

**FRAMEWORK FORUM ROUNDTABLE
FROM THE NPT TO THE UN GENERAL ASSEMBLY: FILLING THE LEGAL GAP TO PROHIBIT
AND ELIMINATE NUCLEAR WEAPONS
(Geneva, 1 September 2015)**

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“EUROPEAN SECURITY AND REDUCING THE ROLE OF NUCLEAR WEAPONS”

1. In dealing with nuclear disarmament or reducing the role of nuclear weapons in security policy, the case of Europe is probably one of the most difficult and complex ones:

- This is the continent where nuclear weapons were invented during World War II (by the Nazi regime, which became an incentive for the US to develop their own weapons and use them against Japan);
- There is a history and a strong legacy of relying on nuclear weapons for ensuring states' security;
- During the Cold War, nuclear weapons were acquired and developed in the West to offset the Soviet Union's conventional superiority; since the collapse of the Soviet Union, Russia's security doctrine is to rely on nuclear weapons to offset NATO's conventional superiority;
- If we add up the nuclear weapons of France, Russia, and the UK as well as the US deployed weapons, Europe is the continent with the largest number of nuclear weapons on its soil² and the only one where a nuclear-weapon state deploys its weapons on the territories of non-nuclear- weapon states;
- Now we have a series of concentric circles of states that can be classified according to their relationship with nuclear weapons:
 - o Some **neutral and non-aligned countries reject not only possession of nuclear weapons but also any nuclear umbrella** from other states; this does not prevent some of them (like Austria, Finland, Ireland, or Malta) from belonging to the European Union, which offers some security guarantees through a mutual assistance obligation (Art. 42.7 of the Treaty on the European Union).³ The number of such European states outside both the EU and NATO is even larger.⁴
 - o Twenty other European states are **both members of the EU and NATO**, and thus part of a nuclear Alliance and beneficiaries of a nuclear umbrella, or “extended nuclear deterrence”.⁵
 - o Two other European countries are members of the **Collective Security Treaty Organization (CSTO)**,⁶ which can be considered as a military alliance benefiting from nuclear extended deterrence from Russia: Armenia and Belarus.

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² France: 300; Russia: 7,700; UK: 225; US weapons deployed in Europe under nuclear sharing: 200; total: 8,425 (Source: Arms Control Association).

³ Art. 42.7 of the consolidated text of the Treaty on the European Union: “If a Member State is the victim of armed aggression on its territory, the other Member States shall have towards it an obligation of aid and assistance by all the means in their power, in accordance with Article 51 of the United Nations Charter. This shall not prejudice the specific character of the security and defence policy of certain Member States. Commitments and cooperation in this area shall be consistent with commitments under the North Atlantic Treaty Organisation, which, for those States which are members of it, remains the foundation of their collective defence and the forum for its implementation.”

⁴ Andorra, Bosnia & Herzegovina, Georgia, Holy See, Kosovo, Liechtenstein, Macedonia, Moldova, Monaco, San Marino, Serbia, Switzerland, Ukraine.

⁵ Belgium, Bulgaria, Croatia, Czech Republic, Denmark, Estonia, Germany, Greece, Hungary, Italy, Latvia, Lithuania, Luxembourg, the Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, and Spain.

⁶ The other non-European members of the CSTO (Kazakhstan, Kyrgyzstan, and Tajikistan) are members of the Central Asia Nuclear-Weapon Free Zone (Treaty of Semipalatinsk).

- Among the above-mentioned 20 states, **five not only benefit from an American nuclear umbrella but accepted to have US nuclear weapons deployed** on their territories (Belgium, Germany, Italy, the Netherlands and Turkey).
- Among NATO Member States, there are **two European nuclear-weapon states** (France and the UK), in addition to **Russia** outside NATO.

2. All the states mentioned above are bound by their commitments under Article VI of the Non-Proliferation Treaty (NPT) to “pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control.” In addition, at Review Conferences of the NPT, all those states have agreed to a **“diminishing role of nuclear weapons”** in the security policy of nuclear-weapon states. This was the case in particular in the 2000 Review Conference Thirteen Steps towards Nuclear Disarmament:⁷

Steps by all the nuclear-weapon States leading to nuclear disarmament in a way that promotes international stability, and based on the principle of undiminished security for all:
[. . .]

– A diminishing role for nuclear weapons in security policies to minimize the risk that these weapons will ever be used and to facilitate the process of their total elimination.

In the Final Document of the 2010 NPT Review Conference, although the Conference welcomed “the reductions announced by some nuclear-weapon States in the role of nuclear weapons in their security doctrines,” it was acknowledged that insufficient efforts were made to fulfil the 2000 Thirteen Steps, since the Conference noted **“the need for further progress in diminishing the role of nuclear weapons in security policies.”**⁸ In Action 5 of the Action Plan adopted by the Conference, “the nuclear-weapon states commit to accelerate concrete progress on the steps leading to nuclear disarmament, contained in the Final Document of the 2000 Review Conference, in a way that promotes international stability, peace and undiminished and increased security. To that end, they are called upon to promptly engage with a view to, inter alia: [. . .] (c) To **further diminish the role and significance of nuclear weapons in all military and security concepts, doctrines and policies.**”⁹

As we know, no consensus was found on a final document of the 2015 NPT Review Conference, but the last version of the draft under discussion contained a reaffirmation of the 2000 and 2010 commitments as well as a call upon **all states concerned** to “continue to review their military and security concepts, doctrines and policies over the course of the next review cycle, with a view to **reducing further the role and significance of nuclear weapons.**”¹⁰

Obviously, this call applies not only to nuclear-weapon states but also to states benefiting from extended nuclear deterrence and/or having US nuclear weapons deployed on their territories.

3. How can progress towards those commitments be made in the current circumstances marked by increased tensions and mistrust between NATO and Russia?

The NATO Security Doctrine, as expressed in its 2010 Strategic Concept for the Defence and Security of the Member of the North Atlantic Treaty Organisation,¹¹ is based on the idea that, “as

⁷ United Nations, 2000 Review Conference of the Treaty on the Non-Proliferation of Nuclear Weapons, Document NPT/CONF.2000/28 (Parts I and II, Paragraph)

⁸ United Nations, 2010 Review Conference of the Treaty on the Non-Proliferation of Nuclear Weapons, Document NPT/CONF.2010/50 (Vol. I, paragraphs 86 and 89).

⁹ Ibid. Action 5.

¹⁰ United Nations, 2015 Review Conference of the Treaty on the Non-Proliferation of Nuclear Weapons, Document NPT/CONF.2015/R.3, paragraph 154-7.

¹¹ NATO, Strategic Concept for the Defence and Security of Members of the North Atlantic Treaty Organisation, 19-20 November 2010.

long as there are nuclear weapons in the world, NATO will remain a nuclear Alliance.” Accordingly, although “[t]he circumstances in which any use of nuclear weapons might have to be contemplated are extremely remote,” “[d]eterrence, based on an appropriate mix of nuclear and conventional capabilities, remains a core element of [NATO’s] overall strategy” and “[t]he supreme guarantee of the security of the Allies is provided by the strategic nuclear forces of the Alliance, particularly those of the United States.”

At the same time, NATO recognizes that “[t]he threat of a conventional attack against NATO territory is low” but that there are “emerging” new threats such as “terrorism”, “instability or conflict beyond NATO borders”, “cyber attacks”, threats to “vital communication, transport and transit routes on which international trade, energy security and prosperity depend”, “significant technology-related trends – including the development of laser weapons, electronic warfare and technologies that impede access to space”, or “[k]ey environmental and resource constraints, including health risks, climate change, water scarcity and increasing energy needs.”

It is clear that none of those new threats can be deterred with nuclear weapons. Nevertheless, because the basis of NATO’s doctrine remains not a vision of security in a future world without nuclear weapons but a mere tautology (“as long as there are nuclear weapons in the world, NATO will remain a nuclear Alliance”), chances for reducing the role of nuclear weapons in NATO’s security policy are limited if not inexistent.

The same analysis would apply when looking at **Russia’s military doctrine**, which unequivocally envisages the use of nuclear weapons in case of a conventional attack against its territory or national interests.¹² In its recent updating, the Russian doctrine is seen by some as lowering the threshold for resort to nuclear weapons in a conflict and conveying the idea that a nuclear war could be won.¹³

The current trend is certainly not going into the direction of reducing the role and salience of nuclear weapons in military doctrines, despite past commitments. As a response to the rising tensions between NATO and Russia in the wake of the conflict around Ukraine, and because of the dangers of their further escalation, a group of high-level personalities from Europe and Russia recently launched a solemn appeal through the European Leadership Network (ELN) for emergency measures.¹⁴ The rationale behind this appeal is that the confrontation between Russia, a nuclear-weapon state, and NATO, a nuclear alliance, creates a security risk for the security of the whole world. Even if this appeal addresses only short-term measures for confidence building and engagement, in the longer term, its logical consequence should really be to question the current reliance of both actors on nuclear weapons.

Whether addressing as a priority this aspect of the nuclear weapon issue will contribute to facilitate actual nuclear disarmament remains to be seen. However, one can wonder how making any progress towards the goal of nuclear disarmament can be possible without reducing the reliance of the security of both nuclear-weapon states and beneficiaries of extended deterrence on nuclear weapons. In this respect, those NATO countries which host US nuclear weapons on their territories have a prominent role to play. Let’s remember that it was the unilateral decision by Chancellor Helmut Kohl to remove the joint US-West German Pershing 1a systems that facilitated the conclusion of the historic INF Treaty between the US and the Soviet Union in 1987. Hiding behind the need for consensus within the Alliance or the current NATO Strategic Concept would only

¹² Security Council of the Russian Federation, “Military Doctrine of the Russian Federation”, 25 June 2010, available at: <http://www.scrf.gov.ru/documents/33.html> (in Russian).

¹³ Max Fischer, “How World War III Became Possible”, 29 June 2015 (<https://www.vox.com/2015/6/29/8845913/russia-war>).

¹⁴ European Leadership Network (ELN), “Avoiding War in Europe: How to Reduce the Risk of a Military Encounter between Russia and NATO”, August 2015.

confirm a lack of political courage or vision as opposed to the leadership displayed by leaders in the more difficult times of the Cold War.