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"NATO AND THE COUNTERPROLIFERATION:

A NEW ROLE FOR THE ALLIANCE"

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SUMMARY

Halting the spread of WMD (nuclear, biological and chemical) and their delivery systems has become an international security top priority for the entire international community. This is mainly due to the fact, that the risk of NBC weapons' use by rogue states is greater today than in past centuries. Within NATO, the proliferation problem has acquired relevance because it is potentially detrimental to the Alliance's new strategy and specially, because it can undermine NATO's ability to conduct essential defence missions. Therefore, as it was recently recognized by the Alliance's DPC and NPG Ministerial Meetings on June 12, 1997, "the intensification of Allied defence efforts to address this risk, is an integral part of the Alliance adaptation to the new security environment. Alliance defense planning must address the potential threat or use of NBC weapons in future contingencies involving proliferants".

Traditional responses to the proliferation problem have been diplomatic and political, rather than military. The implementation of military measures to counter the proliferation of weapon of mass destruction, opened an acute debate between the United States (which launched the Defense Counterproliferation Initiative in December 1993), and those that saw the proposal as an unilateral initiative by which the US would have new justifications to retain and manufacture new nuclear weapons and therefore, with serious and dangerous consequences for the nonproliferation regime and its main legal international instrument, the NPT. For these reasons, during the two first years, the debate was focused on the relation and compatibility of the counterproliferation initiative with the nonproliferation regime. The solution given both by the US and NATO, made clear that counterproliferation should be a last resort option, once the nonproliferation measures failed, so that counterproliferation should be a mere supplement of the nonproliferation regime.

NATO's role in this field has been decisive, since the Alliance discussed for the first time the counterproliferation initiative in January 1994, with occasion of the Brussels summit. In spite of the reticencies to incorporate the concept "counterproliferation" in its vocabulary (preferring the term "defense response to the weapon of mass destruction proliferation risk"), the Alliance has been the vehicle to internationalize the counterproliferation policy on its own bases, through the set up of two working groups, one centred in the political aspects of the initiative and another focussed on its military implications.

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INTRODUCTION

"The intensification of Allied defence efforts to address the risks posed by nuclear, biological, and chemical (NBC) weapons and their delivery means, is an integral part of Alliance adaptation to the new security environment. Alliance defence planning must address the potential threat or use of NBC weapons in future contingencies involving proliferants. As part of Ministerial Guidance we issued guidance on the capabilities needed to deter, and if necessary respond to, the use of such weapons. We agreed that these capabilities were among the key areas for longer term planning and that a high priority should be given to these capabilities in the 1998 force proposals".¹

Since Les Aspin, by then US Defense Secretary, launched the Defense Counterproliferation Initiative (DCI) in a speech before the National Academy of Sciences on December 7, 1993, both the USA and NATO have been actively working in defining and implementing such an initiative not only at the military level, but also at the diplomatic and political one. But it was also since the initiative came to light, when a lot of criticism was put on the proposal, beginning with the lack of a clear definition about what should be understood under the term "counterproliferation". This fact originated suspicions of other countries towards the initiative, seeing in this the American will to recover protagonism in nonproliferation issues and therefore, an exclusively unilateral concept.

The other matter of concern was the relation between the counterproliferation initiative and the nonproliferation regime. The fear that the "new counterproliferation" policy could supplant the "traditional nonproliferation regime", or concerns about the possible damage that a military conception of nonproliferation may inflict on the regime (before the 1995 Nuclear Nonproliferation Treaty Review and Extension Conference), focused also the debate during the first years of the initiative. In spite of these critics, we will see that, non- and counterproliferation can "live together" if the appropriate rules and procedures are observed.

The debate continued when in late 1993 the U.S. persuaded NATO to create two working groups on counterproliferation, which will explore its political and military aspects. The discussions that take place within NATO from January 1994, proved that there was no agreement among the allies and that if the U.S. wanted to obtain the support for its counterproliferation initiative (necessary in order to convert what until that moment was exclusively a domestic and unilateral policy in a international and multilateral one), this should also deal with its political implications, rather than be exclusively focused in its military aspects.

Although not always openly admitted, NATO contribution in addressing the weapons of mass destruction challenge, has been decisive and impressive. In this sense, and in spite of the reticencies to incorporate the word "counterproliferation" in its vocabulary (preferring its own term "defense response to the weapon of mass destruction proliferation risk"), the Alliance has been the vehicle to internationalize the counterproliferation policy on its own bases.

But the counterproliferation debate has had reciprocal beneficial influences. It has served to prove NATO's ability both, to respond effectively to the weapon of mass destruction and missile threat, and to its adaptation to the new security environment and the most important stimulus to force planning and defense analysis in the decades ahead.²

After almost four years of the counterproliferation initiative launching, we consider a good moment to evaluate their successes, failures and prospects by debating the questions exposed above and analysing NATO's role within the global efforts (i.e. the nonproliferation regime) to stop the proliferation of weapons of mass destruction.

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I. THE CONCEPTUAL DEBATE

"When I use a word", Humpty Dumpty said in a rather scornful tone, "it means just what I choose it to mean-neither more nor less". "The question is", said Alice, "whether you can make words mean so many things". "The question is", said Humpty Dumpty, "which is to be master-that's all."³

From its inception, the Defense Counterproliferation Initiative (DCI) prompted a great deal controversy in the United States and abroad. Supporters and critics alike struggled *first to define the concept* and then, to understand its implications for nonproliferation, deterrence, arms procurement, development of new technologies, and intelligence collection.⁴ For this reason, during a long time, the counterproliferation debate was centred on the searching of a precise meaning of the term (to ascertain what was meant to be achieved by it and to determinate how their purposes should be reached).

Therefore, attention should be paid, first, to the emergence and evolution of the counterproliferation initiative in order to answer the question, *how was the counterproliferation concept born?* and, *where is the inflection point between nonproliferation and counterproliferation?*; second, as it has been already said, the counterproliferation concept itself and their elements should be defined, taking into consideration different approaches and specially, if counterproliferation could be an effective mean of combatting proliferation of weapons of mass destruction (WMD) -without duplicate efforts, i. e., the relation between counterproliferation measures and the nonproliferation regime, an aspect that will be specially studied in part III of our report- and if so, how it works.

1. From nonproliferation to counterproliferation: the counterproliferation initiative background

The first indirect approach to the counterproliferation initiative was realized by Defense Secretary Dick Cheney, when he created in April 1990 a directorate for Proliferation Countermeasures (PC). Previously, in 1989, the Bush administration, led by Under Secretary of Defense Paul Wolfowitz, decided to change the orientation and mission of Defense Department. To fight proliferation in all its aspects, by means ranging from the control of dual-use technology to the preventive destruction of weapons of mass destruction's facilities, became a new priority for the U.S. military.⁵

Unlike the Clinton counterproliferation initiative, which followed it some years later, the objective of the PC directorate (composed by no more than 12 people) had little to do with determining how the U.S. military might deter or preempt other nations' use of nuclear, chemical or biological (NBC) weapons. Indeed, the Proliferation Countermeasures directorate's first set of research projects (it commissions over \$2 million in studies) focused less on WMD than on high leverage conventional weapons systems, that might inflict strategic harm (and, thus, become of proliferation concern) if effective military countermeasures were not developed.⁶

To be sure, the directorate worried about how best to limit the damage that NBC weapons (and ballistic missiles carried them) might make. Passive and active defenses (including missile defenses, protective gear, dispersion of forces, and offensive strikes once war began) were all studied. But the directorate was under no delusion that truly effective military countermeasures were likely against these weapons: measures could be taken to limit the damage they might do, but countermeasures to neutralize them effectively in the way that effective military electronic countermeasures can negate enemy radars, did not seem likely.⁷

The directorate established a Department of Defense Proliferation Countermeasures Working Group, that included representatives from the Defense Intelligence Agency, the National Security Agency, the various military services, and the Joint Chiefs of Staff. The working group's first project was to assess the threat that accurate Third World conventional ballistic missiles might present to U.S. expeditionary forces in the late 1990.⁸ This was followed by an examination of what threats, both lethal and nonlethal, unnamed air vehicles (cruise missiles and reconnaissance remotely piloted vehicles) might present with improved command, control, communication and intelligence capabilities, and satellite services.⁹ The aim of each of these studies was to anticipate possible proliferation problems well enough in advance to allow policy makers and military planners enough time, either to diffuse them or to get properly prepared literally to fight them. In this sense, after the Persian Gulf War, nonproliferation will be replaced by "more combative" means.¹⁰

The view that nuclear weapons should play a role in a counterproliferation context, was first contained in the Reed/Wheeler report of 1991.¹¹ This discussion was taken up by professional military planners and by the American nuclear weapons laboratories. General Lee Butler, Chief of Strategic Command, had asked his planners

to design computer models that would enable President Clinton to aim nuclear weapons at third World states. General Butler allegedly ordered these studies in anticipation of future demand by the political authorities but without prior consultation with Defense Secretary Les Aspin.¹² Nevertheless, the issue will also be evaluated by Defense Nuclear Posture Review ordered by Aspin in October 1993 (the so-called Bottom-Up-Review) which processed the lessons learned in the Gulf War. In short, DoD's motivation for its counterproliferation strategy derived largely from a convergence of two factors: 1) military necessity resulting from the Gulf War experience with Iraq and, 2) a reorientation of the U.S. conventional force structure as a result of the Bottom-Up Review.

The Bottom-Up Review was developed in the context of a strategy of "Engagement and Enlargement" that emerged as speeches during the first months of 1993.¹³ The Review will discuss the future role of nuclear weapons in contingencies outside the East-West context. One of the six working groups responsible for drawing up the review, will examine the role of nuclear weapons in U.S. security strategy, a second will look at the relationship between the United States' nuclear posture and its counterproliferation policy.¹⁴ The Bottom-Up Review will also decide whether the United States should adopt an unconditional no first use policy or to plan for potential nuclear strike in response to attacks against U.S. forces with chemical or biological weapons. Finally, the Review concluded that U.S. could cope with the challenge of two nearly simultaneous Major Regional Contingencies (MRCs) with a force structure 40 per cent smaller than the peak years of the eighties.¹⁵

On December 7, 1993, after months briefings on what the Counterproliferation Initiative might be (and two months after the Bottom-Up Review), Les Aspin officially launched at a speech to the US National Academy of Sciences in Washington the Defense Counterproliferation Initiative (DCI), to address challenges to United States security in a potentially more threatening post-Cold War international environment.¹⁶ The DCI attempted to ensure that if states acquire weapons of mass destruction, their programs would be finished by force. It sought to provide, in effect, technological and military insurance against political and diplomatic failure. Les Aspin stressed that "with this initiative, we are making the essential change demanded by this threat... We are adding the task of protection to the task of prevention". In contrast with the old nuclear danger posed to the United States by the Soviet nuclear arsenal during the Cold War, Les Aspin observed that "the new nuclear danger we face is perhaps a handful of nuclear devices in the hands of rogue states or even terrorist groups".

Finally, Aspin also stated that "in past administrations, the emphasis was on prevention. The policy of non-proliferation combined global diplomacy and regional security efforts with the denial of material and know-how to would-be proliferators. Prevention remains our preeminent goal... The DCI in no way means we will lessen our non-proliferation efforts. In fact, DoD's work strengthens prevention. What the DCI recognizes, however, is that proliferation may still occur. Thus we are adding protection as a major policy goal".

Although Aspin left the Pentagon right after announcing the Counterproliferation Initiative, he made sure that it would be more than a mere speech. First, established a new post for Mr. Ashton Carter as Assistant Secretary for Nuclear Security and Counterproliferation. Second, he instructed the military services to identify research and acquisition programs that needed to be funded for the services to accomplish their counterproliferation mission. He also had his deputy, John Deutch, make counterproliferation an acquisition priority. Finally, he saw to it that language was introduced in the National Defense Authorisation Act for fiscal year 1994, requiring the new Secretary of Defense to identify precisely what new spending was needed to execute the initiative.¹⁷

On the other hand, the timing of the launching of the counterproliferation initiative coincides with a special moment of tense relations between the United States and North Korea, that with an eye on the nonproliferation regime debates surrounding the extension of the 1968 Nuclear Non-Proliferation Treaty (NPT). It is the reason by which a lot of specialists saw the initiative as a risk for the future of the nonproliferation regime, and specially of its main legal instrument, the NPT.¹⁸

1993 was a difficult year for nonproliferation issues. The year was marked by a growing concern in the United States and Europe about safety and future of the former Soviet Union's nuclear arsenal after the USSR political disintegration (Moscow changed from being a partner in the nonproliferation regime to being a part of the problem);¹⁹ the ongoing of Iraq and Iran's nuclear capabilities aspirations; start-up operations relative to the signing of the Chemical Weapons Convention (CWC) and the fears of "nuclearization" in the Asia-Pacific region. Finally, the counterproliferation strategy was applied in mid-1993, in the tracking and subsequent inspection of

the Yin He, the Chinese vessel thought to be carrying precursors for chemical weapons destined for Iran.²⁰ Good news on the nonproliferation field were few. But just as the international community was beginning to debate the most important points related to the NPT question (cutoffs in fissile materials, the discriminatory nature of the NPT, a Comprehensive Nuclear Test Ban Treaty -CTBT-, strengthening of existing verification and monitoring capabilities, disposal of fissile material, and dismantling of nuclear weapons) the emergence of a counterproliferation initiative sent the debate in new directions.²¹ All the above mentioned developments elevated nonproliferation to the top of the international policy priorities. Some U.S. analysts stressed: "if we are on the verge of a new era of proliferation, new policies may be required to protect U.S. interests and national security".²² The crisis with Iraq and North Korea in the autumn of 1994 confirmed the validity of the two major regional conflict threat envisioned by the Bottom-Up Review. This situation opens a debate, first, in the U.S. and second within NATO, centred in evaluate if nonproliferation policies could meet future changes. The May 1994 Deutsch Defense Department report to Congress, recommending an annual increase in spending of about \$400 million on 14 counterproliferation programs starting in 1996, will be the response to such changes.²³

2. What is counterproliferation?

The fact that Les Aspin did not precisely define in his December 1993 speech the counterproliferation concept contributed from the very first moment to create a lot of confusion on what should really be understood under this new and ambiguous concept.

Buy this time, some analysts introduced the concept "anti-proliferation" (a post-Cold War era concept, that incorporated the traditional nonproliferation agenda as well as new elements -political, economic, and also military ones in an integrated strategy- responding to the political and military implications of the proliferation process itself in the international system) which purposely differed from counterproliferation.²⁴ Nevertheless, this concept neither helped to clarify the counterproliferation debate.

In the weeks following Secretary Aspin's announcement of the DCI, debates broke out between State and Defense, and even within the Defense Department, over what the initiative covered. Some officials wanted all proliferation concerns including advanced conventional weapons to be included; others did not. There also were

disagreement over who was in control of the initiative. Therefore, by January of 1994 the National Security Council staff was fully engaged in these definitional, managerial questions and in February had finally brokered a set of definitions that both the State and Defense Departments could accept.

By that time, the National Security Council memorandum on "Agreed Definitions" defined *proliferation* as "the spread of nuclear, biological, or chemical weapons and missiles used to deliver them" and *counterproliferation* as "the activities of the Department of Defense across the full range of U.S. efforts to combat proliferation, including diplomacy, arms control, export controls, and intelligence collection and analysis, with particular responsibility for assuring U.S. forces and interests can be protected, should they confront an adversary armed with weapons of mass destruction or missiles".²⁵

This definition, although somewhat confusing -and insufficient-, had three clear advantages. First, it avoided the vagueness inherent to any set of prescriptive definitions. Being prescriptive might help clarify why weapons of mass destruction were of proliferant concern and what else might qualify and why, but such definitions were certain to generate the very kind of debates the memo was crafted to avoid. Second, by limiting "proliferation" to weapons of mass destruction and the missiles to deliver them, the conventional military systems and dual-use items that the U.S. wanted to export could be kept out of the web of nonproliferation controls. Finally, by keeping "nonproliferation" as the comprehensive term to describe America's efforts against the spread of weapons of mass destruction, the policy focus was kept on the most horrible and indiscriminate weapons and on traditional international and U.S. nonproliferation policies (see part II of this report).²⁶

Nevertheless, in the U.S., confusion continued to reign, so much by late April 1994 Assistant Secretary for Defense, Asthon Carter, issued a statement before the Committee on Armed Services of the United States Senate.²⁷ As tools of counterproliferation, Carter mentioned "diplomacy, arms control, export controls, intelligence collection and analysis with particular responsibility for assuring that U.S. forces and interests can be protected" if they are confronted by an adversary armed with WMD or missiles.

An interesting interpretation of the concept was given in

a June 28, 1994 report by the Congressional Research Service entitled: "Nuclear, Biological, and Chemical Weapon Proliferation: Potential Military Countermeasures". Dealing with military measures of counterproliferation, the report referred to "actions that might inhibit, prevent, or reverse the spread of nuclear, biological, and chemical weapons if diplomatic and economic pressures prove insufficient". This approach means that counterproliferation measures can be taken once the traditional nonproliferation means have failed, although in the same report is said that "nonproliferation and counterproliferation policies and programs are closely related."²⁸

Within the broad spectrum of military measures that form part of the counterproliferation can be identified: first, interdiction operations designed to prevent proliferator from acquired nuclear, biological and chemical (NBC) related materials, finished products, and/or economic sustenance; second, neutralize skilled scientists, technicians, and program managers without whom proliferation would slow or stop; third, nonlethal instruments such as supersticky forms and computer viruses to disable or disrupt NBC processes for long periods; fourth, instills qualms among first-generation proliferators by making them fearful that Special Operations Forces might seize the few finished weapons they have produced; fifth, relies on explosives to terminate NBC programs and finally, to attack NBC delivery vehicles.²⁹ All of the above measures have subjected to specific requirements and poses some risks and repercussions.

On the other hand, a great effort has been made (both by the U.S. Department of Defense -DoD- and by NATO) in order to explain that counterproliferation not only covers active measures by military units, but also, support for international arms control regimes and its need to adjust NBC deterrent and warfighting strategies, tactics, doctrines, plans, procedures, and force postures to cope with weapons of mass destruction.

For this reason, the DoD's counterproliferation doctrine (and to some extent the one of NATO) combines *preemption* with a credible deterrent posture to dissuade acquisition, transfer, or use of WMD, i.e. This aspect of counterproliferation builds on classical deterrent theory.³⁰ While the term *protection* implies a defensive orientation against the identified threat, the DoD's counterproliferation concept involves offensive capabilities as well. So while theatre ballistic missile defenses, for example, are a part of this strategy, it also includes capabilities to destroy underground facilities and to seek out mobile missiles, as it has been said.

But the first and most important difficulty of this conception is to know what is the decision process by which various counterproliferation measures are triggered and, how is their method of application and timing determined. It is the reason why some analysts stress that "in absent of clear indications to the contrary, one must understand that counterproliferation is a measure of last resort, to be used before armed conflict ensues".³¹

On the other hand, it should be observed that the concept of using military force against WMD is not new, although it had not previously been incorporated into a formal military strategy. The best-known case of preemptive counterproliferation is Israel's destruction of Baghdad's Osiraq nuclear reactor on June 7, 1981. Iraq's nuclear activities were previously impeded on two prior occasions. In April 1979, a reactor core due to be shipped to Iraq was sabotaged while in storage in La Seyne-sur-Mer, France, and in September 1980, the Iranian air force bombed the Osiraq research facility. The first known case of a preemptive military attack on a nuclear installation took place during World War II, when the Norwegian underground sabotaged the States forces destroyed Japan's nascent nuclear weapon program immediately after Japan surrendered in 1945.³²

Another useful definition (made by the Russian Ambassador's Oleg Grinevsky), suggests a formula of counterproliferation: protection + prevention + preemption + neutralization.³³ For Ambassador Grinevsky, by defining counterproliferation only as "protection and prevention" (as it was defined by the USA), it is not at all different from nonproliferation of nuclear weapons. Therefore, it should be added the elements *preemption*, that means the liquidation with power projection methods of the weapons of mass destruction before the beginning of a crisis, and *neutralization*, which means the destruction of already deployed WMD during a crisis or a war. Nevertheless, the main difficulty in accepting this definition is that goes further away than the initial American DCI.

Although some Pentagon officials privately admitted that counterproliferation still envisions preemptive military strikes, more senior officials, especially Assistant Secretary of Defense Ashton Carter, explicitly and repeatedly disavowed any such role. This is also the approach adopted by NATO, which has consistently ruled out any military action that is not sanctioned by the United Nations Security Council.³⁴

For Harald Müller and Mitchell Reiss, counterproliferation has had four different definitions (although the first one could not be successfully implemented by the Bush administration in 1989).³⁵ The one that has aroused the most attention, applause and hostility has been: "counterproliferation as offensive military actions to eliminate the WMD capabilities, including the production facilities, of proliferators. This concept (in spite of the Clinton administration efforts to explain that this is not what counterproliferation means), remain alive, most particularly within the air force.

The second definition identifies counterproliferation with nonproliferation, as performance by the DoD (but as Müller and Reiss stress, this definition contains its own contradictions since counterproliferation deals with counterforce and nonproliferation did not).

Finally, counterproliferation involves preparing U.S. forces to fight and survive in a WMD environment. This delimits a specific set of activities, from intelligence collection to doctrine, procurement, and training, that is comprehensible and amounts to prudent contingency planning. Under this definition preventive diplomacy remains the first, and by far the most important, line of defense against the spread of WMD. Neutralization operations against WMD stocks and programs during combat is a subordinate, if inevitable, option, while pride of places is accorded to protective rather than counterforce measures.³⁶

3. Elements and requirements

The two fundamental premises on which the rationale for counterproliferation is based today are, first, that since or as a result of the end of the Cold War (and as a result of the Gulf War and the North Korea nuclear crisis), the proliferation problem has dramatically worsened, and, second, that proliferation now presents such a risk that force should and will be applied if necessary to stop it.³⁷

The key elements of a comprehensive counterproliferation strategy includes (at least):³⁸ diplomacy (diplomacy responses should be the centerpiece of the counterproliferation strategy, as they have been of

nonproliferation policy); deterrence (it will play a major role in responding to new nuclear powers);³⁹ arms control (support for strengthening the NPT, the CTBT, the Biological and Toxin Weapons Convention and the Chemical Weapons Convention, among others, and establishing effective instrument and measures for dealing with WMD as an essential task); coercive and cooperative disarmament (coercive on the model of Iraq and cooperative on the model of the former Soviet Union); Economic and Military Assistance (as disincentives to proliferation, although their efficacy has been questioned in Pakistan); sanctions and embargoes (another possible response to proliferation); intelligence (to support military operations for counterproliferation purposes, providing near real-time information on a proliferant's activities, facilities, sites, and the like); export controls (denial of key military or dual-use technologies to proliferant countries through domestic and international controls on exports has been a key instrument of nonproliferation policy, and this approach will continue to be used in the future);⁴⁰ security assurances (negative and positive assurances should be explored in a counterproliferation strategy) and guarantees; stabilizing measures (by using political and technological measures that might enhance stability in regions where proliferation has occurred); adapting response capabilities (improving and expanding capabilities of both Nuclear Emergency Search Team, which interdicts nuclear weapon threats by means of device detection, diagnostics, disablement, safing, securing, removal, disassembly and destruction, and the Accident Response Group, which delivers an emergency response to victims of a nuclear attack or accident; developing similar capabilities for responding to other WMD is needed); lethal and nonlethal countermeasures (new physical countermeasures for mitigation or interdiction are needed); active and passive defenses (developing active defenses against theatre and strategic missile attacks) and finally, the military operations (military countermeasures against cruise missiles, including offensive counterstrikes against launchers, plus active and passive defenses, integrated within programs to counter ballistic missiles)⁴¹.

By summarising: the counterproliferation policy is intended to: prevent and roll back WMD proliferation, to deter the use of WMD, to adapt military forces and planning to deal with WMD in the battlefield. Military planning focuses on: deterring the use or threat of use of WMD, for example by developing better protective equipment against CBW system; improving capability to destroy enemy stockpiles of WMD and improving active (eg missile) and passive (eg detection and physical protection systems) defense.⁴²

The counterproliferation strategy includes an active and advanced program of technological development which is essential to the success of the initiative and to address new contingencies. The technological support in areas such as command, control, communications and intelligence support, counterforce, active and passive defenses and proliferation prevention (but also the more problematic proliferation preemption)⁴³ should be especially considered.⁴⁴ In a comprehensive strategy, the counter-proliferation options must support and not undermine traditional non-proliferation measures, such as the strengthening inspections of nuclear reactors and other facilities by the International Atomic Energy Agency (IAEA) or the verification of the Comprehensive Test Ban Treaty (CTBT) implementation.⁴⁵

Finally, counterproliferation also need political, economic (in terms of affordability)⁴⁶ and international support (an aspect that will be developed in part III of our report). Since counterproliferation involves a direct military response to proliferation of WMD, the use of the military counterproliferation operations might prove politically damaging and legally unacceptable and create domestic and international political problems. There is to remember that many proliferation programs are not seen by the international community as a serious danger for the rest of the States, and therefore, clandestine actions to extract civilian scientists, sabotage enemy NBC installations, and disrupt the activities of sovereign nations through the use of computer viruses, all in "peacetime", also could cause serious domestic and international repercussions if discovered.⁴⁷

The possible legal problems of the counterproliferation initiative should be also considered. Traditionally, International Law has permitted states, in applications of the so-called "coercive measures" in response to a violation of an imperative international "ius cogens" norm ("erga omnes") which constitutes an "international crime", to use the force if sanctioned by the U.N. Security Council (since the qualification of the violation as "international crime" corresponds exclusively to it and therefore, also the discretionary power to use the military force based in Chapter VII of the U.N. Charter), or in self-defense against armed aggression. Nevertheless, the used of the force in the contemporary International Law is precisely codified and therefore, the use of this in preemptive operations could result problematic under a legal point of view.⁴⁸ Furthermore, the application of counterproliferation measures can result in some cases as disproportionate if there is not a "tangible or

imminent threat" a fact that represent an additional problem, since the International Law responsibility principle, and in particular, the application of countermeasures is based, among others, on the necessity to offer a proportional response.

II. THE CRITICS: NONPROLIFERATION VS. COUNTERPROLIFERATION

"Proliferation is likely to be the top continuous U.S. national security challenge for the next ten to twenty years. If we are to confront the proliferation challenge successfully, we must be clear as to what we are talking about and how we will respond". I am not quite sure, for example, about the difference between *counterproliferation* and *nonproliferation*" (U.S. Senator Sam Nunn).⁴⁹

From the very first moment of the counterproliferation initiative, one of the most controversial aspects was the relation between the nonproliferation regime and the counterproliferation policy (the so-called "counterproliferation debate"). This was, because originally, counterproliferation was defined by some in the U.S. as an alternative to nonproliferation (in order to replace them), or as the successor policy when nonproliferation failed. This suggested that the United States was abandoning the nonproliferation effort in the wake of the unsettling discoveries about the weakness of the existing regime in safeguarding nuclear materials.⁵⁰ As a consequence, accusations have been made that the new school of thought in the U.S. is so deliberately distancing itself from the traditional concept of nonproliferation that it deserves a label of its own *neo-nonproliferation*.⁵¹

The main critic to the counterproliferation initiative was precisely that it could not take precedence over the nonproliferation regime, since this last binds the overwhelming majority of the world's states, while counterproliferation is applicable only to a very small minority. Therefore, nonproliferation was seen as the pivotal and primary objective, and counterproliferation could only remain an appendix to the priority task of nonproliferation; if counterproliferation measures and nonproliferation objectives are contradictory, the nonproliferation should prevail.

Furthermore, the nonproliferation regime was seen as a non imposed or imperial structure, built on the consensus of the overwhelming majority of its members. Only such a consensus enables parties to identify, isolate and punish those who break the rules. This applies to regime rules in general, and for serious decisions like the decision to apply force in particular.⁵² For this reason, the possibility that NATO or some of its member states could take such a decision on their own should be excluded.

Nonproliferation has after many years managed to make a place for itself in international relations,

accepting, although many at times grudgingly, as an indispensable element of peace and security: It has acquired the status of international norm, arising from understandings shared by many nations and applied with the agreement of those nations. However, the traditional nonproliferation regime, only provides for traditional, non-violent, means of enforcement, ranging from export restrictions, through diplomatic reprisals, to sanctions. Such measures are not part of the counterproliferation, an aspect that served the non-proliferation specialists to further justify the supremacy of the nonproliferation regime on the counterproliferation policy.⁵³

On the other side, the "nonproliferation sceptics" argued that "it is difficult to understand why people maintain such a faith in the efficiency of the NPT, when both Iraq and North Korea, signatories to the treaty, have been patently bent on developing their nuclear stockpiles".⁵⁴ Nevertheless, we do not share this belief, since we think that the efficiency of the NPT as major legal international instrument to avoid the proliferation of nuclear weapons, has been sufficiently proved. Disagreements in this field basically are over priorities and objectives.⁵⁵

Both analysis forget that counterproliferation and nonproliferation are two different but complementary concepts (as the 1991 Gulf War showed). Nevertheless, as it has been already said, in a comprehensive strategy the counterproliferation measures must support and not undermine traditional nonproliferation. The nonproliferation regime has not collapsed, as suggested in the wake of the Gulf war. On the contrary, in light of this and its aftermath an incremental improvement of the responses, the regime has traditionally made to the nuclear weapon proliferation threat, was activated: supporting and strengthening the NPT and International Atomic Energy Agency (IAEA) safeguards -through the so-called program 93+2-; strengthening and expanding export control measures, particularly in dual-use areas;⁵⁶ strengthening enforcement and compliance mechanism directed against proliferators (these mechanism may be both unilateral and multilateral) and finally, promoting regional arms control and openness, transparency, and confidence-building measures.⁵⁷

As a consequence of this debate", the Pentagon's view on the relationship between non- and counterproliferation considerably evolved in order to offer a "new image" of the counterproliferation initiative not based on terms of superiority but being "complementary". In this sense, two "conciliatory" documents should be

considered. The first one, the already mentioned "National Security Council Memorandum on Agreed Definitions" from February 1994, in which, apart from the definitions given for *proliferation* and *counterproliferation* ("the activities of DoD across the full range of U.S. efforts to combat proliferation including diplomacy, arms control, export controls, and intelligence collection and analysis, with particular responsibility for assuring U.S. forces and interests can be protected should they confront an adversary armed with weapons of mass destruction or missiles"), the *nonproliferation* concept is defined as "the use of the full range of political, economic and military tools to prevent proliferation, reverse it diplomatically or protect our interests against an opponent armed with weapons of mass destruction or missiles, should that prove necessary. Nonproliferation tools include: intelligence analysis, global nonproliferation norms and agreements, diplomacy, export controls, security assurances, defenses, and the application of military force".⁵⁸ Although the language is not as clear as it could be, U.S. counterproliferation policy appears subordinated to, and not distinct from, nonproliferation policy.⁵⁹

The second document is the Ashton Carter's testimony of April 28, 1994, to the Senate Committee on Armed Services, in which the close relationship between non- and counterproliferation can be seen.⁶⁰ Carter stresses that "in placing new emphasis on countering the effects of proliferation in regional conflict, we are in no way de-emphasizing our effort *to prevent proliferation in the first place*... Some commentators have misinterpreted the counterproliferation initiative to be focused on *preemptive* attacks on WMD production facilities. It should be clear from the description of the counterproliferation initiative I have given that our focus is on the danger that WMD will be used against U.S. citizens, forces, or allies in the course of a regional conflict". Therefore, following Mr. Carter's argument of the counterproliferation initiative, there is no reason to believe that counterproliferation substitutes to the nonproliferation regime, although the two concepts share a common goal: prevention of WMD's proliferation.

Carter mentioned as counterproliferation tools "diplomacy, arms control, export controls, intelligence collection and analysis". Nevertheless, since many of these tools are used in both non- and counterproliferation, the two concepts can appear very similar in their goals. But carefully analysing them, some important differences between non- and counterproliferation can be found. First, nonproliferation is the full panoply of measures taken to prevent or deter states from acquiring nuclear weapons, while counterproliferation seems, to emphasize

measures to be taken -defensive and offensive- if nonproliferation fails or is perceived to be about to fail. Second, counterproliferation places greater emphasis on the use of military force, while nonproliferation puts this emphasis in the diplomatic efforts. Third, nuclear nonproliferation measures are global or broadly regional, nondiscriminatory and hence standardized (except in cases where the activities of a state arouse suspicion, in which case additional and intrusive safeguards must be applied); while some defensive counterproliferation measures have a general character (e.g., improving defenses against WMD and missiles attack) and are not specifically directed against any particular adversary, many other counterproliferation measures are necessarily nation-specific (it would be the case of the offensive counterproliferation measures).⁶¹

Other critics point out that counterproliferation is directed against new proliferator and not against those that had already proliferated. It is neither necessarily directed against all new proliferators⁶² (only those that were hostile to the U.S. and its allies, or to its tacit allies such as Israel, which proliferation is consider not bad for the U.S. interests)⁶³.

The counterproliferation initiative has been also attacked due to their potential damage that a military conception of nonproliferation may inflict on the existing multinational treaties part of the regime.⁶⁴ Specially, regarding to Article VI of the NPT, "requiring the nuclear-weapon states to negotiate in good faith toward nuclear disarmament", and arguing that with the counterproliferation initiative, such as objective, reiterated during the 1995 NPT Review and Extension Conference, would never be implemented,⁶⁵ and therefore, counterproliferation could constitute a threat to the nonproliferation regime, undermining the consensual basis of this.⁶⁶

In short: counterproliferation should not serve as an excuse to develop new nuclear weapons (or to increase the number of the nuclear weapon states), to not fulfill the international nonproliferation regime obligations (such as the negotiation of disarmament and arms control agreements, ratification of agreements such as the Comprehensive Test Ban Treaty or the Chemical Weapon Convention, CWC -in force since April 28 1997-, among others), the negotiation of a fissile cut-off convention or to refuse to maintain and extend negative security assurances by the nuclear-weapon states to the non-nuclear ones. By suggesting that the technically advanced powers may collude to use force against lesser powers, such policies can abet the perception that non-proliferation

regime exist solely for the self-serving interests of the minority.

Finally, another common critic towards counterproliferation is that, at the beginning, it was only a U.S. initiative, and therefore, only unilateral, while the nonproliferation regime, as it has been stressed, has ever been multilateral. In this sense, the main critic was that although regimes need sanctions, and for security regimes such as the nonproliferation one, this may include the use of force against violators, sanctions are a matter for the regime community, not for independent and uncontrolled national (U.S.) actions.⁶⁷ But nevertheless, with the extension of the initiative to NATO, this critic is no more valid, taking into consideration that the counterproliferation action should be agreed upon among states allied in like-minded groups.⁶⁸

Special attention should be paid to other controversial questions such as the achievement of a clearer delimitation between activities and duties in charge of the counterproliferation policy and the ones that already has (on consensual bases) the nonproliferation regime. Positive is the complement of tasks, but not the "supplanting" (for example in verification of nuclear activities in the non-nuclear weapon states -where already exists the IAEA- or verification of existing treaties such as the CTBT or the CWC). The use of the nuclear force to respond to a possible attack needs also more elaboration, specially, in order to determinate what kind of attack (the question of the legitimacy in the use of nuclear weapons against the use of chemical or biological ones), in what cases and under what circumstances (on this issue, although not legally binding, the World Court's historic opinion on the legality of the Threat or Use of Nuclear Weapons dated July 8, 1996, should be taken into consideration), the possibility to apply preemptive counterproliferation measures to avoid proliferation of WMD in peace-time, the collateral consequences for the population of a military attack (as the North Korean case showed);⁶⁹ and the role of the ballistic missiles -that should never be exaggerated- in a comprehensive counterproliferation strategy (tactical ballistic missiles have a limited military value, but their production and procurement, even of the most sophisticated types, is relatively cheap).⁷⁰ All this is related with the threat appreciation, that should be collective and never be used by a country alone to determine the application of military countermeasures.

III. INTERNATIONALIZING COUNTERPROLIFERATION

"The only practical counterproliferation measure against nuclear weapons is to create a situation in which they will never be used, a situation called deterrence" (U.S. President Eisenhower).⁷¹

As we have already seen, the Counterproliferation Initiative is essentially an American concept (and specifically, a concept from the DoD). But it should be taken into consideration that the application of countermeasures cannot exclusively be based on the decision of a single country, since it needs for being successful, international cooperation. The implementation of a policy of counterproliferation in a democratic Western state is virtually impossible if the state does not have the support of the international community. Nevertheless, making an international project out of a policy intended primarily to serve the interests of a single country and carried out by that country strikes as politically dangerous and, in the last instance, very difficult, as we will see in this part.⁷²

Therefore, we have to consider the extension of the counterproliferation concept, first, to other nuclear weapon states, and second, to NATO. The Alliance efforts to prevent and confront the proliferation of WMD has decisive (although politically, very controversial) contributed to the internationalization of the concept, specially, through the adoption of specific multilateral initiatives.

1. National perspectives and international counterproliferation

As it has been already said, international cooperation was, and is still today, a prerequisite in order to guaranty the success of the Northamerican counterproliferation initiative. For this reason, and to avoid justified accusations of unilateralism, the U.S. should cooperate not only with its traditional allies, but as well with Russia and key regional powers, and specially with NATO, being this a priority of the America's foreign policy. The first U.S. initiative demanding international cooperation will be presented to NATO in January 1994, achieving immediately France's support.

1.1 France

French nuclear forces have sometimes be described as an important element in the military balance in Europe. The balance seems to remain an East-West one in French conceptions (that is, the NATO) and friendly countries in East-Central Europe versus Russia and its former allies.⁷³

The French view of the proliferation threat at the time of the 1994 January Brussels North Atlantic Council was best reflected in a Defense White paper -*Livre Blanc sur la Defense*-.

Among the European nuclear powers, France has moved the farthest towards expanding its nuclear strategy. Under its chapter on renewed strategies ("Une strategie renouvelée"), the policy paper mentioned counterproliferation as a new factor, but did not quote it by name (in French circles the use of the term counterproliferation has been replace by the term *Opérations extérieures en milieu extrême* -OPMEX-).⁷⁴ Unlike the British statements, those of the French take over six pages to specify the changes to the concept of deterrence, the problems of nonproliferation, and the linkage between these needs and the formulation of a new strategy for the use of conventional military means that emphasize action, prevention and protection for military forces.⁷⁵

The White Paper identified NBC and missile proliferation as a serious danger to the nation's vital interests. The threat was described as twofold: first, "NBC weapons threaten French national territory, currently form the former Soviet Union, and in future from the Mediterranean basin, especially Algeria"; and second, "NBC raises the stakes for future intervention by French forces in *strategic zones* outside Europe". In this connection, France indicated acute concerns that its ability to project power could be radically circumscribed by the spread of CW and biological weapons (BW) and ballistic-missile capabilities, particularly in Africa and the Middle East.

The Paper described proliferation as a key dynamic in reshaping the environment within which France, Europe and the NATO Alliance would need to defend their interests in the years ahead.⁷⁶ Paris also wished to benefit from possible technological cooperation with the U.S. and other NATO allies, to maintain U.S. engagement in NATO and ensure Germany continued to forswear nuclear weapons. The White Paper stated that the nature of proliferation required many ways of dealing with the problem to seek a balance between the enforcement of dissuasion, actions of prevention and prohibition, and that every possible way of defence should be taken into

consideration and defined on the basis of a military strategy to deal with such a threat. For France, deterrence and counterproliferation were complementary concepts.⁷⁷

The most interesting international dimension of the counterproliferation was for Paris the cooperation with the U.S. in antimissile defense. France did not want to leave the U.S. dominated world market for medium and longer-range ground-based systems. For this reason the White Paper especially focused on the technological aspect of the counterproliferation policy.

France's interest in the counterproliferation policy focused on three domains: political (by playing a more important role than in the previous period in the international forum of negotiations on counterproliferation); technical (as said, in the field of antimissile defense cooperation) and finally, operational (in geo-strategic terms).⁷⁸

The French interest and strong support from the beginning to the counterproliferation initiative will be recompensed after the 1994 NATO Brussels Summit, when the Alliance decides to establish a Defense Group on Proliferation co-chaired by the United States (represented by Ashton Carter) and France (represented by the Director of the French Defense Ministry's *Délégation aux Affaires Stratégiques*, Jean-Claude Mallet). This group will be in charge of the formulation of the military dimension of the counterproliferation within NATO.

1.2 The United Kingdom

The British Government reactions to the U.S. DCI has been limited but supportive. It first linked British nuclear thinking to the proliferation of nuclear weapons in November 1993. In a major analysis of British nuclear policy, presented to the Centre for Defense Studies at King's College of London, Defense Secretary Malcolm Rifkind explained how "we and the world community recoil at the thought of widespread proliferation of nuclear weapons". Since "nuclear weapons cannot be dis-invented", he stressed that "in terms of our security interests, therefore, nuclear weapons could be said to be simultaneously part of the solution and part of the problem".⁷⁹

To counter the regional proliferation threat, the UK advocated a comprehensive political and military

approach that would both respond to underlining regional and global causation and also provide the operational military means to deter and defend against the NBC threat. Deterrence of NBC use, primarily through maintaining a credible nuclear retaliatory capability and a firm declaratory policy was viewed as possible, the military component's most essential element in the response to proliferation. London supported the need for a NATO initiative as a means to ensure a credible Alliance response to future regional contingencies even more strongly than Paris, as well as for the defense of NATO territory beyond the current decade.⁸⁰

The British Minister of Defense mentioned counterproliferation in January 1994 (as a immediate respond to NATO demands), in a statement on "UK Defense Strategy: a Continuing Role for Nuclear Weapons?", stressing that "the American administration has made countering proliferation a major policy priority. We warmly welcome this, and we are looking forward to discussions with our NATO allies on this important subject over the coming months". Nevertheless, it was surprising, that the minister made no reference to the implications of counterproliferation for the rethinking of nonproliferation issues, considering that the week earlier, at the NATO summit in Brussels, Alliance leaders discussed arms control and counterproliferation as one of the five main issues on the agenda.⁸¹

In January 1996, the U.K. Minister of Defense told Parliament that any nation aspiring towards ballistic missile capacity will enable to develop systems capable of threatening the United Kingdom mainland within the next ten years. On March 28, 1996 the House of Commons' Select Committee on Defense produced a report entitled "NATO's Southern Flank" stressing, among other things, that "NATO countries should pay close attention to the long term threat of terrorist use of biological and chemical weapons and should develop appropriate countermeasures" and that "hand in hand with the diplomatic counterproliferation efforts, NATO should go practical measures to protect against possible attack"; furthermore, it was said that "the U.K. is currently looking at various technical options available. A pre-feasible study is under way to identify ballistic missiles systems to counter potential threats to the UK, dependent territories and our forces deployed overseas".⁸²

In October 1996 a Ballistic Missile Defense (BMD) conference was held in London to encourage European discussion on the subject. The Defense Ministry made clear that Britain would have to collaborate with

Europe and the USA for economic and political reasons, but Government officers said that the United Kingdom was not ready to join MEADS (Medium Extended Air Defense System) programme under development.⁸³

1.3 Germany

At the October 1992 meeting of the Nuclear Planning Group (NPG), Volker Rühle, the German defense minister, said that "NATO's nuclear forces insure us politically against risks that we cannot calculate, risks which might arise from the proliferation of WMD".⁸⁴ Nevertheless, prior to the NATO Brussels summit, Germany appeared to be the most reluctant of the major allies to accept the need for an Alliance defense initiative to counter the proliferation threat.⁸⁵

On December 15, 1993 the German Foreign Minister, Klaus Kinkel, presented a 10-point nonproliferation initiative to NATO, in which was said, among other things, that "military enforcement measures against proliferator, pursuant to Chapter VII of the U.N. Charter, can only be conceived as ultima ratio in case of a threat to international security and peace. Military measures necessitate -except in the case of defense against armed attack- always the legitimation by the U.N. Security Council".⁸⁶

Although the emphasis in shipping this policy had focused primarily, if not exclusively, on the political aspects of the challenge and response, Bonn was gradually coming to accept that military force may be necessary to deal with states that possess NBC capabilities. Germany's preoccupation on the political aspects of the counterproliferation policy will be also the result of the creation in January 1994 within NATO of a specific group on political aspects (equivalent to the co-chaired U.S.-French military one) chaired by German Deputy Secretary General of NATO von Moltke. In this sense, the two points of view on the counterproliferation initiative (the military, backed by France, and the political one, mainly defended by Germany) will be present within the Alliance.

1.4 Russia

Although not a member of NATO, the position and support of Russia to the counterproliferation

initiative was of utmost importance for both the U.S.A. and the Alliance itself.

Russian position in this field was, that priority in the struggle against proliferation of WMD and their delivery system required political methods, while at the same time it did not exclude a combination of political and diplomatic approaches with coercion measures (economic character) and other restrictive strategies. With respect to the use of the military force, Russia considered that only in exceptional circumstances, and only when sanctioned by the UN Security Council, this could be applied.⁸⁷

But nevertheless, the situation in Russia is made more complex by the fact that even at the terminological level the concept counterproliferation and its inclusive terms (protection, preemption, prevention, neutralization, and deterrence) thus far have found no generally accepted linguistic equivalents. For this reason, evident incompatibility at the levels of conceptual, political, and practical (technological) development of counterproliferation methodologies in the U.S. and Russian contexts may be one reason, why "official" Russian experts tend to be fairly critical of U.S. positions on this matter. Another reason was the suspicions about Western (U.S. and NATO) intentions, perceived as detrimental to Russian interests.⁸⁸

The most controversial point on this issue was the question of how could affect the counterproliferation initiative to the Anti-Ballistic Missile (ABM) Treaty and to the theatre missile defense (TBD) and related capabilities question. It can be said, that there has been an almost instinctive fear that counterproliferation was intended to revise the foundations of stability in Russian-U.S. strategic relations represented by the same "sacred" ABM Treaty.⁸⁹

2. NATO's role

Proliferation is increasingly perceived within the Alliance as both, a political and a military threat that could undermine NATO's ability to conduct essential defense missions, both in regional conflicts beyond its borders and in protecting Alliance territory and populations, especially, as proliferant states acquire longer-range

and more sophisticated delivery means. Although allies, as we have already seen, continue to differ on the immediacy of the problem and the most effective means of response, there is an emerging consensus that NATO should act to protect against this growing threat.⁹⁰

As a direct result of the Gulf War, the Alliance noted in its 1991 Rome Declaration that "the proliferation of WMD and their delivery means undermine international security".⁹¹ NATO's efforts to address the problem of proliferation is also present in the Alliance 1991 "New Strategic Concept", which identified the different security challenges and risks facing member countries after changes in Central and Eastern Europe.⁹²

In late 1993 the U.S. persuaded NATO to create two working groups on counterproliferation, which will explore its political and military aspects. NATO Defense Planning Committee (DPC) and Nuclear Planning Group (NPG) met in Ministerial Sessions in Brussels on 8 and 9 December 1993, will decide to "intensify efforts to prevent the proliferation of WMD and to address and counter, if necessary, the associated risks to Alliance Security".⁹³

Following President Clinton's emphasis at the 1994 January Brussels NATO Summit on the danger to Alliance members for NBC proliferation, significant (although politically controversial) progresses were made in integrating counterproliferation policy into the new Alliance's post-Cold War agenda. By then, NATO made some central assumptions in assessing which countries were likely to be proliferators of weapons of mass destruction: countries that can manufacture such weapons probably will do so; countries that face serious threats will develop weapons to the best of their capabilities and finally, countries will develop weapons of mass destruction to enhance their diplomatic influence.⁹⁴

The Declaration of the North Atlantic Council stated that "proliferation of weapons of mass destruction and their delivery means constitute a threat to international security and is a matter of concern to NATO. We have decided to intensify and expand NATO's political and defense efforts against proliferation, taking into account the work already underway in other international fora and institutions. In this regard, we direct that work begin immediately in appropriate form of the Alliance to develop an overall policy framework to consider how to

reinforce ongoing prevention efforts and how to reduce the proliferation threat and protect against it".⁹⁵

Three groups were subsequently created: The Joint Committee on Proliferation (JCP), which monitors overall Alliance efforts; the Senior Politico-Military Group on Proliferation (SGP), which focuses on how NATO can reinforce traditional nonproliferation efforts; and the Senior Defense Group on Proliferation (DGP), which examines the defense aspects of proliferation, including the military capabilities needed to discourage NBC proliferation, deter NBC use, and if necessary, protect NATO territory, populations, and forces.⁹⁶

Nevertheless, in the discussions leading up to the Brussels NATO Council meeting, the Europeans pressed for the inclusion of counterproliferation's political implications, rather than an exclusive focus on the military aspects of counterproliferation, and they insisted on giving precedence to traditional means of nonproliferation policy. A procedural compromise within NATO was achieved in January 1994 by establishing, as it has been already seen, two working groups, one on political aspects, chaired by (German) Deputy Secretary General of NATO von Moltke, and the other one on the military aspects co-chaired by the U.S. and France.⁹⁷

Five months later, in its June 9, 1994 *Policy Framework on Proliferation of Weapons of Mass Destruction* (issued at the Ministerial meeting of the North Atlantic Council in Istanbul), NATO placed proliferation risks high on its new agenda, but the document is devoted to straightening time-honoured nonproliferation policies.⁹⁸ In its discussion of military efforts, the "communiqué" does not use the term counterproliferation once (presumably due to resistance from the West European countries and a lack of American insistence). Therefore, nothing could better express NATO's cautious attitude towards the U.S. counterproliferation initiative.⁹⁹ The Alliance observed, *inter alia*, that: "a number of states on the periphery of the Alliance continue in their attempts to develop or acquire the capability to produce WMD and their delivery means or to acquire illegally such systems; WMD and their delivery means can pose a direct military risk to the member states of the Alliance and their forces and WMD proliferation can occur despite international non-proliferation norms and agreements". In responding to these risks, the Policy Framework stresses that "NATO's approach must incorporate both political and military capabilities", "to discourage WMD proliferation and use...".¹⁰⁰

The SGP addressed the political aspects NATO's approach to the proliferation problem. In responding

to the risks of proliferation, the principal objective of Alliance policy will be to prevent proliferation or, if it occurs, to reverse it through diplomatic means. But nevertheless NATO also recognized, that political efforts to prevent proliferation may not always be successful. For this reason, the DGP was tasked to address the military capabilities needed to discourage nuclear, biological and chemical weapons' proliferation, deter threats or use of NBC weapons and to protect NATO populations, territory and forces.¹⁰¹

The work of the Senior Defense Group on Proliferation was broken down into three phases. In the first one, completed in December 1994, the DGP conducted an assessment of the risks posed to Alliance by the proliferation of WMD and their delivery means. Drawing upon NATO intelligence assessments, the DGP's Risk Assessment validated the June 1994 Summit Declaration, which noted that proliferation of WMD and their delivery means possessed a real security challenge to NATO (but introduced differences among attributes and uses that possess NBC weapons: nuclear weapons, appearing to be the most prized by proliferant states; biological weapons, less threatening than nuclear ones, but emerging as a key threat and finally, chemical weapons, seen by proliferant states as both, an effective military tool and an instrument of terror); spelled out in detail the growing proliferation risks on NATO's periphery due to indigenous production or illicit transfer; concluded that these weapons could pose new threats to NATO's civilian populations and territory and make more difficult for NATO forces to prosecute; and suggested that the challenge of ballistic missiles needed to be studied further.¹⁰²

From this analysis, the DGP derived the main principles to guide NATO's defense response to proliferation, and support the Alliance's objectives for dealing with it: ensure Alliance cohesion through continued widespread participation allied defense preparations for operations in the NBC proliferation risk environment; maintain freedom of action and demonstrate to any potential adversary that the Alliance will not be coerced by the threat or use of NBC weapons; reassure both, Allies and coalition partners of the Alliance's ability effectively to respond to, or protect against, NBC threats or attacks; ensure responsive and effective consultation procedures to resolve crisis which have a potential NBC dimension at the earliest possible stage; complement non-proliferation efforts; complement nuclear deterrence; balance a mix of capabilities including nuclear forces and conventional response capabilities to devalue a proliferant's NBC weapons by denying the military advantages they would confer; prioritize needed capabilities in terms of their contribution to Alliance objectives; conflict control; evolve

capabilities; emphasise system mobility and finally, integrate NBC-related processes.¹⁰³

The DGP Phase II effort was completed in November 1995, considering the implications of proliferation for allied planing and identified a range of capabilities needed to support NATO's defense posture for dealing with proliferation. For this purpose, NATO examined threats or attacks both, on NATO territory and population, and risks posed to NATO forces in out of area operations. Nothing that military capabilities complement political efforts to prevent proliferation, the DGP found that a mixture of capabilities was necessary to provide a firm basis for deterring or protecting against the proliferation risk.¹⁰⁴ At the same time, the DPC and the NPG recognized in their joint November 29, 1995, that an appropriate mix of conventional response capabilities, to include active defenses, would complement Alliance nuclear forces and reinforce NATO's overall deterrence posture against threats posed by proliferation.¹⁰⁵

Finally, Phase III concluded in June 1996. This phase contained assessment of current capabilities, identification of deficiencies, an recommendations for correction. Reflecting the political importance attached to proliferation issues, the Defense Ministers directed, that an accelerated process be instituted to correct within shorter time frame than would normally be the case any shortfalls in capabilities identified by DGP's work. This was the first time in 12 years, that this accelerated force planing tool was used.¹⁰⁶

During 1996 and 1997 NATO has continued backed its support to nonproliferation of WMD, and the DGP, examining the implications of NBC weapons -in particular chemical and biological ones- for NATO defense planning and requirements in these scenarios. All this has been reflected in the Final Communiqué of the Berlin Ministerial Meeting of NAC (June 3, 1996), in the joint June 13, 1996 DPC and NPG Final Communiqué, in the Final Communiqué of the Brussels Ministerial Meeting of NAC (December 10 and December 17-18, respectively), in the joint December 17, 1996 DPC and NPG Final Communiqué, in the Final Communiqué of the Ministerial Meeting of the NAC in Simtra (May 29, 1997) and finally, in the Final Communiqué of the Ministerial Meetings of the DPC and NPG held on June 12, 1997 (in which once more, priority is given, for longer term planning, to the capabilities needed to deter, and if necessary respond to, the use of WMD, in the 1998 force proposals).¹⁰⁷

In the Meeting of the NAC in Defense Ministers Session held in Brussels on December 17 and 18, 1996, it was expressly recognized that "enlarging the Alliance will not require a change in NATO's current nuclear posture, and therefore, NATO countries have no intention, no plan, and no reason to deploy nuclear weapons on the territory of new members nor any need to change any aspect of NATO's nuclear posture or nuclear policy -and we do not foresee any future need to do so".¹⁰⁸

Finally, the possible defense implications that could have the proliferation of WMD for NATO should also be considered. First, the greatest threat presented by NBC and missile proliferation, at least in the near future, is to deploy forces in regional contingencies. Therefore, NATO should give first priority to the protection of its forces. As adversaries acquire longer-range systems, the focus of Alliance effort may shift to the protection of NATO populations. Second, proliferant states do not have the ability to defeat NATO members in classic military terms, so that adversaries may view its possession of NBC as an effective means to overcome NATO's conventional superiority. Third, NBC weapons could have a direct impact on the outcome of an operation by disrupting coalition cohesion or inhibiting the ability of NATO to deploy forces. Fourth, forces will be most vulnerable to NBC attack while entering the region of conflict, when large numbers of forces are concentrated at a relatively small number of airfields and ports. Fifth, NBC weapons could alter the military balance of NATO operational forces essential to the conflict. Sixth, uneven capabilities among coalition partners with regard to equipment and training for NBC operations and for defending against the missile threat, could offer the enemy opportunities for exploitation, and finally, reaction by the civilian population within theatre of operations could also have fundamental effect on NATO's ability to conduct operations.¹⁰⁹

CONCLUSION

Taken into consideration all the above, some conclusions and recommendations can be made:

- Preventing the spread of WMD remains a shared objective and a first priority by the majority of states in the world. The question is therefore, how it can be achieved, through counterproliferation initiatives or through nonproliferation ones. The best solution is a combination of both, in a complementary relation rather than in superiority terms. Counter- and nonproliferation seek both to reduce the demand for weapons of mass destruction and for this reason counterproliferation options must support and not undermine traditional nonproliferation measures.
- Counterproliferation should take into consideration the following triad: effective and guaranteed non-proliferation, disarmament and ensuring global and regional security.
- Counterproliferation consists not only of military measures; it also includes diplomacy, deterrence, arms control, coercive and cooperative disarmament, economic and military assistance, sanctions and embargoes, intelligence, export controls, security assurances and guarantees, stabilizing measures, adapting response capabilities, lethal and nonlethal countermeasures, active and passive defenses and military operations (included preemptive actions). For this reason, counterproliferation needs technological support.
- Involvement of nuclear weapons in the counterproliferation debate could have negative implications for eventual nuclear disarmament and international cooperation within the nonproliferation regime. However, by focusing on how best to respond to WMD's use, does not deal with the question of what influences states to acquire WMD in the first place.
- Institutionalizing the right of states to take individually military actions against possible "proliferators" in time of peace, without attending the U.N. Charter or the NPT, seems as being very problematic. There

is to be considered, that it will remain necessary to seek the support of the U.N. Security Council before the aircraft or the missiles leave the ground or the launching platform. Therefore, the question of possibilities of adopting sanctions is relevant not only for the military perspective, but also for the political one.

- A military counterproliferation strategy would have to cope with difficulties and risks (for example, the collateral consequences of a military attack on a possible proliferator). It should therefore remain an option of last resort, and even if one takes the view that despite there many problems involved, military responses to the proliferation of WMD should not ruled out in principle, one should be extremely careful in selecting military options.
- Special attention should be paid to the consequences of using the military force to prevent another country from acquiring WMDs before its efforts bore fruit, or preempting the use of such weapons in a crisis, but before a conflict started (for example, the case of the Korean Peninsula).
- Counterproliferation can be used not only against weapons themselves, but earlier in the proliferation process, for example, to avoid exports or to disrupt or destroy research and development or production facilities, and thus also support a prevention strategy. But it should be considered, that all responses will be conventional, because the Pentagon has rules out employment of nuclear weapons for counterproliferation purposes. This aspect can also represent a problem for NATO's counterproliferation strategy.
- A key requirement is to develop a clear policy on how to respond to the use of WMD when Western countries have no chemical and biological weapons of their own; while the use of nuclear weapons seems to many to be certain to prompt a nuclear response, their utility in responding to CBW is perceived to be more problematical.
- If further nuclear proliferation is to be prevented, the priority should be to develop new global and regional security structures and to enhance intelligence capabilities and the IAEA safeguards system.

- Implementation of a policy of counterproliferation in a Western state is virtually impossible if the state does not have the support of the international community. Therefore, counterproliferation can only work, if it enjoys multilateral support and is followed by multilateral actions. It needs cooperation with other countries.
- Following President Clinton's emphasis at the January 1994 NATO Summit on the danger to Alliance members from WMD proliferation, significant progress has been made in integrating counterproliferation policy into the new Alliance's post-Cold War agenda.
- Today, the Alliance is dealt with proliferation as one of its key missions. Nevertheless, difficulties among allies are evident, if we look for example NATO's predilection for the concept "defense response to the WMD proliferation risk", instead of "counterproliferation".
- The political dimension of the *Alliance Framework on the Proliferation of WMDs* is intended to prevent proliferation from occurring and, if that fails, to reverse it through diplomatic means. In this way, the work at the political level complements the work done at the defence level. While the defence dimension of the Framework addressed potential capabilities, the political dimension looks at potential intentions.
- The success of the NATO initiative to counter the proliferation threat will depend on the allies national and collective commitments to field the necessary military capabilities and embed the threat in the Alliance defense planning process. Therefore, a reformulation within NATO on existing positions on nuclear deterrence and need for wide-area missile defenses, will be presumably necessary.
- Budgetary restrictions could make difficult to go ahead and maintain all the counterproliferation programs (specially those referred to ballistic missile defenses). For this reason, NATO has to precisely define its priorities with respect to the proliferation threat, and about deterrence and defenses, searching for support to its initiatives in the common interest of the allies, rather than in national perspectives of the threat, that

can result detrimental for the Alliance or be subject of further suspicions among member states.

- Finally, it can be said that NATO's contribution in this field, apart from been decisive, still offers a lot of possibilities for the near future.

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