



**BULLETIN OF  
ARMS CONTROL**



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## EDITORIAL

Battle has been raging for some weeks in the Balkans and now has erupted once more between India and Pakistan, two nuclear capable countries, in Kashmir.

NATO, a nuclear alliance, is engaged in an air war with Yugoslavia in an effort to stop President Milosevic's Serbian forces committing gross violations of the human rights of Kosovo Albanians.

Perhaps there is little wonder, therefore, that this Bulletin concentrates on nuclear proliferation and means by which it can be avoided. Ambassador Graham writes with a depth of experience that few could equal, and he is far from complacent about the future of nuclear weapons. As a negotiator he has witnessed the intransigence displayed in international fora, and knows that, for any agreement to be reached, there must be movement and compromise by all concerned. He, Dr Lewis and Professor Stein all reflect on the responsibilities of both the Nuclear Weapon States and those countries which have agreed to forego nuclear weapons in compliance with the Nuclear Non-Proliferation Treaty (NPT). Professor Stein explores in depth the prospects for halting the production of nuclear weapons through a Fissile Material Cut-off Treaty (FMCT).

The five declared nuclear weapon states, three of which are members of NATO engaged in the Balkans, and the remaining two opposed to the action that NATO is taking there, must move even further towards nuclear disarmament if the NPT is to hold together into the next century. The three threshold states, two of which are fighting each other over and in Kashmir, are also critical in the pursuit of limiting the number of countries which see nuclear weapons as being an asset to their security and prestige.

The NATO Alliance should have been celebrating its 50th Anniversary when the Heads of State met in Washington recently. Instead they were doing everything possible to project a feeling of unity, trying to cover up the strains that will inevitably appear when 19 countries take military action. Tim Garden surveys the NATO scene and concludes that a successful outcome of the present Balkan crisis will help NATO build for the future; but adds that failure to achieve its goals could be the start of the end for the Alliance.

# **NATO and Nuclear Weapon Doctrine**

*By Ambassador Thomas Graham, Jr.*

The NATO Alliance recently conducted its 50<sup>th</sup> Anniversary Summit meeting in Washington on 23 and 24 April 1999. The fifty year record of success which has permitted, in the words of the summit communiqué issued on April 24, “the citizens of Allied countries to enjoy an unprecedented period of peace, freedom and prosperity” has been reviewed and paid tribute, with a new Alliance shaped for the challenges of the 21<sup>st</sup> century.

Among other things, the reformulated Alliance will be “able to undertake new missions including contributing to effective conflict prevention and engaging actively in crisis management, including crisis response operations.” This means that NATO has included in its mandate out of area operations through non-Article V (the treaty Article providing that an attack on one Alliance member is an attack on all) responses to crises beyond the borders of NATO which may threaten the interests of the Alliance. Of course, opposing aggression and genocide in South Eastern Europe on the very borders of NATO is one thing, it is quite another to assume a mandate to deal with crises far beyond NATO’s borders.

It may be that this new role for NATO is necessary and inevitable, but one aspect of it bears close attention. Even though the new NATO Strategic Concept, also released on 24 April, describes the use by the Alliance of nuclear weapons as “extremely remote,” NATO doctrine still calls for the first use of nuclear weapons as appropriate. It is inadvisable, I would submit, for NATO to assume out of area responsibility while, at the same time, retaining the doctrine of reserving the right to initiate the use of nuclear weapons in future conflicts. This could be interpreted as threatening non-nuclear weapon states with nuclear weapons. It is more than an invitation to nuclear proliferation, it throws down the gauntlet.

NATO’s policy of reserving the right to use nuclear weapons first may have been appropriate during the Cold War, but now it is contrary to the international commitments associated with the Nuclear Non-Proliferation Treaty (NPT) of the three NATO nuclear weapon state Alliance members and is in direct contradiction to NATO non-proliferation objectives.

The right to use nuclear weapons first was thought to be important to the defense of NATO during the Cold War because of the former Warsaw Pact’s superiority in conventional forces. But, since the fall of the Soviet Union and the dissolution of the Warsaw Pact, it is NATO which maintains conventional superiority in Europe greater than has ever been enjoyed by any force in history. Continued

insistence that the most capable conventional force in the world would need to use nuclear weapons first strains NATO's credibility, as well as the belief by the world's non-nuclear weapons states that their own security does not require a nuclear weapons guarantee.

The civilized world's principal defense against the proliferation of nuclear weapons to irresponsible regimes, terrorist organizations or criminal conspiracies, is the NPT. In order to preserve this necessary foundation of post-Cold War security, NATO's nuclear strategy must be consistent with the non-proliferation priorities of its member states which are all parties to the NPT. Concluded in 1968, the NPT is the legal framework that establishes the international norm against nuclear proliferation and serves as the foundation for all other efforts to control weapons of mass destruction. When it was being negotiated, many predicted that there could be as many as thirty nuclear weapon states by the end of the 1970s, and who knows how many today, if the trend toward nuclear proliferation had been left unchecked. The NPT gave the world a thirty year respite from further proliferation. While three countries – India, Pakistan, and Israel – remained aloof from the Treaty they were careful not to openly defy the regime; until India and Pakistan did so in 1998.

Overt nuclear proliferation in South Asia, amid fervent denunciation of the NPT as a discriminatory and even racist regime, and other ominous developments, now threaten to upset the delicate balance on which both nuclear non-proliferation and disarmament depend. The original NPT signatories in 1968, and all of the countries that have joined since to form a nearly global non-proliferation community, agreed that the number of nuclear weapons states in the world should be limited to the five that already possessed nuclear weapons. The nuclear arsenals of the five were not approved by the NPT; they were specifically challenged by Article VI and their ultimate abolition is mandated by the Treaty. However, the performance of the nuclear weapon states in moving toward nuclear disarmament has been insufficient for many non-nuclear weapon states. Many of those that have voluntarily foresworn the nuclear weapon option on the condition that only five states would have nuclear weapons, and that those five would work together toward disarmament, may reconsider their own commitments in light of changes in these conditions. Many have said as much, and if any leave the Treaty regime, more would surely follow.

In 1995, in connection with the indefinite extension of the NPT the five nuclear weapon states, pursuant to a resolution of the United Nations Security Council formally undertook, not just not to use nuclear weapons first, but rather never to use, or threaten to use, nuclear weapons against the non-nuclear weapon states parties to the NPT – now some 181 countries. These commitments are referred to as negative security assurances. (Cuba is the only state which is not a NPT party apart from the three

threshold states, India, Pakistan and Israel) and were found to be legally binding by the World Court in its 1996 decision. This obligation is central to the continuing viability of the NPT; to undertake not to use, or threaten to use, such weapons against them is the least that the nuclear weapon states can do for the 181 countries that have permanently forsworn nuclear weapons. Continuing to retain a first use option for nuclear weapons suggests that these weapons have many roles and are therefore essential to the security and greatness of a state. Instead, nuclear weapons should have their role narrowly limited to the core function of deterring their use by others.

NATO's retention of the option to use nuclear weapons first is inconsistent with the negative security assurances offered in conjunction with the indefinite extension of the NPT. On the one hand the United States, the United Kingdom and France have pledged never to use, or threaten to use, nuclear weapons against the NPT non-nuclear weapon states. On the other hand, as members of NATO, these three states retain the right to introduce nuclear weapons into future conflicts, which may well mean against non-nuclear weapon states parties to the NPT. Further, some have argued that nuclear weapons should be used to overtly deter chemical and biological weapons possessed by non-nuclear weapon states. This would cause the United States, the United Kingdom and France to be in violation of the negative security assurances as it would be tantamount to threatening to use nuclear weapons against non-nuclear weapon states.

Finally, for the most powerful conventional force in history, the NATO Alliance, to insist that it needs nuclear weapons to say, deter the biological weapons of Saddam Hussein, raises the question as to why Iran or Egypt or virtually any other country does not need them as well. The NATO first use option directly undermines efforts to persuade non-nuclear weapon states to continue to refrain from developing nuclear weapons. And by retaining the option to use nuclear weapons first and not limiting their role to the core function of deterring their use by others, NATO doctrine reinforces the high political value accrued to nuclear weapons, thereby making reductions more difficult and undermining non-proliferation efforts.

The objective of preventing the further proliferation of nuclear weapons should be at the centre of NATO security policy. During the Cold War nuclear weapons were given a very high political status. The five permanent members of the Security Council are the five nuclear weapon states, an accident of history but nevertheless a fact. The Indian Prime Minister said, in effect, after the tests last May "India is a big country now, we have the bomb."

If the political value of nuclear weapons is to be reduced, which is essential if NATO non-proliferation policies are to succeed, and we are to avoid widespread nuclear proliferation creating a nightmare security situation for the 21<sup>st</sup> century, the Alliance nuclear weapon states members simply must take non-proliferation seriously. If the political value of nuclear weapons is not lowered, the political attractiveness of these weapons will be too great and the 1945 era technology on which they are based too simple for many states to continue to forswear them for the long term.

At the Washington Summit, NATO opened the door to the solution of this problem for the Alliance. The Washington Summit Communiqué states in paragraph 32:

“In 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...”

At a news conference on 24 April, Mr. Lloyd Axworthy, the Canadian Foreign Affairs Minister, confirmed the willingness of NATO “To have a review initiated” of its nuclear weapon policies. Mr. Axworthy added “it’s a message that the [Canadian] Prime Minister took [to] certain NATO leaders...I think we have now gained an acknowledgement that such a review would be appropriate and that there would be directions to the NATO Council to start the mechanics of bringing that about.”

It is of great importance that the Alliance positively consider the adoption of a new policy consistent with its new responsibilities: that it will not be the first to introduce nuclear weapons into future conflicts. This would support NATO nuclear non-proliferation goals and would bring the Alliance commitments of the United States, the United Kingdom and France into line with their NPT related obligations. It would remove any potential conflict between the Alliance’s new out of area mandate and its non-proliferation objectives. And it would provide what is likely to be the only positive development in the nuclear arms control and disarmament field to take to the April 2000 NPT Review Conference to help protect a NPT under siege.