

# Reviewing NATO's Non-proliferation and Disarmament Policy

by Katarzyna Kubiak

## ABSTRACT

The global treaty-based nuclear order is running out of steam. The problems facing it are progressively building up, while problem-solving is losing momentum. The search for a "golden key" to address disarmament and non-proliferation in a way fit for the 21st century prompts decision-makers to look for novel approaches. NATO needs to actively shape this newly emerging space. Acting today from within a tight policy and institutional "corset", the Alliance should strengthen its non-proliferation and disarmament portfolio, and harness its consultative and coordination strengths for agenda-setting, norm-shaping and awareness-raising within the international community.

*NATO | Arms control | Nuclear weapons | Non-proliferation*

**keywords**

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by Katarzyna Kubiak\*

### Introduction

The global nuclear order<sup>1</sup> is under growing strain. We are witnessing resistance to extending the life of existing arms control tools, updating old instruments or negotiating new ones. States violate agreements. The pace of nuclear disarmament increasingly frustrates the international community.<sup>2</sup> Nuclear-weapon states are modernising their nuclear arsenals, prolonging their lives far into the future. While the geographical proliferation of nuclear weapons remains limited, the technology capable of delivering them is spreading. The nuclear-conventional distinction between weapon systems is blurring. States acknowledge new warfighting domains like the cyber realm and space, but regulation of behaviour within these domains remains limited. Rapidly emerging new technologies have the potential to destabilise the conduct of military and strategic affairs, including nuclear policy and decision-making.

The nuclear policy of the North Atlantic Treaty Organisation (NATO) has consequently acquired greater centrality in furthering non-proliferation and disarmament in the more unpredictable world.

<sup>1</sup> William Walker, "Nuclear Order and Disorder", in *International Affairs*, Vol. 76, No. 4 (October 2000), p. 703-724.

<sup>2</sup> UN Open-ended Working Group, *Taking Forward Multilateral Nuclear Disarmament Negotiations* (A/71/371), 1 September 2016, point 21, <http://undocs.org/A/71/371>; Lewis A. Dunn, "The NPT. Assessing the Past, Building the Future", in *The Nonproliferation Review*, Vol. 16, No. 2 (2009), p. 143-172; Jeffrey Fields and Jason S. Enia, "The Health of the Nuclear Nonproliferation Regime. Returning to a Multidimensional Evaluation", in *The Nonproliferation Review*, Vol. 16, No. 2 (2009), p. 173-196.

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## 1. NATO's disarmament conditioning "corset"

Since as far back as 1957, NATO has stood for comprehensive and controlled disarmament.<sup>3</sup> Yet while the Alliance supports nuclear disarmament in principle, the Allies strictly condition its pursuit.

NATO member states subscribe to a step-by-step approach to disarmament.<sup>4</sup> This means implementing interim measures that gradually contribute to complete disarmament. At several NPT review conferences, NATO Allies supported the understanding that these steps should include, among others, the entry into force of the Comprehensive Nuclear Test Ban Treaty (CTBT); the negotiation of a treaty banning the production of fissile material for use in nuclear weapons or other nuclear explosive devices, or the establishment of the Middle East Weapons of Mass Destruction Free Zone (MEWMDFZ); as well as transparency and confidence-building measures to reduce nuclear risks.<sup>5</sup>

However, almost any effort to implement the above-mentioned steps has faced political stalemate. In part, individual NATO allies contribute to that failure. For example, the United States has never ratified the CTBT.<sup>6</sup> In 2019, it also refrained from supporting<sup>7</sup> and participating<sup>8</sup> in the United Nations General Assembly-mandated Conference on the Establishment of a Middle East Zone Free of Nuclear Weapons and Other Weapons of Mass Destruction.

<sup>3</sup> NATO, *NATO's Enduring Commitment to the Non-Proliferation Treaty*, Lecture by NATO Deputy Secretary General Rose Gottemoeller at the Vienna Centre for Disarmament and Non-Proliferation (VCDNP), Vienna, 5 May 2017, [https://www.nato.int/cps/en/natohq/opinions\\_143493.htm](https://www.nato.int/cps/en/natohq/opinions_143493.htm).

<sup>4</sup> NATO, *Warsaw Summit Communiqué*, Issued by the Heads of State and Government Participating in the Meeting of the North Atlantic Council in Warsaw 8-9 July 2016, Warsaw, 9 July 2016, point 64, [https://www.nato.int/cps/en/natohq/official\\_texts\\_133169.htm](https://www.nato.int/cps/en/natohq/official_texts_133169.htm).

<sup>5</sup> United Nations, *2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, Final Document*, Vol. I, Part I (NPT/CONF.2010/50 (Vol. 1)), New York, 2010, [https://undocs.org/NPT/CONF.2010/50\(VOL.I\)](https://undocs.org/NPT/CONF.2010/50(VOL.I)); *2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, Final Document*, Vol. I (NPT/CONF.2000/28 (Parts I and II)), New York, 2000, [https://undocs.org/NPT/CONF.2000/28\(PartsIandII\)](https://undocs.org/NPT/CONF.2000/28(PartsIandII)); *1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, Final Document*, Part I (NPT/CONF.1995/32 (Part I)), New York, 1995, p. 13-14, [https://undocs.org/NPT/CONF.1995/32\(PARTI\)](https://undocs.org/NPT/CONF.1995/32(PARTI)).

<sup>6</sup> US Department of Defense, *Nuclear Posture Review*, February 2018, p. xvii, <https://dod.defense.gov/News/SpecialReports/2018NuclearPostureReview.aspx>.

<sup>7</sup> UN General Assembly, *Decision on Convening a Conference on the Establishment of a Middle East Zone Free of Nuclear Weapons and all other Weapons of Mass Destruction* (A/DEC/73/546), 22 December 2018, in *Resolutions and Decisions adopted by the General Assembly during its 73rd session*, Vol. II (A/73/49(Vol.II)), New York, 2019, p. 23, [https://undocs.org/en/A/73/49\(Vol.II\)](https://undocs.org/en/A/73/49(Vol.II)).

<sup>8</sup> UN General Assembly, *Conference on the Establishment of a Middle East Zone Free of Nuclear Weapons and Other Weapons of Mass Destruction, First Session, New York, 18-22 November 2019, List of Participants* (A/CONF.236/INF/3), 22 November 2019, <https://undocs.org/en/A/CONF.236/INF/3>.

NATO member states also apply case-specific conditions to disarmament. At the time of drafting the 2010 Strategic Concept and the 2012 Deterrence and Defence Posture Review, NATO member states demonstrated an openness to step-by-step and reciprocal reductions in strategic nuclear weapons and non-strategic nuclear-force postures in Europe.<sup>9</sup> The Alliance conditioned a conversation upon Russia relocating its nuclear weapons away from the territory of NATO members.<sup>10</sup> For its part, Moscow made talks conditional on including ballistic-missile defence and a set of additional issues. Neither of these requirements proved acceptable to the other side, and in 2013 Russia suspended all dialogue with NATO on missile defence and nuclear weapons (including nuclear security), so the conversation died.

More broadly, Allies have stated that conditions since 2014 have not been conducive to the further pursuit of disarmament goals.<sup>11</sup> The Russian annexation of Crimea prompted Allies to cease all practical cooperation with Moscow. Further, NATO allies view Russian destabilisation of south-eastern Ukraine, large-scale snap exercises, military activities and build-up of conventional forces in Russia's Western and Southern Military Districts, aggressive rhetoric and repeated violations of NATO airspace with concern, as those moves are seen as obstacles to meaningful talks, including on disarmament.

NATO member states also oppose the Treaty on the Prohibition of Nuclear Weapons (TPNW),<sup>12</sup> which puts the NPT's disarmament commitment into practice.<sup>13</sup> A majority of Allies participated in a series of conferences examining the humanitarian consequences of nuclear-weapons use,<sup>14</sup> and Norway even convened one.<sup>15</sup> They disengaged, however, when the process led to a movement to ban nuclear weapons. Mandated by its national parliament, the Dutch government

<sup>9</sup> NATO, *Deterrence and Defence Posture Review*, 20 May 2012, para. 28, [https://www.nato.int/cps/en/natohq/official\\_texts\\_87597.htm](https://www.nato.int/cps/en/natohq/official_texts_87597.htm).

<sup>10</sup> *Ibid.*, paras 24 and 25.

<sup>11</sup> NATO, *Wales Summit Declaration*, 5 September 2014, para. 22, [https://www.nato.int/cps/en/natohq/official\\_texts\\_112964.htm](https://www.nato.int/cps/en/natohq/official_texts_112964.htm); *Warsaw Summit Communiqué*, cit., para. 65, [https://www.nato.int/cps/en/natohq/official\\_texts\\_133169.htm](https://www.nato.int/cps/en/natohq/official_texts_133169.htm); *North Atlantic Council Statement on the Treaty on the Prohibition of Nuclear Weapons*, 20 September 2017, [https://www.nato.int/cps/en/natohq/news\\_146954.htm](https://www.nato.int/cps/en/natohq/news_146954.htm); *Brussels Summit Declaration*, 11 July 2018, para. 42, [https://www.nato.int/cps/en/natohq/official\\_texts\\_156624.htm](https://www.nato.int/cps/en/natohq/official_texts_156624.htm).

<sup>12</sup> NATO, *North Atlantic Council Statement on the Treaty on the Prohibition of Nuclear Weapons*, cit.

<sup>13</sup> Tytti Erästö, "The NPT and the TPNW: Compatible or Conflicting Nuclear Weapons Treaties?", in *SIPRI Commentaries*, 6 March 2019, <https://www.sipri.org/node/4767>.

<sup>14</sup> List of participants at the first conference on The Humanitarian Impact of Nuclear Weapons, Oslo, 4-5 March 2013, [https://www.regjeringen.no/globalassets/upload/ud/vedlegg/hum/hum\\_participants.pdf](https://www.regjeringen.no/globalassets/upload/ud/vedlegg/hum/hum_participants.pdf); List of participants at the second conference, Nayarit, 13-14 February 2014, <https://www.reachingcriticalwill.org/images/documents/Disarmament-fora/nayarit-2014/Participants.pdf>; List of participants at the third conference, Vienna, 8-9 September 2014, [https://www.bmeia.gv.at/fileadmin/user\\_upload/Zentrale/Aussenpolitik/Abruestung/HINW14/HINW14\\_participants.pdf](https://www.bmeia.gv.at/fileadmin/user_upload/Zentrale/Aussenpolitik/Abruestung/HINW14/HINW14_participants.pdf).

<sup>15</sup> Norwegian Ministry of Foreign Affairs, *Conference: Humanitarian Impact of Nuclear Weapons*, 11 March 2013, [https://www.regjeringen.no/en/topics/foreign-affairs/humanitarian-efforts/humimpact\\_2013/id708603](https://www.regjeringen.no/en/topics/foreign-affairs/humanitarian-efforts/humimpact_2013/id708603).

was the only NATO-state delegation to attend the TPNW negotiations.

The North Atlantic Council criticises the TPNW on several grounds.<sup>16</sup> Arguments include a lack of support for the treaty by states possessing nuclear weapons, the lack of a mechanism to verify weapons reduction and elimination,<sup>17</sup> the risk of creating divisions among NPT member states that could weaken non-proliferation efforts, and the risk of undermining the NPT and established International Atomic Energy Agency (IAEA) verification mechanisms. All NATO member states, including the Netherlands, have declared that they consider the TPNW incompatible with their NATO obligations.<sup>18</sup>

## 2. Non-proliferation perspectives

In general, NATO has different approaches to different non-proliferation types.

### 2.1 Horizontal non-proliferation

Allies place most attention on horizontal nuclear non-proliferation – that is, the goal of preventing the spread of nuclear weapons and their means of delivery to states and non-state actors that are not recognised as nuclear-weapons states by the NPT.<sup>19</sup> NATO's concerns relate mostly to developments in Iran and North Korea. Allies also see the spread of dual-capable missiles – especially those of China, Iran and North Korea – as a potential threat to NATO's populations, territory and forces.<sup>20</sup> After the demise of the Intermediate-Range Nuclear Forces (INF) Treaty, NATO and its officials have also specifically mentioned the proliferation of nuclear-capable ballistic and cruise missiles with ranges between 500 to 5,500 kilometres as a security challenge.<sup>21</sup>

<sup>16</sup> NATO, *North Atlantic Council Statement as the Treaty on the Prohibition of Nuclear Weapons Enters Into Force*, 15 December 2020, [https://www.nato.int/cps/en/natohq/news\\_180087.htm](https://www.nato.int/cps/en/natohq/news_180087.htm); NATO, *North Atlantic Council Statement on the Treaty on the Prohibition of Nuclear Weapons*, cit.

<sup>17</sup> NATO, *Speech by NATO Secretary General Stoltenberg at the High-level NATO Conference on Arms Control and Disarmament*, 23 October 2019, [https://www.nato.int/cps/en/natohq/opinions\\_169930.htm](https://www.nato.int/cps/en/natohq/opinions_169930.htm).

<sup>18</sup> Netherlands, *Explanation of Vote of the Netherlands on Text of Nuclear Ban Treaty*, 7 July 2017, <https://s3.amazonaws.com/unoda-web/wp-content/uploads/2017/07/Netherlands-EoV-Nuclear-Ban-Treaty.pdf>.

<sup>19</sup> The recognised states are the US, Russia, China, France and the UK.

<sup>20</sup> NATO, *Deterrence and Defence Posture Review*, cit., para.18; NATO, *Active Engagement, Modern Defence. Strategic Concept for the Defence and Security of the Members of the North Atlantic Treaty Organisation*, Adopted by Heads of State and Government at the NATO Summit in Lisbon, 19-20 November 2010, para. 4, [https://www.nato.int/cps/en/natohq/official\\_texts\\_68580.htm](https://www.nato.int/cps/en/natohq/official_texts_68580.htm); NATO, *Wales Summit Declaration*, cit., para. 75; NATO, *Brussels Summit Declaration*, cit., para. 49.

<sup>21</sup> NATO, *Brussels Summit Declaration*, cit., para. 19; NATO, *Remarks by NATO Deputy Secretary General Rose Gottemoeller at the Seventh EU Non-Proliferation and Disarmament Conference*, 18 December 2018, [https://www.nato.int/cps/en/natohq/opinions\\_161702.htm](https://www.nato.int/cps/en/natohq/opinions_161702.htm).

Consultation, information and intelligence sharing, as well as strategic messaging, are core instruments that NATO uses to address horizontal nuclear proliferation. These run in several committees. The Committee on Proliferation (CP) is the Alliance's principal platform for dialogue on nuclear arms control, non-proliferation and disarmament, dating back to 1957. Today, it mainly deals with issues such as missile threats, WMD non-proliferation, the NPT review process, emerging and disruptive technologies, risk reduction and export control. The Special Advisory and Consultative Arms Control, Disarmament and Non-Proliferation Committee (ADNC) is a high-level strategic security platform. Until 2013, Russian and American tactical nuclear weapons in Europe were its main agenda point. The Nuclear Planning Group and its advisory High-Level Group (NPG/HLG) deal with nuclear policies, planning and consultation procedures.

NATO also maintains a web of consultations with individual states and international organisations. Until Russia suspended its work in October 2013, the NATO–Russia Council (NRC) used to have a working group for Arms Control, Disarmament and Non-Proliferation.<sup>22</sup> Additionally, the Alliance runs individual partnership cooperation programmes with non-proliferation on the agenda – including with South Korea,<sup>23</sup> Japan,<sup>24</sup> the Istanbul Cooperation Initiative states,<sup>25</sup> the Mediterranean Dialogue countries<sup>26</sup> and Belarus.<sup>27</sup> Institutional partners include the European Union,<sup>28</sup> the United Nations and the Organisation for Security and Co-operation in Europe (OSCE). These partnerships mainly move down to dialogue, conducting seminars and staff-to-staff talks.

Strategic messaging goes through the routes of long-term strategic documents, summit declarations,<sup>29</sup> North Atlantic Council statements and NATO International Staff employees speaking up and publishing.<sup>30</sup>

<sup>22</sup> NATO, *NATO Summit Guide*, Brussels, 11-12 July 2018, p. 69, 80, 83, [https://www.nato.int/cps/en/natohq/topics\\_157476.htm](https://www.nato.int/cps/en/natohq/topics_157476.htm).

<sup>23</sup> NATO, *NATO and the Republic of Korea Sign New Partnership Programme*, 21 November 2019, [https://www.nato.int/cps/en/natohq/news\\_171177.htm](https://www.nato.int/cps/en/natohq/news_171177.htm).

<sup>24</sup> NATO, *NATO and Japan Conduct Exercise in the Baltic Sea*, 22 August 2018, [https://www.nato.int/cps/en/natohq/news\\_157770.htm](https://www.nato.int/cps/en/natohq/news_157770.htm).

<sup>25</sup> NATO, *Remarks by the Secretary General Jens Stoltenberg and President of the National Security Bureau of the State of Kuwait Sheikh Thamer Ali Sabah Al-Salem Al-Sabah during the ICI Anniversary Ceremony at the NATO-ICI Regional Centre*, 16 December 2019, [https://www.nato.int/cps/en/natohq/opinions\\_171928.htm](https://www.nato.int/cps/en/natohq/opinions_171928.htm).

<sup>26</sup> NATO, *NATO Summit Guide*, cit.

<sup>27</sup> NATO, *Joint Press Point by NATO Secretary General Jens Stoltenberg and President of the Republic of Lithuania Gitanas Nauseda*, 4 September 2019, [https://www.nato.int/cps/en/natohq/opinions\\_168504.htm](https://www.nato.int/cps/en/natohq/opinions_168504.htm).

<sup>28</sup> NATO, *NATO Summit Guide*, cit.

<sup>29</sup> NATO, *Wales Summit Declaration*, cit., para. 78.

<sup>30</sup> William Alberque, "The NPT and the Origins of NATO's Nuclear Sharing Arrangements", in *Proliferation Papers*, No. 57 (February 2017), <https://www.ifri.org/en/node/12652>.

## 2.2 The horizontal non-proliferation aspect of NATO nuclear sharing

The non-proliferation value of nuclear extended deterrence is another angle worth mentioning. US officials and their advisors believe,<sup>31</sup> and documents codify,<sup>32</sup> that providing a credible nuclear deterrent to Allies disincentives them from acquiring their own nuclear weapons.<sup>33</sup>

All Allies are party to the NPT and would most likely incur high political, social and military consequences from an attempt to go nuclear. Yet would the political and legal non-proliferation commitment stand without a nuclear guarantee? US President Donald Trump's remarks about conditioning US security guarantees to Europe<sup>34</sup> prompted a discussion about the future US role in European security<sup>35</sup> and about the nature of NATO's defence and deterrence policy.

German politicians, intellectuals and journalists explored a range of responses, including the acquisition of nuclear weapons, in the case of Washington withdrawing its security commitments from Europe.<sup>36</sup> The revived long-time domestic dispute about Germany's future role in NATO nuclear sharing<sup>37</sup> triggered

<sup>31</sup> Testimony of Walter B. Slocombe, in US Senate, *Future of Nuclear Deterrence*, Hearing before the Subcommittee on International Security, Proliferation, and Federal Services of the Committee on Governmental Affairs, One Hundred Fifth Congress, First Session, 12 February 1997, <https://www.hsdl.org/?abstract&did=2950>; Robert Gates, "Gates: Nuclear Weapons and Deterrence in the 21st Century", in *Carnegie Events*, 28 October 2008, <https://carnegieendowment.org/events/1202>; William J. Perry (chair), *America's Strategic Posture. The Final Report of the Congressional Commission on the Strategic Posture of the United States*, Washington, United States Institute of Peace, 2009, p. 125; Clark A. Murdock (ed.) *Exploring the Nuclear Posture Implications of Extended Deterrence and Assurance. Workshop Proceedings and Key Takeaways*, Washington, Center for Strategic and International Studies, November 2009, p. 11, <https://www.csis.org/node/27467>; Guy B. Roberts, "Role of Nuclear Weapons in NATO's Deterrence and Defence Posture Review: Prospects for Change", in Tom Nichols, Douglas Stuart and Jeffrey D. McCausland (eds), *Tactical Nuclear Weapons and NATO*, Carlisle, Strategic Studies Institute, April 2012, p. 396, <https://www.jstor.org/stable/resrep12088.21>; William J. Perry, Brent Scowcroft and Charles D. Ferguson, "U.S. Nuclear Weapons Policy", in *Independent Task Force Reports*, No. 62 (April 2009), p. 91, <https://www.cfr.org/report/us-nuclear-weapons-policy>; US House of Representatives, *Nuclear Weapons Modernization Programs: Military, Technical, and Political Requirements for the B61 Life Extension Program and Future Stockpile Strategy*, Hearing before the Subcommittees on Strategic Forces of the Committee on Armed Services, 29 October 2013, <https://docs.house.gov/Committee/Calendar/ByEvent.aspx?EventID=101355>.

<sup>32</sup> US Department of Defense, *Nuclear Posture Review*, cit., p. viii; and *Nuclear Posture Review Report*, April 2010, p. 4, <https://dod.defense.gov/News/Special-Reports/NPR>.

<sup>33</sup> Testimony of Walter B. Slocombe, in US Senate, *Future of Nuclear Deterrence*, cit.; Robert Gates, "Gates: Nuclear Weapons and Deterrence in the 21st Century", cit.

<sup>34</sup> David E. Sanger and Maggie Haberman, "Donald Trump Sets Conditions for Defending NATO Allies Against Attack", in *The New York Times*, 20 July 2016, <https://nyti.ms/2ai4u3g>.

<sup>35</sup> "Wir Europäer müssen unser Schicksal in unsere eigene Hand nehmen", in *Süddeutsche Zeitung*, 28 May 2017, <https://sz.de/1.3524718>.

<sup>36</sup> Ulrich Kühn, Tristan Volpe and Bert Thompson, "Tracking the German Nuclear Debate", in *Carnegie Articles*, 15 August 2018 (last updated 5 March 2020), <https://carnegieendowment.org/publications/72884>.

<sup>37</sup> Maximilian Hoell, "A Plea for Realism in Germany's Nuclear Sharing Debate", in *ELN Commentaries*, 29 May 2020, <https://www.europeanleadershipnetwork.org/?p=12108>.

another stir when US Ambassador to Poland Georgette Mosbacher tweeted that Poland could perhaps host American nuclear weapons currently deployed in Germany.<sup>38</sup> Following previous French presidents, Emmanuel Macron invited Europeans to debate the strategic role played by France's nuclear deterrence in European collective security and to associate themselves with French nuclear-deterrent exercises.<sup>39</sup>

The debates about "a German bomb" or "a European nuclear deterrent", and the offer of an "increased French role in European security" reflect a broader European attempt to find an equilibrium between increased self-sufficiency and dependency. Europe tries to define its place and role in an ever-changing world.

### 2.3 Vertical non-proliferation

A "dynamic technological nuclear arms race" takes place in the proliferating world and nuclear-armed states.<sup>40</sup> But while NATO openly addresses nuclear proliferation by external actors, it displays a cognitive bias regarding its members' activities in this field. Allies treat their own actions – such as replacing nuclear-weapon delivery platforms, modifying old nuclear weapons, prolonging the life of existing nuclear-weapon stockpiles and renewing the nuclear-weapons complex – as legitimate efforts to ensure "that all components of NATO's nuclear deterrent remain safe, secure, and effective for as long as NATO remains a nuclear alliance".<sup>41</sup>

## 3. Institutional factors

Several institutional factors determine NATO's role in nuclear non-proliferation and disarmament.

One relates to the nature of the organisation. NATO member states define the organisation primarily as a defence alliance.<sup>42</sup> Policy-wise, they do not value disarmament and non-proliferation as goals in themselves. Instead, Allies see them as a means of achieving the Alliance's security objectives.<sup>43</sup> As such, they limit

<sup>38</sup> Katarzyna Kubiak, "Playing Warsaw against Berlin on Nuclear Weapons", in *ELN Commentaries*, 1 June 2020, <https://www.europeanleadershipnetwork.org/?p=12134>.

<sup>39</sup> French Presidency, *Speech of the President of the Republic on the Defense and Deterrence Strategy*, 7 February 2020, <https://www.elysee.fr/en/emmanuel-macron/2020/02/07/speech-of-the-president-of-the-republic-on-the-defense-and-deterrence-strategy>; Munich Security Conference, *Chairman's Interview with Emmanuel Macron*, 15 February 2020, <https://securityconference.org/en/medialibrary/asset/chairmans-interview-20200215-1115>.

<sup>40</sup> Hans M. Kristensen, "Nuclear Weapons Modernization: A Threat to the NPT?", in *Arms Control Today*, Vol. 44, No. 4 (May 2014), p. 8-15, <https://www.armscontrol.org/node/6248>.

<sup>41</sup> NATO, *Deterrence and Defence Posture Review*, cit., para. 11.

<sup>42</sup> NATO, *Secretary General Appoints Group as Part of NATO Reflection Process*, 31 March 2020, [https://www.nato.int/cps/en/natohq/news\\_174756.htm](https://www.nato.int/cps/en/natohq/news_174756.htm).

<sup>43</sup> NATO, *Deterrence and Defence Posture Review*, cit., para. 22.



NATO's engagement on these topics to aspects that can directly affect its threat environment, and that subsequently translate into its deterrence and defence posture.<sup>44</sup>

Another feature is NATO's agency as an actor in international relations. It is not a party or signatory to any treaty, agreement, or instrument governing arms control, non-proliferation or disarmament. Nor does the Alliance *per se* possess nuclear weapons, as they are owned by the United States, the United Kingdom and France. It is the individual member states that are able to bind themselves legally to specific international arrangements. Hence, NATO is neither capable of nor obliged to, nor held to account for, any particular actions (or inactions) towards non-proliferation or disarmament.

A further aspect relates to NATO's *modus operandi*. The Alliance provides a platform for its thirty members to consult and coordinate their national policies, and "sometimes [...] to also reach agreement".<sup>45</sup> But it operates on a consensus basis. So, when individual states' policies diverge, they allow for only those actions agreed upon by all Allies to become NATO policy. While this ensures wide adherence to agreed decisions, it can also limit the scope of activities that the Alliance undertakes, meaning that those who wish to lead must persuade in order to succeed.

In principle, NATO membership allows member states to take positions of their own according to domestic timelines, security interests and priorities, as well as legal positions. Individual NATO member states have always developed independent national policies on nuclear weapons, and even placed restrictions on participation in nuclear-weapons-related activities. For example, Denmark, Norway and Spain do not allow the deployment of nuclear weapons on their territories in peacetime, while Iceland and Lithuania do not permit this at any time.<sup>46</sup> It is also accepted that individual NATO member-state governments do not take part in the implementation of particular disarmament or non-proliferation measures.

Power asymmetries between Allies can affect political decisions on engagement or its scope. Allies with more or key resources can influence the decisions of Allies who do not possess such resources but are dependent on them. For most of the time, NATO member states have never demanded from each other that they should adhere to or refrain from any particular legal instrument. A notable recent exception to this rule was when NATO nuclear-weapon states urged fellow Allies

<sup>44</sup> Ibid.

<sup>45</sup> NATO, *Speech by NATO Secretary General Stoltenberg at the High-level NATO Conference on Arms Control and Disarmament*, cit.

<sup>46</sup> Stein-Ivar Lothe Eide, "A Ban on Nuclear Weapons? What's in It for NATO?", in *ILPI Policy Papers*, No. 5/2014 (February 2014), <http://web.archive.org/web/20190517155612/http://nwp.ilpi.org/?p=2296>.

as well as other countries not to support the Austrian Pledge that led to the TPNW.<sup>47</sup>

Additionally, the organisation alone has few and limited institutional resources to support non-proliferation or disarmament. NATO *per se* does not possess the capabilities needed to assess or address proliferation dynamics or implement disarmament efforts. Its committees and advisory bodies are merely equipped to exchange information and consult, as described above.

Yet NATO provides a platform to discuss policy ideas that individual member states would like to bring into non-proliferation or disarmament fora, or to consult on arms-control agreements. Before pitching ideas in broader settings like the UN First Committee, the NPT, the Conference on Disarmament, or the Hague Code of Conduct, Allies can first “road-test” them. As such, NATO can facilitate coalition-building around specific proposals. Ultimately, if Allies cannot persuade each other of the wisdom of certain actions, then they are even less likely to convince those countries with which they do not share international security commitments.

### 4. The way forward

A lack of agency and appropriate instruments diminishes NATO's institutional ability to address many challenges substantively. Giving non-proliferation and disarmament a sufficiently high profile in the Alliance's approach to security and strengthening appropriate organisational arrangements would constitute substantive steps in anchoring them in NATO's DNA.<sup>48</sup> The upcoming personnel change at the top of the organisation's International Staff non-proliferation and disarmament portfolio constitutes an additional opportunity for new initiatives.

Institutional specifics, however, do not render NATO obsolete in shaping the global post-INF non-proliferation and disarmament framework. Its strength lies in policy consultation and coordination among Allies, and possibly in agenda-setting, norm-shaping and awareness-raising within the international community.

NATO recently held a reflection process on strengthening its political role in addressing threats and challenges that the Alliance is or could be facing. A group of eminent experts concluded with a set of ideas that include arms-control-specific recommendations.<sup>49</sup> NATO's Weapons of Mass Destruction Arms Control,

<sup>47</sup> French Ministry of Foreign Affairs, *Position des autorités françaises sur le projet de traité d'interdiction des armes nucléaires*, 25 October 2016, <http://icanfrance.org/wp-content/uploads/2016/11/NoteMEPMAE.pdf>; Tormod Strand, “USA ga klar atomvåpen-beskjed til Norge”, in *NRK*, 17 March 2015, <https://www.nrk.no/norge/1.12265873>; cf. “Japan Not to Support Austrian Document Seeking Nuclear Weapons Ban”, in *Kyodo News*, 13 March 2015.

<sup>48</sup> Simon Lunn and Nicholas Williams, “NATO's DNA: The Alliance's Contribution to Arms Control, Disarmament, and Non-Proliferation”, in *ELN Reports*, October 2020, <https://www.europeanleadershipnetwork.org/?p=13750>.

<sup>49</sup> Thomas de Maizièere and A. Wess Mitchell (chairs), *NATO 2030: United for a New Era. Analysis and*

Disarmament, and Non-Proliferation Centre or individual members need to ensure that their members engage in discussing these recommendations – and, wherever consensus arises, take action.

To take responsibility for commitments agreed-upon under the NPT and maintain credibility in pursuing them, NATO members could use the additional time and space offered by the postponement of the NPT 2020 Review Conference due to the COVID-19 pandemic and take advantage from the election of Joe Biden as US President to bring nuclear non-proliferation and disarmament forward. A strong NPT effectively reduces major threats to NATO's security. Rebuilding trust within the NPT community, reinforcing the legal regime underpinning the treaty and ensuring continued broad support for the NPT are thus in NATO's core interest.

The US-led Creating an Environment for Nuclear Disarmament (CEND)<sup>50</sup> and the Swedish-led Stepping Stones for Advancing Nuclear Disarmament<sup>51</sup> initiatives, which gather together nine and five NATO member states respectively, offer space to develop or put pressure to develop specific proposals on, *inter alia*, confidence-building and risk-reduction measures. Especially within the CEND, NATO nuclear have-nots are in a position to remind Washington that reducing the role of nuclear weapons in national policies and force postures, as well as strategic risk reduction, underpins the environment for nuclear disarmament. Besides, having allied access to three out of five nuclear-weapon states recognised by the NPT, NATO's non-nuclear-weapon states are in a special position of responsibility. They can translate the nuclear-weapons-related worries of the nuclear have-nots and encourage progress on strategic risk reduction – for example, within the P5 process that brings together the five nuclear-weapon states recognised under the NPT to discuss their responsibilities under the treaty.

NATO also needs to look for new gateways. The interplay between new technologies and nuclear weapons is not only a novel but also an urgent angle to take. On the conceptual level, focus on nuclear systems has hitherto been confined to separate "silos" on the impact of one technology or another. There is little thinking about the unprecedented complexity increasingly presented by new and emerging technologies, operating in aggregate, on the interface with nuclear decision-making in an increasingly multipolar world. On the policy level, the nexus between high-impact technologies and nuclear weapons remains widely unexplored. So

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*Recommendations of the Reflection Group Appointed by the NATO Secretary General*, 25 November 2020, [https://www.nato.int/cps/en/natohq/news\\_179730.htm](https://www.nato.int/cps/en/natohq/news_179730.htm).

<sup>50</sup> Mitsuru Kurosawa, "The US Initiative on Creating an Environment for Nuclear Disarmament", in *Journal for Peace and Nuclear Disarmament*, Vol. 3, No. 2, p. 283-298, <https://doi.org/10.1080/25751654.2020.1834802>.

<sup>51</sup> Sweden, *Unlocking Disarmament Diplomacy through a "Stepping Stone" Approach*, Working paper submitted to the Preparatory Committee for the 2020 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT/CONF.2020/PC.III/WP.33), 25 April 2019, <https://undocs.org/NPT/CONF.2020/PC.III/WP.33>; Swedish Ministry for Foreign Affairs, *The Stockholm Ministerial Meeting on Nuclear Disarmament and the Non-Proliferation Treaty, Ministerial Declaration*, Stockholm, 11 June 2019, <https://www.government.se/t/245893/en>.

far, NATO's delivery of the Emerging and Disruptive Technology Implementation Roadmap does not include a nuclear component. The Alliance needs to internally address opportunities and risks arising at the intersection of nuclear weapons and new technologies, consult on an approach to increase international governmental awareness about these issues and set the agenda to tackle them. By shaping rules and norms in these new territories, NATO would actively strengthen strategic stability. This approach would also facilitate the involvement of China, which has been at the forefront in developing some of these technologies.

As NATO currently experiences an increased demand for effective deterrence, it could initiate an internal discussion about the credibility of its nuclear-deterrence posture, taking the possibility into account that member states decide to depart from nuclear sharing arrangements. Although this scenario is unlikely to materialise in the near future, individual European member states' parliaments<sup>52</sup> and governments<sup>53</sup> have already explored opting out of NATO nuclear sharing. To what extent does unity among members condition the credibility and effectiveness of NATO's nuclear deterrence? What threats and opportunities would a departure of individual non-nuclear members from allied nuclear arrangements create, both to the collective and to the particular? Reverse playing a hypothetical situation in which non-nuclear member states opt out of NATO's nuclear sharing and/or nuclear deterrence would either strengthen allied commitment to these ends or display new pathways to explore.

NATO member states could also substantively engage with the humanitarian arguments underpinning the TPNW. Making the humanitarian consequences of the use of nuclear weapons a shared concern would ease the pressure from domestic forces seeking a unilateral departure from NATO nuclear sharing, help NATO "regain some credibility on nuclear disarmament lost in the eyes of the vast majority of non-nuclear weapon states"<sup>54</sup> and aid nuclear-armed states in creating an environment for nuclear disarmament. With the TPNW set to enter into force in January 2021 and supported by 122 states, dismissing it as a peacenik invention is no longer credible. The humanitarian perspective will become part of the new global nuclear order – the very same order that NATO needs to shape.

*Updated 26 January 2021*

<sup>52</sup> International Campaign to Abolish Nuclear Weapons (ICAN), *Italian Parliament Instructs Italy to Explore Possibility of Joining the Nuclear Ban Treaty*, 20 December 2017, [https://www.icanw.org/italian\\_parliament\\_instructs\\_italy\\_to\\_explore\\_possibility\\_of\\_joining\\_the\\_nuclear\\_ban\\_treaty\\_tpnw](https://www.icanw.org/italian_parliament_instructs_italy_to_explore_possibility_of_joining_the_nuclear_ban_treaty_tpnw).

<sup>53</sup> Norwegian Ministry of Foreign Affairs, *Review of the Consequences for Norway of Ratifying the Treaty on the Prohibition of Nuclear Weapons*, 28 November 2018, <https://www.regjeringen.no/en/dokumenter/id2614520>.

<sup>54</sup> Alexander Kmentt, "Bridge Building to Strengthen the Non-Proliferation Treaty", in *ELN Commentaries*, 11 April 2019, <https://www.europeanleadershipnetwork.org/?p=8998>.

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