

# **NATO Nuclear Weapons: The International Face of US Nuclear Policy**

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*“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.”*

*NATO's Strategic Concept (1999)*

## **Introduction**

Americans and Europeans alike could be forgiven for attributing this policy statement to perhaps the Cold War of the 1960s. Fifteen years after the end of the Soviet Union and the breakup of the Warsaw Pact, most of the populations on both sides of the Atlantic would be surprised to learn that this is current doctrine.

International leverage points for changing US nuclear policy are difficult to quantify. Not only do international actors hold no official standing—they do not hold elected office in the United States, they are not constituents to any US elected official—but we live in an age that seems particularly hostile to international armchair quarterbacking. In searching for strategies to affect US nuclear policy then, it may be helpful to turn attention to fora

in which international actors wield decision-making power cooperatively with the United States—and one of the most recognizable of these institutions is NATO. As it happens, NATO is also an integral component of US nuclear policy.

## **Background**

Nuclear weapons have played a key role in NATO's military strategy since its inception in 1949. NATO's current Strategic Concept (1999) states that the "fundamental purpose of the nuclear forces of the Allies is political: to preserve peace and prevent coercion and any kind of war." And NATO substrategic weapons not only provide a nuclear umbrella for Europe, they are also seen as symbolic of the transatlantic link between the United States and its European allies.

In 2006, the United States is the only nuclear weapons state that bases any portion of its nuclear arsenal on foreign soil. According to a February 2005 report by the Natural Resources Defense Council, the United States continues to deploy approximately 480 nuclear weapons at eight bases in six NATO countries. Five of these six countries—Belgium, Germany, Italy, the Netherlands, and Turkey—are Non-Nuclear Weapons States under the terms of the Non-Proliferation Treaty. These countries host US B61 'gravity' bombs that, in the event of nuclear war, could be delivered by aircraft and pilots belonging to the host nation. Previously Greece also participated in nuclear sharing, but in 2003 US nuclear weapons were reportedly withdrawn from the country. The United Kingdom also hosts US nuclear weapons, USAF aircraft and pilots. Along with the SSBNs, NATO nuclear weapons are the forward tip of the US nuclear arsenal.

## **Legal Issues**

The question of the legality of NATO nuclear weapons hinges on the interpretation of several of the articles of the nuclear Non-Proliferation Treaty. There is a long history of debate surrounding the question of transferring nuclear weapons to non-nuclear states.

NATO's nuclear sharing arrangements were at the centre of negotiations between the United States and Russia on Articles I and II of the NPT in the mid-1960s. Article I of the NPT states that:

*“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 completes the circle by imposing similar restrictions from non-nuclear states on the receiving end:

*“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”*

NATO nuclear sharing expressly bases US nuclear weapons within five non-nuclear countries and explicitly sets out chain of command instructions whereby those nuclear weapons could be transferred to the basing countries in time of need. As such, NATO nuclear sharing appears to breach both Article I and II of the NPT. For its part, NATO asserts that nuclear sharing is compatible with the NPT, based on a US interpretation that it does “not involve any transfer of nuclear weapons or control over them unless and until a decision were made to go to war, at which time the treaty would no longer be controlling.”

In the past ten years, this interpretation has become increasingly controversial. At the 1995 NPT Review Conference, Mexico asked in Main Committee 1 for clarification on whether nuclear sharing breached Articles I and II. Mexico's concerns were taken up by the Non-Aligned Movement. As a result several proposals for language questioning the US interpretation were put forward for inclusion in the Committee's final report, including:

*“The Conference notes that among States parties there are various interpretations of the implementation of certain aspects of articles I and II which need clarification, especially regarding the obligations of nuclear weapon States parties...when acting in cooperation with groups of nuclear-weapon States parties under regional arrangements...”*

Similarly, at the 1998 Preparatory Committee meeting, Egypt proposed a way to close the loophole on nuclear sharing by suggesting that:

*“The PrepCom recommend that the 2000 Review Conference state in clear and unambiguous terms that Articles I and II of the Treaty on the Non-Proliferation of Nuclear Weapons allow for no exceptions and that the NPT is binding on States Parties at all times.”*

At the 1999 PrepCom, a statement on behalf of the New Agenda Coalition (NAC) stated that:

*“all the articles of the NPT are binding on all States Parties and at all times and in all circumstances.”*

NATO also asserts that nuclear sharing is in compliance with the NPT because it pre-dates the NPT. However, not all parties to the NPT were made aware of the NATO arrangements at that time. Although nuclear sharing was not challenged in the 1960s, it has been subsequently challenged and is being questioned today.

### **Developments since the 2000 Review Conference**

The 1995 NPT Principles and Objectives for Nuclear Non-Proliferation and Disarmament contain a number of commitments relevant to NATO, such as the establishment of additional Nuclear Weapon-Free Zones (NWFZs), and the need for strengthened security assurances for Non-Nuclear Weapons States. Similarly, the 2000 NPT Final Document includes:

- ❖ the need for further unilateral reductions in nuclear arsenals;
- ❖ increased transparency;
- ❖ further reduction of non-strategic nuclear weapons;
- ❖ measures to reduce the operational status of nuclear weapons systems; and
- ❖ a diminishing role for nuclear weapons in security policies.

This call for a “diminishing role for nuclear weapons in security policies” followed concerns about NATO’s Strategic Concept, which describes nuclear weapons as the “supreme guarantee” of Allied security.

In June 2004, NATO published two fact sheets, which it claims demonstrate the “radical” and “far reaching” steps the Alliance has taken to adapt its nuclear policy, by reducing the number of nuclear weapons in Europe since the end of the Cold War. However, recent figures published by the National Resources Defense Council (NRDC) indicate that the number of US nuclear warheads based in Europe has remained static at about 480 since the 1994 US Nuclear Posture Review. After three subsequent NPT Review Conferences, fifteen years past the end of the Cold War, and five years after 9/11, NATO nuclear policy has remained static for the past twelve years.

However, US, UK, and French nuclear policies have not remained equally static. Far from reducing the role of nuclear weapons, the United States is now pursuing the development of new nuclear weapons under the aegis of the Reliable Replacement Warhead program and enhancing the role of nuclear weapons in counter-proliferation and preventive war strategies. The United Kingdom is scheduled to announce a decision on whether to replace their sole nuclear platform—Trident—and preparations would seem to indicate a path closely hewing to the US position. Indeed, the US and UK were scheduled to conduct a sub-critical nuclear test at the Nevada Test Site on February 23, 2006 as part of ongoing cooperative efforts. France has matched these actions with rhetoric, with President Chirac recently stating that France reserves the right to use nuclear weapons against any who would threaten the use of WMD against it. France has also announced

that it has modified its nuclear arsenal to improve its strike capability and increase missile range. NATO may come under pressure to adopt similar policies.

Taken as a whole, these activities bring into serious question the commitment of the United States, the United Kingdom, and France toward fulfilling their obligations under Article VI of the NPT, which mandates pursuing in good faith negotiations toward disarmament.

### **International Strategies for Influencing US Nuclear Policy**

Perhaps surprisingly, there has recently been considerable grumbling among high-level European officials on the subject of the continuing presence of US nuclear weapons in Europe. Last March, the Belgian Senate unanimously adopted a resolution calling for “the gradual withdrawal of the American tactical nuclear weapons from Europe as fulfillment of Article VI of the NPT.” In April 2005, the German Liberal party, the FDP, introduced a resolution to the Bundestag similarly calling for the removal of US nuclear weapons from Germany. Subsequently, a number of prominent German politicians have repeated the call and a new resolution has been introduced in 2006. Also in April 2005, a Norwegian Parliament Foreign Affairs Committee member from the ruling party reiterated the desire to see US nuclear weapons removed from European soil.

### **Prospects for Progress**

NATO does not publish details on the number of nuclear weapons remaining in Europe, despite the member states’ commitment to transparency in the 2000 NPT Final Document. The continued presence of US nuclear weapons has, in part, also resulted in Russia declining to discuss their ‘tactical’ nuclear weapon holdings and dismantlement. NATO claims that it is in “full compliance” with the negative security assurances (NSAs) issued by the United States, the United Kingdom and France on the eve of the 1995 NPT Review Conference.

However, NATO's refusal to rule out first use of nuclear weapons is a major obstacle to further steps to strengthen NSAs. It also effectively gives a green light to NATO military planners to prepare for the option of using nuclear weapons first. NATO's policies have also proved a serious obstacle to any possibility of a Nuclear Weapons Free Zone in Central Europe.

NATO could play an important role in strengthening the NPT by supporting:

- ❖ ratification of the Comprehensive Test Ban Treaty (CTBT);
- ❖ efforts to negotiate a Fissile Material Cut-Off Treaty (FMCT);
- ❖ the establishment of an ad hoc committee on nuclear disarmament at the Conference on Disarmament;
- ❖ the adoption of a no-first use policy;
- ❖ negotiations with Russia on the verifiable elimination of sub-strategic nuclear weapons and on warhead accounting; and,
- ❖ the withdrawal of the remaining US nuclear weapons from Europe.

Unfortunately, the latest communique from the ministerial meeting of the Defence Planning Committee and the Nuclear Planning Group from June 2005 upheld NATO's nuclear role and failed to mention any of these items. It is clear from continuing European actions, however, that the issue remains very much alive.

A 2005 poll shows that  $\frac{3}{4}$  of the German public wants nuclear weapons out of Germany. In January 2006, the Norwegian Ministry of Finance excluded seven companies from the country's Government Pension Fund-Global—selling approximately \$500 million in shares—due to their involvement in the production of nuclear weapons. A majority in the United Kingdom oppose the development of a follow-on to Trident, when presented with the estimated cost.

The next NATO summit of Heads of State will be held in Latvia at the end of 2006, and is expected to focus on "NATO's transformation, taking stock of what has been

accomplished and charting the way ahead for the Alliance.” Informal meetings of Foreign and Defence Ministers will be held in 2006 in April, and June. Each of these meetings presents opportunities to discuss nuclear sharing and the various steps toward progress that could be taken.

In the challenging realm of international influences on US nuclear policy, changing US policy through NATO may be one of the more attainable goals. Prominent European government officials are already sympathetic and activated; significant portions of European populations are uncomfortable with the current posture; the current policy is hampering non-strategic reductions in Russia and harming our overall relationship with Russia; nuclear sharing makes broader negotiations on nonproliferation (i.e., Iran) more difficult; forward-based nuclear weapons have little or no strategic value in the current political environment; and even US military officials have questioned the continued utility of NATO nuclear sharing.

Scaling back and eliminating NATO nuclear policies would be a significant change in US nuclear policies. It would realign US nuclear forces on a footing much more in keeping with the other nuclear powers and also necessarily change the role of non-strategic nuclear weapons in US nuclear planning. Further, continued efforts on the part of European leaders and those who support and influence them may actually provide a bright spot in otherwise disturbing and worrisome trends in nuclear weapons policies.

*NB: This paper borrows heavily from British American Security Information Council papers and presentations that I co-authored with Nigel Chamberlain and Carol Naughton for the 2005 NPT Review Conference.*