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NATO Security in the 21st Century: De-Legitimizing Weapons of Mass Destruction

Lecture by
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I thank the NATO Defense College for the opportunity to present my views on weapons of mass destruction and the future of NATO security. Before I begin, I would like to briefly take a moment to reflect on the monumental event which we all witnessed a fortnight ago, the birth of a new year, a new century, and new millennium. I have spent most of my professional life, and will be speaking to you today, on issues related to the capacity of humankind to destroy itself with chemical, biological or nuclear weapons. The last century witnessed outlandish developments in regard to the technology of these weapons, particularly nuclear weapons. In referring to these weapons President John F. Kennedy said in 1961 that "every man, woman and child lives under a nuclear sword of Damocles, hanging by the slenderest of threads, capable of being cut at any moment by accident or miscalculation or by madness. The weapons of war must be abolished before they abolish us . . ." That sword continues to dangle today, and the thread is no less slender.

Despite this, I have to admit that I was inspired by the great celebrations of the new millennium around the world. From the millions of people in Times

Square in New York to the beautiful fireworks in Paris, the doves in Bethlehem and the traditional dancing in Sydney, I was impressed with the nearly universal spirit of joy and celebration that prevailed. The celebrations highlighted what to me is the unfettered capacity for goodness that exists in humanity, which was further evidenced by the fact that fears of terrorist and apocalyptic violence did not materialize. I am more convinced now than in many years that, despite the seriousness of the problems confronting us, we have an opportunity before us to forge a peaceful and stable world, and I believe that NATO has an essential role in promoting this peace.

A crucial barrier to global peace and security is the spread and continued legitimacy of weapons of mass destruction, particularly nuclear weapons. Last year was an interesting and important one for NATO, one in which the proliferation of weapons of mass destruction played a key role in discourse on the Alliance and its security. In 1999 we saw expansion of Alliance membership to include three former members of the Warsaw Pact and the intervention in Kosovo. Both of these events, as I will discuss later, some commentators argue will have important and negative consequences in terms of weapons of mass destruction. In April 1999 the Alliance agreed to a new Strategic Concept that initiated a review of NATO arms control, non-proliferation and disarmament strategies. Finally, NATO endured internal disagreement on key issues such as the Comprehensive Nuclear Test Ban Treaty (CTBT), Alliance policy regarding the potential first use of nuclear weapons, and deployment by the United States of a national missile defense.

With several of these issues still unresolved, weapons of mass destruction are certain to continue to be an important part of NATO security discourse in 2000. Several important touchstones will have been crossed by this time next year that will undoubtedly have great

significance to the Alliance as well as the international nuclear non-proliferation regime. The review of NATO arms control, non-proliferation and disarmament strategies is scheduled to conclude in December 2000, President Clinton is scheduled to announce a decision on missile defense deployment in or sometime around June, the states parties to the Nuclear Non-Proliferation Treaty (NPT) will meet in April for the first Review Conference since the Treaty was indefinitely extended in 1995, and the CTBT issue is certain not to disappear. You, as the caretakers of Euro-Atlantic security, will be confronted by weapons of mass destruction issues for years to come. Also the CFE Treaty, which is the Treaty the arguably ended the Cold War, as now adapted will continue to play an important role in European security. I would be happy to answer questions on this subject.

In my opinion, the proliferation of weapons of mass destruction, particularly nuclear weapons, is the gravest threat to NATO security now and for the foreseeable future. The Alliance maintains conventional military superiority over just about every currently conceivable enemy or combination of enemies. The Kosovo operation, despite its problems, demonstrated the ability of NATO to rapidly bring to bear a truly international and integrated military force capable of overwhelming a well-trained and modern military establishment. There exists today no military on the earth that could defeat NATO with conventional weapons. Only weapons of mass destruction have the potential to offset this superiority. If a future opponent were to have nuclear, chemical or biological weapons, again most importantly nuclear weapons, NATO would be severely limited in what it could accomplish. If the Serbian President had had nuclear weapons at his disposal during the Kosovo crisis, NATO and its member states would have been in grave danger; it is a valuable exercise to ask ourselves what really stands between Milosevic and this capability.

Some argue that nuclear weapons helped maintain stability and prevented direct superpower conflict in Europe during the Cold War, but today, there is no greater risk to NATO security than that of nuclear weapons falling into the hands of unstable regimes, regional rivals, or non-state actors such as terrorists, fanatical religious organizations or militia groups. The conceptual framework for international security has shifted dramatically since the Cold War. The end of bipolar alignment has produced a new, less understood world filled with shifting strategic interests, new and more diffuse threats, and uncertainty about the proper means of confronting them. As President Chirac of France, Prime Minister Blair of the United Kingdom and Chancellor Schroeder of Germany noted in an October 1999 *New York Times* op-ed, "as we look to the next century, our greatest concern is proliferation of weapons of mass destruction, and chiefly nuclear proliferation. We have to face the stark truth that nuclear proliferation remains the major threat to world safety." Chemical and biological weapons are of course dangerous, but both are banned by international treaties, which have de-legitimized them, and neither possess the instant destructive capabilities of nuclear weapons.

If the Alliance is to be freed from the dangers of nuclear weapons and their proliferation, which is crucial to the long-term security of NATO and its members, it must demonstrate leadership in a number of key areas. I would contend that the key to preventing the spread of nuclear weapons is to reduce the prestige value of these weapons and promote international legal structures designed to prevent their spread.

The civilized world's principal defense against the proliferation of nuclear weapons to additional states is the Nuclear Non-Proliferation Treaty. In order to preserve and strengthen this central 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. Before it was negotiated, during the Kennedy Administration, it was predicted that there could be as many as 25-30 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, which remained unbroken until the May 1998 nuclear test explosions by India and Pakistan.

The world community negotiated the NPT to limit nuclear weapon proliferation beyond the five states (the United States, the United Kingdom, the former Soviet Union, France and China) that had already tested nuclear weapons. The NPT did not validate the possession of nuclear weapons by those five states, in fact it directly bound them in Article VI to work toward the ultimate elimination of nuclear weapons. The Treaty defined a balance of obligations between the nuclear weapon states and the non-nuclear weapon states. While the non-nuclear weapon states agreed never to acquire nuclear weapons, the nuclear weapon states agreed to pursue nuclear disarmament negotiations with the ultimate objective of the elimination of nuclear weapons and also to share the benefits of peaceful nuclear technology. This is the essential bargain that is the essence of NPT and the basis of negotiated international security today. The NPT made all subsequent nuclear arms control possible.

The Treaty was initially given by its drafters a 25 year lifespan as a result of the concerns of Germany, Ireland and others that the NPT would deny them access to peaceful nuclear technology and that insufficient progress toward nuclear disarmament would be made. This latter concern was very much an issue when the NPT states parties met in April 1995 to decide whether and in what manner to extend the Treaty. The states parties ultimately agreed to

indefinitely extend the Treaty, but also agreed to an associated consensus agreement called the Statement of Principles and Objectives for Nuclear Non-Proliferation and Disarmament. This was intended to strengthen the regime and, in effect, at least politically if not legally, condition the extension of the Treaty. The Statement of Principles and Objectives pledged the NPT states parties to work toward eight primary objectives. These included universalization of NPT membership (today only Cuba, India, Israel and Pakistan remain outside the NPT regime), a reaffirmation of the Article VI commitments of the nuclear weapon states to pursue in good faith measures related to eventual nuclear disarmament, and the completion of the CTBT by the end of 1996. The Statement of Principles and Objectives also called for the commencement of negotiations for a fissile material cutoff treaty, efforts by the nuclear weapon states to reduce global nuclear arsenals, the encouragement of the creation of new nuclear weapon free zones, further steps to assure the non-nuclear weapon states against the use or threat of use of nuclear weapons – that is strengthened negative security assurances – and an enhanced verification system.

One of the most important aspects of the Statement of Principles and Objectives is the reference to the negative security assurances offered to the NPT non-nuclear weapon states by the nuclear weapon states, which I believe are a principal means of de-legitimizing nuclear weapons and thereby retarding their proliferation. The United States first extended negative security assurances to NPT non-nuclear weapon states in the context of the 1978 UN Special Session on Disarmament, pledging then that it "will not use nuclear weapons against any non-nuclear weapons state party to the NPT...except in the case of an attack on the United States, its territories or armed forces, or its allies, by such a state allied to a nuclear-weapons state or associated with a nuclear-weapons state in carrying out or sustaining the attack." This exception

retaliate against a chemical or biological weapon attack under certain very limited circumstances. This is an old rule of customary international law that states that a nation attacked by another state in a manner that is in violation of international law – which an attack with chemical or biological weapons would be as through the Geneva Protocol the prohibition on the use of these weapons in war has become part of customary international law binding on all states – has the right to suspend the operation of multilateral treaty commitments as between itself and the offending party and respond with weapons of its own choosing. Thus, if a non-nuclear weapon state violates international law by attaching a nuclear weapon state with chemical weapons the victimized nuclear weapon state would be free to respond with any weapon it chooses, including nuclear weapons. However, the response must be proportionate to the damage caused by the attack – in other words, it should not be a revenge attack – and the response undertaken must be necessary to stop the attack. These are standards that could almost never be met if nuclear weapons were used to respond to an attack with chemical or biological weapons. The international legal doctrine of "belligerent reprisal" complements the negative security assurances and would likewise complement a NATO no-first-use policy.

Returning to the doctrine of "calculated ambiguity", the utility of such a policy of ambiguity toward a state threatening the use of chemical and biological weapons has largely vanished with the disclosures in memoirs by relevant senior policy makers that whatever its implied policy was, the United States never had under any circumstances any intention of using nuclear weapons in the Persian Gulf War. General Powell in his memoirs, "My American Journey," indicated he was strongly opposed to letting "that genie" (that is nuclear weapons) loose during the Gulf War. He had an analysis done of the use of tactical nuclear weapons on a desert battle field and said in his memoirs that he showed the results to Secretary Cheney and

then had the analysis destroyed. "if I had any doubts before about the practicality of nukes on the field of battle, this report clinched them," he said.

National Security Advisor Brent Scowcroft in "World Transformed," the book he co-authored with President Bush, says in reference to a January 31, 1991 strategy meeting: "What if Iraq uses chemical weapons? We had discussed this at our December 24 [1990] meeting at Camp David and had ruled out our own use of them, but if Iraq resorted to them, we would say our reaction would depend on circumstances and that we would hold Iraqi divisional commanders responsible and bring them to justice for war crimes. No one advanced the notion of using nuclear weapons, and the President rejected it even in retaliation for chemical or biological attacks. We deliberately avoided spoken or unspoken threats to use them on grounds that it is bad practice to threaten something you have no intention of carrying out. Publicly we left the matter ambiguous. There is no point in undercutting the deterrence it might be offering."

Secretary Baker in his memoirs "The Politics of Diplomacy" in describing his January 9, 1991 meeting with Iraqi Foreign Minister Tariq Aziz said that "the President had decided, at Camp David in December, that the best deterrence of the use of weapons of mass destruction by Iraq would be a threat to go after the Ba'ath regime itself. He had also decided that U.S. forces would not retaliate with chemical or nuclear weapons if the Iraqis attacked with chemical munitions. There was obviously no reason to inform the Iraqis of this. In hope of persuading them to consider more soberly the folly of war, I purposely left the impression that the use of chemical or biological agents by Iraq would invite tactical nuclear retaliation. (We do not really know whether this was the reason there appears to have been no confirmed use by Iraq of chemical weapons during the war. My [that is to say Baker's] own view is that the calculated ambiguity regarding how we might respond has to be part of the reason.)"

While there was a policy of "ambiguity" concerning possible use by the United States of nuclear weapons in response to chemical or biological weapons use by Iraq that may have worked to some extent during the Persian Gulf War (two of the three ultimatums that Baker presented to Tariq Aziz – no terrorism and no torching of the Kuwaiti oil fields – were ignored) the world now knows that it was a bluff. The problem with relying on this bluff in the future is that a policy of ambiguity will not be believed. If nuclear weapons are to be used to deter chemical or biological weapons, the threat to use nuclear weapons in retaliation would have to be explicit. Then, in addition to being in potential violation of the negative security assurances as I have described, the credibility of, for example NATO or the President of the United States, would become involved and there would be strong pressure to actually use nuclear weapons if chemical and biological weapons were somehow employed. To lock oneself in to using nuclear weapons would be inadvisable in the extreme.

NATO's current policy on nuclear weapon use not only promotes the proliferation of nuclear weapons and is inconsistent with the NPT-related commitments made by three of its principal members, but also is inconsistent with the Alliance's own goals and strategies. Paragraph 31 of the new Alliance Strategic Concept adopted at the Washington Summit in April 1999 states that, "in pursuit of its policy of preserving peace, preventing war, and enhancing security and stability and as set out in the fundamental security tasks, NATO will seek, in cooperation with other organizations, to prevent conflict, or, should a crisis arise, to contribute to its effective management, consistent with international law, including through the possibility of conducting non-Article 5 crisis response operations." This, of course, refers to so-called "out-of-area" military missions such as the Kosovo intervention. The Strategic Concept also noted that the Alliance remained committed to expanding its future missions to confront "complex new

risks to Euro-Atlantic peace and stability, including oppression, ethnic conflict, economic distress, the collapse of political order, and the proliferation of weapons of mass destruction."

These missions are likely to be conducted for a number of reasons, including resolving conflicts, managing crisis, promoting democracy and protecting human rights. The use of nuclear weapons would be particularly dubious in these sorts of operations. It is simply impossible to reconcile the moral repugnance of the use of nuclear weapons or any other weapon of mass destruction with the pursuit of humanitarian pursuits such as those identified in the new Strategic Concept. In addition, it would be impossible for NATO to achieve its stated objective of minimizing troop loss and collateral damage if it used a nuclear weapon. If NATO continues to maintain its current policy regarding the use of nuclear weapons, the questionable morality of nuclear weapons will also make it increasingly difficult for the Alliance to assemble coalitions of the willing that include non-members to respond to crisis on its periphery.

Finally, even if the Alliance is oriented to no specific enemy, NATO's current nuclear policy, after admitting three new members from the former Warsaw Pact, raises the specter of a renewed nuclear rivalry with Russia. Notwithstanding the issue of further eastward expansion, the potential deployment of NATO nuclear weapons to Hungary, Poland or the Czech Republic, should at some point in the future it be deemed necessary in Brussels to make such a deployment, could alienate and further antagonize Russia and might perhaps trigger a renewed nuclear arms race or a new Cold War.

Several non-nuclear weapon state members of the Alliance have begun to press for NATO adoption of a no-first-use policy. In a November 1998 interview, German Foreign Minister Joschka Fischer indicated his belief that the world has changed enough for the North Atlantic Treaty Organization (NATO) to adjust its policy regarding the use of nuclear weapons.

His suggestion that NATO could adopt a no-first-use" policy, was sharply criticized by the United States. Madeleine Albright, William Cohen, and other senior administration officials remarked that the United States "do[es] not believe that a [NATO nuclear posture] review is necessary" and that the Alliance has "the right nuclear strategy." Nevertheless, several NATO allies, including Canada and Germany, expressed their support for a review of Alliance policy before the April 1999 Summit in Washington.

At the Washington Summit in April, largely as a result of these efforts, NATO opened the door to such a review. 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 April 24, Canadian Foreign Affairs Minister, Mr. Lloyd Axworthy 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."

Leading up to the December Ministerial, however, some believed that certain members of the Alliance were seeking to exclude the no-first-use issue from the agenda of the review, prompting Mr. Axworthy to renew his campaign. In a December 14, 1999 interview he noted that "it's just absolute insanity that we would not focus on this matter. I find it very disturbing." He pledged to use the Ministerial to push for a formal Alliance review of its nuclear weapon use

policy. As a result of his efforts, the communiqué agreed upon by NATO foreign ministers on December 15, 1999 announced that NATO "decided to set in train" the process agreed to at the Washington Summit and "instructed the Council in Permanent Session to task the Senior Political Committee...to review Alliance policy options in support of confidence and security building measures, verification, non-proliferation, and arms control and disarmament..." The no-first-use issue was not specifically excluded from the review and likely will be addressed.

I believe it crucial to the success of NATO arms control, non-proliferation and disarmament initiatives, as well as to its security, for NATO to consider the adoption of a no-first-use policy upon completion of the review in December 2000. That is, NATO should state that it would not introduce nuclear weapons into future conflicts. Such a step would signal to the world that, instead of relying on policies based on the threat of nuclear retaliation to prevent massive conventional attack or the use of chemical or biological weapons against its members, NATO would be prepared to work to promote structures designed to control such weapons. NATO's principal strategy regarding all weapons of mass destruction should be to strive toward a merger of the norms against the use and acquisition of these weapons into customary international law binding on all nations. With the Chemical Weapons Convention, the Biological Weapons Convention and the Geneva Protocols banning the use, manufacture, stockpiling, or otherwise possession of chemical and biological weapons the world has made significant progress in this respect. But nuclear weapons still today have no comparable agreement and none is likely in the foreseeable future. In the medium term the objective should be to build a sufficiently strong NPT regime so that the norms of non-use and non-proliferation of nuclear weapons gradually merge with customary international law binding on all states

foreever. NATO should, in order to protect its security and secure the viability of its conventional superiority, take every step possible toward this end.

In short, it is increasingly important for NATO, as an international political and military leader, to facilitate a global move away from the past where weapons of mass destruction played a role in defense and security and toward a world in which these weapons are deserving not of respect but of alienation. NATO should promote in all its actions the de-legitimization of all weapons of mass destruction, particularly nuclear weapons. This includes as an essential first step the consideration by NATO this year of a policy of not introducing nuclear weapons into future conflicts. Failure to do so could promote the proliferation of nuclear weapons, which would undercut the security of the Alliance and its members by undermining the international nuclear non-proliferation regime.

Thank you for your attention.