

## CHAPTER TWO

# Words That Matter?

## *NATO Declaratory Policy and the DDPR*

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*“The circumstances in which any use of nuclear weapons might have to be contemplated are extremely remote.”<sup>1</sup>*

In November 2010, NATO’s Lisbon summit ordered a comprehensive review of NATO’s overall posture for “detering and defending against the full range of threats to the Alliance.” Essential elements of this Deterrence and Defense Posture Review (DDPR) will include examining NATO’s nuclear posture, together with missile defense and other means of strategic deterrence and defense.<sup>2</sup>

With the main principles of NATO’s “phased adaptive approach” to missile defense already agreed, the most contentious aspect of the DDPR is likely to be its review of the role of nuclear weapons. Attention is likely to focus, in particular, on two aspects of NATO’s nuclear posture: first, the future of nuclear sharing arrangements, including the role of U.S. nuclear weapons based in Europe therein; and, second, possible changes in NATO’s declaratory policy. Although these two aspects are interrelated, they are nevertheless distinct and separable. It is possible to imagine a DDPR outcome in which non-strategic nuclear weapons (NSNW) deployments and nuclear sharing arrangements are substantially reduced or even ended, yet declaratory policy remains unchanged. It is also possible that member states could agree to make changes in NATO declaratory policy, bringing them broadly into line with those already announced in the United States’ 2010 Nuclear Posture Review (NPR), while postponing any changes in nuclear sharing arrangements to a later date.

Declaratory policy, defined as a set of public statements about the circumstances in which a state or group of states would consider using nuclear weapons,

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1. NATO, *Strategic Concept for the Defence and Security of the Members of the North Atlantic Treaty Organisation*, November 2010, para. 17.

2. “Lisbon Summit Declaration Issued by the Heads of State and Government Participating in the Meeting of the North Atlantic Council in Lisbon on 20 November 2010,” NATO Press Release PR/CP(2010)0155, para. 30.

## CHAPTER TWO: KEY FINDINGS

- ▶ NATO has always had a declaratory policy—defined as a set of public statements about the circumstances in which a state or group of states would consider using nuclear weapons. This policy has played an important role in communicating both internally and externally how nuclear weapons contribute to collective deterrence and defense, as well as in supporting the Alliance’s arms control and disarmament commitments.
- ▶ Now that both the United States and the United Kingdom have adjusted their declaratory policies, there would appear to be a good *prima facie* case for NATO to do the same. NATO is not a state, and possesses no nuclear weapons of its own. It cannot provide assurances to other states on how the nuclear weapons of its member states might be used, either on a legally or politically binding basis. What it can do, and what it has done in the past, is produce a declaratory policy that explains the role that nuclear weapons assigned to the Alliance play within NATO’s overall deterrence and defense posture.
- ▶ A new declaratory policy could include one or both of the following elements:
  - ▶ NATO could endorse a policy of not using, or threatening to use, nuclear weapons against non-nuclear-weapon states party to the Nuclear Non-Proliferation Treaty (NPT), provided they are not in material breach of their nuclear nonproliferation obligations. This would be accompanied by a statement that member states reserved the right to suspend this commitment in the event of substantial new developments in the biological weapon capabilities of the aggressor states in question.
  - ▶ NATO could state that it now believes that the fundamental—or central or essential—purpose of its nuclear weapons is to deter others from using nuclear weapons. It could also state that it will aim to develop its nonnuclear capabilities so that, in the future, the sole purpose of its nuclear weapons would be to deter a nuclear attack. This would help provide a bridge between the nuclear, missile defense, and conventional elements of the Deterrence and Defense Posture Review (DDPR) by making clear that further moves toward a “sole purpose” posture might depend in part on further modernization of these elements of NATO’s deterrence and defence posture. At the same time, it could also clarify that, in current circumstances, there remains a narrow range of contingencies in which first use of nuclear weapons against nuclear-armed states would not be ruled out.
- ▶ Changes like these would help bring stated NATO policy more into line with the reality that there are very limited circumstances in which NATO member states now believe that they would have to contemplate the use of nuclear weapons in defense of NATO’s vital interests. These changes could be achieved through a new Declaratory Statement, issued by the Secretary-General on behalf of the Alliance, or as part of any public output from the DDPR.

has always been a balancing act.<sup>3</sup> Although it can have a key role in deterrence of potential adversaries, it can also be used to reassure those same states, together with concerned third parties and domestic public opinion, that nuclear weapons will only be used in extreme circumstances. In the case of NATO, declaratory policy has an additional dimension, helping to reassure the United States' European Allies of its willingness to incur the risks involved in extended deterrence, while assuaging their concerns that, in a future crisis, the United States might use its nuclear monopoly to privilege its own security over their own.

In addition to these deterrence and reassurance roles, NATO's declaratory policy also plays a role in supporting the Alliance's arms control and disarmament commitments. Thus the Lisbon summit committed member states to "create the conditions for a world without nuclear weapons in accordance with the goals of the Nuclear Non-Proliferation Treaty," and in this context made clear that Allies have "dramatically reduced the number of nuclear weapons stationed in Europe and our reliance on nuclear weapons in NATO strategy." Leaders went on to announce their commitment to "seek to create the conditions for further reductions in the future." As a result, a new NATO committee—the WMD Control and Disarmament Committee—has been established to provide further advice on these issues in the context of the DDPR.<sup>4</sup>

The DDPR is likely to involve intense debates between, and within, member states on the appropriate balance between different objectives of declaratory policy, and those of NATO's nuclear posture more generally. This is nothing new. Since NATO was founded in 1949, its strategic concept has been the subject for vigorous internal debate. It has been one of NATO's strengths as a democratic alliance that all its members have had an opportunity to contribute to these discussions. As a result, however, changes in nuclear policy have often been keenly debated for several years before being translated into alliance doctrine and operational planning.

NATO nuclear posture has often resembled a theology, a set of fundamental philosophical truths that apply in all circumstances. In practice, however, it has been more flexible. During the 1950s, NATO declaratory policy was based on "massive retaliation," the threat that NATO would respond to any aggression, even on a relatively limited scale, by the large-scale use of nuclear weapons. With Soviet nuclear capabilities making such a threat increasingly incredible by the early 1960s, however, the Alliance moved progressively toward a strategy of "flexible response," in which forward-deployed nuclear forces remained central, but in which conventional forces also played an increasingly important role. Then, as a result of the end of the Cold War, NATO moved to change its approach once again, opening the way for the sharp reductions in forward-based nuclear

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3. For further discussion, see Malcolm Chalmers, "Nuclear Narratives: Reflections on Declaratory Policy," *Royal United Services Institute Whitehall Report*, 2010, [http://www.rusi.org/downloads/assets/WHR\\_Nuclear\\_Narratives.pdf](http://www.rusi.org/downloads/assets/WHR_Nuclear_Narratives.pdf).

4. Lisbon Summit Declaration, para 31.

weapons in Europe that took place after 1990. At each stage, NATO nuclear policy adapted to changing strategic circumstances. Although the pace of change has often been slowed by the need to maintain consensus amongst its member states, the U.S.'s leading role in the Alliance has allowed it, when it chooses to do so, to build support for new approaches.

The 2010 Strategic Concept has continued in this tradition. When compared to the 1999 Concept, which it replaces, the 2010 document goes further in reducing the roles that nuclear weapons play in its strategy for deterrence and defense. Influenced by the “flexible response” strategy that NATO had adopted in the 1960s, member states in 1999 agreed that nuclear forces continued “to fulfil an essential role in ensuring uncertainty in the mind of any aggressor about the nature of the Allies’ response to military aggression. They demonstrate that aggression of any kind is not a rational option.” The 2010 Concept, by contrast, failed to endorse such a formulation. It also emphasised that NATO’s reliance on nuclear weapons in NATO strategy has been “dramatically reduced,” and that NATO will seek to “create the conditions for further reductions in the future.”

At the level of Strategic Concept, therefore, the 2010 Lisbon Summit has already seen a significant, but partial, move in declaratory policy away from the Cold War doctrine of ambiguity, and toward an explicit acceptance that nuclear weapons are only relevant for a narrow (yet vital) set of contingencies. In relation to declaratory policy, the role of the DDPR will be to examine whether, and in what ways, this shift in the Strategic Concept should be translated into more specific formulations on what these contingencies could be, and whether there are some circumstances in which NATO is now willing to clearly rule out using nuclear weapons.

## WHAT ARE “NATO NUCLEAR WEAPONS”?

The 2010 Strategic Concept states that “as long as nuclear weapons exist, NATO will remain a nuclear alliance.”<sup>5</sup> Yet NATO, as an international organization, possesses no nuclear weapons of its own. Instead, its claim to be a nuclear alliance rests on the willingness of its nuclear-armed member states to make nuclear weapons available to it. Accordingly, the Strategic Concept specifies that “the supreme guarantee of the security of the Allies is provided by the strategic nuclear forces of the Alliance, particularly those of the United States; the independent strategic forces of the United Kingdom and France, which have a deterrent role of their own, contribute to the overall deterrence and security of the Allies.”<sup>6</sup>

In establishing the DDPR at the Lisbon summit, NATO leaders stated that its review of nuclear posture would only apply to “nuclear weapons assigned to

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5. *Strategic Concept*, para. 17.

6. *Ibid.*, para. 18.

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NATO,” a formulation that was not used in the Strategic Concept itself (and that not all NATO officials recognize as having operational significance).

As a result of the 1963 U.S./U.K. Polaris Sales Agreement (as subsequently modified for Trident and the successor to Trident), all U.K. submarine-based nuclear weapons are formally assigned to NATO. Successive U.K. Prime Ministers have stipulated that these weapons “will be used for the purposes of the international defense of the Atlantic Alliance in all circumstances,” except where the U.K. Government may decide that “supreme national interests are at stake.”<sup>7</sup>

The Strategic Concept also states that France’s nuclear weapons “contribute to the overall deterrence and security of the Allies.” Unlike those of the United Kingdom, these forces are not assigned to NATO. France is not a member of NATO’s nuclear structures, and does not participate in collective nuclear planning.

In contrast to the forces of the United Kingdom and France, there is no consensus within NATO on the extent to which U.S. nuclear forces are “assigned” to NATO, or indeed on whether such a designation has any practical significance. U.S. nuclear weapons stored in Europe, for possible use with U.S. and European dual-capable aircraft (DCA), are often seen to be assigned. This perception has been further strengthened by the U.S. acceptance, at the 2010 Tallinn foreign ministers’ summit, that decisions on their future will not be made unilaterally, but only through a collective NATO agreement.

If assigned forces were to be defined narrowly to include only those forces actually deployed in Europe, it is possible that NATO could one day be in a position in which the only forces assigned to it would be the strategic forces of the United Kingdom. This paper assumes, however, that the DDPR will take into account all those U.S. and U.K. nuclear forces that might have a role in deterring an attack on the NATO area.

Including the United States’ strategic forces as available for defending its NATO Allies could become increasingly important if its NSNW are withdrawn from Europe, or dismantled altogether. There is a historical precedent for such a substitution. When the United States withdrew Jupiter missiles from Turkey in 1963, it reassigned their targets to U.S. submarine launched ballistic missiles (SLBMs) based in the Mediterranean. To provide further reassurance, the United States also sent the relevant ballistic missile submarine (SSBN) on a port visit to Turkey.<sup>8</sup> More recently, the 2010 NPR pointed to the role that U.S. strategic forces, together with U.S. non-strategic nuclear systems redeployed in a crisis, had played in extended deterrence in Asia after the forward-deployed U.S. nuclear weapons in the Pacific were withdrawn. Similar capabilities could be deployed for defending the United States’ European Allies.

7. For the most recent formulation, see the letter from Prime Minister Tony Blair to President George W. Bush of December 7, 2007, reproduced in Peter Hennessy, *Cabinets and the Bomb* (Oxford University Press, 2007), 333–34.

8. I am grateful to Scott Sagan for pointing to this parallel.

## NATIONAL DECLARATORY POLICY AND THE DDP

The consideration of possible changes to NATO declaratory policy needs to take into account the revisions of declaratory policy announced in 2010 by both the United States and the United Kingdom. For some, these announcements make a separate NATO declaratory policy superfluous because these are the only two member states that assign (at least) some part of their nuclear force to NATO. For most member states, by contrast, it makes a new NATO declaratory policy necessary, so that the policies of the Alliance reflect those already adopted by these two states.

### The U.S. NPR and Declaratory Policy

In April 2010, the U.S. Government published its own NPR. It contained some important shifts in declaratory policy.

First, it stipulated that “the role of nuclear weapons in U.S. national security and U.S. military strategy had been reduced significantly in recent decades, but further steps can and should be taken at this time.” With this in mind, it declared that “**the fundamental role of U.S. nuclear weapons**, which will continue to exist as long as nuclear weapons exist, **is to deter nuclear attack** on the United States, our Allies, and partners.” As a result of the fundamental change in the strategic situation since the end of the Cold War, “the role of U.S. nuclear weapons in deterring nonnuclear attacks—conventional, chemical and biological—has declined significantly.” The NPR committed the United States to “continue to reduce the role of nuclear weapons in deterring non-nuclear attacks.”

Second, the NPR announced a **strengthening of U.S. negative security assurances (NSAs)**, declaring that the United States “will not use or threaten to use nuclear weapons against nonnuclear weapon states that are party to the NPT and in compliance with their nuclear nonproliferation obligations.” It made clear that this assurance would apply even if such a state used chemical or biological weapons against the United States or its Allies and partners. Instead, it stated, such a state “would face the prospect of a devastating conventional military response—and that any individuals responsible for the attack, whether national leaders of military commanders, would be held fully accountable.” The United States reserved the right, however, to adjust this security assurance in light of new developments in biological weapons, taking into account developments in the United States’ capacities to counter these threats.

This strengthening of the U.S. NSAs is not legally binding, and can be amended or suspended at any time. But this could change in relation to some of the recipients of this guarantee, depending on future developments in relation to nuclear-weapons-free zones to which the United States is, or could be, a party. All five existing nuclear-weapons-free zones contain protocols that provide for legally binding NSAs from the nuclear weapon states; and the NPT RevCon encouraged all concerned states to ratify these protocols.

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At present, the United States has a legally binding NSA only with respect to states that have joined the Treaty of Tlatelolco, which covers Latin America and the Caribbean. This NSA is narrower than the one announced in the NPR, and the United States has not announced plans to amend its protocol. To do so, the United States would have to re-seek Senate advice and consent. The United States has also signed, and in May 2011 submitted for ratification, protocols to the South Pacific Nuclear Free Zone and the African Nuclear Weapon Free Zone. The NSA contained in the NPR is part of the U.S. statements that would accompany the proposed ratification. Provided the U.S. Senate agrees, therefore, the NPR NSA would become legally binding in relation to states party to these two treaties. Finally, the United States has pledged its intention to work with the signatories of the South-East Asian and Central Asian nuclear-weapon-free zones with a view to making protocol ratification possible. The working assumption in the U.S. Government is that, if such ratification does take place, it would propose to the Senate that the new NPR NSA should be used.

Third, **in the case of countries not covered by this new negative security assurance, the NPR made clear that “there remains a narrow range of contingencies in which U.S. nuclear weapons may still play a role in deterring a conventional or CBW [chemical biological weapons] attack against the United States or its Allies and partners.”** As a result, it concluded, the United States is “not prepared at the present time to adopt a universal policy that deterring nuclear attack is the sole purpose of nuclear weapons, but will work to establish conditions under which such a policy can be safely adopted.”

The new U.S. declaratory policy marks a significant change to the previous declaratory policy of “calculated ambiguity,” in which the possibility of nuclear weapons playing a role in deterring any form of aggression was left deliberately open. It still leaves U.S. options open, however, in relation to other nuclear weapon states and states not party to the NPT, together with states (such as Iran) that do not have nuclear weapons but are believed to be in breach of their nuclear nonproliferation obligations.

Given these exemptions, the extent of the shift in declaratory policy as a result of this new NSA assurance should not be overstated. Nevertheless, it has evoked some controversy within the United States. In U.S. Senate Hearings on the NPR, for example, Senator John McCain pointed out that this means that “we are telling the American people, now, that if there’s a chemical or biological attack on the United States, and it is of devastating consequences, we will rule out the option of using a nuclear weapon, even though that may be the most effective course of action, if that country is in compliance... with the NPT.”<sup>9</sup>

Precisely because this represents a substantive shift in declaratory policy, however, the U.S. Government has commended the NPR on this point, arguing that it

9. *Nuclear Posture Review: Hearing before the Committee on Armed Services*, 111th Cong. 27, (April 22, 2010) (statement of John McCain, U.S. Senator).

provides welcome reassurance to non-nuclear-weapons states that they “are not targets of the U.S. to use nuclear weapons” and that “the bar for using nuclear weapons is extremely high.”<sup>10</sup> A recent study of foreign reactions suggests that the United States might have had some success in this regard, not least because the new NSAs are seen in the context of President Obama’s 2009 Prague speech on nuclear disarmament.<sup>11</sup>

### The U.K. Strategic Defense and Security Review and Declaratory Policy

Shortly after its election in May 2010, the U.K. Government announced a review of its own nuclear declaratory policy. This announcement, timed to coincide with the NPT Review Conference, was designed to show that the new Coalition Government remained committed to playing an active role in international nuclear disarmament efforts.<sup>12</sup> The results of the U.K. declaratory policy review were announced in October 2010, as part of the government’s Strategic Defense and Security Review.<sup>13</sup>

The U.K. review was informed by the results of the United States’ own NPR. The most important change announced was that, like the United States, the government was “now able to give an assurance that the UK will not use or threaten to use nuclear weapons against non-nuclear weapon states parties to the NPT. In giving this assurance, we emphasise the need for universal adherence to and compliance with the NPT, and note that this assurance would not apply to any state in material breach of those non-proliferation obligations.”<sup>14</sup>

The United Kingdom reserved the right to review this assurance “if the future threat, development and proliferation” of “other weapons of mass destruction, for example chemical and biological” made it necessary. This reservation is broader than that provided by the United States, which refers only to new developments in biological weapons as a possible trigger for future NSA review.

The United Kingdom was also more circumspect in relation to the other aspects of declaratory policy covered in the U.S. NPR. There was no declaration that deterrence of nuclear attack was the “fundamental purpose” of the U.K. nuclear

10. Ibid., 28 (statement of Ellen Tauscher, U.S. Under Secretary of State for Arms Control and International Security).

11. Scott D. Sagan and Jane Vaynman, “Reviewing the Nuclear Posture Review,” *The Nonproliferation Review* 18(1), 17–37.

12. The declaratory policy review was announced alongside the first declaration of the total size of the U.K. nuclear stockpile (no more than 225 warheads).

13. HM Government, *Securing Britain in an Age of Uncertainty: The Strategic Defence and Security Review*, The Stationery Office, October 2010, 37–9. The Review also announced a further reduction in the U.K. nuclear stockpile, to no more than 180 warheads.

14. Ibid., 39.



force, no commitment to reducing the role of U.K. nuclear forces in deterring nonnuclear attack, and no commitment to work toward making the prevention of nuclear attack the “sole purpose” of those forces.

This more cautious declaratory policy can be explained, in large part, because of the distinct role that nuclear weapons play in U.K. security policy. Although its nuclear weapons are formally assigned to NATO, the primary purpose of the U.K. nuclear force is to safeguard the United Kingdom’s vital security interests in circumstances of “supreme national interest” where the United States has chosen not to make its own nuclear forces available for the United Kingdom’s protection. Insofar as it has an operational value, the U.K. nuclear force therefore exists primarily to provide a hedge against the possibility that U.S. extended deterrence fails to deliver. In such a scenario, however, the United Kingdom may also find itself unable to call upon U.S. conventional forces for its defense, and without conventional forces of its own that can credibly deter potential opponents. The United States is able to move toward a “sole purpose” policy because of its ability to afford credible plans for using its conventional forces to deter, and if necessary respond to, chemical and biological attack. If the United Kingdom were ever to stand alone, however, it may be concerned that it could not rely on being able to replicate this capability. Any agreed NATO declaratory policy will have to take account of these concerns.

### **SHOULD NATO’S DECLARATORY POLICY BE BROUGHT INTO LINE WITH U.S. AND U.K. POLICY?**

Now that both the states that assign nuclear weapons to NATO have adjusted their declaratory policies, there would appear to be a good *prima facie* case for NATO to do the same. Indeed, it might appear incongruous if it did not. After all, NATO has always had a declaratory policy, and this policy has played an important role in communicating—both internally and externally—how nuclear weapons contribute to collective deterrence and defense. It might, moreover, cast doubt on the seriousness of the new U.S. declaratory policy if its main tenets were to be contradicted by the policy of an alliance in which it is the leading member.

Yet NATO is not a state, and possesses no nuclear weapons of its own. It cannot provide assurances to other states on how the nuclear weapons of its member states might be used, either on a legally or politically binding basis. What it can do, and what it has done in the past, is produce a declaratory policy that explains the role that nuclear weapons assigned to the Alliance play within NATO’s overall deterrence and defense posture.

The very process of developing an agreed declaratory policy—as in the case of flexible response in the 1960s—might itself be seen as an important form of burden and responsibility sharing. With the prospect of the physical presence of nuclear weapons on European soil continuing to diminish, and perhaps ending

altogether within a decade, such collective deliberation on nuclear policy, together with the command, control, and training activities that could be associated with it, would become even more important in this regard. Without such activities, statements that NATO is a “nuclear alliance” could soon amount to little more than an acknowledgment that some of its member states possess nuclear weapons, and that they are available for collective defense.

Whether it proves possible to reach a consensus on declaratory policy in the DDPR will depend, in part, on the attitude of France. Unlike NATO’s other two nuclear weapon states, France remains unconvinced of the merits of moving away from a policy of deliberate ambiguity in declaratory policy, even to the limited degree announced by the United States and the United Kingdom. But it may be satisfied by an assurance that the results of the DDPR will only apply to forces assigned to NATO, and therefore only to those of the United Kingdom and some of those of the United States. Some other NATO member states, such as Germany, may be concerned that a new declaratory policy does not go far enough in de-emphasizing the role of nuclear weapons. Their support may depend on whether they believe that NATO has moved at least some way in this desired direction.

One of the most widely supported arguments in favor of a new NATO declaratory policy is that it would help bring stated NATO policy more into line with the reality that there are very limited circumstances in which NATO member states now believe that they would have to contemplate their use in defense of NATO’s vital interests. By saying so more clearly, it is argued, NATO might help to discharge the NPT Article VI responsibilities of its member states (both nuclear and nonnuclear).

It is possible to construct long-term scenarios in which U.S. power weakens dramatically compared to rising powers, and new technologies alter the nonnuclear balance to NATO’s disadvantage. In an extreme case, the NATO alliance could collapse, leaving Europe—or indeed individual European states—to make their own security arrangements in the face of these rising threats. For the purposes of developing a NATO declaratory policy, however, it is reasonable to assume that NATO continues to exist, and that member states continue to be committed to their mutual security guarantees.

Some additional reassurance could also be provided by stating that, whatever changes in declaratory policy are agreed in the DDPR, they will be subject to periodic review as strategic circumstances change. NATO declaratory policy changed in the 1960s in response to the growth in Soviet nuclear capability, and changed again when the Soviet threat disappeared in the early 1990s. It could change again if major new strategic threats emerge in future. Rather than being seen as a set of eternal principles, therefore, declaratory policy should be seen as part of the intellectual architecture that allows NATO to respond prudently to likely risks as best it can, helping to shape its operational planning as well as communicate its policies to other interested parties and states. Such a declaratory policy would,

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like the U.S. NPR, allow for the possibility that benign developments might allow NATO to move further toward reducing the roles of nuclear weapons, for example through future adoption of a “sole purpose” or “No First Use” policy. But it could also allow for the possibility that more malign developments—for example, in relation to new biological weapons—might lead it to rethink its restrictions on the circumstances in which a threat to use nuclear weapons might have a role to play.

## **POSSIBLE ELEMENTS OF A NEW NATO DECLARATORY POLICY**

If the DDP were to adopt a new declaratory policy, drawing primarily on the outcomes of the U.S. NPR, it might include one or both of the following elements:

### **Reassuring Nonaligned Non-Nuclear-Weapon States**

First, NATO could endorse a policy of not using, or threatening to use, nuclear weapons against non-nuclear-weapon states party to the NPT, provided that they are not in material breach of their nuclear nonproliferation obligations. Such a step was recommended by the 2010 Albright Group of Experts.<sup>15</sup> Mirroring the United States’ own NPR, it could be accompanied by a statement that noted that member states reserved the right to suspend this commitment in the event of substantial new developments in the biological weapon capabilities of the aggressor states in question.

A new declaratory policy along these lines would be in keeping with the wording in the 2010 Strategic Concept, which states that “the circumstances in which any use of nuclear weapons might have to be contemplated are extremely remote.” It would further underline that NATO no longer supports the policy of “deliberate ambiguity,” first adopted during the Cold War, and still in place as late as the 1999 Strategic Concept.

Current strategic circumstances are relatively favorable for adopting such a policy. Potential opponents about whom NATO member states are most concerned—such as North Korea, Iran and (potentially) Pakistan—almost all either have nuclear weapons or have active nuclear weapons programs. It is hard to imagine that removing the threat of nuclear use against less well-armed states of concern, such as Libya, Venezuela, or Zimbabwe, will undermine deterrence, because such a threat is already widely thought to be incredible.

It is possible that a new nonnuclear aggressor state might emerge in the future, possessing biological capabilities so powerful as to call NATO’s policy of nuclear abstinence into question. The emergence of such a state would constitute such a

15. *NATO 2020: Assured Security, Dynamic Engagement*, NATO Public Diplomacy Division, May 2010, p. 43.

major shift in the strategic environment as to justify revising NATO's deterrence and defense posture in its own right. In the absence of such a threat, however, there is some value in providing additional assurance to nonnuclear states in compliance with the NPT that NATO will not use nuclear weapons against them. Such an assurance might be largely redundant for NATO's Allies and partners. There remain, however, a significant number of other states for whom, given the recent history of U.S. and European interventions and their own colonial past, conflict with NATO states remains a real concern. Such states will not take U.S. or NATO statements at face value. But they may welcome negative security assurances as a further confirmation of the growing strength of the international taboo against nuclear use.

There potentially could be some questions regarding the process through which NATO judges whether a state is in "material breach" of its NPT obligations. Some NATO member states might argue that the appropriate adjudicator should be an international organization, such as the United Nations Security Council (UNSC) or the International Atomic Energy Agency (IAEA). For the purposes of NATO declaratory policy, however, the best answer to this question probably will be that NATO will use the same procedures as are used for authorizing the actual use of nuclear weapons. This means that the decision to use any nuclear weapons will remain a matter for the states that possess these weapons, but that, if time allows, they will seek to consult NATO Allies as fully as possible. In this arrangement, member states will reach their own judgments on the compliance state of potential aggressors, and can draw on UNSC and IAEA determinations in doing so. But, as in current arrangements, no member state will have veto power over the use of nuclear weapons by another member state.

In practice, a determination as to whether any particular state is not in compliance with the NPT will often (albeit not always) take place long before all-out conflict became a real possibility. In the case of Iran, for example, a long and troubled history of IAEA inspections, together with the relevant decisions of the UNSC, has progressively established the case that it is in material breach of its NPT nonproliferation obligations. If NATO were to enter into an armed crisis with Iran in the coming period, therefore, its noncompliant status will already be well-established.

There are dangers in this approach. It might heighten the perception that designating a particular state as non-NPT-compliant is tantamount to putting that state on a nuclear target list and thereby providing an additional incentive and public rationale for that state to continue with noncompliant activity, even if (as in the case of Iran at present) noncompliance does not involve any immediate threats to NATO territory. In such cases, the main rationale for withdrawing a nonuse security assurance is related to arms control (a desire to deter noncompliance activity) rather than to operational requirements (the change in strategic circumstances as a result of the actual acquisition of useable nuclear weapons). For, it is argued, such an arrangement provides an additional incentive for states

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not in compliance with their nonproliferation commitments (such as Iran) to do more to meet their commitments.

### Moving toward Sole Purpose

Second, NATO could state that it now believes that the fundamental—or central or essential—purpose of its nuclear weapons is to deter the use of nuclear weapons by others. It could also state that it will aim to develop its nonnuclear capabilities so that, in the future, the sole purpose of its nuclear weapons would be to deter a nuclear attack.

Such a policy would be consistent with the statement in the 2010 Strategic Concept that NATO has “dramatically reduced the number of nuclear weapons stationed in Europe and our reliance on nuclear weapons in NATO strategy,” as well as its commitment “to create the conditions for further reductions in the future.” It would also mirror parallel statements on “fundamental purpose” and “sole purpose” in the U.S. NPR.

A new NATO declaratory policy along these lines would help provide a bridge between the nuclear, missile defense and conventional elements of the DDPR by making clear that further moves toward a “sole purpose” posture might depend in part on further modernization of these elements of NATO’s deterrence and defense posture. At the same time, it could also make clear that, in current circumstances, there remains a narrow range of contingencies in which first use of nuclear weapons against nuclear-armed states would not be ruled out.

Such a move toward a “sole purpose” declaratory policy would, arguably, do no more than accept the reality of what has actually happened to the role of NATO nuclear weapons since the end of the Cold War. During the last 20 years, no NATO member state has come close to considering using nuclear weapons, far less the first use of nuclear weapons. The last decade has illustrated the limitations of U.S. conventional military power, especially against nonstate actors. Nevertheless, given the extent of conventional military capabilities that the United States could bring to bear (given sufficient time and political will), it is hard to imagine circumstances in which the United States would be prepared instead to resort to nuclear use, not least because of the wider reputational costs that would be involved in being the first power to do so since 1945.

Even second use of nuclear weapons against an opponent who could be rapidly defeated by conventional means is becoming less credible, given the massive civilian casualties that such retaliation would likely cause. The U.S. NPR acknowledged that “the prospect of a devastating conventional military response” is likely to provide the most effective, and most credible, deterrent to future use of chemical and biological weapons by nonnuclear states. But such a prospect could also, in many scenarios, be the most credible response to a CBW attack by a nuclear-armed state, or indeed a nuclear attack from such a state. The main exception to this rule, in circumstances of massive Alliance conventional superiority,

would be a scenario in which only nuclear weapons can provide a prompt counter-force option against enemy WMD forces, including forces that might be used in a follow-on to an initial nuclear strike. It remains to be seen whether planned improvements in U.S. conventional strike and missile defense capabilities can further reduce (although probably not end entirely) the operational advantages of resorting to nuclear use in these circumstances.

## CONCLUSION

Both the United States and the United Kingdom announced new declaratory policies in 2010, and together these policies “provide the declaratory policy context for the Alliance (France not being a member of NATO’s nuclear structures).” It can be argued, therefore, that a separate NATO policy “might provide little in the way of additional reassurance” and could carry the risk that “given the inevitable challenges of agreeing equally strong language across 28 countries...it might weaken the message.”<sup>16</sup>

Since its early days, however, NATO has always had a nuclear declaratory policy, which has evolved over time as strategic circumstances and national policies have altered. It would not be appropriate for NATO, as an international organization, to issue a legally binding NSA. But, in the wake of the changes announced in the U.S. NPR, it may now be appropriate for NATO to look again at its nuclear declaratory policy, and consider whether to bring this more into line with that of its most important nuclear guarantor. This could be done through the mechanism of a new Declaratory Statement, issued by the Secretary-General on behalf of the Alliance, or as part of any public output from the DDPR.

Were NATO to adopt a declaratory policy that was clearly less restrictive than that of the United States, it would raise questions as to whether the United States’ own declaratory policy had been diluted. On the other hand, if NATO adopted a more restrictive declaratory policy than the United States, for example by endorsing an unqualified “sole purpose” policy, it might be seen as creating a distinction between U.S. policies appropriate to the Euro-Atlantic area and those appropriate for deterring aggression in other parts of the world, such as East Asia. It is hard to see the United States being prepared to accept either option. Given this, a consensus within the Alliance is perhaps most likely to develop around the adoption of a nuclear declaratory policy that is close in spirit, if not in precise formulation, to the one adopted by the United States in the 2010 Nuclear Posture Review.

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16. Letter from Lord Strathclyde, Leader of the House of Lords, to Lord Browne of Ladyton, 25 November 2010. Available on <http://toplevelgroup.files.wordpress.com/2010/12/letter.pdf>. Last accessed 26 April 2011.