



NATO and a nuclear ban:

Completely compatible with legal obligations, even while delegitimizing deterrence

Although the number of nuclear weapons in global stockpiles is declining, the risk of their use, by accident or design, is growing. Nuclear weapons are the most destructive, inhumane and indiscriminate weapons of mass murder ever created, and the only weapon of mass destruction not clearly prohibited by international legal agreement. We should not be proud of the idea that some countries' security could be based on the threat of instant vaporization of large numbers of civilians and on enormous numbers of people subjected to an excruciatingly painful death caused by fires, blasts, and overwhelming prompt nuclear radiation.

Recent information has circulated about the real reasons some nuclear-armed NATO members are worried about a nuclear ban treaty. Public statements refer to concerns about the NPT, however sources have unearthed that the real concerns are that nuclear weapons are becoming increasingly illegitimate.

Myth: All elements that were put forward in the OEWG outcome document (annex 2) will be adopted as a new legally binding prohibition.

Fact: These draft elements were compiled, without judgment, from all suggested elements of the OEWG. One should not assume that a negotiating process just agrees them all, and without qualification. While this may be a basis for negotiations, it is not a draft treaty, and the very nature and purpose of negotiations is to change these elements. ♦

Myth: Participating in a ban treaty would mean no future participation in joint NATO operations.

Fact: A treaty banning nuclear weapons would not prevent ongoing participation in any bilateral or multilateral security arrangements, including military alliances. There is nothing proposed or publicly discussed that would limit participants in a nuclear ban treaty from engaging in general defense operations. However, negotiations might result in prohibitions that would prevent engagement in nuclear weapons related operations. ♦



Myth: A stance that delegitimizes nuclear deterrence would be inconsistent with NATO core concepts that nuclear weapons are a necessary component to strengthen alliance cohesion, including the transatlantic link.

Fact: NATO member states have reserved the right to adopt independent national policies on nuclear weapons as long as the Alliance has existed. Some of these national positions already restrict participation in the nuclear weapons activities of the Alliance, without restricting these states from participating in the work of the Alliance more generally. States can also change their role in various planning groups, and have historically done so, including in the Nuclear Planning Group. ♦

Myth: A treaty would prevent all transit of U.S. aircraft through Alliance airspace and this is incompatible with NATO obligations.

Fact: There are already prohibitions on transit of nuclear weapons through some NATO states. Iceland, Denmark and Norway restrict port visits by nuclear-capable naval units. Since the mid-1970s, the Norwegian government has expressly admonished the warships of all states, including those of NATO Allies, to refrain from visiting Norwegian ports while carrying nuclear weapons.¹ ♦

Myth: The proposed ban treaty would preclude the United States from using nuclear-capable delivery systems as reassurance for U.S. allies. The U.S. might then be less willing to reassure allies, and might not be as willing to uphold mutual security commitments and cooperation.

Fact: The proposed treaty would not preclude any country from engaging in cooperative activities. The treaty would prohibit, inter alia, the use, development, deployment, and stockpiling of nuclear weapons. Removing one weapon from the largest combined arsenal in the world is not going to remove the ability to reassure allies of each others commitment to mutual security. That commitment remains enshrined in the Washington Treaty, which has no mention of nuclear weapons. Many NATO allies have indicated that while they can go along with the concept of nuclear weapons as a supreme guarantee of alliance security, in practice a true sign of alliance commitment are tangible assets, including boots on the ground. ♦

¹ Lothe Eide, Stein-Ivar , A ban on nuclear weapons: what's in it for NATO?, ILPI (website), available : <http://nwp.ilpi.org/?p=2296>



Summary

It is important to remember that NATO as an alliance has an incredible ability to endure, and adapt. The alliance has agreed to the goal of a world free of nuclear weapons, and therefore must prepare for one day being a nuclear weapons free alliance. A legally binding prohibition on nuclear weapons will have an impact in how NATO operates, by again, removing its ability to legally use an inhumane and indiscriminate weapon.

There are additional concerns that signing the treaty could force a country to publicly repudiate U.S. statements that it would defend the signatory with nuclear means. A ban treaty will delegitimize the use of nuclear weapons- at any time, under any circumstances, because of their catastrophic humanitarian consequences. However, this does not prevent or preclude NATO from adapting and adopting new policies that do not rely on nuclear weapons- as all NATO members have agreed to move toward.

NATO, as an alliance of democracies, must also deal with the democratic direction of its member's parliaments and citizens. Across NATO there have been a number of motions and decisions by parliament that support the negotiation and implementation of a nuclear weapons prohibition treaty. An example of this is the Netherlands, where a majority motion calls on the Dutch Government to work with the United States to eliminate the Dutch nuclear task (Kamerstuk 34419 nr 12). There is also the Norwegian parliamentary message to the Norwegian government to work towards a treaty banning nuclear weapons.

NATO membership cannot be used as an excuse to continue to uphold the legitimacy of a weapon that is intended to level cities and indiscriminately slaughter enormous numbers of civilians. It is each country's responsibility to decide what means of warfare and defense are legitimate and what are not.

NATO members can and do disagree about what weapons are acceptable without questioning their commitment to alliance solidarity. NATO may describe itself as a nuclear alliance, but at the same time all of its members have committed to good faith efforts to negotiate nuclear disarmament. A nuclear prohibition treaty is the next significant multilateral effort on nuclear weapons, and NATO members must choose on which side of history they want to be. ♦