

## CHAPTER 1

# **NEGOTIATIONS ON ARTICLES I & II OF NPT: HISTORY & LESSONS LEARNED**

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Articles I and II of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) represent the core of the parties' commitments as they prohibit the transfer and the receipt of nuclear weapons. Cooperation between the United States and the Soviet Union with regard to these articles was based on the policies, which had been adopted by them unilaterally since the dawn of the nuclear era: refrain from transferring nuclear weapons into possession of states that did not have them.

Yet, by the end of the 1950s — early 1960s, the original policy started to shatter. The Soviet Union promised China assistance in the acquisition of nuclear weapons while the United States considered sharing nuclear weapons with its allies. The Soviet-Chinese cooperation was terminated due to the fallout between the two countries before tangible transfers were made, but U.S. plans for NATO nuclear forces continued to be discussed. This was the situation by the time negotiations on the NPT began in Geneva.

The project for the multilateral force as well as the transfer of nuclear weapons became a serious stumbling block during the NPT negotiations: the Soviet Union insisted that non-nuclear-weapon states (NNWSs) were not given access to nuclear weapons in any form or degree. In the end, however, the parties were able to reach a compromise — the United States modified its original plan while the Soviet Union allegedly agreed to accept the more limited 'nuclear sharing' arrangements within NATO as not violating Articles I and II<sup>1</sup>. This compromise was essential for the successful conclusion of the NPT.

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<sup>1</sup> Since 2014 Russia has claimed that NATO nuclear sharing arrangements are in violation of Articles I, II. For more details regarding the dispute see Chapter 12.

The United States and the Soviet Union played a key role in forging the compromise on Articles I and II. Not only were they the leading nuclear-weapon states (NWSs), but they were also a potential source of transfer of nuclear weapons to their allies. Without exaggeration, the fate of the two key articles of the NPT was determined by the two of them. As it happened with some other articles of the NPT, the positions of the United States and the Soviet Union were asymmetric. U.S. position was strongly influenced by its allies; in effect, Washington had to engage in two interrelated negotiating tracks: with Moscow and with its allies. Consequently, its position always represented a compromise between these two and, in a way, in its dealings with Moscow, Washington had to implicitly represent its allies. The Soviet Union, in contrast, could enjoy much greater (although not absolute) freedom to determine its position, was primarily engaged in strictly bilateral talks with Washington, and, overall, its position had the liberty to be more consistent with strict non-proliferation norms than that of the United States. Same as in other cases, the end result of U.S.-Soviet interaction on Articles I and II represented a 'double compromise' between the original Soviet position and the U.S. position, which in turn was a compromise between the United States and its allies.

The issue of nuclear sharing, however, did not die away. Following the entry into force of the NPT, the Soviet Union continued to adhere to the view that it violated at least the spirit of the treaty, but that criticism was muted: after all, although Moscow had never allowed any access to nuclear weapons to its allies or their participation in nuclear planning, it retained a sizeable nuclear force deployed in their territories. The situation changed dramatically after the end of the Cold War.<sup>2</sup>

The gap between Russian and U.S. approaches, which was characteristic of the period of NPT negotiations, widened even further. Soviet nuclear weapons were withdrawn from former Warsaw Pact countries and subsequently from the former Soviet republics. As a result, one feature, which the two countries shared during the Cold War — the presence of nuclear weapons in territories of third countries — disappeared.

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<sup>2</sup> Bandy, Alex (1991) 'Premier: Soviets Stored Nuclear Weapons in Hungary,' Associated Press, April 22, available at: <https://apnews.com/article/4a3565b4d8c3e7204444d5e074bb96de> (29 July, 2021).

As a result, Russia radically bolstered its criticism of the U.S. and NATO policy demanding that all nuclear weapons be withdrawn to national territories and also significantly enhancing the criticism of nuclear sharing arrangements in NATO. The two lines of criticism went hand in hand. This theme became a permanent element of the Russian position on European security and nuclear arms control complicating the U.S.-Russian interaction with regard to the NPT. It can be said that the post-Cold War asymmetry in nuclear postures has been hampering greater cooperation between the two states on nuclear-related issues.

A long road was travelled from the adoption of the U.S. Atomic Energy Act prohibiting the transfer of nuclear weapons 'to another country'<sup>3</sup> to the conclusion of the NPT which prohibited the transfer of nuclear weapons 'to any recipient whatsoever'<sup>4</sup> including military alliances and groups of countries. During the NPT negotiations, the United States and the Soviet Union came down differently on the issue of the prohibition on the transit of nuclear weapons and control over them, which caused negotiations to stall for almost three years. Eventually, the parties were able to set aside disagreements in order to conclude the treaty. For decades the issue of nuclear sharing was not thrust into the limelight until after the collapse of the bipolar system when the global balance of power underwent significant changes. Today the issue of nuclear sharing is increasingly discussed in the NPT review process.<sup>5</sup>

## Origins of the Multilateral Nuclear Force Proposal

NATO was created as a 'nuclear alliance' in the sense that the United States (later also the United Kingdom and, to a limited extent, France) assigned its nuclear weapons to the defense of NATO. Nuclear forces historically had a high profile in common NATO defense posture as a result of Soviet superiority in conventional forces, which the United

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<sup>3</sup> Atomic Energy Act (1946) Public Law 79-585. U.S. Government Publishing Office, p. 760.

<sup>4</sup> Treaty on the Non-Proliferation of Nuclear Weapons (1968) United Nations, Office for Disarmament Affairs, available at <https://www.un.org/disarmament/wmd/nuclear/npt/text> (17 May, 2021).

<sup>5</sup> Bunn, George and John B. Rhinelanders (2008) 'Looking Back: The Nuclear Non-proliferation Treaty Then and Now,' Arms Control Association, 3 September, available at [https://www.armscontrol.org/act/2008\\_07-08/lookingback](https://www.armscontrol.org/act/2008_07-08/lookingback) (17 May, 2021).

States sought to balance through reliance on nuclear weapons. The United States was expected 'to carry out strategic bombing promptly, by all means, possible with all types of weapons, without exception'<sup>6</sup> in response to an anticipated Soviet attack on NATO. In 1954, Washington began to forward deploy nuclear gravity bombs on the territory of European countries, including Belgium, Denmark, Greece, Italy, the Netherlands, Spain, Turkey, the United Kingdom, and West Germany — at that time, short- and intermediate-range weapons constituted the bulk of both countries' nuclear arsenals.<sup>7</sup>

As the Cold War and the attendant military confrontation continued to intensify and especially after the successful launch of the unmanned satellite Sputnik I by the Soviet Union in 1957, the reliability of U.S.-security assurances was called into question. Many in Europe began to doubt that the United States would act in defense of Europe if its own territory were vulnerable to a Soviet strike. This prompted a number of European countries to consider their own military nuclear programs; the most visible and potentially risky among them was the possibility that West Germany might become a NWS. It was at that time that nuclear proliferation became a serious concern for the United States. 'The acquisition of nuclear weapons by smaller countries would increase the likelihood of the great powers becoming involved in what otherwise might remain local conflicts,'<sup>8</sup> noted William Foster, Director of the Arms Control and Disarmament Agency.<sup>9</sup>

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<sup>6</sup> Collins, Brian (2011) *NATO: A Guide to the Issues*, Greenwood: ABC-CLIO: 46.

<sup>7</sup> Khalosha, Boris (1975) *NATO and Atom (Nuclear Policy of the North Atlantic Treaty)*. Moscow: Znaniye, p. 11; 'Memorandum of Conversation, by the Secretary of State' (1954) *Foreign Relations of the United States, 1952 – 1954*, Western European Security 5 (2), available at <https://history.state.gov/historicaldocuments/frus1952-54v05p2/d138> (17 May, 2021); Rozhanovskaya, Nina. (2010) 'Cooperation Between the United States and the Soviet Union on Nuclear Nonproliferation and Disarmament' *Nuclear Nonproliferation*, Tomsk: Ivan Fedorov, p. 257; 'Note by the Secretary to the North Atlantic Defense Committee on the Strategic Concept for the Defense of the North Atlantic Area' (1949) *NATO Strategic Documents 1949-1969*, available at <http://www.nato.int/docu/stratdoc/eng/a491201a.pdf> (17 May, 2021).

<sup>8</sup> 'Statement by AGDA Director Foster to the Eighteen Nation Disarmament Committee: Nondissemination of Nuclear Weapons' (1964) *Documents on Disarmament*, p. 33.

<sup>9</sup> Pifer, Steven and Richard Bush, Felbab-Brown Vanda, O'Hanlon Michael, Pollack Kenneth. *U.S. Nuclear and Extended Deterrence. Considerations and Challenges* (2010) Brookings Institution, Arms Control Series Paper 3 (May), available at [https://www.brookings.edu/wp-content/uploads/2016/06/06\\_nuclear\\_deterrence.pdf](https://www.brookings.edu/wp-content/uploads/2016/06/06_nuclear_deterrence.pdf) (17 May, 2021).

To reassure its allies and reduce their propensity to seek nuclear weapons, the United States sought to strengthen the nuclear deterrence posture in Europe. This resulted in proposals to create a common nuclear force under NATO's aegis put forth by Robert Bowie, former Director of Policy. According to Special Advisor to the Secretary of State Gerard Smith, the goal was to contribute to European integration and to avert nuclear proliferation in Europe by addressing the motives for nuclearization and strengthening deterrence of the Soviet Union.<sup>10</sup>

The proposal to create a multilateral nuclear force (MLF) was officially introduced in December 1960 at a ministerial meeting in Paris by U.S. Secretary of State Christian Herter. The proposal envisaged the transfer of five U.S. submarines carrying 'Polaris' submarine-launched ballistic missiles to the alliance. The project provided for the U.S. President's sole control over these missiles through Permissive Action Links, a system of coded switches preventing any unauthorized use of nuclear weapons.<sup>11</sup>

The proposal was not well received by the international community as a whole and caused division among NATO members. Some NATO countries were skeptical about a sea-based nuclear force, insisting on the deployment of land-based intermediate-range missiles under a 'dual-key' arrangement, as was negotiated with the United Kingdom. The 'dual-key' system was giving 'the Royal Air Force the ability to turn on the missile and the U.S. Air Force the power to arm the warhead'.<sup>12</sup>

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<sup>10</sup> North Atlantic Council 'Final Communiqué' (1957) NATO, Ministerial Communiqué, available at <http://www.nato.int/docu/comm/49-95/c571219a.htm> (17 May, 2021); Wheeler, Michael (2006) 'International Security Negotiations: Lessons Learned from Negotiating with the Russians on Nuclear Arms,' INSS Occasional Paper 62, p. 39; Alberque, William (2017) *The NPT and the Origins of NATO's Nuclear Sharing Arrangements*. The Institut français des relations internationales, available at [https://www.ifri.org/sites/default/files/atoms/files/alberque\\_npt\\_origins\\_nato\\_nuclear\\_2017.pdf](https://www.ifri.org/sites/default/files/atoms/files/alberque_npt_origins_nato_nuclear_2017.pdf) (17 May, 2021); 'Address by the Special Adviser to the Secretary of State (Smith) at the Naval Academy Foreign Affairs Conference: Proposed Multilateral Force' (1964) Documents on Disarmament, p. 173; Nazarkin, Yuri (2017) Personal Interview, 9 August.

<sup>11</sup> Nazarkin, Yuri (2017) Personal Interview, 9 August; Connolly, Erin (2016) 'U.S. Nuclear Weapons in Europe,' The Center for Arms Control and Non-Proliferation, 10 August, available at <https://armscontrolcenter.org/u-s-nuclear-weapons-in-europe/> (17 May, 2021).

<sup>12</sup> 'U.K. Briefly Had Ability to Fire U.S. Nuclear Missiles During Cold War' (2013) NTI, available at <https://www.nti.org/gsn/article/uk-briefly-had-ability->

The only strong proponent of MLF was West Germany. Its economic power was growing rapidly and its military forces were categorized as the second largest in NATO. The German armed forces at the time sought to increase the political influence of the country to the level of its economic and military might. One of the ways to accomplish this was through the procurement of nuclear weapons. The Minister of Defense of the Federal Republic of Germany, Franz Strauss, deemed the possession of nuclear weapons to be 'the symbol, the characteristic feature and decisive criterion of sovereignty'.<sup>13</sup> While West Germany anticipated strong resistance to the prospect of acquisition of nuclear weapons, a multilateral nuclear force appeared to pave the way toward the eventual emergence of an independent German deterrent. West Germany's ambitions were further strengthened by its special place in NATO, which made the United States particularly sensitive to that country's interests. For the U.S., West Germany was the 'last hold in Europe, with Britain weak and France defiant'.<sup>14</sup> Given that other countries were hesitant to join the force, it was easy for West Germany to press for concessions. As such, West Germany was close to taking a leading role in the implementation of the MLF.<sup>15</sup>

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launch-us-nuclear-missiles-during-cold-war-documents-show/ (17 May, 2021); Kohl, Wilfried (1965) 'Nuclear Sharing in NATO and the Multilateral Force,' *Political Science Quarterly* 80 (1): 90-91; 'NATO Ministerial Communiqué: Final Communiqué' (1960) NATO, available at <http://www.nato.int/docu/comm/49-95/c601216a.htm> (17 May, 2021); 'Address by the Special Adviser to the Secretary of State (Smith) at the Naval Academy Foreign Affairs Conference: Proposed Multilateral Force' (1964) *Documents on Disarmament*, p. 181; UK Parliament (2006) 'The UK Strategic Nuclear Deterrent', available at <https://publications.parliament.uk/pa/cm200506/cmselect/cmdfence/986/98605.htm#note25> (17 May, 2021); Khalosha, Boris (1975) *NATO and Atom (Nuclear Policy of the North Atlantic Treaty)*. Moscow: Znaniye, p. 5; 'Memorandum of Conversation' (1963) *Foreign Relations of the United States 1961 – 1963, Volume XIII, Western Europe and Canada*, available at <https://history.state.gov/historicaldocuments/frus1961-63v13/d318> (17 May, 2021); Quinlan, Michael (2009) *Thinking About Nuclear Weapons: Principles, Problems, Prospects*, Oxford: Oxford University Press, p. 118.

<sup>13</sup> 'Tass Statement on the Nonproliferation of Nuclear Weapons' (1964), *Documents on Disarmament*, pp. 297.

<sup>14</sup> Baldwin, Hanson (2013) *Multilateral Force or Farce? The New York Times*, 13 December, available at [http://www.nytimes.com/1964/12/13/multilateral-force-or-farce.html?\\_r=0](http://www.nytimes.com/1964/12/13/multilateral-force-or-farce.html?_r=0) (17 May, 2021).

<sup>15</sup> Baldwin, Hanson (2013) *Multilateral Force or Farce? The New York Times*, 13 December, available at [http://www.nytimes.com/1964/12/13/multilateral-force-or-farce.html?\\_r=0](http://www.nytimes.com/1964/12/13/multilateral-force-or-farce.html?_r=0) (17 May, 2021).

The Soviet Union vehemently objected to the establishment of NATO's nuclear force. The leading concern voiced by Moscow referred to the prospect of what it deemed German revanchists getting access to nuclear weapons through the MLF. An article published in *Soviet State and Law* in 1965 went as far as to compare the establishment of the MLF to the policy of appeasement of resurgent German militarism in the late 1930s. Soviet concerns further intensified in 1964 when the United States revealed the details of a project for the transfer of missile-bearing submarines with mixed crews of 49 servicemen to NATO. Their rationale was that the manning of the MLF fleet would grant West German servicemen access to the engines and missiles, which could be qualified as access to nuclear weapons.<sup>16</sup>

Even inside the United States the support for the MLF was not universal. The strongest supporters of that initiative were in the State Department. After U.S. Secretary of State Cristian Herter left his post, his successor Dean Rusk and Under-Secretary of State George Ball continued to promote the project. The 'MLF coalition'<sup>17</sup> also included Henry Owen of the U.S. State Department's Policy Planning Staff, Assistant Secretary of State for Policy Planning and Special Consultant to the Department of State Gerard Smith, and Rear Admiral of the United States Navy Admiral John Lee.<sup>18</sup>

The Department of Defense, in contrast, was quite skeptical about the proposal; it considered additional deterrence forces to be redundant. Instead, U.S. military officials suggested creating a consultation mechanism that would engage European allies in NATO nuclear planning.<sup>19</sup>

In May 1961 President John F. Kennedy, in an address to the Canadian Parliament in Ottawa committed himself to the MLF project. However, according to multiple accounts, Kennedy had, in

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<sup>16</sup> 'Statement by the Soviet Representative (Zorin) to the Eighteen Nation Disarmament Committee: Nondissemination of Nuclear Weapons' (1964) Documents on Disarmament, p. 247.

<sup>17</sup> Brinkley, Douglas and Griffiths Richard (1999) John F. Kennedy and Europe, LSU Press, p. 53.

<sup>18</sup> Steinbruner, John (2002) The Cybernetic Theory of Decision: New Dimensions of Political Analysis, Princeton University Press, p. 250.

<sup>19</sup> Kuznetsov, Evgeny (2004) 'The Multilateral Force Debates,' The Centre Virtuel de la Connaissance sur l'Europe, available at [http://www.cvce.eu/content/publication/1999/1/1/937a5818-7fea-47da-944e-11114da4e0a3/publishable\\_en.pdf](http://www.cvce.eu/content/publication/1999/1/1/937a5818-7fea-47da-944e-11114da4e0a3/publishable_en.pdf) (17 May, 2021).

fact, second thoughts about it. George Anderson Jr., Chief of Naval Operations and member of the Joint Chiefs of Staff, who supported the MLF, recalled how 'President [Kennedy] finally embraced this project, but only as an idea, only as an idea to propose to our allies if they, themselves, wanted it, it was something we could offer them'.<sup>20</sup>

After the missile crisis erupted in Cuba, pushing the world closer to the brink of nuclear war, President Kennedy proposed negotiations on a nonproliferation agreement. General Secretary Khrushchev immediately endorsed this initiative.<sup>21</sup>

The conclusion of the NPT was crucial for both the United States and the Soviet Union as they both sought to prevent the expansion of the nuclear club. Moscow and Washington were coming to the negotiating table with very similar agendas and, it appears, the United States was prepared to put the MLF on the table if necessary to reach an agreement. Similarly, the Soviet Union and its allies were determined to prevent West Germany from acquiring access to nuclear weapons.<sup>22</sup>

## Start of Negotiations on the Non-Proliferation Treaty

From the start of negotiations, it was clear that MLF and, more broadly, the issue of NATO nuclear deterrence would be a serious stumbling block. The U.S. approach to the future nonproliferation treaty was influenced by its European allies, primarily West Germany, who sought to keep U.S. nuclear weapons in Europe and looked into the possibility of a nuclear force in Europe assigned to NATO,

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<sup>20</sup> Anderson, George W. Jr. (1967) Oral History Interview recorded by Joseph E. O'Connor. John F. Kennedy Library Oral History Program, 25 April, P. 10, available at <https://archive2.jfklibrary.org/JFKOH/Anderson,%20George%20W/JFKOH-GWA-01/JFKOH-GWA-01-TR.pdf> (17 May, 2021).

<sup>21</sup> Bunn, George and John B. Rhinelander (2008) 'Looking Back: The Nuclear Non-proliferation Treaty Then and Now,' Arms Control Association, 3 September, available at [https://www.armscontrol.org/act/2008\\_07-08/lookingback](https://www.armscontrol.org/act/2008_07-08/lookingback) (17 May, 2021).

<sup>22</sup> Wheeler, Michael (2006) 'International Security Negotiations: Lessons Learned from Negotiating with the Russians on Nuclear Arms,' INSS Occasional Paper 62, p. 37; The White House (1964) 'Memorandum for the Record,' National Security Archive, available at [http://nsarchive.gwu.edu/NSAEBB/NSAEBB1/nhch1\\_1.htm](http://nsarchive.gwu.edu/NSAEBB/NSAEBB1/nhch1_1.htm) (17 May, 2021); Timerbaev, Roland (1999) *Russia and Nuclear Non-Proliferation. 1945-1968*. Moscow: Nauka, pp. 216 – 217.



featuring some role for European members of the Alliance, if they were not allowed to acquire their own nuclear weapons.<sup>23</sup>

To allay these concerns and satisfy the deterrence requirements of NATO, the United States sought to find ways to exempt NATO from the broad ban on the transfer of nuclear weapons. These issues emerged even before the official opening of negotiations, still at the stage of bilateral U.S.-Soviet consultations.<sup>24</sup>

For the Soviet Union and its allies, the issue was equally important. Barely 15 years after the end of World War II, the prospect that West Germany might acquire nuclear weapons or obtain access to U.S. nuclear weapons was unacceptable. Furthermore, the Soviet Union never intended to relinquish full control of nuclear weapons and allow its allies anywhere near them; it wanted the same situation in NATO so that both political and military planning on all nuclear issues were limited to a small number of actors.<sup>25</sup>

The Soviet allies, who did not have a chance to partake in the nuclear status of the Warsaw Pact, sought to preserve the same situation on the Western side of the line dividing the two alliances. Moreover, they were concerned about the risk of a nuclear war in the center of Europe – in their territories, first and foremost. That approach informed the Rapacki Plan of 1958 – a proposal on a nuclear-weapons-free zone in Central Europe and demilitarization of that zone. The nuclear-weapon-free zone was to cover the territory of Poland, Czechoslovakia, the German Democratic Republic, and the Federal Republic of Germany. The nuclear weapon countries would undertake 'not to maintain nuclear weapons among the armaments of their forces in the territory of the States comprising the zone'.<sup>26</sup> The Soviet Union did not have problems with approving

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<sup>23</sup> 'Discussion between Soviet Marshal V. V. Kuznetsov and the SED Politburo' (1963) History and Public Policy Program Digital Archive, SAPMO BA, J IV 2/2-900, pp. 2–21, available at <https://digitalarchive.wilsoncenter.org/document/111609> (17 May, 2021).

<sup>24</sup> 'Discussion between Soviet Marshal V. V. Kuznetsov and the SED Politburo' (1963) History and Public Policy Program Digital Archive, SAPMO BA, J IV 2/2-900, pp. 2–21, available at <https://digitalarchive.wilsoncenter.org/document/111609> (17 May, 2021).

<sup>25</sup> Timerbaev, Roland (1999) *Russia and Nuclear Non-Proliferation. 1945–1968*. Moscow: Nauka, pp. 216–217.

<sup>26</sup> 'The Rapacki Plan' (1971) The proposed European security conference 1954–1971. Brief prepared by Mr. E. Nessler, Rapporteur. Paris: Western European Union Assembly (General Affairs Committee. Seventeenth Ordinary Session), available at

that initiative because the removal of nuclear weapons would have only enhanced its superiority in conventional forces.<sup>27</sup>

In any event, U.S. overtures intended to legitimize multilateral nuclear arrangements within NATO were flatly rejected by the Soviet Minister of Foreign Affairs Andrei Gromyko during the meeting with Rusk referred to above. Instead, the Soviet Union, in consultation with allies, proposed, in a memorandum to the Eighteen-Nation Committee on Disarmament (ENDC), its own set of principles that included a prohibition of 'the transfer of nuclear weapons through military alliances to states that do not yet dispose of nuclear weapons'.<sup>28</sup>

In the meantime, the MLF proposal was facing ever-stronger resistance in Europe. In spite of the cautions by William Foster that the MLF could decrease the chances of reaching an agreement on nuclear nonproliferation, President Johnson decided to continue the discussion over the MLF with allies. A special working group led by Ambassador Finletter was established in Paris to educate NATO members about the benefits of a NATO nuclear missile-bearing fleet, but the push did not succeed. Since the end of October 1964, Paris began to lobby against the MLF and pressured West Germany to prevent it from joining the nuclear force; the French threat to withdraw from NATO gave Paris particularly strong leverage in that respect. Concerned that such actions would further harm the MLF's appeal, George Ball suggested to 'design a specific plan of campaign to demonstrate to the Germans and the other nations of NATO who [were] worried by French threats, that [the United States was] making every possible effort to bring France into the MLF'.<sup>29</sup>

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[https://www.cvce.eu/en/obj/the\\_rapacki\\_plan\\_warsaw\\_14\\_february\\_1958-en-c7c21f77-83c4-4ffc-8cca-30255b300cb2.html](https://www.cvce.eu/en/obj/the_rapacki_plan_warsaw_14_february_1958-en-c7c21f77-83c4-4ffc-8cca-30255b300cb2.html) (17 May, 2021).

<sup>27</sup> 'The Rapacki Plan' (1971) The proposed European security conference 1954-1971. Brief prepared by Mr. E. Nessler, Rapporteur. Paris: Western European Union Assembly (General Affairs Committee. Seventeenth Ordinary Session), available at [https://www.cvce.eu/en/obj/the\\_rapacki\\_plan\\_warsaw\\_14\\_february\\_1958-en-c7c21f77-83c4-4ffc-8cca-30255b300cb2.html](https://www.cvce.eu/en/obj/the_rapacki_plan_warsaw_14_february_1958-en-c7c21f77-83c4-4ffc-8cca-30255b300cb2.html) (17 May, 2021).

<sup>28</sup> 'Discussion between Soviet Marshal V. V. Kuznetsov and the SED Politburo' (1963) History and Public Policy Program Digital Archive, SAPMO BA, J IV 2/2-900, pp. 2-21, available at <https://digitalarchive.wilsoncenter.org/document/111609> (17 May, 2021).

<sup>29</sup> 'Memorandum from the Under Secretary of State (Ball) to Secretary of State Rusk' (1964) Foreign Relations of the United States, 1964-1968, Volume XI, Arms Control and Disarmament, available at <https://history.state.gov/historicaldocuments/frus1964-68v13/d49> (17 May, 2021).

Eventually, NATO members started to seek alternatives to the MLF. In December 1964, the United Kingdom proposed an idea to create the Atlantic Nuclear Force (ANF) which was supposed to be multinational, rather than multilateral. France originated the idea of creating the European Nuclear Force, in contrast to the MLF or the ANF.<sup>30</sup>

At the same time, the Soviet Union continued to reject the MLF concept. In December 1964, during a meeting with Secretary Rusk, Andrei Gromyko pointed out that the Soviet Union was not convinced by the U.S. statements 'regarding some separate arrangements between the U.S. and the FRG which allegedly removed the threat to the Soviet Union'.<sup>31</sup> Secretary Rusk, in response, said that 'if the Soviet objections to the MLF were based on non-dissemination, he wished to repeat that under the MLF arrangements, we would not permit the transfer of nuclear weapons or of nuclear weapons technology to any non-nuclear member of the force'.<sup>32</sup> Nonetheless, it was clear that MLF was becoming a serious hindrance to the NPT, which was the overriding U.S. interest, and Rusk asked for an authorization to take a message to Gromyko expressing the readiness of the United States to make concessions concerning the MLF in return for the Soviet assistance in preventing China from acquiring nuclear weapons.<sup>33</sup>

On November 25, 1964, President Johnson assembled the Task Force on Nuclear Non-Proliferation led by Roswell Gilpatric that prepared a report that outlined the development of U.S. nonproliferation policy. The report encouraged the conclusion of the NPT and the initiation of U.S.-Soviet strategic arms reduction talks. The report did not constitute an immediate shift in U.S. policy, but many of its

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30 Timerbaev, Roland (1999) *Russia and Nuclear Non-Proliferation, 1945-1968*. Moscow: Nauka, p. 218; 'Discussion between Soviet Marshal V. V. Kuznetsov and the SED Politburo' (1963) History and Public Policy Program Digital Archive, SAPMO BA, J IV 2/2-900, pp. 2-21, available at <https://digitalarchive.wilsoncenter.org/document/111609> (17 May, 2021).

31 'Memorandum of Conversation' (1964) Foreign Relations of the United States, 1964 - 1968, Volume XI, Arms Control and Disarmament, available at <https://history.state.gov/historicaldocuments/frus1964-68v11/d53> (17 May, 2021).

32 'Memorandum of Conversation' (1964) Foreign Relations of the United States, 1964 - 1968, Volume XI, Arms Control and Disarmament, available at <https://history.state.gov/historicaldocuments/frus1964-68v11/d53> (17 May, 2021).

33 Wheeler, Michael (2006) 'International Security Negotiations: Lessons Learned from Negotiating with the Russians on Nuclear Arms,' INSS Occasional Paper 62, p. 37; 'Memorandum for the Record' (1964) National Security Archive, available at [http://nsarchive.gwu.edu/NSAEBB/NSAEBB1/nhch1\\_1.htm](http://nsarchive.gwu.edu/NSAEBB/NSAEBB1/nhch1_1.htm) (17 May, 2021).

elements later became guidelines for the U.S. stance on nonproliferation.<sup>34</sup>

MLF also caused serious opposition in the United States. On January 18, 1966, Senator John O. Pastore introduced a resolution focusing on the nonproliferation of nuclear weapons. Mohammed Shaker, one of the leading NPT negotiators, explained that 'the debate had also shown that the Senate would not allow United States' nuclear weapons to be transferred to any proposed MLF'.<sup>35</sup> In addition, it also became clear in the process of the Senate's consideration of that resolution that 'no amendment to the Atomic Energy Act's strictures on the transfer of nuclear weapons was likely to get through the Joint Committee'.<sup>36</sup>

All this contributed to NATO ceasing serious discussions on the MLF proposal by December 1964, although the United States did not officially reject the idea until 1966 while Washington alternative arrangements for NATO's nuclear policy were being discussed. At a meeting of the North Atlantic Council in May 1965, U.S. Secretary of Defense Robert McNamara put forward a proposal to establish a Nuclear Planning Group (NPG), a special body tasked with discussing nuclear policy issues. Italy, the United Kingdom, the United States, and West Germany were intended to be permanent members; the other three NPG seats were to be allotted for eligible nations on a one-year rotational basis.<sup>37</sup>

The United States did not anticipate objections from the Soviet Union because McNamara's Plan did not foresee direct access by Germany to nuclear weapons. Yet, the initial response by the Kremlin was negative. Thomas L. Hughes, an Assistant Secretary of State

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<sup>34</sup> 'National Security Action Memorandum No. 320' (1964) Foreign Relations of the United States, 1964-1968, Volume XI, Arms Control and Disarmament, available at <https://history.state.gov/historicaldocuments/frus1964-68v11/d51> (17 May, 2021).

<sup>35</sup> Shaker, Mohammed (1980) 'The Nuclear Non-Proliferation Treaty. Origin and Implementation 1959 – 1979. Volume I,' U.S.: Oceana Publications, p. 100; Bunn, George (1992) *Arms Control by Committee: Managing Negotiations with the Russians*, Stanford: Stanford University Press, p. 73.

<sup>36</sup> Bunn, George (1992) *Arms Control by Committee: Managing Negotiations with the Russians*, Stanford: Stanford University Press, p. 73.

<sup>37</sup> North-Atlantic Treaty Organization (2020) Nuclear Planning group. NATO, available at [http://www.nato.int/cps/ro/natohq/topics\\_50069.htm](http://www.nato.int/cps/ro/natohq/topics_50069.htm) (17 May, 2021); Timerbaev, Roland (1999) *Russia and Nuclear Non-Proliferation. 1945-1968*. Moscow: Nauka, pp. 221-222; Krepon, Michael (2009) 'The Gilpatric Committee Report,' *Arms Control Wonk*, 11 June, available at <http://www.armscontrolwonk.com/archive/402344/the-gilpatric-committee-report/> (17 May, 2021).

for Intelligence and Research, pointed out that, 'the Soviet strictures against the MLF and ANF applied equally to the McNamara proposal for a Select Committee on nuclear affairs in NATO'.<sup>38</sup> The United States, however, stood firm on its new position. George Bunn, one of the NPT negotiators, made a statement to Soviet diplomats saying that 'NATO consultations and two-key arrangements were sacrosanct — <...> no agreement would ever be possible if the Soviets retained the offending language in their draft'.<sup>39</sup> Effectively, the United States sought to make a concession (not just to the Soviet Union, but also to some of its European allies), but Moscow deemed that concession insufficient. The deadlock continued as did the negotiations between the two countries.<sup>40</sup>

On August 17, 1965, the United States submitted to the ENDC the first draft of nonproliferation treaty banning the transfer of nuclear weapons 'into the national control of any non-nuclear State, either directly or indirectly, through a military alliance, and each undertakes not to take any other action which would cause an increase in the total number of States and other organizations having independent power to use nuclear weapons'.<sup>41</sup> The Soviet Union pointed out a loophole in the U.S. draft treaty that would allow to 'pass unobstructed no less than a whole multilateral fleet equipped with hundreds of nuclear-tipped missiles'.<sup>42</sup> On September 24, the Soviet delegation presented its own NPT draft, which envisaged a much stricter prohibition on the transfer of nuclear weapons:

In any form — directly or indirectly, through third States or groups of States — to the ownership or control of States or groups of States not possessing nuclear weapons and not to accord to such States or groups of States the right to participate in the ownership, control or use of nuclear weapons. The said Parties to the Treaty shall not transfer nuclear weapons, or control over them or over their

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<sup>38</sup> 'Soviet Conditions About Western Nuclear Arrangements for a Nondissemination Treaty' (1965) Document Cloud, available at <https://assets.documentcloud.org/documents/2830720/Document-18A-Thomas-L-Hughes-to-the-Secretary.pdf> (17 May, 2021).

<sup>39</sup> Bunn, George (1992) *Arms Control by Committee: Managing Negotiations with the Russians*, Stanford: Stanford University Press, p. 74.

<sup>40</sup> Ibid.

<sup>41</sup> 'United States Proposal Submitted to the Eighteen Nation Disarmament Committee: Draft Treaty to Prevent the Spread of Nuclear Weapons,' *Documents on Disarmament* (1965). P. 347.

<sup>42</sup> Ibid.

emplacement and use, to units of the armed forces or military personnel of States not possessing nuclear weapons, even if such units or personnel are under the command of a military alliance.<sup>43</sup>

Based on the two draft treaties, the UN passed a resolution on the nonproliferation of nuclear weapons. The key provision of the Resolution was that 'the treaty should be void of any loop-holes which might permit nuclear or non-nuclear Powers to proliferate, directly or indirectly, nuclear weapons in any form'.<sup>44</sup>

President Johnson, in his message to the ENDC, expressed willingness to comply with the resolution. 'We are prepared to agree that these things should not be done directly or indirectly, through third countries or groups of countries, or through units of the armed forces or military personnel under any military alliance',<sup>45</sup> he said. And so, in the beginning of 1967, Johnson made a final decision to forgo the idea of MLF in one form or another for the sake of concluding the NPT.<sup>46</sup>

## Drafting of Articles I and II of the Non-Proliferation Treaty

At the time of the aforementioned Pastore hearings, the Soviet Union made a statement at the ENDC calling the MLF 'the principal obstacle to agreement on nonproliferation'.<sup>47</sup> Moscow announced that if the draft treaty were to prohibit the transfer of nuclear weapons to 'a multilateral group within a military alliance',<sup>48</sup> it would not have problems signing the treaty. That was clearly a message that offered a compromise: while on the surface it seemed a restatement of the previous Soviet position, it de facto allowed for more limited forms of NATO cooperation with regard to nuclear deterrence. According

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<sup>43</sup> 'Soviet Draft Treaty on the Nonproliferation of Nuclear Weapons, September 24, 1965,' Documents on Disarmament (1965). P. 443.

<sup>44</sup> Nonproliferation of Nuclear Weapons. United Nations, <https://documents-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/217/91/IMG/NR021791.pdf?OpenElement> (accessed May 15, 2021).

<sup>45</sup> Johnson, Lyndon B. 'Message to the Eighteen-Nation Disarmament Committee on Its Reconvening in Geneva,' The American Presidency Project, available at <http://www.presidency.ucsb.edu/ws/index.php?pid=27704> (17 May, 2021).

<sup>46</sup> Ibid.

<sup>47</sup> Bunn, George (1992) Arms Control by Committee: Managing Negotiations with the Russians, Stanford: Stanford University Press, p. 74.

<sup>48</sup> Ibid.

to George Bunn, Washington perceived it as a hint that if the United States stopped promoting the MLF, the Soviet Union would soften its position regarding NATO nuclear sharing arrangements.<sup>49</sup>

The United States finished a new revisited draft treaty in March 1966. Ambassador Llewellyn Thompson insisted on having a discussion with the Soviet Union on the draft 'even though [the] language [would] probably not be acceptable to the Soviet Union'.<sup>50</sup> As expected, the Soviet Union remained unsatisfied and reiterated the necessity to incorporate specific language in the treaty to prohibit the transfer of nuclear weapons 'into the control of any non-nuclear-weapon State, or into the control of any group of states'.<sup>51</sup>

In the fall of 1966 at the opening of the General Assembly in New York, which was attended by Minister Gromyko and Secretary Rusk, the United States and the Soviet Union began a series of bilateral discussions in parallel to negotiations at the ENDC in Geneva.<sup>52</sup>

Following his meeting with Gromyko, Rusk reported to President Johnson that 'there was some closing of the gap in non-proliferation language',<sup>53</sup> but 'we [were] not home on this'.<sup>54</sup> Walt Rostow in his memorandum to the President echoed this sentiment and also pointed out that 'time [was] running out on [that] subject,' and therefore it was necessary 'to resolve the remaining differences'.<sup>55</sup> As a sign that the matter was not closed, both parties expressed opti-

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<sup>49</sup> Bunn, George (1992) *Arms Control by Committee: Managing Negotiations with the Russians*, Stanford: Stanford University Press, p. 74..

<sup>50</sup> 'Memorandum from the Ambassador at Large (Thompson) to Secretary of State Rusk' (1966) *Foreign Relations of the United States 1964-1968, Volume XIV, Soviet Union*. U.S. Department of State Archive, available at <https://history.state.gov/historicaldocuments/frus1964-68v14/d184> (17 May, 2021).

<sup>51</sup> Khalessi, Daniel (2015) 'Strategic Ambiguity: Nuclear Sharing and the Secret Strategy for Drafting Articles I and II of the Nonproliferation Treaty,' *The Nonproliferation Review* 22 (3-4): 433.

<sup>52</sup> 'Telegram from the Embassy in the Soviet Union to the Department of State,' *Foreign Relations of the United States 1964-1968, Volume XIV, Soviet Union*. U.S. Department of State Archive, available at <https://history.state.gov/historicaldocuments/frus1964-68v14/d185> (17 May, 2021).

<sup>53</sup> 'Editorial Note' (1966) *Foreign Relations of the United States 1964-1968, Volume XIV, Soviet Union*. U.S. Department of State Archive, available at <https://2001-2009.state.gov/r/pa/ho/frus/johnsonlb/xiv/1383.htm> (17 May, 2021).

<sup>54</sup> *Ibid.*

<sup>55</sup> 'Memorandum for President Johnson' (1966) *Memos to the President* — Walt W. Rostow, Vol. XIV. U.S. Department of State Archive, available at <https://2001-2009.state.gov/r/pa/ho/frus/johnsonlb/xiv/1383.htm> (17 May, 2021).

mism about the prospects for an agreement. During a meeting with Rusk, President Johnson said that 'he felt that [the U.S.] relations with the Soviet Union were better at present than they [had] ever been since he assumed the Presidency',<sup>56</sup> and 'was very gratified at the progress made in Rusk-Gromyko discussions and wanted a formula to be found which would reflect those discussions'.<sup>57</sup>

A working group consisting of three U.S. diplomats (William Foster, Samuel De Palma, and George Bunn), as well as three Soviet diplomats (Alexei Roshchin, Roland Timerbaev, and Vladimir Shustov), was tasked to elaborate the language of Articles I and II of the future treaty. These consultations began in the fall of 1966 on the margins of the General Assembly in New York. The negotiators developed several alternatives for the draft of Article I of the NPT. The first option prohibited the transfer of nuclear weapons directly or indirectly to any NNWS, military alliance, or group of states. The second 'did not specify to whom there would be transfer'.<sup>58</sup> According to the third one, nuclear weapons would be prohibited from being transferred to 'any recipient whatsoever'.<sup>59</sup> The first alternative was rejected by President Johnson and his advisors almost immediately, but Gromyko continued to insist that the text of the treaty had to explicitly prohibit the transfer or control of nuclear weapons to a military alliance.<sup>60</sup>

At the end of September, after a series of mutual concessions, the group finally agreed on a consensus language prohibiting the transfer of 'nuclear weapons or other nuclear explosives or control over such weapons or explosives to a non-nuclear-weapon State directly

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<sup>56</sup> 'Memorandum of Conversation' (1966) U.S. Department of State Archive, available at <https://2001-2009.state.gov/r/pa/ho/frus/johnsonlb/xiv/1383.htm> (17 May, 2021).

<sup>57</sup> 'Telegram from the Embassy in the Soviet Union to the Department of State,' Foreign Relations of the United States 1964-1968, Volume XIV, Soviet Union. U.S. Department of State Archive, available at <https://history.state.gov/historicaldocuments/frus1964-68v14/d185> (17 May, 2021); 'Memorandum for President Johnson' (1966) Memos to the President — Walt W. Rostow, Vol. XIV. U.S. Department of State Archive, available at <https://2001-2009.state.gov/r/pa/ho/frus/johnsonlb/xiv/1383.htm> (17 May, 2021).

<sup>58</sup> Bunn, George (1992) *Arms Control by Committee: Managing Negotiations with the Russians*, Stanford: Stanford University Press, p. 77.

<sup>59</sup> Timerbaev, Roland (1999) *Russia and Nuclear Non-Proliferation. 1945-1968*. Moscow: Nauka, p. 260.

<sup>60</sup> *Ibid.*



or indirectly, either individually or collectively with other members of a military alliance or group of States'.<sup>61</sup>

Clearly, the United States reached the limit of its concessions. 'Those in the State Department concerned about the German affairs and about preserving some multilateral force option'<sup>62</sup> would not budge any further in search of the NPT. Ambassador Foster stated that if the Soviet Union was not going to stop the attempts to force the prohibition of nuclear sharing into the text of the NPT, then Washington would refuse to sign the treaty. The Soviet side realized it and Gromyko agreed to soften the Soviet position. He proposed language that envisaged the prohibition of transfer of nuclear weapons or control over such weapons, 'to any recipient whatsoever'.<sup>63</sup>

The end result was 'an agreement to disagree'<sup>64</sup> on whether nuclear sharing arrangements were regulated by the NPT. The U.S. side argued that since the NPT dealt only with matters that were prohibited rather than what was permitted (a typical approach to writing international treaties), nuclear sharing arrangements remained *de jure* not in violation of the treaty, and the deployment of U.S. nuclear weapons on their allies' territory did not constitute a transfer of nuclear weapons to non-nuclear weapon states as those weapons remained in U.S. custody at all times.<sup>65</sup>

Shortly after, the United States provided Moscow with its interpretation of Articles I and II of the NPT presented in a question-and-answer manner. Moscow firmly responded that it would not be bound by any one-sided interpretations of the treaty and was assured that this indeed would not happen. The United States also added that it was fully responsible for one-sided interpretations given to its allies.<sup>66</sup>

On August 24, 1967, the United States and the Soviet Union presented to the ENDC two identical drafts of the NPT and six months

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<sup>61</sup> Bunn, George (1992) *Arms Control by Committee: Managing Negotiations with the Russians*, Stanford: Stanford University Press, p. 75.

<sup>62</sup> Bunn, George (1992) *Arms Control by Committee: Managing Negotiations with the Russians*, Stanford: Stanford University Press, p. 78.

<sup>63</sup> 'Treaty on the Non-Proliferation of Nuclear Weapons' (1968) United Nations, Office for Disarmament Affairs, available at <https://www.un.org/disarmament/wmd/nuclear/npt/text> (17 May, 2021).

<sup>64</sup> Gill, David (2014) *Britain and the Bomb: Nuclear Diplomacy, 1964-1970*. Stanford: Stanford University Press, p. 149.

<sup>65</sup> Nazarkin, Yuri (2017) Personal Interview, 9 August.

<sup>66</sup> Timerbaev, Roland (1999) *Russia and Nuclear Non-Proliferation. 1945 – 1968*. Moscow: Nauka, p. 266, 271.

later, on March 11, 1968, they proposed a joint draft treaty. The negotiations were approaching the final stage and the parties seemed to come to reach a consensus on the main points of the treaty.<sup>67</sup>

Shortly before the NPT was signed, U.S. Deputy Secretary of Defense Paul Nitze in his address to the Senate Foreign Relations Committee, said that the United States reaffirmed to its allies that the treaty was not going to 'interfere with any existing nuclear arrangements'.<sup>68</sup> He also pointed out that the negotiated text of the NPT would not constrain NATO nuclear planning and the deployment of nuclear weapons on the territory of NATO members as long as this did not involve the transfer of nuclear weapons or control over them to NNWSs.<sup>69</sup>

In the end, the successful conclusion of negotiations on Articles I and II of the NPT resulted from the strong commitment of both the United States and the Soviet Union to the policy of preventing proliferation of nuclear weapons and their willingness to seek compromise. For the United States, that involved difficult negotiations with some of its NATO allies and revision of an existing policy (creation of MLF). Success was facilitated by a change in West Germany's leadership: the new chancellor, Willy Brandt, abandoned many of the ambitions of the post-World War II governments, including against 'holding up a non-proliferation treaty for a sometime allied nuclear force'.<sup>70</sup> The Soviet Union, for the sake of the future treaty, agreed to depart from its original position, foresaw very strict language, and de facto accepted the weakened nuclear arrangements for NATO.

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<sup>67</sup> 'Statement by ACDA Deputy Director Fisher to the Eighteen Nation Disarmament Committee: Draft Nonproliferation Treaty' (1968) Documents on Disarmament, p. 11; 'Treaty on the Non-Proliferation of Nuclear Weapons' (1968) United Nations, Office for Disarmament Affairs, available at <https://www.un.org/disarmament/wmd/nuclear/npt/text> (17 May, 2021).

<sup>68</sup> 'Statement by Deputy Secretary of Defense Nitze to the Senate Foreign Relations Committee: Nonproliferation Treaty' (1968) Documents on Disarmament, p. 511.

<sup>69</sup> 'Report by the Senate Foreign Relations Committee on the Treaty on the Non-proliferation of Nuclear Weapons, September 26, 1968,' Documents on Disarmament (1968), pp. 644 – 645.

<sup>70</sup> Bange, Oliver (2007) 'NATO and the Non-Proliferation Treaty Triangulations between Bonn, Washington, and Moscow,' Ostpolitik and the CSCE, available at <http://www.detente.de/csce/publications/download/article8.pdf> (17 May, 2021); Bunn, George (1992) Arms Control by Committee: Managing Negotiations with the Russians, Stanford: Stanford University Press, p. 80; Nazarkin, Yuri (2017) Personal Interview, 9 August.

All in all, that experience demonstrated that as long as the two parties shared an important commitment to an equal degree, they could find a solution, which, although not perfect, allowed conclusion of an important treaty.<sup>71</sup>

## **Revival of the Nuclear Sharing Issue after the End of the Cold War**

The interpretation that allowed to reconcile nuclear sharing with NPT obligations was offered shortly after the signing of the treaty, in 1969, by the chairman of the Joint Chiefs of Staff General Earle Wheeler. According to that interpretation, the transfer of nuclear weapons would only take place during wartime, when the treaty would have ceased to be valid. Obviously, such an interpretation, while sound in the context of the narrow interpretation of the text of the NPT, still raises questions because non-nuclear members of NATO are expected to retain nuclear-capable delivery vehicles (dual-capable aircraft, or DCA) and train pilots to deliver and release these weapons, which can be construed as a violation of the spirit of the NPT.<sup>72</sup>

This apparent contradiction remained dormant and was not questioned for a long time, until the 1985 NPT Review Conference, which called for prohibiting the proliferation of nuclear weapons 'under any circumstances'.<sup>73</sup> In the run-up to the 2000 NPT Review Conference, the New Agenda Coalition (NAC) proposed that 'all

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<sup>71</sup> Timerbaev, Roland (1999) *Russia and Nuclear Non-Proliferation. 1945 – 1968*. Moscow: Nauka, p. 268 – 269.

<sup>72</sup> Goldblat, Jozef (2002) *Arms Control: The New Guide to Negotiations and Agreements*. SAGE, p.102; Burroughs, John (2006) 'The Legal Framework for Non-Use and Elimination of Nuclear Weapons,' The Lawyers Committee on Nuclear Policy, available at <http://lcnp.org/disarmament/Gpeacebrfpaper.pdf> (17 May, 2021); 'NGO Presentations to the second session of the Preparatory Committee of the 2010 NPT Review Conference 28 April – 9 May 2008,' United Nations, available at <https://unoda-web.s3-accelerate.amazonaws.com/wp-content/uploads/assets/WMD/Nuclear/NPT2010Prepcom/PrepCom2008/NGO-Pres-Written.pdf> (17 May, 2021).

<sup>73</sup> Butcher, Martin and Otfried Nassauer, Tanya Padberg, Dan Plesh (2000) 'Questions of Command and Control: NATO, Nuclear Sharing and the NPT,' Berlin Information-Center for Transatlantic Security, available at <http://www.bits.de/public/pdf/00-1command.pdf> (17 May, 2021).

the articles of the NPT are binding on all States Parties and at all times and in all circumstances'.<sup>74</sup>

The nuclear sharing arrangements in NATO underwent only marginal changes after the end of the Cold War, however, NATO's 1991 Strategic Concept proclaimed nuclear weapons a 'supreme guarantee'<sup>75</sup> of the alliance's security. The 1999 Concept used the same wording, but at the same time also mentioned that NATO was now planning to 'radically [reduce] its reliance on nuclear forces'.<sup>76</sup> The documents stated that 'nuclear forces [were] no longer targeted against any country' and that 'the circumstances in which their use might have to be contemplated [were] considered to be extremely remote'.<sup>77</sup>

The work of the NPG also underwent some adjustments. 'The rotational membership of the NPG was ended in 1979 in recognition of the increasing importance to all members of NATO's nuclear policy and posture'.<sup>78</sup> In addition, NATO began to hold joint nuclear missions on the territory of the new member states of the alliance.<sup>79</sup> It did not help the situation that non-nuclear NATO members, namely, Belgium, Germany, Italy and Netherlands participated in

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<sup>74</sup> Goldblat, Jozef (2002) *Arms Control: The New Guide to Negotiations and Agreements*, SAGE, p.102; Burroughs, John (2006) 'The Legal Framework for Non-Use and Elimination of Nuclear Weapons,' The Lawyers Committee on Nuclear Policy, available at <http://lcnp.org/disarmament/Gpeacebrfpaper.pdf> (17 May, 2021); 'NGO Presentations to the second session of the Preparatory Committee of the 2010 NPT Review Conference 28 April – 9 May 2008,' Geneva. United Nations, available at <https://unoda-web.s3-accelerate.amazonaws.com/wp-content/uploads/assets/WMD/Nuclear/NPT2010Prepcom/PrepCom2008/NGOPres-Written.pdf> (17 May, 2021).

<sup>75</sup> North Atlantic Treaty Organization (2009) 'The Alliance's Strategic Concept,' NATO, available at [http://www.nato.int/cps/en/natolive/official\\_texts\\_27433.htm?selectedLocale=en](http://www.nato.int/cps/en/natolive/official_texts_27433.htm?selectedLocale=en) (17 May, 2021).

<sup>76</sup> Weitz, Richard (2010) 'The Future if NATO's Tactical Nuclear Weapons,' Second Line of Defense, available at <https://sldinfo.com/2010/12/the-future-of-natos-tactical-nuclear-weapons/> (17 May, 2021).

<sup>77</sup> Ibid.

<sup>78</sup> North Atlantic Treaty Organization (2020) 'Nuclear Planning Group,' NATO, available at [http://www.nato.int/cps/en/natohq/topics\\_50069.htm](http://www.nato.int/cps/en/natohq/topics_50069.htm) (17 May, 2021); Roberts, Guy (2010) 'How do Nuclear Changes Look to NATO,' NATO, available at [http://www.nato.int/docu/review/2010/Nuclear\\_Proliferation/Guy\\_Roberts/EN/index.htm](http://www.nato.int/docu/review/2010/Nuclear_Proliferation/Guy_Roberts/EN/index.htm) (17 May, 2021); North Atlantic Treaty Organization (2012) 'Strategic Concept for the Defence and Security of the Members of the North Atlantic Treaty Organisation adopted by Heads of State and Government in Lisbon,' NATO, available at [http://www.nato.int/cps/en/natolive/official\\_texts\\_68580.htm](http://www.nato.int/cps/en/natolive/official_texts_68580.htm) (17 May, 2021).

<sup>79</sup> Oswald, Rachel (2014) 'U.S. Tactical Nuclear Arms Mission Could Shift Among NATO Jets,' NTI, available at <http://www.nti.org/gsn/article/aircraft-could-be-given-nato-tactical-nuclear-arms-mission/> (17 May, 2021).

the NATO's Support of Nuclear Operations with Conventional Air Tactics (SNOWCAT) program using nuclear-capable aircraft.<sup>80</sup>

Russia strongly objected to the retention of NATO's nuclear missions in the post-Cold War environment. Now that the military confrontation characteristic of the Cold War was absent and its nuclear weapons were based exclusively within the national territory, it insisted that the arrangements made in earlier years were no longer justified and, in fact, could generate unnecessary tensions and suspicions.<sup>81</sup>

In 2009, President Barack Obama gave a speech in Prague about the U.S. commitment to the goal of a world free of nuclear weapons. The speech received strong feedback in Germany's political circles particularly with regard to its stance on NATO nuclear force. Shortly after the speech, Germany proposed the withdrawal of non-strategic nuclear weapons from Europe, sparking unprecedented debates among NATO member states. Indeed, U.S. officials told their European counterparts that they were prepared to withdraw non-strategic nuclear weapons if that is what other NATO members wanted. Furthermore, the U.S. military considered these weapons presenting such operating and security concerns that it regarded their full withdrawal advisable. Making the decision, however, proved to be difficult and in the end, the status quo was preserved.<sup>82</sup>

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<sup>80</sup> Kristensen, Hans (2017) 'NATO Nuclear Exercise Underway With Czech and Polish Participation,' Federation of American Scientists, available at: <https://fas.org/blogs/security/2017/10/steadfast-noon-exercise/> (25 July, 2021).

<sup>81</sup> Russian Ministry of Foreign Affairs (2017) 'Comment by the MFA of Russia on the U.S. Department of State's Annual Report on Adherence to and Compliance with Arms Control, Nonproliferation, and Disarmament Agreements and Commitments', available at [http://www.mid.ru/web/guest/kommentarii\\_predstavatelya/-/asset\\_publisher/MCZ7HQuMdqBY/content/id/2740264?p\\_p\\_id=101\\_INSTANCE\\_MCZ7HQuMdqBY&\\_101\\_INSTANCE\\_MCZ7HQuMdqBY\\_languageId=en\\_GB](http://www.mid.ru/web/guest/kommentarii_predstavatelya/-/asset_publisher/MCZ7HQuMdqBY/content/id/2740264?p_p_id=101_INSTANCE_MCZ7HQuMdqBY&_101_INSTANCE_MCZ7HQuMdqBY_languageId=en_GB) (17 May, 2021); MFA of the Russian Federation: NATO Nuclear Missions Are Incompatible with the Treaty on the Non-Proliferation of Nuclear Weapons (2014), TASS, available at: <https://tass.ru/politika/1494874> (25 July, 2021); MFA of the Russian Federation Accused the United States of Training Non-Nuclear Countries to Use Nuclear Weapons (2015), available at: <https://www.rbc.ru/rbcfreenews/551172a99a794799f5131659> (25 July, 2021).

<sup>82</sup> U.S. Air Force (2008) 'Air Force Blue Ribbon Review of Nuclear Weapons Policies and Procedures,' available at <http://www.fas.org/nuke/guide/usa/doctrine/usaf/BRR-2008.pdf> (17 May, 2021); Maettig, Thomas (2008) 'Tactical Nuclear Weapons in Germany: Time for Withdrawal?' NTI, available at <http://www.nti.org/analysis/articles/tactical-nuclear-weapons-germany/> (17 May, 2021); 'Nuclear Disarmament NATO (2019) NTI, available at <http://www.nti.org/analysis/articles/nato-nuclear-disarmament/> (17 May, 2021).

In their attitude toward the presence of U.S. nuclear weapons in Europe and, more generally, the nuclear mission of NATO, the non-nuclear members of the Alliance came to be split into three groups. The first, including some of the basing countries (Germany, Netherlands, and Belgium) clearly preferred to see these weapons gone, at least from their soil and better from Europe. In February 2010, Belgium, Germany, Luxembourg, the Netherlands, and Norway sent a joint letter to NATO Secretary-General Anders Fogh Rasmussen urging discussion on the withdrawal of nuclear weapons during the upcoming NATO ministerial meeting in Tallinn.<sup>83</sup>

The second group was represented by some former members of the Warsaw Pact and argued in favor of the continued presence of non-strategic nuclear weapons in Europe and, accordingly, the nuclear sharing arrangements. These states expressed fear towards Russia and Iran's nuclear capabilities and pointed out the symbolic nature of the weapons reinforcing the long-held commitments of the United States to the alliance. Estonia, the home of a critical NATO ministerial meeting, adopted a more visible position 'looking for the U.S. confirmation that sub-strategic nuclear weapons would remain in Europe as a symbol of the U.S. commitment to NATO'.<sup>84</sup> Indeed, U.S. Secretary of State Hilary Clinton reaffirmed at this meeting that 'as long as nuclear weapons exist, NATO [was to] remain a nuclear alliance,' and 'as a nuclear alliance, widely sharing nuclear risks and responsibilities [was] fundamental'.<sup>85</sup> The third one, which consisted of France and the United Kingdom, tended to keep low profile and promote the status quo.<sup>86</sup>

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<sup>83</sup> 'Council Decision 2010/212/CFSP of 29 March 2010 relating to the position of the European Union for the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons. Working paper submitted by Spain on behalf of the European Union' (2010) United Nations, available at [http://www.un.org/ga/search/view\\_doc.asp?symbol=NPT/CONF.2010/WP.31](http://www.un.org/ga/search/view_doc.asp?symbol=NPT/CONF.2010/WP.31) (17 May, 2021).; Muller, Harald (2011) 'Flexible Responses. NATO Reactions to the U.S. Nuclear Posture Review,' *The Nonproliferation Review* 18: 105

<sup>84</sup> Muller, Harald (2011) 'Flexible Responses. NATO Reactions to the U.S. Nuclear Posture Review,' *The Nonproliferation Review* 18: 110; Pomper, Miles and Nikolai Sokov, Meghan Warren (2012) 'Delaying Decisions: NATO's Deterrence and Defense Posture Review,' *NTI*, available at <http://www.nti.org/analysis/articles/delaying-decisions-natos-deterrence-and-defense-posture-review/> (17 May, 2021).

<sup>85</sup> 'NATO Clings to Its Cold War Nuclear Relics,' (2010) Arms Control Association, Issue Brief 1 (1), 27 April, available at <https://www.armscontrol.org/issuebriefs/NATORElics> (17 May, 2021).

<sup>86</sup> *Ibid.*

Facing a split in the Alliance and the apparent reluctance of those members, favoring the withdrawal, to take initiative, the Obama administration chose a time-honored route of creating a bipartisan commission, which came to be known after its co-chairmen: Bill Perry and James Schlesinger. The commission recommended a cautious approach, which, by default, leaned toward the views of the second group: as long as some members of NATO thought the presence of U.S. nuclear weapons in Europe was essential for the common defense, these should remain in Europe. 'All allies depending on the U.S. nuclear umbrella should be assured that any changes in its [nuclear] forces do not imply a weakening of the U.S extended nuclear deterrence guarantees,' stated the final report. 'They could perceive a weakening if the United States (and NATO) does not maintain other elements of the current arrangement than the day-to-day presence of U.S. nuclear bombs'.<sup>87</sup>

The intense debate concluded with the adoption of a new Security Concept at the 2010 Lisbon summit of NATO and to conduct an extensive Deterrence and Defense Posture Review (DDPR). The 2010 Security Concept linked any changes in NATO's nuclear posture to reductions of non-strategic nuclear weapons by Russia urging it to, 'relocate [nuclear] weapons away from the territory of NATO members'.<sup>88</sup>

Concluded in May 2012, the DDPR reiterated NATO's nuclear status and provided for the 'broadest possible participation of Allies concerned in their nuclear sharing arrangements'.<sup>89</sup> However, for the first time in history, NATO's strategic concept did not define nuclear weapons as, 'an essential political and military link between

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<sup>87</sup> Perry, William J. and James R. Schlesinger (2009) 'America's Strategic Posture: The Final Report of the Congressional Commission on the Strategic Posture of the United States,' United States Institute of Peace, p. 68, available at [http://www.usip.org/strategic\\_posture/final.html](http://www.usip.org/strategic_posture/final.html) (17 May, 2021).

<sup>88</sup> North Atlantic Treaty Organization (2010) Strategic Concept for the Defence and Security of the Members of the North Atlantic Treaty Organization, NATO, available at [https://www.nato.int/nato\\_static\\_fl2014/assets/pdf/pdf\\_publications/20120214\\_strategic-concept-2010-eng.pdf](https://www.nato.int/nato_static_fl2014/assets/pdf/pdf_publications/20120214_strategic-concept-2010-eng.pdf) (17 May, 2021); Muller, Harald (2011) 'Flexible Responses. NATO Reactions to the U.S. Nuclear Posture Review,' *The Nonproliferation Review* 18: 109.

<sup>89</sup> Meier, Oliver and Paul Ingram (2012) 'The NATO Summit: Recasting the Debate Over U.S. Nuclear Weapons in Europe,' Arms Control Association, available at <https://www.armscontrol.org/act/2012-05/nato-summit-recasting-debate-over-us-nuclear-weapons-europe> (17 May, 2021); NATO (2012) 'Deterrence and Defence Posture Review', available at [http://www.nato.int/cps/en/natohq/official\\_texts\\_87597.htm](http://www.nato.int/cps/en/natohq/official_texts_87597.htm) (17 May, 2021).

the European and the North American members of the Alliance'.<sup>90</sup> Still, it firmly anchored nuclear weapons in the NATO defense policy by saying that the security of the Alliance rested on an 'appropriate mix'<sup>91</sup> of nuclear, conventional, and defense capabilities.<sup>92</sup>

While the conclusion of the DDPR ended the active phase of debates in NATO, nuclear sharing arrangements continued to be addressed in other fora, in particular during the 2010 and 2015 NPT Review Conferences. In 2010, these arrangements were criticized by the Non-Aligned Movement (NAM), which sought to prohibit them. Eleven European states (Austria, Belgium, Finland, Germany, Luxembourg, the Netherlands, Norway, Poland, Slovenia, Sweden, and Switzerland) sought to include into the 2010 Action Plan language that would have explicitly prohibited nuclear sharing arrangements, but, in the end, nuclear sharing was mentioned only indirectly as a part of a plan to 'reduce and eventually eliminate,'<sup>93</sup> all nuclear weapons 'regardless of their type and location'.<sup>94</sup>

During the 2015 Review Conference, the debate became more heated. The Russian representative, Director of the Department for Non-Proliferation and Arms Control Mikhail Ulyanov, openly accused the United States of violating Article I of the NPT and referred to the situation when 'servicemen from NATO non-nuclear-weapon States [are] trained to use nuclear weapons and participate in the nuclear planning process'.<sup>95</sup> In the course of subsequent discussions, he elaborated on the issue of NATO's nuclear missions that according to the Russian Ministry of Foreign Affairs included the 'elements of nuclear planning and training focused on the practical use of nuclear weapons involving aircraft, their crews, airfield

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<sup>90</sup> Pifer, Steven (2011) 'NATO, Nuclear Weapons and Arms Control,' Brookings, Arms Control Series Paper 1, available at [https://www.brookings.edu/wp-content/uploads/2016/06/0719\\_arms\\_control\\_pifer.pdf](https://www.brookings.edu/wp-content/uploads/2016/06/0719_arms_control_pifer.pdf) (17 May, 2021).

<sup>91</sup> Ibid.

<sup>92</sup> Ibid.

<sup>93</sup> Muller, Harald (2012) 'The NPT Review Process and Strengthening the Treaty: Disarmament,' Nonproliferation Paper 10, SIPRI, available at <https://www.sipri.org/publications/2012/eu-non-proliferation-papers/npt-review-process-and-strengthening-treaty-disarmament> (17 May, 2021).

<sup>94</sup> Ibid.

<sup>95</sup> 'Statement by Mikhail I. Uliyanov Acting Head of the Delegation of the Russian Federation at the 2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (General debate)' (2015) United Nations, available at [http://www.un.org/en/conf/npt/2015/statements/pdf/RU\\_en.pdf](http://www.un.org/en/conf/npt/2015/statements/pdf/RU_en.pdf) (17 May, 2021).



infrastructure, and ground support services in non-nuclear-weapon NATO countries'.<sup>96</sup>

Ulyanov's statement represented a marked toughening of the Russian rhetoric with regard to the NATO nuclear mission and the presence of U.S. nuclear weapons in Europe. Previously, the language had not been as harsh and generally, Moscow avoided openly and directly accusing Washington and NATO of violating the NPT, but did criticize the Alliance for its plans to deploy nuclear-capable fighters near the Russian border.<sup>97</sup> The immediate cause of that change in behavior was clearly the accusation, which the United States filed against Russia, of violation of the 1987 INF Treaty. Furthermore, the overall atmosphere of deep crisis in the U.S.-Russian relationship made Moscow less inclined to hide its displeasure behind the diplomatic language. It can be said that once the need in politeness passed, the true extent of Russian irritation with nuclear sharing arrangements and the continued presence of U.S. nuclear weapons in Europe was revealed.<sup>98</sup>

The members of the NAM once again expressed their concerns about NATO's security concept, which '[justified] the use or threat of use of nuclear weapons and [maintained] unjustifiably the concept of security based on nuclear military alliances and nuclear deterrence policies'.<sup>99</sup> In the recommendations for the Conference's final document, NAM Members called for the prevention of nuclear proliferation 'including through nuclear weapon-sharing with other States under any kind of security and military arrangements or alliances'.<sup>100</sup>

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<sup>96</sup> The Ministry of Foreign Affairs of the Russian Federation (2015) 'Statement by the Head of the Russian Delegation, Director of the Department of Non-Proliferation and Control of Armaments at the Russian Foreign Ministry Mikhail Ulyanov at the 2015 NPT Review Conference (Cluster I, Nuclear Nonproliferation)', available at [http://www.mid.ru/web/guest/vystuplenia-zaavlenia/-/asset\\_publisher/97FOfHiV2r4j/content/id/1252188](http://www.mid.ru/web/guest/vystuplenia-zaavlenia/-/asset_publisher/97FOfHiV2r4j/content/id/1252188) (17 May, 2021).

<sup>97</sup> Mukhin, Vladimir (2004) 'Sergei Ivanov Hits Back at NATO,' *Nezavisimaya Gazeta*, 26 March, available at [https://www.ng.ru/world/2004-03-26/6\\_nato.html](https://www.ng.ru/world/2004-03-26/6_nato.html) (29 July, 2021).

<sup>98</sup> *Ibid.*

<sup>99</sup> 'Nuclear disarmament Working paper submitted by the Group of Non-Aligned States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons,' 2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, United Nations, available at <http://www.reachingcriticalwill.org/images/documents/Disarmament-fora/npt/revcon2015/documents/WP13.pdf> (17 May, 2021).

<sup>100</sup> 'Substantive recommendations for incorporation into the final document of the 2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of

The same idea was also articulated in the individual working papers submitted by the delegations of Egypt and Iran.<sup>101</sup>

Following the adoption of the new Strategic Concept and the conclusion of DDPR, NATO continued to stick to its existing policy and refined the arguments in support of its maintenance. It claimed, first, that nuclear sharing had been established prior to the NPT. Second, by the time of the NPT conclusion, it was fully addressed and all signatories accepted the arrangements. Third, further arms control treaties (e.g. SALT, INF, and START) limiting nuclear weapons 'were signed without affecting NATO's nuclear arrangement'.<sup>102</sup>

The official position of NATO is that nuclear weapons in Europe remain vital for the provision of security and act as a guarantor of stability in a progressively more dangerous and less predictable world. They are supposed to act as 'transatlantic glue',<sup>103</sup> and serve as a part of the so-called nuclear burden and risk sharing. After a period of rather divisive and acrimonious debates, NATO appears to have reached a consensus that no member of the Alliance seems prepared to challenge, at least in the foreseeable future. The dividing lines in the international community have been drawn with considerable clarity, but no party is prepared to budge.<sup>104</sup>

Opposition to the status quo persists, including in Europe and even in some basing countries. Some experts have called nuclear sharing and, more generally the nuclear mission of NATO 'a relic of

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Nuclear Weapons. Working paper submitted by the Group of Non-Aligned States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons,' 2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, United Nations, available at <http://www.reachingcriticalwill.org/images/documents/Disarmament-fora/npt/revcon2015/documents/WP24.pdf> (17 May, 2021).

<sup>101</sup> 'Nuclear Disarmament. Working Paper Submitted by Egypt' (2015) United Nations, 2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, available at [https://www.un.org/en/conf/npt/2015/pdf/NPT-CONF2015-WP.39\\_E.pdf](https://www.un.org/en/conf/npt/2015/pdf/NPT-CONF2015-WP.39_E.pdf) (17 May, 2021).

<sup>102</sup> Alberque, William (2017) 'The NPT and the Origins of NATO's Nuclear Sharing Arrangements,' Vienna Center for Disarmament and Non-Proliferation, available at <http://vcdnp.org/wp-content/uploads/2017/05/Alberque-Briefing-NPT-Nuclear-Sharing-Arrangements.pdf> (17 May, 2021).

<sup>103</sup> Ingram, Paul (2011) 'Revising NATO's Nuclear Deterrence Posture: Prospects for Change,' BASIC, available at <https://basicint.org/news/events/2011/revising-nato%E2%80%99s-nuclear-deterrence-posture-prospects-change> (17 May, 2021).

<sup>104</sup> Shea, Jamie (2012) 'Lecture 1. Proliferation of Nuclear Weapons: How Should International Community React,' NATO, available at [https://www.nato.int/cps/ru/natolive/opinions\\_84762.htm](https://www.nato.int/cps/ru/natolive/opinions_84762.htm) (17 May, 2021).

the Cold War'.<sup>105</sup> Oliver Meier, the Deputy Head of Research Division at the German Institute for International and Security Affairs, argued that 'political, technical, and financial reasons, maintenance of the nuclear status quo [in the alliance] is not feasible'.<sup>106</sup> Still, these voices remain isolated at the moment and, at least for the time being, will hardly cause NATO to once again engage in a lengthy and difficult process of reviewing its nuclear policy. Instead, NATO is moving to replace existing B-61 gravity bombs versions (B61-3, – 4, 7, – 10) stored in Europe with a new modification, B-61-12. The new weapon will feature new capabilities, which were not featured in the DDPR debates. As Hans Christensen commented, 'The capability of the new B61-12 nuclear bomb seems to continue to expand, from a simple life-extension of an existing bomb to the first U.S. guided nuclear gravity bomb, to a nuclear earth-penetrator with increased accuracy'.<sup>107</sup> The widely expected result of that program is the enhancement of the nuclear capability of NATO, which will likely further enhance Russian opposition and strengthen the accusations of violation of the NPT. The investment in the replacement of old weapons will also probably decrease the probability of a major policy revision on the part of NATO. In other words, the conflict over the interpretation of Articles I and II of the NPT may worsen even further.<sup>108</sup>

## Conclusions

The level of cooperation and the readiness to compromise achieved by the United States and the Soviet Union during the negotiations on Articles I and II of the NPT will be difficult – if, perhaps, impossible – to restore. That cooperation was determined by genuinely deep concern about the risk of proliferation of nuclear weapons and

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<sup>105</sup> Schulte, Paul (2010) 'Is NATO's Nuclear Deterrence Policy a Relic of the Cold War?' Carnegie Endowment for International Peace, available at [http://carnegieendowment.org/files/NATO\\_nuke\\_deterrence.pdf](http://carnegieendowment.org/files/NATO_nuke_deterrence.pdf) (17 May, 2021).

<sup>106</sup> Meier, Oliver and Paul Ingram (2012) 'The NATO Summit: Recasting the Debate Over U.S. Nuclear Weapons in Europe,' Arms Control Association, available at <https://www.armscontrol.org/act/2012-05/nato-summit-recasting-debate-over-us-nuclear-weapons-europe> (17 May, 2021).

<sup>107</sup> Kristensen, Hans (2016) 'Video Shows Earth-Penetrating Capability of B61-12 Nuclear Bomb,' Federation of American Scientists, available at [https://fas.org/blogs/security/2016/01/b61-12\\_earth-penetration/](https://fas.org/blogs/security/2016/01/b61-12_earth-penetration/) (17 May, 2021).

<sup>108</sup> Ibid.

the parties were prepared to abandon or modify their policies to ensure the successful conclusion of the NPT. These conditions are no longer present, at least not to the same extent.

The current situation is different from the 1960s in the following respects:

- The NPT has become a well-established international norm and only needs maintenance, which requires (or is perceived to require) less effort than its achievement. Consequently, motivation for concessions is far weaker than was the case in the 1960s.
- Since NATO nuclear sharing arrangements have become an equally established policy and were not seriously challenged for several decades, they have acquired a high degree of legitimacy in the United States and key NATO countries. Opposition to them faces an uphill battle against an established and broadly supported policy. The proponents of nuclear sharing in the United States and Europe play the role of defenders of the status quo while those who advocate the removal of U.S. nuclear weapons from Europe play the part of revisionists, whose job is by definition considerably more difficult.
- There is little, if any, shared space in the U.S. and the Russian positions. In the 1960s, the presence of nuclear weapons outside national territories was not an issue because both had a large number of those in the territories of their allies. The difference was in the degree to which allies were allowed to engage in the nuclear policy of their respective alliances (none in the East and some in the West). Hence, only one issue was under negotiation and required a compromise. Today, Russia does not have nuclear weapons outside its borders, and prospects for such deployment are non-existent. Thus, not only there are two issues, on which positions diverge, but there are literally no grounds for a compromise: Russia does not have motives to modify its insistence on the withdrawal of U.S. nuclear weapons and termination of nuclear sharing, while NATO is completely unwilling to modify (weaken) these policies. Despite there being precedents of the United States withdrawing its nuclear weapons from the allies' territory, the chances of that happening again — with all of the U.S. nuclear weapons stockpiles in Western Europe — are not promising.

- In contrast to the 1960s, when the United States provided strong leadership within NATO with regard to nuclear policy and only had to modify its initiatives as necessary to account for European response, today Washington appears reluctant to lead. As the story with the Perry-Schlesinger Commission demonstrated, the United States appears satisfied with the lowest common denominator principle. It will wait until consensus in Europe forms in favor of a change in policy and only then will act. Given the deep divisions among European countries, prospects of European members of NATO reaching consensus are dim, at best.
- Without decisive impetus NATO is not likely to renegotiate its approach to nuclear sharing. The process of consultations and of finding a consensus is so time- and effort-consuming that the Alliance needs to take time after each attempt. Since DDPR was completed only in 2012, a similar effort can hardly take place any time soon.
- The conditions of a deep crisis in international relations and especially in Europe, first and foremost in relations between Russia and the West, coupled with the modernization of NATO's nuclear capability (or, rather, modernization of U.S. nuclear weapons assigned to NATO as well as the replacement of NATO DCA)<sup>109</sup> helps keep NATO nuclear policy on the same track for a long time.

All this leads to a conclusion that conflict over the key articles of the NPT, I and II, will continue unabated and perhaps will even worsen as relations between the United States and Russia remain strained and maybe even worsen. The issue of nuclear sharing is hardly the most visible or fundamental challenge to the stability of the nuclear nonproliferation regime. Yet, it concerns the core obligations under the Treaty and, combined with other, more acute challenges, could present a problem, especially since conditions for cooperation and the willingness to compromise are virtually absent.

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<sup>109</sup> Tetrais, Bruno (2008) 'The Coming NATO Nuclear Debate (ARI),' Elcano Royal Institute, 26 September, available at [http://www.realinstitutoelcano.org/wps/portal/rielcano\\_en/contenido?WCM\\_GLOBAL\\_CONTEXT=/elcano/elcano\\_in/zonas\\_in/defense+security/ari117-2008](http://www.realinstitutoelcano.org/wps/portal/rielcano_en/contenido?WCM_GLOBAL_CONTEXT=/elcano/elcano_in/zonas_in/defense+security/ari117-2008) (29 July, 2021).