

NATO'S NUCLEAR WEAPONS POLICY AND THE NO FIRST USE OPTION

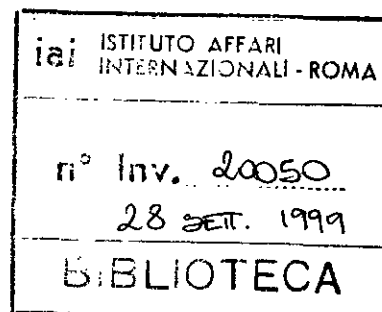
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a. Programma

1. "Updating NATO nuclear weapons use policy : NATO program report"/ Douglas Shaw, Leonor Tornero
2. "The relationship between non-proliferation policy and nuclear weapon use doctrine"/ Thomas Graham Jr.
3. "NATO's nuclear weapons: the rationale for no first use" (in Arms control today, July-August 1999, pp. 3-8) / Jack Mendelsohn
4. "Nuclear arms control and the ABM Treaty: implications for US, European, and Russian security" (remarks prepared for the VII Energy STYX seminar, Helsinki, 2.9.1999) / Jack Mendelsohn
5. Lettera a Massimo D'Alema, 2.11.1998, di Thomas Graham Jr.
6. Lettera a Massimo D'Alema, 14.6.1999, di Thomas Graham Jr.
7. "NATO nuclear policy mission statement"/ LAWS





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Nel quadro delle iniziative di analisi e discussione intraprese dall'Istituto sulla NATO e l'evoluzione dei rapporti transatlantici, abbiamo il piacere d'invitare

all'incontro/dibattito sul tema:

NATO'S NUCLEAR WEAPONS POLICY AND THE NO FIRST USE ~~OF~~ OPTION

che si svolgerà nella sede dell'Istituto, via Angelo Brunetti 9 (Sala riunioni)

lunedì, 27 settembre, ore 15,30

La riunione verrà introdotta da tre esperti americani della *Lawyers Alliance for World Security* (LAWS):

- Robert McNamara**, former Secretary of Defense and LAWS Board Member;
- Ambassador Thomas Graham, Jr.**, LAWS President and former Special Representative for President Clinton on Arms Control
- Jack Mendelsohn**, LAWS Vice President and Executive Director

La riunione si concluderà alle 17,00.

Si prega di confermare la propria presenza alla Segreteria dell'Istituto, tel. 06-3224360.

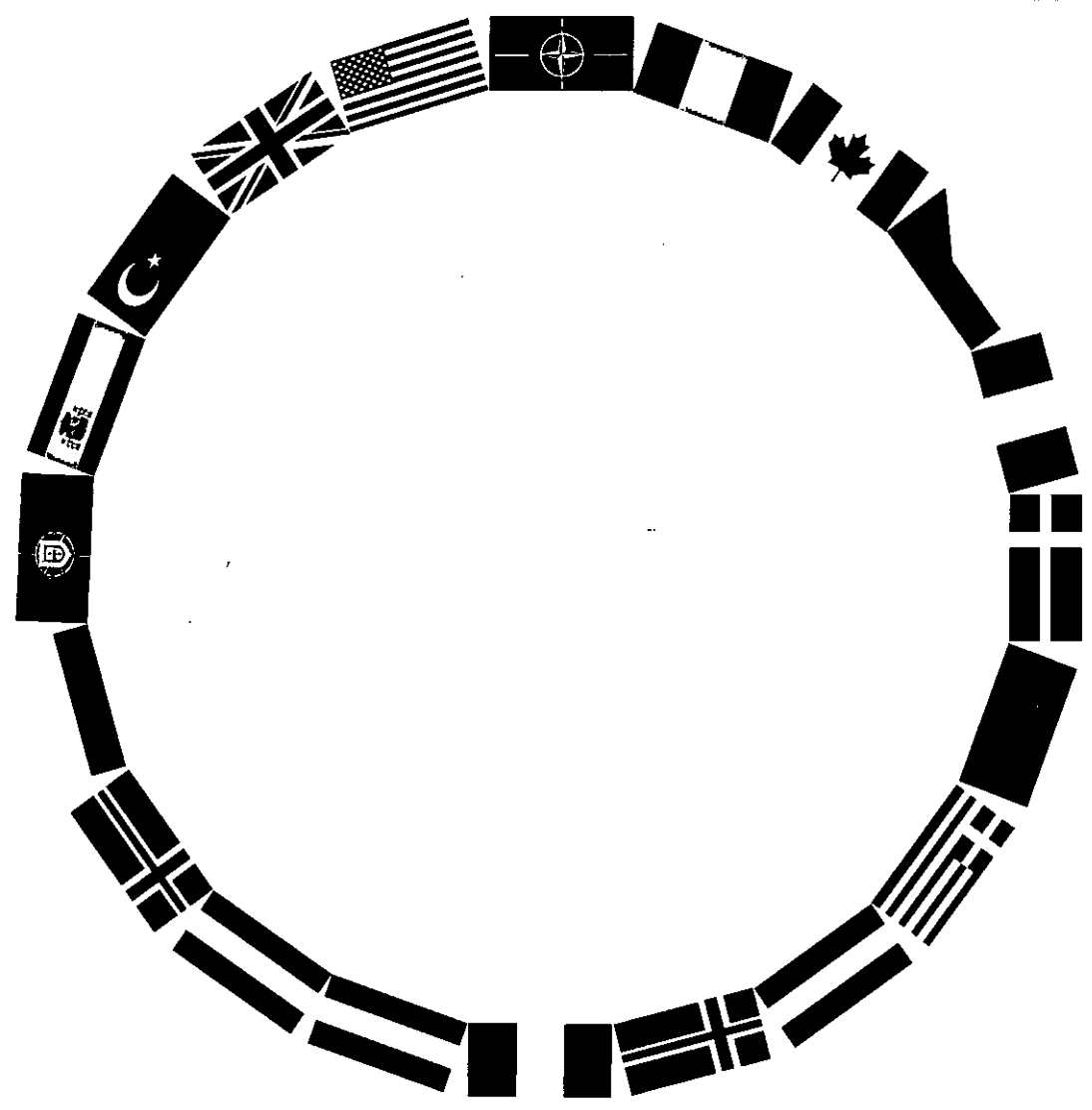


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UPDATING NATO NUCLEAR WEAPONS USE POLICY

LAWYERS ALLIANCE FOR WORLD SECURITY

NATO PROGRAM REPORT



Douglas Shaw - Leonor Tomero

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LAWYERS ALLIANCE FOR WORLD SECURITY

Washington, DC
June 1999





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Letter written by Amb. Thomas Graham, Jr. to heads of NATO governments (June 14, 1999)





THE NO FIRST USE DEBATE

It is crucial for NATO as well as for U.S. and international security that the Non-Proliferation Treaty (NPT) remain a viable regime, especially as all NATO member states are parties to the NPT. The adoption of a no first use policy by NATO would significantly lessen the political value of nuclear weapons by reducing their role to that of core deterrence: deterring a nuclear weapon attack by others. In an era when nuclear non-proliferation depends on disarmament progress, it is in NATO's security interest not to impede these efforts by retaining outdated policies with respect to the use of nuclear weapons. Adoption of a no first use policy with regard to nuclear weapons would be an important contribution to impeding nuclear proliferation.

NATO's current nuclear doctrine related to the 1999 Alliance Strategic Concept is at odds with the non-proliferation objectives of the Alliance and NATO member states. Specifically, retention of the option to introduce nuclear weapons first into a conflict is inconsistent with the security assurances given by the nuclear weapon states in 1995 in association with the indefinite extension of the NPT, an agreement of the highest importance underpinning the security of NATO and the world community. If NATO does not act to help reduce the political value of nuclear weapons by updating its outdated Cold War strategy, the further spread of nuclear weapons could result. More broadly, if the political value of nuclear weapons is not significantly lowered in the longer term, these weapons will prove to be too desirable and the 1945-era technology too simple for many nations to resist. As NATO adapts to post-Cold War era demands, the continuing important political role of nuclear weapons may encourage widespread proliferation. NATO's 1999 nuclear doctrine emphasizes that "nuclear forces based in Europe and committed to NATO provide an essential political link between European and North American members of the Alliance," "remain vital" to and constitute the "supreme guarantee" of NATO security, and are "essential to preserve peace" (as stated in the Alliance's Strategic Concept, April 1999, par.63, par. 46, par. 62, par.19). Although the Strategic Concept was updated to characterize the possible use of nuclear weapons as "extremely remote" (par.64), the political value of these weapons is still emphasized.

"Nothing can reduce the political value of nuclear weapons in the short to medium term more than adoption of a no first use policy by the nuclear weapon states and NATO; it is essential to reduce the role of nuclear weapons to core deterrence, and not assign additional roles to these weapons."

- Amb. Thomas Graham

NEED FOR CHANGE

New Threats: *The Increasing Danger of Proliferation*

As we enter the 21st century, the threats to the security of NATO and its member states are changing. The foreseeable threats to NATO security cannot be addressed effectively with nuclear weapons. The principal threats to NATO involving weapons of mass destruction will come not from a hostile superpower, but rather from rogue states and



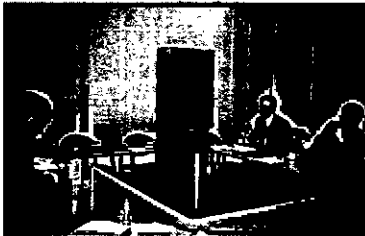
violent subnational groups. NATO's defenses against these threats are: the international non-proliferation regime, intelligence capabilities, and its overwhelming conventional superiority. The NATO Alliance commands the destructive power to deter those who can be deterred, but the prevention of proliferation to undeterrable actors has become a chief security concern that mandates revision of NATO's doctrine regarding nuclear weapons. NATO's policy of reserving the right to use nuclear weapons first may have been appropriate during the Cold War, but now it is contrary to international commitments associated with the NPT and a contradiction to Alliance non-proliferation efforts.

Historical Perspective: *The NPT Bargain*



LAWS Delegation with Bundestag member Angelika Beer at a press conference organized by Dr. Nassauer and Dr. Wulf

Communist aggression was clearly the gravest, but not the only, threat to NATO and member state security during the Cold War. The proliferation of nuclear weapons was another developing problem. The Kennedy Administration went so far as to predict that twenty to thirty nations would have nuclear weapons by the end of the 1970s if the trend was left unchecked. Eventually, this would have meant that every significant conflict would have the potential of going nuclear, a very dangerous and unstable situation. In response, the international community negotiated the NPT to limit the spread of nuclear weapons to the five countries that already had them at the time of the Treaty's signing in 1968. The non-nuclear weapon states agreed never to acquire nuclear weapons and the nuclear weapon states agreed to pursue disarmament negotiations with the objective of ending the nuclear arms race and ultimately eliminating nuclear weapons.



Amb. Graham discussed NATO nuclear weapons use doctrine with Marc Perrin de Brichambaut and Bruno Tertrais at the French Defense Ministry

The NPT reduced the incentive to acquire nuclear weapons by verifying for non-nuclear weapon states that their neighbors or rivals were not acquiring nuclear weapons. The retention of nuclear weapons by five states remains an incentive to proliferation and a serious security concern for the non-nuclear weapon states. The NPT captures all its states parties (now all but four of the world's states) in an obligation to work toward eventual nuclear disarmament, but during the Cold War little disarmament progress was possible. As the international political climate has changed, the non-nuclear weapon states have grown more and more concerned with the arsenals of the nuclear weapon states. The continued viability of the NPT has required that, in addition to disarmament progress, the nuclear weapon states make explicit commitments not to use or threaten to use nuclear weapons against non-nuclear weapon states. These commitments, called negative security assurances (NSAs), were harmonized and reaffirmed in 1995 pursuant to a United Nations Security Council Resolution in connection with the indefinite extension of the NPT; these commitments were as essential part of the extension decision.



Article VI Compliance Concerns

Paragraph 19 in the Alliance's 1999 Strategic Concept lists NATO's contribution to significant achievements in disarmament efforts, such as the stability produced by the CFE Treaty, the reductions in nuclear weapons provided for in the START Treaties, the signature of the Comprehensive Test Ban Treaty, the indefinite and unconditional extension of the NPT, the accession to it of Belarus, Kazakhstan, and Ukraine as non-nuclear weapons states, the entry into force of the Chemical Weapons Convention, and the Ottawa Convention to ban anti-personnel landmines.



Mr. Rhinelander and Amb. Graham at NATO Headquarters

Nonetheless, non-nuclear weapon states are growing dissatisfied with the progress toward the NPT's ultimate goal of nuclear disarmament made so far by the nuclear weapon states. This was a significant issue at the 1995 NPT Review and Extension Conference and is likely to be definitive of the continued viability of the regime. When the first NPT Review Conference since the indefinite extension occurs next year, tangible disarmament progress must be demonstrated if the NPT regime is to remain strong. However, it seems unlikely that the progress the non-nuclear weapon states seek will have been made.

The Russian START II ratification process appears to be on indefinite hold as a result of the war in the former Yugoslavia. Even after approval by the Duma, START II must return to the U.S. Senate for approval of the recent amendments, where it will inevitably be tangled up in the debate over the Anti-Ballistic Missile (ABM) Treaty agreements. So, with the best of outcomes, entry into force of START II is some time off. The START process is blocked and holds no promise of significant progress before the 2000 NPT Review Conference. This set-back represents a serious challenge both to reducing global stockpiles of nuclear weapons as well as to preventing proliferation.

As one of the chief objectives of arms control over the last half-century, the status of the Comprehensive Test Ban Treaty (CTBT) will be a focus at the 2000 NPT Review Conference. With the U.S. Senate refusing to even debate CTBT ratification and key states like India still not having signed, the likelihood that the Treaty will enter into force before the Review Conference is virtually non-existent. The CTBT has great symbolic importance for the health of the NPT regime and failure to bring it into force will have a significant negative impact on the Review Conference.

The United States is moving toward deployment of a National Missile Defense (NMD) system which will gravely endanger the ABM Treaty. Unilateral U.S. abrogation of the ABM Treaty would destabilize each

"If we fail to reduce the political value of nuclear weapons, it will be very difficult to sustain the NPT regime in the long term; nuclear weapons will be too easy to acquire and too politically attractive to resist."

- Amb. Thomas Graham



of our most important strategic relationships. The likely result of NMD deployment would prevent nuclear disarmament progress and likely lead to a reversal of the disarmament process. Officials in European NATO capitals where LAWS held consultations expressed deep concern about unilateral U.S. plans to develop a national missile defense system and warned about the negative implications of this course of action.

Germany:

Ambassador Hartmann, German Commissioner for Disarmament, cautioned against abrogation of the ABM Treaty, particularly against the grim backdrop of growing chaos in Russia. He warned of the serious implications this change would have both for Europe and for disarmament in general, expressing the view that unilateral U.S. abrogation of the ABM Treaty would endanger disarmament, and conceivably make it impossible. He also stressed that by abrogating the Treaty, the United States would decouple itself from Europe.



Amb. Graham interviewed by German television

France:

Senior officials of the French Ministry of Defense and the Atomic Energy Commission thought that if the United States unilaterally put aside the ABM Treaty, this could lead France and likely the United Kingdom to drastically increase, rather than decrease as they had been doing, their number of nuclear weapons.

Russia:

Russia's representative to NATO, Ambassador Sergei I. Kislyak was extremely pessimistic about the implications of a unilateral U.S. NMD, particularly in the broader context of the deteriorating bilateral relationship between Russia and the United States, and the growing suspicion regarding NATO's expansion and new role in the post Cold War era. He said that such a development would permanently end the disarmament process.



Amb. Graham explains the importance of the NPT to British reporters

Thus, possible U.S. deployment of an NMD threatens to further erode the perception of nuclear weapon state compliance with Article VI of the NPT.

Wavering on the Negative Security Assurances (NSAs)

An important part of the NPT bargain revised and updated in 1995 are the NSAs by which nuclear weapon states promised never to use or threaten to use nuclear weapons against a non-nuclear weapon state party to the NPT except in response to an attack by such a state in alliance with a nuclear weapon state. No exceptions were made for chemical or biological weapons (CBW). The International Court of Justice (ICJ) implied that these commitments are legally binding in its



1996 decision. The NATO first use policy is inconsistent with these NSAs.

To explicitly threaten first use of nuclear weapons in response to the threat of an attack involving CBWs would be a violation of the NSAs and thus a repudiation of a principal NPT related commitment made by the nuclear weapons states. Moreover, if the threat of an attack involving CBWs justifies the retention of the first use option and more broadly of nuclear weapons, then non-nuclear weapon states such as Iran, Egypt, and Indonesia, facing the same threats, would have a legitimate claim to acquiring nuclear weapons. It is in this context that certain non-nuclear weapon states have indicated that they will reconsider their commitment to forswear nuclear weapons if the nuclear weapon states do not make more vigorous progress toward fulfillment of their NPT Article VI disarmament obligations.

OPPORTUNITIES FOR CHANGE

Historical Perspective: Why No First Use

At the beginning of the nuclear age, the United States enjoyed a monopoly on nuclear weapons. Although many questioned the morality and necessity of the first use of nuclear weapons against Japan, none doubted their decisive nature against an adversary unprepared to respond in kind. Even after the first Soviet nuclear test in 1949, the United States retained such an overwhelming advantage in deliverable weapons that it could threaten massive retaliation during the Eisenhower Administration without fear of significant Soviet retaliation. During this time, NATO chose not to match the conventional strength of the Soviet Union and its allies in Europe, preferring instead to rely on nuclear weapons, especially U.S. nuclear weapons, to compensate for the conventional imbalance.

The appearance of *Sputnik* over the American sky in 1959 and the attendant increase in Soviet strategic nuclear capability to threaten the U.S. homeland, made clear that a disastrous Soviet response could no longer be ruled out if the United States chose to exercise its deterrent threat of massive retaliation. Thus, questions arose as to the credibility of massive retaliation in response to limited aggression against one or a few American allies. Against this backdrop, NATO faced crises like the construction of the Berlin Wall without the force to deny the Warsaw Pact limited territorial objectives but also without the resolve -- and more importantly, the clear perception of resolve in the mind of the adversary -- to exercise its disproportionate, retaliatory threat. Adapting to this new condition, the United States led NATO to adopt a policy of flexible response, by which NATO developed the capability and stated its intention to meet aggression at sub-strategic



The LAWS Delegation discussed European security issues with Amb. Hartmann, Amb. Bitterlich, and Mr. Horsten



Gen. Butler emphasizes the proliferation threat to German officials



levels. The objectives of this policy were to restore the credibility of NATO's deterrent, shore up the confidence of the European Allies in the American commitment to their defense, and offer some hope of slowing escalation and limiting destruction if one side misjudged the other. Europe's defense came to rely on NATO's willingness to use nuclear weapons first.

Cold War Threats Gone

Today both Soviet communism and the conventional threat to Europe are a part of history. Three members of the former Warsaw Pact have joined NATO. The vestige of the Red Army lacks both the ideological motivation and the capability to attack the West. While NATO still needs to be able to respond in a flexible manner to aggression, it no longer needs to compensate for conventional inferiority with nuclear weapons. It can defend any allied position and its conventional deterrent cannot be countered without nuclear weapons. The option to use nuclear weapons first contributes nothing to NATO security.



Amb. Graham, Mr. Rhinelander, Dr. Nassauer, and Mr. Frithjof Schmidt discuss the Red-Green Coalition's objectives with regard to nuclear weapons use

PROGRESS WITHIN NATO

In November 1998, Ambassador Graham sent a letter to the 16 NATO heads of government outlining the apparent inconsistency between NATO's nuclear doctrine and commitments of NATO member states made under the NPT. The letter was widely distributed in the ranks of NATO Governments as most officials with whom subsequent LAWS delegations met were familiar with it.



The LAWS Delegation explains the benefits of no first use to German Defense Ministry officials

RAISING NO FIRST USE:

Germany and Canada Leading the Way

Germany

In 1997, Ambassador Graham led a LAWS delegation to Bonn including LAWS Chairman Mark Schlefer, LAWS Board members Hans Loeser and John Rhinelander, and LAWS Director of Communications Douglas Shaw. The delegation met with German officials from the Foreign Ministry, the Defense Ministry, and members of the Bundestag, including future Defense Minister Rudolf Scharping, to discuss nuclear non-proliferation, and in particular the long-time assertion that if the United States adopted a no first use policy Germany would lose faith in the U.S. nuclear umbrella and pursue its own nuclear weapons program. This assertion has been often used as the principal argument against engaging in disarmament talks leading to deep cuts in nuclear weapons and in discussions about no first use of nuclear weapons. German officials assured the LAWS



Delegation that Germany would not consider developing a nuclear weapons program under any conditions, and that Germany supported disarmament. Major General Schuwirth at the Ministry of Defense stated that he would discuss nuclear weapons reductions with U.S. Undersecretary of Defense for Policy Walter Slocombe when he met with him. With regard to no first use specifically, future Defense Minister Scharping indicated that Germany was interested in the future existence of the nuclear umbrella, and that as long as the Germans had that guarantee, the adoption of no first use would not be a concern for Germany. Dr. Edmund Duckwitz of the Chancellory expressed the view that Germany would be interested in a no first use policy, but only if all the nuclear weapon states agreed to it.

After the elections in September 1998, the new Red-Green Coalition Government committed to press for further efforts on non-proliferation and disarmament, outlining their intentions in the Coalition Agreement — paragraph 6: “The new Federal Government adheres to the goal of the total abolition of all weapons of mass destruction and will participate in all initiatives to implement this goal in cooperation with Germany’s partners and allies...In order to implement the commitments on nuclear disarmament arising from the Nuclear Non-Proliferation Treaty, the new Federal Government will advocate a lowering of the alert status for nuclear weapons and renunciation of the first use of nuclear weapons.”

In November 1998, Ambassador Graham returned to Bonn to discuss the inconsistencies which exist between NATO’s nuclear policy of first use and the NPT commitments, specifically the NSAs. Ambassador Graham, LAWS Director John Rhinelander, LAWS Program Director for Western Europe Leonor Tomero, and Director of the Berlin Information center for Transatlantic Security (BITS) Dr. Otfried Nassauer met with members of the Bundestag who, given the uncertainty about START II ratification in Russia, agreed that Germany should support a no first use policy for NATO. They inquired about possible reactions from other countries, particularly about the NATO nuclear weapon states and the status of the debate within the U.S. Government. Bundestag member and Green Party Defense Spokesperson Angelika Beer gave a short address and released a press statement at a LAWS press conference in Bonn stating Green Party support of a NATO no first use position. Bundestag member Uta Zapf, Spokesperson on Defense for the SPD and Chairperson of the Sub-Committee on Disarmament, suggested that it was perhaps time for NATO to adopt such a policy and see if the Russians would reciprocate. Angelika Beer agreed that it was time.

Disarmament Commissioner Ambassador Rudiger Hartmann and German Ambassador to NATO Joachim Bitterlich agreed with many points made by Ambassador Graham and Mr. Rhinelander, and

“The problem is that if you wait for Washington, Washington isn’t going to do anything. We really need articulate voices to get the process moving.”

- John Rhinelander



stressed that a discussion should take place in NATO. Ambassador Hartmann thought that many states would follow if Germany took the lead in asking for an update of the NATO nuclear doctrine. He noted that the greatest German concern was the lack of transparency in Russia with regard to their nuclear arsenal and that the nuclear weapon states should move in the direction of no first use, increased transparency, de-alerting, START III and agreement within NATO on the issue of tactical nuclear weapons. Ambassador Bitterlich inquired about U.S. intentions and possible reactions if Germany took the initiative to propose a real review of the NATO nuclear doctrine. At the Ministry of Defense, Colonel Klauswilli Gauchel and Colonel Klaus argued that maintaining first use represented an important political role as a deterrent. Ambassador Graham emphasized the need to strike a balance between maintaining core deterrence and keeping the NPT strong. Mr. Frithjof Schmidt of Minister of State Volmer's office (Green) in the Foreign Ministry was supportive of no first use, yet cautious. He said that the Green Party must act carefully because there would be a big power struggle, and that these issues should be discussed within NATO first. He also spoke of the need to build consensus within Germany before promoting the issue internationally. The LAWS Delegation encouraged the Germans to pursue the path of no first use, emphasizing that "the status quo won't hold; it's too fragile" (John Rhineland - Nov. 1998).



LAWS Delegation debriefing U.S. DCM Michael Polt in Bonn

In late November, two weeks after the LAWS trip to Bonn, Germany publicly asked NATO to review its nuclear doctrine and expressed its support for no first use. Defense Minister Scharping raised this issue with U.S. Secretary of State Madeleine Albright in Washington, but following strong U.S. criticism, Foreign Minister Fischer agreed not to press it officially within NATO until after the Washington Summit in April 1999, although the German Government promised to remain committed to promoting a discussion of no first use within NATO in the future.



LAWS Chairman Mark Schläfer and Amb. Graham meet in 1997 with future German Minister of Defense Rudolf Scharping

In February 1999 as part of a seven nation tour, Ambassador Graham, General George Lee Butler (USAF, Ret.), Mr. Rhineland, Ms. Tomero, Dr. Nassauer, and Mr. Alistair Millar of the Fourth Freedom Forum, met with senior Bundestag staffers including Lt. Col. Rolland Kisner, Advisor to the Green Party, Huber Schmidt, Secretary for the Sub-Committee on Disarmament, Col. Oggelin, Military Advisor to the Liberal Faction, and Matthias Martin, Advisor to Chair of the Sub-Committee on Disarmament Uta Zapf, and Helmut Hoegler, Scientific Advisor to Green Member of Parliament Angelika Beer; at the Foreign Ministry the LAWS Delegation met with Disarmament Commissioner Rudiger Hartmann, and in Brussels with Mr. Ploeger of the German Mission to NATO. While in Bonn, Ambassador Graham spoke to a Green Party biannual forum attended by prominent members of the Party, including Bundestag Members Angelika Beer,



Christian Sterzing, and Winnie Nachtwei, and European Parliament members Elisabeth Schroeder, Frieder Otto Wolf, and Wilfried Telkamper in February 1999.

NATO Nuclear Doctrine

The Bundestag staffers were concerned that Germany had been criticized by the United States for leading the effort to revise NATO's nuclear doctrine. They expressed disappointment with the unambiguous rejection which Prime Minister Schroeder and Minister Scharping received in Washington. Both the Parliament staffers and Mr. Ploeger at NATO headquarters emphasized the importance of avoiding the perception of division between Germany and NATO. The LAWS Delegation conveyed their support for the significant step Germany has taken in opening the door to a debate within NATO. General Butler emphasized that the time had come to not only persist, but to be more insistent. At the Foreign Ministry, Ambassador Hartmann reaffirmed Germany's firm commitment to press for a revision of NATO's nuclear doctrine and to promote other arms control, and disarmament efforts such as transparency, de-alerting and reductions as steps toward strengthening the non-proliferation regime. He agreed that NATO's nuclear doctrine which stresses the political value of nuclear weapons may be an incentive for threshold countries to develop nuclear weapons. He saw a strong need for a positive development to keep them from following such a path, but reaffirming Minister Scharping's statements, he noted that Germany did not wish to raise the issue of no first use in a confrontational way. Both Parliament staffers and Ambassador Hartmann inquired about discussion on this topic within the U.S. Government.

"The more I know about the history of the Cold War, and particularly about how nuclear strategy was developed, the more dismayed I become about what the true costs and risks were."

- General Butler

In June 1999, Ambassador Graham traveled to the Marshall European Center for Security Studies in Garmisch, Germany to participate in a debate on no first use with Sir Michael Quinlan, former Permanent Undersecretary at the British Ministry of Defense and currently Director of the Ditchley Foundation (Ambassador Graham's remarks are set forth at page 28). In attendance were about 80 senior military representatives (Major Generals and above, and civilian equivalents) from NATO member states who were participating in a course at the Center. Many countries were represented from Western and Eastern Europe and Central Asia.

NGO

LAWS worked closely with Dr. Nassauer of BITS. LAWS also consulted with Dieter Dettke of the Friedrich Ebert Stiftung in Washington, DC, and Harald Mueller of the Peace Research Institute, Frankfurt, and met with Dr. Herbert Wulf, Director of the Bonn International Conversion Center (BICC) and Dr. Gotz Neuneck of The Center for Science and International Security at the University of Hamburg.



Press

In 1997, 1998, and 1999 Ambassador Graham gave press conferences in Bonn attended by representatives of the Frankfurter Rundschau, the Stuttgarter Zeitung, and the Wall Street Journal. The LAWS Delegation has also been featured on ARD German TV's Tageschau - Bericht Aus Bonn, on October 3, 1997.

The LAWS Delegation also met with DCM Michael Polt at the U.S. Embassy in Bonn in 1998 and debriefed him on the German meetings.

"If NATO does not find a way to update its nuclear doctrine, in my opinion, this will be the beginning of the end."

- General Butler



CANADA

On March 27, 1998, Ambassador Graham spoke at the Norman Paterson School of International Affairs of Carleton University in Ottawa. His remarks focused on the positive impact a NATO no first use policy would have on the NPT: "No rationale remains for the nuclear weapon states to retain the right to introduce nuclear weapons into a conflict. Clinging to the doctrine of the past supports the political value of nuclear weapons and undermines the NPT. ... No first use is an idea whose time has come." These remarks were distributed widely and published in the journal Canadian Foreign Policy. This presentation initiated contact between LAWS and several prominent Canadians, such as Member of Parliament and Chairman of the House of Commons Standing Committee on Foreign Affairs and International Trade of the House of Commons, Bill Graham.

Canadian Senator and LAWS Director Douglas Roche has been a driving force promoting prudent nuclear policies, such as a no first use policy for NATO, within Canada. With the help of Senator Roche, LAWS Director Jonathan Granoff and actor Michael Douglas traveled to Ottawa in September 1998 to discuss nuclear disarmament issues, including no first use, with the Canadian Prime Minister and Foreign Minister. Senator Roche and Mr. Granoff formulated the idea of bringing a LAWS delegation to Canada to testify before the Parliament on nuclear disarmament.

In December 1998, the Standing Committee on Foreign Affairs and International Trade of the Canadian House of Commons, under the chairmanship of Mr. Graham issued a report entitled *Canada and the Nuclear Challenge: Reducing the Political Value of Nuclear Weapons for the 21st Century*. This report made a significant contribution to the visibility of the no first use issue and to the debate within NATO. At the request of the Committee, Ambassador Graham participated by telephone in a public meeting in Ottawa on December 1, 1998 organized by the Government to consider the report, and in person in a meeting in Victoria, British Columbia, chaired by Ambassador Gordon



Smith, former Canadian Ambassador to NATO and former Deputy Foreign Minister.

On March 10 and 11, 1999 Senator Roche organized a joint hearing of the Canadian Senate Standing Committee on Foreign Affairs and the Canadian House of Commons Standing Committee on Foreign Affairs and Trade to discuss this report. Testimony was invited from Ambassador Graham, LAWS Director Robert McNamara, General Lee Butler and Dr. Thomas W. Graham of the Second Chance Foundation. Ambassador Graham testified that "hopefully, on the concept of a NATO policy of no first use, there will be a commitment to a serious study by NATO as part of a review to commence after the NATO Summit." Mr. McNamara testified that "initiation of the use of nuclear weapons by NATO would be militarily unnecessary, morally wrong, and politically indefensible, and yet maintenance of that capability carries with it enormous risks...literally the destruction of nations." General Butler testified to the importance of reducing the status of nuclear weapons. The hearing was a considerable success, generating significant media coverage and parliamentary interest; it was attended by all members of both Committees, as well as a large group of media representatives, and the hearing was nationally televised.



LAWS Delegation with Mr. Ploeger at the German Mission to NATO

On the margins of the joint hearing, Ambassador Graham, Mr. McNamara, General Butler, Thomas W. Graham and Senator Roche met with Canadian Prime Minister Chretien, Foreign Minister Lloyd Axworthy, and Defense Minister Arthur Eggleton in separate meetings. Ambassador Graham in these meetings stressed the importance of a commitment by NATO at the upcoming Washington Summit to review its nuclear doctrine set forth in the Summit Communiqué. Foreign Minister Axworthy said this would be difficult, but worth a try. Prime Minister Chretien and Defense Minister Eggleton committed to raise the issue again within NATO, although Defense Minister Eggleton's previous attempt in December had received little support he said. As noted later in this report, the efforts by the Canadian leaders were successful. The Delegation also met with the senior bureaucracy of the Defense Ministry for a lengthy discussion of the subject and made a two hour presentation to a large group of senior Canadian NGOs on no first use and the Canadian Parliamentary Report. Following the trip, Senator Roche reported to Ambassador Graham that the visit, he had been told, had been a very great help to the Government.



LAWS Delegation with Chairman of the House of Commons Foreign Affairs Committee Donald Anderson

On April 13, 1999, the Senate of Canada unanimously adopted a Motion introduced by Senator Roche without a vote stating that: "The Senate recommend[s] that the Government of Canada urge NATO to begin a review of its nuclear weapons policies at the Summit Meeting on April 23 to 25, 1999." Senator Roche in the debate over the



Motion stated that "NATO is the greatest military alliance in the history of the world...The point at issue is that nuclear weapons in NATO have lost their military value and are being kept for political value."

DISCUSSING RISKS AND COSTS



THE UNITED KINGDOM

In November 1997, Ambassador Graham traveled to London with LAWS Board members Senator Alan Cranston, Dr. Bruce Blair, and General William Burns, and LAWS Director of Communications Doug Shaw. They met with Secretary of State for Defense George Robertson, Richard Hatfield, Defense Policy Director, Commodore J.M. Parkinson, Nuclear Policy Director, Mr. Paul Roper, Assistant Chief Scientific Adviser, and Stephen Willmer, Assistant Director of the Proliferation and Arms Control Secretariat at the Ministry of Defense, with Deputy Under-Secretary Kevin Tebbit at the Foreign and Commonwealth Office, with Jonathan Powell, Special Assistant to the Prime Minister, and with Chairman of the House of Commons Defense Committee Bruce George and other members of the Committee. General Burns presented the essence of the 1997 National Academy of Sciences Report, Senator Cranston spoke to reductions, Dr. Blair argued for dealerting measures, and Ambassador Graham pressed for consideration of no first use.

"I ultimately concluded that whatever the utility of a first use policy during the Cold War, it is entirely inappropriate to the new global security environment; worse, it is counterproductive to the goal of nonproliferation and antiethical to the values of democratic societies.

- General Butler

Excerpted from General Butler's December 10, 1998 letter to NATO Defense Ministers.

Shortly after, the United Kingdom issued the Defense Review which announced reductions in the U.K. nuclear weapon arsenal and considerable dealerting measures. Ambassador Graham followed up on the trip with a subsequent letter to Mr. Powell outlining the central message of the Delegation.

In December 1998, Ambassador Graham returned to London with Program Director Leonor Tomero and Daniel Plesch of the British American Information Council (BASIC), encouraging the United Kingdom to agree to a debate within NATO about nuclear weapons use policy. They met with Mr. Stephen Gomersall, Director for International Security, and Mark Etherton, head of the Nuclear Section in the Security Policy Department, at the Foreign and Commonwealth Office, with Stephen Willmer, Director of Proliferation and Arms Control at the Defense Ministry, with Philip Barton at the Office of the Prime Minister, with members of the Defense Committee Harry Cohen, Jamie Cann, John McWilliam, Michael Colvin and Crispin Blunt, and with Chairman Donald Anderson and other members of the Foreign Affairs Committee at Parliament.

While cautious, the officials with whom LAWS met did not oppose a debate on the no first use issue. Mr. Gomersall at the Foreign and Commonwealth Office illustrated this point by stating that U.K.



Ministers were responsive to the concerns raised by LAWS and that they were open-minded, but that the lead would have to come from the United States. He also noted that some sympathy for the no first use position existed in the U.K. Government. Commenting on one of the United Kingdom's objectives for modifying NATO's nuclear doctrine which was scheduled for consideration during the Summit and which he thought would stop short of adopting no first use, he noted that the United Kingdom wished to convey the sense that NATO is not being held together essentially by nuclear weapons. Mr. Willmer of the Ministry of Defense in turn was more reserved, expressing doubts about no first use as an appropriate tool to further non-proliferation. However, he stressed that the United Kingdom would agree to reducing the political salience of nuclear weapons.



LAWS Delegation with the members of the Defense Committee of the British House of Commons

The Parliament Defense Committee expressed considerable interest in the no first use argument, while also inquiring about its pitfalls and limitations. The Committee requested that Ambassador Graham submit written testimony regarding these issues, which was influential in drafting the Select Committee on Defense's Third Report entitled *The Future of NATO: The Washington Summit*. In explaining that some proponents of disarmament favor the need to limit the role of nuclear weapons, the Report cites Ambassador Graham's argument in favor of no first use in paragraphs 37-38: "Ambassador Thomas Graham argued that the goal of non-proliferation could be best pursued by NATO lowering the political importance of nuclear weapons by adopting a 'no first use of nuclear weapons policy... Ambassador Graham in a meeting with the Committee argued that for NATO to attack with nuclear weapons any of the non-nuclear weapon states that are signatories to the Nuclear Non-Proliferation Treaty (NPT) would be in violation of the legal obligations of the United Kingdom, the United States and France under the NPT. He suggested that such a policy was likely to damage non-proliferation efforts."

Further evidence suggests that the United Kingdom is not firmly determined to oppose the idea of no first use. In reference to Canadian deliberations about whether or not to support Germany's position in favor of no first use in November 1998, a U.K. official noted that Foreign Minister Robin Cook had privately decided not to express any opposition had the Canadians decided positively at that time.

NGOs

In 1997, the LAWS Delegation met with Sir Timothy Garden, William Hopkinson and Dr. Gwyn Prins at the Royal Institute of International Affairs at Chatham House, Humphry Crum Ewing of the University of Lancaster's Center for Defense and International Security, Michael Conder of the Royal United Services Institute for Defense Studies, Col. Terence Taylor of the International Institute for Strategic Studies



"Even if START II is ratified, we will have more nuclear weapons than under SALT I."

- Mr. Rhinelanders



(IISS), and Ken Aldred, Michael Clarke, John Edmonds, General Sir Hugh Beach, Frank Blackaby and Bruno Brunskill of the Council for Arms Control.

In preparation for the trip in 1998, LAWS worked closely with Dan Plesch and Thomas Neve of BASIC in Washington, D.C. and in London. Ambassador Graham and Ms. Tomero also met with Rebecca Johnson and Nicola Butler of the Acronym Institute, Frank Blackaby of Abolition 2000, Tom Milne of Pugwash, General Hugh Price of the Council for Arms Control at IISS, and again with Dr. William Hopkinson at Chatham House.



Amb. Graham and Mr. Hopkinson discussing nuclear weapons policy at Chatham House

Press

In 1998, Ambassador Graham was interviewed by Jonathan Steele and Richard Norton-Taylor of the Guardian. The week prior to the trip, Martin Woolcott mentioned Ambassador Graham's effort to promote no first use in a November 28, 1998 *Guardian* article.

Ambassador Graham debriefed DCM Robert A. Bradtke at the U.S. Embassy about the LAWS program and meetings.



Amb. Graham presiding over a press conference in Bonn

Pursuing efforts begun in 1997 and 1998 to promote no first use, Ambassador Graham and General Butler traveled to Norway, the Netherlands, and Belgium. Then, while General Butler traveled to the United Kingdom, Ambassador Graham and Ms. Tomero continued on to France, Italy and Spain where they were joined by Dr. Penelope Simons of the Simons Foundation in Vancouver, Canada. LAWS Board member John Rhineland participated in the visits to the Netherlands, Belgium and Germany. Their message was well received, although most countries were concerned about challenging the United States which has been firmly opposed to making any significant change to NATO's nuclear policy. The LAWS Delegation met with senior officials in the Defense and Foreign Ministries in Norway, the Netherlands, and Belgium. All officials expressed deep concern about arms control progress being stalled and particularly about the U.S. debate regarding a national missile defense.



NORWAY

Ambassador Graham, General Butler, and Mr. Alistair Millar of the Fourth Freedom Forum met with Deputy Director General Svein Styrvold, and Assistant Director General Tom Holter, at the Norwegian Ministry of Defense; with Director General for Disarmament Affairs Leif Ulland, Deputy Director for Disarmament Affairs Jan Arve Knutsen, Counselor Jorn Gjelstad, and Advisor on Security Affairs Srien Gjerme Erksen at the Ministry of Foreign Affairs; and with State Secretary Odd Josten Saeter, and Head of Division Christian Syse at the Office of the Prime Minister.



General Butler and Ambassador Graham shared their concern that NATO nuclear doctrine is inconsistent with commitments made by NATO members in the context of the negative security assurances, and stressed that the time had come for NATO members to take advantage of this long overdue opportunity to adapt NATO doctrine to the changes that have taken place in the international security environment over the past decade. The Norwegian officials responded that Norway is committed to disarmament and that reductions are in Norway's best interest now that Moscow has neither the intent nor motive to threaten Norway. They expressed concern about the stalled disarmament efforts with regard to START II and START III; State Secretary Saeter expected that the CTBT would be ratified shortly in Norway; in the multilateral fora, Norway has encouraged dialogue on nuclear disarmament issues within the Conference on Disarmament by supporting the creation of an ad hoc working group. Saeter also expressed concern about on going sub-critical nuclear tests in Russia and the United States.

Strategic Concept

Both Defense and Foreign Affairs Ministry officials agreed that the nuclear paragraphs in the NATO Strategic Concept should be considered for review, but did not foresee any major changes at this time. Defense officials viewed them as essentially political.

Nuclear Weapons Use Policy

Stressing the importance of limiting the number of nuclear weapons states, the Norwegian officials expressed their support for nuclear weapons as a deterrent against the threat of proliferation and on the value of uncertainty about use, particularly in the context of the Gulf War. General Butler responded by underlining that Saddam Hussein violated one of the provisions specified in the ultimatum letter that he received from the United States - not to torch the Kuwaiti oil fields - and questioned the credibility of deterrent threats as well as their necessity in light of NATO's overwhelming conventional superiority. General Butler discussed the value of maintaining core deterrence through no first use. Ambassador Graham noted that the threat to use nuclear weapons cannot be disassociated from proliferation and that current NATO policies encourage, rather than discourage, proliferation. Concern about questioning U.S. nuclear policy was also expressed as a reason for Norwegian hesitation to raise these issues for discussion within NATO.

Press

Ambassador Graham gave a press interview to Halvard Helle of Oslo's *Dagbladet*.



Amb. Graham addressing the issue of no first use at a Green Party Forum



Bundestag Members Gernot Erler and Uta Zapf discuss Germany's role in supporting a no first use policy for NATO



NGOs

The LAWS Delegation met with former Foreign Minister Bjor Tore Godal, and Ms. Siri Bjerke, Former State Secretary, at the Norwegian Institute for Foreign Policy. Mr. Godal and Ms. Bjerke subsequently initiated a debate within the Norwegian Parliament to discuss these matters. Ambassador Graham and General Butler also met with senior Norwegian NGO leaders and later that day Ambassador Graham spoke to a large group of NGOs at the Nobel Institute. Mr. Millar of the Fourth Freedom Forum organized the Delegation's consultations in Norway.

Ambassador Graham met with U.S. Embassy DCM in Oslo Jon Gundersen and other Embassy officials for a lengthy discussion of NATO's nuclear doctrine.

THE NETHERLANDS

The LAWS Delegation met with Director of Security Policy Mr. C.C. Sanders, Head of the Nuclear and Non-Proliferation Division Onno Kervers, and Dr. Marc Gerritsen, Policy Officer in the Security Policy Department, of the Ministry of Foreign Affairs; and with Mr. Sebastian Reyn, Policy Advisor, and Lieutenant-Colonel Tieland, International Strategic Affairs Desk Officer, of the Department of Defense. At the Parliament, the Delegation met with Dr. Jan Hoekema, spokesperson on nuclear weapons for D66, Dr. A.G. Koenders, spokesperson nuclear weapons for the Labor Party, Ms. Marijke Vos, spokesperson on nuclear weapons for the Green Left, and Dr. O. Cherebbi, spokesperson on Disarmament for the VVD party.



Amb. Graham and Mr. Gomersall discussed NATO's nuclear weapons policy at the British Foreign and Commonwealth Office

Disarmament

Mr. C.C. Sanders, Director of Security Policy at the Foreign Affairs Ministry, emphasized that the Netherlands has pressed for negotiations towards a fissile material cut-off treaty (FMCT) and for the ratification of the CTBT which are essential to the successful future of the NPT. However he expressed certain reservations.

NATO nuclear doctrine

Mr. Sanders thought that following Minister Fischer's request, a review would be unavoidable, but qualified his statement by emphasizing that the current Strategic Concept addressed changes since the end of the Cold War as it was intended to be forward-looking. He also stated that public opinion has not expressed great interest in the nuclear issue, focusing more on the out-of-area debate.

Nuclear Weapons Use

Mr. Sanders of the Foreign Ministry agreed that the Strategic Concept should consider reductions, de-alerting and negative security assur-



ances, but was not convinced that no first use would be beneficial as maintaining uncertainty has been useful in the past. Going into further detail, he noted that NATO as an alliance had never given a commitment to negative security assurances, and that furthermore, belligerent reprisal always offered the option of using nuclear weapons. Mr. Kervers expressed uncertainty with regards to no first use for several reasons: he failed to see a direct causal relation between NATO no first use and the Indian and Pakistani tests; NATO must retain the possibility to use nuclear weapons as chemical and biological weapons are now illegal; the Soviet Union never had a strong commitment to no first use; and the threat of nuclear weapon use helped deter Saddam Hussein during the Gulf War. These questions were also discussed with members of Parliament. General Butler and Ambassador Graham noted the inconsistencies between maintaining NATO first use and the negative assurances associated with the NPT extension, the overwhelming conventional superiority enjoyed by NATO, and the need to lower the political value of nuclear weapons to limit proliferation.

International Court of Justice

The Delegation also met with Justice Stephen Schwebel at the International Court of Justice. Justice Schwebel wrote one of the World Court opinions in 1996.

Press

Ambassador Graham gave a press interview to Bert Seinmetz of The Hague's *Daily Parool*.

NGO

LAWS worked in close cooperation with Mr. Karel Koster of the Program on European Non-Proliferation Network (PENN) in preparation for the trip.



Ambassador Graham listens to Bundestag member Uta Zapf's concerns regarding the future of Europe's security



BELGIUM

In Brussels, General Butler, Ambassador Graham, Mr. Rhineland, and Mr. Millar met with Jean-Pol Poncelet, Vice Prime Minister, Minister of National Defense and Energy; and with General Del Gargol, Mr. Vankeisbilck, Mr. Segers, and Mr. David of the Ministry of Defense. Ambassador Graham, Mr. Rhineland, and Ms. Tomero met with Mr. Geerkens, Chef de Cabinet and Diplomatic Advisor at the Office of the Prime Minister. Ambassador Graham, General Butler, Mr. Rhineland, and Ms. Tomero met with Mr. Matthysen, Head of the NATO Department, at the Ministry of Foreign Affairs.

Deterrence

Mr. Matthysen inquired about ways to separate status from nuclear



weapons and about the threat from China. Ambassador Graham emphasized that China had adopted a no first use position, maintained low numbers of nuclear weapons and that these weapons were not on high alert.

No First Use

At the Ministry of Defense, the Delegation discussed the importance of the NPT, NATO's role to support the non-proliferation regime particularly in the context of the negative security assurances, and nuclear weapons reductions in Europe. Ambassador Graham explained the relevance of a no first use position to India. The Belgian officials were sympathetic but expressed their hesitation to challenge the United States on these issues. At the Office of the Prime Minister, Mr. Geerkens also inquired about the relevance of no first use with regard to India, Pakistan and China, and claimed that no first use must be discussed in the broader context of nuclear disarmament by the five nuclear weapon states and must be geared toward non-proliferation in the long term. At the Foreign Ministry, General Butler argued that uncertainty does not promote stability in the post-Cold War era and that NATO must seize the opportunity to update its nuclear doctrine. Mr. Matthysen said that the Belgium would explore the topic stressing also that NATO did not have a "culture of taboos," but explained that Europeans were hesitant to challenge the U.S. view. He noted that Belgium would proceed carefully.

"The proliferation of nuclear weapons is the principal threat facing NATO today particularly as regional conflicts emerge; our most important defense is the NPT"

- Amb. Thomas Graham

FRANCE

In Paris, Ambassador Graham met with Ms. Therese Delpech, Director of Policy Planning at the French Atomic Energy Commission; Ambassador Graham, Dr. Simons, and Ms. Tomero met with Mr. Marc Perrin de Brichambaut, Director of Strategic Affairs, and Mr. Bruno Tertrais, Advisor to the Director of Strategic Affairs, at the Ministry of Defense; and with Mr. Maxime Lefevre at the Ministry of Foreign Affairs.

Deterrence

Both Ms. Delpech and Mr. Lefevre emphasized the importance of U.S.-Russian nuclear weapons reductions under the START Treaties and worried that revisiting the ABM Treaty would not only pressure other nuclear weapons states -- France and the United Kingdom -- to increase their nuclear weapons arsenal, but that this change in policy may also dangerously decouple Europe from the United States. Mr. Perrin de Brichambaut also expressed concern about the development of a U.S. national missile defense system which may imply that deterrence does not work. While the French Foreign Ministry officials stressed that nuclear weapons are "non use weapons," France is clearly concerned about proliferation. Ms. Delpech expressed considerable concern over the on-going Chinese build-up.



No First Use

Ms. Delpech agreed that first use may no longer be necessary in the post Cold War era, but was doubtful about the value of adopting a no first use position by NATO noting that such a NATO position would not have affected India's decision to test, and would not affect North Korea's policy. In addition, she questioned the value of such a policy if Russia did not reciprocate. Ambassador Graham emphasized the urgency of lessening the political value of nuclear weapons, and said that no first use would represent a significant step in achieving this goal. Mr. Tertrais noted that Ambassador Graham's letter of November 2, 1998 had called to the President's attention the necessity to consolidate the international non-proliferation regime by increasing international efforts in favor of nuclear disarmament, and in particular by the reduction of numbers of nuclear weapons and the political value of nuclear weapons.

French officials observed that France may consider the debate over no first use a secondary issue, ineffective if separated from other nuclear arms control issues, and thereby give priority to broader disarmament efforts. The Foreign Ministry officials and Mr. Bruno Tertrais stressed the value of deterrence to defend the vital interests of France, but stated that France considers the negative security assurances legally binding (although noting that the principle of belligerent response represents an important caveat). While Mr. Lefevre stressed the French assumption that nuclear weapons are "non-use weapons," he noted that France was clearly concerned about proliferation. In a later meeting, Mr. Tertrais expressed the view that if nuclear weapons are non-use weapons, then no first use may be consistent with maintaining core deterrence, concluding that the discussion about the role of nuclear weapons should be seriously considered. However French officials expressed doubt that a NATO no first use policy would deter proliferation in Asia, as the China no first use policy did not prevent Indian testing. Mr. Perrin de Brichambaut also noted that France had traditionally maintained its nuclear weapons doctrine separate and independent from NATO and that French nuclear deterrence had always implied discretionary use. However, he emphasized that France had not made a decision on the use doctrine debate.

Meetings outside the Government

Ambassador Graham and Ms. Tomero consulted with Mr. Camille Grand, professor at the Institut D'Etudes Politiques (IEP) de Paris and the Ecole speciale militaire de St Cyr Coetquidan (ESM) in February in Paris, and in April in Washington. Later on May 9 and 10, 1999 Ambassador Graham also participated in a Conference on NATO in Paris organized by the Institut de Relations Internationales et Strategiques (IRIS) where he gave an address on no first use to a large group of prominent French defense experts and senior



The LAWS delegation discussed Belgium's contribution to the debate with Mr. Geerken at the Office of the Prime Minister



Amb. Graham and General Butler discussed no first use policy at the Belgian Foreign Ministry with Mr. Matthysen



Government officials. French Defense Minister Alain Richard and Foreign Minister Hubert Vedrine, among others, attended and spoke at the Conference.

ITALY

In Rome Ambassador Graham, Dr. Simons, and Ms. Tomero met with Ambassador for Disarmament Mario Sica, Counselor Roberto Liotto, and Mr. Luca Gori, Representative for the NATO Office at the Ministry of Foreign Affairs, and with Minister Alessandro Minuto Rizzo, Diplomatic Advisor of the Minister, in the Ministry of Defense.



Amb. Graham and Dr. Simons debriefed Amb. Penner, Col. Crochard, and Col. Moralejo at the NATO Defense College

Deterrence

Minister Sica emphasized the need to disassociate status from nuclear weapons, particularly in the case of India, and questioned broad utility for nuclear weapons in a changing environment and within a changing NATO. Counselor Liotto agreed that the conventional superiority enjoyed by NATO currently represented a valid defense against emerging challenges. However he noted that nuclear deterrence has long been taken for granted, and that the concept must now adapt to a new balance between disarmament and defense. Minister Sica emphasized the need for change as he said nuclear weapons could not be used for peacekeeping or for responding to a CBW attack.



Amb. Graham with senior officials of the U.K. Defense Ministry

NATO Nuclear Doctrine

Ambassador Sica expressed strong support for a discussion on the role of nuclear weapons within NATO after the Summit, for downplaying the rhetoric of nuclear weapons, and making reference to the negative security assurances. He also advocated that NATO not use nuclear weapons as an essential tool for strengthening the link between Europe and North America. Dr. Liotto expressed the view that if NATO did not take a courageous position, positive results from the NPT 2000 Review would be more difficult to achieve. However, the Italian Foreign Ministry officials argued that change would be difficult within NATO particularly as the institution has been so successful.

Minister Minuto Rizzo at the Ministry of Defense stressed that the NATO nuclear doctrine is a very complex political issue and that it may not yet be time to change it. Discussion at the Defense Ministry also included consideration of this issue in the context of potential threats from Russia and China. Minister Minuto Rizzo said Italy would contemplate this approach, but echoed the concern of Foreign Ministry officials that NATO will not change rapidly.

In June 1999, Ambassador Graham and Ms. Tomero returned to Rome to pursue the discussion on no first use with Minister Sica and



Counselors Griccioli and Liotto of the Ministry of Foreign Affairs. This visit was considered timely as no first use discussion continues intra-NATO. Ambassador Sica emphasized that the most important argument to overcome would be using nuclear weapons in response to a CBW attack. He agreed that a NATO no first use policy would be timely, and stressed that Germany's role would be key to promoting this position. Counselor Liotto suggested that the NSAs be recognized in a legally binding treaty. He also mentioned the necessity to work with NATO headquarters. On a related topic, Ambassador Sica raised the issue of tactical nuclear weapons in Europe. Ambassador Sica offered to arrange for Ambassador Graham in September a meeting with the Undersecretary of State for Foreign Affairs and the Chairman of the Foreign Affairs and Defense Committees of the Parliament to discuss no first use.

While in Rome in February, the LAWS Delegation met with Ambassador Vernon Penner, Deputy Commandant, Colonel Lionel Crochard, Director of Curriculum Planning and Development, and Colonel Manuel Moralejo, Faculty Adviser, at the NATO Defense College to discuss NATO policy on non-proliferation. The LAWS Delegation in June also met with representatives of the Italian Atlantic Committee, discussing no first use with the Honorable Emilio Colombo, IAC President, Lt. General Umberto Cappuzzo, IAC Chairman of the Military Committee, and Mr. Fabrizio Luccioli, IAC Secretary General, of the Italian Atlantic Committee (IAC).



Amb. Graham and Dr. Simons met with Amb. Sica and Counselors Liotto and Gori at the Italian Foreign Ministry



SPAIN

While in Madrid, Ambassador Graham, Dr. Simons, and Ms. Tomero met with Ambassador Manuel de la Camara Hermoso, Director General for Security, Disarmament, and Foreign Affairs for North America, and with Mr. Carlos Saenz de Tejada Gorman, Subdirector General for Disarmament, in the Foreign Ministry, and with Admiral Francisco Torrente Sanchez, Director General for Defense Policy, and General Felix Sanz Roldan, Subdirector General for Foreign Affairs, at the Ministry of Defense.



Minister Minuto-Rizzo listens to Amb. Graham's arguments for no first use at the Italian Defense Ministry

No First Use

At the Foreign Ministry, Ambassador de la Camara agreed that the no first use policy has many merits although he believed that introducing an effective debate on this issue would be difficult as the NATO nuclear weapon states as well as the three new member states are opposed to this change, even though the idea of no first use was not new. As a nuclear weapon free country, Spain supports non-proliferation objectives, but these issues now have a low profile for domestic reasons. Ambassador de la Camara expressed support for the concept as proliferation is one of Spain's main concerns. He agreed that the no first use philosophy is quite understandable and that maintain-



ing the current basic tenets of the NATO nuclear doctrine encourages proliferation. He also agreed that NATO had reached a fork in the road where it would have to choose between security and proliferation. However, he inquired about the value of adopting a no first use position despite uncertainty in Russia, the independent character of French nuclear doctrine, and in the midst of U.S. discussions to develop a national missile defense. Mr. Saenz expressed strong reservations about the immediate need for no first use, and suggested that other disarmament measures such as preserving the ABM Treaty, ratifying the CTBT, de-alerting, developing a nuclear arms register, and negotiating a FMCT, may be more effective to limit proliferation in the near term, while expressing doubt about U.S. commitment to the negative security assurances.



Amb. Graham and Ms. Tomero met with Adm. Torrente and Gen. Sanz-Roldan at the Spanish Defense Ministry

Ambassador Graham argued that these measures may not be achievable in the short term, but that the United States was committed to the NSAs associated with the indefinite extension of the NPT. At the Defense Ministry, Admiral Torrente listened enthusiastically to Ambassador Graham's arguments, noting that he welcomed consideration of this approach and that it had not often been mentioned. He referred to Ambassador Graham's arguments as thought-provoking particularly in the context of U.S. Secretary of Defense Cohen's consultations with the Spanish Defense Ministry the week before to encourage maintaining the first use option. Admiral Torrente congratulated Ambassador Graham on looking beyond the short term. He assured the Delegation of Spanish support for the NPT regime, but pointed to Spain's limited capability to influence NATO particularly when under pressure from the United States, and as opposition to this argument has recently been strengthened by the addition of the three new NATO members. He promised that the Spanish Defense Ministry would think about the arguments in favor of no first use and that he would inform the Minister about the discussion.



Amb. Graham met with U.S. Ambassador Ed Romero in Madrid

NGO

The LAWS Delegation met with Mariano Aguirre of the Centro de Investigacion Para La Paz.

At the U.S. Embassy, the Delegation met with Ambassador Ed Romero and debriefed him on the meetings.



THE UNITED STATES

Ambassador Graham discussed the possibilities of no first use with officials from the State Department during several consultations in 1998 and 1999. He also met with U.S. Ambassador to NATO Alexander Vershbow in Brussels in February, 1999 to discuss this subject.

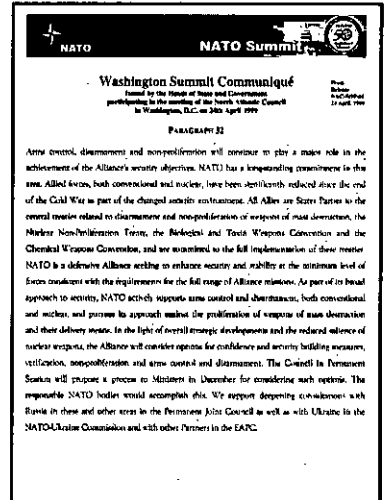


NATO STRATEGIC CONCEPT and the NATO SUMMIT COMMUNIQUE

Troublesome references to the importance of nuclear weapons, for example their description as an "essential military and political link between the European and North American members of the Alliance" (Paragraph 63) and the "supreme guarantee of the security of the Allies" (Paragraph 62), remain in the revised Alliance Strategic Concept issued on April 24, 1999. However, the 1999 NATO Washington Summit recognized that the possibility of the need for the use of nuclear weapons is "extremely remote" and that nuclear non-proliferation is an important aim of the NATO Allies which is inextricably linked to nuclear disarmament.

The Summit Communique of April 24, 1999 made this clear and opened the door for near-term progress: "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. The NATO 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" (Paragraph 32).

Thereby NATO has stated its intention to promote non-proliferation and disarmament through, among other things, a review of its nuclear policy and doctrine by December 1999. The Canadian Foreign Minister made it clear in a press conference on April 24, 1999 that there is a NATO commitment to this review, stating that "It's a message that the [Canadian] Prime Minister took [to] certain NATO leaders...I think we have now gained an acknowledgment that such a review would be appropriate and that there would be directions to the NATO Council to start the mechanics of bringing that about."



"NATO is now in a position to change norms of behavior."

- General Butler



This review will consider, among other things, whether it is now time to revise NATO's long-held policy of reserving the right to use nuclear weapons first in a conflict and to adopt a policy of not being the first to use nuclear weapons in future conflicts. Thus LAWS efforts of the past year have borne fruit in that NATO for the first time will review its nuclear weapon use doctrine and consider whether it would now be appropriate to change it.

NEXT STEPS

"Ambassador Graham in a meeting with the Committee argued that for NATO to attack with nuclear weapons any of the non-nuclear states that are signatories to the Nuclear Non-Proliferation Treaty (NPT) would be in violation of the legal obligations of the UK, the US and France under the NPT. He suggested that such a policy was likely to damage non-proliferation efforts" - as cited in the U.K. House of Commons Select Committee on Defense Third Report, par. 38.

LAWS will continue to pursue this effort through dialogue on this issue and by promoting a no first use policy for the NATO Alliance. This debate is expected to become a priority within NATO in the months following the NATO Summit. LAWS is planning a dialogue in Prague with senior Government officials on no first use in September as it is most important to engage new NATO members on this issue. In addition, LAWS hopes to organize a significant follow-up meeting on no first use in Germany perhaps in late September to include a public Bundestag hearing on the subject. As indicated above, at the invitation of Minister Sica of the Italian Foreign Ministry, Ambassador Graham will return to Rome to meet with Undersecretary of State for Foreign Affairs Umberto Ranieri and key members of the Italian Parliament in the fall. LAWS hopes to return to NATO headquarters in Brussels, and further consult with NATO representatives. Ambassador Graham traveled recently to New York to meet with prominent NAM Missions to the UN to discuss no first use, meeting with the Indonesian and Mexican Disarmament Ambassadors who expressed great interest in this issue and underscored its importance to the NPT. He subsequently sent letters to the South African and Egyptian Disarmament Ambassadors in Geneva briefing them on this subject. In a reply, the Egyptian Ambassador expressed considerable interest in the subject. On June 14, 1999 Ambassador Graham sent a follow-up letter to all NATO heads of Government outlining why a no first use decision by NATO is important and timely, a copy of which is attached.



BIOGRAPHIES

LAWS BOARD MEMBERS

AMBASSADOR THOMAS GRAHAM, JR.

Ambassador Thomas Graham, Jr. is the President of the Lawyers Alliance for World Security (LAWS). He served as the Special Representative of the President for Arms Control, Non-Proliferation, and Disarmament from 1994-1997 and led U.S. Government efforts to achieve a permanent Nuclear Non-Proliferation Treaty (NPT) prior to and during the 1995 Review and Extension Conference of the NPT. Ambassador Graham headed the U.S. Delegation to the 1996 Review Conference of the Conventional Armed Forces in Europe (CFE) Treaty and the U.S. Delegation to the 1993 ABM Treaty Review Conference. In addition, he led a number of delegations to foreign capitals in 1996 to urge the conclusion of the Comprehensive Test Ban Treaty (CTBT) negotiations. Ambassador Graham was the General Counsel of the United States Arms Control and Disarmament Agency (ACDA) from 1977 to 1981 and from 1983 to 1993. He also served as the Acting Director in 1993 and Acting Deputy Director in 1994 of ACDA.



MARK SCHLEFER

Mark P. Schlefer is a senior partner in the law firm Fort & Schlefer and Chairman (and a former President) of LAWS. He is also a founder, trustee and first Chairman of the Negro (now Black) Student Fund. Mr. Schlefer is a member of the Committee of the American Bar Association that in 1963-64 drafted and supported the Freedom of Information Act. He is an elected member of the American Law Institute and a member of the American Society of International Law. A World War II veteran, he participated in thirty-six U.S. Air Force combat missions in Europe from 1943 to 1945.



BRUCE BLAIR

LAWS Board Member Dr. Bruce Blair is a Senior Fellow for Foreign Policy Studies at the Brookings Institution. He is a leading expert on the command and control of nuclear weapons, national security policy, nuclear proliferation, arms control, U.S. and foreign nuclear forces, and defense conversion. Dr. Blair previously served as a Minuteman missile launch officer with the U.S. Strategic Air Command and as a project director at the Congressional Office of Technology Assessment. Dr. Blair has taught at Yale, Princeton, and Georgetown Universities. He is the author of several books on the subject of the command and control of nuclear forces during crisis including Global Zero Alert for Nuclear Forces and The Logic of Accidental Nuclear War.



WILLIAM BURNS

LAWS Board Member Major General William Burns (USA-ret.) is the President of the Army War College Foundation. He chaired the National Academy of Science Panel which recommended further deep reductions and efforts to lower the political value of nuclear weapons in its 1997 report The Future of U.S. Nuclear Weapons Policy. President Bush appointed him special envoy to Russia and new independent states to negotiate U.S. assistance in the dismantlement of nuclear weapons stockpiles. He previously served as Director of ACDA and as Principal Deputy Assistant Secretary of State for Political-Military Affairs, and as the representative of the Joint Chiefs of Staff to the negotiations on the Intermediate Range Nuclear Forces (INF) Treaty.

ALAN CRANSTON

LAWS Board Member Senator Alan Cranston completed four consecutive terms in the U.S. Senate and served as Democratic Whip for 14 years. During his 24-year Senate career, he was instrumental in efforts to end the Vietnam War, ratify the SALT II and START treaties, and reduce military spending. Senator Cranston is playing a leadership role in the worldwide effort to reduce, marginalize, and ultimately abolish nuclear weapons. Senator Cranston also serves as the Chair of the Gorbachev Foundation/USA and the Chair of the State of the World Forum.





HANS LOESER

LAWS Treasurer Hans Loeser is a partner at the firm of Foley, Hoag, & Eliot. In 1981, Mr. Loeser, with Alan Sherr, Wayne Jacquith, and Tony Sager, formed the Lawyers Alliance for Nuclear Arms Control which ten years later became the Lawyers Alliance for World Security. He is one of the founders of the Lawyers Committee for Civil Rights Under Law. He came to the United States in 1940 as a German refugee and returned to Europe in 1942 and had significant combat service with the 82nd Airborne of the U.S. Army.



ROBERT McNAMARA

LAWS Board Member Robert McNamara served as Secretary of Defense from 1961 to 1968. He has also been President of the World Bank and of Ford Motor Company. Since his retirement, he has served on several Boards including the Washington Post Company, and was a member of the International Advisory Committee of Goldman Sachs. He is also associated with various non-profit associations and regularly writes and speaks on issues of population and development, world hunger, the environment, East-West relations and nuclear arms. His publications include The Essence of Security: One Hundred Countries, Two Billion People: Blundering Into Disaster; Out of the Cold; and most recently Argument Without End: In Search of Answers to the Vietnam Tragedy.



JOHN B. RHINELANDER

John B. Rhinelander is LAWS Vice Chairman and Senior Counsel at the law firm of Shaw, Pittman, Potts & Trowbridge. Previously, Mr. Rhinelander spent ten years in the federal government in six different departments of the Executive Branch, serving as General Counsel for the Department of Health, Education and Welfare and Under Secretary of the Department of Housing and Urban Development. He was Legal Advisor to the US SALT Delegation which negotiated the Anti-Ballistic Missile treaty (ABM) and also served as Deputy Legal Advisor at the Department of State and Special Civilian Assistant to the Secretary of the Navy.



AMBASSADOR DOUGLAS ROCHE

Ambassador Douglas Roche is a serving Senator in the Canadian Parliament. He served as Canada's Ambassador for Disarmament from 1984 to 1989. He was elected Chairman of the United Nations Disarmament Committee in 1988. Ambassador Roche is also a Special Advisor on disarmament and security matters on the Holy See's Delegation to the U.N. He has lectured widely on arms control and development and has published The Ultimate Evil.



OTHER PROGRAM PARTICIPANTS

GENERAL GEORGE LEE BUTLER, USA (Ret.)

General Butler currently heads the Second Chance Foundation. He served as the Commander-in-Chief of the Strategic Air Command and subsequently Commander-in-Chief of the United States Strategic Command, Offutt Air Force Base, Nebraska. In this capacity, he assumed responsibility for all U.S. Air Force and U.S. Navy strategic nuclear forces which support the national security objective of strategic deterrence. He has served in prominent policy positions in the Pentagon, the last being the Director for Strategic Plans and Policy, Joint Chiefs of Staff. He served as member of the Committee on International Security and Arms Control for the National Academy of Sciences, and participated on the Canberra Commission.



DR. PENELOPE SIMONS

Dr. Penelope Simons is a Director and the Vice-President of The Simons Foundation, an organization promoting education in peace, disarmament and global cooperation. She is also currently an active member of Lawyers for Social Responsibility. Previously, she practiced corporate law with McCarthy Tetrault. Dr. Simons holds an LL.B. from Dalhousie Law School, and an LL.M. and Ph.D. in International Law from Cambridge University.



LAWS STAFF

DOUGLAS B. SHAW

Douglas Shaw is the LAWS Director of Communications. Previously, Mr. Shaw served as a foreign affairs specialist with the U.S. Department of Energy Russia and Newly Independent States Nuclear Material Security Task Force. He has also served with the U.S. Arms Control & Disarmament Agency (ACDA). Mr. Shaw holds a Master's Degree and a Bachelor's Degree from the Georgetown University School of Foreign Service.

LEONOR A. TOMERO

Leonor A. Tomero is the LAWS/CNS Program Director for Western Europe and the Americas. She is currently pursuing a Master's Degree at Georgetown University's School of Foreign Service and holds a Bachelor's Degree in Government from Cornell University. Before joining LAWS/CNS, Ms. Tomero worked for the Nuclear Non-Proliferation Project of the Carnegie Endowment for International Peace in Washington.



THE RELATIONSHIP BETWEEN NON-PROLIFERATION POLICY AND NUCLEAR WEAPON USE DOCTRINE

by Ambassador Thomas Graham, Jr.

*Address given at the Marshall European Center for Security Studies
Garmisch, Germany, June 10, 1999*

The NATO Alliance recently conducted its 50th Anniversary Summit meeting in Washington on April 23rd and 24th, 1999. The fifty-year record of success which has permitted in the words of the April 24 Washington Summit Communiqué "the citizens of Allied countries to enjoy an unprecedented period of peace, freedom and prosperity" has been reviewed and paid tribute. And a new Alliance has been shaped for the challenges of the 21st century. Among other things, the reformulated Alliance will be "able to undertake new missions including contributing to effective conflict prevention and engaging actively in crisis management, including crisis response operations." This means that NATO has included in its mandate out of area operations through non-Article V (the treaty Article providing that an attack on one Alliance member is an attack on all) responses to crises beyond the borders of NATO which may threaten the interests of the Alliance. Of course, opposing aggression and genocide in Southeastern Europe on the very borders of NATO is one thing, it is quite another to assume a general mandate to deal with crises beyond NATO's borders.

It may be that this new role for NATO is necessary and inevitable, but one aspect of it bears close attention. Even though the new NATO Strategic Concept, also released on April 24, 1999, describes the use by the Alliance of nuclear weapons as "extremely remote," NATO doctrine still retains the option of the first use of nuclear weapons as appropriate. It is inadvisable, I would submit, to assume for NATO out of area responsibility, while at the same time retaining the doctrine of reserving the right to initiate the use of nuclear weapons in future conflicts. This could be interpreted as threatening non-nuclear weapon states with nuclear weapons. It is more than an invitation to nuclear proliferation, it throws down the gauntlet.

NATO's policy of reserving the right to use nuclear weapons first may have been appropriate during the Cold War, but now it is inconsistent with the international commitments associated with the Nuclear Non-Proliferation Treaty (NPT) of the three NATO nuclear weapon state Alliance members and is in direct contradiction to NATO non-proliferation objectives. The option to use nuclear weapons first was thought to be important to the defense of NATO during the Cold War because of the former Warsaw Pact's superiority in conventional forces. But since the fall of the Soviet Union and the dissolution of the Warsaw Pact, it is NATO which maintains conventional superiority in Europe greater than has ever been enjoyed by any force in history. Continued insistence that the most capable conventional force in the world would need to reserve the option to use nuclear weapons first strains NATO's credibility, as well as the belief by the world's non-nuclear weapons states that their own security does not require a nuclear weapons guarantee. And further, one of the lessons of the Cold War was that nuclear weapons are not militarily useful weapons for NATO.

The civilized world's principal defense against the proliferation of nuclear weapons to irresponsible regimes, terrorist organizations, or criminal conspiracies is the NPT. In order to preserve and strengthen this central foundation of post-Cold War security, NATO's nuclear strategy must be consistent with the non-proliferation priorities of its member states which are all parties to the NPT. Concluded in 1968, the NPT is the legal framework that establishes the international norm against nuclear proliferation and serves as the foundation for all other efforts to control weapons of mass destruction. Before it was negotiated, during the Kennedy Administration, it was predicted that there could be as many as 25-30 nuclear weapon states by the end of the 1970s, and who knows how many today, if the trend toward nuclear proliferation had been left unchecked. The NPT gave the world a thirty-year respite from further proliferation. While three countries - India, Pakistan, and Israel - remained aloof from the Treaty they were careful not to openly defy the regime; until India and Pakistan did so earlier this year.

The world community negotiated the NPT to limit nuclear weapon proliferation to the five states (the United States, the United Kingdom, the former Soviet Union, France and China) that had already tested nuclear weapons. The NPT did not validate the possession of nuclear weapons by those five states, in fact it directly bound them in Article VI to work toward the ultimate elimination of nuclear weapons. The NPT defined a balance of obligations between the nuclear weapon states and the non-nuclear weapon states. The non-nuclear weapon states agreed never to acquire nuclear weapons. The nuclear weapon states agreed to pursue nuclear disarmament negotiations with the ultimate objective of the elimination of nuclear weapons and also to share the benefits of peaceful nuclear technology. This is the essential bargain that is the essence of NPT and the basis of negotiated international security today and which made all subsequent nuclear arms control possible. It bears noting that if the NPT had not been concluded and selective nuclear proliferation had continued to be the policy of



the United States, as it was in the early 1960s, then two of the countries most likely to have received nuclear weapons under such a policy would have been Yugoslavia and Iran. Governments change. If the Serbian President had had nuclear weapons at his disposal today, the United States and NATO would have been in grave danger; and it is a valuable exercise to ask ourselves what really stands between Milosevic and this capability? The best answer is the norm of international behavior established by the NPT. Clearly, it is in our interest to keep this norm strong.

Unfortunately, in 1999 there are reasons to believe that the NPT, the civilized world's principal defense against the widespread proliferation of nuclear weapons is in jeopardy. Overt nuclear proliferation in South Asia, amid fervent denunciation of the NPT as a discriminatory and even racist regime, and other ominous developments, now threaten to upset the delicate balance on which both nuclear non-proliferation and disarmament depend. The original NPT signatories in 1968 – and all of the countries that have joined since to form a nearly global non-proliferation community – agreed that the number of nuclear weapons states in the world should be limited to the five states that already possessed nuclear weapons. The nuclear arsenals of the five were not approved by the NPT; they are specifically challenged by Article VI and their ultimate abolition is mandated by the Treaty. However, the performance of the nuclear weapon states in moving toward nuclear disarmament has been insufficient in the eyes of many non-nuclear weapon states. Some of those that have voluntarily foresworn the nuclear weapon option on the condition that only five states would have nuclear weapons, and that those five would work together toward disarmament, may reconsider their own commitments in light of changes in these conditions. Many have said as much, and if any leave the Treaty regime, more would surely follow. In 1995, in connection with the indefinite extension of the NPT to the five nuclear weapon states, pursuant to a resolution of the United Nations Security Council formally undertook, not just not to use nuclear weapons first, but rather never to use, or threaten to use, nuclear weapons against the non-nuclear weapon states parties to the NPT – now some 181 countries. (These commitments are referred to as negative security assurances.) Cuba is the only truly non-nuclear weapon state which is not an NPT party (not counting of course the three so called "threshold states", India, Pakistan and Israel).

Thus, for the Alliance nuclear weapon states, the only states to which these commitments do not apply are Russia and China, because they are nuclear weapon states, and India, Pakistan, Israel and Cuba because they are not NPT parties. Surely, we would not wish to initiate a nuclear war with Russia or China, therefore if the United States, the United Kingdom and France are to be faithful to their NPT-related commitments, the NATO first use option rationally only applies to India, Pakistan, Israel and Cuba, while it damages NATO's worldwide non-proliferation efforts. It is not easily justified when considered in this light. The negative security assurances were found to be legally binding the next year by the World Court in its 1996 decision. These obligations were inextricably linked to the indefinite extension of the NPT and were essential to its accomplishment. They are also central to the continuing viability of the NPT; after all this is the least that the nuclear weapon states can do for the 181 countries that have permanently forsworn nuclear weapons, that is to undertake not to use or threaten to use such weapons against them.

Retention by NATO of the option to use nuclear weapons first is inconsistent with the 1995 negative security assurances. On the one hand the United States, the United Kingdom and France have pledged never to use or threaten to use nuclear weapons against the NPT non-nuclear weapon states. On the other hand, as members of NATO, these three states retain the right to introduce nuclear weapons into future conflicts, presumably against non-nuclear weapon states parties to the NPT. Further, some have argued that the threat of retaliation with nuclear weapons should be used to overtly deter chemical and biological weapons possessed by non-nuclear weapon states. This would cause the United States, the United Kingdom and France to be in violation of the negative security assurances as this would be tantamount to threatening to use nuclear weapons against non-nuclear weapon states. Finally, for the most powerful conventional force in history, the NATO Alliance, to insist that it needs the threat of retaliation with nuclear weapons to say, deter the biological weapons of Saddam Hussein, raises the question as to why Iran or Egypt or virtually anyone else does not need them as well. The NATO first use option directly undermines efforts to persuade non-nuclear weapon states to continue to refrain from developing nuclear weapons. Continuing to retain a first use option for nuclear weapons suggests that these weapons have many roles and therefore essential to the security and greatness of a state. And by retaining the option to use nuclear weapons first and not limiting their role to the core deterrence function of deterring their use by others, NATO doctrine reinforces the high political value accrued to nuclear weapons, thereby making reductions and non-proliferation more difficult to achieve. In addition, the utility of a policy of ambiguity toward a state threatening the use of chemical and biological weapons has vanished with the disclosures in memoirs by relevant senior policy makers that whatever its implied policy was, the United States never had under any circumstances any intention of using nuclear weapons in the Persian Gulf War.

General Powell in his memoirs, "My American Journey," indicated he was strongly opposed to letting "that genie" (that is nuclear weapons) loose during the Gulf War.¹ He had an analysis done of the use of tactical nuclear weapons on a desert battle field and said in his memoirs that he showed the results to Secretary Cheney and then had the analysis destroyed. "if I had any doubts before about the practicality of nukes on the field of battle, this report clinched them," he said.² National Security Advisor Brent Scowcroft in "World Transformed," the book he co-authored with President Bush, says in reference to a January 31, 1991 strategy meeting: "What if Iraq uses chemical weapons? We had discussed this at our December 24 meeting at Camp David and had ruled out our own use of them, but if Iraq resorted to them, we would say our



reaction would depend on circumstances and that we would hold Iraqi divisional commanders responsible and bring them to justice for war crimes. No one advanced the notion of using nuclear weapons, and the President rejected it even in retaliation for chemical or biological attacks. We deliberately avoided spoken or unspoken threats to use them on grounds that it is bad practice to threaten something you have no intention of carrying out. Publicly we left the matter ambiguous. There is no point in undercutting the deterrence it might be offering.³ Secretary Baker in his memoirs "The Politics of Diplomacy" in describing his January 9, 1991 meeting with Iraqi Foreign Minister Tariq Aziz said that "the President had decided, at Camp David in December, that the best deterrence of the use of weapons of mass destruction by Iraq would be a threat to go after the Ba'ath regime itself. He had also decided that U.S. forces would not retaliate with chemical or nuclear weapons if the Iraqis attacked with chemical munitions. There was obviously no reason to inform the Iraqis of this. In hope of persuading them to consider more soberly the folly of war, I purposely left the impression that the use of chemical or biological agents by Iraq would invite tactical nuclear retaliation. (We do not really know whether this was the reason there appears to have been no confirmed use by Iraq of chemical weapons during the war. My own view is that the calculated ambiguity regarding how we might respond has to be part of the reason.)⁴

Thus, to the extent there was a policy of "ambiguity" concerning possible use by the United States of nuclear weapons in response to chemical or biological weapons use by Iraq, the world now knows that it was a bluff. In the future a policy of ambiguity will not be believed. If nuclear weapons are to be used to deter chemical or biological weapons, the threat to use nuclear weapons in retaliation would have to be explicit. Then, in addition to being in violation of the negative security assurances as I have described, the credibility of, for example NATO or the President of the United States, would become involved and there would be strong pressure to actually use nuclear weapons, if chemical and biological weapons were somehow employed. To lock oneself in to using nuclear weapons would be inadvisable in the extreme.

The objective of preventing the further proliferation of nuclear weapons should be at the center of NATO security policy. During the Cold War nuclear weapons were given a very high political status. The five permanent members of the Security Council are the five nuclear weapon states, an accident of history but nevertheless a fact. The Indian Prime Minister after the tests last May said in effect "India is a big country now, we have the bomb." If the political value of nuclear weapons is to be reduced, which is essential if NATO non-proliferation policies are to succeed and we are to avoid widespread nuclear proliferation creating a nightmare security situation for the 21st century, the Alliance nuclear weapon states members simply must take non-proliferation seriously. If the political value of nuclear weapons is not lowered, the political attractiveness of these weapons will be too great and the 1945 era technology on which they are based too simple for many states to continue to forswear them for the long term.

At the Washington Summit, NATO opened the door to solution of this problem for the Alliance. The Washington Summit Communiqué states in paragraph 32 "In 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..." At a news conference on April 24, Canadian Foreign Affairs Minister, Mr. Lloyd Axworthy confirmed the willingness of NATO "to have a review initiated" of its nuclear weapon policies. Mr. Axworthy added: "It's a message that the [Canadian] Prime Minister took [to] certain NATO leaders... I think we have now gained an acknowledgement that such a review would be appropriate and that there would be directions to the NATO Council to start the mechanics of bringing that about." It is of great importance that the Alliance positively consider the adoption of a new policy consistent with its new responsibilities: that it will not be the first to introduce nuclear weapons into future conflicts. This would support NATO nuclear non-proliferation goals. It would bring the Alliance commitments of the United States, the United Kingdom and France into line with their NPT related obligations. It would remove any potential conflict between the new out of area mandate of the Alliance and the non-proliferation objectives of the Alliance. And it would provide what is likely to be the only positive development in the nuclear arms control and disarmament field to take to the April 2000 NPT Review Conference to help protect an NPT under siege.

1 Colin Powell with Joseph E. Persico, *My American Journey* (New York, Ballantine Books, 1995), p. 472.

2 Powell, *My American Journey*, p. 486.

3 George Bush and Brent Scowcroft, *World Transformed* (New York, Knopf, 1998), p. 463.

4 James A. Baker, III with Thomas M. DeFrank, *The Politics of Diplomacy: Revolution, War and Peace, 1989-1992* New York: G.P. Putnam's Sons, 1995), p. 359.



LETTER WRITTEN BY AMBASSADOR THOMAS GRAHAM, JR.
TO HEADS OF NATO GOVERNMENTS



LAW S
C N S

LAWYERS ALLIANCE FOR WORLD SECURITY
COMMITTEE FOR NATIONAL SECURITY

Ambassador Thomas Graham, Jr.
President

June 14, 1999

Dear Mr. Prime Minister:

I would like to congratulate you for the progress made at the recent Washington Summit, commemorating the fiftieth anniversary of NATO, toward reducing the political value of nuclear weapons and opening the door for a clear incorporation of nuclear non-proliferation objectives into NATO doctrine. Further, peace with justice in the Balkans now appears to be possible, for which we all should be grateful. However, we must not forget that over the medium to long term the potential proliferation of nuclear weapons is the gravest threat NATO and its member states face in the post-Cold War world. Steps to reduce the political value of these weapons are the best way to retard their spread. The importance of this was brought home during the Kosovo crisis when all of us were thankful that Slobodan Milosevic did not possess nuclear weapons.

NATO member states should be particularly proud of the revisions to the Alliance Strategic Concept of April 24, 1999 which characterize the possible use of nuclear weapons as "extremely remote" and recognize nuclear non-proliferation as an important security aim of the Alliance which is inextricably linked to nuclear disarmament. While troubling anachronistic references to the importance of nuclear weapons as an "essential military and political link between the European and North American members of the Alliance" and the "supreme guarantee of the security of the Allies" remain, the new document represents an important step toward the harmonization of NATO doctrine and the nuclear non-proliferation efforts of the Alliance and its member states. By recognizing the need to address the proliferation threat, NATO is moving in the right direction.

The Summit Communiqué further clarifies this objective and opens the door for near-term progress. It states that, "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."

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policy and the NPT-related obligations of the three nuclear weapon state Alliance members undertaken pursuant to the 1995 negative security assurances. Further, as NATO adopted a new mandate for out of area crisis management operations at the Summit, it would seem inadvisable for NATO to appear to combine such possible future out of area operations with the potential for the first use of nuclear weapons. In the absence of the Soviet threat, the military value of the first use option for Alliance security has fallen precipitously while its political cost has risen exponentially with the linkage of the negative security assurances and the Principles and Objectives Document to the indefinite extension of the NPT.

I hope that NATO will seriously consider adopting a policy of not being the first to introduce nuclear weapons in future conflicts and make any such policy decision prior to the 2000 NPT Review Conference. This would be infinitely valuable in helping to achieve NATO's nuclear non-proliferation objectives.

Sincerely,

Thomas Graham, Jr.

NATO thus has indicated its intention to promote non-proliferation and disarmament through, among other things, a review of its nuclear policy and doctrine. As a result of thoughtful contributions of Canada and Germany among others, this review will consider, along with other matters, whether it is now time to revise NATO's long-held policy of retaining the option to use nuclear weapons first and to adopt a policy of not being the first to introduce nuclear weapons in future conflicts. An Alliance nuclear weapon use doctrine made consistent with the negative security assurances offered in conjunction with the 1995 indefinite extension of the Nuclear Non-Proliferation Treaty (NPT) by the adoption of a policy of no first use of nuclear weapons would go a long way to reducing the political value of these weapons. Such a policy should be integrated into NATO doctrine to demonstrate to the world the importance of the NPT regime to Alliance security.

There is growing concern in many capitals that little progress will be made toward the ultimate goal of nuclear disarmament before the 2000 NPT Review Conference. This would be a dangerous outcome for the health of the NPT regime; it would be seen by many as bad faith on the part of the nuclear weapon states - not only with regard to their NPT Article VI disarmament obligations but also with regard to their commitment to the Principles and Objectives for Nuclear Non-Proliferation and Disarmament Document adopted by the NPT states parties in 1995 in connection with the indefinite extension. It is important to remember that the Principles and Objectives Document, as well as the 1995 negative security assurances, were inextricably linked to the NPT indefinite extension and essential to its achievement. As the first review of the NPT since it was made permanent, the 2000 Review Conference will hold the Treaty - and its states parties - to a higher standard than ever before, but it has been a long time since the nuclear weapon states had so little to deliver.

Additionally, an overt policy of deterrence by NATO of chemical and biological weapons with nuclear weapons would cause the three nuclear weapon state NATO members to be in violation of their negative security assurances, as the nuclear weapon states essentially committed themselves in 1995 never to use or threaten to use nuclear weapons against NPT non-nuclear weapon state parties. If NATO, the most powerful conventional force in history and facing no major military threat, insists that it needs to use the threat of retaliation with nuclear weapons to deter, say, biological weapons, then why does not Iran or Egypt or any other state which has a regional rival need them as well for this purpose? Clearly, such a policy by NATO would undercut efforts to persuade additional states to stay in the NPT regime and not to acquire nuclear weapons. Moreover, the utility of a policy of "calculated ambiguity" toward a state threatening the use of chemical and biological weapons has vanished with the disclosures in memoirs by the relevant senior policy makers that whatever its implied policy was, the United States never had under any circumstances any intention of using nuclear weapons in the Persian Gulf War. Any future believable deterrence would have to involve explicit nuclear threats, which is certainly not desirable.

Adoption by NATO of a no first use policy may be the only remaining opportunity to demonstrate the importance and effectiveness of the NPT before the 2000 Review Conference, and the desirability of the policy option should be understood in this context. Moreover, the adoption of such a policy would remove the inconsistency between NATO nuclear weapon use

LAWS Program Objectives:

To engage NATO member government decisionmakers in order to promote a review of the Alliance's nuclear weapons doctrine, and specifically to encourage consideration of a NATO no first use policy with regard to nuclear weapons.

LAWS Program Accomplishments:

LAWS corresponded with NATO heads of governments, and conducted consultations in ten NATO capitals at senior levels in Foreign and Defense Ministries, in Parliaments, and at NATO headquarters.

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LAWYERS ALLIANCE FOR WORLD SECURITY

1901 Pennsylvania Avenue, N.W.
Suite 201, Washington, D.C., 20006
Phone:202.745.2450
Fax:202.667.0444
E-Mail: disarmament@lawscns.org
URL:<http://www.lawscns.org>



**Lawyers Alliance for World Security
Committee for National Security**

1901 Pennsylvania Ave., NW, Suite 201, Washington, DC 20006
tel: (202)745-2450 fax: (202)667-0444 e-mail: disarmament@lawscns.org

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LAWS OCCASIONAL PAPER

**THE RELATIONSHIP BETWEEN NON-PROLIFERATION POLICY AND
NUCLEAR WEAPON USE DOCTRINE**

by Ambassador Thomas Graham, Jr.

July 1999

The NATO Alliance recently conducted its 50th Anniversary Summit meeting in Washington on April 23rd and 24th, 1999. The fifty-year record of success which has permitted in the words of the April 24 Washington Summit Communiqué “the citizens of Allied countries to enjoy an unprecedented period of peace, freedom and prosperity” has been reviewed and paid tribute and a new Alliance has been shaped for the challenges of the 21st century. Among other things, the reformulated Alliance will be “able to undertake new missions including contributing to effective conflict prevention and engaging actively in crisis management, including crisis response operations.” This means that NATO has included in its mandate out of area operations through non-Article V (the treaty Article providing that an attack on one Alliance member is an attack on all) responses to crises beyond the borders of NATO which may threaten the interests of the Alliance. Of course, opposing aggression and genocide in Southeastern Europe on the very borders of NATO is one thing, it is quite another to assume a general mandate to deal with crises beyond NATO’s borders.

It may be that this new role for NATO is necessary and inevitable, but one aspect of it bears close attention. Even though the new NATO Strategic Concept,

also released on April 24, 1999, describes the use by the Alliance of nuclear weapons as "extremely remote," NATO doctrine still retains the option of the first use of nuclear weapons as appropriate. It is inadvisable, I would submit, to assume for NATO out of area responsibility, while at the same time retaining the doctrine of reserving the right to initiate the use of nuclear weapons in future conflicts. This could be interpreted as threatening non-nuclear weapon states with nuclear weapons. It is an invitation to nuclear proliferation.

NATO's policy of reserving the right to use nuclear weapons first may have been appropriate during the Cold War, but now it is inconsistent with the international commitments associated with the Nuclear Non-Proliferation Treaty (NPT) of the three NATO nuclear weapon state Alliance members and is in direct contradiction to NATO non-proliferation objectives. The option to use nuclear weapons first was thought to be important to the defense of NATO during the Cold War because of the former Warsaw Pact's superiority in conventional forces. But since the fall of the Soviet Union and the dissolution of the Warsaw Pact, it is NATO which maintains conventional superiority in Europe greater than has ever been enjoyed by any force in history. Continued insistence that the most capable conventional force in the world would need to reserve the option to use nuclear weapons first strains NATO's credibility, as well as the belief by the world's non-nuclear weapons states that their own security does not require a nuclear weapons guarantee. Further, one of the lessons of the Cold War was that nuclear weapons are not militarily useful weapons for NATO.

The civilized world's principal defense against the proliferation of nuclear weapons to irresponsible regimes, terrorist organizations, or criminal conspiracies is the NPT. In order to preserve and strengthen this central foundation of post-Cold War security, NATO's nuclear strategy must be consistent with the non-proliferation priorities of its member states which are all

parties to the NPT. Concluded in 1968, the NPT is the legal framework that establishes the international norm against nuclear proliferation and serves as the foundation for all other efforts to control weapons of mass destruction. Before it was negotiated, during the Kennedy Administration, it was predicted that there could be as many as 25-30 nuclear weapon states by the end of the 1970s, and who knows how many today, if the trend toward nuclear proliferation had been left unchecked. The NPT gave the world a thirty-year respite from further proliferation. While three countries – India, Pakistan, and Israel – remained aloof from the Treaty they were careful not to openly defy the regime; until India and Pakistan did so earlier this year.

The world community negotiated the NPT to limit nuclear weapon proliferation to the five states (the United States, the United Kingdom, the former Soviet Union, France and China) that had already tested nuclear weapons. The NPT did not validate the possession of nuclear weapons by those five states, in fact it directly bound them in Article VI to work toward the ultimate elimination of nuclear weapons. The Treaty defined a balance of obligations between the nuclear weapon states and the non-nuclear weapon states. While the non-nuclear weapon states agreed never to acquire nuclear weapons, the nuclear weapon states agreed to pursue nuclear disarmament negotiations with the ultimate objective of the elimination of nuclear weapons and also to share the benefits of peaceful nuclear technology. This is the essential bargain that is the essence of NPT and the basis of negotiated international security today and which made all subsequent nuclear arms control possible.

It bears noting that if the NPT had not been concluded and selective nuclear proliferation had continued to be the policy of the United States, as it was in the early 1960s, then two of the countries most likely to have received nuclear weapons under such a policy would have been

Yugoslavia and Iran. Governments change. If the Serbian President had had nuclear weapons at his disposal during the Kosovo crisis, the United States and NATO would have been in grave danger; it is a valuable exercise to ask ourselves what really stands between Milosevich and this capability. The best answer is the norm of international behavior established by the NPT. Clearly, it is in our interest to keep this norm strong.

Unfortunately, in 1999 there are reasons to believe that the NPT, the civilized world's principal defense against the widespread proliferation of nuclear weapons is in jeopardy. Overt nuclear proliferation in South Asia, amid fervent denunciation of the NPT as a discriminatory and even racist regime, and other ominous developments, now threaten to upset the delicate balance on which both nuclear non-proliferation and disarmament depend. The original NPT signatories in 1968 -- and all of the countries that have joined since to form a nearly global non-proliferation community--agreed that the number of nuclear weapons states in the world should be limited to the five states that already possessed nuclear weapons. The nuclear arsenals of the five were not approved by the NPT; they are specifically challenged by Article VI and their ultimate abolition is mandated by the Treaty. However, the performance of the nuclear weapon states in moving toward nuclear disarmament has been insufficient in the eyes of many non-nuclear weapon states. Some of those that have voluntarily foresworn the nuclear weapon option on the condition that only five states would have nuclear weapons, and that those five would work together toward disarmament, may reconsider their own commitments in light of changes in these conditions. Many have said as much, and if any leave the Treaty regime, more would surely follow.

In 1995, in connection with the indefinite extension of the NPT the five nuclear weapon

states, pursuant to a resolution of the United Nations Security Council formally undertook, not just not to use nuclear weapons first, but rather never to use nuclear weapons against the non-nuclear weapon states parties to the NPT – now 181 countries. (These commitments are referred to as negative security assurances.) Cuba is the only truly non-nuclear weapon state which is not an NPT party (not counting of course the three so called “threshold states”-- India, Pakistan and Israel).

Thus, for the Alliance nuclear weapon states, the only states to which these commitments do not apply are Russia and China, because they are nuclear weapon states, and India, Pakistan, Israel and Cuba because they are not NPT parties. Surely, we would not wish to initiate a nuclear war with Russia or China. Therefore if the United States, the United Kingdom and France are to be faithful to their NPT-related commitments, the NATO first use option rationally only applies to India, Pakistan, Israel and Cuba, while it damages NATO’s worldwide non-proliferation efforts. It is not easily justified when considered in this light.

The negative security assurances were found to be legally binding the next year by the World Court in its 1996 decision. These obligations were inextricably linked to the indefinite extension of the NPT and were essential to its accomplishment. They are also central to the continuing viability of the NPT; after all this is the least that the nuclear weapon states can do for the 181 countries that have permanently forsworn nuclear weapons, that is to undertake not to use such weapons against them.

Retention by NATO of the option to use nuclear weapons first is inconsistent with the 1995 negative security assurances. On the one hand the United States, the United Kingdom and France have pledged never to use nuclear weapons against the NPT non-nuclear weapon states. On the other hand, as members of NATO, these three states retain the right to introduce nuclear

weapons into future conflicts, presumably against non-nuclear weapon states parties to the NPT. Further, some have argued that the threat of retaliation with nuclear weapons should be used to overtly deter chemical and biological weapons possessed by non-nuclear weapon states. This would cause the United States, the United Kingdom and France to be potentially in violation of the negative security assurances as this would be tantamount to threatening to use nuclear weapons against non-nuclear weapon states, when there was a commitment not to use them. Finally, for the most powerful conventional force in history, the NATO Alliance, to insist that it needs the threat of retaliation with nuclear weapons to ~~scary~~ deter, for example, the biological weapons of Saddam Hussein, raises the question as to why Iran or Egypt or virtually anyone else does not need them as well. The NATO first use option directly undermines efforts to persuade non-nuclear weapon states to continue to refrain from developing nuclear weapons. Continuing to retain a first use option for nuclear weapons suggests that these weapons have many roles and therefore are essential to the security and greatness of a state. Furthermore, by retaining the option to use nuclear weapons first and not limiting their role to the core deterrence function of deterring their use by others, NATO doctrine reinforces the high political value already attributed to nuclear weapons, thereby making reductions and non-proliferation more difficult to achieve.

In addition, the utility of a policy of ambiguity toward a state threatening the use of chemical and biological weapons has vanished with the disclosures in memoirs by relevant senior policy makers that whatever its implied policy was, the United States never had under any circumstances any intention of using nuclear weapons in the Persian Gulf War. General Powell in his memoirs, "My American Journey," indicated he was strongly opposed to letting "that genie" (that is nuclear weapons) loose during the Gulf War.¹ He had an

¹ Colin Powell with Joseph E. Persico, *My American Journey* (New York, Ballantine Books, 1995), p. 472.

analysis done of the use of tactical nuclear weapons on a desert battle field and said in his memoirs that he showed the results to Secretary Cheney and then had the analysis destroyed. “if I had any doubts before about the practicality of nukes on the field of battle, this report clinched them,” he said.² National Security Advisor Brent Scowcroft in “World Transformed,” the book he co-authored with President Bush, says in reference to a January 31, 1991 strategy meeting: “What if Iraq uses chemical weapons? We had discussed this at our December 24 meeting at Camp David and had ruled out our own use of them, but if Iraq resorted to them, we would say our reaction would depend on circumstances and that we would hold Iraqi divisional commanders responsible and bring them to justice for war crimes. No one advanced the notion of using nuclear weapons, and the President rejected it even in retaliation for chemical or biological attacks. We deliberately avoided spoken or unspoken threats to use them on grounds that it is bad practice to threaten something you have no intention of carrying out. Publicly we left the matter ambiguous. There is no point in undercutting the deterrence it might be offering.”³

Secretary Baker in his memoirs “The Politics of Diplomacy” in describing his January 9, 1991 meeting with Iraqi Foreign Minister Tariq Aziz said that “the President had decided, at Camp David in December, that the best deterrence of the use of weapons of mass destruction by Iraq would be a threat to go after the Ba’ath regime itself. He had also decided that U.S. forces would not retaliate with chemical or nuclear weapons if the Iraqis attacked with chemical munitions. There was obviously no reason to inform the Iraqis of this. In hope of persuading them to consider more soberly the folly of war, I purposely left the impression that the use of chemical or biological agents by Iraq would invite tactical nuclear retaliation. (We do not really

² Powell, *My American Journey*, p. 486.

³ George Bush and Brent Scowcroft, *A World Transformed* (New York, Knopf, 1998), p. 463.

know whether this was the reason there appears to have been no confirmed use by Iraq of chemical weapons during the war. My own view is that the calculated ambiguity regarding how we might respond has to be part of the reason.)⁴

Thus, to the extent there was a policy of “ambiguity” concerning possible use by the United States of nuclear weapons in response to chemical or biological weapons use by Iraq, the world now knows that it was a bluff. In the future a policy of ambiguity will not be believed. If nuclear weapons are to be used to deter chemical or biological weapons, the threat to use nuclear weapons in retaliation would have to be explicit. Then, in addition to being in potential violation of the negative security assurances as I have described, the credibility of, for example NATO or the President of the United States, would become involved and there would be strong pressure to actually use nuclear weapons, if chemical and biological weapons were somehow employed. To lock oneself in to using nuclear weapons would be inadvisable in the extreme.

The objective of preventing the further proliferation of nuclear weapons should be at the center of NATO security policy. During the Cold War nuclear weapons were given a very high political status. The five permanent members of the Security Council are the five nuclear weapon states, an accident of history but nevertheless a fact. The Indian Prime Minister after the tests last May said in effect “India is a big country now, we have the bomb.” If the political value of nuclear weapons is to be reduced, which is essential if NATO non-proliferation policies are to succeed and we are to avoid widespread nuclear proliferation creating a nightmare security situation for the 21st century, the Alliance nuclear weapon states members simply must take non-proliferation seriously. If the political value of nuclear weapons is not lowered, the political

⁴ James A. Baker, III with Thomas M. DeFrank, *The Politics of Diplomacy: Revolution, War and Peace, 1989-1992* (New York: G.P. Putnam's Sons, 1995), p. 359.

attractiveness of these weapons will be too great and the 1945 era technology on which they are based too simple for many states to continue to forswear them for the long term.

At the Washington Summit, NATO opened the door to solution of this problem for the Alliance. The Washington Summit Communiqué states in Paragraph 32: "In 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..." At a news conference on April 24, Canadian Foreign Affairs Minister, Mr. Lloyd Axworthy confirmed the willingness of NATO "To have a review initiated" of its nuclear weapon policies. Mr. Axworthy added: "It's a message that the [Canadian] Prime Minister took [to] certain NATO leaders...I think we have now gained an acknowledgement that such a review would be appropriate and that there would be directions to the NATO Council to start the mechanics of bringing that about."

It is of great importance that the Alliance positively consider the adoption of a new policy consistent with its new responsibilities: that it will not be the first to introduce nuclear weapons into future conflicts. This would support NATO nuclear non-proliferation goals. It would bring the Alliance commitments of the United States, the United Kingdom and France into line with their NPT related obligations. It would remove any potential conflict between the new out of area mandate of the Alliance and the non-proliferation objectives of the Alliance. And it would provide what is likely to be the only positive development in the nuclear arms control and disarmament field to be taken to the April 2000 NPT Review Conference to help protect an NPT under siege.

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NATO's Nuclear Weapons: The Rationale for 'No First Use'

Jack Mendelsohn

The 19 nations of NATO have an opportunity to bring their outdated nuclear weapons first-use policy into alignment with the alliance's stated objectives and commitments. Although NATO has sought to de-emphasize the role of nuclear weapons following the collapse of the Soviet Union and the Warsaw Pact, it maintains its 30-year-old policy of "flexible response," which allows the alliance to be the first to introduce nuclear weapons into a conflict, including in reply to an attack with conventional weapons.

During its 50th anniversary summit in Washington in April, the alliance did agree to begin a process to review arms control and disarmament options in light of the "reduced salience" of nuclear weapons. NATO members, through the North Atlantic Council, are now working on proposals that will be considered at a NATO ministerial meeting at the end of this year. While strong U.S. resistance to even a review of NATO nuclear policy bodes ill for a move away from nuclear first use, the stage has at least been set for a new debate. By pledging not to be the first to introduce nuclear weapons into a conflict, NATO could reduce the political acceptability and military attractiveness of nuclear weapons, strengthen the nuclear non-proliferation regime, enhance the credibility of its deterrence policy and help to ease some of the tensions in the NATO-Russian relationship.

The Evolution of Doctrine

The readiness of NATO to use nuclear weapons first in a conflict has been evident from the beginning of the alliance. Article 5 of the North Atlantic Treaty, drafted in

Jack Mendelsohn, vice president and executive director of the Lawyers Alliance for World Security (LAWS) in Washington, DC, is former deputy director of the Arms Control Association.

"As NATO's primary arsenal nation, the United States should be the one to take the lead in urging a revision of NATO's nuclear posture."

early 1949 before the Soviet Union had tested a nuclear weapon, commits the allies to come to the defense of all members in the event of an attack. This commitment was understood by both the Americans and the Europeans to be a nuclear guarantee for the alliance, which, in the late 1940s and 1950s, faced what was perceived to be a hostile Soviet Union with an overwhelming advantage in conventional forces. At that critical moment, the alliance was both obligated and prepared to consider the massive use of nuclear weapons to respond to major conventional aggression.

In the early 1950s, political pressure in the United States to reduce its defense budget, and allied reluctance to spend the money to build up their own militaries, further encouraged a policy of threatening to use nuclear weapons against counter-value targets (such as cities and other "soft" targets) on a large scale and early in the event of a conflict in Europe. In December 1954, NATO agreed to integrate tactical nuclear weapons into its own defensive strategy, and by the end of 1960 there were 2,500 U.S. tactical nuclear weapons deployed in Western Europe. In December 1956, NATO adopted a Military Committee document (MC-14/2) that formalized the alliance's emphasis on nuclear weapons as the key component of its de-

fensive strategy. The credibility of this doctrine of "massive retaliation" was already strained, however, by the time of its formal adoption by NATO.

The launch of *Sputnik* in August 1957 dramatically demonstrated the growth of Moscow's ability to threaten the U.S. homeland and called into question U.S. willingness to respond to a conventional attack in Europe with the full strength of its nuclear arsenal. The strategic significance of this development was not lost on NATO's European members. For example, in 1958 Field Marshall Bernard Montgomery, who four years earlier had stated that NATO nuclear weapons would necessarily be used against conventional attacks, was asking whether, "in the event of minor Russian aggression with conventional forces," it was realistic to expect "the West would use its nuclear deterrent as weapons against the cities of Russia and receive in return Russian retaliation which would put the United Kingdom and the U.S.A. out of business?" He concluded: "For us to act in this way would be to commit national suicide. I do not believe it will happen. When both sides have nuclear sufficiency, the deterrent will merely serve to deter each side from using it as a weapon."¹

After a great deal of debate in the 1960s, in December 1967 the alliance adopted a new nuclear strategy in MC 14/3 known as "flexible response." NATO formally abandoned the strategy of massive retaliation (which had actually been dropped by the Eisenhower administration before the end of its term) and committed the alliance to respond to any aggression, short of general nuclear attack, at the level of force—conventional or nuclear—at which it was initiated. The alliance retained the option, however, *to use nuclear weapons first* if its initial response to a conventional attack did not prove adequate to containing the aggressor, and to deliberately escalate to general nuclear war, if necessary.

While adoption of the flexible response policy allowed the alliance to avoid a policy of prompt and mutual suicide (as many of NATO's tactical nuclear weapons would have detonated on alliance territory), NATO still continued to rely on the first use of nuclear weapons to deter or counter a major conventional assault. In support of this policy, NATO's tactical nuclear weapons stockpile in Europe grew to around 7,400 weapons in the early 1970s, including nuclear artillery shells, nuclear-armed missiles, air-delivered gravity bombs, special atomic demolition munitions (landmines), surface-to-air missiles, air-to-surface missiles and anti-submarine depth bombs. (See chart below.)

In 1979, in response to Soviet efforts to modernize its intermediate-range nuclear missile force with the triple-warheaded SS-20, NATO adopted a modernization plan of its own involving the deployment of 572 tactical nuclear warheads on ground-launched cruise missiles (GLCMs) and Pershing II ballistic missiles. After an elaborate interplay of negotiations, threats, walkouts, deployments and a significant regime change in Moscow (Mikhail Gorbachev came to power in March 1985), the United States and the Soviet Union agreed in the 1987 Intermediate-Range Nuclear Forces (INF) Treaty to ban all ground-based nuclear-armed ballistic and cruise missiles with ranges between 500 and 5,500 kilometers.

In October 1990, the two Germans were united under the terms of the "Final Settlement with Respect to Germany," negotiated by the Federal Republic of Germany and the German Democratic Republic, in association with the United States,

Britain, the Soviet Union and France. Unified Germany remained a member of NATO but, according to the final settlement, neither foreign armed forces nor nuclear weapons could be stationed in that portion of united Germany that had previously been East Germany. In effect, the final settlement denuclearized a swath of NATO territory in the very center of Europe, a provision of particular interest to the Soviet Union, which sought to prevent NATO nuclear forces from coming closer to its frontiers.

Nuclear Weapons in the 1990s

As the Soviet Union wound down in the late 1980s, the security environment in Europe changed fundamentally, allowing a long-overdue reconsideration of NATO's nuclear strategy. In July 1990 in the London Declaration, NATO announced a review of the alliance's political and military strategy to reflect "a reduced reliance on nuclear weapons" and lead to the adoption of "a new NATO strategy making nuclear forces truly weapons of last resort."²

In early 1991, after the withdrawal and destruction of its INF systems and the voluntary retirement of about 2,400 excess tactical nuclear weapons, NATO's European-based nuclear arsenal stood at approximately 4,000 tactical warheads. Then, in September of that year, in the aftermath of the failed coup in Moscow, President Bush announced a major unilateral withdrawal of U.S. tactical nuclear weapons worldwide. Gorbachev announced reciprocal Soviet withdrawals the following month. All U.S. ground-based and sea-

based tactical weapons were affected, leaving only several hundred (around 400) air-delivered gravity bombs in NATO's European-based nuclear arsenal by the end of the decade. (France and Britain subsequently decided to phase out their own tactical nuclear weapons.)

NATO's November 1991 "Strategic Concept," which resulted from the review announced in London (adopted six weeks before the dissolution of the Soviet Union), did not expressly include the "weapons of last resort" language in the London Declaration, but it did greatly scale back the pre-eminent role of nuclear weapons. The 1991 concept noted that "the fundamental purpose of the nuclear forces of the Allies is political: to preserve peace and prevent coercion and any kind of war." It stated specifically that "the circumstances in which any use of nuclear weapons might have to be contemplated by [NATO] are...remote." The allies "can therefore significantly reduce their sub-strategic nuclear forces."³

In early 1994, the alliance—led by the United States and Germany—began to move toward expanding NATO membership to countries in Eastern and Southern Europe. The general debate over alliance expansion raised the issue of nuclear weapons deployment in the potential new member-states. Sharply criticized by Moscow, which considered itself the prime (if not the only) target of the alliance's nuclear forces, the freedom to deploy nuclear weapons in new NATO members was just as staunchly defended by NATO. In September 1995, NATO released its "Enlargement Study," which stated explicitly that the "new members will be expected to support the concept of deterrence and the essential role nuclear weapons play in the Alliance's strategy of war prevention as set forth in the Strategic Concept."⁴

The new member-states—the Czech Republic, Hungary and Poland—all sought protection under NATO's nuclear umbrella without pressing for actual nuclear deployments on their territories. Polish President Aleksander Kwasniewski, for example, stated in April 1997 that he could "perceive no security requirement for stationing nuclear weapons on Polish territory." In the end, the NATO allies explicitly stated in the May 1997 so-called Founding Act that "they have no intention, no plan and no reason to deploy nuclear weapons on the territory of new members...." However, they also indicated in the same document that they did not see "any need to change any aspect of NATO's nuclear posture or nuclear policy—and do not foresee any fu-

Nuclear Systems Deployed in Europe

	1971	1981	1987	1991	1999
Mines	x	x			
Nike Hercules SAM	x	x	x		
Honest John SSM	x	x			
Lance SSM	x	x	x	x	
Sergeant SSM	x				
Pershing IA	x	x	x		
Pershing II			x		
GLCM			x		
155mm Howitzer	x	x	x	x	
8-inch Howitzer	x	x	x	x	
Walleye ASM	x				
ASW Depth Bombs	x	x	x	x	
DCA Bombs	x	x	x	x	x
Total Systems	11	9	9	5	1

Source: NATO

ture need to do so." In addition, the allies noted that they had "no intention, no plan, and no reason to establish nuclear weapon storage sites on the territory of those members, whether through the construction of new nuclear storage facilities or the adaptation of old nuclear storage facilities."⁵

The Founding Act's self-satisfied statement on "no need to change any aspect" of its nuclear policy notwithstanding, in the months leading up to NATO's 50th anniversary summit in Washington, the governments of Germany, Canada and the Netherlands took steps to urge NATO to consider a no-first-use policy in connection with the revision of the Strategic Concept being prepared for the anniversary celebration. On October 20, 1998, the German Social Democrat and Green parties signed a coalition agreement pledging that the new government "will advocate a lowering of the alert status for nuclear weapons and renunciation of the first use of nuclear weapons." German Foreign Minister Joschka Fischer expanded on this point in a *Der Spiegel* interview published on November 23, 1998, stating that he believed the world had changed sufficiently to allow NATO to consider the adoption of a no-first-use policy. On December 3, the Dutch Parliament passed a resolution (NR 22/26200-V) that called upon NATO to consider the adoption of a no-first-use policy.

The response from Clinton administration officials was quick and sharp. During a December 8 press conference in Brussels, Secretary of State Madeleine Albright said the United States "do[es] not believe that a review is necessary" and that the alliance has "the right nuclear strategy." But the calls for a change in NATO nuclear policy continued. On December 10, the Canadian Parliament's Standing Committee for Foreign Affairs and International Trade released a report, *Canada and the Nuclear Challenge: Reducing the Political Value of Nuclear Weapons for the Twenty-First Century*, which included a recommendation that Ottawa urge NATO to review its nuclear weapons policy.

While, ultimately, no such no-first-use policy was adopted or even discussed at the Washington summit NATO's 1999 Strategic Concept and the summit communiqué do reflect a slight change in alliance policy. (See box.) The new Strategic Concept continues to point out that "the fundamental purpose of the nuclear forces of the Allies is political..." (Paragraph 62). The new pronouncement acknowledges, however, that "with the radical changes in the security situation, including reduced conven-

CHARACTERISTICS OF NUCLEAR FORCES From "The Alliance's Strategic Concept," April 1999

62. 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. They demonstrate that aggression of any kind is not a rational option. The supreme guarantee of the security of the Allies is provided by the strategic nuclear forces of the Alliance, particularly those of the United States; the independent nuclear forces of the United Kingdom and France, which have a deterrent role of their own, contribute to the overall deterrence and security of the Allies.

63. A credible Alliance nuclear posture and the demonstration of Alliance solidarity and common commitment to war prevention continue to require widespread participation by European Allies involved in collective defense planning in nuclear roles, in peacetime basing of nuclear forces on their territory and in command, control and consultation arrangements. Nuclear forces based in Europe and committed to NATO provide an essential political and military link between the European and the North American members of the Alliance. The Alliance will therefore maintain adequate nuclear forces in Europe. These forces need to have the necessary characteristics and appropriate flexibility and survivability, to be perceived as credible and effective element of the Allies' strategy in preventing war. They will be maintained at the minimum level sufficient to preserve peace and stability.

64. The Allies concerned consider that, with the radical changes in the security situation, including reduced conventional force levels in Europe and increased reaction times, NATO's ability to defuse a crisis through diplomatic and other means, or, should it be necessary, to mount a successful conventional defense has significantly improved. The circumstances in which any use of nuclear weapons might have to be contemplated by them are therefore extremely remote. Since 1991, therefore, the Allies have taken a series of steps which reflect the post-Cold War security environment. These include a dramatic reduction of the types and numbers of NATO's sub-strategic forces including the elimination of all nuclear artillery and ground-launched short-range nuclear missiles; a significant relaxation of the readiness criteria for nuclear-armed forces; and the termination of standing peacetime nuclear contingency plans. NATO's nuclear forces no longer target any country. Nonetheless, NATO will maintain, at the minimum level consistent with the prevailing security environment, adequate sub-strategic forces based in Europe which will provide an essential link with strategic nuclear forces, reinforcing the transatlantic link. These will consist of dual capable aircraft and a small number of United Kingdom Trident warheads. Sub-strategic nuclear weapons will, however, not be deployed in normal circumstances on surface vessels and attack submarines.

tional forces levels in Europe and increased reaction times, NATO's ability to defuse a crisis through diplomatic and other means or, should it be necessary, to mount a successful conventional defense has significantly improved." As a result, the document continues, the circumstances in which nuclear weapons might have to be used by the alliance are "extremely remote" (Paragraph 64).

More importantly, however, Canadian Prime Minister Jean Chretien and Foreign Minister Lloyd Axworthy both intervened to ensure that a review of NATO's nuclear policy would be initiated by the North Atlantic Council. In its communiqué, the alliance agreed "in light of overall strategic developments and the reduced salience of nuclear weapons...[to]...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."

Canadian Senator Douglas Roche, the former ambassador for disarmament affairs, interprets this statement as a commitment to initiate a review of NATO's nuclear posture. On April 24, Roche released an "Analysis of NATO Action on Nuclear Weapons," in which Axworthy is quoted as saying that NATO acknowledged "that such a review would be appropriate and that there would be directions to the NATO Council to start the mechanics of bringing that about." U.S. State Department officials will say only that all aspects of NATO

nuclear policy are under discussion in connection with NATO's new initiative on weapons of mass destruction (WMD). This initiative, which involves information sharing, defense planning, civilian protection, non-proliferation assistance to other nations, and a WMD Center to coordinate NATO efforts was approved at the summit as a means of strengthening alliance support for U.S. non-proliferation policy.⁶

greater conventional superiority over any potential enemy or combination of enemies in Europe than the Warsaw Pact ever had over NATO.

The alliance's overwhelming and unchallengeable conventional advantages make it difficult to conceive of circumstances under which NATO would require nuclear weapons to successfully manage any crisis in Europe. The only state that

lishment, McGeorge Bundy, William J. Crowe and Sidney Drell, wrote: "There is no vital interest of the U.S., except the deterrence of nuclear attack, that cannot be met by prudent conventional readiness. There is no visible case where the U.S. could be forced to choose between defeat and the first use of nuclear weapons." Nothing has occurred since that statement was written to make nuclear weapons more critical to maintaining European security. If anything, the threat of using nuclear weapons has become even more anachronistic.

"The alliance's overwhelming and unchallengeable conventional advantages make it difficult to conceive of circumstances under which NATO would require nuclear weapons to successfully manage any crisis in Europe."

Should NATO Reconsider?

Some argue that the alliance's current posture of "flexible response," with the current understanding that the use of nuclear weapons would be considered only in "extremely remote" circumstances, is the right one and should not be changed. Others believe that this policy is out of date and should be re-examined by the alliance since it:

- lacks any military or strategic rationale;
- undercuts the various crisis management and humanitarian justifications for NATO's out-of-area operations;
- contravenes U.S., British and French commitments not to use nuclear weapons against non-nuclear weapons states; and
- weakens the non-proliferation regime.

An Absence of a Rationale

NATO's nuclear first-use policy lacks any *military* rationale. The alliance's threat during the Cold War to use nuclear weapons in response to non-nuclear aggression, however contradictory and self-detering such a policy might have been, was considered helpful in reassuring Europe that some military response was available to counter the Warsaw Pact's significant quantitative advantage in conventional forces. Today, however, the alliance enjoys an even

could conceivably mount a serious military threat to NATO sometime in the future is Russia. But this likelihood is "extremely remote" and hardly justifies a general NATO policy of nuclear first use. Moreover, NATO's first-use policy is viewed in Moscow as directed primarily—if not solely—at Russia and, as noted above in connection with the Founding Act, remains a major irritant as NATO expands eastward.

The key alliance *strategic* rationale for nuclear forces based in Europe and committed to NATO is that they "provide an essential political and military link between the European and the North American members of the Alliance...[and] with strategic nuclear forces." Linkage to U.S. strategic nuclear forces was an integral part of NATO's strategy during the Cold War. Since the collapse of the Soviet Union and the Warsaw Pact, however, and with the change in NATO's most likely mission from territorial defense to out-of-area crisis management, linkage to U.S. strategic nuclear retaliatory forces is far less critical—perhaps not even relevant—to alliance security and solidarity. In any case, adopting a no-first-use policy would not interfere with NATO's link to U.S. strategic retaliatory forces. A policy of no first use impacts on the circumstances surrounding the decision to use nuclear weapons, not on the choice of nuclear weapons—tactical, strategic or both—that will be used once the decision is taken.

There is no non-nuclear threat to U.S. or alliance security that would warrant a nuclear response. In 1993, three respected members of the U.S. national security estab-

Out-Of-Area Intervention

As the intervention in Kosovo demonstrated, NATO is now seemingly prepared to undertake out-of-area military missions for a number of reasons: to resolve conflicts, to manage crises, to promote democracy, to defend moral principles or to protect human rights. At the same time, NATO has also made it clear that it seeks to perform these missions without putting its troops in harm's way and with a minimum amount of collateral damage to innocent civilians and the target country. NATO's supreme commander, U.S. General Wesley Clark, for one, has acknowledged that he was compelled to sacrifice basic logic of warfare to maintain the political cohesion of the alliance given the anti-war pressures felt by coalition governments in Germany and Italy.⁸

Apart from the fact that neither the NATO rationales for intervention nor its minimalist criteria for casualties and collateral damage can be supported by the use of nuclear weapons, some NATO allies—and, more importantly, their publics—had serious misgivings over the extent of the destruction wrought in Kosovo by conventional bombing. During various stages of the 11-week war, Italy, Greece and Germany were all on the verge of calling for an end to the attacks. In the case of Germany, Foreign Minister Fischer narrowly averted a vote in his Green Party, which makes up a significant minority of the ruling Red-Green coalition, calling for an end to all German participation in the bombing campaign.

The United States remains committed to expanding NATO's future missions in response to the "complex new risks to...peace and stability, including oppression, ethnic conflict, economic distress, [and] the collapse of political order..."⁹ The problems raised by Kosovo, however, may have made it more difficult for the alliance to authorize even conventional out-of-area military operations in the future. If an in-

tervention is authorized, the possibility of a proposal within NATO to initiate the threat to use or the use of nuclear weapons will inevitably cause even the most determined of the allies to object. Since, under these conditions, it is highly improbable that the alliance will ever reach a consensus to employ nuclear weapons in an out-of-area intervention, much less in support of U.S. interests in other areas of the world, NATO's first-use option is neither a credible deterrent nor a necessary policy.

It is not possible to reconcile the morally repugnant use of a nuclear weapon, or any weapon of mass destruction, with the pursuit of limited, humanitarian goals. As a point of law, this was made explicit by the International Court of Justice (ICJ) in its July 1996 advisory opinion on the legality of nuclear weapons. At that time, 10 of the ICJ's 14 judges determined that the use or threatened use of nuclear weapons is illegal in all but *one* possible circumstance: *a threat to the very existence of the state.*

Of the five recognized nuclear-weapon states (the United States, Britain, France, Russia and China), only the two non-NATO powers—China and Russia—have declared nuclear-use policies that do not run counter to the ICJ opinion: Beijing has a no-first-use policy and Moscow says that it reserves the right to use all available forces and means, including nuclear weapons, if as a result of military aggression, there is a threat to the existence of the Russian Federation as a sovereign state.

Moreover, it is politically unwise for NATO to continue to maintain a first-use option if it seriously intends to execute out-of-area conflict resolution, crisis management or humanitarian missions (as opposed to the traditional defense of territory or in response to an aggressor). As long as NATO refuses to rule out the first use of nuclear weapons, it is difficult to avoid the perception that enforcement of democratic values is being backed by a nuclear threat. Indeed, this perception drove Ukraine's Supreme Council (or *Rada*) in March 1999 to attempt to abolish the country's non-nuclear-weapon-state status in view of NATO's aggressive plans toward non-members. Although the *Rada's* position was subsequently dismissed as parliamentary rhetoric by Ukrainian President Leonid Kuchma, its action illustrates the depth of the passions stirred by NATO's intervention. To avoid the perception that out-of-area operations might escalate to the nuclear level, NATO would clearly be better served if it operated under a policy that confined the use of nuclear weapons to core deterrence, rather than one that is based on first use.

Negative Security Assurances

All 19 nations of NATO, including its three nuclear-capable members, are bound to the object and purposes of the nuclear Non-Proliferation Treaty (NPT). Under the treaty, the five recognized nuclear-weapon states have committed themselves to respect a broad prohibition on using nuclear weapons against non-nuclear states. Pledged in the form of negative security assurances (NSAs), the most recent being the one reaffirmed just before the 1995 NPT conference that extended the treaty indefinitely, the nuclear-weapon states promise never to use nuclear weapons against a non-nuclear-weapon state party to the NPT, except in response to an attack by such a state in alliance with a nuclear-weapon state.¹⁰

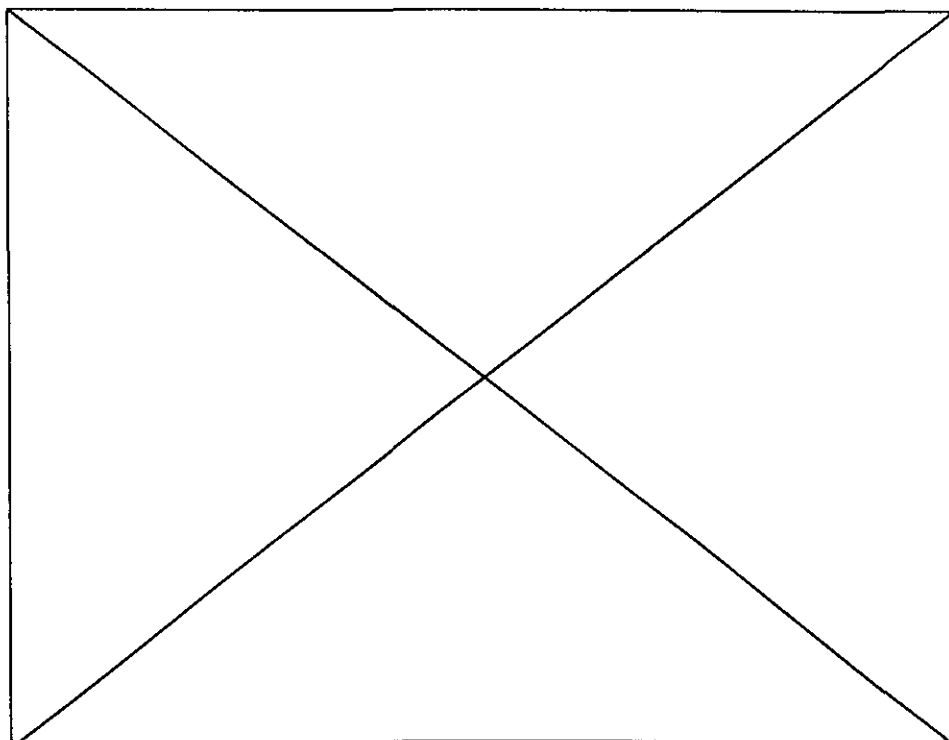
The 1995 U.S. NSA reads:

The United States affirms 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 attack on the United States, its territories, its armed forces or other troops, its allies, or on a State toward 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.¹¹

It is important to note that the NSA makes *no exceptions* to allow for a nuclear response to a chemical or biological weapons attack.

NATO's first-use doctrine against conventional forces is clearly contrary to the NPT-related NSA commitments of the United States, Britain and France. In addition, the United States, the key NATO nuclear power, maintains the option to use nuclear weapons in response to a chemical or biological weapons attack, and implies that NATO has the same policy. While this policy had been present in U.S. Defense Department documents in the early 1990s, it was articulated in April 1996 by Robert Bell, senior director for defense policy and arms control at the National Security Council at the time of the U.S. signature of a protocol to the African Nuclear-Weapon-Free-Zone (ANWFZ) Treaty. Protocol I of the so-called Treaty of Pelindaba pledges the United States not to use or threaten to use nuclear weapons against any treaty party. Bell, however, said U.S. signature "will not limit options available to the United States in response to an attack by an ANWFZ party using weapons of mass destruction." [Emphasis added.] In December 1998, Walter Slocombe, under secretary of defense for



U.S. soldiers in West Germany check the systems of a NATO Pershing II missile in June of 1987. In December 1987, the United States and Russia signed the INF Treaty, which banned all ground-based nuclear-armed ballistic and cruise missiles with ranges between 500 and 5,500 kilometers.

U.S. Army

policy, stated: "It is simply an issue of making sure that we continue to maintain a high level of uncertainty or high level of concern, if you will, at what the potential aggressor would face if he used [CBW] or indeed took other aggressive acts against the alliance." [Emphasis added.]¹²

For the United States, the most powerful nation in the world, and by implication NATO, the most powerful conventional alliance, to insist that they need the threat of first use of nuclear weapons to deter potential adversaries raises the question why other, much weaker nations, confronted by hostile neighbors, do not need them as well. Moreover, a U.S. and NATO first-use policy against, in effect, conventional, chemical and biological weapons suggests that nuclear weapons have many useful military roles. This reinforces the value and prestige attributed to nuclear weapons and undermines efforts by the United States and other key NATO countries to persuade non-nuclear-weapon states to refrain from developing their own nuclear arsenals.

'Calculated Ambiguity' and Deterrence

Many proponents of a nuclear first-use policy admit that neither the United States nor NATO will ever employ nuclear weapons except in retaliation against a nuclear attack. Nonetheless, these proponents argue that a no-first-use policy should not be adopted because uncertainty—or "calculated ambiguity"—as to the nature of the alliance response serves to deter a potential aggressor from initiating a chemical or biological weapons attack. This approach was clearly laid out on February 5, 1998, when State Department spokesman James P. Rubin said:

If any country were foolish enough to attack the U.S., our allies or our forces with chemical or biological weapons, our response would be swift, devastating and overwhelming. We have worked hard to fashion non-nuclear responses to the threat or use of weapons of mass destruction in order to give military commanders and the president a range of options from which to choose.

Former Secretary of Defense William Perry reaffirmed the approach during a March 1998 Senate Foreign Relations Committee hearing on the Chemical Weapons Convention:

[W]e are able to mount a devastating response without using nuclear weapons. Nevertheless, *we do not rule out in advance any capability available to us. I stress that these policies have to do with a situation in which the U.S., our allies and our forces have been attacked with chemical or biological weapons.* [Emphasis added.]

The question of whether the veiled U.S. threat of nuclear retaliation against chemical or biological weapons attacks successfully deterred Saddam Hussein from using chemical or biological weapons against allied forces during the Gulf War may never be answered with absolute certainty. The utility of a policy of "calculated ambiguity," however, has been greatly diminished with the disclosures in memoirs by senior policymakers that whatever policy was implied, the United States never had, under any circumstances, any intention of using nuclear weapons during the war.¹³ As a result of this public record, it is quite possible that "calculated ambiguity" is no longer a credible policy (if it ever was), and that there is little deterrent value left in the U.S. or NATO threat of nuclear first use in any non-nuclear military conflict.

Taking the Lead

The principal threats to the security of NATO and its member-states over the next decades will not come from Russia, but rather from regional dictators, rogue states and violent sub-national groups. The alliance's best defense against these threats is not its nuclear arsenal—the use of which has no military or political justification—but rather its overwhelming conventional military superiority, unsurpassed intelligence gathering and processing capabilities and, last but not least, the international non-proliferation regime.

As NATO's primary arsenal nation, the United States should be the one to take the lead in urging a revision of NATO's nuclear posture. The opportunity was missed in 1994 when the United States conducted its Nuclear Posture Review and reportedly concluded that there was no military requirement for tactical nuclear weapons in Europe. But at that time, the Europeans insisted on the continued presence of these weapons as a hedge against the unknown (meaning a Russian resurgence) and to maintain a tangible "link" to the U.S. nuclear deterrent. Now, for a number of political reasons—the administration's overall weakness, a conser-

vative Congress, the upcoming presidential elections, and a "don't-rock-the-boat" foreign policy—Washington is unwilling to disturb the nuclear *status quo*.

As a result, it has fallen to Canada and the European members of NATO to push for a nuclear policy review. At least some alliance members recognize that, in the absence of any serious military or strategic challenge to the NATO nations, the alliance's current nuclear first-use policy lacks credibility and undercuts overall efforts to enhance European security. If Canada and NATO's European members can bring themselves to propose abandoning the nuclear first-use policy, the United States should be willing to accept this incremental step toward a safer and more secure world. ACT

NOTES

1. Quoted in *The Entangling Alliance*, Ronald E. Powaski, Greenwood Press, 1994, p. 39.
2. "London Declaration on a Transformed North Atlantic Alliance," London, July 5-6, 1990, Paragraph 18.
3. "NATO Strategic Concept," November 1991, Paragraphs 55 and 57.
4. "NATO Study on Enlargement," Chapter 5, paragraph 45.
5. "The Founding Act on Mutual Relations, Cooperation and Security Between NATO and the Russian Federation," Paris, May 27, 1997, Section IV.
6. NATO Fact Sheet on WMD Initiative, April 24, 1999.
7. See "Reducing the Nuclear Danger," *Foreign Affairs*, Volume 72, Number 2.
8. William Drozdiak, "War Effort Restrained by Politics, Clark Says," *The Washington Post*, July 20, 1999, p. A14.
9. "The Alliance's Strategic Concept," April 1999, Paragraph 3.
10. Four countries remain outside the NPT: Cuba and the three *de facto* nuclear-weapon states—India, Israel and Pakistan.
11. The first official U.S. declaration of negative security assurance was in 1978 at the UN. These assurances were reaffirmed by the five declared nuclear-weapon states in April 1995 and taken note of in UN Security Council Resolution 984. In addition, as a signator of the Protocols, the U.S. has pledged not to use or threaten to use nuclear weapons against any state party to the treaties of Rarotonga (South Pacific Nuclear Weapons Free Zone), Tlateloco (Latin America NWFZ) and Pelindaba (Africa NWFZ).
12. Interview with Walter Slocombe, under secretary of defense for policy, December 11, 1998.
13. See, for example, Colin Powell, *My American Journey*, pp. 472 and 486; George Bush and Brent Scowcroft, *A World Transformed*, p. 463; and James A. Baker, *The Politics of Diplomacy*, p. 359.

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*Nuclear Arms Control and
the ABM Treaty: Implications for US,
European, and Russian Security*

Remarks Delivered by:

Jack Mendelsohn
LAWS Vice President and Executive Director



STYX-seminar, Helsinki
September 2, 1999

NUCLEAR ARMS CONTROL AND THE ABM TREATY: IMPLICATIONS FOR US, EUROPEAN AND RUSSIAN SECURITY

JACK MENDELSON

REMARKS PREPARED FOR THE VTT ENERGY STYX SEMINAR

HELSINKI, FINLAND SEPTEMBER 2, 1999

The 1972 Anti-Ballistic Missile (ABM) Treaty between the US and the USSR was designed to constrain the deployment of defenses against long-range ballistic missile attack. These constraints were believed necessary in order to facilitate the establishment of quantitative limits on long-range nuclear-armed ballistic missiles (ICBMs and SLBMs).

The agreement originally limited ABM defenses to two geographically circumscribed (150 km radius) sites per side – the national command authority (NCA) and an ICBM field – with 100 launchers/interceptors permitted at each site. In 1974, these limits were modified to permit only one ABM site (at either the NCA or an ICBM field) with 100 launchers/interceptors.

WHY LIMIT DEFENSES?

The US quest for an agreement to constrain defenses was driven by the analytic conclusion that in a confrontational relationship, with both sides having access to large numbers of nuclear weapons and long-range delivery systems, anti-ballistic missile defenses would only fuel a counter-balancing set of offensive missile deployments. US Secretary of Defense Robert McNamara, for example, clearly understood the logic of this defense/offense cycle. In 1967, when announcing US plans for an ABM system, he noted that “Were we to deploy a heavy [i.e., numerous, Ed. note] ABM system throughout the US, the Soviets would clearly be strongly motivated to increase their offensive capability as to cancel out our defensive advantage.” McNamara was simply acknowledging the fact that, in a confrontational strategic relationship managed by nuclear deterrence, if Side A believes that Side B is attempting to neutralize its retaliatory forces, then Side A will seek to increase the size of its offensive forces in order to retain confidence in its deterrent capability.

Defensive deployments, however, in and of themselves may not automatically trigger offensive force responses. That response is more directly a function of the nature of the strategic relationship between the sides involved. If the relationship is a cooperative or non-adversarial one, then an offensive reaction might not be triggered. In other words, if the US, France or the UK deployed an NMD, presumably none of

these nations would feel compelled to respond to the others by increasing their offensive forces. If, on the other hand, in an overt, latent or potentially adversarial relationship among major nuclear powers, then anti-ballistic missile systems – even if intended to “protect” against a third country – are likely to provoke an offensive force response. This response at the most elemental level might include increased offensive forces. It also might involve a refusal to reduce offensive forces, a decision to deploy force multipliers (such as multiple warheads [MIRVs]), retargetting (more weapons on fewer targets), re-basing (mobility for survivability or cruise missiles to fly under ABM systems), and/or enhanced penetration aids to defeat the defenses.

POLITICS AND PROGRAMS

Although this offense/defense interaction has been well understood by the arms control and analytic community, it has never been thoroughly accepted in the political arena. Revolving around the slogan “Who would (or Why) leave America defenseless?”, politicians in the US have been unwilling to be caught on the “wrong” side of the issue. As a result, despite the understanding on the analytic level that NMD could destabilize strategic relationships, for various reasons both the US and the USSR/Russia have nonetheless felt obliged to pursue missile defense programs.

For example, at the time of the negotiation of the ABM Treaty the Soviet Union had (and still retains) roughly 100 nuclear-armed anti-ballistic missile interceptors deployed around Moscow and was expected to deploy an unknown additional quantity (at least 128 in the Moscow complex). When the US originally presented its case for a bilateral agreement to limit ABM systems – at the Glassboro summit in 1967 – the Soviet leadership was quite skeptical and resistant to the idea of constraining defenses, arguing that such systems were needed to protect the nation and, unlike offensive forces, did not threaten other countries.

The US, for its part, has had at least three waves of ballistic missile defense mania. In reaction to a decade of congressional pressure (McNamara had announced plans to deploy in 1967), the US activated 100 nuclear-tipped interceptors in 1975 at Grand Forks, North Dakota. After six months of operations, the complex was shut down due to its high operating costs and limited effectiveness.

In 1983, during one of the most tense periods of the Cold War, President Reagan revived the missile defense issue with the Strategic Defense Initiative (SDI). This was Washington’s second effort at missile defense and, in President Reagan’s mind at least, intended to render all nuclear weapon missile delivery systems “impotent and obsolete” through exotic technologies (space-based directed energy weapons). The program was abandoned after seven years and \$40 billion with the promised scientific breakthroughs either unobtainable or decades away.

In the late 1990’s, America is passing through one of its recurring “revivalist” periods, with heightened concern over a decline in national morality, the teaching of evolutionary theory, and the threat from rogue nations, international espionage and terrorism. The most conservative US Congress in over 50 years is now pushing the third iteration of missile defense. The Clinton/Gore administration, anxious to capture the political center and neutralize conservative rhetoric on defense issues, seems to be

yielding to their pressure and has been moving closer to a NMD deployment decision as the 2000 presidential election approaches.

Neither nuclear-tipped nor based on exotic directed energy technology, this generation's national missile defense system is a ground-based, kinetic kill (i.e. collision) interceptor designed to protect the US from attack by "rogue" states – such as the nuclear aspirant states of Iran, Iraq and North Korea – and/or an accidental or unauthorized launch by another major nuclear power. In order to deploy this NMD system, however, the US will have to seek amendments to the ABM Treaty, a process which could be acrimonious and litigious since Moscow fears that these changes will ultimately destroy the treaty and permit wide-scale ABM deployments by the US.

ARMS CONTROL OVER THE PAST DECADE

It is important to recall that US and Soviet/Russian officials, as well as security experts in both countries, have for some time considered the ABM Treaty to be the "cornerstone of strategic stability".¹ While the ABM Treaty was indeed a necessary component of the strategic arms limitations process, and led to the initial (and critical) freeze on missile deployments in SALT I, it was not by itself sufficient to bring about nuclear weapons reductions. The reductions had to await the political will and a more cooperative relationship which, in turn, depended upon the prevailing political climate. Thus, the agreement achieved in the 1991 START I to decrease overall warhead levels had to wait until the sharply confrontational nature of the US/Soviet relationship eased somewhat, as it did after Mikhail Gorbachev came to power in March 1985.

This change in the US/Soviet-Russian political context from unabashedly confrontational to increasingly cooperative (but potentially adversarial) continued into the mid-90s. Although this relationship has come under severe strain later in the decade, the new political relationship led to:

-- the INF Treaty in 1987 (which eliminated all ground-based missile systems with ranges from 500 to 5500 kms);

-- the 1991 START I and 1993 START II treaties (which reduced the number of strategic warheads from 11000/12000 in the 1980s to levels of 6000² in START I and between 3000/3500 for START II),³ and

-- an outline for a START III agreement, worked out in early 1997, which calls for further reductions of nuclear warheads down to 2000 to 2500 (the exact level to be determined).

¹ Most recently reaffirmed in the June 20 Cologne summit communiqué.

² According to the START II MOU, in January 1999 Russian had 6578 deployed strategic warheads and the US had 7958.

³ START II is still awaiting ratification by the Russian Duma.

Progress on negotiating START III has been slowed because of Russian unwillingness to ratify START II. This unwillingness has been the result of several factors: political and parliamentary opposition to – and discontent with – Boris Yeltsin and the Kremlin leadership; the Russian political elite's resentment of NATO expansion and US and NATO policies toward Iraq and Kosovo; Moscow's concern over its own political/military weakness; and its concern about US strategic intentions – largely focused on the current assault on the ABM Treaty and the uncertain future of the nuclear relationship with the US.

NMD PERFORMANCE ISSUES

As noted earlier, the principal US rationale for a NMD is to respond to the threat of (1) a small-scale rogue state missile attack or (2) an accidental or unauthorized launch. The fact that there is no rogue state with a long-range missile, and – the recent Rumsfeld report notwithstanding – that it is unlikely that one will emerge in the next decade (if ever), seems to be irrelevant.⁴ Long-range ballistic missile systems are difficult and costly to design, develop, deploy and dissimulate. Missile defense enthusiasts ignore the fact that the most likely rogue state attack scenarios do not involve long-range missiles but rather cargo ships, small aircraft, or rental trucks as delivery systems. As far as accidental or unauthorized launches are concerned, because of the way Russian nuclear command and control is organized, a launch prompted by a false early-warning reading would have to be ordered fairly high up in the chain of command and would involve hundreds if not thousands of warheads.

Equally disregarded are the technological barriers to an effective missile defense system. Moreover, even if and when those barriers are overcome, there would be little basis for judging the ability of a highly complex and fragile missile defense system to perform under stress in battle, or when faced with potential counter-measures and a determined adversary. These potential counter-measures – some of which could be within the reach of a rogue state with ICBMs and nuclear weapons – include: saturation, MIRVs (multiple warheads), sub-munitions, decoys, balloons, chaff, radar jamming, radar blinding with precursor nuclear explosions, cooling the RV (to neutralize IR sensors), “stealth” materials (to defeat the radars) and MARVs (maneuvering warheads).⁵ Because it will never be possible to test the system realistically or establish confidence in the system's reliability or performance, it would be risky, if not deceptive, for its supporters to claim that the system will protect the nation from attack.

NMD AND SECURITY

From the point of view of arms control, the most disquieting aspect of NMD deployment is the impact it will have on the US/Russian/Chinese strategic relationship. This potential impact, therefore, closely links the NMD debate to the future of arms control, nuclear force constraints and reductions, and nonproliferation.

⁴ A joke circulating in Washington posits that the capabilities of Pyongyang's missiles have grown more rapidly in Washington than at North Korean test ranges.

⁵ See *Scientific American*, August 1999, pp. 37-41 and *Bulletin of Atomic Scientists*, May/June 1999, pp. 29-31

Deploying even a "light" NMD will directly effect US, European and Russian security. In seeking to protect the United States against a non-existent, uncertain and unlikely challenge, NMD will

- stimulate the growth of a potential Chinese threat,
- hamper efforts to further decrease an existing Russian danger,
- put significantly deeper nuclear force reductions by the major nuclear powers out of reach for the foreseeable future, and
- ensure that the smaller nuclear weapon powers will continue to resist reductions – or perhaps even consider increases – in their nuclear forces.

Taken together, these developments would deal a major blow to arms control, nuclear force reductions, the nonproliferation regime and global security. Of particular concern is the impact that the halt in the strategic arms reduction process – and even the potential for some increases in nuclear weapons stockpiles in the case of China – will have on the non-nuclear weapons states and on the nuclear nonproliferation regime and the NPT Treaty.

For example, Sha Zukang, China's top arms control official, has asserted that Beijing, at least, still believes in the interaction between missile defenses and offensive weapons and that the U.S. deployment of even a "light" NMD (or regional TMD) will inevitably force China to increase the size of its long-range missile forces. In a speech to an international nonproliferation conference at the Carnegie Endowment for International Peace last January, Ambassador Sha remarked that "if a country, in addition to its offensive power, seeks to develop advanced TMD or even NMD, in an attempt to attain absolute security and unilateral strategic advantage for itself, other countries will be forced to develop more advanced missiles."

The Chinese have made it quite clear that they intend to respond by expanding their offensive force deployments if the US deploys TMD systems to Asia and/or NMD systems in the United States. In the case of TMD, the Chinese fear that their ability to influence events of strategic significance to them in Asia could be undercut, particularly as regards Japan and Taiwan. In the case of NMD, even a modest US NMD system would be perceived in Beijing as aimed at negating the Chinese deterrent (currently less than 20 long-range missiles) and subjecting Beijing to US nuclear blackmail or bullying, again particularly as regards Japan and Taiwan. The Chinese apparently believe that US NMD deployments are aimed at them (and only secondarily at North Korea) since US strategic planners keep talking about 100 NMD interceptors to defeat a (Chinese-sized) force of 20 incoming warheads.

If the US deploys an NMD, Beijing is almost certain to make compensating increases in its long-range deterrent forces. Moscow, on the other hand, is desperately short of funds and is likely to have to reduce its strategic nuclear forces whether or not START II and III are formally implemented, and whether or not the United States deploys NMD.

The sharp-edged US/Soviet confrontational relationship of the 80's has certainly eased, and neither the US nor Russia believe they require 10000 nuclear warheads in their retaliatory forces to deter the other party. On the other hand,

relations between the two nations are not so “cooperative” as to allow Russia completely to disregard or discount a US ABM deployment. This is particularly true if the US NMD deployments are accompanied by a deployment of large numbers of highly capable TMD systems that can use data provided by a suite of space-based tracking sensors.

A key issue as Moscow undertakes these inevitable offensive force reductions will be the status of the ABM Treaty and the extent and nature of US NMD deployments. The US will require a number of amendments to the ABM Treaty in order to proceed with its NMD program and talks have already begun between the US and Russia on potential changes to the ABM Treaty. These amendments would in all likelihood include:

- a change in the Article I definition of “defense of the territory” from a geographic constraint to a numerical one;
- a return from the Protocol limit of one ABM site to the Article III limit of two sites, or perhaps more;
- a return from the Protocol limit of 100 interceptors to the Article III limit of 200 interceptors, or perhaps more;
- a change in the Article III 150 km radius limits on the deployment area of ABM radars; and
- a change in the Article V ban on deployment of space-based ABM components.

This list of likely amendments to the ABM Treaty is based on public discussions in the US (the official US position is not expected until September 17) about the most likely architecture of a US NMD system. For example, one recent commentator, the former chief negotiator for defense and space in the Bush administration, has called for “the right to deploy 300 to 400 ground-based interceptors at three sites – e.g., Alaska, North Dakota, Maine – to cover the trajectories originating in countries likely to threaten the US. Moreover,” he continues, “it is imperative that Washington also negotiate the right to deploy the sensor suite essential for the system to work against an evolving threat. The only practical way to achieve this is to insist on the traditional US position that sensors go free [that is, no limits, which was not the “traditional” US position in the ABM Treaty. Ed. Note].”⁶

It is, in fact, difficult to maintain that the ABM Treaty could not be modified to permit deployment of the original number of sites and launchers/interceptors or that “defense of the territory” could not be redefined to mean the numbers of launchers/interceptors rather than their range or geographic coverage. Where arms control, the ABM Treaty and the Russians run into trouble is over space-based sensors (specifically SBIRS-LEO, a space-based infrared system in low earth orbit) which are intended to track incoming warheads. This mid-course tracking capability greatly increases the effectiveness of the ABM system and, of more concern to the Russians, could also be linked to a mobile, sea-based TMD force to augment the US NMD program.

⁶ Amb. David Smith, Defense News, August 16, 1999, p. 15.

The end of this chain of analysis is fairly obvious. If, as a result of the US NMD, TMD and space-based sensor deployments, China increases the size of its nuclear deterrent forces, and Russia feels its retaliatory capability has been significantly diminished, Moscow is certain to resist reducing its nuclear forces much below START III levels. (START III calls for levels of 2000 to 2500 warheads. Russia has made it clear, since at least 1997, that it prefers a number closer to 1500 as a START III outcome.)

According to one analysis, even a single-site NMD system covering the entire US with 100 interceptors would begin to pose a realistic threat to Russian strategic forces when that force approaches approximately 1300 weapons (approx. 730 of which would be on heavy bombers) without decoys.⁷ A more likely Russian force would consist of 1850 warheads, 730 of which would be on air-launched cruise missiles. According to this same analysis, this force would begin to be threatened if the US deployed over 200 NMD interceptors.

Table 1. Number of US NMD interceptors that might appear threatening⁸

Russia, Generated Alert	W/ No Decoys	W/2 Decoys/Warhead
w/2430 Warheads	310	930
w/1850 Warheads	205	630
w/1320 Warheads	105	215

Sophisticated Russian strategic analysts discount the impact of a 100 or 200 interceptor US NMD force, per se, on their nuclear forces. But they are genuinely concerned about the “break out” potential (the ability to increase either the number or capabilities of forces quickly) of US NMD deployments. This concern harks back to the issue of the deployment by the US of space-based sensors and their potential for being linked to large-scale TMD deployments.

WHAT IMPACT ON ARMS CONTROL?

Of course, it remains to be seen whether US NMD deployments eventuate, whether the ABM Treaty is gutted by the “adaptation” process required to permit a more substantial NMD program, and whether NMD and/or highly capable theater missile defense deployments are perceived as threatening enough to destabilize the strategic relationship among the US, Russia and China.

What is clear and should concern nations, such as Finland, which support the arms control and strategic force reduction process and seek to strengthen the nonproliferation regime, is that national missile defenses have the potential to block the trend of the past decade toward significantly lower numbers of nuclear weapons. This consequence of NMD deployment has not been fully appreciated by many of the non-nuclear weapons states that support the nonproliferation regime. They have been

⁷ Dean Wilkening, “How Much Ballistic Missile Defense is Too Much?” CISAC, October 1998.

⁸ Ibid, p. 10. “Threatening” is defined as degrading ballistic missile retaliation by 20%. Ed. Emphasis.

traditionally reluctant to become involved in the seemingly daunting technical arguments and clearly hardball politics surrounding the missile defense issue.

Equally clear is that both Moscow and Peking are supporters of the 1972 ABM Treaty and are extremely reluctant to tamper with it (as are the US nuclear allies whose smaller nuclear arsenals would be less effective in a world of proliferated missile defenses). It is likely that we are headed for some sort of missile defense deployments. The issue, as always, is whether these deployments can be managed in such a manner as to enhance the long-term security interests of the US, Europe and Russia or whether they will degrade those interests by ushering in a millennium of proliferation.

JACK MENDELSON IS A RETIRED SENIOR FOREIGN SERVICE OFFICER, FORMER DEPUTY DIRECTOR OF THE ARMS CONTROL ASSOCIATION, AND THE 1998-99 JOHN M. OLIN DISTINGUISHED PROFESSOR OF NATIONAL SECURITY AFFAIRS AT THE U.S. NAVAL ACADEMY. HE IS CURRENTLY VICE-PRESIDENT AND EXECUTIVE DIRECTOR OF THE LAWYERS ALLIANCE FOR WORLD SECURITY (LAWS), A NON-GOVERNMENTAL POLICY ORGANIZATION IN WASHINGTON, D.C.

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Ambassador Thomas Graham, Jr.
President



LAWS LAWYERS ALLIANCE FOR WORLD SECURITY

CNS COMMITTEE FOR NATIONAL SECURITY

November 2, 1998

His Excellency Massimo D'Alema
 Presidenza de Consiglio dei Ministri
 Piazza Colonna 370
 00187 Roma
 Italy

Dear Mr. Prime Minister:

It is of considerable importance that the nuclear strategy of NATO be consistent with the non-proliferation priorities of its member states which are all states parties to the Nuclear Non-Proliferation Treaty (NPT). NATO is expected to reaffirm its existing nuclear strategy this December prior to formal approval at a NATO summit in Washington next April. Reaffirmation of the old Cold War era strategy without revision would have a negative impact on the international non-proliferation regime.

During 1994 and 1995, I led a global diplomatic effort on behalf of the U.S. Government to achieve the indefinite extension of the NPT. I traveled to approximately forty capitals and consulted personally with representatives of over one hundred of the states parties to the Treaty. During this process I became acutely aware of the concerns of many states parties with regard to the future viability of the Treaty.

I believe that the NPT regime will be in grave jeopardy if significant progress is not made toward the Article VI disarmament obligations by the five nuclear weapon states parties by the 2000 Review Conference. Despite this, it seems unlikely at this time that the nuclear weapon states parties will make such progress consistent with Article VI and the Principles and Objectives Document adopted at the 1995 Review and Extension Conference before the 2000 Conference. Even the START process, which is, alone, inadequate to meet the concerns of the non-nuclear weapon states parties to the NPT, appears bogged down at present with no immediate hope of major progress. Furthermore, some are arguing that India and Pakistan should be accepted as nuclear weapon states; an acquiescence that would devastate the NPT regime. The importance of the NPT was clear to all when it was extended indefinitely, but if the circumstances described above do not improve over time, influential states such as Indonesia, Egypt, and Japan may begin to question the Treaty's effectiveness as an instrument of their security policy.

The policy choices that NATO makes regarding the deployment and conditions of prospective use for nuclear weapons will increasingly impact the health of the NPT regime. If NATO members continue to support policies that assign a high political value to nuclear weapons, for instance as an

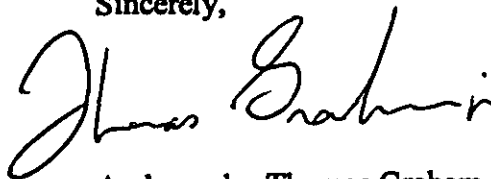
essential bulwark of Alliance cohesion, the cost in terms of the effectiveness of global non-proliferation efforts will be significant. Nuclear weapons are irrelevant to the vast majority of the threats that NATO faces today; their only utility is to deter the use of nuclear weapons by others. Nuclear proliferation, however, would pose a significant security threat to the Alliance as a whole as well as to individual members. Presently, NATO policies favoring reliance on nuclear weapons and attaching a high political value to these weapons benefit the Alliance very little, but the cost of these policies is becoming very high in terms of the non-proliferation efforts they impede.

I strongly recommend that the strategy review to be undertaken at the upcoming NATO Ministerial account for the importance of the NPT regime to Alliance security. Specific Alliance contributions to the implementation of the Principles and Objectives on Nuclear Non-Proliferation and Disarmament agreed to at the 1995 NPT Review and Extension Conference should include:

- NATO should no longer refer to nuclear forces based in Europe and committed to NATO as “an essential political and military link between the European and the North American members of the Alliance.”¹ Attaching a high political value to nuclear weapons is inconsistent with the legal obligations of all NATO member states under the NPT and NATO’s stated objectives regarding the non-proliferation of nuclear weapons, and is therefore detrimental to the security of NATO and its members.
- NATO should announce that, as a matter of Alliance policy, it would not be the first to use nuclear weapons in a conflict.
- NATO should support transfer of nuclear weapons from operational status to storage with the intention of looking toward the eventual elimination of U.S. tactical nuclear weapons from Europe.
- NATO should announce a new High Level Task Force of the North Atlantic Council to study the future role of nuclear weapons in Europe with the intention of identifying areas in which Alliance policy could promote effective non-proliferation, through arms control as well as current counter-proliferation measures.
- NATO should announce that the nuclear sharing arrangements developed in the late 1960s are no longer necessary or appropriate. The plans and procedures for transferring U.S. nuclear weapons to NATO Allies in time of war are of dubious legality with respect to Articles I and II of the NPT and have been criticized by South Africa and others as inconsistent with the objectives of the NPT.

Implementation of measures such as those described above would constitute an important contribution by the Alliance to the continued viability of the NPT regime and would thus support Alliance security and stated policy objectives. In light of new threats and changing economic and political conditions, these steps would generate a substantial non-proliferation benefit, thereby enhancing the security of NATO and its members. Please feel free to contact me if you have any questions about this letter or would like to discuss the relationship between nuclear weapons policy and non-proliferation further.

Sincerely,



Ambassador Thomas Graham, Jr.

¹ The Alliance’s New Strategic Concept, Art. 55

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Ambassador Thomas Graham, Jr.
President



LAWS LAWYERS ALLIANCE FOR WORLD SECURITY
CNS COMMITTEE FOR NATIONAL SECURITY

June 14, 1999

His Excellency Massimo D'Alema
Presidenza de Consiglio dei Ministri
Piazza Colonna 370
00187 Roma
Italy

Dear Mr. Prime Minister:

I would like to congratulate you for the progress made at the recent Washington Summit, commemorating the fiftieth anniversary of NATO, toward reducing the political value of nuclear weapons and opening the door for a clear incorporation of nuclear non-proliferation objectives into NATO doctrine. Further, peace with justice in the Balkans now appears to be possible, for which we all should be grateful. However, we must not forget that over the medium to long term the potential proliferation of nuclear weapons is the gravest threat NATO and its member states face in the post-Cold War world. Steps to reduce the political value of these weapons are the best way to retard their spread. The importance of this was brought home during the Kosovo crisis when all of us were thankful that Slobodan Milosevic did not possess nuclear weapons.

NATO member states should be particularly proud of the revisions to the Alliance Strategic Concept of April 24, 1999 which characterize the possible use of nuclear weapons as "extremely remote" and recognize nuclear non-proliferation as an important security aim of the Alliance which is inextricably linked to nuclear disarmament. While troubling anachronistic references to the importance of nuclear weapons as an "essential military and political link between the European and North American members of the Alliance" and the "supreme guarantee of the security of the Allies" remain, the new document represents an important step toward the harmonization of NATO doctrine and the nuclear non-proliferation efforts of the Alliance and its member states. By recognizing the need to address the proliferation threat, NATO is moving in the right direction.

The Summit Communiqué further clarifies this objective and opens the door for near-term progress. It states that, "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."

NATO thus has indicated its intention to promote non-proliferation and disarmament through, among other things, a review of its nuclear policy and doctrine. As a result of thoughtful contributions of Canada and Germany among others, this review will consider, along with other matters, whether it is now time to revise NATO's long-held policy of retaining the option to use nuclear weapons first and to adopt a policy of not being the first to introduce nuclear weapons in future conflicts. An Alliance nuclear weapon use doctrine made consistent with the negative security assurances offered in conjunction with the 1995 indefinite extension of the Nuclear Non-Proliferation Treaty (NPT) by the adoption of a policy of no first use of nuclear weapons would go a long way to reducing the political value of these weapons. Such a policy should be integrated into NATO doctrine to demonstrate to the world the importance of the NPT regime to Alliance security.

There is growing concern in many capitals that little progress will be made toward the ultimate goal of nuclear disarmament before the 2000 NPT Review Conference. This would be a dangerous outcome for the health of the NPT regime; it would be seen by many as bad faith on the part of the nuclear weapon states – not only with regard to their NPT Article VI disarmament obligations but also with regard to their commitment to the Principles and Objectives for Nuclear Non-Proliferation and Disarmament Document adopted by the NPT states parties in 1995 in connection with the indefinite extension. It is important to remember that the Principles and Objectives Document, as well as the 1995 negative security assurances, were inextricably linked to the NPT indefinite extension and essential to its achievement. As the first review of the NPT since it was made permanent, the 2000 Review Conference will hold the Treaty – and its states parties – to a higher standard than ever before, but it has been a long time since the nuclear weapon states had so little to deliver.

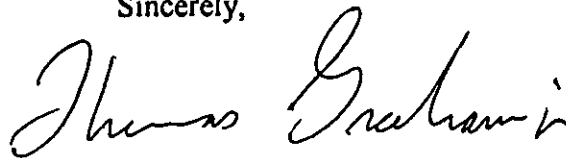
Additionally, an overt policy of deterrence by NATO of chemical and biological weapons with nuclear weapons would cause the three nuclear weapon state NATO members to be in violation of their negative security assurances, as the nuclear weapon states essentially committed themselves in 1995 never to use or threaten to use nuclear weapons against NPT non-nuclear weapon state parties. If NATO, the most powerful conventional force in history and facing no major military threat, insists that it needs to use the threat of retaliation with nuclear weapons to deter, say, biological weapons, then why does not Iran or Egypt or any other state which has a regional rival need them as well for this purpose? Clearly, such a policy by NATO would undercut efforts to persuade additional states to stay in the NPT regime and not to acquire nuclear weapons. Moreover, the utility of a policy of "calculated ambiguity" toward a state threatening the use of chemical and biological weapons has vanished with the disclosures in memoirs by the relevant senior policy makers that whatever its implied policy was, the United States never had under any circumstances any intention of using nuclear weapons in the Persian Gulf War. Any future believable deterrence would have to involve explicit nuclear threats, which is certainly not desirable.

Adoption by NATO of a no first use policy may be the only remaining opportunity to demonstrate the importance and effectiveness of the NPT before the 2000 Review Conference, and the desirability of the policy option should be understood in this context. Moreover, the adoption of such a policy would remove the inconsistency between NATO nuclear weapon use

policy and the NPT-related obligations of the three nuclear weapon state Alliance members undertaken pursuant to the 1995 negative security assurances. Further, as NATO adopted a new mandate for out of area crisis management operations at the Summit, it would seem inadvisable for NATO to appear to combine such possible future out of area operations with the potential for the first use of nuclear weapons. In the absence of the Soviet threat, the military value of the first use option for Alliance security has fallen precipitously while its political cost has risen exponentially with the linkage of the negative security assurances and the Principles and Objectives Document to the indefinite extension of the NPT.

I hope that NATO will seriously consider adopting a policy of not being the first to introduce nuclear weapons in future conflicts and make any such policy decision prior to the 2000 NPT Review Conference. This would be infinitely valuable in helping to achieve NATO's nuclear non-proliferation objectives.

Sincerely,

A handwritten signature in cursive script that reads "Thomas Graham, Jr." The signature is written in dark ink and is centered below the word "Sincerely,".

Thomas Graham, Jr.

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**Lawyers Alliance for World Security
Committee for National Security**

1901 Pennsylvania Ave., NW, Suite 201, Washington, DC 20006
tel: (202)745-2450 fax: (202)667-0444 e-mail: disarmament@lawscns.org



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**NATO NUCLEAR POLICY
MISSION STATEMENT**

NATO nuclear weapon policy will be reviewed during the upcoming Ministerial in December 1999. As we enter the 21st century, threats to the security of NATO and its member states are changing. Nuclear weapons are not an appropriate tool to meet present and foreseeable threats to NATO security. Since the end of the Cold War, the principal threats to NATO involving weapons of mass destruction involve not a hostile superpower, but rather rogue states, violent subnational groups, criminal conspiracies, religious cults, and terrorist organizations. NATO's defenses against these threats are international non-proliferation regimes, international cooperation, intelligence capabilities, and its overwhelming conventional force.

The Nuclear Non-Proliferation Treaty (NPT) which stands as the cornerstone of nuclear non-proliferation efforts was indefinitely extended by consensus in 1995, reaffirming the bargain which stipulates that non nuclear weapon states agree not to acquire nuclear weapons while nuclear weapon states promise to engage in disarmament negotiations leading toward the elimination of nuclear weapons. The three NATO nuclear weapons states made commitments under the Negative Security Assurances (NSAs) which were crucial in achieving an indefinite extension of the NPT and which assure that nuclear weapon states will not use nuclear weapons against a non-nuclear weapon state unless it attacks in alliance with a nuclear weapons state. NATO nuclear policy is potentially inconsistent with these commitments.

Certain non-nuclear weapon states have indicated that they will reconsider their commitment to forswear nuclear weapons if the nuclear weapon states continue fail to implement their 1995 NPT commitments. In a context of stalled disarmament and arms control measures, NATO should play a leadership role in strengthening the NPT regime since nuclear proliferation poses a significant threat to Alliance and member state security. NATO nuclear weapon policy has so far reinforced the high political value of nuclear weapons; if this political value is not diminished, certain non-nuclear weapon states may decide that the acquisition of a small nuclear weapon arsenal is simply too easily built and too politically attractive to forgo.

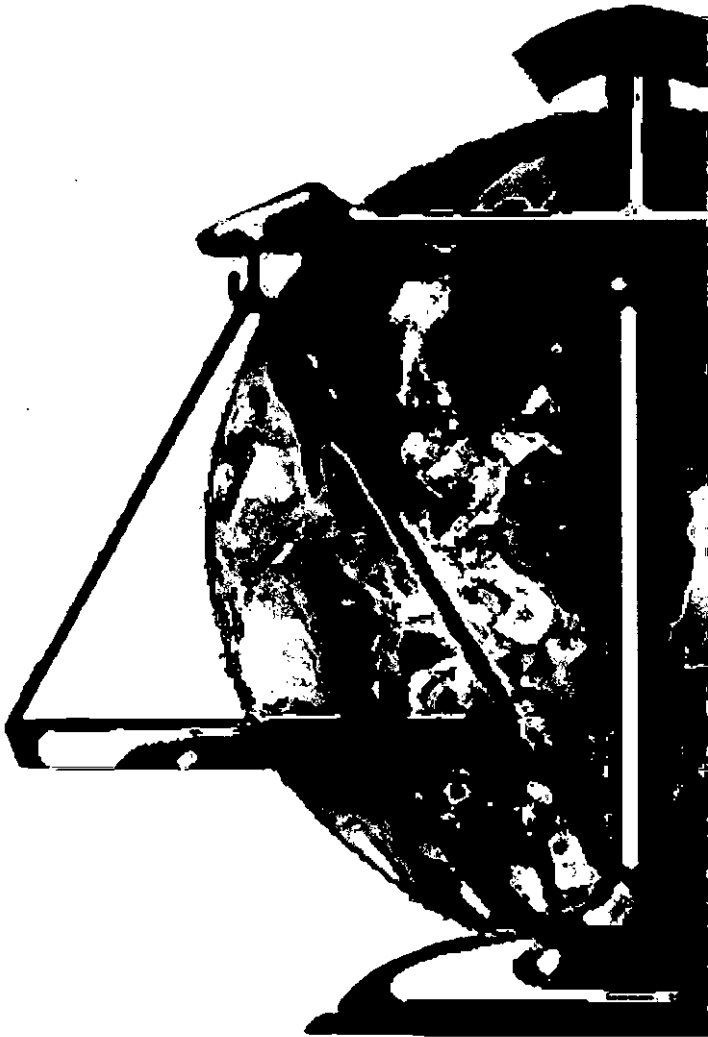
It is crucial for both NATO and international security that the NPT remain a viable regime. To this end, NATO should consider the adoption of a no-first use policy. NATO declaring that it no longer needs to reserve the right to use nuclear weapons first and that the only role of nuclear weapons is to deter their use by others, would be a most important step toward lessening the political value of nuclear weapons and thereby supporting the non-proliferation treaty regime.

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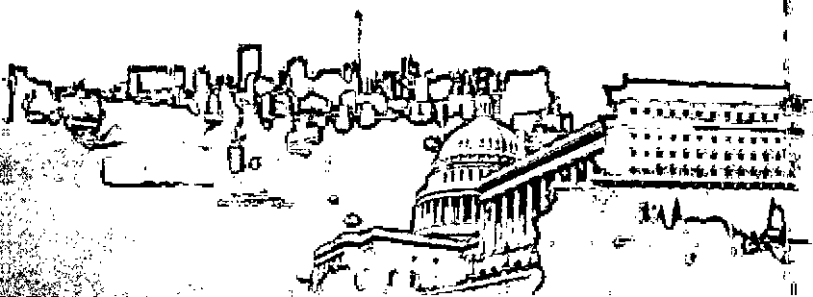


EMERGING THREATS

The danger of a major city being destroyed by a weapon of mass destruction is greater now than it ever was during the Cold War.

The possibility that irresponsible governments or violent sub-state groups like terrorist organizations, criminal conspiracies, or religious cults could acquire a nuclear, biological, or chemical weapon is increasing. The bombings of the World Trade Center and the Oklahoma City Federal Building demonstrated that American cities are not immune from terrorism; the sarin gas attack in the Tokyo subway proved that some terrorists are willing to use the most morally reprehensible weapons banned in war against unarmed civilians.

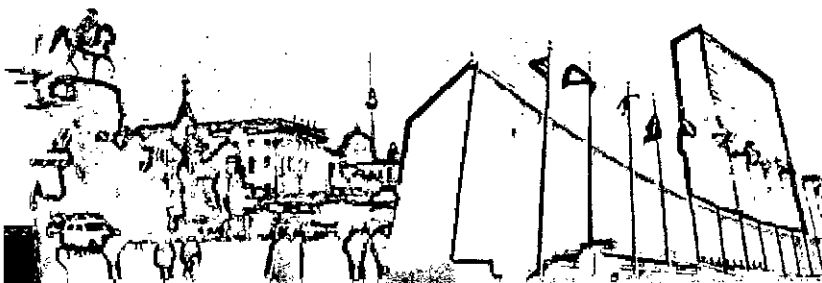
Furthermore, the nuclear tests in India and Pakistan, as well as the retention of large nuclear arsenals by the United States, Russia, the United Kingdom, France, and China, reinforce and expand the belief around the world that nuclear weapons are essential and legitimate instruments of power. The belief that nuclear weapons have a high political value is dangerous given that the necessary technology is over half a



century old. If the high political value of nuclear weapons is not reduced now, our efforts to control their spread may fail utterly in the future.

Already, hundreds of tons of weapons-usable fissile material are stored under increasingly challenging conditions in Russia and the Newly Independent States and the Baltics while, hypothetically, only four kilograms of plutonium may be necessary to construct a nuclear explosive device. An inventory error of less than one percent in the Russian fissile material stockpile could leave enough material unaccounted for to build a significant nuclear arsenal. Humanity's next generation may live in a world in which the grim prospect of cities burning to ashes in seconds as a result of accidents, miscalculations, or acts of terrorism involving nuclear weapons becomes a reality.

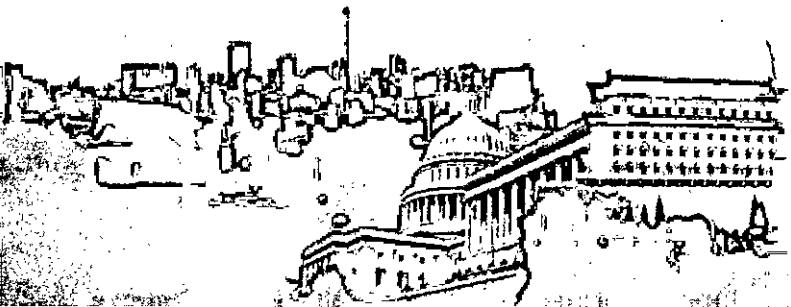
LAWS addresses these problems at their source using the tools of the legal profession, such as negotiated agreements and legislation. If civilization is to prosper in an increasingly dangerous world, we must have as many layers of defense as possible against these emerging threats. LAWS conducts program activities in 20 countries to build diplomatic, legislative, and enforcement layers of protection against the proliferation, accidental use, or terrorist acquisition of weapons of mass destruction.



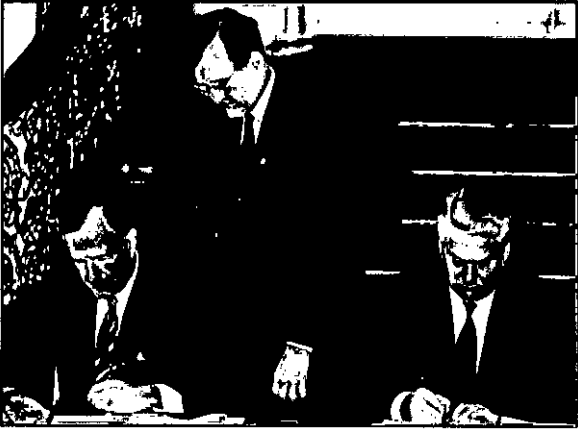


GLOBAL INITIATIVE FOR NON-PROLIFERATION

Through its principal program, the *Global Initiative for Non-Proliferation*, LAWS supports the Nuclear Non-Proliferation Treaty (NPT) regime, the world's best defense against the spread of nuclear weapons. Concluded in 1968 and made permanent in 1995, the NPT establishes the fundamental bargain through which 181 non-nuclear weapon states have pledged never to acquire nuclear weapons in exchange for the commitment of the five nuclear weapon states - the United States, United Kingdom, Russia, France, and China - to work toward the ultimate elimination of these weapons and to assist the non-nuclear weapon states with peaceful nuclear technology. While verification problems exist within the NPT community, such as in Iraq and North Korea, and four nations remain outside - India, Israel, Pakistan, and Cuba - the NPT is the decisive reason that predictions of widespread nuclear proliferation made in the 1960s did not come true. Today many great nations like Japan, Germany, South Korea, Indonesia, Argentina, Brazil, and South Africa do not have nuclear weapons despite the theoretical capability to build them; this demonstrates the success of the NPT.



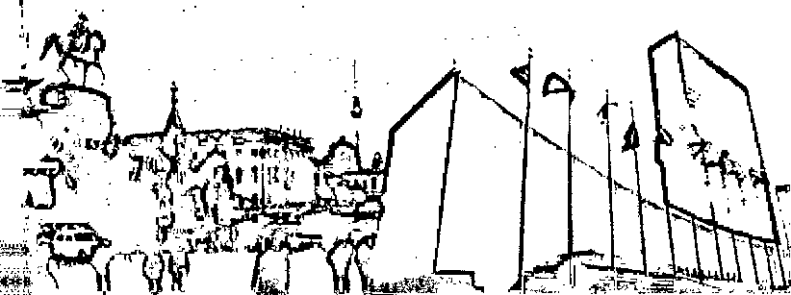
However, this foundation of world security depends on the health of the NPT bargain, which is increasingly in danger.



LAW's President Ambassador Graham (center) with Presidents Bush and Yeltsin during the signing of the START II Treaty in 1993.

The *Global Initiative for Non-Proliferation* works to strengthen both sides of this bargain. LAWS supports practical and verified next steps in the nuclear disarmament process aimed at reducing the perceived political value of nuclear weapons.

- In the United States and Russia, LAWS consistently promotes non-proliferation at the highest political level by encouraging deep cuts in the nuclear arsenals, protection of nuclear weapons and material, and expansion of the nuclear disarmament process to include the other nuclear weapon states.

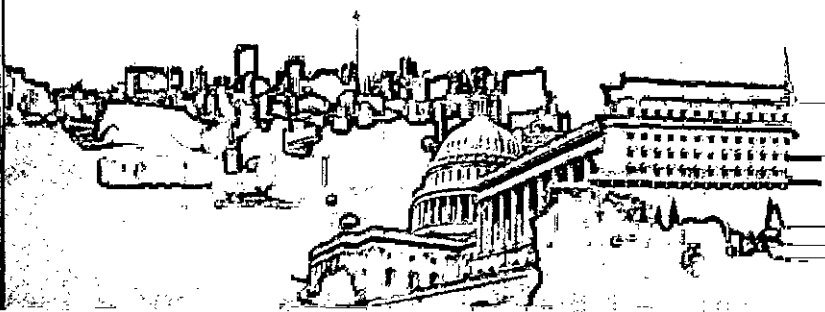




LAWS Director Ambassador James E. Goodby; U.S. Deputy Chief of Mission John Tefft; Ambassador Graham; Director of the Russian Center for Export Controls Anatoly Bulatchnikov; and Deputy Secretary of the Security Council of the Russian Federation Grigory Rapota at the seminar on export controls and prevention of nuclear terrorism.

● In the United Kingdom and France, LAWS supported non-proliferation during a 1997 trip which recognizably influenced the U.K.'s 1998 Strategic Defense Review in favor of further reductions and de-alerting. This message was reinforced through consistent contact and a follow-up delegation in late 1998.

● In China, LAWS delegations have met with senior arms control officials, including Ambassador Sha Zukan, to discuss China's role in non-proliferation, disarmament, and Asian security following the nuclear explosive tests in South Asia.





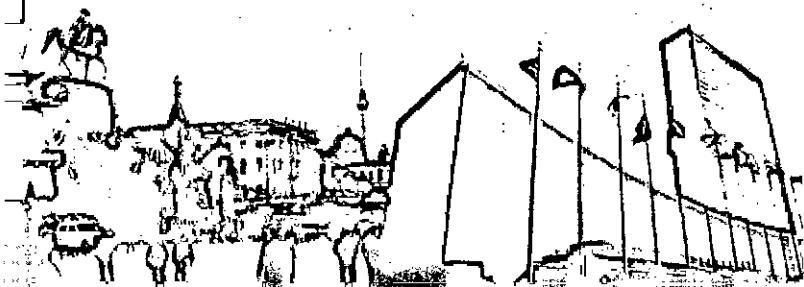
LAWS Director Daniel Poneman; Deputy Director-General of the Arms Control Department of the Ministry of Foreign Affairs of China He Yafei; Senior Director for Nonproliferation and Export Controls at the National Security Council Gary Samore; and Mr. Li Donghui of the China Atomic Energy Authority during a nuclear export control seminar in Washington, DC.

● In India, LAWS delegations have promoted non-proliferation at conferences and through high-level meetings with the Government. LAWS is also establishing an affiliate organization in India.



Ambassador Graham and Minister of External Affairs of India Dr. Jaswant Singh during the LAWS non-proliferation consultations in New Delhi in 1998.

● In Japan, LAWS delegations have repeatedly visited Tokyo, Hiroshima, and Nagasaki to promote awareness of Japan's role in the non-proliferation and



disarmament process with senior officials and in the media, including an hour-long prime time television special.

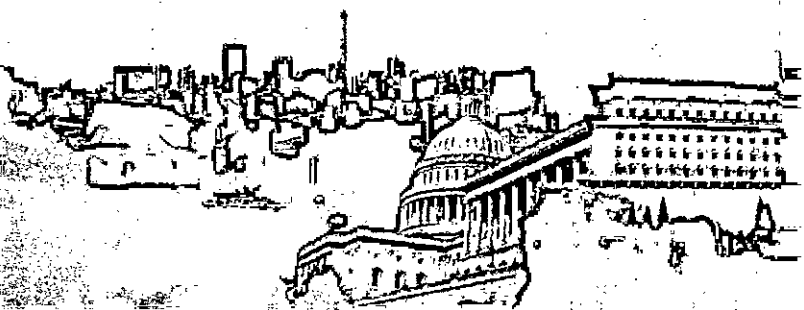


Ambassador Graham and Hiroshima Mayor Takashi Hiraoka, discuss LAWS non-proliferation and disarmament programs.

● In Germany, LAWS communicates regularly with key members of the Government to discuss Germany's essential role in strengthening the non-proliferation regime.



LAWS delegates with the senior members of the Bundestag.



● In South Africa, LAWS has assisted President Mandela's Government in playing a leadership role in promoting non-proliferation and disarmament among the non-aligned countries.

● In consultations with the Deputy Foreign Minister of Iran and Professor Scott Sagan of Stanford University, Ambassador Graham has explored the establishment of a Track II dialogue on Persian Gulf Security.



Ambassador Graham and Deputy Foreign Minister of Iran Dr. Javad Zarif in New York.

● In Vienna, LAWS Director Ambassador Bunn represented LAWS at the Second Preparatory Committee Meeting for the 2000 Nuclear Non-Proliferation Treaty Review Conference.

● At the United Nations in New York, LAWS UN Representative Jonathan Granoff actively supports non-proliferation and disarmament; for instance, playing a key role in the selection of the Under Secretary General for



Disarmament and in convincing the Secretary General to appoint actor Michael Douglas as the U.N. Special Messenger for Peace.

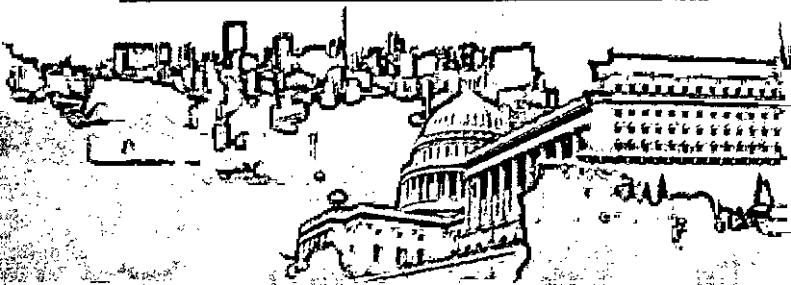


LAWS Director Jonathan Granoff; U.N. Secretary-General Kofi Annan; and renowned film actor Michael Douglas at the UN headquarters in New York.

● In the Republic of Korea, a LAWS delegation learned that President Kim Dae Jung supports the concept of deep cuts and a U.S. no first use policy consistent with a strong U.S. commitment to defend his country and support the non-proliferation norm so essential to the security of the peninsula.



LAWS Director Senator Alan Cranston and Ambassador Graham meeting with President of South Korea Kim Dae Jung.





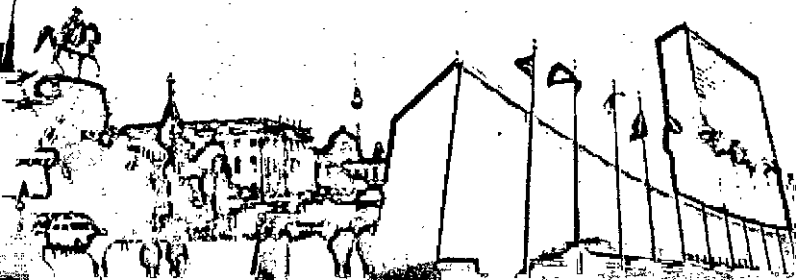
REVIEWING NUCLEAR WEAPONS USE POLICY FOR NON-PROLIFERATION

The most important step that can be taken immediately to reduce the political value of nuclear weapons would be the adoption of a "no first use" policy by the five nuclear weapon states, as recommended by the U.S. National Academy of Sciences in its 1997 report "The Future of U.S. Nuclear Weapons Policy." LAWS has been working toward this objective since mid-1997.



LAWS Chairman Mark Schlefer and Ambassador Graham meeting with German Defense Minister Rudolf Scharping.

In consultations with numerous governments, LAWS has determined that this step would significantly advance the non-proliferation objectives of the NPT and is achievable in the near term. It would not weaken the defense or deterrent posture of the United States or cause U.S. allies to



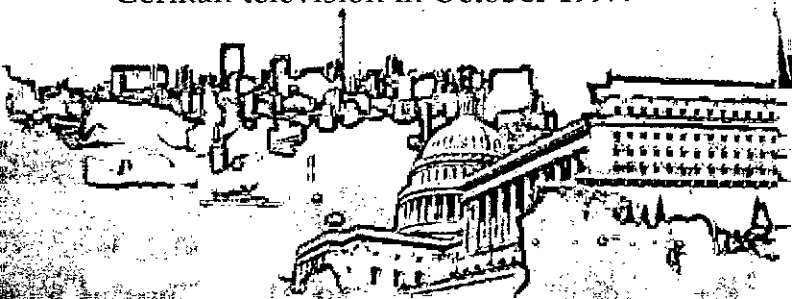
question the commitment of the United States to their defense. In November, Ambassador Graham sent a letter to the NATO heads of government to raise this important issue.

Based on the success of this effort and building on over a year and a half of study and discussion of no first use in numerous capitals, LAWS has undertaken a program designed to advocate the adoption of a no first use policy by NATO as well as by all the nuclear weapon states.



Ambassador Graham is interviewed by German Television during his stay in Bonn.

● In Germany, LAWS delegations argued for no first use with numerous senior officials of the Government repeatedly over the last two years, including Defense Minister Scharping, former Disarmament Commissioner Rüdiger Hartmann, and Members of Parliament Gernot Erler, Uta Zapf, and Angelika Beer. Ambassador Graham and LAWS Director Hans Loeser supported no first use on nationwide German television in October 1997.



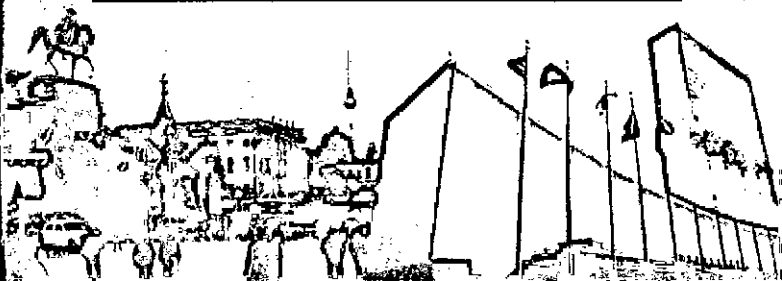
In 1998, the Coalition Agreement forming the new German Government included no first use as one of its policy objectives.

● In Canada, LAWS delegations met with senior Canadian officials to support the concept that NATO review its nuclear policy in the context of the 1999 Strategy Review to be completed by the NATO Summit meeting in Washington. Ambassador Graham has an ongoing dialogue with the Standing Committee on Foreign Affairs and International Trade of the Canadian Parliament on this topic.

● In the United Kingdom, LAWS argued for a no first use policy with Minister of State for Defense George Robertson and Jonathon Powell (Chief of Staff to Prime Minister Tony Blair), other high officials in the Ministries of Defense and Foreign Affairs, Members of Parliament, and in written testimony requested by the Defense Committee of Parliament.



LAWS Delegation with members of the Foreign Affairs Committee of the House Of Commons.



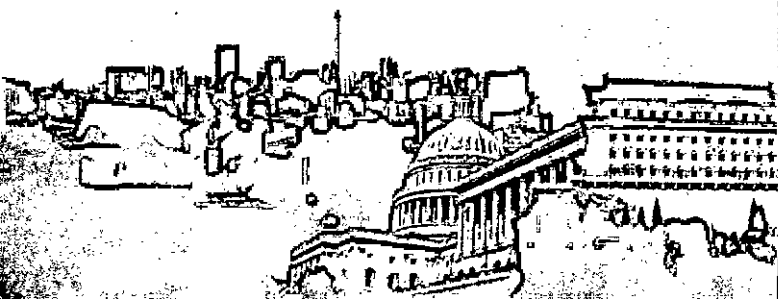
● Ambassador Graham, along with General George Lee Butler, former Commander of the U.S. Strategic Command, will conduct a coordinated diplomatic campaign, visiting the capitals of Norway, the Netherlands, Belgium, Germany, France, the United Kingdom, Spain, and Italy in February 1999 to advocate discussion of a NATO no first use policy as part of the ongoing Strategy Review.

After the NATO Summit, LAWS will continue to stress the importance of no first use to the prevention of proliferation. No first use is an idea whose time has come; it is an important step in lowering the political value of nuclear weapons while raising the political value and viability of the non-proliferation regime.



LAWMAKING FOR NON-PROLIFERATION

Since the end of the Cold War, the development of national export control systems based on strict compliance with international standards has become one of the main non-proliferation tasks for Russia and the Newly Independent States of the former Soviet Union. The *Lawmaking for Non-Proliferation Project* supports continued development and implementation of a national system of export controls in Belarus,



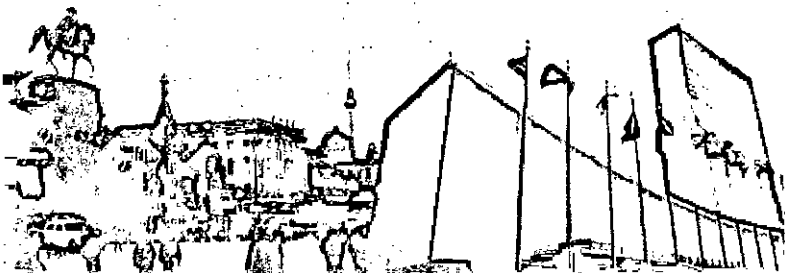
Russia and Ukraine emphasizing non-proliferation of weapons of mass destruction and prevention of terrorism. LAWS offers invaluable legal, policy, diplomatic and technical assistance to these countries in building viable, transparent and enforceable systems for controlling weapons and weapons-related technologies and materials.

LAWS Directors, including some of the leading experts in and practitioners of export control law in the United States, work directly with foreign legislators, senior government officials, and heads of defense and nuclear enterprises.



Vice-President of the Kurchatov Institute Nikolai N. Ponomarev-Stepnoi gives a tour of the Institute to a LAWS delegation.

- In Russia, LAWS organizes nuclear export control seminars to provide practical training to the Russian Government and the defense industry on licensing, industry compliance, enforcement and nuclear non-proliferation.



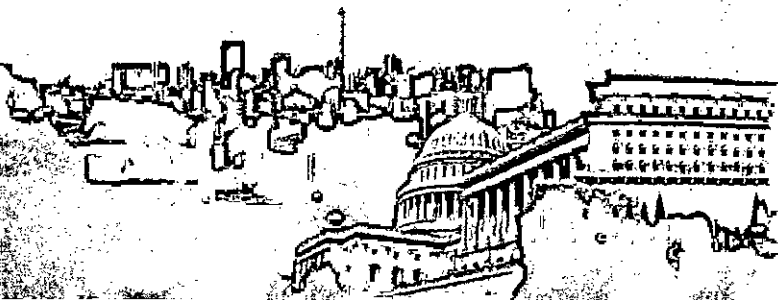
Last fall, LAWS conducted an international seminar in Moscow on the role of nuclear export controls in the prevention of nuclear terrorism and hosted a high ranking delegation of Russian officials in Washington which was jointly headed by a senior official of Russia's National Security Council and a prominent member of the Russian Duma.

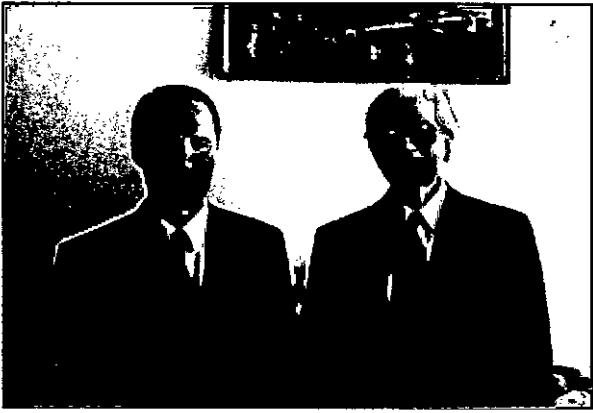


LAWS Director Admiral Stansfield Turner with Russian export control officials during export control training tour in Washington, DC

● In Belarus, LAWS efforts resulted in the adoption of the national export control law by the Parliament. Dr. Ural Latypov, former Foreign Minister and newly appointed Deputy Prime Minister of Belarus noted that the export control assistance provided by LAWS is valuable and is recognized in the national export control statute.

● In Ukraine, LAWS experts conducted export control legal and industry outreach seminars and helped Ukrainian officials to draft national export control provisions.



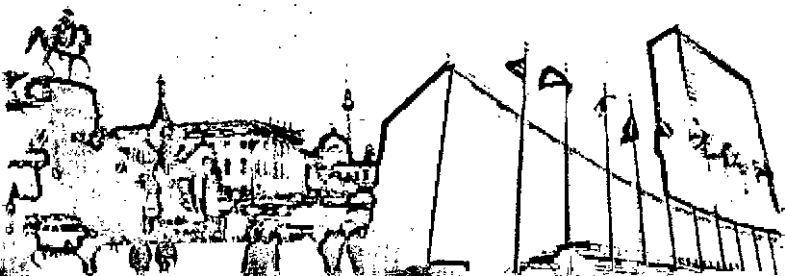


Dr. Ural Latypov, Deputy Prime Minister of Belarus with LAWS Director Ambassador Michael Newlin during an export control meeting in Minsk.

In 1998, LAWS expanded its export control work to the People's Republic of China and conducted two nuclear export control seminars with senior Chinese officials in Beijing and Washington, DC.



Mr. Poneman; Director-General of the Arms Control Department of the Ministry of Foreign Affairs of China Ambassador Sha Zukang; Ambassador Graham; and Deputy Director-General He during an export control seminar in Beijing.



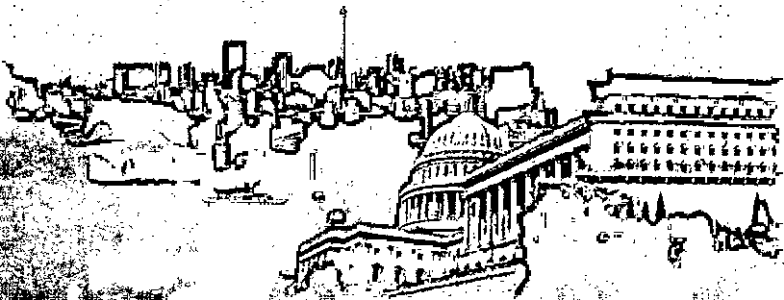


UNITED STATES-MEXICO NON-PROLIFERATION SEMINAR PROCESS



LAWS Director Ambassador James Sweeney and Ambassador Graham meeting with Mexican Undersecretary of Foreign Affairs Carmen Moreno.

In 1998, U.S. Undersecretary of State John Holum asked Ambassador Graham to initiate a program aimed at increasing cooperation between the United States and Mexico on non-proliferation and disarmament issues. Despite Mexico's long tradition of leadership on these issues and its strong overall relationship with the United States, Mexico has often worked at cross-purposes with the United States in multilateral fora such as the United Nations First Committee, the Conference on Disarmament, and the Nuclear Non-Proliferation Treaty Review Process. This apparent rift on non-proliferation and disarmament developed during the Cold War but is inappropriate to the present state of

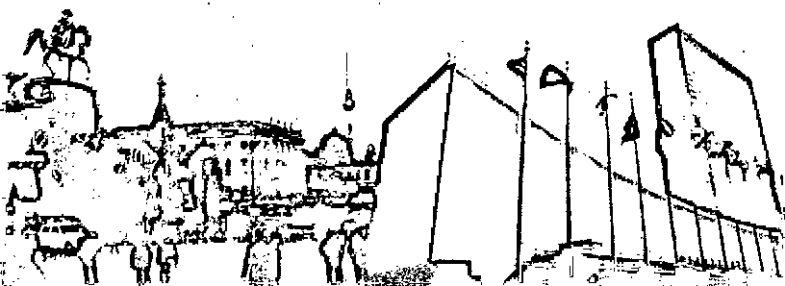


international relations. Moreover, it is crucial for all states that care about non-proliferation and disarmament to work constructively to address the global dangers imposed by nuclear weapons proliferation.



Ambassadors Graham and Sweeney with Ambassador Enrique Roman-Morey, Director-General of OPANAL.

Working in cooperation with Deputy Secretary Carmen Moreno of the Foreign Ministry of Mexico, the Organization for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (OPANAL), Mexican non-governmental organizations, and Sandia National Laboratories, Ambassador Graham and LAWS Director Ambassador James Sweeney established a program of informal consultations with the Mexican Government to identify and enlarge areas of agreement between the two governments on non-proliferation and disarmament.

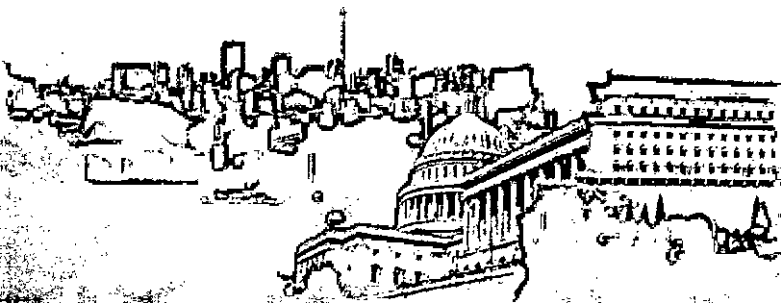




COMMITTEE TO SUPPORT THE COMPREHENSIVE TEST BAN TREATY

An end to nuclear explosive testing has been a principal objective of arms control since the beginning of the nuclear age. The Comprehensive Test Ban Treaty, concluded in 1996, is the primary symbol of the effectiveness of the NPT regime and the validity of nuclear non-proliferation and disarmament. However, the Treaty has not yet entered into force and its future remains uncertain as nuclear tests have occurred in South Asia since its conclusion and the United States, among others, has not ratified it. The mantle of international leadership and the hope to contain the spread of nuclear weapons both hang in the balance of the Senate's action on this matter; the Comprehensive Test Ban Treaty is vital to the national security of the United States and the world.

For these reasons, LAWS has formed the *Committee to Support the Comprehensive Test Ban Treaty*, chaired by Ambassador Paul H. Nitze, and comprised of: Senators James Exon, Mark Hatfield, and Nancy Kassebaum, and Congressmen Anthony Beilenson and Lee Hamilton. These national political leaders are dedicated to protecting the United States from the threat of unchecked nuclear proliferation



through staunch and vigorous support of the U.S. ratification and early entry into force of the Comprehensive Test Ban Treaty.



LAWMAKING FOR DEMOCRACY

The *Lawmaking for Democracy Project* conducts exchange and training programs for government officials from the Russian Federation and other countries of the former Soviet Union.



LAWS Vice Chairman Adam Yarmolinsky and LAWS Director Tony Sager with senior members of a Russian delegation at the White House.

Initiated by LAWS Director Anthony Sager in 1991, the Project has sponsored intensive seminars and workshops for parliamentary leaders and staff, executive branch policy advisors, regional leaders, and academics on topics including legislative procedure and practice, lobbying techniques, fiscal federalism and state finance, and international trade.

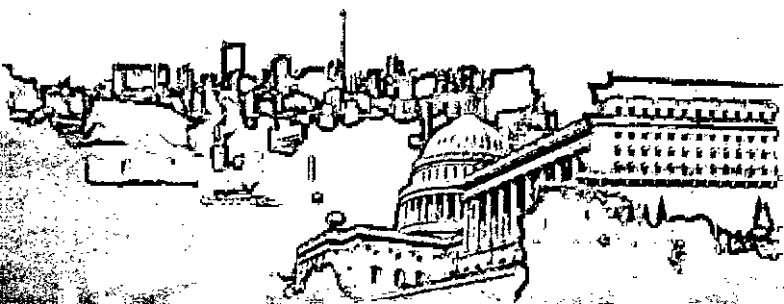


Current programs include: fiscal transparency and citizen understanding of the regional budget in the Samara region in Russia, a Samara region/State of Minnesota exchange on strategies to promote investment and trade, and support for new university course material on public finance at the regional level in Russia's emerging market economy.



THE COMMITTEE FOR NATIONAL SECURITY

The Committee for National Security (CNS), the domestic subsidiary of LAWS, operates an ambitious program to educate the American public about the dangers presented by nuclear weapons and other weapons of mass destruction. By enlisting the support of prominent members of local communities and working with local non-governmental organizations, the CNS Domestic Program introduces experts in international security issues to the general public. CNS sends delegations of senior experts from the CNS Executive Council to Seattle, Washington and Cleveland, Ohio. These cities are pilot efforts of an expanding program to coordinate and supplement community efforts tailored to local interests and needs.

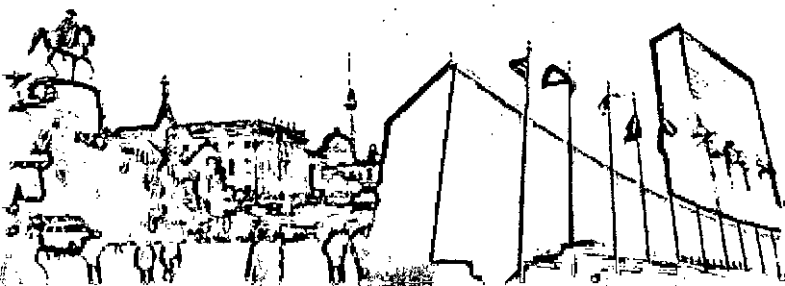


In striving to encourage discussion of these vital national and international security issues beyond Washington, the Domestic Program works to create an educated constituency interested and engaged in the formation of prudent and practical policies that reduce the dangers posed by weapons of mass destruction. To achieve this, meetings have been held with the Mayor of Seattle, the former managing partner of one of the world's largest law firms, Cleveland-based Jones, Day, Reavis & Pogue, and a wide variety of civic, legal, and academic leaders around the nation.



**THE W. AVERELL
HARRIMAN
AWARD**

Every year LAWS presents the *W. Averell Harriman Award* for Outstanding Achievement in the Cause of Peace and World Security. In November, renowned movie star Pierce Brosnan presented General George Lee Butler, former Commander of the U.S. Strategic Command, with the Seventh Annual Harriman Award on behalf of LAWS in Boston, Massachusetts. The award has previously been presented to: Ambassador Richard Butler (Director General of the United Nations Special Commission on Iraq) in 1997, former Secretary of Defense Robert McNamara in 1996, the Chemical



Manufacturers Association for its work in promoting the Chemical Weapons Convention in 1995, former Secretary of Energy Hazel O'Leary in 1994, the Natural Resources Defense Council and Adrian DeWind in 1992, and Dean Erwin A. Griswold (LAWS Founder) in 1991.



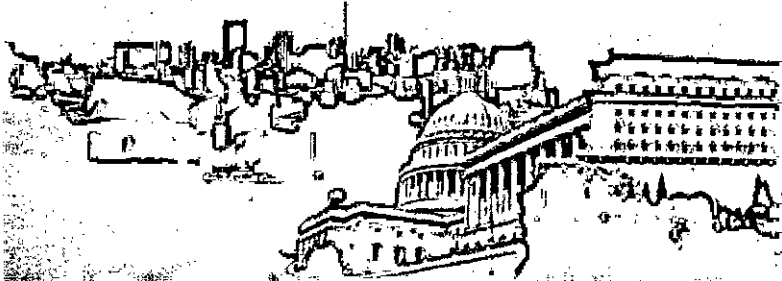
General George Lee Butler receives the LAWS 1998 W. Avarell Harriman Award from international movie star Pierce Brosnan in Boston.



LAWS/CNS

HISTORY

Founded in 1980 by Erwin A. Griswold, former Dean of the Harvard Law School, as the Lawyers Alliance for Nuclear Arms Control (LANAC), and renamed in 1989, the Lawyers Alliance for World Security (LAWS) is a membership organization of legal professionals and other prominent individuals engaged in prudent and practical efforts to reduce the risks posed by weapons of mass destruction.

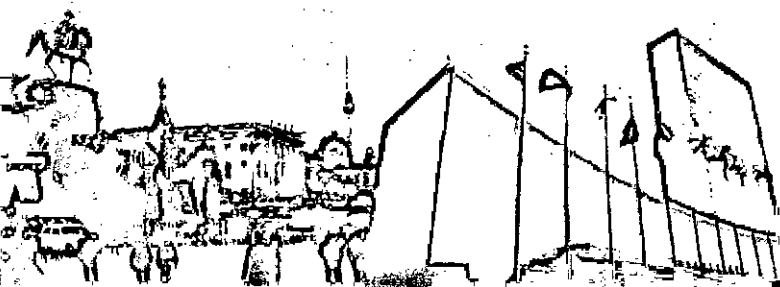


The key strength of LAWS is its Board of Directors which is comprised of many leading experts in non-proliferation, arms control, disarmament, intelligence, terrorism, and other national security issues. The LAWS Board of Directors includes former senior policy makers, legislators, diplomats, lawyers, and scholars and has been referred to as the most authoritative group of arms control experts outside government.

LAWS President Ambassador Thomas Graham, Jr. brings three decades of arms control experience (most recently as the Special Representative of the U.S. President for Arms Control, Non-Proliferation, and Disarmament) to every LAWS program.

CNS is a group of prominent defense and foreign policy experts, including several former senior executive branch officials, who joined together in 1982 to promote public awareness of national security issues. CNS became affiliated with LAWS in 1994 in an effort to maximize the effectiveness of both organizations by pooling their administrative resources. The combined strength of LAWS/CNS lies in the commitment of the experts from both organizations who donate their time to implement LAWS/CNS programs.

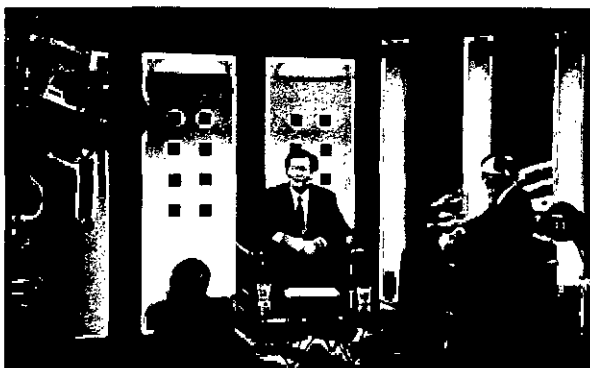
LAWS/CNS experts are frequently interviewed by the media and have recently appeared on C-SPAN, Fox



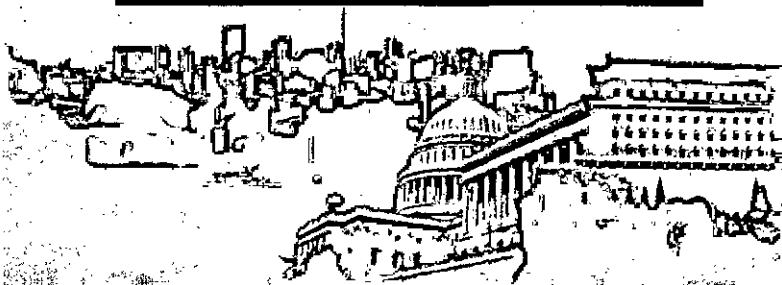
News, National Public Radio, NHK Japanese television, and many other national and international media venues. LAWS Directors and Staff are frequently published in: Foreign Affairs, Ambassador's Review, Arms Control Today, Non-proliferation Review, Disarmament Diplomacy and many other professional journals as well as the Washington Post, Chicago Tribune, Los Angeles Times, and Washington Times.

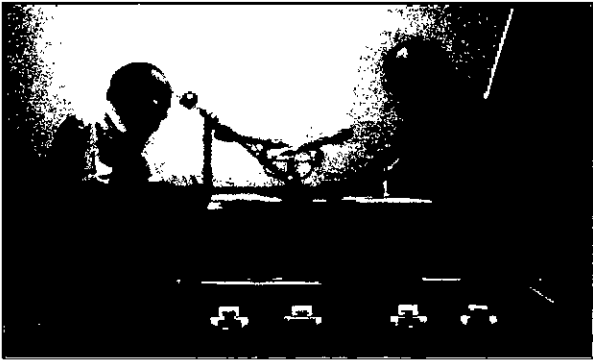


Ambassador Graham and Dr. Morton Halperin, Director for Policy Planning of the United States Department of State during an interview with NHK in Tokyo.



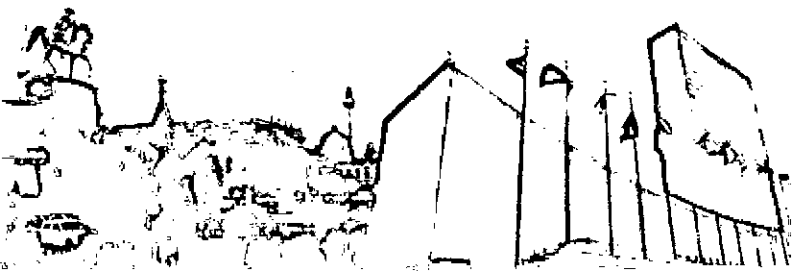
Ambassador Graham during a broadcast of the NHK World News Journal.






Ambassador Graham interviewed by Commodore Uday Bhaskar of the Indian Navy for a radio audience of 300 million in India.

LAWS/CNS operates with the generous support of charitable foundations including the W. Alton Jones Foundation, the MacArthur Foundation, the Ford Foundation, the Public Welfare Foundation, the Ploughshares Fund, the Compton Foundation, the John Merck Fund, Rockefeller Family Associates, the Rockefeller Foundation, and individual donors including Louise Mead Walker, Hans Loeser, and Seth Grae.



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LAWS
CNS

1901 Pennsylvania Avenue, N.W.
Suite 201
Washington, D.C. 20006

Tel: 202.745.2450
Fax: 202.667.0444
E-mail: disarmament@lawscns.org



LAWYERS ALLIANCE FOR WORLD SECURITY

BIOGRAPHICAL SUMMARY

AMBASSADOR THOMAS GRAHAM, JR.

Ambassador Thomas Graham, Jr. is President of the Lawyers Alliance for World Security (LAWS). Ambassador Graham served as Special Representative of the President for Arms Control, Non-Proliferation, and Disarmament from 1994-1997. He led U.S. Government efforts to achieve a permanent Nuclear Non-Proliferation Treaty (NPT) leading up to and during the 1995 Review and Extension Conference of the NPT. Ambassador Graham headed the U.S. Delegation to the 1996 Review Conference of the Conventional Armed Forces in Europe (CFE) Treaty.

He also headed the U.S. Delegation to the 1993 ABM Treaty Review Conference. In addition, he led a number of delegations to foreign capitals in the period 1994-1996, first to persuade countries to support indefinite extension of the NPT and in 1996 to urge conclusion of the Comprehensive Test Ban Treaty (CTBT) negotiations in Geneva, Switzerland (the CTBT was signed in September 1996). In November 1995 and June 1996, Ambassador Graham lead a U.S. Delegation to Indonesia to discuss with ASEAN nations the emerging Southeast Asia Nuclear Weapon Free Zone Treaty.



Ambassador Graham (in the center) during the START II signing ceremony (Moscow, Russia, January 1993).

Ambassador Graham was General Counsel of the United States Arms Control and Disarmament Agency (ACDA) from 1977-1981 and from 1983 to 1993. From January 20, 1993 until November 22, 1993, he served as Acting Director of ACDA, and from November 23, 1993 to August 29, 1994 as Acting Deputy Director. Among other assignments, he has served as the Legal Advisor to the U.S. SALT II Delegation (1974-79), senior arms control agency representative to the U.S. Intermediate-Range Nuclear Forces Delegation (1981-82), Legal Advisor to the U.S. Nuclear and Space Arms Delegation (1985-88), senior arms control agency representative and Legal Advisor to the U.S. Delegation to the Conventional Armed Forces in Europe Negotiation (1989-90). He also served as Legal Advisor to the U.S. Delegation to the Non-Proliferation Treaty Review Conference in 1980, Legal Advisor to the U.S. Delegation to the 1988 ABM Treaty Review Conference, Legal Advisor to the U.S. START I Delegation in 1991 and Legal Advisor to the U.S. START II Delegation in 1992-93. Ambassador Graham worked on the negotiation of the Biological Weapons Convention and the Chemical Weapons Convention. He also managed the ratification of the Geneva Protocol banning the use in war of chemical and biological weapons and the biological weapons convention. Ambassador Graham drafted the implementing legislation of the Biological Weapons Convention and was the only Executive Branch witness in hearings on this legislation in both Houses of Congress (this is the law utilized by the Department of Justice to prevent biological weapons terrorism in the United States). On numerous occasions Ambassador Graham has testified before Congressional Committees on arms control and related issues. He has taught courses at the University of Virginia School of Law, the Georgetown School of Foreign Service, the Georgetown University Law Center, and the Stanford University. He has spoken widely on arms control issues around the country and abroad, and has chaired the ABA Committee on Arms Control and Disarmament.



LAWYERS ALLIANCE FOR WORLD SECURITY

BIOGRAPHICAL SUMMARIES

Robert S. McNamara

Robert S. McNamara is a Director of the Lawyers Alliance for World Security (LAWS). He served as Secretary of Defense during the Kennedy and Johnson administrations from 1961-68. During his tenure at the Department of Defense he led the shift in America's nuclear strategy from that of massive retaliation to flexible response and second strike counter-force. Subsequent to his service in Government, he became President of the World Bank where he remained until his retirement in 1981. Mr. McNamara also served as President of the Ford Motor Company from 1960-61. In 1943 he was commissioned a captain in the air force and served in the UK, India, China, and the Pacific. He was awarded the Legion of Merit and promoted to lieutenant colonel before going on inactive duty in April 1946.



Since his retirement, Mr. McNamara has served on the Boards of the Royal Dutch Petroleum, the Bank of America, the Washington Post Company, and Corning Incorporated and was a member of the International Advisory Committee of Goldman Sachs. He became a member of the LAWS board in 1997, and in March 1999 he testified before a joint hearing of the Canadian Senate and House Standing Committees on Foreign Affairs to promote a NATO nuclear weapons policy of no first use.

Mr. McNamara regularly writes and speaks on issues of population and development, world hunger, the environment, East-West relations, and nuclear arms. His publications include *The Essence of Security*, *One Hundred Countries, Two Billion People*, *The McNamara Years at the World Bank*, *Blundering Into Disaster*, *Out of the Cold*, and most recently, *In Retrospect: The Tragedy and Lessons of Vietnam*.

Mr. McNamara is the recipient of numerous honorary degrees from colleges and universities in the U.S. and abroad, and has received many awards, including the Presidential Medal of Freedom (with Distinction), the Albert Einstein Peace Prize, the Franklin D. Roosevelt Freedom from Want Medal, the Dag Hammarskjold Honorary Medal and the LAWS Averill Harriman Award.

A graduate of the University of California, Mr. McNamara received his MBA from Harvard where he later returned as a Professor of Business Administration.



LAWYERS ALLIANCE FOR WORLD SECURITY

BIOGRAPHICAL SUMMARY

JACK MENDELSON

Jack Mendelsohn, a former senior Foreign Service Officer with extensive experience in arms control and national security affairs, is Vice President and Executive Director of the Lawyers Alliance for World Security (LAWS). Prior to joining LAWS in May 1999, Mr. Mendelsohn had been the John M. Olin Distinguished Professor of National Security Affairs at the U.S. Naval Academy (1998-99) and Deputy Director of the Arms Control Association (1985-98).



Mr. Mendelsohn joined the Foreign Service in 1963. From 1981 to 1983, he served in the U.S. Arms Control and Disarmament Agency (ACDA) as Deputy Assistant Director of the Strategic Programs Bureau and as Senior ACDA Representative on the U.S. START Delegation. Mr. Mendelsohn earlier served as U.S.

representative on the Special Political Committee for MBFR at NATO in Brussels (1977-79) and as Special Assistant to the Chief Negotiator of the U.S. SALT II Delegation (1972-75).

In addition to his work in arms control and national security affairs, he served as political officer in the U.S. embassies in Port-au-Prince, Haiti (1964-66) and Warsaw, Poland (1967-70), as Director of the Office of Cooperative Science and Technology Programs in the Department of State (1980-81), and as Dean of the School of Languages at the Foreign Service Institute (1983-85).

Mr. Mendelsohn received his undergraduate degree from Dartmouth College and has graduate degrees from the University of Chicago and from the Institute on East Central Europe at Columbia University. He was also a fellow in science and public policy at MIT's Center for Advanced Engineering Studies (1979-80). Mr. Mendelsohn has taught humanities at the University of Chicago (1962-63) and political science at the U.S. Naval Academy (1975-77) and has been an Adjunct Professor in the Elliott School of International Studies at George Washington University since 1996.

Mr. Mendelsohn has published articles in *Arms Control Today*, *Baltimore Sun*, *Boston Globe*, *Brookings Review*, *Bulletin of Atomic Scientists*, *Chicago Tribune*, *Christian Science Monitor*, *Current History*, *Dallas Morning News*, *Defense News*, *Disarmament Diplomacy*, *Etudes Internationales (Quebec)*, *Guardian (London)*, *Issues in Science and Technology (NAS)*, *Los Angeles Times*, *NATO's 16 Nations (Brussels)*, *New Statesman (London)*, *Newsday*, *Orlando Sentinel*, *Philadelphia Inquirer*, *Relations Internationales (Paris)*, *San Francisco Chronicle*, *San Jose Mercury News*, *Scientia (Milan)*, *Slavic Review*, *USA Today* and *Washington Times*. He has contributed chapters to *Science and Security*, AAAS, 1986; *The Race for Security*, Lexington, 1987; *Perspectives on Strategic Defense*, Westview, 1987; *Soviet-American Relations*, Scholarly Resources, 1988; *Fifty Years of Nuclear Weapons*, USPID (Milan), 1996; and *NATO Expansion*, University Press of America, 1998.

Mr. Mendelsohn was co-author of an Olive Branch Award-winning article in *Technology Review* in 1989 and recipient of an Aviation Week and Space Technology Laurels Award in 1990.