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### NATO Nuclear Sharing: Opportunity for Change?

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#### **Introduction**

The North Atlantic Treaty Organization's (NATO) long-standing policy of "nuclear sharing," in which the United States maintains tactical nuclear weapons with its allies in Europe, has been subjected to increased scrutiny since the end of the Cold War. These out-dated weapons offer no additional deterrent capability to the strategic nuclear weapons deployed by the United States, France and United Kingdom. In the European states that host these weapons, [public opinion](#) is in favor of moving towards a nuclear-free Europe.<sup>1</sup> Moreover, the legality of the arrangements under the 1968 Nuclear Non-Proliferation Treaty (NPT) is highly contested. These developments have led to increased pressure on the United States and NATO to remove tactical nuclear weapons from Europe. The Alliance's summit in April of 2009, where plans are afoot to open the Strategic Concept for revision, could see serious discussion about the future of NATO nuclear weapons and a potential opportunity for change. Recent developments in the relationship with Russia may tempt policymakers to resist revision to NATO's nuclear policy. That would be a serious mistake.

#### **Background and security considerations**

Nuclear weapons literature contains multiple definitions of what constitutes a "tactical" or "non-strategic" nuclear weapon (often referred to as TNW or NSNW), taking into account such criteria as yield, delivery system and weapon objectives. For our purposes the definition is not complex, as we are talking of a specific class of warhead – the air-deployable B-61 gravity bombs in Belgium, Germany, Italy, The Netherlands, and Turkey. According to the Alliance's last Strategic Concept (1999), these weapons remain in Europe to bolster NATO's deterrent: "by ensuring uncertainty in the mind of any aggressor about the nature of the Allies' response to military aggression."<sup>2</sup> As of summer 2008, it is [estimated](#) that 150-240 of these tactical nuclear weapons are still in Europe. Although the United States maintains control of these weapons during peacetime, control would be transferred to allies for use

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<sup>1</sup> Almost 70 percent of respondents said that they want Europe to be free of nuclear weapons. About 25 percent said that they oppose a nuclear weapon-free Europe. "Nuclear Weapons in Europe: Survey Results in Six European Countries," Poll sponsored by Greenpeace International and conducted by Strategic Communications in April and May 2006. Poll results and background available at: <http://www.greenpeace.org/raw/content/international/press/reports/nuclear-weapons-in-europe-survey.pdf>, accessed 17 September 2008.

<sup>2</sup> NATO, The Alliance's Strategic Concept, April 1999. Available at: <http://www.nato.int/docu/pr/1999/p99-065e.htm>, accessed 15 September 2008; Anatoli Diakov, Eugene Miasnikov, Timor Kadyshev, "Non-Strategic Nuclear Weapons: Problems of Control and Reduction," *Center for Arms Control, Energy and Environmental Studies at MIPT* (Moscow, 2004), p. 37.

on their own aircraft in wartime. European allies must maintain and train with dual-capable aircraft in peacetime to prepare for this scenario.<sup>3</sup>

The United States started basing tactical nuclear weapons in Europe in 1954 to counter perceived Soviet aggression, and NATO doctrine became tied to the threat of using those nuclear weapons to respond to a massive conventional Soviet attack.<sup>4</sup> Times have changed dramatically since the end of the Cold War – these weapons have lost what utility they may have had, and present a significant terrorism risk.

First, as the 1999 *NATO Strategic Concept* makes clear, the “supreme guarantee” of Allied security remains the independent strategic nuclear arsenals of certain NATO members (namely France, the United Kingdom, and the United States). The presence of advanced, invulnerable and accurate strategic arsenals with full range of deliverable options renders redundant the few hundred remaining vulnerable and aged tactical nuclear weapons in Europe. Those in favor of keeping the tactical nuclear weapons in Europe warn that NATO may need them for unforeseen circumstances, implying that they could serve as a deterrent against Russia if it becomes much more aggressive, or against a range of threats from the Middle East. Eckart von Klaeden, German foreign policy spokesman for conservatives in the Bundestag, said as recently as June 2008, “Nuclear weaponry has to be part of German security policy. We have to protect ourselves against being taken hostage someday from a country like Iran.”<sup>5</sup> Such scenarios do not withstand scrutiny. NATO itself justifies these nuclear forces as “now fundamentally political, and they are no longer directed towards a particular threat.”<sup>6</sup>

Second, when compared to strategic weapons, the usual pre-delegation of authority over tactical nuclear weapons to lower members of the chain of command, and the weapons’ smaller size, may make the weapons more vulnerable to illicit acquisition and use.<sup>7</sup> Recent revelations about the inadequate security surrounding bomb sites in the nuclear sharing countries, clearly adds to these concerns. According to a government ‘blue-ribbon’ report obtained by security expert Hans M. Kristensen of the Federation of American Scientists, most sites require “significant additional resources to meet DoD [U.S. Defense Department] security requirements.”<sup>8</sup> Difficulties, including the short training regimen for nuclear security teams (in some cases as little as nine months) and the inability to perform no-notice security checks as a result of host nation/NATO requirements, create a hazardous situation in which weapons designed to defend NATO may become targets of theft to be used against the Alliance.

There seems an awareness in NATO circles that public support for the continued presence of tactical nuclear weapons in their respective European countries is low. General James Jones, NATO’s former Supreme Allied Commander, noted back in 2004 in an address to the Senate in Belgium (where there has been considerable

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<sup>3</sup> Hugh Beach, “Tactical Nuclear Weapons: Europe’s Redundant WMD,” *Disarmament Diplomacy*, May/June 2004. Available at: <http://www.acronym.org.uk/dd/dd77/77hb.htm>, accessed 15 September 2008.

<sup>4</sup> The deployment of all types of U.S. nuclear weapons on European soil reached its peak in 1971 with about 7,300 warheads (Hans M. Kristensen, NRDC, 2005, p. 24).

<sup>5</sup> Judy Dempsey, “German parties press U.S. to withdraw nuclear arms,” *International Herald Tribune*, 23 June 2008.

<sup>6</sup> NATO, “NATO’s Nuclear Forces,” 1 July 2008, available at: <http://www.nato.int/issues/nuclear/index.html>, last accessed on 15 September 2008.

<sup>7</sup> William Potter and Nikolai Sokov, “Tactical Nuclear Weapons: The Nature of the Problem,” *CNS Reports*, 4 January 2001.

<sup>8</sup> Hans M. Kristensen, “USAF Report: ‘Most’ nuclear weapon sites in Europe do not meet US security requirements,” 19 June 2008, p. 2. Available at: <http://www.fas.org/blog/ssp/2008/06/usaf-report-%E2%80%9Cmost%E2%80%9D-nuclear-weapon-sites-in-europe-do-not-meet-us-security-requirements.php>. Internet; accessed 9 September 2008.

opposition to the bombs) that “good news is on the way” and that the United States would reduce its nuclear weapons in Europe.<sup>9</sup> In recent years, the United States appears to have followed through on this reassurance, withdrawing tactical nuclear weapons from Ramstein Airbase in Germany in 2005 and from Lakenheath in the United Kingdom in 2008.<sup>10</sup>

Explanations for the low-key way in which the United States has withdrawn the B-61s have been speculated upon elsewhere. A critical aspect in understanding this process is NATO’s virtual admission that these weapons have taken on a sensitive political symbolism of their own. By not playing up their withdrawal, or using them as bargaining chips for the retraction of Russian tactical nuclear weapons, there is a sense that these weapons have simply lost their utility and are no longer worth maintaining at European sites. To have them become bargaining chips with Russia may have led some Alliance leaders to wonder whether their own security was being traded away or that Alliance ties were weakening.

## Legal issues

Aside from security, legal issues also surround U.S. tactical nuclear weapons in Europe. In particular, several members of the Non-Aligned Movement (NAM), have **questioned** the legal basis of nuclear sharing pursuant to the guidelines established in the NPT.<sup>11</sup> The dispute revolves around the right of the United States, through NATO, to transfer responsibility for nuclear weapons to non-nuclear weapon states.

Specifically, at the 1995 NPT Review Conference, the Mexican representative questioned the validity of the nuclear sharing arrangement with respect to Article I of the NPT, which states:

“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.”<sup>12</sup>

Belgium, Germany, Italy, The Netherlands, and Turkey have all joined the NPT as non-nuclear members.<sup>13</sup> Therefore, NATO’s nuclear sharing arrangement would seem to be a direct contravention of Article I of the NPT because it transfers “nuclear weapons” and their use during a conflict to non-nuclear states (e.g., Belgium, Italy, etc.). Simultaneously, the states receiving control of the weapons in the nuclear sharing program in NATO would also be in violation of the NPT, if the same legal standard is applied. Article II forbids the receipt of nuclear weapons or control thereof by any non-nuclear state from a nuclear state.

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<sup>9</sup> As quoted in: Karel Koster, *NATO Nuclear Doctrine and the NPT*, BASIC Briefing, 29 June 2004, available at: <http://www.basicint.org/pubs/20040629NATO-nuclear-Koster.htm>

<sup>10</sup> Hans Kristensen, “U.S. Nuclear Weapons Withdrawn from the United Kingdom,” FAS Strategic Security Blog, June 26, 2008, available at: <http://www.fas.org/blog/ssp/2008/06/us-nuclear-weapons-withdrawn-from-the-united-kingdom.php>, accessed 15 September 2008.

<sup>11</sup> “Working Paper Presented by the Members Of Non-Aligned Countries Party to the Treaty,” 28 April 1998. Available at: <http://www.basicint.org/nuclear/NPT/1998prepcom/98namwp.htm>, accessed 11 September 2008.

<sup>12</sup> “Treaty on the Non-Proliferation of Nuclear Weapons,” signed at Washington, London, and Moscow on 1 July 1968. Available from <http://www.fas.org/nuke/control/npt/text/npt2.htm>, accessed 11 September 2008.

<sup>13</sup> For a full list of NPT members, see: “Signatories and Parties to the Treaty on the Non-Proliferation of Nuclear Weapons,” available on the Website of the Nuclear Threat Initiative (NTI), 3 December 1998, <http://www.nti.org/db/nisprofs/fulltext/treaties/npt/parties.htm>, accessed on 15 September 2008.

Conversely, NATO (and the United States in particular, to whom all the weapons in question technically belong) asserts that its nuclear sharing program conforms to the NPT because the weapons are strictly under the control of U.S. military personnel.<sup>14</sup> The only situation in which control of the weapons would be passed to a non-nuclear weapon state (NNWS) would be during wartime, at which point the NPT would no longer be a “controlling” element in the weapons’ use.

The Alliance cannot afford to ignore NAM’s disquiet. By weakening faith in the bargain behind the NPT, NATO weakens the cornerstone of the non-proliferation regime, and harms the security it claims to defend. By acting now, at a critical point in the history of the non-proliferation regime, the United States, with the cooperation of allies, may yet be able to turn this controversy into some positive diplomatic and security dividends.

## Russian position

In a reversal of positions since the end of the Cold War, Russian Military Doctrine (2000) now sees its own conventional inferiority and explicitly talks of a first-use scenario for their tactical nuclear weapons: “if the threat of defeat of our own forces in a major non-nuclear war appeared.” Russia has many more tactical nuclear weapons than NATO – between 2,000 and 4,000 – though there is some ambiguity in the Russian figure; arsenal size is often stated as being a percentage (due to warhead dismantlement programs) of an unnamed base figure.<sup>15</sup> Without access to more concrete data, however, it is difficult to speculate on the exact size and state of readiness of the Russian force. and possibly, these weapons may pose an even greater terrorism risk than U.S. weapons based in Europe.<sup>16</sup>

In 1991, Russia and the United States made reciprocal unilateral pledges to reduce their tactical nuclear weapons arsenals through the Presidential Nuclear Initiatives (PNIs). The U.S. PNI resulted in the removal of thousands of U.S. tactical nuclear weapons, and the Russian PNI may have resulted in a four-fold reduction (but this is difficult to assess because the original numbers were less certain).<sup>17</sup> In 1997, even though Russia and the United States agreed to revisit the issue, reciprocal progress was not forthcoming. A 2005 discussion ended with Russia demanding that the United States withdraw its remaining tactical nuclear weapons from Europe before Russia would agree to discuss further reductions.<sup>18</sup>

Despite the underlying post-Cold War thaw in NATO–Russian relations, Russia still views NATO’s posture, including its tactical nuclear weapons, with trepidation. They point to the fact that Russian tactical weapons are incapable of hitting the United States, while American tactical weapons in Europe are well within reach of Russia.<sup>19</sup> In the context of an expanding NATO to include former Soviet states and the establishment of missile defense sites in Poland and the Czech Republic, many Russians see their tactical nuclear weapons as an essential balancing

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<sup>14</sup> Matthew Martin, “NATO Nuclear Weapons: The International Face of US Nuclear Policy,” A paper for the Nuclear Age Peace Foundation’s 2006 International Law Symposium (February, 2006), p. 3.

<sup>15</sup> Brian Alexander and Alistair Miller, *Tactical Nuclear Weapons: Emergent Threats in an Evolving Security Environment* (Dulles: Brassey’s, Inc., 2003), p. 157.

<sup>16</sup> William Potter and Nikolai Sokov, “Tactical Nuclear Weapons: The Nature of the Problem,” *CNS Reports*, 4 January 2001.

<sup>17</sup> “The Presidential Nuclear Initiatives (PNIs) on Tactical Nuclear Weapons at a Glance,” Arms Control Association Fact Sheet, May 2006, available at: <http://www.armscontrol.org/factsheets/pniglance>, accessed on 15 September 2008.

<sup>18</sup> “The Presidential Nuclear Initiatives (PNIs) on Tactical Nuclear Weapons at a Glance,” Arms Control Association Fact Sheet, May 2006, available at: <http://www.armscontrol.org/factsheets/pniglance>, accessed on 15 September 2008.

<sup>19</sup> Arbman and Thornton (2003), p. 40.

capability. Others see them as an important bargaining tool when Russia is in a generally weaker bargaining position.

Until recently there may have been some cause for optimism for a breakthrough agreement to eradicate tactical nuclear weapons within Europe. Russia may be maintaining its arsenal not in the expectation of future conflict, but in the hope that it may be able to trade its tactical weapons for the end of nuclear sharing in Europe (or other potential dividends).<sup>20</sup> By trading their tactical nuclear weapons for NATO's, Russia appears to lose on the deal in numbers. But this may have been deemed worthwhile to see the end of NATO nuclear sharing.

Any negotiations on this are likely to prove tough. Even before the recent deterioration of the relationship, some Russian policymakers expressed their belief that relations with NATO were a "zero-sum" game, with any gain of influence (or of former satellites) by NATO being **perceived** a direct affront to Russia's power.<sup>21</sup> Although Russia received a voice in Alliance developments through the NATO–Russia Council in May 2002, recent events have queried the pitch:

- rapid NATO enlargement eastward;
- U.S. unilateral withdrawal from the Anti-Ballistic Missile Treaty;
- U.S. proposals to station radar and missile interceptors in Poland and the Czech Republic;
- NATO support for the independence of Kosovo;
- Russian suspension of its participation in the Conventional Forces in Europe Treaty; and
- the dispute over territory in Georgia.

Nevertheless, there remain opportunities if the two sides were able to see past the fog of current events.

### **NATO's next summit and the way forward**

NATO will hold its 60<sup>th</sup> Anniversary Summit in April 2009 and is expected to start a review of its Strategic Concept. As part of this review, NATO will consider the role of nuclear weapons in its planning. This presents an opportunity for NATO to consider the means of expressing solidarity and "common commitment" to security in ways that do not rely upon expensive and out-dated measures that harm its own security.<sup>22</sup> Tactical nuclear weapons have no utility in future NATO operations, and present an opportunity cost to more critical requirements. European host countries are soon to face procurement decisions involving billions of dollars for the next generation of dual-capable aircraft, at a time of increasing US demands for greater European contributions to collective military operations and poor economic outlook.<sup>23</sup>

NATO's nuclear sharing arrangements in Europe today are legacies from a past overwhelming Soviet conventional superiority and the threat of a massive invasion that no longer exists and shows no sign of returning. They simply serve to increase Russia's sense of threat without contributing to NATO's own security. It would be irrational to simply hold on to these weapons to punish Russia's 'intransigence'. At the very least, the removal of these

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<sup>20</sup> *Ibid.*

<sup>21</sup> Gunnar Arbman, Charles Thornton, "Russia's Tactical Nuclear Weapons, Part I: Background and Policy Issues," *Swedish Defense Research Agency* (November, 2003), p. 39.

<sup>22</sup> NATO Alliance Strategic Concept, Press Release NAC-S(99)65, April 24, 1999, quoted in Diakov *et al* (2004), p. 37.

<sup>23</sup> Olivier Meier, "News Analysis: An End to U.S. Tactical Nuclear Weapons in Europe?" *Arms Control Today*, July/August 2006, available at: [http://www.armscontrol.org/act/2006\\_07-08/NewsAnalysis](http://www.armscontrol.org/act/2006_07-08/NewsAnalysis), accessed on 15 September 2008.

weapons will take away a crucial self-justification for Russia's own tactical arsenal, improve the possibilities of a follow-up to the Strategic Arms Reduction Treaty (START).

NATO states could rid themselves of this extra resource burden, reduce the risk of nuclear theft, and achieve a crucial diplomatic non-proliferation goal by implicitly tying the removal of U.S. tactical nuclear weapons to the expectation of clear reductions in Russia's tactical arsenal.

Perhaps most importantly, the removal of U.S. tactical nuclear weapons from Europe would signal the sincerity of individual NATO members' commitments to nuclear disarmament under Article VI of the NPT. The withdrawal of the weapons would also reassure NAM states that NATO members honor their international obligations under NPT Articles I and II, and improve prospects for the 2010 NPT Review Conference. The removal of these weapons may also be a symbolic starting point for more bold measures on the road toward a world free of nuclear weapons, a vision expressed by the now famous four U.S. statesmen, George Shultz, William Perry, Henry Kissinger and Sam Nunn.<sup>24</sup> This vision was more recently endorsed by four prominent U.K. statesmen, a group which includes former NATO Secretary General, Lord George Robertson.<sup>25</sup>

U.S. Presidential candidates John McCain and Barack Obama have both [made clear](#) their desire to move forward on this agenda.<sup>26</sup> Senator McCain has specifically [said](#) that he would seek to work with Russia to remove all tactical nuclear weapons from Europe as a prelude to further disarmament efforts.<sup>27</sup> Senator Obama has strongly [endorsed](#) the long-term vision of a world without nuclear weapons.<sup>28</sup> Whichever candidate wins will inherit the difficult assignment of working with Russia and NATO allies on significant issues. Tactical nuclear weapons present an important opportunity to reduce the nuclear dangers and improve a relationship that is critical to global security.

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<sup>24</sup> Former U.S. Secretary of State George Shultz, Former U.S. Secretary of Defense William Perry, former U.S. Secretary of State Henry Kissinger, and former Chairman of the Senate Armed Services Committee Sam Nunn, wrote two Op-eds in the *Wall Street Journal*, in January 2007, calling for "A World Free of Nuclear Weapons," and in January 2008, for "Toward A Nuclear-Free World," on 15 January 2008.

<sup>25</sup> Sir Malcolm Rifkind (Conservative), Lord David Owen (Crossbencher), Lord Douglas Hurd (Conservative), and Lord George Robertson (Labour), "Start worrying and learn to ditch the bomb," Op-ed in the *Times* (London), 30 June 2008. For additional context, see: BASIC, "Another milestone to Zero: UK Statesmen call for a World without Nuclear Weapons," *Special Getting to Zero Update*, 20 June 2008, available at: <http://www.basicint.org/update/zero080630.htm>

<sup>26</sup> Amitabh Pal, "Obama and McCain Take Steps against Nuclear War," *The Progressive*, 17 July 2008. Available <http://www.progressive.org/mag/wxap071708>, accessed 12 September 2008.

<sup>27</sup> Heather Maher, "U.S.: McCain Pledges to Work with Russia on Disarmament Issues," Radio Free Europe, 28 May 2008. Available <http://rfe.rferl.org/featuresarticle/2008/05/6814774d-3c49-4d4d-96ff-5b877152e47c.html>. Internet; accessed 12 September 2008.

<sup>28</sup> Alexander Mooney, "Obama says time to rid world of nuclear weapons," CNN.com, 16 July 2008, available at: <http://www.cnn.com/2008/POLITICS/07/16/obama.speech/>, accessed on 15 September 2008.