

Text Only | Disarmament Diplomacy | Disarmament Documentation | ACRONYM Reports



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[Iraq](#)  
[US/Russia](#)  
[Space](#)  
[NPT](#)  
[CTBT](#)  
[Fissban](#)  
[BWC](#)  
[CWC](#)  
[UN](#)  
[CD](#)  
[British Policy](#)  
[South Asia](#)  
[Calendar](#)  
[About Acronym](#)  
[Links](#)  
[Glossary](#)

  


### An Uneasy Alliance: NATO Nuclear Doctrine & The NPT By Karel Koster

#### Introduction: Clear Responsibilities, Ambiguous Commitments

There is a peculiar ambiguity in the NATO defence doctrine. Sixteen of the nineteen member states of NATO are defined as being 'non-nuclear-weapon states' in the NPT. At the same time they belong to an alliance, which regards nuclear deterrence as a key part of its military doctrine. This contradiction has long exerted a negative influence over attempts by the international community to take serious steps towards nuclear disarmament. Criticism of the 1998 Indian and Pakistan nuclear tests by the NATO non-nuclear-weapon states highlighted the obvious contradiction between relying on a nuclear deterrent on the one hand, and, on the other, condemning its adoption by any other state.

The ambiguity came to the fore at the NATO summit held in April 1999 in Washington D.C. In the Strategic Concept adopted at the summit, paragraphs 62 and 63 maintain that:

"62. The fundamental purpose of the nuclear forces of the Allies is political: to preserve peace and prevent coercion and any kind of war. They will continue to fulfil an essential role by ensuring uncertainty in the mind of any aggressor about the nature of the Allies' response to military aggression. They demonstrate that aggression of any kind is not a rational option. The supreme guarantee of the security of the Allies is provided by the strategic nuclear forces of the Alliance, particularly those of the United States; the independent nuclear forces of the United Kingdom and France, which have a deterrent role of their own, contribute to the overall deterrence and security of the Allies.

63. A credible Alliance nuclear posture and the demonstration of Alliance solidarity and common commitment to war prevention continue to require widespread participation by 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. Nuclear forces based in Europe and committed to NATO provide an essential political and military link between the European and the North American members of the Alliance. The Alliance will therefore maintain adequate nuclear forces in Europe. These forces need to have the necessary characteristics and appropriate flexibility and survivability, to be perceived as a credible and effective element of the Allies' strategy in preventing war. They will be maintained at the minimum level sufficient to preserve peace and stability."<sup>1</sup>

At the same time, the summit communiqué was released, in which an

opening was created for an evaluation of NATO nuclear policy:

"32. Arms control, disarmament and non-proliferation will continue to play a major role in the achievement of the Alliance's security objectives. NATO has a long-standing commitment in this area. Allied forces, both conventional and nuclear, have been significantly reduced since the end of the Cold War as part of the changed security environment. All Allies are States Parties to the central treaties related to disarmament and non-proliferation of weapons of mass destruction, the Nuclear Non-Proliferation Treaty, the Biological and Toxin Weapons Convention and the Chemical Weapons Convention, and are committed to the full implementation of these treaties. NATO is a defensive Alliance seeking to enhance security and stability at the minimum level of forces consistent with the requirements for the full range of Alliance missions. As part of its broad approach to security, NATO actively supports arms control and disarmament, both conventional and nuclear, and pursues its approach against the proliferation of weapons of mass destruction and their delivery means. In the light of overall strategic developments and the reduced salience of nuclear weapons, the Alliance will consider options for confidence and security building measures, verification, non-proliferation and arms control and disarmament. The Council in Permanent Session will propose a process to Ministers in December for considering such options. The responsible NATO bodies would accomplish this. We support deepening consultations with Russia in these and other areas in the Permanent Joint Council as well as with Ukraine in the NATO-Ukraine Commission and with other Partners in the EAPC [Euro-Atlantic Partnership Council]."<sup>2</sup>

There is, thus, a clear dissonance between reassertion and reform of nuclear strategy within the Alliance. Opposition to existing policy was first formulated publicly by the German and Canadian foreign ministers in the second half of 1998. Fischer argued for a 'no-first use' clause to be included in NATO's new Strategic Concept, while Axworthy called for "new initiatives" and "new thinking" to resolve the "evident tension between what NATO allies say about proliferation and what we do about disarmament."<sup>3</sup> Although the new Concept did not go as far as either Minister urged, the communiqué language quoted above highlighted at least a degree of hesitation and reflectiveness in NATO circles over its nuclear posture.

### NATO's Nuclear Infrastructure & Arrangements

NATO not only underwrites a nuclear strategy: it also has access to the wherewithal to implement it. The British and French ballistic missile submarine fleets 'contribute to the overall deterrence and security of the Allies'. Four US Navy Trident submarines are assigned to the NATO Supreme Allied Commander Europe (SACEUR) and, most significantly, the aircraft of six member states are equipped to deliver air-launched free-falling nuclear bombs. Of especial political importance is the status of these bombs and the weapons systems used to deliver them. While the French, British and US submarine-launched ballistic missiles (SLBMs) are under the respective national control of the nuclear-weapons states, the gravity bombs made available to the NATO planners have a status all their



own. The 180 nuclear bombs,<sup>4</sup> stored at as many as 15 airfields in Belgium, Germany, Greece, Italy, Netherlands, Turkey and the UK, are in fact American, while designated for use not only by US aircraft, but also by the air forces of the six non-nuclear-weapon NATO states mentioned above. It is this particular status which lies at the root of much discussion concerning the NATO nuclear 'umbrella' and the Alliance's collective obligation under the NPT. The fact is that these bombs are available for use in case NATO as a whole should go to war. In such an eventuality, the bombs would be dropped on their targets by aircraft flown by NATO pilots, in accordance with plans and using tactics developed by NATO staff. In view of this clear involvement of the non-nuclear weapons member states of the Atlantic Alliance, two key questions arise:

- Under which conditions will the NATO nuclear weapons be used?
- Is such use in accordance with the NPT and other international commitments signed by the NATO member states?

### NATO First Use

According to well informed sources, a revised version of a classified NATO document (MC 400/2) describing the Alliance's military doctrine - the translation of the Strategic Concept into operational terms - apparently retains the possibility that nuclear weapons could be used against states armed with biological or chemical weapons, even if they have signed the NPT. This document was unanimously adopted at the North Atlantic Council on May 16, 2000, after the Military Committee had agreed to it on February 7.<sup>5</sup> That is, NATO doctrine allows the North Atlantic Council to advise its members to use nuclear weapons against states using, threatening to use, or even simply possessing weapons of mass destruction. Luke Hill, Brussels correspondent of the US-based *Defense News*, quotes one NATO official as stating that nuclear weapons "are our only weapons of mass destruction. Nuclear weapons could constitute, in case there is a threat against NATO or any member through (weapons of mass destruction, including biological and chemical), the only deterrent we have."<sup>6</sup> Such a policy bears a not altogether coincidental similarity to that adopted in 1996 by the US, which allows for nuclear strikes against states or even "actors" using or preparing to use weapons of mass destruction against US targets.<sup>7</sup>

### NPT Obligations

According to paragraphs I and II of the Non-Proliferation Treaty, nuclear weapons may not be transferred or received by the signatories.<sup>8</sup> So if the procedure followed in wartime actually transferred nuclear weapons to the 'sharing' state, it would be illegal. Officials of the states concerned counter this reasoning in a number of ways.

According to one line of argument, an exception for paragraphs I and II was created when the treaty was being negotiated in 1968, based on the contention that the prohibitions were designed to define normal peacetime practice and would not apply to conditions of general war. Such a line was followed, for example, by the Belgian Minister of Foreign Affairs Louis

Michel on May 11 this year. Asked in Parliament about the legality of NATO attacking states armed with WMD, he replied that the NPT "does not apply in time of war. According to the Vienna Convention arms-related treaties or treaties with such implications are suspended in time of war."<sup>9</sup> Amazingly, however, Dutch Minister of Foreign Affairs Jozias van Aartsen, when asked the same question in June, took issue with his Belgian colleague: "I disagree with this statement. There has also been an exchange of opinions about this with Belgium at civil servant level. In the opinion of the Government there is no question of a violation of the Non-Proliferation Treaty, not even in time of war."<sup>10</sup> Dutch diplomats at the NPT Review Conference also insisted both that the NPT would remain valid in time of war, and that Articles I and II would not be violated by NATO during any conflict, as there would be no question of transferring control of the nuclear weapons to the sharer states. The pilot, plane and nuclear device would be under the command of SACEUR, who, not unimportantly, is always an American. By means of this structure, there would be no transfer to another entity at all: neither NATO nor the NATO allied pilot would control the bomb.

### Negative Security Assurances

This somewhat convoluted logic is also applied to the 'negative security assurances' given to NPT members. When the Treaty was extended indefinitely in 1995, this was a question of vital importance. The member states, in exchange for repudiating in perpetuity any intention to develop nuclear weapons, demanded that the nuclear weapons states would guarantee that they would never attack them with these weapons. In UN Security Council resolution 984 (1995), such guarantees were apparently given. However, official documents published by the Russian and US Governments call the pledges into question. On January 10, 2000 the Russian Federation officially reaffirmed the 'first strike' option it had first adopted in 1993.<sup>11</sup> The US, in the 1996 Joint Chiefs document referred to above, stated that "offensive operations against enemy WMD and their delivery systems should be undertaken once hostilities become inevitable or commence".

Of course, NATO nuclear doctrine is not the same as that of the US. Historically, however, US nuclear doctrine has tended to be adopted by NATO. After all, the 'shared' nuclear weapons are American. Furthermore, NATO itself did not officially adopt the negative security assurances given in resolution 984. This was explained by van Aartsen as follows: "There is no question of a contradiction between the relevant NATO policy and the negative security assurances provided by the nuclear-weapons states. This is because decisions about the use of nuclear weapons are the responsibility of the nuclear-weapons states and not NATO. The nuclear-weapons states are committed to the NSAs which they have themselves given."<sup>12</sup> Van Aartsen also expressed agreement with the recently expressed opinion of his Danish counterpart, Niels Helveg Petersen, that the NPT does not prohibit the use of nuclear weapons against states armed with biological and nuclear weapons.<sup>13</sup>

### Criticism of NATO Nuclear Policy



Such reasoning has a distinctly evasive and theological air, a quality which has not gone unremarked on by NPT states. In a working paper presented at the 1998 NPT Preparatory Committee (PrepCom), the Non-Aligned Movement (NAM), representing 113 States Parties, called on the nuclear-weapon states "to refrain from nuclear sharing with nuclear weapons States, non-nuclear weapons states and States not party to the Treaty for military purposes under any kind of security arrangements."<sup>14</sup> At the 1999 PrepCom, Egypt explicitly attacked NATO nuclear 'sharing' procedures: "Neither Article I nor Article II suffer any exceptions. Notwithstanding the clear and unambiguous nature of articles I & II of the NPT, NATO's so-called 'nuclear sharing' arrangements and its concepts regarding nuclear deterrence...raise significant doubts over the extent of compliance of some NATO members with the provisions of both these articles..."<sup>15</sup>

A widely shared concern has been that NATO expansion will increase the number of states involved in the Alliance's nuclear structure. As South Africa argued at the 1997 PrepCom: "The planned expansion of NATO would entail an increase in the number of non-nuclear weapon states which participate in nuclear training...[and] which [would] have an element of nuclear deterrence in their defence policies."<sup>16</sup> Although no nuclear weapons are stationed on the territory of Poland, Hungary or the Czech republic, they, like all NATO member states except France, are involved in the planning arrangements for the use of the nuclear weapons in time of war. Neither has NATO given cast iron guarantees not to deploy nuclear weapons on the territory of new member states, stressing only that it has no plans to do so.

This increasing stream of criticism from within the NPT now appears to be influencing the political debate in a number of NATO countries and Parliaments. Indeed, although some states are far more vocal than others in raising difficult issues, the NATO nuclear review signalled in paragraph 32 of the 1999 summit communiqué reflects a generally deepening divide between the NATO nuclear-weapon states and the non-nuclear membership.

Annual votes at the United Nations on the resolutions of the New Agenda Coalition, which call for more definite steps towards nuclear disarmament and stress that "each article of the NPT is binding on the respective States Parties at all times and in all circumstances", also confirm this tendency. In the 1999 vote, for example, the US, UK, France, Poland and Hungary voted against the resolution, while the rest of NATO abstained.<sup>17</sup> Meanwhile, at the Conference on Disarmament (CD) in Geneva, the NATO Five group (Belgium, Germany, Italy, Netherlands, Norway) tabled a proposition (February 2, 1999) "to set an ad hoc working group committee to study ways and means of establishing an exchange of information and views within the Conference on endeavours towards nuclear disarmament".<sup>18</sup>

### Shifts in NATO Policy: How Far, How Fast?

The question now is, can the cautious criticism voiced in a number of fora by a small number of NATO states be transformed into a more substantial

process? Clearly, there is a strong tendency within NATO to downgrade the importance of the procedure agreed on at the Washington Summit. Walter Slocombe, US Under Secretary of Defence for Policy, said in a press conference on June 8, 2000: "There is no plan for a comprehensive review of NATO nuclear policy."<sup>19</sup> Interestingly, though, the NATO Foreign Ministers' communiqué issued in Florence in May this year refers to "a comprehensive and integrated review".<sup>20</sup> However, informal statements by Dutch diplomats suggest that the process may be limited to transparency and confidence building measures. In itself this would be a positive development, but in terms of addressing the basic contradiction between NATO nuclear policy and commitments under the NPT, such a narrow reform agenda is clearly inadequate.

Weighing up the current debate and its subtexts, it is debatable whether the undoubted differences of opinion within the Alliance are as yet sufficiently strong to result in a major shift in policy. Taken at face value, there is certainly some good-will in the Alliance towards making serious moves in the direction of the final document of the NPT Review Conference. In fact, the Florence communiqué explicitly supports the "positive outcome" of that Conference". That outcome, it should be noted, included an "unequivocal undertaking by the nuclear-weapon states to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament to which all States Parties are committed under Article VI", an unprecedentedly clear declaration of intent backed by a programme of clearly defined intermediate policy objectives. These include a commitment to apply the "principle of irreversibility" to "nuclear disarmament, nuclear and other related arms control and reduction measures," and the following steps "by all the nuclear-weapon states leading to nuclear disarmament in a way that promotes international stability, and based on the principle of undiminished security for all:

- Further efforts by the nuclear-weapon states to reduce their nuclear arsenals unilaterally.
- Increased transparency by the nuclear-weapon states with regard to the nuclear weapons capabilities and the implementation of agreements pursuant to Article VI and as a voluntary confidence-building measure to support further progress on nuclear disarmament.
- The further reduction of non-strategic nuclear weapons, based on unilateral initiatives and as an integral part of the nuclear arms reduction and disarmament process.
- Concrete agreed measures to further reduce the operational status of nuclear weapons systems.
- A diminishing role for nuclear weapons in security policies to minimize the risk that these weapons ever be used and to facilitate the process of their total elimination.
- The engagement as soon as appropriate of all the nuclear-weapon states in the process leading to the total elimination of their nuclear weapons."<sup>21</sup>

In terms of the limited review apparently underway, the principle of irreversibility would prevent the taking back into NATO service of the hundreds of American tactical nuclear weapons removed from Europe



during the last decade. Transparency measures, meanwhile, are particularly popular with officials from the Dutch Ministry of Foreign Affairs, who presumably see no reason for continuing to deny the existence of the free-fall bombs on Dutch soil. The official 'non-confirm/non-deny' policy on the presence of the nuclear bombs has taken on a rather ridiculous air in the face of open references to the weapons by Parliamentarians, including those of governing parties. Anti-nuclear activists have also collected and published an impressive amount of supporting documentation. NATO transparency on such weapons, it is hoped, may encourage similar openness on the part of Russia with regard to the location of its many thousands of tactical nuclear weapons.

The enthusiasm of NATO Governments for the *removal* of the free-fall bombs, however, is somewhat doubtful. Although in the Netherlands, for example, two of the three governing parties are for a negotiated withdrawal, the Minister of Foreign Affairs and his predecessor have repeatedly stated that the nuclear weapons form an essential transatlantic link, vital for the very existence of NATO. It is not altogether impossible that while US strategists and perhaps a new US administration would have little problem in removing the bombs, many European NATO Governments would balk at the wider political implications of such a move.

This wariness, however, may change in the light of recent developments in the direction of a European security and defence policy. Such a basic, long-term shift has become ever more visible, even in traditionally Atlanticist Dutch foreign policy, and similar movement in the policies of other member states may have significant consequences for Alliance nuclear policy. In the intermediate term, this might result in a withdrawal of US sub-strategic nuclear weapons from the territory of European NATO member states, although it is questionable whether that would be an altogether favourable development. The recent musings of French Foreign Minister Hubert Vedrine, in the Italian daily *Repubblica*, on a future European nuclear deterrent based on the French and British nuclear forces, are a salutary reminder that even the end of a NATO nuclear policy would not necessarily mean the end of the presence of nuclear weapons in Europe.<sup>22</sup> The ultimate step might well be a European nuclear deterrent.

Notwithstanding risks and limitations, the current pro-reform disposition of a small number of NATO states should be encouraged by all parties interested in even small steps towards nuclear disarmament. The coming months will see the annual debate on nuclear disarmament at the UN First Committee and General Assembly, where the New Agenda Coalition will surely again take a lead in carrying the process forward. In NATO itself, the review process will give national Parliaments the opportunity to debate Alliance and Governmental claims about progress along this path. Parliamentary involvement is vital to avert the danger that the process will be smothered in bureaucratic manoeuvres.

### Conclusion

At all levels of the debate over the Alliance's nuclear weapons and policy, the commitments made by all the NATO states at the NPT Review

Conference will assume an obvious and central importance. But it is developments in US and Russian nuclear policy which will form the defining backdrop. Looming over all discussions is the US NMD programme. In their comments on this plan, NATO countries have been keen to emphasise the importance of maintaining the ABM Treaty or else amending it only with Russian approval.<sup>23</sup> As this is, in terms of the ABM Treaty, essentially a bilateral affair between the US and Russia, any compromise will probably be accepted by the Alliance. Any agreement allowing NMD deployment, however, will almost certainly result in an Asian nuclear arms race as China expands its strategic forces to counter the US shield and is followed by India and Pakistan. If the US goes ahead without Russian agreement - as seems probable should the Republicans win back the White House in November's Presidential elections - then a nuclear arms race with Russia is also likely. Either way, the world will not become a safer place, and the general international push to radicalise disarmament efforts will receive a grievous blow.

In the absence of any popular mass movement against nuclear weapons, it has become increasingly clear that only pressure from within NATO may persuade the Alliance's three nuclear-weapons states that international arms control is not only a viable option but ultimately safer and more rational than any attempt to impose unilateralist policies against proliferation on the rest of the world. To encourage this approach, it would be useful if the five NATO states which have shown themselves prepared to move faster in other contexts - Belgium, Germany, Italy, Netherlands and Norway - were to follow the example of Canada's increasingly vocal and forthright stance in favour of nuclear reform. A strong, broad pro-reform voice will provide the best opportunity for serious steps to be taken to counter a possible renewal of the nuclear arms race.

#### Notes and References

1. Strategic Concept, NAC-S (99)65, April 24, 1999. N
2. Summit Communiqué, 'An Alliance for the 21<sup>st</sup> Century,' NAC-S(99)64, April 24, 1999.
3. See Fischer, interview with *Der Spiegel*, November 21, 1998. Quote from Axworthy taken from remarks to a NATO Ministerial meeting, December 8, 1998, *Disarmament Diplomacy* No. 33, December 1998/January 1999 (full text on NATO website <http://www.nato.int/docu/speech/1998/s981208i.htm>).
4. *Questions of Command and Control*, PENN (Project on European Nuclear Non-Proliferation) Research Report 2000.1.
5. Answer given by Foreign Minister van Aartsen, Dutch Parliament, July 17, 2000.
6. *Defense News*, June 12, 2000.
7. US Joint Chiefs of Staff 'Doctrine for Joint Theater Nuclear Operations,



JP 3-12.1, Washington, February 9, 1996.

8. Article I reads: "Each nuclear-weapon State Party to the Treaty undertakes not to transfer to any recipient whatsoever nuclear weapons or other nuclear explosive devices or control over such weapons or explosive devices directly, or indirectly;..." Article II reads: "Each non-nuclear-weapon State Party to the Treaty undertakes not to receive the transfer from any transferor whatsoever of nuclear weapons or other nuclear explosive devices or of control over such weapons or explosive devices directly, or indirectly;..."

9. Michel, reply to oral question, Belgian Parliament, May 11, 2000. Translation by Karel Koster.

10. Van Aartsen, written Parliamentary answer, June 14, 2000. Some of the confusion about NPT obligations in peacetime and war can be attributed to the question of how 'war' is defined: see *Questions of Command and Control*, PENN Research Report 2000.1, p. 25.

11. 'National Security Concept', issued in Presidential Decree 24 of January 10, 2000 - see *Disarmament Diplomacy* No. 43, January-February 2000.

12. Van Aartsen, written Parliamentary answer, June 14, 2000.

13. Van Aartsen, reply to oral question, Dutch Parliament, May 9, 2000.

14. Non-Aligned Movement Working Paper, 1998 PrepCom, Geneva, April 28.

15. Statement by Ambassador Mounir Zahran, 1999 PrepCom, New York, May 12.

16. Statement by Ambassador K. J. Jele, 1997 PrepCom, New York, April 8.

17. The resolution was adopted by the First Committee (L.18) by 90 votes to 13 with 37 abstentions, and by the UN General Assembly (54/54G) by 111 votes to 13 with 39 extensions. See *Disarmament Diplomacy* No. 41, November 1999.

18. See *Disarmament Diplomacy* No. 34, February 1999.

19. Transcript - Slocombe briefing in Brussels on NATO, missile defense, US State Department (Washington File), June 8, 2000.

20. M-NAC-1 (2000) 52, 24 May 2000.

21. Final Document, 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, NPT/CONF.2000/28 (Vol. I, Part I and II), 22 May 2000.

22. *France Floats Idea of Single European Nuclear Force*, Reuters, July 12, 2000.

23. See the website of the British American Security Information Council <http://www.basicint.org/> for a compendium of official comments.

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[Return to top of page](#)

[Return to List of Contents](#)

[Return to Acronym Main Page](#)