

NATO and arms control: A blueprint for action

Tom McDonald and Kathleen Miller

Basic Research Report, Number 2000.3, October 2000



British American Security
Information Council

This report was made possible with the generous support of the Carnegie Corporation of New York, the John D. and Catherine T. MacArthur Foundation, the Ford Foundation, the W Alton Jones Foundation, the Ploughshares Fund and the Joseph Rowntree Charitable Trust.

Chapter 1: Introduction

NATO currently is engaged in a process of developing new policies for arms control and disarmament, under a mandate given by the heads of state and government of the 19 member nations during the Alliance's April 1999 summit. At their May 2000 meeting in Florence, allied foreign ministers stated that they were expecting to receive a "substantive report" on a "comprehensive and integrated review" in December 2000.[1]

NATO has been involved in developing arms control and disarmament strategies for more than 30 years. In agreeing to "The Future Tasks of the Alliance" in 1967, NATO stated for the first time that "military security and a policy of détente are not contradictory but complimentary," and further outlined that the "allies are studying disarmament and practical arms control measures." [2] The most recent arms control strategy agreed by the Alliance was in 1989, when the allies agreed to build a "comprehensive concept of arms control and disarmament." [3] They laid out an "ambitious arms control agenda for the coming years in the nuclear, conventional and chemical fields." Since that time, there has been progress in all these areas. For example, NATO has reduced the number of weapons available for its sub-strategic forces in Europe by more than 85 percent in the past 10 years, and consistently supported key arms control treaties.

Today, however, the arms control agenda designed during the East-West confrontation is exhausted and outdated. The question arises as to what actions the Alliance now should take to implement the remit laid down by the 1999 summit. Among other factors, the outcome of the 2000 Review Conference of the nuclear Non-Proliferation Treaty (NPT), progress in other international fora on the issue of small arms and light weapons, and the continuing global proliferation of weapons of mass destruction make it a matter of urgency that NATO adopt an ambitious new arms control agenda.

NATO's agenda prior to the 50th anniversary summit in Washington was filled with a number of crucial policy issues, such as the Kosovo conflict, the Defense Capabilities Initiative (DCI), the EU Common Foreign and Security Policy, and the proposed U.S. national missile defense (NMD) system. Nonetheless, key member states were able to keep NATO's arms control policies on the table during meetings of Alliance defense and foreign ministers. The heads of state and government issued a summit communiqué, "An Alliance for the 21st Century," on April 24, 1999. Paragraph 32 of this communiqué reads as follows:

"Arms control, disarmament and non-proliferation will continue to play a major role in the achievement of the Alliance's security objectives. NATO has a long-standing commitment in this area. Allied forces, both conventional and nuclear, have been significantly reduced since the end of the Cold War as part of the changed security environment. All Allies are States Parties to the central treaties related to disarmament and non-proliferation of weapons of mass destruction, the Nuclear Non-Proliferation Treaty, the Biological and Toxin Weapons Convention and the Chemical Weapons Convention, and are committed to the full implementation of these treaties. NATO is a defensive Alliance seeking to enhance security and stability at the minimum level of forces consistent with the requirements for the full range of Alliance missions. As part of its broad approach to security, NATO actively supports arms control and disarmament, both conventional and nuclear, and pursues its approach against the proliferation of weapons of mass destruction and their delivery means. In the light of overall strategic developments and the reduced salience of nuclear weapons, the Alliance will consider options for confidence

and security building measures, verification, non-proliferation and arms control and disarmament. The Council in Permanent Session will propose a process to Ministers in December for considering such options. The responsible NATO bodies would accomplish this. We support deepening consultations with Russia in these and other areas in the Permanent Joint Council as well as with Ukraine in the NATO-Ukraine Commission and with other Partners in the [Euro-Atlantic Partnership Council].”[4]

The above declaration reflects NATO’s continued concerns about the proliferation of nuclear and conventional weapons, as well as the dubious health of international arms control regimes. It is also a hopeful sign that NATO members will commit themselves to making NATO arms control policies more compatible with other bilateral and multilateral developments in the post-Cold War security environment.

Despite worldwide reductions in levels of conventional and nuclear weapons, as well as new initiatives on issues such as small arms, NATO has been unable to convince states outside the Alliance that its contribution and commitment to arms control is as comprehensive as possible. However, with its unique membership of three nuclear powers, in addition to its superior conventional forces, the world’s premier military alliance does seem to be an appropriate forum to address the relationships among different arms control issues. This paper suggests some possible areas for progress within NATO regarding nuclear forces, heavy conventional weapons, and small arms.

Nuclear Weapons

External criticism of NATO nuclear strategy, led by South Africa, Egypt and Mexico, continues to rage, with particular attention focused on: NATO’s refusal to adopt a ‘no-first-use’ policy; allied consideration of using nuclear weapons in response to biological and chemical weapons; nuclear sharing arrangements in Europe; the question of unilateral reductions by member states; and the continuing prominence of nuclear forces in Alliance political and military strategy.

This pressure, alongside the efforts of a group known as the ‘NATO Five’ (Germany, Italy, Belgium, Norway and the Netherlands), led to the Alliance commitment given to “consider options for confidence and security building measures, verification, non-proliferation and arms control and disarmament.” However, it does not appear that the Alliance is prepared to look again at the ‘theological’ issues of nuclear policy, having agreed on its Strategic Concept so recently.

“There is no plan for a comprehensive review of NATO nuclear policy,” said Walter Slocombe, U.S. undersecretary of defense, in a recent press conference.[5] This opinion has been echoed by the U.K. Ministry of Defence and NATO officials in private, thus damaging hopes that the paragraph 32 process would have anything other than a narrow mandate.

Heavy Conventional Weapons

The Conventional Armed Forces in Europe (CFE) Treaty has served as the basis for NATO policy regarding the five major conventional systems covered by the treaty since 1992. The recent signing of an adapted CFE treaty in November 1999 represents significant progress in NATO’s commitment to establish arms control regimes for the post-Cold War world.

Although paragraph 32 does not limit its mandate to nuclear forces, NATO is allowing nuclear issues to drive the arms control dialogue. The adapted CFE treaty seems to be as far as NATO is willing to tread, despite the fact that no NATO members have yet ratified it. There is a general feeling that as long as Russia complies with prescribed force levels in its southern flank, the subject of conventional forces in NATO’s area of concern has

been more or less dealt with.

Small Arms

One subject area within the field of conventional arms control has attracted attention, both internally and externally, and has sparked suggestions for possible NATO action – the proliferation of light weapons and small arms. Witnessing the wide availability of these weapons throughout the Balkan region during NATO's operations in Southeastern Europe has shown allied leaders the destabilizing potential they possess. Through the NATO/Euro-Atlantic Partnership Council (EAPC) Work Program, announced in July 1999, NATO has shown an interest in the surplus stockpiles and export policies of aspirant members. Much work still remains in this area.[6]

Further, despite the initial interest in the topic of small arms, NATO has begun to take the position that prevention of small arms proliferation is an activity that must be carried out by national governments. This is most likely the result of the existence of extremely varying policies throughout the Alliance. However, NATO cannot shirk responsibility for combating flows of small arms, especially within its partner countries in Eastern and Southeastern Europe.

However, since the issue of small arms crosses a number of for a within and outside of NATO, BASIC intends to address the subject of NATO's role in a separate forthcoming paper. Crucial to NATO's success in this arena will be plans to work in coordination with the United Nations and the Organization for Security and Cooperation in Europe, in particular, to avoid duplicative or contradictory efforts.

Chapter 2: NATO and International Nuclear Arms Control

In this review process, Allies are paying closest attention to the issues surrounding NATO's nuclear policies. There are several reasons for this. First, three NATO nations (Britain, France and the United States) are Nuclear Weapons States under the NPT, and NATO has a much longer history of dealing with nuclear weapons policy than with small arms, for example. Second, the whole review process was sparked off by disagreements over nuclear policy, and there remain differences of opinion among NATO allies regarding disarmament, arms control and non-proliferation in the nuclear field. Third, the Weapons of Mass Destruction Centre, one of the key sections of the NATO bureaucracy involved in the review, only recently has been established and is still in the initial stages of establishing its mandate.

There are many factors that will decide whether NATO's process becomes an asset or a hindrance to global nuclear non-proliferation and disarmament efforts. These include:

- Reluctance on the part of the nations that host U.S. sub-strategic weapons to consider new transparency measures, for fear of unleashing unwelcome new political and environmental debates, both domestically and in fora such as the process for reviewing and implementing the NPT.
- Continued belief within NATO in the applicability of the Strategic Concept agreed in 1999.
- Widespread uncertainty over the possible effects of the U.S. National Missile Defense (NMD) program on the global arms control architecture, especially the process of bilateral reductions in the U.S.-Russian arsenals under by the Strategic Arms Reduction Treaty (START) and its follow-on negotiations.
- Long timelines for progress on cooperation with Russia, especially in light of the Kosovo conflict and NMD.
- The large volume of other work on NATO's books, not least the U.S.-led Defense

Capabilities Initiative, the relationship with the European Union's Common Foreign and Security Policy, and the continuing NATO operations in Kosovo and Bosnia-Herzegovina.

- Isolation of Canada as the only ally prepared to put serious diplomatic weight behind arms control issues in internal alliance discussions.
- Serious concerns over the state, safety and location of Russian sub-strategic arsenal.
- Proliferation developments in parts of the world such as North Korea, the Middle East and South Asia.

2.1 Commitment to NPT Provisions

A key decision made by the international community in 2000 was the package of practical measures to further the implementation of Article VI of the NPT, agreed at the NPT Review Conference in New York. The following analysis of practical measures the Alliance might take to further the decisions made at the NPT Review Conference concentrates on the measures agreed in respect to Article VI,[7] and does not address issues of security assurances or nuclear-weapon-free zones,[8] since there is an existing body of proposals on these matters. However, the issue of the universal application of the NPT is one that has not received sufficient attention.

N.B. The order of the recommendations below follows that of the final document issued by the NPT 2000 Review Conference, rather than that of the authors. It is important to note that the NPT Review Conference document leaves some of the more fundamental policy issues until later in the list, despite the fact that decision-making on these matters naturally will govern other issues mentioned earlier in the list.

2.1.1 *Universal application of the NPT*

The NPT Review Conference reaffirmed the need for strict and universal adherence to the treaty by all states parties. In the period 1995-2000 and at the Review Conference itself, a number of states raised concerns about various aspects of NATO nuclear policy. There are a number of highly technical legal and historical issues which arise.[9] Leaving these issues aside, however, a more fundamental one remains – that is, applicability of the NPT to NATO nations also tied by allied nuclear doctrine.

Alliance policy of supporting the universal application of the NPT is not consistent with the exceptions that NATO members claim for themselves in relation to each other. How can non-nuclear states within NATO base their security policies upon nuclear weapons at the same time as claiming the status of Non-Nuclear Weapon States under the NPT? Three states recently joined NATO and included nuclear weapons in their national defense policies, and eight more are seeking NATO membership. By the time of the 2005 NPT Review Conference, it is quite possible that the number of Western states basing their security policy upon nuclear weapons will have increased from 16 in 1995, to 27 or more in 2005.

NATO's Nuclear Planning Group, for example, routinely receives briefings on the nuclear arsenals of the United Kingdom and the United States, and the part they play in the security policy of all members of the Alliance. While NATO members all subscribe to Alliance strategy, they make individual national decisions as to their level of participation. Iceland, with no armed forces, is not in the Nuclear Planning Group. Also excluded is France, despite its nuclear weapons capability.

Current NATO policy/practice: At present, the Alliance view is that its policies are entirely consistent with the NPT.

Recommendations: The Alliance should state that, in the present security environment, nuclear weapons should no longer form part of the defense policy of non-nuclear member states, and begin to take steps to implement this policy at the national

level. NATO members should be making national decisions to implement the NPT to the fullest, as well collective ones.

2.2 The NPT 2000 Review Conference decisions on implementing Article VI, and the relevant decisions of the 1995 NPT Review and Extension Conference

Below find the specific language agreed under the NPT process on key issues relating to nuclear disarmament that NATO ought now to address, either as a body or as individual allies.

2.2.1. The importance and urgency of signatures and ratifications, without delay and without conditions and in accordance with constitutional processes, to achieve the early entry into force of the Comprehensive Nuclear Test Ban Treaty (CTBT).

Current NATO policy/practice: NATO has supported the early entry into force of the CTBT, but is somewhat constrained in its ability to do so by the reluctance of its senior ally to ratify. In a Nov. 15, 1999, resolution, the NATO Parliamentary Assembly urged the U.S. Senate to reconsider its position on ratification.

Recommendations: NATO members should continue to ask the U.S. administration to re-submit the CTBT to the Senate. With the recent ratifications of Iceland and Portugal, the United States is now the only NATO state that is not a full party to the treaty. NATO allies also should ensure that the Preparatory Commission for the CTBT Organization receives the funding and technical support necessary to fulfill its mandate.

2.2.2 A moratorium on nuclear-weapon-test explosions or any other nuclear explosions pending entry into force of that treaty.

Current NATO policy/practice: France and the United Kingdom have ratified and continue to stand by their CTBT commitments. The United States continues to honor its self-imposed moratorium and has stated that it will not resume testing, although some politicians continue to question this position and propose legislation that would undermine it. In a March 6, 2000, statement, President Bill Clinton said: "We will continue to honor the U.S. moratorium on nuclear testing and work to establish a universal ban through the Comprehensive Test Ban Treaty."^[10]

Recommendations: Other NATO states should make it clear that it expects each of the candidates for the U.S. presidential elections to refrain from testing should he become president. They also should press upon members of the U.S. Congress that a resumption of testing, or development of new nuclear weapons as being proposed by some members, such as Sen. Wayne Allard (R-Colo.), would be destabilizing. Alliance members further should individually and/or collectively state that they see no requirement for new nuclear weapons that might necessitate testing.

2.2.3 The necessity of negotiations in the Conference on Disarmament on a non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices in accordance with the statement of the Special Coordinator in 1995 and the mandate contained therein, taking into consideration both nuclear disarmament and nuclear non-proliferation objectives. The Conference on Disarmament is urged to agree on a program of work which includes the immediate commencement of negotiations on such a treaty with a view to their conclusion within five years.

Current NATO policy/practice: NATO communiqués consistently have called for a 'fissban' for several years, and the United Kingdom and France have made considerable unilateral efforts in this regard. Other member states, such as Canada, have

commissioned national studies on the issue.

Recommendations: The Alliance now should begin to address seriously issues surrounding a fissban, such as naval fuel and current stocks, in order to help the Conference on Disarmament achieve this goal by the 2005 NPT Review Conference. The United Kingdom has stated a particular interest in a cut-off treaty and should use its influence to push other allies into more enthusiastic positions.

NATO allies further should examine the compatibility of U.S. plans for a NMD network with a fissile material production ban. U.S. deployment of NMD may make such a ban strategically impossible for some countries such as China.

2.2.4 The necessity of establishing in the Conference on Disarmament an appropriate subsidiary body with a mandate to deal with nuclear disarmament. The Conference on Disarmament is urged to agree on a program of work which includes the immediate establishment of such a body.

Current NATO policy/practice: NATO as a whole has made no such calls for action. However, the informal 'NATO-5' group did propose a working group on nuclear disarmament at the Conference on Disarmament (CD) in 1999 and there are divisions of opinion on this issue within the Alliance.

Recommendations: NATO should state publicly that it supports 'talks on talks' on nuclear disarmament, as some allies have indicated in private. In a May 25, 2000, letter to BASIC, a diplomat from the U.K. Foreign and Commonwealth Office wrote: "[W]e, France and the United States could support the establishment of a CD subsidiary body with a mandate to discuss nuclear disarmament. But we do not believe that the conditions yet exist to make starting negotiations on nuclear disarmament in Geneva a practical proposition."^[11] (Emphasis in the original letter).

2.2.5 The principle of irreversibility to apply to nuclear disarmament, nuclear and other related arms control and reduction measures.

Current NATO policy/practice: NATO has not made it a priority to talk about irreversibility in the past, and it remains the case that U.K. and French nuclear weapons are not covered by any current arms control arrangements.

Recommendations: NATO should state publicly that those nuclear weapons already withdrawn from deployment will never be deployed again, and that it will not request any further increases in the size of nuclear weapons assigned to it.

[B1] It would also be helpful if the Alliance made a statement concerning certain irreversible measures taken by France, the United Kingdom and the United States in relation to aspects of fissile material production and stocks.

2.2.6 An unequivocal undertaking by the Nuclear Weapon States to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament to which all States Parties are committed under Article VI.

Current NATO policy/practice: Current NATO nuclear policy, as set out in the 1999 Strategic Concept, states: "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." It goes on: "The fundamental purpose of the nuclear forces of the allies is political: to preserve peace and prevent coercion and any kind of war. They will continue to fulfill an essential role by ensuring uncertainty in the mind of any aggressor about the nature of the allies' response to military aggression."^[12] It seems clear, therefore, that NATO is not currently committed to rejecting the nuclear weapons assigned to it.

Recommendations: NATO policy seems to require that the world becomes totally peaceful before nuclear disarmament can be envisaged and, in this sense, does

not represent the views of individual allied governments as stated at NPT Review Conferences. NATO could best support the future disarmament success of the NPT by removing the requirement for nuclear weapons from its defense policy.

2.2.7 The early entry into force and full implementation of START II and the conclusion of START III as soon as possible while preserving and strengthening the Anti-Ballistic Missile (ABM) Treaty as a cornerstone of strategic stability and as a basis for further reductions of strategic offensive weapons, in accordance with its provisions.

Current NATO policy/practice: NATO consistently has supported the START process, whilst stating that it remains a bilateral one. In a 1997 defense ministers' communiqué, for example, NATO welcomed progress on START II and called the ABM treaty "an important element of strategic stability for over 25 years." [13]

Recommendations: NATO should continue to support, and urge progress, under the START process, as success would clearly improve security for the allies and the rest of the world. Progress on START III could enable the United States to include the sub-strategic nuclear weapons currently assigned to NATO.

France and the United Kingdom also should encourage China to join them as observers in the START process, in order to prepare for their eventual inclusion in any START IV agreement.

Finally, NATO members must continue to support the ABM treaty, a foundation stone for the START process. Other allies therefore should press the United States to abandon its current NMD plan.

2.2.8 The completion and implementation of the Trilateral Initiative between the United States of America, the Russian Federation and the International Atomic Energy Agency.

Current NATO policy/practice: This is obviously a three-way process in which NATO is not formally involved.

Recommendations: The Alliance should take advantage of its existing Science Programme in order to support the Trilateral Initiative and involve scientists from partner nations, such as Ukraine and Russia. NATO also should make sure the International Atomic Energy Agency (IAEA) has the funding to carry out this work, a problem to which IAEA Director-General Mohamed ElBaradei alluded in his recent address to the 2000 NPT Review Conference. [14]

2.2.9 Steps by all the Nuclear Weapon States leading to nuclear disarmament in a way that promotes international stability, and based on the principle of undiminished security for all:

- *Further efforts by the Nuclear Weapon States to reduce their nuclear arsenals unilaterally. [B2]*

Current NATO policy/practice: All three NATO Nuclear Weapon States have reduced their nuclear arsenals since the Cold War, as has NATO as a whole. There is not much support for further unilateral cuts, however, outside the START framework.

Recommendations: NATO's three Nuclear Weapon States, Britain, France and the United States, should move to single-warhead submarine-launched ballistic missiles (SLBMs), following the successful START II pattern for intercontinental ballistic missiles. NATO, and the three allies individually, should state further that they no longer have a requirement for multiple warhead SLBMs, and consider establishing verification measures.

The United States unilaterally should retire its submarine-launched cruise missiles and dismantle the warheads. NATO then should remove the requirement for keeping this option available.

The United States should reconsider its requirement for forward-basing in Europe free-

fall nuclear bombs for U.S. aircraft.

- Increased transparency by the Nuclear Weapon States with regard to the nuclear weapons capabilities and the implementation of agreements pursuant to Article VI and as a voluntary confidence-building measure to support further progress on nuclear disarmament.

Current NATO policy/practice: France, the United Kingdom and the United States maintain differing levels of transparency with regard to their nuclear arsenals, although all nuclear doctrines remain classified. NATO continues to insist that its military strategy, MC400/2, remains classified as well. Furthermore, allies almost uniformly are reluctant to give details of sub-strategic weapons based in Europe.

Recommendations: As an initial sign of renewed commitment, the December report to ministers outlining which options NATO might undertake should be released as a public document. Within the context of NATO-Russia relations, and allied NPT commitments, NATO must lead by moving to increase transparency. The Alliance should declare the numbers and locations of its sub-strategic nuclear weapons and de-classify, as far as possible, nuclear doctrines and military strategies, including key documents of the NATO Military Committee such as MC 400/2. NATO's Parliamentary Assembly and national parliaments have a crucial role to play in requesting more transparency and accountability, and must intensify their efforts in this regard.

- The further reduction of non-strategic nuclear weapons, based on unilateral initiatives and as an integral part of the nuclear arms reduction and disarmament process.

Current NATO policy/practice: NATO has reduced its deployed non-strategic arsenal by around 85 percent since 1991, including elimination of nuclear artillery and ground-launched short-range nuclear missiles. The Alliance and the United States have been considering a further initiative in the area of non-strategic nuclear weapons since the 1997 Helsinki summit between Clinton and Russian President Boris Yeltsin. Many allied nations, however, are reluctant to go further for fear of abandoning the practice of involving allies in nuclear planning and/or jeopardizing the transatlantic link.

Recommendations: Individual NATO members currently taking part in nuclear sharing arrangements with the United States should abandon the policy of maintaining a nuclear role for their aircraft, and terminate bilateral programs of cooperation with the U.S. military that make such a role possible.

Individual NATO members and the Alliance as a whole should state that there is no longer a requirement for non-strategic nuclear weapons.

An interim step might be to follow the current U.S. practice for its submarine-launched cruise missiles and remove air-launched nuclear warheads from Europe to the United States for peacetime storage.

- Concrete agreed measures to further reduce the operational status of nuclear weapons systems.

Current NATO policy/practice: Proposals for a 'no-first-use' posture have been shelved. However, NATO nuclear weapons apparently are not targeted at any country and, according to a 1997 communiqué, NATO has reduced the number and readiness of its dual capable aircraft.[15] Mirroring individual allies' nuclear alert levels, NATO currently is sticking to the concept that 'uncertainty in the mind of any aggressor' is the best deterrent and has made no public plans to change operational doctrine or weapon status.

Recommendations: As a first step, NATO's nuclear weapon states should lower the alert status of their arsenals, and the Alliance as a whole should state that there is no longer a requirement for maintaining such a status.

The United States, France and the United Kingdom should declare a no-first-use policy, and the Alliance publicly follow suit.

- A diminishing role for nuclear weapons in security policies to minimize the risk that these weapons ever be used and to facilitate the process of their total elimination.

Current NATO policy/practice: Despite what NATO calls the “the radical changes in the security situation” and the analysis that the use of nuclear weapons is now “extremely remote,” the Alliance remains committed to nuclear weapons as an “essential” asset.[16] In addition, it is unclear how the U.S. policy of ambiguity toward the possible use of nuclear weapons to counter chemical or biological attacks fits into NATO’s overall doctrine and strategy.

Recommendations: NATO as a first step should state that allied nuclear weapons are “weapons of last resort,” as previously described in the 1990 London Declaration, to be used only in case of a nuclear attack. Allies further should reject the notion that nuclear weapons are essential to allied security – especially considering the recent agreement at the NPT 2000 Review Conference to “an unequivocal undertaking by the Nuclear Weapon States to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament.”

Allies should publicly recommit themselves to the NPT’s negative security assurances, stating that nuclear weapons will not be used against Non-Nuclear Weapon states

- The engagement as soon as appropriate of all the Nuclear Weapon States in the process leading to the total elimination of their nuclear weapons.

Current NATO policy/practice: NATO has made no direct contribution to this process thus far.

Recommendations: The Alliance formally should adopt the elimination of member’s nuclear weapons as an eventual goal. It also should instruct senior committees to start work on a future Strategic Concept, to be discussed at the next meeting of heads of state and government in 2002, under which the possession, use or deployment of nuclear weapons is excluded. This would send a real message of interest and commitment to the NPT Preparatory Committee process, due to begin also in 2002.

2.2.10 Arrangements by all Nuclear Weapon States to place, as soon as practicable, fissile material designated by each of them as no longer required for military purposes under IAEA or other relevant international verification and arrangements for the disposition of such material for peaceful purposes, to ensure that such material remains permanently outside of military programs.

Current NATO policy/practice: The United Kingdom and France have made significant progress in this area, opening establishments to IAEA inspections and closing down production facilities respectively. The United States also has stopped production of fissile material for nuclear weapons.

Recommendations: The NATO allies should upgrade their financial commitments to the IAEA, and NATO publicly should restate its support of the organization.[B3]

2.2.11 Reaffirmation that the ultimate objective of the efforts of States in the disarmament process is general and complete disarmament under effective international control.

Current NATO policy/practice: NATO has not stated this previously with specific regard to nuclear weapons, although conventional disarmament is mentioned in communiqués from the 1950s.

Recommendations: As NATO is not a state, it is under no legal obligation to comply with this point, but a combination of steps forward in many of the fields mentioned elsewhere in this paper would represent a significant help to national efforts.

2.2.12 Regular reports, within the framework of the NPT strengthened review process, by all States parties on the implementation of Article VI and paragraph 4 (c) of the 1995 Decision on “Principles and Objectives for Nuclear Non-Proliferation and Disarmament,” and recalling the Advisory Opinion of the International Court of Justice of 8 July 1996.

Current NATO policy/practice: NATO has not made any move in this direction.

Recommendations: National parliaments and the NATO Parliamentary Assembly should put pressure on allies to comply with this.

2.2.13 The further development of the verification capabilities that will be required to provide assurance of compliance with nuclear disarmament agreements for the achievement and maintenance of a nuclear-weapon-free world.

Current NATO policy/practice: The United Kingdom has tasked its nuclear weapons establishment to conduct studies into future verification needs, and the United States possesses significant on-site inspection and verification expertise as a result of its experiences with the START and Intermediate Nuclear Forces treaties. Many allies also provided personnel to the UNSCOM operation in Iraq, during which much was learnt about the real difficulties of verification.

Recommendations: In its June 1990 Final Communiqué, the North Atlantic Council stated: “Recognizing that the verification of arms control treaties is destined to become a long-term task for the Alliance, we have decided to establish a coordination mechanism for this purpose.”^[17] NATO should resuscitate this initiative, and tie in verification, threat reduction and improving relations with Russia by commissioning joint projects with Russian nuclear weapons scientists to work on verification technologies for all weapons of mass destruction. Building on verification experience gained in the framework of the 1990 Conventional Forces in Europe Treaty and other conventional weapons agreements, the newly established Weapons of Mass Destruction Centre within the International Secretariat should take a lead in commissioning this work. The Alliance will be in a better position to engage in talks on disarmament if it has already conducted substantive work on verification.

Chapter 3: NATO and Heavy Conventional Arms Control

Although NATO arms control policies historically have been driven by nuclear issues, this review process offers members the opportunity to expand their view of transatlantic security. NATO’s policies regarding heavy conventional weapons remain based on Cold War thinking, and do not incorporate the transformations that have taken place in Europe and throughout the world. Although a nuclear threat may indeed exist, the reality is that wars are being currently waged using conventional weaponry. Therefore, NATO, as the world’s premier multilateral security institution, must take a leading role in enhancing controls on these weapon systems.

Conventional Armed Forces in Europe Treaty (CFE)

Since its signing on Nov. 19, 1990, the CFE treaty has served as the cornerstone of European security and the basis of conventional arms control. This treaty, involving NATO and Warsaw Pact member states, has proven its value by surviving the expansion of the former and the dissolution of the latter.

The original CFE, implemented beginning in 1992, set limits on the holdings of conventional weapons based on blocs – NATO and the Warsaw Pact member states – covering the area from the Atlantic to the Urals (ATTU). There were five types of defense articles included in the treaty-limited equipment (TLE) and each bloc was allowed 20,000 tanks; 20,000 artillery pieces; 30,000 armored combat vehicles; 2,000 attack helicopters; and 6,800 combat aircraft.

In addition, the ATTU was divided into four geographic sub-zones, with group limits on TLE in each area. Russia’s flank zone was of particular importance because it consisted of territory belonging to Russia, Norway, Iceland, Ukraine, Armenia, Azerbaijan, Georgia,

Moldova, Turkey, Greece, Romania, and Bulgaria. The purpose of the limitations on the sub-zones was to prevent either bloc from having the ability to concentrate their forces and launch a surprise attack. Russia fought unsuccessfully to eliminate the flank zone, viewing the system as unfair because Russia and Ukraine are the only countries that have specific limits on where they can deploy TLE within their own territories.

Despite the dissolution of the Warsaw Pact and the break-up of the Soviet Union, the CFE treaty managed to survive. By the time implementation was completed in 1995, the CFE succeeded in bringing about the destruction of more than 50,000 pieces of TLE and yielded about 2,300 on-site compliance inspections.[18]

NATO Washington Summit (April 1999)

In NATO's Washington Declaration, signed in April 1999, the heads of state and government of the 19 member countries declared their commitment to "continue to build confidence and security through arms control, disarmament and non-proliferation measures." [19] This was the first time NATO had taken the initiative to outline a section on Arms Control and Disarmament since 1989.

NATO members also pledged to take a wider view of the new security environment facing the alliance, including the promotion of a "broader, more comprehensive and more verifiable arms control and disarmament process." [20] The assurance that NATO would increase the scope of the arms control discussion should have guaranteed that conventional weapons issues receive increased attention from NATO policy-makers.

However, since NATO stated that it would undertake this mission, there has been great momentum towards narrowing the scope of any arms control work. Furthermore, despite the fact that the conflicts plaguing the world have been conventional in nature, combined with radical improvements in the technology of conventional weaponry over the past decade, NATO has not fully seized the opportunity to expand conventional arms control in Europe.

OSCE Istanbul Summit (November 1999)

On Nov. 19, 1999, the ninth anniversary of the signing of the original CFE treaty, national leaders of the 30 CFE member states signed an adapted form of the treaty. This was a move aimed at adjusting the CFE to meet the new European security environment. The adapted CFE could significantly increase the level of confidence between members by lowering force levels and improving the transparency of actions.

Instead of establishing levels of TLE holdings based on blocs, the adapted treaty places limitations on individual countries in the form of national ceilings. Another change is the elimination of zone structure, replaced instead with territorial ceilings. Territorial ceilings restrict the total number of national and foreign troops than can be stationed in a particular country. Therefore, if a CFE member state wishes to host foreign troops, its TLE holdings must be below its national ceiling. In addition to national ceilings, regional quotas for three categories of arms were also to be established.[21]

During the Istanbul Summit, OSCE members also signed the Vienna Document 1999 on Confidence- and Security-building Measures (CSBMs). This was achieved after more than two years of intense negotiations, and includes provisions for the exchange and verification of military information, including:

- an annual exchange of military information (including the size of defense budgets, the location, size and strength of military units and formations);
- prior notification of certain military activities (i.e. major troop exercises and movements);
- observation of certain military activities;
- exchange of annual calendars of military activities;
- constraining provisions for military exercises;
 - verification measures (inspections and evaluation visits);

- military contacts and co-operation (visits to airbases, military facilities, exchange of observers, demonstrations of new weapons systems)[22]

The time is ripe for NATO to take the lead in promoting a comprehensive system of heavy conventional arms control. As a first step, there are a few practical measures that must be addressed by NATO member states.

3.1 Ratification of the Adapted CFE

Negotiations on CFE adaptations began in January 1997 and concluded with the signing of the adapted treaty in Istanbul. After initial opposition to signing, due to the Russian military campaign in Chechnya (the conflict resulted in Russia's non-compliance with its flank zone obligations), the CFE member states agreed to sign once Russia pledged to cut back its troop levels immediately following an end to the conflict.

As the one-year anniversary of its signing approaches, it appears that the momentum driving the ratification process has noticeably dwindled. However, until all members ratify the adapted CFE, the original treaty, with its higher ceilings, bloc limitations and Cold War design, will remain in effect.[23]

Although the adapted CFE was signed by all 30 members, only Belarus has moved forward to ratify the treaty.[24] As a result of its military campaign in Chechnya, Russian force levels in the Caucasus are above the ceilings set out in the revised treaty, but Russia's total force levels are in overall compliance. However, as part of its 1999 guarantee, Russia began on Aug. 4, 2000, to remove military equipment from military bases in Georgia.

Current NATO policy/practice: The United States has made ratification of the treaty conditional upon Russia's compliance with the new force levels prescribed by the adapted text and the other NATO member states have followed suit. There was some extreme reluctance on the part of some in the U.S. Congress to move forward with the adapted treaty because of what was perceived as "indiscriminate attacks on civilians in Chechnya" by Russian military forces.

Recommendation: Although ratification of the adapted treaty text will not bring about sweeping reductions in force levels, NATO members should nonetheless encourage their national governments to pursue ratification. Ratification should be considered a first step to achieving substantial reductions in conventional forces in Europe. The original treaty is based on a Cold War planning and does not effectively serve the security interests of the CFE member states. As a U.S. State Department fact sheet regarding the necessity of adaptation asserted, "Without adaptation, the current CFE Treaty would atrophy." [25] NATO members must not allow the process of ratification to be held hostage to political differences.

3.2 Further CFE Adaptation

Throughout the transitional period following the dissolution of the Warsaw Pact, the break-up of the Soviet Union and the end of the Cold War, the CFE treaty provided stability and increased confidence between its member states. The countries still excluded from membership, namely the countries of Southeastern Europe, would benefit immensely from the information sharing endorsed and required by the CFE treaty.

Current NATO policy/practice: While the achievement made in adapting the CFE was a first step, NATO member states have not promoted any further rounds of revision, which would be aimed at a more significant lowering of conventional force levels in Europe. The adapted treaty does reduce ceilings for both NATO and non-NATO countries. However, since actual holdings were below prescribed ceilings before adaptation, it is possible for countries to increase holdings, while still remaining beneath the new ceilings.[26]

Recommendation: NATO should initiate talks on a second round of CFE negotiations with the aim of significantly reducing TLE ceilings. At a minimum, the national ceilings should be lowered to equal current holdings of TLE. However, the long-term goal should be to set ceilings that will require member states to lower their levels of conventional forces by a sizeable amount.

Another aspect that should be addressed is expanding the scope of the CFE to include more than the seven current major conventional systems. At the present time, parties to the CFE are not required to report information regarding their holdings of dual-use conventional technology, missiles (both surface to surface and surface to air), or warships

NATO should also promote the inclusion of new members from Southeastern Europe and the Baltics during future rounds of negotiations. NATO also must take the lead in endorsing not only an adapted treaty, but an expanded CFE treaty – one that will more accurately reflect the military equipment present in Europe.

3.3 Coordinated Registration System

The U.N. Conventional Arms Register was established in 1991 and covers the transfer of seven categories of conventional systems – battle tanks, armored combat vehicles, large caliber artillery systems, combat aircraft, attack helicopters, warships, and missile and missile launchers. States also are invited to submit data on their military procurement through national production and on their current military holdings. The register has established a standard of transparency that has motivated many governments to improve their national regulation and monitoring systems.

The major weakness of the register is that states are simply “invited” to submit information and the extensiveness of the reporting is up to each individual country. Each year some new states are added, while others drop off the list. States can choose whether to report arms exports, imports, both or neither, as they see fit. And although the information is available for concerned parties to analyze, there is no U.N. review of the data that is collected. In addition, attempts at widening the scope of the systems registered has met with opposition from countries such as India and China.

Current NATO policy/practice: Presently, all NATO members voluntarily submit information regarding their arms transfer activities to the U.N. Register on an annual basis.

Recommendation: NATO should establish a more extensive and mandatory system of weapons registration for member states. Partnership for Peace (PfP) members should also be required to submit the details of their arms transfer activities. NATO must also expand range of weaponry for which reporting is required. This will again help increase transparency in arms sales and transfers among the world’s largest arms producers and exporters.

3.4 Synchronize Export Controls

Codes of Conduct governing arms transfers attempt to guide states’ decisions on the transfer of military and security equipment, as well as training assistance, according to particular criteria. Codes also are intended to prevent states from undercutting others’ refusals to export arms. As a minimum, such codes should require exporting states to employ practices to prevent arms shipments from fuelling conflicts or violating international standards of human rights. Members of NATO’s EAPC Working Group on Small Arms and Light Weapons already have expressed interest in determining best practices in arms exports; there appears to be no reason why these best practices cannot be extended to cover heavy conventional weapons.

Current NATO policy/practice: There is no common export control system directing NATO members’ activities in arms transfers. The EU Code of Conduct on Arms Exports

aims to set “high common standards for the management of and restraint in arms exports from the [European Union].” However the agreement is not legally binding.[27] Member states have agreed to abide by certain criteria when granting arms export licenses, but in practice the interpretation of the code varies greatly from state to state. Although a number of NATO members have restrictive export policies in regards to military equipment, there are wide differences between licensing procedures, provision of end-use certificates, and review and monitoring processes.

Recommendation: NATO members should adopt common and legally binding standards governing arms transfers, based, as a minimum, on the EU Code of Conduct. The code calls for countries to take numerous aspects into consideration before transferring arms, such as respect for human rights in the country of final destination, the internal situation in the country of final destination, as a function of the existence of tensions or armed conflicts, and respect for the international commitments of EU member states, in particular the sanctions decreed by the U.N. Security Council. These guidelines should apply to transfers within NATO and also to those outside the Alliance. NATO must also work with the European Union to establish a universal interpretation of the code’s operative provisions.

Development of measures to stringently control licensed production of arms, military and security equipment and also to control the activities of arms brokers and shipping agents are also urgently required.

In addition, NATO should establish a uniform and effective system of end-use controls in order to monitor the final destination of conventional arms, and apply it throughout the PfP states.

In the longer term, NATO members should press for the introduction of a comprehensive and stringently enforced international code on arms transfers, based upon the Nobel Laureates Code which has now been endorsed by 18 Nobel peace prize laureates.

3.5 Improve Verification

NATO responded to the original CFE treaty by establishing a Verification Coordinating Committee (VCC) in 1990. The purpose of the committee was to harmonize the activities of NATO members with regard to all arms control agreements and disarmament efforts, but in practice has emphasized the implementation of the CFE treaty. The VCC also has been active in the facilitation of information exchange concerning the OSCE Vienna Document. The committee is supported by the Verification and Implementation Coordination Section (VICS), which is responsible for maintaining NATO’s verification database (VERITY). The VCC decided in 1994 that access to VERITY should be offered to NATO’s partner countries. The database contains information exclusively related to CFE treaty compliance and Vienna Document information exchange.

Current NATO policy/practice: The VERITY database is now accessible to all NATO and partner countries. However, according to member governments, the information contained in the database relates exclusively to CFE and Vienna Document obligations.

Recommendation: NATO members should pursue expansion of the VERITY database to include information on compliance with arms control regimes other than the CFE treaty, such as U.N. arms embargoes, as well as general arms export controls. VERITY also should be expanded to include a more comprehensive list of weapon systems, rather than continuing to house information on only the five CFE treaty categories of equipment.

3.6 Prevent Weapons Cascade

NATO also must take the possibility of a weapons cascade into consideration when planning on future enlargement into Eastern Europe. After the dissolution of the Warsaw

Pact, defense articles from former members found their way from Ukraine, Russia and Bulgaria into countries like Burundi, Ethiopia and Uganda. Bulgaria determined that selling its excess tanks, even to undesirable buyers, would be more profitable than destroying them and selling them for scrap material.[28] Many cash-strapped countries will be eager to sell off obsolete weapons to obtain the money necessary to purchase NATO-interoperable equipment. In addition, some candidate countries in Eastern Europe have more lax systems of stockpile management. This could result in the unintentional or illegal transfer of arms, with no paper trail to follow.

Despite the aim of the CFE to reduce the number of conventional forces in Europe, some countries will have to increase their current holdings as part of the Defense Capabilities Initiative (DCI). DCI establishes steps that must be taken “for the Alliance as a whole and the Allies individually...to take to improve [their] defense capabilities and to enhance the interoperability of [their] forces.”[29] The newest members have many improvements to make in order to meet NATO standards. Often that means disposing of older weapons and buying new equipment. While DCI may be necessary for military compatibility, it could result in surplus weapons landing in the open or black market.

It is the interest of NATO countries to prevent weapons from ‘cascading’ into potential conflict zones. This becomes especially true if NATO personnel eventually will be deployed to these areas on military or peacekeeping missions.

Current NATO policy/practice: NATO has no common regulations for the safekeeping or accounting of weapons, leaving this security measure up to individual members. There is also no standard procedure for the disposal of surplus conventional weapons.

Recommendation: Candidate countries should be required to destroy surplus weapons rather than selling them off before they become members. Inventories should be taken during the earliest possible stages of candidacy in order to ensure the countries are not quietly selling old weapons. Current members should also perform inventories on weapons stockpiles. NATO must also ensure that all partner countries and future members exercise maximum discipline in supervising existing stockpiles. The supply of weapons to conflict zones can be controlled if NATO takes the initiative to do so.

In addition, as implementation of the CFE treaty continues in Europe, NATO members should follow a strict policy of stockpiling, monitored transfer and/or destruction. Reducing the size of current members’ conventional forces cannot become an excuse for weapons to flow out of NATO countries and into countries of conflict. For those weapons that cannot be efficiently destroyed, buy-back programs could be instituted.

3.7 Enhancing Existing Arms Control Regimes

The Missile Technology Control Regime (MTCR) is an informal and voluntary association of countries seeking to restrict transfers of missiles, and related technology, capable of delivering a payload of at least 500 kilograms to a distance of at least 300 kilometers. Partner states take various factors into account before licensing an export of MTCR-controlled technology and then implement the export controls according to their national legislations.[30]

The Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies works in a way similar to, if not more restrictively than, the MTCR. Wassenaar members agree to abide by a set of jointly developed export controls to prevent conventional weapons and dual-use goods from being traded to unstable regions or “states of concern.” The member states meet at least once a year to review and revise control lists. The members report twice a year on the number of export licenses issued and transfers made. In addition, they report to each other within 30-60 days of a denial of a license for sensitive technology.

Both regimes suffer from limited membership, failing to encompass some missile

producing states or states with sensitive technology. In addition, the MTCR is not legally binding; therefore it contains no enforcement mechanism. There is also no guarantee that an export refused by one member will not be licensed by another. The Wassenaar Arrangement, while effective in determining lists of controlled goods and technology, cannot prevent states from transferring items to recipients they consider safe. Also, all information submitted at meetings is confidential, preventing any outside analysis or scrutiny. In addition, both the MTCR and Wassenaar Arrangement are plagued with loopholes that allow countries to justify potentially dangerous transfers of sensitive equipment.

Current NATO policy/practice: All NATO members are participants in both the Wassenaar Arrangement and MTCR. Although both regimes have been criticized as weak, no serious effort has been made by NATO to bolster controls through these multilateral forums.

Recommendation: NATO should endeavor to strengthen the MTCR and Wassenaar Arrangement in order to make a greater effort to control the flow of missile and dual-use technology. Increasing membership in both regimes should be the first step in better controlling the flow of arms. Creating a universal denial policy among the NATO members and partners (i.e., not undercutting each other's denials) would add teeth to both regimes. The allies would benefit from the increased security and greater transparency these systems could offer.

Endnotes

[1] <http://www.NATO.INT/docu/pr/2000/p00-052e.htm>

[2] NATO, The Future Tasks of the Alliance ("The Harmel Report"), Brussels, 13-14 December 1967

[3] The Alliance's comprehensive concept of arms control and disarmament, Brussels, 29-30 May 1989

[4] Paragraph 32 of NATO's Washington Communiqué, issued on 24 April 1999.

[5] In a U.S. press conference at NATO headquarters on 8 June 2000

[6] EAPC/PfP and the Challenge of Small Arms and Light Weapons, Draft Report, NATO/EAPC, July 1999.

[7] http://www.basicint.org/nuk_00revcon_idx/htm

[8] <http://www.fas.org/nuke/control/index.html>

[9] See 'Questions of Command and Control'

[10] Statement, White House, Office of the Press Secretary, 6 March 2000.

[11] Correspondence from the FCO Security Policy Dept., 25 May 2000 to Dan Plesch.

[12] <http://www.NATO.INT/docu/pr/1999/p99-065e.htm>

[13] <http://www.NATO.INT/docu/pr/1997/p97-150e.htm>

[14] New York, 24 April 2000, available on BASIC's web site

[15] <http://www.NATO.INT/docu/pr/1997/p97-150e.htm>

[16] <http://www.NATO.INT/docu/pr/1999/p99-065e.htm>

[17] <http://www.NATO.INT/docu/comm/49-95/c900608a.htm>

[18] Treaty on Conventional Armed Forces in Europe (CFE) Review Conference 1996, U.S. Department of State Fact Sheet, 8 May 1996.

[19] The Washington Declaration, NATO press release, 23 April 1999

[20] The Alliance's Strategic Concept, NATO press release, 24 April 1999

[21] Attack helicopters and combat aircraft were not included because of their ability to rapidly mobilize.

[22] The Vienna Document 1999, Fact Sheet

[23] CFE states-parties: Armenia, Azerbaijan, Belarus, Belgium, Bulgaria, Canada, Czech Republic, Denmark, France, Georgia, Germany, Greece, Hungary, Iceland, Italy,

Kazakhstan, Luxembourg, Moldova, Netherlands, Norway, Poland, Portugal, Romania, Russia, Slovakia, Spain, Turkey, Ukraine, United Kingdom and the United States.

[24] According to State Department officials, Belarus ratified the adapted CFE treaty on 11 July 2000.

[25] U.S. Department of State Fact Sheet on CFE Adaptation, 9 December 1999.

[26] Current NATO TLE holdings are 65,435 compared to the adapted ceiling of 79,940. Non-NATO TLE holdings are 60,700 compared to the adapted ceiling of 65,721. For more information, see A Guide to the Adapted CFE Treaty, OSCE newsletter, November/December 1999

[27] The full text of the EU Code of Conduct on Arms Exports can be found at <http://www.basicint.org/eucode.htm>

[28] "Bulgaria: Money Talks: Arms Dealing with Human Rights Abusers," Human Rights Watch Short Report, April 1999. According to the report, the Bulgarian government received U.S.\$30,000 each for 140 tanks. This is compared with an estimated U.S.\$2,000 it would have collected if the tanks were destroyed and sold as scrap

[29] Statement on the Defence Capabilities Initiative, issued at the Meeting of the North Atlantic Council, 8 June 2000

[30] MTCR Partners follow a common export policy (The MTCR Guidelines) and apply it to a common list of controlled items (The MTCR Equipment and Technology Annex). For more information on MTCR click [here](#)