

NATO's Positions Regarding Nuclear Non-Proliferation, Arms Control and Disarmament and Related Issues



This paper states key positions of the North Atlantic Alliance and of Allies with regard to Nuclear Non-Proliferation, Arms Control and Disarmament. It includes related multilateral and bilateral activities.

It complements the Basic Fact Sheet on “NATO’s Nuclear Forces in the New Security Environment” (updated in June 2004) which addresses primarily the far-reaching steps of adaptation of NATO’s nuclear policy and force posture to the new security environment.

Regarding themes of the Nuclear Non-Proliferation Treaty (NPT) and related issues, both fact sheets should be seen in conjunction, particularly with respect to the 2005 NPT Review Conference and the preceding Preparatory Committee session in 2004.

Arms Control (General)

- NATO Allies have maintained a long-standing commitment to arms control, disarmament and non-proliferation as an integral part of their security policy, firmly embedded in the broader political context in which Allies seek to enhance stability and security by lowering arms levels and increasing military transparency and mutual confidence.
- Allies have repeatedly reaffirmed that arms control, disarmament and non-proliferation will continue to play an important role in the achievement of NATO's security objectives.
- At the November 2002 Summit meeting in Prague, NATO Heads of State and Government reaffirmed that disarmament, arms control and non-proliferation make an essential contribution to preventing the spread and use of WMD and their means of delivery. They stressed the importance of abiding by and strengthening existing multilateral non-proliferation and export control regimes and international arms control and disarmament accords.
- Over the past decade, the Alliance has continually reviewed its nuclear doctrine and posture, and has consistently supported realistic and practical measures towards arms control and disarmament.
- At the Washington Summit, in April 1999, Alliance leaders committed NATO to consider options for confidence and security building measures (CSBMs), verification, non-proliferation and arms control and disarmament, in the light of overall strategic developments and the reduced salience of nuclear weapons. In December 2000, NATO’s Foreign and Defence Ministers welcomed/endorsed the comprehensive report on options for CSBMs. The Council in Permanent Session is following up on the recommendations contained in this report and particularly those for CSBMs related to nuclear issues with Russia. Allies see nuclear CSBMs as a suitable means to enhance mutual trust and promote greater openness and transparency on nuclear weapons and safety issues between NATO and Russia.

Nuclear Non-Proliferation Treaty (NPT)

- NATO Allies view the NPT as a cornerstone of global nuclear non-proliferation efforts (NPT, Articles I and II) and an essential basis for the pursuit of nuclear disarmament (Article VI). They see the NPT as a balanced treaty in which the commitments of non-proliferation and disarmament are both important. Allies are in agreement that nuclear disarmament requires an incremental approach in which the other nuclear arms control treaties all play a distinctive role.
- All Alliance members are parties to the NPT. They have repeatedly stated their full support of the Treaty, including further strengthening the NPT review process, and their continued commitment to efforts aimed at reducing nuclear weapons. Allies agree on the importance of universal adherence to and compliance with the Treaty, and on the commitment of all States Parties to non-proliferation, disarmament, and peaceful nuclear cooperation under effective non-proliferation conditions and

strengthened IAEA safeguards. They support early ratification and implementation of the IAEA Additional Protocol. Moreover, Allies have reaffirmed their determination to contribute to the implementation of the conclusions of the 2000 NPT Review Conference.

- The fact that NATO has reduced the number of weapons available for its sub-strategic forces in Europe by over 85 percent since 1991 and almost 95 percent since the height of the Cold War, is evidence of the Allies' commitment to disarmament.

Comprehensive Test Ban Treaty (CTBT)

All Allies but one have ratified and continue to support the ratification, early entry into force, and full implementation of the CTBT. Two of the Alliance's nuclear-weapon states, France and the United Kingdom, have ratified the Treaty. The United States ceased nuclear testing in 1992. The United Kingdom ceased nuclear testing also in 1992, and France did so in 1996. In October 1999, the U.S. Senate voted against a resolution which would have provided its consent to ratifying the Treaty. The U.S. Government no longer supports the Treaty, but abides by the existing unilateral moratorium on nuclear testing. All Allies support the existing moratoria on nuclear testing and urge all states to maintain these moratoria. All Allies acknowledge that the CTBT will enter into force when all 44 states listed in Annex II ¹ of the Treaty deposit their instruments of ratification with the United Nations.

Fissile Material Cut-Off Treaty (FMCT)

- Allies remain committed to the immediate commencement, in the Conference on Disarmament, of negotiations on a non-discriminatory, multilateral and internationally and effectively verifiable Fissile Material Cut-Off Treaty that advances Allies' respective national interests.
- The United States, the United Kingdom, and France all ceased producing fissile material for nuclear weapons (highly-enriched uranium or plutonium) several years ago.

Confidence and Security Building Measures (CSBMs)

- For NATO Allies, CSBMs and rigorous verification are important elements of international disarmament and non-proliferation regimes.
- CSBMs are intended to reduce the danger of armed conflict, to avoid misunderstanding and miscalculation of military activities, and thus to contribute to stability.
- Allies agree that the CSBMs proposed by NATO on nuclear weapons issues - including on nuclear safety and security, doctrine and strategy, and data exchange on sub-strategic nuclear forces - have potential to enhance mutual trust and promote greater openness and transparency between NATO and Russia. Allies intend to pursue these CSBMs in consultations with Russia, under the NATO-Russia Council.

The Strategic Arms Reduction Treaties (START and 2002 U.S.-Russia Moscow Treaty on Strategic Offensive Reductions)

- The U.S. and Russia are deeply engaged in a process aimed at drastically reducing their strategic nuclear weapons to the lowest levels consistent with their national security requirements and alliance obligations.
- The START Treaty reduced each country's deployed strategic weapons from over 10,000 to less than 6,000. Reductions were completed before the required date of 4 December 2001.
- Under the Moscow Treaty on Strategic Offensive Reductions, signed in Moscow on 24 May 2002, the United States will reduce and limit its operationally deployed strategic nuclear warheads to 1,700 – 2,200 by 31 December 2012. The Treaty obligates Russia to make comparable reductions. As part of the Moscow Treaty, the U.S. and Russia also agreed that the START Treaty will remain in force in accordance with its terms. Both the U.S. and Russia have ratified the Moscow Treaty, and it entered into force on 1 June 2003.
- Allies fully support START and the Moscow Treaty. They are convinced that both treaties help to establish more favourable conditions for actively promoting security and cooperation, and enhancing international stability.

NATO's Nuclear Sharing Arrangements

- The Alliance's arrangements for basing U.S. nuclear gravity bombs in Europe are in compliance with the NPT. When the Treaty was negotiated, these arrangements were already in place. Their nature was made clear to key delegations and subsequently made public. They were not challenged.
- The U.S. nuclear weapons based in Europe are in the sole possession and under constant and complete custody and control of the United States. They are fitted with sophisticated Permissive Action Links (PAL) that guarantee absolute positive control by the U.S. and prevent unauthorized use.

Safety and Security of Nuclear Weapons

- NATO's nuclear weapons are stored under highly secure conditions. They have been well-tested and meet the highest safety standards.
- The U.S. PAL devices ensure an additional safeguard against accidental or unauthorized use.
- Allies are confident in the safety and security of their nuclear weapons.

Negative Security Assurances (NSAs)

- In the context of the NPT, the five nuclear-weapon states have given NSAs to the non-nuclear-weapon States Parties of the NPT. These national political commitments contribute to global non-proliferation efforts.
- The Western nuclear-weapon States gave the following NSAs in 1995:
 - **United States:**
" The United States reaffirms that it will not use nuclear weapons against non-nuclear-weapon States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons except in the case of an invasion or any other attack on the United States, its territories, its armed forces or other troops, its allies or on a State towards which it has a security commitment, carried out or sustained by such a non-nuclear-weapon State in association or alliance with a nuclear-weapon State."
 - **United Kingdom:**
" The United Kingdom will not use nuclear weapons against non-nuclear-weapon States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons except in the case of an invasion or any other attack on the United Kingdom, its dependent territories, its armed forces, its Allies or on a State towards which it has a security commitment, carried out or sustained by such a non-nuclear-weapon State in association or alliance with a nuclear-weapon State."
 - **France:**
" France reaffirms that it will not use nuclear weapons against non-nuclear-weapon States party to the NPT except in the event of an invasion or any other attack led or supported by such a State in alliance or in association with a nuclear-weapon State against France, its territory, its armed forces or other troops or against its allies or a State to which it has a security commitment."
- In NATO, the final decision on any employment of nuclear weapons would be taken by the Alliance's nuclear-weapon States. Thus, NATO strategy is in full compliance with the NSAs.

International Court of Justice (ICJ) - Advisory Opinion

- In 1996, the ICJ issued an advisory opinion on the legality of the threat or use of nuclear weapons.
- In this opinion, which is not legally binding, the Court concluded that:
 - neither in customary nor conventional international law is there any specific authorization nor any comprehensive and universal prohibition of the threat of use or use of nuclear weapons;
 - any threat or use of nuclear weapons that is contrary to Article 2, paragraph 4, of the UN Charter and that fails to meet Article 51 is unlawful.
- The Court was unanimous in its opinion that "there exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control".
- The Court could not conclude definitively (7:7 vote) whether the threat or use of nuclear weapons would be lawful or unlawful in an extreme circumstance of self-defence.
- Allies are convinced that the role of nuclear weapons in NATO's strategy fully conforms with international law.

No-First-Use (NFU)

- NATO does not follow either a nuclear First-Use or No-First-Use policy. The Alliance does not determine in advance how it would react to aggression. It leaves this question open, to be decided as and when such a situation materialized. In so doing, Allies seek to ensure uncertainty in the mind of any aggressor about the nature of the Allies' response to aggression.
- In the current international strategic environment, Allies have declared that the circumstances in which they might have to contemplate any use of nuclear weapons are extremely remote.

Nuclear-Weapon-Free Zones (NWFZs)

Allies have, on different occasions, expressed their support for the creation of NWFZs, if all countries participating in the Zone have done so of their own free choosing and if other political and legal criteria are met. Allies have welcomed the establishment of such zones in Latin America, the South Pacific, and Africa.

This text is not a formally agreed NATO document and, therefore, does not necessarily represent the official views of individual member governments on all policy issues discussed.

1. The United States is a State included in Annex II of the CTBT.