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**Protecting Europe and the NPT Regime:
NMD and NATO Nuclear Weapon Use Policy**

Remarks by
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Paris, France
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It is a pleasure to be before you today to discuss two important issues; the relationship between the Nuclear Non-Proliferation Treaty (NPT) regime and NATO's nuclear weapon use policy, and the effect of possible U.S. deployment of a national missile defense (NMD) system on the nuclear non-proliferation regime. I would like to begin by commending the French and British governments for their sincere and welcome efforts toward strengthening the non-proliferation regime in recent years. France and the United Kingdom have delivered on the promises made in connection with the indefinite extension of the NPT in 1995. As you are undoubtedly aware, both have signed and ratified the Comprehensive Test Ban Treaty (CTBT), and have signed and ratified the relevant protocols of the Treaties of Tlatelolco, Pelindaba, and Raratonga, which establish nuclear weapon free zones in Latin America, Africa and the South Pacific respectively. Pursuant to the protocols of these treaties, they and the other nuclear weapon states pledge never to use or threaten to use nuclear weapons against parties to those Treaties.

Also significant, President Chirac and Prime Minister Blair joined German Chancellor Schroeder in writing a superb and unprecedented op-ed in the *New York Times* last October that included an appeal to the U.S. Senate to approve ratification of the CTBT. France has also scaled back its SSBM force, completely eliminated its ground-based nuclear arsenal and dismantled its test site. And the United Kingdom has also reduced its arsenal of deployed strategic nuclear weapons to a level lower than that of any other NPT nuclear weapon state and has reduced the alert status of its remaining nuclear arsenal. These efforts should be recognized and I commend them.

U.S. Secretary of State Albright referred to the NPT in a recent opinion piece as “the most important multilateral arms control agreement in history”. For thirty years, the NPT has been a firm bulwark in the international communities ongoing struggle to prevent the spread of nuclear weapons. And as a result of the NPT that effort has largely been successful. While the number of nations that possess the technological capabilities to produce nuclear weapons – those nations that possess nuclear reactors or research facilities – has grown to over sixty, only a handful of states have crossed the nuclear threshold. Nevertheless, this vital international regime is under siege and is in danger of gradually unraveling. The international community must take any step necessary and practical to make it as difficult as possible for a nation to choose to leave the Treaty.

It is in this context that I would like to discuss NATO’s nuclear weapon use policies. Today, unlike any time in recent memory, leadership from the European members of the Alliance is essential to maintaining a strong NATO and a healthy and robust nuclear non-proliferation regime for the 21st Century. By undertaking the efforts I have just described, France and the United Kingdom have demonstrated such leadership. What I am about to say is

not intended to diminish the importance of those steps, but I believe that the question of under what nuclear weapon use policy the Alliance should operate merits its own consideration.

This is not a new issue. During the last two years I have testified before parliaments and consulted with senior government officials in London, Paris, Washington, Bonn, Berlin, Rome, the Hague, Oslo, Brussels, Ottawa, Prague, and Madrid to urge NATO members to support consideration of the adoption of a policy that the Alliance will not introduce nuclear weapons into future conflicts. I believe that NATO's current policy, which reserves the right to use nuclear weapons first even against non-nuclear weapon states, is potentially inconsistent with the security assurances given by the nuclear weapon state members of the Alliance in connection with the indefinite extension of the NPT. I further believe that this policy increases the likelihood of nuclear proliferation because, in bringing into question the security assurances, it undermines the NPT.

A principal motivation for states to proliferate is the perceived prestige value of nuclear weapons. One need only look at statements after the May 1998 Indian nuclear tests by India's Prime Minister to the effect that India is a big country now that it has nuclear weapons for evidence of prestige motivating proliferation. And nuclear weapon states are not immune from this mindset. Statements such as this demonstrate the existence of a dangerous psychology that reinforces the view of nuclear weapons as essential to the security and greatness of a state and thereby makes their proliferation more likely.

The prestige value of nuclear weapons is similarly elevated by outdated and inappropriate policies regarding the possible use of nuclear weapons. While the Canberra Commission, the United States National Academy of Sciences and most recently the Tokyo Forum for Nuclear Non-Proliferation and Disarmament have all concluded that the only role for nuclear weapons is

detering the use of other nuclear weapons, NATO maintains a policy that retains the option to use nuclear weapons to deter or respond to attacks with conventional, chemical or biological weapons. Some commentators in nuclear weapon states advocate NATO's current approach to deterrence, commonly referred to as a doctrine of "calculated ambiguity" because it suggests that uncertainty in the minds of potential aggressors about the nature of response to a chemical or biological attack would deter the use of these weapons.

Supporters of the "calculated ambiguity" concept suggest that veiled threats to use nuclear weapons in response to a chemical weapon attack deterred the use of chemical weapons by Saddam Hussein during the Persian Gulf War. While we will likely never know if this is true, revelations in memoirs by senior policymakers that the United States was bluffing and never had any intention of using nuclear weapons, even in response to a CBW attack, have ensured that "calculated ambiguity" probably will not be effective in the future. Rather, it is likely that such a bluff would be called, thereby placing pressure on the United States and NATO to actually use nuclear weapons, a potentially disastrous outcome.

In any respect, placing its effectiveness aside, "calculated ambiguity" as I have indicated is potentially inconsistent with security assurances offered by three of the Alliance's principal members. During negotiations to extend the NPT in 1995, the UN Security Council adopted Resolution 984, which acknowledged formal commitments made by the nuclear-weapon states to refrain from using nuclear weapons against non-nuclear-weapon states parties to the NPT, unless such a state were to attack in alliance with another nuclear-weapon state – holdover language from the Cold War. These assurances were an essential part of the *quid pro quo* for a permanent NPT. Additionally, in agreeing to the appropriate protocols of three nuclear weapon free zone agreements, the nuclear-weapon states have pledged not to use or threaten to use nuclear

weapons against the more than 90 non-nuclear-weapon states that are members of those regimes. The negative security assurances undertaken in association with the 1995 extension of the NPT as well as the Protocols to the nuclear weapon free zone treaties have been recognized by the World Court as legally binding and neither contain exceptions that would allow the use of nuclear weapons in response to an attack with chemical and/or biological weapons.

But, some argue not that nuclear weapons should be used for deterrence of chemical and biological weapons generally but rather as a response to something like a massive attack on a city with biological weapons with casualties akin to an attack with nuclear weapons. For this contingency the legal doctrine of “belligerent reprisal” should be kept in mind. This doctrine would justify the right to use nuclear weapons to retaliate against a chemical or biological weapon attack, albeit under a certain narrow set of circumstances. The doctrine is an old rule of customary international law that provides that a nation attacked by another state in a manner that is in violation of international law has the right to suspend any international commitments as between itself and the offending party. Thus, if a nation violates the customary international law rule against the first use of chemical weapons established by the 1925 Geneva Protocol, which is now considered part of customary international law binding on all states forever, the victimized nation could respond with whatever weapons it chooses, including nuclear weapons. However, the response must be proportional (which would almost never be the case in responding to attacks with chemical and biological except in the massive attack on a city example I gave above) and necessary to stop the attack.

However, in general, instead of relying on a policy of “calculated ambiguity,” NATO should declare its commitment that it would not introduce nuclear weapons into a future conflict

and agree instead to rely on its overwhelming conventional superiority to deter or respond to the use of chemical and biological weapons.

Statements by the most powerful conventional force in history, the NATO Alliance, that it needs to maintain the nuclear option against non-nuclear forces to maintain its security sends a damaging message to many non-nuclear weapon states. If NATO needs nuclear weapons to say, deter the biological weapons of Saddam Hussein, this raises the question as to why Iran or Egypt or virtually anyone else does not need them as well. By not limiting the role of nuclear weapons to the core deterrence function of deterring their use by others, current NATO doctrine reinforces the high political value accrued to nuclear weapons, thereby making reductions more difficult and undermining non-proliferation efforts.

Also important to NATO security and the health of the NPT regime is the potential for a U.S. deployment of a national missile defense system, which if agreement is not reached with Russia could require violation or abrogation of the 1972 Antiballistic Missile (ABM) Treaty. Presidents Clinton and Yeltsin, senior Allied government officials, and key Chinese leaders have all referred to the ABM Treaty as the “cornerstone of international arms limitation”. Indeed, the ABM Treaty is the cornerstone of the unilateral nuclear arms reductions undertaken by France and the United Kingdom.

Nevertheless, some in the United States are seeking to deploy a national missile defense to protect against the perceived missile threat from so-called “rogue states”. Since 1972, the ABM Treaty has prohibited the deployment of a nationwide missile defense by either the United States or the Soviet Union (now Russia) and limited each side to one ABM deployment site with 100 interceptors. By limiting the amount of defenses either side could deploy, the ABM Treaty made the SALT limitations and START reductions of the superpower nuclear arsenals possible.

If one nation could deploy an effective nationwide defense against a missile attack, the other would be forced to build larger arsenals in order to overwhelm those defenses and thereby maintain a credible deterrent. Moreover, if one nation had an effective nationwide defense, it might be more inclined to initiate a first strike with the expectation that the remaining arsenal of the undefended opponent would be insufficient to penetrate the defensive shield. Either of these situations would have been destabilizing and certainly would have rendered further arms control impossible.

With the report of the Rumsfeld Commission last year, many in Washington assert that they are concerned anew with the rogue state alleged missile threat. They argue that the ABM Treaty is a relic of the Cold War and that U.S. national security requires the deployment of a limited national missile defense system against the threat of missile attacks from such nations regardless of the ABM Treaty. But the link between strategic offensive and defensive systems remains as critical today as it was during the Cold War.

Last year, in a letter to President Clinton, President Yeltsin remarked that unilateral U.S. deployment of a NMD system “would have extremely dangerous consequences for the entire arms control process.” Russian Defense Minister Sergeyev, too, has stated publicly that unilateral U.S. NMD deployment would do “unacceptable damage to the reduction of strategic offensive weapons.” China has similarly indicated that such deployments, even those designed to ward off attack from so-called rogue states, would cause them to significantly expand rather than contract their strategic nuclear arsenals. In fact, an all out nuclear arms race among the United States, Russia and China conceivably could be the result. Needless to say, this would be highly damaging to the NPT regime, and would cause severe damage to Alliance security. If the NPT

regime is to be preserved, we must maintain the viability of the ABM Treaty and continue the START nuclear arms reduction process.

In addition, those who would argue that the ABM Treaty is not relevant have to be prepared to address the reality that U.S. abrogation of the ABM Treaty could lead to similar actions by other nations. This could include possible steps by states which are not necessarily friendly, which could have severe consequences for all multilateral arms control regimes, including the NPT. The combination of U.S. rejection of the CTBT and the possible rejection or abrogation of the ABM Treaty unquestionably threatens the NPT.

As President Chirac of France, Prime Minister Blair of the United Kingdom and Chancellor Schroeder of Germany wrote in the article to which I referred earlier, “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.” If the next century is to be more secure than the last, the world must be freed from the dangers associated with the proliferation of nuclear weapons. Leadership from the European allies could be one of the keys to preserving the NPT regime. Thank you.