

controls the delivery vehicle and the United States owns the warhead, and those for which both warhead and vehicle are under US control. In the first case, both allies must agree on a decision to launch because the host country has the right to veto the use of the launcher; it can physically prevent the nuclear weapon from being assembled and launched from its territory. In the second instance, the United States, theoretically, requires the host's permission to launch the weapon, but of course in practice there is nothing the host country can do if the US wants to resort to nuclear arms unilaterally.

This situation arises from the fact that SACEUR has a dual role; he is also Commander-in-Chief of the US forces in Europe (CINCEUR). "SACEUR could order committed forces (the West German forces) and perhaps assigned forces (the rest) to use nuclear weapons if time and circumstances did not permit national consultations, and if de facto national rights to deny the use of national delivery vehicles were not exercised. As CINCEUR, of course, he would be fully empowered to immediately authorize American units to use nuclear weapons."<sup>24</sup>

It seems then that the US could well decide unilaterally to use nuclear weapons. The so-called dual-key system would not necessarily prevent US forces from justifying their lack of consultation by invoking the proviso: "time and circumstances permitting."<sup>25</sup>

## CONCLUSION

According to analysts the creation of the NPG was a political response to a military problem. Since no agreement could be reached about the means of physically controlling nuclear weapons (Whose finger would be on the button?) the United States proposed a compromise solution which allowed the allies to take part in discussions concerning the use of nuclear arms without actually permitting them to intervene directly.

Despite the creation of the NPG there remains several points which are unclear about the procedures for consultation and decision. The first, and most important, concerns the nuclear cooperation agreements which are inevitably kept secret because of their technical nature and because they outline the defence plans and military intentions of the states concerned. All that is known about these agreements is that they cover the following issues: the exchange of secret information about weapons; the number and type of these weapons; where they are deployed; security and control procedures; their dispersal; and the procedures

to be followed for installing the warheads on the launchers and authorizing that they be fired. According to Paul Bracken these agreements are very imprecise about who exactly is in charge of these weapons.

The second point which is unclear concerns the double role of SACEUR, who is also CINCEUR. Several writers have pointed out that the US officer who takes on these two roles may well have difficulty in discharging his responsibilities. According to Daniel Charles the US president can unilaterally command the officer to use nuclear weapons without obtaining the consent of the Europeans. This poses a problem of authority and divided responsibilities.

The third ambiguity concerns the type of consultation possible and the amount of time available for any reaction if there were a conflict. Certainly, as has been noted above, the allies would have from a few days to a few weeks to agree whether nuclear arms should be used in the event of defeat at the conventional level. However, according to most analysts, there are still problems about the deployment, preparation and use of such weapons. For example, should they be dispersed during the period of crisis which would precede hostilities or only after hostilities have actually started? Should the military be able to ask for permission to use nuclear weapons and then make use of them when they judge the moment has come? If the lines of communication have broken down should the military be free to act as they see fit? Could the US president take a decision without consulting his allies? Would the political authorities in NATO have enough time to discuss and approve all these and the many other decisions which they will have to take.

It seems likely that any consultation among the allies will be very limited in a time of conflict and that in one way or another what will count for most in making a decision will be specific agreements between the United States and the individual member of NATO, rather than the operation of the Council. Catherine McArdle Kelleher has summed this up very nicely: "Preconflict decisions on specific operational plans or timetables are taken within SHAPE or within the stronger bilateral military and political relations (United States-Britain, etc.) as well as within Programs of Cooperation. The Nuclear Planning Group, the Defense Planning Committee, and the North Atlantic Council are all quite formal and ineffective arenas for decision-making on the specific terms and timing of nuclear use, even at the highest levels of abstraction."<sup>27</sup> If that is true in peacetime, it seems clear that the tension and confusion which would arise in the event of a conflict could only make matters worse.