The North Atlantic Treaty Organization (NATO)’s Strasbourg-Kehl summit in April 2009 launched a review of the Strategic Concept—the Alliance’s highest level policy guidance. The review offers an opportunity to update policy on nuclear weapons and to strengthen the nuclear Non-Proliferation Treaty (NPT). NATO hopes to agree a new Strategic Concept at its Lisbon summit in late 2010.

NATO can play a key role in achieving a nuclear weapon free world by ending Cold War practices such as nuclear sharing, withdrawing tactical nuclear weapons from Europe, and working more closely with Russia to eliminate tactical nuclear weapons. The Strategic Concept review also offers the opportunity to reduce the role of US, British, and French nuclear weapons in Alliance strategy. While some within NATO are opposed to change, a review of nuclear policy is long overdue and vital to strengthening the nuclear non-proliferation regime.

Since the end of the Cold War, NATO has dramatically reduced the number of nuclear weapons deployed in Europe. However, the weapons, policies, and doctrines that remain in place are disproportionately damaging to relations with Russia and to the non-proliferation regime. They are a Cold War anachronism that undermines European security. Furthermore, nuclear sharing practices are a *prima facie* violation of Articles I and II of the NPT because they involve the eventual transfer by the United States to non-nuclear weapon states control over nuclear weapons. The legal justification for this was set unilaterally by the United States and many states party to the NPT acceded to the NPT without being aware of this policy.

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In Brussels, on 7 July 2009, at the launch of NATO’s public consultation on a new Strategic Concept, International Atomic Energy Agency Director General Dr Mohamed ElBaradei called on the Alliance to decrease heavily its “reliance on nuclear weapons,” arguing, “Insisting that nuclear is the supreme guarantee is the absolute wrong message to the rest of the world.”

**What does NATO’s nuclear sharing policy entail?**

NATO’s 1999 Strategic Concept asserts that strategic nuclear weapons provide the “supreme guarantee” of Alliance security. Three NATO members—the United States, United Kingdom, and France—possess over 10,000 nuclear weapons between them. Four NATO members that are formally non-nuclear weapon states parties to the NPT—Belgium, Germany, Italy, and the Netherlands—maintain “nuclear sharing” arrangements under which they could be given wartime use of some of the 200 American-owned and controlled nuclear free-fall bombs believed to be still stored in Europe. Until 2001, Greece, and until 2005, Turkey, also participated in nuclear sharing. Neither of these countries maintain active nuclear forces now, though Turkey still hosts US nuclear weapons on its soil.

During the Cold War, NATO nuclear sharing was credited with persuading countries like Germany and Italy to give up their national nuclear weapons programmes and join the NPT. But it now stands in the way of more effective non-proliferation approaches and progress towards building a world free of nuclear weapons. The basic fact is that 25 of NATO’s 28 member states, nominally non-nuclear, rely on nuclear weapons for their national defence.

NATO’s 1999 Strategic Concept states that war prevention requires “widespread participation by European Allies involved in collective defence planning in nuclear roles, in peacetime basing of nuclear forces on their territory and in command, control and consultation arrangements.” Some NATO countries host US nuclear bases and tactical weapons on their soil; some of their aircraft are equipped to carry nuclear weapons and their pilots are trained to fly nuclear missions. All allies except Iceland and France participate in Alliance nuclear planning as part of the Nuclear Planning Group.
Undermining Articles I and II of the NPT

Article I of the NPT states in part,

Each nuclear weapon State Party to the Treaty undertakes not to transfer to any recipient whatsoever nuclear weapons or other nuclear explosive devises or control over such weapons or explosive devices directly or indirectly;

Article II imposes a complementary obligation on non-nuclear weapon states not to “receive the transfer” of nuclear weapons. NATO nuclear sharing appears to breach these obligations. NATO argues that nuclear sharing is compatible with the NPT, based on a US interpretation that the Treaty does not deal with arrangements for deployment of nuclear weapons within allied territory, as these do not involve any transfer of nuclear weapons or control over them unless and until a decision were made to go to war, at which time the Treaty would not longer be controlling.2

However, in 1985, the NPT Review Conference agreed as part of its Final Document that “the strict observance of the terms of Articles I and II remains central to achieving the shared objectives of preventing under any circumstances the further proliferation of nuclear weapons and preserving the Treaty’s vital contribution to peace and security, including to the peace and security of non-Parties.”3 Though not made explicit, this language was intended by the delegation that introduced it to constrain NATO nuclear sharing arrangements. Since then, a growing number of NPT states parties, including more than 100 nations in the Non-Aligned Movement, have called on NATO members to transform their doctrine and policies to bring them into conformity with their NPT obligations.

Since the mid-1990s, the US interpretation has become increasingly controversial. At the 1995 NPT Review and Extension Conference, the Mexican delegation asked for clarification on whether nuclear sharing breached Articles I and II. Mexico’s concerns were taken up by the Non-Aligned Movement. Several proposals questioning the US interpretation were put forward for inclusion in the Main Committee I’s final report, including acknowledging that among States parties there are various interpretations of the implementation of certain aspects of Articles I and II which need clarification, especially regarding the obligations of nuclear weapon States
parties ... when acting in cooperation with groups of non-nuclear-weapon States parties under regional arrangements.4

For diplomatic reasons NATO is not named, but it is clear from the context (and a reading of the various statements during the NPT PrepCom) that these concerns related principally to NATO states and Russia.

In 1998, Egypt proposed that “the 2000 Review Conference state in clear and unambiguous terms that Articles I and II of the Treaty on the Non-Proliferation of Nuclear Weapons allow for no exceptions and that the NPT is binding on States Parties at all times.”5 This mirrored the language of the final document of the 1985 Review Conference in which States Party to the NPT agreed by consensus that Articles I and II apply “under any circumstances”. No NATO states dissented from that consensus.

In 1999, the New Agenda Coalition proposed that “all the articles of the NPT are binding on all States Parties and at all times and in all circumstances.”6 The Egyptian delegation further proposed “that the PrepCom recommend that the 2000 Review Conference state in clear and unambiguous terms that Articles I and II of the Treaty on the Non-Proliferation of Nuclear Weapons allow for no exceptions and that the NPT is binding on State parties in times of peace and in times of war alike.”7 Though not adopted then, this needs to be put back on the NPT table.

NATO countries claim to support the full implementation of the NPT, but have often opposed disarmament proposals endorsed by the majority of non-nuclear states in multilateral fora such as the NPT and UN General Assembly First Committee. The Principles and Objectives for Nuclear Non-Proliferation and Disarmament adopted as part of the decisions to extend the NPT in 1995 contained a number of commitments relevant to the Alliance, including the establishment of additional nuclear weapon free zones and further steps to assure non-nuclear weapon states parties to the Treaty against the use or threat of use of nuclear weapons. NATO’s nuclear policies have constituted an obstacle to improving negative security assurances and to any initiative to establish a nuclear weapon free zone in Central Europe.

Similarly, NATO policies run counter to much of the Programme of Action adopted by NPT states at the 2000 Review Conference (and endorsed by NATO itself in December 2000), notably the commitments to transparency, further reductions in non-strategic weapons, reductions in the operational status of these weapons, and a diminishing role for nuclear weapons
in security policies.

Despite this continued criticism within the NPT context, NATO members hold that their nuclear sharing is in compliance with the NPT, arguing that the arrangements predated the NPT and that “general war” would end the validity of the NPT, as the purpose of the treaty is to prevent such a war. This interpretation is open to challenge. If any other NPT state tried to share nuclear weapons using similar arrangements, the NATO countries would be the first to condemn them for breaching Articles I and II of the NPT. And, in the past, Belarus has suggested it would like a similar arrangement with Russia. In effect, NATO maintains a privileged practice that it would not want others to emulate.

Dr. John Burroughs of the Lawyers Committee on Nuclear Policy has argued,

There is a *prima facie* case that NATO nuclear sharing violates Articles I and II.... The United States itself has acknowledged that there could be a transfer of control in the event of war, and the United States is presently *assisting* non-nuclear weapon states in *acquiring* such possible control. The NPT does not provide that it becomes ineffective in time of war. Nor is there any basis in international law for maintaining that it does so. The NPT does provide for withdrawal upon three months notice of extraordinary events that a state regards as having jeopardized its supreme interests, but this is not relied upon by the United States.⁸

NATO’s nuclear sharing arrangements would amount to *de facto* proliferation in times of war. This is particularly destabilizing in the post 9/11 context: under the Bush administration, the US government declared a “war on terror” and changed military doctrines to provide for nuclear weapons to be used in preemption or retaliation. These doctrines, currently under review by the Obama administration, would allow the United States to start a war using nuclear weapons, thereby creating the conditions under which it says the NPT is not operative, and then use nominally non-nuclear NATO nations to participate in a nuclear attack. If this seems somewhat theoretical, the United States is reliably reported to have drawn up plans for a nuclear attack on the Iranian uranium enrichment facility at Natanz during the Bush administration—which would create the circumstances that would allow activation of NATO sharing programme.
Growing support for removal of NATO nuclear weapons

There are increasing calls from government figures, parliaments, and citizens groups for NATO nuclear weapons to be removed from Europe. The US Task Force on Department of Defense Nuclear Weapons Management found that senior figures in United States European Command (USEUCOM) see US nuclear weapons as having “no military value” and see “no military downside to the unilateral withdrawal of nuclear weapons from Europe.” Their 2008 report argues that the reason for retaining these weapons is “the political value” that allies place on them. This fails to recognize growing opposition to these weapons in European countries.

**Germany.** In mid-October 2009, the newly formed German coalition government stated in its policy document that, “in the context of talks on the Strategic Concept for NATO we will advocate within NATO and towards out U.S. allies a withdrawal of remaining nuclear weapons from Germany.” Foreign Minister Guido Westerwelle then initiated a round of visits with close allies, at which the issue was discussed. He raised withdrawal of nuclear weapons during the NATO Foreign Ministers meeting on 3 and 4 December 2009 in Brussels. Opposition Social Democrats also support withdrawal. In May 2009, German foreign minister Frank-Walter Steinmeier told the German magazine *Der Spiegel,* “these weapons are militarily obsolete today” and promised that he would take steps to ensure that the remaining US warheads “are removed from Germany”. Similarly, Social Democrat spokesperson for disarmament Rolf Mützenich called on Angela Merkel to discuss the issue with US President Obama, “with a view to relatively quickly reaching an agreement on the withdrawal, preferably within the next couple of months.”

Previously, in January 2009, in response to the letters published in the *Wall Street Journal* by Kissinger, Schultz, Perry, and Nunn, former chancellor Helmut Schmidt, former President Richard von Weizsäcker, along with former Ministers Egon Bahr and Hans-Dietrich Genscher, published an op-ed in *New York Times* calling for all remaining US warheads to be withdrawn from German territory. Much earlier, in January 2006, nine parliamentarians from the then-newly formed party Die Linken introduced a resolution to German parliament calling for the German Air Force to end its NATO commitment to deliver US nuclear weapons in times of war.
In April 2005, the Liberal Party in Germany proposed a resolution in Parliament asking the government to insist on the withdrawal of US nuclear weapons from German territory. The proposal was overwhelmingly supported by the German public and politicians.14

Netherlands. In the first week of November 2009, Dutch Foreign Minister Maxime Verhagen met his German counterpart. They discussed issues including nuclear withdrawal and Verhagen agreed that the Netherlands would also work for the withdrawal of US nuclear weapons from Europe in the context of the Strategic Concept talks and US-Russia arms control negotiations.15

On 23 November 2009, the daily Dutch newspaper NRC Handelsblad published an article by Ruud Lubbers (former Prime Minister of the Netherlands), Max van der Stoel (former Minister of Foreign Affairs), Hans van Mierlo (former Minister of Defence and of Foreign Affairs), and Frits Korthals Altes (former Minister of Justice) called “Toward a Nuclear Weapon Free World”.16 The article calls for the Netherlands to play an active role in ensuring that the revision of NATO’s Strategic Concept “will lead to the withdrawal of American nuclear weapons from the territories of non-nuclear weapon states.”

Previously, in February 2001, Dutch parliament held a debate on the Netherlands’ role in NATO nuclear sharing. Several Dutch political parties supported the unilateral removal of US nuclear weapons from the Netherlands, but two of the three governing parties argued for negotiated removal, while a slight majority in parliament’s Lower Chamber supported increased transparency by NATO. During the debate, Dutch Minister of Foreign Affairs Jozias van Aartsen argued, “We are part of an alliance which possesses nuclear weapons, this is part of NATO’s strategic concept and this therefore means that Holland must play a role in this.” He went on to assert, “in all the negotiating fora which we have on this in the coming years, that the aim remains the abolition of nuclear weapons.”17

Belgium. On 15 October 2009, legislation proposing a ban in Belgium on the manufacturing, fixing, sale, shipping, and possession of nuclear arms was submitted to the Belgian Senate. Consideration and full passage of the bill will take until May 2010 to carry out. The current proposition, prepared by Socialist Senator Philippe Mahoux, is the first step in the process of effectively banning all kinds of nuclear weapons in Belgium. Mahoux said the
resulting law would be in keeping with Belgium’s commitments under the NPT and could help promote arms control.  

On 3 November 2009, Belgian Foreign Minister Yves Leterme met Guido Westerwelle and the two also agreed to work for the withdrawal of US nuclear weapons from Europe. A week earlier, Leterme had told the Belgian Senate that he would seek the withdrawal of nuclear weapons from Belgium in concert with other NATO allies.

Earlier, on 22 March 2005, the Commission of Foreign Affairs and Defence of the Belgian Senate adopted a resolution requesting the Belgian government to broach the possibility of removal of US nuclear weapons from Europe. On 21 April 2005, the Belgian Senate unanimously echoed this call.

**Norway.** In December 2007, Steinmeier and his Norwegian counterpart, Jonas Gahr Støre, launched an initiative “to identify areas in which NATO can better define its profile on disarmament, arms control and nuclear non-proliferation.” In April 2009, State Secretary Espen Barth Eide of the Norwegian Ministry of Defence told *Arms Control Today* that “all issues are on the table in NATO, including the presence of U.S. nuclear weapons in Europe as well as tactical nuclear weapons and de-alerting.” The Norwegian Coalition government has committed itself to initiate a discussion in NATO about how the alliance can contribute to realizing the goal of a world without nuclear weapons. Through commitments that include all countries. The issue of the role of nuclear weapons in the Alliance will be an important part of this work.

**Italy.** On 23 June 2009, the Italian Parliament adopted by consensus a resolution submitted by Parliamentarians for Nuclear Non-Proliferation and Disarmament Council member Federica Mogherini, which calls on the government to increase its efforts for nuclear disarmament. The resolution highlights a number of proposals and initiatives including the nuclear weapons convention, the UN Secretary-General’s five-point plan for disarmament, and the European Parliament resolution of 5 June 2009. The resolution calls on the Italian government to:

- work as President of G8 with other G8 leaders to take substantial steps towards the goal of a total elimination of nuclear arsenals;
- foster, within NATO, a discussion on the need to rethink the role and importance assigned to nuclear weapons; to promote a constructive
dialogue towards a European Nuclear Weapon Free Zone; and to advance the goal of zero nuclear weapons.

On 27 March 2008, 67,248 Italian citizens submitted a bill to Italian parliament to have Italy declared nuclear weapon free. On 24 July 2008, four Italian statesmen—Massimo D’Alema, Gianfranco Fini, Giorgio La Malfa, and Arturo Parisi—and one scientist, Francesco Calogero, drafted an op-ed on a nuclear weapon free world, though they did not mention the removal of nuclear weapons from Italian soil as one of the steps in this direction.22

**Turkey.** There is a growing debate in Turkey as to whether nuclear weapons are necessary for national defence. It has been reported that an advisor to the Turkish Prime Minister has said publicly that they are not. When asked if Ankara’s commitment to a nuclear weapon-free Middle East mean that the Turkish Government would support withdrawal of the weapons now or possible under some future agreement, Ibrahim Kalin, chief foreign policy adviser to the Prime Minister, reportedly “began ... with all the standard things”:

That it was up to the United States, that this is a conversation that should occur within NATO, Turkey’s commitment to a nuclear-weapon free region was a serious proposal, etc. Then he said something remarkable: As for his own personal opinion, Kalin said, Turkey “would not insist” that NATO retain forward-deployed nuclear weapons. Conventional forces are sufficient, he added, to meet Turkish security needs. Kiniklioglu [a Turkish MP who serves as deputy chairman of foreign affairs for the party] didn’t flinch.”23

**Strategic Concept review**

A debate on the role of US nuclear weapons in NATO during the NATO Strategic Concept revision is now unavoidable. A majority, if not all, basing countries now wish or would accept the removal of US nuclear weapons. The Strategic Concept review provides NATO nations with an excellent opportunity to live up fully to their obligations under Articles I and II and to strengthen the NPT by allowing the loophole on nuclear sharing to be closed once and for all. On 3 August 2009, NATO launched a web module on its new Strategic Concept that provides access to background information, re-
lated opinions, and a bibliography, and also includes a public discussion forum. The forum promises that comments posted there “will be periodically transmitted to both the Secretary General and the group of eminent persons as an input to their deliberations. NATO will give feedback as appropriate.”

The Secretary General has also appointed a twelve member “expert group” to consult with governments, think tanks, non-governmental organizations, and international organizations on the Strategic Concept and to submit its conclusions to the Secretary General in April 2010. In order for the process of civil society input to be as informed as possible, some groups, including NATO Watch, have urged NATO to “loosen its access to information rules,” pointing to the classified status of significant background studies, such as the advice of the Military Committee, and to make public the presentation of the expert group’s analysis and recommendations and the Secretary General’s report.
Recommendations

- NATO’s non-nuclear members should cease equipping their aircraft and training to use US nuclear weapons in times of war. This would be timely and economically attractive, since all nuclear sharing nations must replace their aging fleets of aircraft over the next decade, and could use this opportunity to reorient defence budgets while giving up the anachronistic nuclear role.

- As part of its Strategic Concept review, NATO should remove US tactical nuclear weapons from Europe and end the policies of nuclear sharing and deterrence based on the potential first use of nuclear weapons. NATO should use this decision in a leverage strategy to persuade Russia to mothball and eliminate its tactical nuclear forces as well.

- These actions should be publicly announced (unlike recent withdrawals) to contribute to a positive atmosphere at the NPT. NATO members should then initiate a further programme of action to strengthen the NPT, including committing to the goal of a nuclear weapon free world and practical steps to achieve this aim.

- To begin this process, at the 2010 Review Conference, NPT states should strengthen the Treaty by declaring that it is binding on all state parties “under any circumstances”. NATO member states should issue a joint declaration accepting this and stating their intention to comply promptly.