A Nuclear Weapon-Free Zone in Europe

Concept – Problems – Chances

Executive Summary

Harald Müller
Giorgio Franceschini
Aviv Melamud
Daniel Müller
Anna Péczeli
Annette Schaper
1. Summary of findings

- The current international situation is no reason to drop all efforts to move forward nuclear disarmament. To the contrary, enhanced efforts are needed to prevent things from getting worse and to stabilise international peace and security. Nuclear disarmament which is, after all, a recognized ingredient of a process for enhancing international security cooperation and thereby promoting peace, needs new momentum. Beyond established concepts like bilateral strategic nuclear arms control or a fissile material cut-off treaty, thinking out of the box might open new roads that are worth considering. This study is an effort to contribute to such “thinking out of the box”.

- The project of a NWFZ in Europe is justified by the realistic expectation that it will reawaken the dormant debate about the nuclear weapons problematique in Europe and carry this debate in the European NWS themselves. This effect would be most important to maintain the momentum of the disarmament discourse after the powerful pushes of the 2007 Wall Street Article and the 2009 Obama speech in Prague.

- NWFZs are time-honoured ways to create regional confidence and solidarity, to strengthen the non-proliferation regime, foster nuclear disarmament and de-legitimate nuclear weapons. The pivotal function of this project, however, is its chance to stimulate civil society and create a momentum that is not easily controlled by the powers that be.

- Procedurally, a combination of „closed shop“ negotiations among a small group of likeminded countries, and the more open Ottawa process model appears most conducive to fostering the project. This combination leaves the momentum in the hands of the initiators and prevents any veto position while offering inclusiveness.

- An approach in which a few countries take the initiative and enhance the chances for future accessions through stimulating a national debate in potential parties to the zone necessitates waiving a clear geographic delimitation of the zone from the beginning and renouncing a conditioning of entry into force by all states principally eligible for membership. It would be wiser to make the scope of the zone conditional on the territory of the countries which are parties at any given moment (as temporarily discussed in the negotiations for the Tlatelolco Treaty).

- In order to create and maintain momentum, the unilateral self-declaration of a single country as a NWFZ is not advisable. It makes more sense to make entry into force contingent on the ratification by a very small number of countries after careful preliminary consultations that make it as well as certain that this quorum will be reached.

- Concerning the treaty undertakings, it is obvious that they can be minimalist or more far-reaching. A minimalist treaty would make it easier for disarmament-minded NATO members to accede at an early date. Zone members that would like to go further might do so by way of national legislation. A compromise between the two approaches would be to put some of the more far-reaching clauses under an opt-out-option. Again, this might facilitate accession by some NATO members.
• Verification will be more complex than in other regional zones, but only in the long run. The reason is the various types of states that are potential candidates for the zone (NWS, NATO NNWS with nuclear weapons on their territory, NATO NNWS which had formerly nuclear weapons on their territory). For the core that is to be expected to constitute the membership at entry into force, these complications will probably not exist. There remains still the reconciliation between the zonal verification system and that of the NPT in which already two organizations, the IAEA and EURATOM participate. Things may become difficult at this level if and when the participation of EURATOM in zonal verification is contested within the EU.

• The treaty could contain, as a major innovative and mobilizing element, a way for non-state actors to associate themselves with the zone project in a (semi-)official, visible way. This could be done directly in the context of the zone treaty (protocol for sub-national political entities, signature list on the treaty organization’s website) or more indirectly (by tasking a NGO to collect and document the support, and to have this NGO report at member state conferences or review conferences).

• The zone initiators will face a wide spectrum of reactions. Besides enthusiastic report (probably from civil society and members of other zones) there will be strong opposition (from certain NWS and supposedly also from some non-nuclear NATO members). Governments wishing to promote the project must be aware of this situation and be determined to pursue the project for the long haul. Of course, in the perspective of the project’s major objective – rejuvenating and maintaining the debate on nuclear disarmament, controversial reactions are desirable as this is most likely to foster debate.

2. First steps

Initiators must bring together a small, but determined group of supporters of the zone project. This group might consist of like-minded governments, on the one hand, and committed civil society organizations, on the other hand. Supporters should agree on the objectives of the initiative, on the core content of a future zonal treaty, and on the next steps to pursue.

Initiators must also work on domestic support in their countries. As repeatedly stated, they need courage and perseverance. This is hard to achieve if the home front is split. Support should be broad and supra-partisan, and the project should attract the sympathy of the public and the active support of civil society organizations. All the while initiators must be careful to mitigate internal differences that might come to the fore as the project progresses (as experiences in other zones have shown). To keep coherence and solidarity in the group is key to the project’s success.

The difficulties with the UNGA have been discussed above. A possibility to procure some legitimacy for the project would be to join forces with members of other zones and nonaligned leaders and to co-sponsor a UNGA draft resolution praising existing zones, calling on those who have not ratified the respective protocols to do so, and to urge states in regions not yet covered by a zone to take appropriate steps in the light of the specific conditions in the respective region to work towards the establishment of a NWFZ. It is likely that this will attract broad support, and it would create a fresh reference text on which the initiators can draw for justifying their project.
If initiators are sufficiently satisfied that some momentum has been created, they may invite states that would be eligible for zone membership given the wider “aspiration” for a general consideration of the project. After this, a second meeting might discuss a draft text, and a third and last one a revised version (this procedure is modelled after the Ottawa and Oslo Conventions). Working groups could be tasked in the intersessional periods to iron out differences. At and after the last conference, governments which are core supporters would sign and ratify, bringing the zone into force.

3. Final thoughts

Whether governments decide to pursue the road laid out in this study will be influenced by many factors some of which go clearly beyond the subject matter discussed here. Within the realm of nuclear disarmament, the key issue is whether promoters are willing to invest the political capital to make the project fly. They will have to compare the risks and benefits of this approach with other disarmament initiatives under way, calculate in the reactions of the NWS, and whether the initiative will make the latter ones more or less inclined to walk further down the disarmament road. They should not be shy of the possible indignation that NNWS take initiatives without asking first the NWS whether this is permissible. Article VI of the NPT is crystal clear on that point: nuclear disarmament is not only a matter of interest for those not having nuclear weapons, but it is their solemn undertaking to participate in the process. Taking initiative is a particularly bold mode of participation.

It is unlikely that the initiative will weaken efforts by NWS to pursue their own disarmament agenda, if they have one. The disarmament record since the NPT entered into force is not a consistent story of an unambiguous NWS commitment to this cause. Even at present, no dispassionate observer would discover a determined rush towards a nuclear weapon free world. To the contrary, fears that the process be stalled are not without justification. Under these circumstances, it is not imperative for disarmament-minded NNWS to sit idle lest their activities could hamper the progress of the disarmament train.

The project of a NWFZ bears the risk to evoke resistance on a continent where an alliance that calls itself a nuclear one is part of the identity of many of its members and seen as indispensable for national security by most. At the same time, and partially for the same reasons, the project has the advantage of high political saliency and the ensuing potential to stimulate debate and create movement. For those concerned about the slowing down of the disarmament train, this might be reason enough to engage.