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NATO Nuclear Policy: the Whats and Wherefores

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Although nuclear weapons were drastically de-emphasised in NATO-Russia relations after the demise of the Cold War, Russia's nuclear posture once again alarms Western analysts. As a recent article put it, 'Concern is growing in NATO over Russia's nuclear strategy and indications that Russian military planners may be lowering the threshold for using nuclear weapons in any conflict' (Croft 2015).

However, contrary to some interpretations, Russia's nuclear posture was not suddenly adjusted in 2014 following renewed geopolitical tensions over Ukraine. Rather, signs of a more assertive Russian nuclear posture had already emerged by 2007, when Russian Colonel General Anatoly Nogovitsyn announced 'that Poland and the Czech Republic have made themselves potential targets for nuclear

attack by supporting US missile defence plans' (Yost 2010: 499; see also Facon 2009: 86-87). Recent news of Russia's new Status-6 nuclear-weapon system, dubbed 'Putin's Doomsday Machine' (Lewis 2015a),[1] along with reports that the Kremlin, in its effort to enhance its strategic deterrent, has deployed submarines with nuclear-armed submarine-launched cruise missiles (SLCMs) off the Eastern Coast of the United States (Lewis 2015b), seem to confirm that Moscow continues to re-emphasise nuclear weapons in its security policy. Since this turn of events is likely to cause a re-assessment of NATO's own nuclear posture, it also presents a timely occasion for the academy to review the Alliance's nuclear policy.

NATO nuclear policy during the Cold War

At the heart of NATO's nuclear policy lies the US nuclear umbrella. As one observer notes,

> Obtaining such an umbrella was one of the chief motives of the European proponents of the North Atlantic Treaty. A few days before the allies concluded this treaty on 4 April 1949, Winston Churchill said: "It is certain that Europe would have been Communized, like Czechoslovakia, and London under bombardment some time ago but for the deterrent of the atomic bomb in the hands of the United States" (Yost 2011: 1402).

Eight months later, the United States committed to defending her Allies with nuclear weapons in the Strategic Concept for the Defense of the North Atlantic Area (Yost 2011: 1402).

In response to European fears of abandonment and to US concerns over its

[1] The Satus-6 nuclear-weapon system signals a return 'to the most absurd moments of the Cold War, when nuclear strategists followed the logic of deterrence over the cliff and into the abyss' (Lewis 2015a). Indeed, the new Russian system is 'nothing less than an underwater drone designed to carry a thermonuclear weapon into foreign ports. If detonated, Status-6 would be capable of dousing cities like New York in massive amounts of radioactive fallout' (Lewis 2015a).

deterrent's credibility, the United States introduced nuclear risk- and responsibility-sharing: the United States deployed some of its nuclear weapons on European soil, whilst the Europeans supplied delivery-systems and qualified crews—though the European host nations would only be given control over the actual warheads in case of war (Yost 2011: 1403-1404).

By affording the European Allies some role in the deployment of American nuclear weapons, or so the United States reasoned, the Europeans (with the exception of Britain and France) might be dissuaded from seeking their own nuclear deterrent (Yost 2011: 1404). The European desire for greater influence over NATO's nuclear policy further resulted in the establishment of the Nuclear Planning Group (NPG) within NATO in 1966-1967. 'As a classified US messaged noted in 1974,

> The United States fostered the establishment of the NPG to satisfy the desire of most of our Allies—and particularly the FRG [Federal Republic of Germany]—to have a voice in the formulation of alliance nuclear policy; to reassure Allies of US nuclear commitment; to foster a better understanding among Allies of uses and limitations of nuclear weapons; to blunt proliferation pressures; and to mitigate concern over ultimate US control over use nuclear weapons' (Yost 2011: 1404).

Indeed, due to the nuclear risk- and responsibility-sharing arrangement and the NPG, West Germany agreed to sign onto the Treaty on the Non-Proliferation of Nuclear Weapons as a non-nuclear-weapon state (Yost 2011: 1405). US pundits in turn welcomed the nuclear risk- and responsibility-sharing arrangements because they were thought to decrease the vulnerability of the US deterrent vis-à-vis the Soviet Union (Yost 2011: 1405-1406).

NATO nuclear policy after the Cold War

Following the fall of the Berlin Wall, the dissolution of the Warsaw Pact and ultimately the demise of the Soviet Union, the United States removed all of its nuclear weapons from South Korea and most of its nuclear weapons from Europe to account for the less hostile security environment and 'to

contain a perceived "loose nukes" danger in the collapsing Soviet realm' (Yost 2011: 1407).[2] NATO's nuclear policy shifted away from a focus on short-range nuclear weapons towards a preference for longer-range and air-delivered capabilities, which would provide more flexibility (Yost 2011: 1406-1407).

The NPG announced in October 1991 that all ground-launched systems were to be scrapped and that, as part of an effort to de-emphasise nuclear weapons, even air-deliverable systems were to be reduced (Yost 2011: 1408). Whereas in the 1970s, the United States deployed more than 7,000 non-strategic nuclear weapons in Europe, the number had decreased to around 200 in 2011 (Pifer 2011: 1). Although the Russians promised to reciprocate, the Russian military has since reaffirmed the importance of ground-launched systems for non-strategic weapons for Russia's nuclear posture (Yost 2011: 1409).

Following President Obama's 2009 Prague speech, in which he promised 'to seek the peace and security of a world without nuclear weapons' (Obama 2009), the future of US nuclear weapons in Europe was questioned. For instance, in October 2009, the newly elected German government enshrined in its coalition agreement between Conservatives (CDU/CSU) and Liberal Democrats (FDP) their desire to remove US nuclear weapons from German territory—though this position was quietly abandoned in April 2011, when Germany's NATO ambassador stated that further cuts in the number of US nuclear weapons in Europe necessitated the Russians to reciprocate (Yost 2011: 1416).

[2] The 'loose nukes' danger refers to the possibility of Soviet nuclear weapons—and most especially those nuclear weapons deployed outside Russia—falling into the wrong hands.

The 2010 Strategic Concept reflected President Obama's leadership in paving the way for global zero in that it asks NATO member states to reduce the number of nuclear weapons in Europe and to de-emphasise nuclear weapons strategically (Pifer 2011: 1). The 2010 Strategic Concept further clarified that whilst NATO is committed to achieving a world without nuclear weapons, 'as long as there are nuclear weapons in the world, NATO will remain a nuclear alliance' (Pifer 2011: 1).

In light of Russia's continuing re-appraisal of nuclear weapons—a posture that many Western analysts are bound to perceive as nuclear assertiveness and, therefore, as a threat to NATO's security—it is likely that a review of NATO's nuclear policy will follow suit. The challenge the Alliance faces today is to maintain a credible nuclear deterrent, whilst avoiding both a spiralling nuclear arms race and reciprocity in lowering the threshold for nuclear-weapon use. However dire the security circumstances may seem at the present time, engaging Russia on nuclear arms control—e.g. in an effort to limit or abolish, through an accord akin to START, nuclear-armed SLCMs—would offer a sustainable and cost-effective strategy to alleviate the pressures of a possible nuclear security dilemma in an era in which many Allies face austerity-stricken defence budgets.

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NATO and the UN: Commitment to Afghanistan, Libya, and Kosovo

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The purpose of this policy brief is to illustrate North Atlantic Treaty Organization's (NATO) strong commitment to democratic values and its absolute compliance with international law with the intent to examine UN Security Council Resolutions in relation to Afghanistan, Libya and Kosovo, which constituted the primary legal framework on the basis of which the Alliance carries out its operations.

A review of its operations with respect to the aforementioned states[3] will provide the reader clear knowledge of the Alliance's commitment to support the implementation of Security Council Resolutions. It is important that organizations like NATO and UN strictly apply highest standards of international and humanitarian law to promote a world in which rule of law, democracy, human rights and fundamental rights are maintained and guaranteed. NATO, founded on the principle of democracy, rule of law and individual liberty[4], upholds and respects the basics of international law in all its policies throughout the Euro- Atlantic area. Its close association and cooperation with the United Nations as a security exporter and defender of human rights, with the UN Charter as the primary legal framework within which the Alliance operates, made it the most capable military organization in the globe.

[3] Kosovo is partially recognized
[4] North Atlantic Treaty (Washington D.C. – 4 April, 1949); and Mark Webber, James Sperling and Martin A. Smith "NATO's Post Cold-War Trajectory: Decline or Regeneration" (Palgrave Macmillan 2012), p. 43

This article, more specifically, analyzes the relationship between international law and NATO's military operations and attempts to illustrate the democratic transition of powers resulting from these operations.

ISAF and Afghanistan

Article 5 of the North Atlantic Treaty was invoked the first time in the aftermath of September 11, 2001 terrorist attack against the United States and led to the Alliance's largest mission: the command of UN mandated International Security Assistance Force (ISAF)[5] in Afghanistan, which was designed to provide assistance, training and support to Afghan military essential to restore international peace and security. NATO had been actively involved in contributing personnel, equipment and other resources to anti-terrorist campaigns. It also deployed a military campaign involving the Alliance's special operational forces to tackle Taliban and al-Qaeda positions and to drive them from power. Although, the success of the military campaign met all the expectations and objectives, ISAF's ability to establish long lasting peace and a permanent Afghan government was more precarious due to the increasing number of terrorist cells scattered among the remote parts of Afghanistan.[6]

Following the letter of 6 October, 2003 from the Secretary General of North Atlantic Treaty Organization to the Secretary General of the United Nations, the UN Security Council Resolution 1510, taking into consideration that the situation in the country still represented a threat to international peace and security, gave the legal mandate to NATO to expand throughout the whole country. Over the next three years, General James Jones, then the NATO Supreme Allied

[5] See UN Security Council Resolution 1386 of 20 December 2001, UN Security Council Resolution 1510 of 13 October 2003, UN Security Council Resolution 1563 of 17 September 2004

[6] John Shimkus "The War Against Terrorism" (NATO Parliamentary Assembly, 2002 Annual Session)

Commander-Europe (SACEUR), oversaw the three stages of mission expansion covering the North, West, East and South parts of the country in order to support and assist the Afghan government in the establishment of authority and control of the country crucial to achieve long lasting peace and prosperity. From 2011, responsibility for security was gradually transferred to Afghan forces taking the lead of the security operations in the whole country. Furthermore when the transition period was completed, at the end of 2014, Afghan forces were already capable of assuming the security responsibility across the country leading to the successful completion of the mission in Afghanistan.

ISAF was one of the largest coalitions in history and NATO's most challenging mission heretofore. The successful completion of the mission in Afghanistan by NATO, having as its core objectives democracy promotion, rule of law, common peace and security, and human rights, illustrates its strong involvement in the achievement of those objectives assuming full implementation of Security Council Resolution. From the UN Charter and International Human Rights treaties down to the UN Security Council Resolutions, NATO's Counter-Terrorism Policy remains on safe ground by referencing to the UN legal framework.

What is of particular importance is that UN Security Council, by its Resolution 2189 of 12 December, 2014, recognized the importance and increasing role of NATO in the fight against terrorism for restoring international peace and security.[7] All in all, after several years of constant fighting against terrorism and growing support for political transition by NATO in Afghanistan, the security situation has been gradually improved. This should be seen as NATO's ability pursuant to UN Security Council Resolution of the effective exercise of its core functions and achievement of common goals safeguarding peace and security as well as establishing permanent legitimate government in Afghanistan.

[7] S/RES/2189 http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_res_2189.pdf

Libyan Intervention

Having considered this, it is also reasonable to look at NATO's legitimate involvement in Libya pursuant to international and humanitarian Law. Evidence in support of this position can be found in the UN Security Council Resolution 1973[8] of 17 March, 2011, condemning the mass violence and widespread attacks by Libyan authorities against civilians and authorizing military intervention of foreign forces in Libya to 'protect civilian population'.[9]

Moreover, this Security Council Resolution introduced specific measures, such as a flight ban over Libyan airspace (No-Fly Zone) and immediate ceasefire as well as effective cessation of violence against civilians on the part of Libyan authorities. When all these measures appeared to be ineffective, NATO militarily intervened in Libya to protect civilians and establish peace and security in the region. It is worth mentioning here that UN Security Council Resolution 1674[10], based on the protection of civilians in armed conflicts, attempts to reconcile the principle of national sovereignty as one of the founding principles of International law, with the positive international duty to humanitarian intervention, as unavoidable and inescapable moral imperative and collective responsibility of states.

The commitment *in extremis*[11] of NATO was perfectly legal and justified from the standpoint of International Humanitarian law[12] to deploy armed forces to prevent massacres, protect the victims

[8] S/RES/1973 http://www.nato.int/nato_static/assets/pdf/pdf_2011_03/20110927_110311-UNSCR-1973.pdf
[9] Bruno Pommier 'The Use of Force to Protect Civilians and Humanitarian Action: the Case of Libya and Beyond' (International Review of the Red Cross 2011 December), p. 1064
[10] S/RES/1674 http://www.unrol.org/files/S-Res-1674%20on%20protection%20civilians%20in%20armed%20conflict%20(28Apr06).pdf
[11] Daniel Thürer "International Humanitarian Law: Theory, Practice, Context" (Hague Academy of International law, 2011)

of violence and their fundamental rights. It can be seen from the above analysis that NATO's strategy will remain firmly anchored to the principles of adherence to international rule of law and respect of human rights guided by democratic values and principles, those enshrined in international law.

To conclude, Libyan intervention by NATO has been a success on the grounds that it brought the violence and mass killings by Libyan authorities to an end and allowed Libyan people, to some extent, to establish functioning institutions based on rule of law and democracy.

NATO's Mission in Kosovo

A similar situation occurred in Kosovo.[13] In 1999, Kosovo was facing a grave humanitarian crisis, with military from KRY (Federal Republic of Yugoslavia) and Kosovo Liberation Army in daily clashes. UN Security Council Resolution 1199, acknowledging the status of *ius cogens* (peremptory)[14] of the principle of self-determination of nations as a basic principle of international law as embodied in the Charter of the United Nations, affirmed the situation in Kosovo as a threat to international peace and security and urged the FRY to withdraw its military forces from Kosovo and at the same time to recognize the latter's status of autonomy. After all attempts by the international community to put an end to the violence committed in the region, military intervention seemed the unavoidable responsibility of the world community. For this task, NATO, in full compliance with Security Council Resolutions, and in accordance with humanitarian law, deployed its military operation (Operation Allied Force) striking targets in Serbia indispensable

[12] J. L. Holzgrefe "Humanitarian Intervention: Ethnical, Legal and Political Dilemmas" (Cambridge University Press 2003)
[13] David Schweigman "The Authority of Security Council Under Chapter 7 of the UN Charter: Legal Limits and the Role of International Court of Justice" (Kluwer Law International 2001), p. 103
[14] Karen Parker "Understanding the Self-Determination: The Basics" (United Nations Geneva, August 2000)

to restore peace and security and maintain stability in the region. After 77 days, with no casualties of its own, NATO had prevailed. A humanitarian disaster had been truncated and about one million refugees could return safely.[15]

Conclusion

To sum up, NATO, an alliance of free and democratic states, strongly committed to common security objectives and goals, has been perceived by civilized world as the guardian of the international law, namely the Charter of UN, with its military and non-military missions conducted exclusively within the legal framework of International and Humanitarian Law. The promotion of democracy and rule of law as well as protection of human rights and fundamental freedoms in Afghanistan, Libya and Kosovo is the proof of the Alliance's democratic values and its strict observance of International law and implementation of Security Council Resolutions.

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[15] Javier Solana (December, 1999), NATO's Success in Kosovo, Council on Foreign Relations. Retrieved from https://www.foreignaffairs.com/articles/europe/1999-11-01/natos-success-kosovo

Mind the Capabilities Gap: America's Growing Frustration with her European Allies

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Studies on the widening capabilities gap between the United States and her European NATO Allies abound. Writing nearly a decade ago, Lieutenant Colonel Stephen J. Coonen found that 'There is an undeniable gap in military capabilities between the United States and Europe, and it seems that it will only grow larger' (Coonen 2006: 80). As Coonen suggested, the capabilities gap has widened significantly as European Allies opted for defence budget cuts in response to the economic turmoil of 2008. Contrary to the hopes of many on Capitol Hill, this trend has not been reversed more recently, despite an improved economic climate and despite the re-emergence of Russia as a geopolitical challenge for NATO. Indeed, this year only five of the twenty-eight Allies meet the minimum target of spending 2% of GDP on defence.

Whereas in his 2006 article, Lieutenant Colonel Coonen attributed little significance to the widening military capabilities gap, the mood has changed among some US observers and policy-makers. In his last policy speech as US Secretary of Defense in 2011, Robert Gates warned America's European Allies of 'the growing difficulty for the U.S. to sustain current support for NATO if the American taxpayer continues to carry most of the burden in the Alliance.' NATO, Gates thundered, had become 'a two-tiered alliance' of those willing to provide hard power and those limiting their role to the '"soft" humanitarian, development, peacekeeping, and talking tasks', fuelling 'the very real possibility of collective military irrelevance' (Gates 2011).

In referring to the chronic underfunding of European defence, Gates's successor, Chuck Hagel, struck a similar chord at the 2014 Munich Security Conference, reminding his European Allies that 'Everybody has to participate, everybody has to contribute, everybody has to play a role' (Weisgerber 2014). Ashton Carter, the current US Secretary of Defense, echoed these sentiments, noting with reference to Europe that 'our view is they're not investing enough' (Mehta 2015).

European Allies seem, at least in the rhetoric, to have responded to these rebukes. At the 2014 NATO Summit in Wales, Prime Minister David Cameron called on NATO Europe to meet the minimum threshold of spending 2% of GDP on defence, and 20% of defence spending on procurement (Cameron 2014). But Britain's 2010 defence plans, to reduce regular troop numbers by 20% over the course of this decade, along with uncertainty over Britain's willingness and ability to spend at least 2% of GDP on defence in coming years, have been met with scepticism by the United States. If the armed forces cuts go ahead, Ashton Carter told the BBC in June this year, Britain 'would indicate disengagement' (BBC 2015).

Other European states have also expressed their desire to forego the risk of military irrelevance. The Dutch Minister of Defence, Jeannine A. Hennis-Plasschaert, called for more European defence collaboration, stating that 'if we are serious about preventing gaps in essential military capabilities, we should end the current practice of making military investments in "splendid national isolation"' (Hennis-Plasschaert 2013). Her German counterpart, Ursula von der Leyen, reiterated these calls for more 'smart defence', warning that 'If we Europeans want to remain a credible actor in security policy, we must plan and act together' (quoted in Munich Security Conference Foundation 2015: 14).

But smart defence—NATO's effort to mitigate the widening capabilities gap—has only partially succeeded. A recent study on the initiative found that 'Despite notable successes…smart defence has not really impeded the quantitative loss of military capabilities' and that 'smart defence has not resulted in European Allies assuming a more equitable burden within NATO for only a handful of countries currently meet the 2% of GDP target' (Hoell 2015). One explanation for why smart defence has not fulfilled its potential is that political obstacles—sovereignty concerns and the economic interests of national military-industrial complexes—have yet to be overcome (Hoell 2015).

Whilst the United States has welcomed greater European defence collaboration, Robert Gates reminded his Allies that 'pool[ing] military assets, such as "Smart Defense" initiatives are not a panacea. In the final analysis, there is no substitute for nations providing the resources necessary to have the military capability the Alliance needs when faced with a security challenge' (Gates 2011).

The widening capabilities gap and the asymmetrical burden sharing within NATO—the United States currently accounts for 75% of NATO's total defence spending—clearly matters. As a senior NATO official remarked to the author in a recent strategic defence briefing, the United States has been adamant about its support for NATO and its commitment to European security, but in light of NATO's current fragmentation and the challenges the United States faces elsewhere in the world, friends of NATO on Capitol Hill face difficulties in justifying the present burden sharing within the Alliance. As NATO Secretary-General Anders-Fogh Rasmussen noted, 'This imbalance has rightly prompted a new generation of American politicians and voters to wonder why they should continue to "subsidize" Europe's security if Europeans themselves appear unwilling to make the necessary investment' (Rasmussen 2013).

The fragility of the transatlantic bond is reflected in a recent survey conducted by the Pew Research Center, which found that only a staggeringly low number of NATO member nations support the use of military force to defend an Ally in the event of an attack. Whereas 56% of Americans agreed that they should defend an Ally under article five—article five holds that an attack on one Ally is an attack on all—those advocating military action to defend an Ally are even fewer in Europe, where public support was strongest in the United Kingdom (49%) and weakest in Germany (38%) (Simmons, Stokes and Poushter 2015).

Unless the Europeans assume a more equitable share of the burden within NATO—and that necessarily implies spending at least 2% of GDP on defence every year in an effort to halt the widening of the capabilities gap—political and public support for NATO might continue to crumble in the United States. As Rasmussen warned at the 2011 Munich Security Conference, 'If Europe becomes unable to make an appropriate contribution to global security, then the United States might look elsewhere for reliable defence partners' (Rasmussen 2011).

With new challenges proliferating around our increasingly interdependent, globalised and complex world—challenges which inevitably affect the security and prosperity of all NATO states—Europe must work in earnest to remain America's preferred partner. NATO is, after all, more than a mere military alliance that ensures our security; it is also a political alliance that defends our common values and shared preferences for international relations. To keep the transatlantic bond strong, Europe must mind the capabilities gap.

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