



# A Nuclear Weapon-Free Zone in Europe

Presentation at IPPNW conference in Basel  
Basel University, September 2017

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## Thinking of future generations

- // It is a duty to minimize the risks of nuclear war
  - // If nuclear war would be fought in our time, it would leave unbearable traces for generations  
Even leaving a nuclear arms competition like the one which is going on today as inheritance is an infringement on the rights of the unborn:
    - // Huge costs
    - // Nuclear military technical complexes which try to perpetuate their existence and power
    - // Fear feeds distrust that feeds enemy images that feed political conflict and arms racing
- // The global approach to serve the rights of future generations is nuclear disarmament
- // But most conflict structures serving as justification for nuclear arms have regional roots
- // Thus, it makes sense to seek also ways at the regional level to slay the nuclear dragon
- // A time-honored way to address the nuclear menace regionally are **NWFZ**
- // Such zones exist in Latin America, the South Pacific, Africa, Southeast Asia, and Central Asia
- // No such zone exists in Europe.

## Why a NWFZ? Why in Europe?

**NWFZ:** States of a region commit not to have or station nuclear weapon

### General benefits of NWFZ:

- // Go beyond NPT: no possession, no stationing, no overland transit of nw
- // regional CBM, supporting process from conflict and distrust to security community
- // safety net should NPT fail (undertakings, verification measures)
- // Security assurances in NWS protocols (with caveat)
- // Possibility for NNWS to demonstrate their political determination

### Benefits of the NWFZ project in Europe

- // Europe is still a place with nuclear weapons deployment in seven countries
- // Smaller (nonaligned) European states get a chance to express their disarmament position
- // It adds practical option + mobilization instrument for humanitarian concerns besides NW ban.

## Why discuss it now?

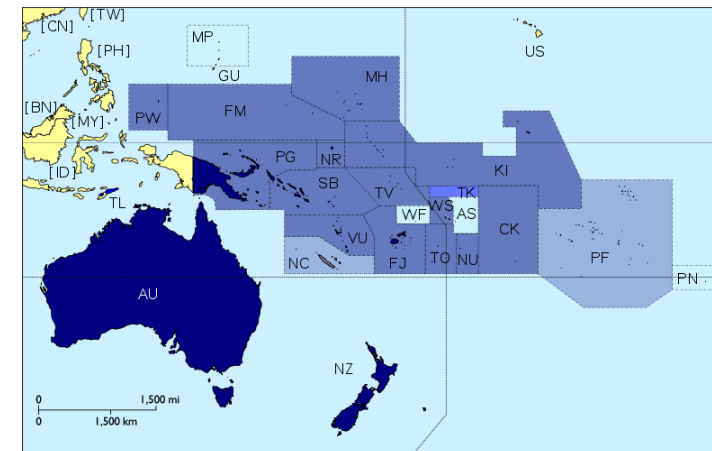
- // Action 9 of the 2010 RevCon final declaration „encourages“ the establishment of new NWFZ. This is an explicit invitation to states in regions presently without a zone to explore this possibility
- // The current European security situation is one of enhanced tension and, as a consequence, enhanced nuclear saliency:
  - // The crisis about Ukraine contains a certain risk of further escalation in an environment where nuclear weapons are part of national and alliance strategies and doctrines.
  - // Russia has recently emphasized the role of nuclear weapons in its defense posture and indicated options for enhanced deployment. Demonstrative exercises and armament plans have underlined this position .
  - // Governments of Eastern NATO members call for alliance reassurances because of enhanced security concerns. They see extended nuclear deterrence is an indispensable part of such reassurance.
  - // Mutual accusations about violations of the INF Treaty reopen the specter of a nuclear arms race in Europe.
  - // In this situation, “thinking out of the box” like debating the pros and cons of a NWFZ are meant to create a “countercyclical” momentum: in times of tension, even greater efforts are needed to defuse nuclear risks.

## First steps for establishing a zone

- // This project will be contested; determined supporting governments will be few in the beginning
- // Initiators must ensure domestic supra-partisan and civil society support for the long haul
- // Using an established regional organisation as venue for negotiations. The support of the UNGA should be used only after a majority has been ensured
- // Most promising appears the combination of “closed shop” talks among the supporters and a more open process like the Oslo and Ottawa processes for discussing draft texts. Consultations should be sought with the Nuclear Weapon States which do not join such a process, but negotiations not be made contingent on their agreement.
- // After a few iterations, a text should be ready that allows bringing the zone into force for a minimum quota of ratifiers (emulating the Tlatelolco Treaty with the waiver procedure).
- // This “patchwork” approach has precedences in other NWFZ.

## A NWFZ in Europe – addressing the patchwork problem

- // **Problem:** how to establish a zone, when there are still nuclear weapons in the region and only a few states will join in the short term
- // **The Tlatelolco experience**
  - // Strict EIF provisions: ratification by all states in region
  - // But: States have right to waive EIF requirements
  - // Treaty can enter into force for these states immediately
- // **The South Africa Case within the African NWFZ**
  - // States with nuclear weapon programmes can join the Zone after dismantling weapons and facilities
- // **Territorial issues within the Rarotonga Treaty**
  - // South Pacific largely open seas (terra nullius)
  - // Holes in the zonal tapestry (extra-regional states)
  - // On the other hand: possibility to expand the zone beyond initial delimitation



## Undertakings of a NWFZE – minimalist approach and beyond

- // Basic Obligations (no opting out)
  - // No research, development, production, acquisition, possession, transfer, test, use
  - // No stationing by third parties on territory and no military forces with a nuclear mission
  - // Commitment to a nuclear weapon-free world and de-emphasis of nuclear weapons
- // Non-essential and contested obligations (opting out possible to allow NATO NNWS participation)
  - // No nuclear weapons in territorial waters / no transit of nuclear weapons
  - // No participation in any nuclear planning
- // Non-essential, but possibly non-controversial obligations
  - // Toughest nuclear and radiological safety and security standards
  - // Full-scope safeguards + AP for all materials and facilities during Zone membership
  - // No use of HEU

## Obstacles and problems in establishing a zone in Europe

### // NATO

- // NWFZ membership not compatible with active participation in NATO nuclear sharing
- // But: Norway, Denmark and Spain do not allow NW on their territories (in peace-time); Political commitment not to deploy NW in new NATO countries  
→ NWFZ and NATO membership not incompatible, in principle (North Atlantic Treaty remains silent on nuclear weapons; NATO's strategic concepts change over time. That NATO is "a nuclear alliance is a contingent political statement, not based on Treaty law)

### // NWS

- // US: Concerns about freedom of movement of US nuclear forces in NATO-Europe. Trump wants more, no less nukes
- // P5: Unwanted digression from established arms control agenda.
- // Russia: probably unwilling to provide NSA to *any* NATO Member (even if de-nuclearized) and not willing to make nuclear concessions facilitating accession by NATO NNWS



## Impacts of a NWFZE project on other initiatives and institutions

### // **The zone and the NPT**

- // Art. VII makes it clear that the NPT and NWFZ are not opposites, but complementary. There is nothing in the NWFZE project which would point in the opposite direction.
- // Action 9 of the 2010 Rev Con Final Document encourages states to establish new zones.
- // There should be no contradictions between the zone projects for Europe and for the Middle East – they should be mutually supportive, but this requires related diplomatic activities.
- // But: the project could re-enforce old or create new divisions among NPT parties (and within the EU).

### // **The NWFZE and the Humanitarian Initiative**

- // They should be able to create synergies, as both aim at de-legitimizing nuclear weapons
- // The compatibility is documented by the identity of the funders of the NWFZE project

### // **The zone and a treaty banning nuclear weapons**

- // In principle, the same applies here: the two projects should be complementary
- // The zone could also be read as a „Plan B“ when the convention project gets stuck
- // But: since political and social capital has to be invested in either project, there might be opportunity costs.

## Giving ownership to civil society

- // Sub-national entities (regional and local governments) and citizens in regional states not party to the Zone Treaty may differ from their governments and endorse the objectives of the Zone.
- // There are ways for the members of the zone to empower these organisations and people to make their positions publicly known:
  - // The Zone Organisation which would be founded to administer the zone could establish a website with a portal where organisations and individuals could express their support.
  - // This could even be mentioned in the Zone Treaty as a key mission of the Zone Organisation
  - // If this official approach is seen by zone members as too controversial in relations to governments opposing the zone, there are ways to dampen controversy:
    - // No mention in the Treaty, but the portal as continuing practice of the Zone Organisation
    - // Keeping the portal could be entrusted to a non-governmental organisation or a consortium of such organisations (comparable to the Landmine Monitor)
  - // The Portal Keeper – Zone Organisation or NGO – would report on the state of public support by subnational organisations and citizens at the annual meetings of the states parties.
- // Involving civil society in this way would enhance visibility of the zone project, give people ownership, and would likely stimulate and maintain media interest.

## Conclusions

- // The NWFZE project has merits, i.e. its position against the global stagnation of nuclear disarmament.
- // It offers an opportunity at the regional level to fulfill the duty to future generations to abolish the nuclear menace. It gives millions of people who abhor nuclear weapons a project in their own backyard to engage for nuclear disarmament.
- // In a “minimalist” shape, as a long haul endeavor, with realist expectations about its patchwork and incremental character, it is closer to realism than one might think, like a ban treaty.
- // It is legitimate in terms of the NPT (Art VI is clear in making nuclear disarmament the matter of all parties, not just the NWS, Art VII recognizes the value of NWFZ), and of the 2010 Final Document and its Action 9.
- // The project of a NWFZ will evoke resistance on a continent where Russia and many NATO members see nuclear weapons as indispensable for national security.
- // Working for a NWFZE is as much the sovereign right of a state as choosing an alliance with nuclear deterrence.
- // The project will not impede efforts by NWS to pursue their disarmament agenda, if they do so at all. It would also not impede the move towards a nuclear weapons ban or compete with efforts to create a NWFZ in the ME.
- // The project has the advantage of political saliency and the potential to stimulate debate and create movement.
- // The key issue is whether supporting governments are willing to invest the political capital to make the project fly when they compare the risks and benefits of this approach and calculate in negative reactions of the NWS.