **Contact information:** Centre for European Security and Disarmament, 115 rue Stévin, 1000 Brussels, Belgium; tel.: (+32 2) 230 07 32, fax: (+32 2) 230 24 67, e-mail: sriggle@cesd.org

Why does the NPT enjoy such a high level of adherence? Why are the eyes of the world's governments currently focused on this particular forum? This article will attempt to look at these and other questions, with a view to analyzing the solidity of the regime under the NPT.

What Led Us to the Current Situation?

At the dawn of the nuclear age, just a few states had the capacity to create a real nuclear threat. Throughout the years, others started (South Africa, Argentina, Brazil) or considered starting (Germany) programmes, but either stopped or bought into security arrangements that provided an adequate umbrella. During the Cold War, the bipolar situation allowed countries to either shelter under one of the two big nuclear umbrellas, or take refuge in a neutral or non-aligned status. Post-Cold War, things are now a bit more complicated.

The once top-secret blueprints and associated delivery systems are suddenly available to a larger audience, some of whom are sub-state or non-state actors. Traditional alliances are evolving, and in many cases disintegrating, destabilizing the most secure of environments. India and Pakistan have shown that breaking out does not bring immediate pariah status and that even tough sanctions can be weathered to achieve some ultimate positive outcomes of going nuclear. This is not going unnoticed by those with future ambitions.

Most military planning is still run by the old guard that has a strong memory of a United States and Soviet Union locked in a deterrence posture that would assure the destruction of both sides — as well as, many would add, the destruction of any others that happened to be too near to the action. The NPT and the Conference on Disarmament in Geneva have East-West group-based systems still in place, which are relics of the Cold War. Change in the overall process of nuclear non-proliferation and disarmament is desired by most and blocked by some. However, largely in response to a lack of movement in key areas and an evolving set of loyalties, groups of like-minded states are emerging on various issues (within the NPT as well) and these are increasingly pre-empting the traditional group mentality, thus challenging old bilateral thinking (e.g. the New Agenda Coalition).

The domain once occupied by political ideology, resulting in a more moralistic approach to nuclear deterrence, is now increasingly filled by the global marketplace and the desire of all countries to profit from this new trend. There is little in security policy decision-making that is completely devoid of “bottom line” thinking somewhere. These special interests are an increasingly powerful player in the defence arena, and that includes nuclear weapons doctrine and policy.

What Are the Current Contributing Factors?

There are innumerable contributing factors to the current situation, but a few merit special attention. These are the focus of increasing debate and dissension among traditional allies and, if continue unchecked, could lead to a highly destabilized international security environment.

A major blow to the regime came in May 1998 when India and Pakistan in turn conducted a short series of nuclear tests, with a goal to becoming nuclear powers. Reactions were swift and severe from the international community, including a harsh set of sanctions by some states. Opinion was virtually unanimous on condemning the tests and refusing to acknowledge the South Asian nations as nuclear-weapon states. Since then, most sanctions have been lifted and relations are starting to thaw.

The effect was especially severe in the psychological sense, as this was the first time in the history of the NPT that any state had dared to break the established norm and go nuclear. The relative complacency of many was broken as well and a major reassessment was necessary to determine where it was the regime actually stood. An initial reaction was paranoia over others suddenly breaking out as well, although this fear seems to have subsided just a bit. However, as information and technology become easier and easier to obtain, states will be looking over their shoulder to see who is moving in the direction of nuclear state status. While there are control regimes attempting to mitigate this possibility (such as the Zangger Committee, the Nuclear Suppliers Group and the Missile Technology Control Regime), it seems highly unlikely that even efficient and vigilant control will be enough to stem the tide if the political will is there to obtain weapons of mass destruction.

A second area that has had an effect on the non-proliferation regime, and on the NPT in particular, is the recent move by NATO to maintain its Cold War nuclear posture in the vastly changed new era. Hopes were high, perhaps unrealistically, that NATO would change — however little — its decades-old stance of a nuclear first-strike doctrine. In its new Strategic Concept issued this April, however, these hopes were dashed as little changed, save for references to reductions already made.¹ These reductions do constitute an improvement in European security, however they were easily done given the greatly reduced Eastern threat. A small core of tactical nuclear weapons continue to be kept on the soil of six non-nuclear-weapon states, and the language in the Strategy remains largely as it always has been, as a robust and unequivocal testament to the unchanged and unrepentant nuclear deterrent posture of the most powerful military alliance in the world.

Needless to say, this leaves some a bit disquieted. Why would an institution with the most advanced conventional weaponry in the world need to rely on nuclear weapons to deter potential aggression, as is indeed their stated aim? Security. This answer that facilely rolls off the tongue of many NATO supporters is a dangerous one. It is one that may very well be used by any number of states seeking to protect themselves in a similar future alliance. Or by individual nations, for that matter. It is certainly one that does not reassure those states that have bought into the NPT regime, with its explicit commitment to nuclear disarmament — as well as the questions raised over the grey areas regarding the nuclear sharing arrangements themselves.²

A virtual standstill in the START process has left an uncomfortable space in the realm of confidence-building and progress on deep reductions. The political situations in both the United States and the Russian Federation have determined that there will be no progress for the foreseeable future, regardless of idealistic promises made by the respective heads of states, and necessitates a re-think of the whole system and its purpose. While bilateral reductions by the largest possessors of nuclear weapons are key, putting all the eggs into the START basket may mean we are left with some rotten eggs in the end. Innovative new approaches to this problem are key in maintaining and increasing stability in the non-proliferation field.

The nuclear safety question in the Russian Federation also poses some hard new questions for the regime. How can sovereignty be maintained while stemming a flow of dangerous materials that inevitably will have consequences outside national borders? Several new programmes have attempted to address this difficult area, but there is speculation that it is too late to control all the materials that once belonged to the Soviet Union. Several would-be NWS have already tried their luck at acquiring these materials and unless there is a reduction globally in the coming years and decades, this will continue to plague the regime.

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Nuclear disarmament of conviction vs. nuclear disarmament of convenience — therein lies the single largest and enduring challenge to the NPT and the non-proliferation regime. In the grand tradition of arms control, those who give up their weapons generally are no longer in need of them. Nuclear weapons are no exception. The glossy papers presented by some of the P5 at the NPT PrepCom in 1999 outlined the progress made in reducing their nuclear arsenals. It is with sincere appreciation that these reductions are welcomed. So why do the other 182 states parties keep grumbling?

With one hand the flash brochures are distributed, while the other is raised in protest over language in the Chairman's paper that one should not mention too frequently the call for nuclear disarmament. The message? "Accept what we are willing to give, but do not ask for more". As the item under question is a weapon that with one push of a button could reduce an entire region to ashes and send poison across tens of borders, and not a bomb that would merely take out an airport hangar, they do ask for more. And will continue to. It will not go away, only become stronger and a more arduous battle for those that fight for the right to possess them. This very well could be the string that eventually unravels the safety net of non-proliferation.

The lack of *speedy* progress on true nuclear disarmament is another element of the puzzle. Yes, there have been significant and welcome reductions made. Yes, grand speeches are made about serious commitments to fulfilling the Article VI requirements of the Treaty. No, there is not much faith that these commitments will be filled in the near, or even distant, future.

It cannot be stated too frequently that a lack of serious progress on this core task of the Treaty will cost the regime dearly. Since indefinite extension of the Treaty in 1995, the vast majority of states parties have watched with rapt attention the moves by the nuclear-weapon states in the new review process. While cautiously optimistic at first with a mild success at the 1997 PrepCom, cynicism has returned and expectations are generally low for the Review Conference in 2000. A failed conference would deal irreparable damage to the NPT and to the regime as a whole.

Regional Trouble Spots

The spotlight regularly trolls around looking for "hotspots" or areas with a much higher potential for proliferation than others. The list below includes areas generally viewed as trouble spots, i.e. any that hinder the ultimate goal of zero proliferation.

Centre stage at the moment is South Asia, with North Korea a close second. At the time of writing, the latter seems to have stabilized a bit with a sudden reprieve resulting from a pledge from North Korea to halt its missile programme. It is notoriously unpredictable, however, and attention will have to be kept on developments in the region.

India and Pakistan have blazed the trail for new nuclear-weapon states. This is by far the most destabilizing situation the NPT has ever faced. How states parties now tackle this question at the Review Conference in 2000, as well as national reactions in dealing with the two countries, will determine to a large extent the potential future challenges to the regime. Weaponization plans add to the uncertainty and tension in the region, especially as fighting in Kashmir heats up. Another element to watch will be how the Western/industrial powers react to and interact with these countries. If rewards seem imminent, rolling back the programmes will be harder to achieve.

The Middle East is perennially a problem in the non-proliferation game. This entry would include first Israel, as it has been a thorn in the side of the NPT for the longest amount of time. While arguably more stable than its neighbours who are in various stages of acquisition, its arsenal is the

most sophisticated and perhaps more troubling, and it is sanctioned by the world's strongest nuclear power, the United States. The United States consistently plays an advocacy role for Israel in the NPT, which causes endless friction. The tacit presence of these weapons makes negotiations difficult on a range of security issues in the region, and serves as a convenient excuse for development of weapons of mass destruction by others in the neighbourhood.

By no means is Israel the sole perpetrator, as Iraq and Iran have had caused more than their fair share of problems. Their programmes are covert, run by authoritarian regimes and their aims unclear. Nuclear weapons have not been the only goal, as there is deep concern over the chemical and biological weapon capabilities of these countries.

In order to maximize stability in a region fraught with tension, some effort or mechanism will need to be sought to bring the three nuclear-capable states outside the treaty into the fold. Regular dialogue within the purview of the NPT would go a long way to build confidence in both South Asia and the Middle East, but that is discussed later in the article.

Eyes are turning increasingly to China as well. There is much speculation as to what extent they have been modernizing their arsenal and producing new weapons. China remains a largely unknown quantity in NPT negotiations, relying heavily on rhetoric and impressive pledges. As a Group of One, they are involved in the Bureau of the NPT, which runs the administrative aspects of the meetings, but do not participate formally in other coordination groups. The one exception is the meeting of the five nuclear members of the NPT, which convene to prepare joint statements and loosely coordinate. Their motives are often hard to predict, which makes negotiations more difficult. While bilateral confidence-building measures seem to be providing some levels of understanding, China remains more of a mystery than most nations would like to admit. That, combined with accusations over covert nuclear sharing with other countries, should make China a focus for future scrutiny.

NATO's nineteen members adopted a new Strategic Concept in early 1999. It is considered here a regional trouble spot because there is deep concern over its continued reliance upon nuclear weapons, its planning and consultation on nuclear strategy and doctrine that involve sixteen non-nuclear countries and its dubious sharing arrangements with six non-nuclear-weapon states. Without change from this military organization, there will be little hope for true progress on nuclear disarmament, and commitments by its members to non-proliferation will be tainted by their association with an organization that has not satisfactorily answered the calls for openness and clarification.

The Russian Federation has a unique set of problems, many of which are receiving remedies. It is as yet unclear the extent to which proliferation of nuclear materials has already happened and where they have gone. But nuclear safety is just one element of the problem, as reliance on tactical nuclear weapons is growing in the Russian strategy. Their strategic arsenal, with or without START II or III, will continue to decline and they will be left with a number well under 1,000. Given the uncertain political situation in the country, and the virtual lack of decision-making infrastructure, this region will remain on the trouble spot list for some time.

The United States is perpetually one of the most recalcitrant of nations in regards to nuclear disarmament, which is intrinsically linked to non-proliferation. While absolute proponents of the latter, the former is a tougher nut to crack. Cuts are made according to a formula that leaves the arsenal and the doctrine very much intact, and accompanying statements reiterate the plan to keep these policies "for the foreseeable future". Statements in the NPT, however, are vigorous in their conviction that nuclear disarmament is a core goal and at the top of their agenda. Conflicting

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messages such as these, combined with a digging in of heels at any potential forum for disarmament, cast a serious shadow of doubt as to the true aims of this powerful country. It is simple — without concrete disarmament, non-proliferation is merely a holding pattern that someday will come crashing down.

The Obsession With Verification and Non-Compliance

The first question that springs to mind is: Have we progressed far enough to discuss the implementation of compliance and verification mechanisms? While verifying compliance on the bits and pieces that are going right so far seems like a good idea, there is much yet to accomplish. It sometimes seems a bit like the cart being put before the horse. We have two *de facto* new nuclear countries, at least three others that could very well break out in the next decade under the right circumstances, and countless others with the knowledge to do so but just lacking the ambition at the moment.

The scheme imposed on Iraq, the most intrusive yet, has been an abject failure. North Korea continues to be placated by an escalating set of economic measures, while its missile technology grows in fits and starts. Suspected proliferation by China to Pakistan remains unchallenged, and other cases like it, even though it shatters Article I commitments. And progress made to-date by the NWS on Article VI has been inadequate. What progress could we cap that is not already covered by the IAEA and the new Model Protocol? More thought needs to be given to what exactly and how we plan to enforce verification and react to non-compliance.

If a mechanism is introduced, as many support, will it include a hard look at *all* cases of non-compliance? Or just those most politically expedient at any given time? Will large, powerful countries undergo the same scrutiny as the small, often autocratic regimes? If compliance is perceived to be a too one-sided affair, faith in the NPT as a whole will be undermined. This is certainly an area that warrants more study and attention, but it is premature to focus on it as the core of the debate on non-proliferation.

What Happens If the NPT Stagnates?

If nothing changes, the NPT will suffer in the long run. We're not talking about an immediate mass exodus from the Treaty if the 2000 Review Conference fails, but the damage will be deep and difficult to repair. The likely scenario is one of gradual erosion in various aspects of the regime, with the possibility of an eventual reduced membership. This could possibly lead to a state going nuclear if the international regime crumbles and they see that it is in their interest to do so — economically, politically, socially or militarily. It certainly is possible from a technological point of view, all that currently lacks is ambition to do so.

The justifications for going nuclear have thoughtfully been provided by the P5 and NATO, whose rhetoric for indefinite retention of nuclear weapons has already come to the aid of India and Pakistan. These words will come back to haunt them. This, however, is not the inevitable scenario if measures are taken to ensure that current commitments are met and the objects of proliferation are delegitimized as valid guardians of security.

Possibilities for Action

What remains clear is that the current situation cannot remain unchanged. To do so would risk achievements to-date and the relative stability that they have brought. There are, however, several possibilities for action, which taken separately or in combination could paper over some cracks in the regime or potentially create new, stable paths for the future.

NUCLEAR DISARMAMENT

The most obvious place to start would be with strong, concrete steps by the nuclear-weapon states towards nuclear disarmament. While a well-worn sentiment, the fact remains that such moves would greatly increase confidence in the NPT. Reductions that hurt, rather than the elimination of surpluses, are a key element in judging the sincerity of the disarmament pledge. Building such confidence could take many forms and does not necessarily mean the immediate conclusion of a nuclear weapon convention. There are intermediate steps, albeit towards some sort of legally binding final goal, that would provide inestimable assistance to the non-proliferation regime as a whole. These could be unilateral moves such as reductions, bilateral cooperation towards an effective de-alerting regime, increased transparency over all fissile materials including stocks, plurilateral agreements between the P5 outlining concrete further plans — even if specific dates were not attached. Innovative new approaches and an unequivocal demonstration of an intent to fulfil Article VI would silence many detractors and create an environment in which more would be possible on a range of related issues.

NPT REVIEW CONFERENCE 2000

The Review Conference will be a pivotal moment for the NPT. States will either walk away feeling as if they are involved in a dynamic, vital process worth investing in or they will leave doubting the ability of the Treaty to meet the needs of their own country and the security environment as a whole. There are opportunities for action not just by the NWS, but other countries as well, to engage seriously in the debate and tackle some of the most problematic aspects of the Treaty. Four suggestions are mentioned below, but are by no means the only solutions.

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Firstly, there must be no doubt as to the seriousness with which the NWS take their commitments to Article VI, as mentioned above. This action could translate into any number of mechanisms, but must contribute to solving the concerns of the majority of states parties.

In order to remain relevant, the NPT will need to address the question of South Asian testing, thus showing that states parties will act cohesively to support the non-proliferation norm that the Treaty has created. Failure to do this will highlight the weaknesses in the Treaty and limit its capacity to act in the future.

Flexibility is vital on the question of the Middle East resolution and its related problems. Both sides must work for the greater good health of the Treaty and minimize external problems in this forum. Progress in the Middle East peace process will mean a lessening of tensions over this issue, but it will still be one of the more difficult obstacles to overcome.

Lack of transparency and accountability by various ad hoc control regimes are a perpetual thorn in the side of many states parties. The Nuclear Suppliers Group, the Missile Technology Control Regime and the Zangger Committee could all report to the 2000 Review Conference on their respective activities. It would be a welcome and overdue measure to increase NPT stability and confidence.

NEW AGENDA COALITION

This new group was borne of the frustration encountered by many countries regarding the lack of timely progress on the nuclear disarmament front. They contribute to the overall environment outside of the NPT, but also act as well within the Treaty. In 1999 for the first time a large number of states issued a joint statement reciting many of the goals of the NAC. States parties would be well advised to take up these suggestions in their NPT deliberations, as well as in other fora. One opportunity for action would be additional co-sponsors of this statement at the 2000 Review Conference, and in the United Nations General Assembly.

CONFERENCE ON DISARMAMENT

This “single multilateral negotiating forum on disarmament matters in the world” is struggling to maintain its relevancy as well. Lack of substantive progress on any issue for the past few years is merely a reflection of difficulties encountered on a range of disarmament issues. Heavy outdated rules of procedure hang like a lead weight around its neck, and the consensus format means it gets bandied about like a political baton by those wanting to block progress or simply make a point. It is, however, still a forum in which actions could be taken to strengthen the NPT. Discussions on fissile material cut-off and negative security assurances, talks on nuclear disarmament (Slippery slope? Wear good shoes) are all areas that have been discussed in the NPT forum and which would fortify the Treaty and regime as a whole.

GROUP STATEMENTS AND COORDINATION

Joint statements from influential groups of countries, like the Non-Aligned Movement and the European Union (EU), addressing specific problematics in the NPT and offering concrete solutions would be an interesting and useful new step. The EU could go one further and offer language on rejection of a “nuclear” EU in future, as Europe moves ever closer to a common defence.

NATO

A huge confidence-building measure by NATO's nineteen members would be a clear and high-profile statement at the meeting of NATO heads of state in December of 1999 reiterating their unequivocal commitment to all NPT articles, especially Article VI. A blow was dealt by these same nineteen NPT members in April when they renewed NATO's nuclear posture in the 1999 Strategic Concept. A second, future option would be a withdrawal of American tactical nuclear weapons from the soil of non-nuclear countries. Then the issue of nuclear sharing and NPT treaty articles could be permanently put to rest. Even further, NATO could renounce the nuclear option altogether and remain a solely conventional military alliance.

UNITED NATIONS GENERAL ASSEMBLY

Core NPT concerns could also be supported in various resolutions on the table at the General Assembly. The Treaty does not exist in a vacuum and several cross-issues could be bolstered in the yearly First Committee and plenary.

MALAYSIAN WORKING PAPER ON UNIVERSALITY

One of the most interesting new developments at the 1999 PrepCom was a working paper submitted by Malaysia on a mechanism to enhance chances for a NPT with universal adherence. It outlined a mechanism that would provide a more balanced approach to working with those states still outside the treaty, thus giving states parties more equal access to discussions and decision-making affecting the universality of the NPT. Universality of this important treaty is a key goal, and establishing such a forum would allow a greater number of countries to actively pursue this aim. Currently, much work is done bilaterally and on an ad hoc basis, with no coordinated overall approach.

Two of the most outstanding external problems for the Treaty at the moment are South Asia and the Middle East. These crop up every year and regularly serve as sticking points for discord and inaction. A mechanism to constructively engage the countries outside the Treaty would open up a vital forum that would simultaneously strengthen the NPT and greatly increase stability for the entire non-proliferation regime. First, a dialogue would begin on why these countries are unable to join at present, and conversely why NPT states parties want those countries to accede. That would provide a link that currently only exists in a bilateral fashion, and begin the process of "socialization" between those outside and inside the Treaty necessary for mutual understanding and cooperation.

A forum then would also be there when those states were ready to begin negotiations for entry. Trust would be higher in a known forum, and would facilitate the delicate process. Also, if there is another crisis in future, a forum would already exist in which the matter could be addressed constructively and jointly on behalf of all those concerned — which includes all NPT states parties. How would such an established forum have aided in reacting to the nuclear tests by India and Pakistan last year? Arguably such a conduit would have helped ease tensions and provided a welcome arena for discussion.

Conclusion

While the NPT has performed well to-date, it is not a Treaty that can afford to remain complacent and indifferent to the external environment. It must adapt to new situations, and maintain a high level of confidence by its members in order to avoid becoming irrelevant. There is a serious danger of that happening at some point in the not-so-distant future if attitudes do not also change. The norm that has been established by having so many countries invested in this important process must be maintained at all costs. However, in order to accomplish this worthy task, some unpleasant pills will have to be swallowed by those who have escaped distasteful actions thus far.

Nuclear disarmament progress will top the list of most, and continued heel-dragging will bring unwanted results for the NWS. A taboo can only exist if *all* states parties are seen to reject these weapons. If that is not the case, it is reasonable to assume that others will follow the example set by the NWS.

The nuclear-capable countries will need to be brought into the regime, which may or may not include membership in the NPT in the near-term. A dialogue forum, such as the one outlined by the Malaysian paper, could help ensure that the norm is respected and protected regardless of respective membership.

A strong and responsive Review Conference in 2000 will go a long way in ensuring the continued vitality of the Treaty. Measures outlined here could contribute to a successful outcome, but are by no means the only factors. Success is a relative term to be decided by individual states, but will need to be the catchword post-Review Conference in order to keep members invested in the process.

Can the NPT continue to be the cornerstone of the nuclear non-proliferation regime? Absolutely. But the bottom line is that it will have to continue to meet the perceived security needs of its member states. That necessitates change from the current situation, but is certainly possible provided the will to do so is there.

Notes

- ¹ "The supreme guarantee of the security of the Allies is provided by the strategic nuclear forces of the Alliance...". NATO Strategic Concept, 1999, para. 62.
- ² "A credible Alliance nuclear posture and the demonstration of Alliance solidarity and common commitment to war prevention continue to require widespread participation by the European Allies involved in collective defence planning in nuclear roles, in peacetime basing of nuclear forces on their territory and in command, control and consultation arrangements". NATO Strategic Concept, 1999, para. 63.