

NATO's Nuclear Weapons Policy and the No-First-Use Option

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At its 50th anniversary summit in April of this year, NATO adopted a revised Strategic Concept which preserves the alliance's right to be the first to use nuclear weapons in response to a conventional attack on its members. The new concept document does admit, however, that "with radical changes in the security situation, including reduced conventional force levels in Europe and increased reaction times, NATO's ability to defuse a crisis through diplomatic and other means or, should it be necessary, to mount a successful conventional defence has significantly improved." As a result, the document continues, the circumstances in which nuclear weapons might have to be used by the alliance are "extremely remote".

The arguments against first use

The recent revision of the NATO Strategic Concept notwithstanding, there are compelling reasons why NATO should move away from its thirty-year old mantra of "flexible response" and adopt a more rational policy of no first use of nuclear weapons. In the first instance, NATO's present policy potentially contravenes US, British and French commitments – called negative security assurances and reaffirmed in 1995 in connection with the indefinite extension of the Nuclear Non-Proliferation Treaty (NPT) – never to use nuclear weapons against a non-nuclear weapon state party to the NPT. The US negative security assurance, which is substantively identical to those of the other four declared nuclear powers, reads:

The United States affirms that it will not use nuclear weapons against non-nuclear weapons States parties to the Treaty on the Non-Proliferation of Nuclear Weapons except in case of an invasion or any attack on the United States, its territories, its armed forces or other troops, its allies, or on a State toward which it has a security commitment, carried out or sustained by a

non-nuclear weapon State in association or alliance with a nuclear-weapon State.

These negative security assurances cover 181 non-nuclear nations. (The only non-nuclear weapon state that is not a member of the NPT is Cuba, an unlikely target for NATO nuclear weapons.) It is important to note that there is no exception for a nuclear response to chemical or biological weapons. The only exception is in the event a non-nuclear state attacks NATO in alliance with a nuclear weapon state – a distant contingency at best with the disappearance of the Warsaw Pact.

Many experts, European and American, are only vaguely aware of the contradiction that exists between the negative security assurances undertaken by NATO's nuclear members and NATO's nuclear first-use policy. Non-nuclear members of NATO, particularly Germany and Canada, are responsive, however, to the argument that the continued viability of the NPT, and the entire non-proliferation regime associated with it, depends upon lowering the prestige value of nuclear weapons. As long as NATO, the most powerful alliance the world has ever known, cleaves to a first-use policy, it will be increasingly difficult to convince technologically sophisticated and/or politically ambitious states to continue to forswear the nuclear option.

A second major argument against the first use of nuclear weapons is that, since the collapse of the Soviet Union, there is neither a military nor a strategic requirement for NATO's nuclear weapons. Moreover, for the foreseeable future, it is difficult to conceive of circumstances under which NATO, with its overwhelming conventional superiority, would require nuclear weapons either to repel a challenge to the territory of its members or to manage any crisis in Europe in which it should choose to become involved.

Under the pressures of the adversarial relationship, NATO stockpiled thousands of tactical nuclear weapons in Europe to buttress its conventional forces and give teeth to its "flexible response" policy. But it never had a convincing war-fighting strategy for tactical nuclear weapons. Even during the Cold War, it was never clear how nuclear weapons could actually have been used to defend NATO without also entailing its destruction. As a matter of fact, when playing NATO war games, the European allies – and most significantly the Germans – consistently refused to resort to nuclear weapons to defend their territory.¹

The alliance also maintains that tactical nuclear forces in Europe "provide an essential political and military link between the European and North American members of the Alliance...[and] with strategic nuclear forces". With the collapse of the Soviet Union and the Warsaw Pact, and with the change in NATO's most likely missions from territorial defence to out-of-area crisis management, linkage to US

1 See, for example, L. Sigal, *The Case for Eliminating Battlefield Nuclear Weapons*, CSIA Occasional Paper No. 5 (Cambridge, Mass.: Harvard University Press, 1989) p. 48.

strategic forces is far less critical – and perhaps not even relevant – to alliance security and solidarity.

In any case, adopting a no-first-use policy would not interfere with NATO's link to US strategic forces. That link is, and always has been, primarily a political one and is not driven by the presence (or availability) of nuclear systems. As a result, a no-first-use policy impacts on the circumstances under which the decision to use weapons will be taken, not on the choice of weapons – tactical or strategic or both – that will be employed once NATO agrees to “go nuclear”. The key link is, and always has been, not whether NATO has a first-use policy but whether NATO will ever make the political determination to use nuclear weapons.

Thirdly, the first use – for that matter, any use – of nuclear weapons by NATO would be completely contrary to the political rationales and military guidelines, written and unwritten, which are likely to govern future out-of-area interventions by the alliance. The entire issue of an out-of-area role has been so sensitised by the Kosovo intervention and the bombing campaign against the civilian infrastructure of Serbia that NATO is unlikely to undertake future military actions beyond its borders without a universal, that is UN, mandate. Even if that is not the case, it remains absurd to maintain that NATO can successfully manage crises, or protect human rights, or avoid collateral damage, or minimise civilian casualties if its out-of-area interventions are to be accompanied by the use – or even the threat of use – of nuclear weapons.

In reality, there is actually very little opposition in Europe to the argument that NATO does not require and could not use nuclear weapons in defence of its territory or in carrying out out-of-area missions. The ultimate argument of those in Europe who resist the idea of abandoning first use is that a policy of “calculated ambiguity” – uncertainty as to whether NATO would “go nuclear” in response to an attack by conventional, chemical or biological weapons – serves as a useful deterrent.

The utility and credibility of a policy of calculated ambiguity, however, has been greatly exaggerated. Senior US policy makers, from George Bush to Generals Colin Powell and Brent Scowcroft, have disclosed in their memoirs that during the Gulf War the United States never had, under any circumstances, any intention of using nuclear weapons. 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 battlefield and said in his book that “if I had any doubts before about the practicality of nukes on the field of battle, this report clinched them.”²

General Brent Scowcroft in *A World Transformed*, the book he co-authored with President Bush, wrote with reference to a 31 January 1991 strategy meeting that the question arose of “What if Iraq uses chemical weapons?” He goes on to say that “We had discussed this at our 24 December meeting at Camp David and

2 C. Powell with J. E. Persico, *My American Journey* (New York: Ballantine Books, 1995) pp. 486 and 472.

had ruled out our own use of them, but if Iraq resorted to them, we would say our reaction would depend on the 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.”³

The turbulent and confrontational years since Hiroshima and Nagasaki have demonstrated that the political, moral, psychological and military barriers to the first use of nuclear weapons remain extremely high. It is worth recalling that the US sustained the casualties of the Korean and Vietnam wars, and the Soviet Union its losses in Afghanistan, without resort to nuclear weapons. If there is any lesson to be learned from history, it is how unrealistic it is for the alliance to consider nuclear weapons as a response to anything less than a nuclear attack.

The arguments in support of no first use

NATO's nuclear first-use policy is inconsistent with other international obligations, unnecessary after the total collapse of the Cold War adversary, absurd in support of humanitarian interventions, and not a credible response option to anything short of a nuclear attack. First use is, in effect, a non-operational policy, but are there arguments in support of NATO's adopting no first use?

A first-use policy presupposes – and therefore maximises – the possibility that nuclear weapons will be employed. This strategy was at least justifiable during the Cold War when Europe sought every assurance that the United States would invoke its nuclear shield to defend NATO territory. But in the post-Cold War era, with NATO the strongest conventional alliance in the world, Europeans should be doing everything in their power to ensure that nuclear weapons will never be used on their continent.

Adopting a no-first-use policy in NATO would shift alliance discussions on nuclear weapons from the presumption that nuclear weapons may be used in response to any attack – conventional, chemical or biological – to the assumption that they will not be used except in retaliation for a nuclear strike. A no-first-use policy would thereby shift any nuclear debate in NATO from an effort by a few states to block nuclear use to a requirement for all NATO members to authorise it.⁴ While admittedly this would be primarily a “tonal” shift, a NATO no-first-use policy would enhance the power of the non-nuclear European nations in the alliance and

3 G. Bush and B. Scowcroft, *A World Transformed* (New York: Knopf, 1998) p. 463.

4 This shift would be analogous to the differences between the “green-light” and “red-light” arrangements for authorising on-site verification which exist under the Chemical Weapons Convention and the Comprehensive Test Ban Treaty, respectively.

could, conceivably, impact on any independent US, UK or French decision to use a nuclear weapon.

The key argument in favour of a NATO no-first-use policy is the impact on the international non-proliferation regime. Only nuclear weapons threaten the security of the alliance, and NATO should be doing everything within its power to stem their spread. But continued insistence by the most powerful conventionally-armed alliance in the world that it requires nuclear weapons to ensure its security raises the question why much weaker nations, confronted by hostile neighbours, do not need them as well. Thus, NATO's first-use policy works against NATO's long-term security interests by reinforcing the argument that everybody needs, is entitled to, and should acquire nuclear weapons.

Moreover, a policy of first use against conventional, chemical and biological weapons suggests that nuclear weapons have many useful military roles. This, in turn, inflates the value and prestige attributed to nuclear weapons and undermines efforts to persuade the non-nuclear weapon states to refrain from developing their own nuclear arsenals. This is precisely the opposite message from the one NATO should be conveying if Europe wishes to strengthen the non-proliferation regime, avoid a growing threat of nuclear proliferation and enhance the security of the continent.

Review and revise

In fall 1998, Germany and Canada began an effort to encourage NATO to review its nuclear use policy in conjunction with the rewriting of the Strategic Concept, the admission of three new members to the alliance and the 50th anniversary of the North Atlantic Treaty. This effort, spearheaded by German Foreign Minister Joschka Fischer and Canadian Foreign Minister Lloyd Axworthy, failed to move the United States and the other NATO nuclear states to agree to adjust the Strategic Concept, but it did succeed in getting alliance agreement to initiate a general policy review after the April summit.

In the Washington summit communiqué, the alliance agreed:

[I]n light of overall strategic developments and the reduced salience of nuclear weapons...[to] 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 [1999] for considering such options.

General discussion of the agenda for a broad and detailed study of arms control and non-proliferation policy is under way as this article is being written.⁵ It will culminate in a decision at the December Ministerial Meeting on the parameters of a NATO study that is to extend over the next two years. It is of the utmost importance that a review of NATO nuclear policy be included on the agenda for that study.

⁵ This article was written in early October. The initial NATO study is scheduled to be completed before this article appears.

As NATO's primary arsenal nation, the United States should be the one to take the lead in urging a revision of NATO's nuclear posture. But, for a number of political reasons, including the Clinton administration's overall weakness, the most conservative Congress in 50 years, the upcoming presidential elections, an unwillingness to take any major foreign policy initiatives and abdication of security policy-making to the Defense Department, Washington is unwilling to disturb the nuclear status quo.⁶

Germany and Canada have not changed their view of the need for a doctrinal review – leading to an eventual change in policy – but neither have they forced the issue nor mustered much open support from the European non-nuclear allies for such a discussion. The three NATO nuclear weapon states, in the meantime, are currently united in their resistance to placing a review of nuclear doctrine on the agenda, claiming that such a review was already carried out in connection with the alliance's new Strategic Concept.

The long-term security of the alliance depends on Canada, Germany and the other European non-nuclear member states convincing NATO's nuclear weapon nations to agree to a thorough review of nuclear doctrine and to consider the adoption of a no-first-use policy. This policy change will not come easily or quickly (the move from "massive retaliation" to "flexible response" took five years) but such a shift is clearly desirable and justifiable – and almost certainly inevitable.

A NATO policy of no first use would signal to the international community that the most powerful nations in the world are at last prepared to accept that nuclear weapons have no utility other than to deter a nuclear-armed opponent from their use. This decision would help greatly to strengthen the political foundations of the non-proliferation regime, NATO's first line of defence against the threat that it faces from nuclear and other weapons of mass destruction.

6 The CTBT ratification fiasco in the US Senate in October clearly arose from a concatenation of these forces, with a heavy dose of outright dislike for the President thrown in. To the administration's credit, however, immediately after the treaty's defeat, the President announced that the US will not resume nuclear testing and that he expects the treaty to be ratified eventually. That announcement notwithstanding, the CTBT's disastrous encounter with the Senate – coupled with the US drive to deploy national missile defences and the collapse of the START arms reduction process – represents a serious setback for the non-proliferation regime and the development of a stable international security environment. If NATO decides not to reconsider its nuclear first-use policy, it will be viewed as yet another example of the disregard shown by the nuclear powers for their obligations under the NPT and its regime.