Nuclear Disarmament, Arms Control, and Nonproliferation in Retreat: What Europe Can Do

Abstract: Nuclear disarmament, arms control, and nonproliferation policies are increasingly affected by declining regional security, increasing militarization of U.S. foreign policy, and changes to the global normative nuclear order. In the coming years, Europe, and the European Union (EU), must take on additional responsibilities to mitigate these growing risks. In particular, EU member states should focus on preserving the Intermediate-range Nuclear Forces (INF) Treaty as well as the Iran nuclear deal, finding a diplomatic solution to the conflict in Ukraine, and bridging the divide between the Ban Treaty advocates and the nuclear-weapons possessor.

Keywords: Nuclear, disarmament, arms control, nonproliferation, European Union

Regional Insecurity and American Power Play

From Eastern Europe and the ongoing war in the eastern parts of Ukraine, over the conflict-ridden Middle East to North Korea’s accelerating nuclear weapons program, regional security is in decline. As a result of profound power shifts in the wake of the end of the Cold War and the disappearance of the Soviet Union, the various instruments of nuclear disarmament, arms control, and nonproliferation have come under increasing stress. Once deemed an essential element of mutual security – at least in most capitals of the former two Cold War blocs – military and political predictability and transparency have come to be seen as a “tool of the weak” instead. Increasingly, the uncompromising pursuit of national interests, backed up by elements of ‘hard power,’ that is military as well as economic capabilities, has taken over. In effect, international diplomacy and particularly multilateral cooperative security regimes, have suffered. The list of ‘casualties’ of states’ often uncompromising behavior in the realm of disarmament, arms control, and nonproliferation is long. It includes bilateral U.S.-Russian arms control agreements (such as the Anti-Ballistic Missile Treaty, ABM or the Intermediate-range Nuclear Forces Treaty, INF), multilateral disarmament treaties and initiatives that either eroded (like the Conventional Armed Forces in Europe Treaty, CFE) or never came into being (like a treaty to cut off fissile materials, FMCT), and politically-binding multi-party security guarantees given to states that voluntarily abandoned nuclear arms (such as the 1994 Budapest Memorandum on Ukraine).

As a result of starkly diverging views about NATO enlargement in Moscow and Washington, coupled with the end of the ABM and CFE treaties, today, Europe is again experiencing a return to unpredictability, to Cold War-like relations with Russia. Subsequent to the Russian annexation of Crimea in March 2014, Russia and NATO have buried previous cooperative efforts. Toward that end, the threat of deliberate, inadvertent or accidental escalation looms over NATO’s so-called ‘Eastern Flank,’ which includes the three Baltic States, Poland, and NATO’s Black Sea member states.

Another ramification of the return to confrontation is a breakdown of the bilateral U.S.-Russian nuclear arms control agenda – with significant ripple effects on Europe. Also since 2014, the U.S. government publicly accuses Russia of violating the Intermediate-range Nuclear Forces (INF) Treaty.2 INF, signed by Mikhail Gorbachev and Ronald Reagan in December 1987, bans all ground-launched cruise and ballistic missiles and their respective launchers with ranges between 500 and 5,500 km of the two countries. Already ten years ago, Russia had publicly questioned the treaty’s utility, implying that it was a grave mistake that only Russia and the United States are banned from having these types of weapons while other states were free to possess them. In a hearing before U.S. Congress in early 2017, U.S. General Paul Selva, Vice Chairman of the Joint Chiefs of Staff, declared that Russia has already deployed a significant number of prohibited missiles in the ranges banned by the Treaty.3
In order to increase pressure on Russia to return to compliance, U.S. Congress mandated the Secretary of Defense in late 2017 to develop a conventional ground-launched cruise missile within INF ranges—an action, if taken, permitted by the Treaty. Russia has rejected U.S. allegations and presented its own list of counter-accusations, most prominently U.S. missile defense installations in Romania and Poland, allegedly in violation of the INF Treaty. According to President Vladimir Putin, if America were to withdraw from the Treaty, “our response would be immediate ... and reciprocal.” To be clear, if both sides are unable to solve the ongoing INF crisis, the Treaty might well collapse and Europeans would be the first to see the negative effects. Because of their extremely short flight times (around five minutes only), INF-range weapons, if directed at Europe, would give the targeted states almost no warning time. In the words of Gorbachev, the 1980s' threat of INF weapons “was like holding a gun to our head.”

The fallout from the INF crisis would most likely not be confined to Europe. Without resolving the differences, leaders in Washington and Moscow might not be able to extend the New START agreement, limiting strategic weapons with ranges above 5,500 km. New START is due to expire in 2021. Both sides have the chance for a one-time extension of the Treaty for another five years without seeking approval by their respective national parliaments. Assuming U.S. and Russian interest do converge on that matter, at the latest, in 2026, New START would either expire or a new follow-on treaty would have to be negotiated, signed, and ratified by national legislatures. But particularly the latter becoming reality in a political environment of unresolved INF allegations or, even more acute, against the background of a possible new arms race in INF-range missiles, is almost impossible to imagine. Add to that the ever increasing reluctance of the U.S. Congress to agree on restraints to U.S. military power, and one can certainly envision the dystopic future of almost no bilateral U.S.-Russian nuclear limitation mechanisms and no predictability and transparency. The last time, both states entertained such a precarious relationship was before the 1962 Cuban Missile Crisis. This historical analogy should serve as a warning sign to both capitals.

While the pillars of the bilateral cooperative security relationship are thus rescaling, Moscow and Washington are at the same time investing in the biggest nuclear modernization programs since the end of the Cold War. Russia's ambitious modernizations are already well underway since almost ten years and will extend the life-cycle of Russia's nuclear deterrent well into the second half of the 21st century. Meanwhile, President Trump's calls for more and better U.S. nuclear weapons are challenging established U.S. policies of aiming to downsize the bloated U.S. nuclear arsenal. In addition, the new U.S. President has mandated a ten per cent increase in the U.S. military budget—an increase not even requested by the Pentagon. The February 2018 released U.S. Nuclear Posture Review—the first since 2010 proposes to introduce additional new nuclear weapons with lower yield warheads to the already bloated U.S. arsenal.

All that means that today, mutual nuclear deterrence is again the order of the day and will continue to drive the relationship of Washington and Moscow most likely for the next decades. But for Trump and Putin as well as for their potential successors, it could mean a deterrence relationship not backed up at all by transparency mechanisms or limitations anymore. Even more worrisome for U.S. allies in Europe, the continent might (again) see a new arms race with conventional and nuclear-tipped medium-range missiles in the coming years.

The situation in the Middle East gives equal reason for pessimism. Wars have been raging in Syria and Yemen for several years, with no end in sight. Lebanon is in the middle of an acute crisis in government. President Trump's announcement to formally recognize Jerusalem as the capital of Israel and move the U.S. embassy there is further inflaming tensions. The decades-old antagonism between Saudi Arabia and Iran becomes more acute on an almost daily basis. Instead of trying to act as an honest broker in the region, Trump has publicly taken sides. His threatening to end the Iran nuclear deal—also known as the Joint Comprehensive Plan of Action (JCPOA)—might become the infamous ‘straw that broke the camel's back.’ The latest protests in Iran in early 2018 could well give additional arguments to the deal critics in Washington to opt out of the agreement.

The JCPOA limits Iran's ability to develop nuclear weapons in exchange for easing economic and financial sanctions. Even though the deal includes more parties than just Iran and the United States, there is a real risk that it breaks apart should Washington withdraw and, in the wake thereof, exert legal pressure on its allies to curb trade with Teheran. The consequences for regional security should not be underestimated. Without the economic incentives built into the deal, hardliners in Iran might push for a resumption of the nuclear program. Doing so could give way to increased proliferation activities across the entire region—the often referred to ‘domino effect’ could include regional actors such as Saudi Arabia, Turkey or the United Arab Emirates. These two trend lines, regional wars and, perhaps, increased proliferation could lead the Middle East on a very slippery slope, one that might in the end even exceed the instability the region is already witnessing. It is not far-fetched to speculate that Europe, again, would be directly affected, and not in a positive sense.

5 Director of the Foreign Ministry Department for Non-Proliferation and Arms Control Mikhail Ulyanov’s interview with the Interfax news agency, December 19, 2017, https://www.mid.ru/ru/foreign_policy/news/-asset_publisher/cKNonkJ028w/content/id/2998923?p_id=101_INSTANCE_cKNonkJ028w8w_01_INSTANCE_cKNonkJ028w_languageid=en_GR
11 Further parties to the JCPOA are China, the EU, France, Germany, Great Britain, and Russia.
Meanwhile, in East Asia, North Korea is threatening its neighbors — and increasingly also the United States — with nuclear arms. Pyongyang has clearly voiced its desire to be recognized as a nuclear-armed power, and has built up its short- to strategic-range strike capabilities. Efforts to find a diplomatic solution to the crisis have, so far, failed as a result of insisting on preconditions to actual action. Deliberations in Washington that the paradigm of mutual deterrence is not applicable to North Korea, as underscored repeatedly by National Security Advisor H. R. McMaster, increase the likelihood of dangerous miscalculations in Pyongyang. As unthinkable as it might have been before, today, war on the Korean peninsula, and even nuclear weapons use, is not a far-fetched horror scenario anymore. Rather than speaking of disarmament, one can only hope that sober minds in both Pyongyang and Washington will prevail. At best, the coming years might see the emergence of a somewhat stable deterrence relationship. But the effect on multilateral efforts to fight nuclear proliferation would be devastating, for Kim Jong Un has just demonstrated to the international community that there seems to be only one certain path to avoiding U.S.-led regime change – pursuing nuclear weapons.

Changes to the Normative Order

Undoubtedly, all those events have their impact on the normative order of global nuclear governance. Since the Cuban Missile Crisis and John F. Kennedy’s subsequent warning of the possibility of “a world in which 15 or 20 or 25 nations may have these [nuclear] weapons,” nuclear non-proliferation has become a linchpin of global security governance. The built-in norm of the resulting Treaty on the Non-Proliferation of Nuclear Weapons (NPT, 1968) was a quid pro quo between the officially recognized nuclear weapons processors – at that time China, France, the Soviet Union, the United Kingdom, and the United States – and the vast majority of non-nuclear weapons states. While the nuclear ‘have nots’ pledged not to pursue nuclear arms, in exchange, the nuclear ‘haves’ supported the former’s pursuit for peaceful nuclear energy use and, under Article VI of the Treaty, committed themselves to the goal of “general and complete disarmament.”

To be clear, the current norm of nonproliferation in exchange for disarmament is far from being ideal. Since 1968, the number of nuclear-weapons states has risen to nine and Israel, India, Pakistan, and North Korea continue to remain outside the NPT framework. Further steps to bolster the regime by negotiating an FMCB or bringing into force the Comprehensive Nuclear-Test-Ban Treaty (CTBT) remain deadlocked. Nevertheless, 50 years after the signing of the NPT, the established order is still with us and has helped to prevent the scenario of 25 nuclear-armed nations. It also helped to bring potential proliferators such as Iran back into the fold. But fundamental changes are underway. Due to four distinct reasons, the normative nuclear order as we know it is about to unravel.

First, regional insecurity makes U.S. allies in East Asia and Europe, who are depending on extended nuclear deterrence guarantees from Washington, once more reluctant to speak up against the paradigm of deterrence and respective nuclear postures. The effects thereof on the established order under the NPT is a further spat between the nuclear ‘have nots’ and the nuclear ‘need nots,’ the latter comprising some 30 states that foreswear nuclear weapons — but not for moral reasons than simply because they don’t need the nuclear arms that America is already willingly providing.

Second, the deterioration in U.S.-Russian relations makes joint efforts to cut down the number of nuclear warheads of both sides highly improbable. Without the two countries that still account for more than 90 per cent of nuclear weapons worldwide reducing their nuclear stockpiles, other nuclear-weapons states feel event more reluctant to scale back their reliance on these weapons.

Third, the experience of negative security guarantees being ignored or broken makes proliferation more attractive. Russia annexing a part of neighboring Ukraine in defiance of the 1994 Budapest Memorandum, guaranteeing the security and territorial integrity of Ukraine in exchange for Kyiv giving up Soviet nuclear arms, is a prime example of the weakening of the instrument of negative security guarantees during the last years. With the security guarantees built into the JCPOA all up in the air, it becomes more than questionable whether North Korea will one day consider agreeing on negative security guarantees in exchange for giving up nuclear arms.

Fourth, modernizing nuclear arsenals and prolonging their life-cycle well into the second half of the 21st century, as currently being undertaken by almost all nuclear-weapons states, makes fulfillment of Article VI of the NPT — “general and complete disarmament” — a distant goal, at best. Many member states under the NPT seem to believe that it will not happen in the next decades, and denounce what, in their view, amounts to an indefinite nuclear entitlement by the nuclear possessors under the NPT.

It is the combination of these first- and second-order problems that have led to a first significant crack in the established nonproliferation architecture. Driven by bitter frustrations about the unfulfilled promise of the NPT Article VI, non-nuclear-weapons states have turned their attention towards establishing a new norm: the legal prohibition of nuclear arms. After three multilateral conferences focusing on the severe humanitarian effects of nuclear-weapons use and two UN-mandated open-ended working groups on taking forward the CTBT or bringing into force the Comprehensive Nuclear-Test-Ban Treaty (CTBT) remain deadlocked. Nevertheless, 50 years after the signing of the NPT, the established order is still with us and has helped to prevent the scenario of 25 nuclear-armed nations. It also helped to bring potential proliferators such as Iran back into the fold. But fundamental changes are underway. Due to four distinct reasons, the normative nuclear order as we know it is about to unravel.

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nuclear disarmament negotiations,17 122 states voted in favor of a Treaty on the Prohibition of Nuclear Weapons on July 7, 2017. Once 50 nations have ratified or acceded to it, it will enter into force, most likely before the next Review Conference of the NPT in 2020. Not too surprisingly, all military allies of the United States, including Germany, rejected the new Treaty.18

As with everything new, the treaty is both a chance and a risk. On the upside is the continued belief by a majority of states in the power of legal norms and customary international law, of which the Treaty is an encouraging sign. It is also a powerful statement embracing peace and disarmament, principles that still form the bedrock of the United Nations. The enthusiasm and pride that filled the rooms and hallways of the UN Headquarters in New York after the Ban Treaty was finally concluded are therefore well deserved.

The obvious downside risk of the Treaty is its attempt to replace an imperfect but almost universal norm embodied in the NPT with a normative framework that is much weaker due to the simple fact that it is not shared with either the nuclear-weapons states or their respective non-nuclear allies. In fact, there is the risk that the chasm between ‘nuclear haves’ and ‘nuclear need nots’ on the one hand and ‘nuclear have nots’ on the other will continue to grow the longer the new Treaty remains a divisive endeavor. As a potential effect, the NPT could come under enormous pressure with both sides pursuing their agenda much more rigidly and uncompromisingly. Disarmament proponents will criticize the unfulfilled goal of the NPT’s Article VI and point instead to the new Ban Treaty as an alternative. Nuclear possessors will continue to dismiss the new Treaty and instead insist on a process of small steps towards disarmament under the auspices of the NPT and its adjacent nonproliferation agreements. Dismissive language directed against the proponents of the Ban Treaty, as already seen,19 might further inflame tempers and the resultant polarization will make it even harder to build bridges over the already existing divides.

Even though the Ban Treaty is a sign of hope, the international community must make sure that the existing instruments of disarmament and nonproliferation remain in place as long as there is no overarching consensus to replace them with better agreements. Confrontation should not be a substitute for diplomacy.

What Europe Can Do: Step Up, Step In, Speak Out

In a world of declining regional security, increasing militarization of foreign policies, and ongoing changes to the global normative nuclear order, Europe, because of its war-torn history and its role as a champion of multilateral diplomacy, must take on additional responsibilities to mitigate these growing risks. In particular, EU member states must commit to three guiding policy principles in the coming years. First, they should step up diplomatic efforts where others only rely on the ‘law of the jungle.’ Second, they could try to step in where the United States cannot or will not uphold multilateral commitments anymore. Third, they must continue to speak out in favor of disarmament, arms control, and nonproliferation. In concrete terms, EU member states should become more active and determined with regards the following policy challenges.

As regards Ukraine, EU member states should once more step up efforts at finding a diplomatic solution to the conflict. Having appointed Kurt Volker as Special Envoy in July 2017, Washington has made it clear that it wants to pursue a more active role in Ukraine. While this step is certainly welcome, the U.S. government has only recently mandated the sale of arms, including anti-tank missiles to the government in Kyiv. Many European governments find that step highly problematic as it could lead to further escalating the fighting. Instead, EU member states should explore options for a peacekeeping mission in Ukraine. As much as there is reason to view President Putin’s foray for peacekeepers20 with suspicion, at least it provided a potential window of opportunity. After the Russian presidential elections in March 2018, the EU should re-evaluate the initiative.

Without tackling the Ukraine conflict, the strained arms control agenda of both NATO and Russia as well as Washington and Moscow will most likely remain deadlocked. In parallel to re-engaging on the conflict, EU member states should speak out strongly in favor of preserving the bilateral U.S.-Russian arms control agenda, both in Washington and Moscow. Doing so should include voicing many Europeans’ concerns with regard to preserving the INF Treaty, a cornerstone of European security.

Also, the EU should further step up coordinated diplomatic efforts to preserve the Iran nuclear deal. EU High Representative Federica Mogherini has forcefully spoken out in defense of the JCPOA. The Ambassadors of the EU, France, Germany, and the United Kingdom already made a powerful appearance in Washington, underscoring European solidarity and commitment to the agreement. But if push comes to shove, i.e., should Washington opt out of the arrangement, EU signatories, together with the other signatories, should be ready to step in and preserve the JCPOA. As much as this could mean further straining the relationship with Washington, salvaging the deal is a prime interest of the EU. Iran has abided by the JCPOA, as certified by the International Atomic Energy Agency multiple times. What took twelve years of negotiation and painstaking coordination of positions among six major powers must not be jettisoned as one government rejects it for what can only be seen as domestic reasons.


But speaking out in favor of disarmament and nonproliferation will not be enough when it comes to the wider security situation in the Middle East. Words must be matched by deeds. This pertains also to arms exports to the region. It is in the EU’s own interest not to fuel or prolong conflicts in its direct neighborhood through arms sales. The moral obligations Europe has, or should have, when it comes to conventional arms sales will only become more acute in the years ahead. The more industry will rely on new dual-use goods and techniques, such as additive manufacturing or supercomputing, the more pressing the need to agree on common export regulations.

The year 2020 will see the next NPT Review Conference. As outlined above, fewer and fewer steps towards the goal of “general and complete disarmament” are palpable and the new Ban Treaty risks further disrupting the existing nonproliferation order. Finding common ground within the EU on the Ban Treaty will most likely be impossible in the near future, for some EU member states are already caught between a rock and a hard place. But that should not preclude initiatives by individual EU member states or coalitions of like-minded states aimed at exploring options for potential concessions. In fact, EU nuclear-weapons possessors France and Great Britain won’t change their attitude towards the Treaty overnight. But they would be well advised to at least respect the motivations of the abolitionists in order to make an inclusive dialogue possible. The other European NATO members are basically split. On the one side are the traditional disarmament and NPT supporters, including the majority of states in northern, western, and southern Europe. On the other side are NATO’s eastern members – much stronger inclined to embrace extended nuclear deterrence in the face of Russia’s aggressive posturing. In order to prevent a further weakening of the NPT, particularly states such as Germany, perhaps together with other like-minded EU and NATO members, should step up their efforts to bridge the growing gap between the Ban Treaty advocates and the nuclear-weapons states. In doing so they should consult as closely as possible with those EU and non-NATO member states that are strong supporters of the Ban Treaty such as Austria and Ireland. Without those states reaching out to all sides concerned the NPT is awaiting a very uncertain future.

Last but not least, EU member states should strengthen the role of civil society groups, and particularly of youth organizations advocating disarmament, through increased political and financial support. It is not for nothing that the Norwegian Nobel Committee awarded the International Campaign to Abolish Nuclear Weapons (ICAN) with the Nobel Peace Prize in 2017. ICAN and others remind the international community that constant engagement and steadfast dedication to the greater good can lead to tremendous results. It is a particularly positive and notable fact that ICAN and others are actually run by young women and men from all over the globe. Supporting and fostering up-and-coming experts and campaigners on nuclear disarmament, arms control, and nonproliferation should become a prime target of the EU in the years ahead. In order to preserve the necessary expertise, EU governments have to invest in young people.

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