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NATO Needs a Declaratory Policy

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Laurence Gerhardt joined BASIC in December 2017 as a Research Intern. He has completed a BA in American Studies at the University of Sussex and an MSc in International Security at the University of Bristol, where his work focused on global militarism in the Obama era. His research for BASIC examined how changes to NATO nuclear declaratory policy could affect alliance relationships in the process of moving towards a modern security agenda.

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NATO Needs a Nuclear Declaratory Policy

Introduction: NATO's Declaratory Policy

Seven decades of proliferation have led to nine nuclear armed states. The five NPT Nuclear Weapon States (NWS) each offer their own negative security assurances to the world outlining the limits to the use of nuclear weapons. Declaratory policies are expressed with variable degrees of clarity and formality – sometimes existing only in the public announcements of a head of state – but they remain an important practice for every possessor of nuclear weapons.

There are two benefits to offering declaratory policy. First, it is part of the signalling essential to an effective deterrence posture. Without it, the posture of a nuclear armed state would remain a matter of guesswork.¹ Unnecessary ambiguity can lead to escalatory threats, ultimately raising the likelihood of a nuclear exchange. Second, it discourages the further proliferation of nuclear weapons by assuring Non-Nuclear Weapon States (NNWS) and reducing their incentive to acquire nuclear weapons themselves. Declaratory policies are therefore simultaneously at the core of both deterrence theory and of the Non-Proliferation Treaty (NPT).

Yet NATO has never had a declaratory policy. It has issued six 'Strategic Concept' documents that have provided internal guidance for military strategists.² While the unclassified Strategic Concepts produced in 1991, 1999, and 2010 provided

1 Malcolm Chalmers, 'Nuclear Narratives: Reflections on Declaratory Policy,' *Royal United Services Institute*, (2010), p. 1.
2 North Atlantic Council, 'Strategic Concepts', *NATO*, last modified June 12, 2018, <<https://www.nato.int/cps/en/>

a rough measure of a nuclear posture (with more detail in the 2012 Deterrence and Defence Posture Review), they still failed to indicate a set of conditions-for-use (or non-use) to allies and adversaries.³ Instead, NATO has explicitly preferred thus far to rely on the three distinct declaratory policies of its nuclear member-states, despite their contrasting conditions-for-use; in fact, the contradictions between the postures of the three nuclear Allies are regarded positively within NATO, as they allegedly contribute to 'ensuring uncertainty in the mind of any aggressor'.⁴ Most NWS are attached to this ambiguity.

Reasons against a NATO policy

Were NATO to adopt a declaratory policy with clear negative security assurances (NSAs) about its intentions to NNWS, it could improve intra-Alliance relationships, renew progress towards non-proliferation regime goals, and underpin its deterrent policies – while also taking steps towards what its former Secretary General Anders Fogh Rasmussen called its 'full potential as a pillar of global security'.⁵ In accepting such a policy, the United States, France, and UK would be accepting such restrictions on their use of nuclear threats when in the name of NATO operations only; they would continue to operate their own independent declaratory policy at other times. This would not restrict NATO from fulfilling its original role as a purely defensive (nuclear) alliance.

As an alliance made up of 29 nations, the primary argument against a collective declaratory policy is that NATO 'is not a state, and possesses no nuclear weapons of its own'.⁶ Instead, the nuclear weapons available for NATO operations are claimed to remain at all times under the control of its component Nuclear Weapon States. Three Alliance members maintain their own nuclear weapons (UK, US, and France) while it is thought that a further five (Belgium, Germany, Italy, Netherlands and Turkey) host approximately 180 of the United States' B-61 nuclear gravity bombs, though they remain under the control of the United States.⁷

Without nuclear weapons being formally assigned to the Alliance, it is suggested that NATO cannot provide assurances about their usage on a 'legally or politically binding basis'. Any such assurances could act to confuse adversaries and allies rather than clarify NATO's intentions – as the ultimate decision to use nuclear weapons remains with each NWS. It is therefore implied that in the context of an Alliance-led conflict, each of the NWS within the Alliance would autonomously decide whether to utilise their nuclear weapons or not, regardless of NATO strategy and planning. NATO's 2010 Strategic Concept refers to 'the independent strategic nuclear forces of the United Kingdom and France, which have a deterrent role of their own'.⁸

The Need for a Declaratory Policy

There are three primary reasons for NATO developing a declaratory policy:

natohq/topics_56626.htm>.

3 North Atlantic Council, 'Deterrence and Defence Posture Review', *NATO*, last modified May 21, 2012, <https://www.nato.int/cps/en/natohq/official_texts_87597.htm>.

4 North Atlantic Council, 'Strategic Concept', *NATO*, April 24, 1999, p. 15.

5 Anders Fogh Rasmussen, 'First NATO Press Conference,' *NATO*, last modified August 20, 2009, <https://www.nato.int/cps/en/natohq/opinions_56776.htm?selectedLocale=en> .

6 Malcolm Chalmers, 'Words That Matter? NATO Declaratory Policy and the DDPR,' in *Reducing Nuclear Risks in Europe: A Framework for Action*, eds. Steve Anderson and Isabelle Williams, (Nuclear Threat Initiative, 2011), p. 60. <http://www.nti.org/media/pdfs/NTLFramework_Chpt2.pdf?_id=1322701473>.

7 Chalmers, M, 'Words That Matter? NATO Declaratory Policy and the DDPR,' p. 53.

8 North Atlantic Council, 'Strategic Concept', *NATO*, November 19, 2010, p.14.

- NATO is a 'nuclear alliance' – its weapons and deterrent policy are seen by its members to be central to its unity;⁹
- Two Alliance bodies – the Nuclear Planning Group and the High Level Group – exist to collectively strategize, plan and prepare the release of nuclear weapons, coordinated by NATO commanders; and
- A declaratory policy would be consistent with NATO's dual track approach, demonstrating NATO's commitment to non-proliferation and its continued deterrent strategy.

NATO's extreme ambiguity in nuclear posture gives the impression of an alliance willing to contemplate nuclear first-use.¹⁰

NATO is a self-declared 'nuclear alliance'.¹¹ It is the only alliance that collectively practices the coordinated release of nuclear weapons, positioning its nuclear component as central to its collective power: the 'supreme guarantee of the security of the Allies'.¹² NATO's 2012 Deterrence and Defence Posture Review (DDPR) ultimately reiterated that '[a]s long as nuclear weapons exist, NATO will remain a nuclear alliance'.¹³

The deterrence posture is implemented in consultation within the Nuclear Planning Group (NPG) and the High Level Group (HLG), that meet to plan and strategise around the release of Alliance nuclear weapons. The annual nuclear release drill, 'Steadfast Noon', involves Alliance forces covertly practicing nuclear war simulations across allied territory.¹⁴ Its details remain confidential, feeding suspicions about intent. Adversaries see a nuclear alliance prepared to use nuclear weapons - with no reassurances over their conditions for use.

Those facing down the strength of the Alliance (that has been readily prepared to operate 'out of area') may easily conclude that possessing nuclear weapons may be their route to a higher chance of guaranteed security. Thus, the strength of NATO's ambiguity against 'any aggressor' erodes the foundation of the Non-Proliferation Treaty. NATO's insistence on a high level of ambiguity within its deterrent model may be undermining global security.

Nesting Declaratory Policies

NATO's nuclear posture is presently indirectly derived from the declaratory policies of each of its NWS members.¹⁵ If there were to be a collective Alliance policy it would apply exclusively to NATO-led operations, and not to national operations undertaken outside of it. NATO's three NWS members would continue to have their own unilateral 'strategic role', while NNWS members would have a stronger voice over NATO's own collective nuclear signalling. The North Atlantic Treaty itself legitimises and supports the concept of two coexisting declaratory policies under Article 3:

*'In order more effectively to achieve the objectives of this Treaty, the Parties, separately and jointly, by means of continuous and effective self-help and mutual aid, will maintain and develop their individual and collective capacity to resist armed attack.'*¹⁶

9 *Ibid*, p. 5.

10 *Strategic Concept (1999)*, p. 15.

11 *Strategic Concept (2010)*, p. 5.

12 *Strategic Concept (1999)*, p. 63.

13 North Atlantic Council, 'Deterrence and Defence Posture Review'

14 Julien E. Barnes, 'NATO Launches its Main Nuclear Drill, Showcasing Its Defenses,' *Wall Street Journal*, October 16, 2017. <<https://www.wsj.com/articles/nato-launches-its-main-nuclear-drill-showcasing-its-defenses-1508155670>>.

15 *Strategic Concept (2010)*, p. 17.

16 North Atlantic Council, 'North Atlantic Treaty', April 4, 1949.

Throughout NATO's history its collective decision-making is a bedrock. This was reiterated in the 2010 Strategic Concept where emphasis is placed upon: '...the broadest possible participation of Allies in collective defence planning on nuclear roles, in peacetime basing of nuclear forces, and in command, control and consultation arrangements'.¹⁷ A collective declaratory policy would contribute towards this objective and would signal effective Alliance unity. Kulesa and Frear note: 'Fundamental disagreements [over nuclear posture]... will be noted by opponents as evidence that the Alliance may be easier to divide during a crisis'.¹⁸

The 2018 US Nuclear Posture Review (NPR) begs the question of whether US allies are comfortable with the US effectively determining the nuclear posture of the Alliance, justified on the basis of assurance of allies. It expands the scope for nuclear response to 'significant non-nuclear strategic attacks' which include 'the U.S., allied, or partner civilian population or infrastructure, and attacks on U.S. or allied nuclear forces, their command and control, or warning and attack assessment capabilities'.¹⁹

Options for Declaratory Policy

For a NATO declaratory policy to be both meaningful and politically appealing, it should achieve three goals:

- express and achieve a common position within the Alliance
- contribute to the nuclear non-proliferation regime by restricting NATO's nuclear posture, and communicating a more responsible attitude to nuclear weapon ownership, and
- allow for détente with Russia.

It is a common misunderstanding that tighter declaratory policy signals weakness and a distaste for credible nuclear deterrence. It is commonly believed that it was for this reason the 2010 NPR failed to declare that the sole purpose of US nuclear weapons was to deter the threat or use of nuclear weapons against the United States or its allies. Japanese opposition to such a declaration was thought to signal a weaker US nuclear commitment to the defence of Japan.²⁰ On the contrary, a tighter declaratory policy simply clarifies US intent and signal resolve in those circumstances in which US nuclear weapons more explicitly would be contemplated.

Two possible proposals for NATO declaratory policy deserve some consideration:

1. No First Use (or variants, such as sole purpose or sole use directed at deterrence of nuclear threat or attack). Adopting an NFU policy demonstrates faith in the Alliance's substantial and superior conventional deterrent capability, making it significantly more credible.²¹ It also signals the sole purpose of its nuclear forces, as delivering a capability for a retaliatory strike for deterrence purposes. Prior to NATO's 1999 Strategic Concept, some optimistically advocated for NATO to adopt an NFU policy, claiming that this could 'reduce the political acceptability and military attractiveness of nuclear weapons, strengthen the nuclear non-proliferation regime, enhance the credibility of its deterrence policy and help to ease some of the tensions in the NATO-Russian relationship'.²² In the

17 *Strategic Concept (2010)*, p. 16.

18 Lukasz Kulesa and Thomas Frear, *NATO's Evolving Modern Deterrence Posture: Challenges and Risks* (London: European Leadership Network, 2017), p. 7. <<https://www.europeanleadershipnetwork.org/policy-brief/natos-evolving-modern-deterrence-posture-challenges-and-risks/>>.

19 United States Department of Defense, 'Nuclear Posture Review 2018,' February 2018, p. 21. <<https://www.defense.gov/News/SpecialReports/2018NuclearPostureReview.aspx>>.

20 Steve Fetter and John Wolfsthal, 'No First Use and Credible Deterrence,' *Journal for Peace and Nuclear Disarmament* Vol. 1, No. 1 (2018), pp. 102-114.

21 Scott D. Sagan, 'The Case for No First Use,' *Survival*, Vol. 51, No. 3 (2011), p.169.

22 Jack Mendelsohn, 'NATO's Nuclear Weapons: The Rationale for 'No First Use,'" *Arms Control Association*, July

event, the Strategic Concept ultimately stressed instead the ambiguous 'flexibility' of the Alliance posture. An NFU policy would be a significant departure for the Alliance and any such proposal would no doubt experience significant opposition.

2. Negative Security Assurances (pledges offered by nuclear armed states not to use or threaten to use nuclear weapons against NNWS, in contrast to Positive Security Assurances involving 'promises to come to the aid of non-nuclear states if they are threatened or attacked by nuclear weapons').²³ Given NATO's historic reluctance to develop any declaratory policy at all, it seems unlikely that they would jump to a full NFU policy, so offering NSAs might be considered a more politically agreeable first step.

Negative Security Assurances

NSAs can take a number of forms. The variations between them arise in the exceptions - those situations in which the NWS would like to retain some element of nuclear deterrent effect. The UK issues NSAs only for states that are 'party to the NPT and in compliance with the Treaty's obligations' while France issues NSAs and yet appears to deem its nuclear deterrent relevant to any situation demanding 'legitimate self-defence'.²⁴ The United States now has NSA exceptions over the strategic use of CBW and 'significant non-nuclear strategic attacks'.

NATO has itself already expressed an implicit acceptance of the logic of NSAs, as the 2010 Strategic Concept conveyed a clear belief 'that nuclear weapons are only relevant for a narrow (yet vital) set of contingencies'.²⁵ But this is vague, and does not merit the category of an NSA.

NSAs would not restrict strategic Alliance operations in deterring the one adversary that might involve effective nuclear deterrence, namely Russia. Other contingencies that involve operations against states that do not possess nuclear weapons would not be credibly affected by nuclear deterrence, and would be seen as clearly illegitimate.

While Alliance members broadly agree on the need for a nuclear deterrent relationship with Russia, many allies are looking for a more reassuring posture towards NNWS. In 2016, Belgium, Germany, and the Netherlands (amongst others) submitted a paper to the UN Open Ended Working Group advocating for NSAs and expressing interest in developing robust mechanisms to make them legally binding.²⁶ In 2010, the German parliament 'called upon the [German] government to urge the nuclear weapon states to adopt a sole purpose posture', leading the government to affirm at that point that it supported the adoption of NSAs by NATO.²⁷ Were the Alliance to create its own declaratory policy, allies' interest in 'reducing the salience of nuclear weapons' could be addressed whilst simultaneously reinforcing Alliance relationships at a crucial period of tension.²⁸

If NATO were to develop an NSA policy, one of the points of disagreement between member states could be whether to retain an exception governing Chemical or Biological Weapons. However, the threat of a nuclear response to the use of

1999, <https://www.armscontrol.org/act/1999_07-08/jmja99>.

23 Jeffrey Knopf, *Security Assurances and Nuclear Nonproliferation* (Stanford, US: Stanford University Press, 2017), p. 16.

24 Kelsey Davenport and Kingston Reif, 'Nuclear Declaratory Policy and Negative Security Assurances,' *Arms Control Association*, March 2018, <<https://www.armscontrol.org/factsheets/declaratorypolicies>>.

25 Chalmers, "Words That Matter? NATO Declaratory Policy and the DDPR," p. 60.

26 United Nations, 'Open-ended Working Group taking forward multilateral nuclear disarmament negotiations,' *United Nations Assembly (A/AC.286/WP.26)*, <<https://www.unog.ch/oewg-ndn>>.

27 Oliver Meier, 'Germany pushes for changes in NATO's nuclear posture,' *Arms Control Now*, March 2012, <<https://www.armscontrol.org/blog/2012-03-14/germany-pushes-changes-natos-nuclear-posture>>.

28 *Ibid.*

Chemical or Biological Weapons (CBW) is a deterrent role that has long been in question.²⁹ There is a big problem of attribution, even after weeks or months of investigation. Even with clear attribution, it is unthinkable that a nuclear response could be proportional. As Marc Finaud argues, not even 'in the most far-fetched scenario could chemical attacks endanger the vital interests of nuclear-weapon states and justify the use of nuclear weapons in retaliation', a point clearly illustrated by the responses to recent CW use in the ongoing Syrian Civil War.³⁰ A declaratory policy that includes explicit threat of nuclear retaliation for CW use may also present a commitment trap. Scott Sagan claims '...if CW or BW are used despite such threats, the U.S. president would feel compelled to retaliate with nuclear weapons to maintain his or her international and domestic reputation for honouring commitments'.³¹

Conclusion

NATO must do more to meet its responsibilities towards the international community and the nuclear non-proliferation regime. NSAs offer a low cost opportunity to do so. An unconditional NATO NSA, guaranteeing NATO would never attack a state without nuclear weapons under any circumstances, could coexist with the existing declaratory policies of its NWS members while substantially building intra-Alliance cohesion with its NNWS members. This is politically and strategically a viable option that does not undermine NATO's nuclear deterrent relationship with Russia. In offering such an unequivocal NSA to all NNWS, NATO could go some way to shoring up its internal relationships, deliver a credible step in reducing global reliance upon nuclear weapons, and demonstrate to the international community that it recognises its responsibilities as a nuclear alliance.

29 Scott Sagan, 'The Commitment Trap: Why the United States Should Not Use Nuclear Threats to Deter Biological and Chemical Weapons Attacks,' *International Security* Vol. 24, no. 4 (2000), pp. 85-115.

30 Marc Finaud, 'Why New Thinking is Needed on Negative Security Assurances,' *Arms Control Today*, October 2017, <<https://www.armscontrol.org/act/2017-10/features/why-new-thinking-needed-negative-security-assurances>>.

31 Sagan, 'The Commitment Trap,' p. 87.

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