

Escalating tensions:

The perfect time to negotiate the outlaw and elimination of nuclear weapons

There's been a number of announcements, exercises and (in)direct threats made in the last year illustrating a growing tension between Russia and Western powers (mostly NATO). These escalating measures have not been one sided and are not solely a result of the conflict in Ukraine. Tensions between NATO and Russia have ebbed and flowed continuously since the end of the Cold War. Tension is not new, but the current escalations increase risks with potential global humanitarian consequences. The explicit inclusion of nuclear weapons in rhetoric and the exercising of nuclear capabilities are of grave concern. They increase the risk of use of nuclear weapons, a grave humanitarian threat whether done by accident or intent.

The increased attention to the role of nuclear weapons in this time of tension does bring the issue to the forefront. As noted by the Dutch Minister of Foreign Affairs "Even during the Cold War, we kept talking and managed to conclude some key disarmament treaties. Especially in troubling times, we need to keep channels of communication and dialogue open and press onwards with disarmament." All significant nuclear weapons treaties that are currently in force were negotiated during the Cold War. The increased perception of threat inspired creative action by those not engaged in the conflict, resulting in multilateral agreements with positive global ramifications. Multilateral negotiations on nuclear weapons have not progressed during decades of reduced great power tension leaving one to wonder if the rising threats now are the incentive needed to galvanize the international community to finally negotiate the outlaw and elimination of nuclear weapons.

This PAX policy brief provides a brief review of statements and rhetoric; exercises; posturing and nuclear weapons modernisation activities that are leading to a growing perception of escalated threat. It also suggests de-escalation measures, including options for what individual states can do at this time, including NATO members. The paper concludes by debunking some myths that have been recently circulated as an obstacle to progress.

As PAX is a Dutch organisation, the Netherlands has been used as a case study and also offered some specific policy recommendations. The broad conclusion is that escalating great power tensions have historically been the most opportune time to initiate multilateral negotiations on disarmament and arms control. 115 governments have recognised that there is a legal gap when it comes to nuclear weapons, and have pledged to fill it. This pledge, initially offered by Austria at the end of 2014, along with these tense times should lead to swift and decisive normative action to outlaw and eliminate the global nuclear weapons threat.

Escalating threat perceptions

The following are a series of examples of the recent escalation of tension between NATO and Russia. The list is by no means comprehensive, and instead is meant to understand why the perception of threat is leading to a growing concern of potential conflict. Threat perceptions increase due to many factors, including statements and actions, and require both statements and action to reduce tensions and de-escalate the situation.

Statements and Rhetoric

Both Russia and NATO have used statements made during official settings, or to the media, or in advance of international meetings and events that sound escalatory. In some situations, these statements are backed by actions, but not every time. Some statements have appeared as trial balloons, to gauge the reaction of the international community to new ideas or actions. Each controversial or escalatory statement however adds to escalating tensions and increases the perception that a conflict is on the horizon.

| NATO & others | Russian Federation |
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| <p><i>July 2014:</i> US suggests Russian violation of the Intermediate Nuclear Forces treaty (INF) in a report to Congress.¹ Experts explain that the system in question is a long-range cruise missile that is being developed for deployment on submarines, and not a system that would violate the treaty.²</p> <p><i>January 2015:</i> Two US congressmen send an open letter to secretaries Hagel (Defense) and Kerry (State) requesting they consider building sites in Eastern Europe to house dual-capable aircraft and B61 nuclear bombs.³</p> <p><i>June 2015:</i> US Pentagon proposes storing additional arms and equipment in Lithuania, Latvia and Estonia, Poland, Romania, Bulgaria and possibly Hungary.⁴</p> <p><i>September 2015:</i> Ukraine's National Security and</p> | <p><i>August 2014:</i> Russian President Vladimir Putin says at a youth forum that he wants "to remind you that Russia is one of the most powerful nuclear nations"⁶.</p> <p><i>December 2014:</i> Russian Foreign Minister says Russia has the right to station nuclear weapons in Crimea, as it can move weapons anywhere within its own territory.⁷ Repeated by Mikhail Ulyanov, the Director of the Department for Non-Proliferation and Arms control at the Russian Foreign Ministry in June 2015.⁸</p> <p><i>March 2015:</i> Russian ambassador to Denmark threatens to aim nuclear missiles at Danish warships if Denmark joins NATO's missile defence system.⁹ And in a documentary, Putin says he was ready to put nuclear forces on alert during the crisis in Crimea.¹⁰</p> |

¹ 2014. *Adherence To and Compliance With Arms Control, Nonproliferation, and Disarmament Agreements and Commitments*, U.S. Department of State Bureau of Arms Control, Verification and Compliance. Available at: <http://www.state.gov/documents/organization/230108.pdf>.

² Pavel Podvig, 2015. Sorting fact from fiction on Russian missile claims. Bulletin of the Atomic Scientists. Available at: <http://thebulletin.org/sorting-fact-fiction-russian-missile-claims8414> [Accessed August 21, 2015].

³ Steven Pifer, "Russian nukes in Crimea? A better way to respond," *The Hill*, 31-Jan-2015. [Online]. Available:<http://thehill.com/blogs/congress-blog/foreign-policy/231334-russian-nukes-in-crimea-a-better-way-to-respond>. [Accessed: 03-Sep-2015].

⁴ Schmitt, Eric, and Steven Lee Myers. "U.S. Is Poised to Put Heavy Weaponry in Eastern Europe." *The New York Times*, June 13, 2015. <http://www.nytimes.com/2015/06/14/world/europe/us-poised-to-put-heavy-weaponry-in-east-europe.html>.

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| Defense Council approves the new military strategy, defining Russia as a “military adversary” and officially placing itself on course to join NATO. ⁵ | June 2015: Russia responds to US plans to deploy assets to eastern Europe and the Balkans by threatening to position Iskander missiles in Kaliningrad. ¹¹ |
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Exercises

In many cases military exercises are planned and announced in advance. Until recently, this confidence building transparency measure has been the norm. However, in the last months snap (unannounced) exercises have taken place, and the locations of exercises have added to growing tensions. For many, conducting exercises is seen as a demonstration of capabilities, a machismo muscle flexing. The increase in number, size and scope of these exercises, as well as the reduction in advance notice makes this muscle flexing increase the perception of threat. The recent European Leadership Network brief "*Preparing for the Worst: Are Russian and NATO Military Exercises Making War in Europe More Likely?*" is a more detailed examination than this snapshot.¹²

| NATO | Russian Federation |
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| June 2015: US-led BALTOPS exercises in the Baltic Sea involving at least 49 vessels from 17 countries ¹³ | September 2014: Exercises held involving the forces responsible for Russia's strategic nuclear arsenal and more than 4,000 soldiers. |
| July 2015: NATO conducts 'Allied Shield' exercise on its eastern flank. ¹⁴ | March 2015: Russia conducts unannounced snap military exercise that includes simulated deployment of nuclear capabilities. ¹⁶ |
| July 2015: NATO holds military trainings "Agile Spirit 2015" in Georgia with military personnel from six countries. ¹⁵ | July 2015: Russia conducts military exercise for aviation personnel located at its military base in Armenia. ¹⁷ |

⁶ Greg Botelho and Laura Smith-Spark, "Putin: You better not come after a nuclear-armed Russia - CNN.com," CNN, 30-Aug-2014. [Online]. Available at: <http://www.cnn.com/2014/08/29/world/europe/ukraine-crisis/index.html>. [Accessed: 03-Sep-2015].

⁷ Sergei, L., 2014. Russia says it has a right to put nuclear weapons in Crimea. *Los Angeles Times*. Available at: <http://www.latimes.com/world/europe/la-fg-russia-nuclear-crimea-20141215-story.html> [Accessed August 21, 2015].

⁸ Keck, Zachary. "Russia Threatens to Deploy Nuclear Weapons in Crimea." Text. *The National Interest*, June 1, 2015. <http://nationalinterest.org/blog/the-buzz/russia-threatens-deploy-nuclear-weapons-crimea-13013>.

⁹ Anon, 2015. Russia threatens to aim nuclear missiles at Denmark ships if it joins NATO shield. Reuters. Available at: <http://www.reuters.com/article/2015/03/22/us-denmark-russia-idUSKBN0MI0ML20150322> [Accessed August 26, 2015].

¹⁰ AFP, 2015. Vladimir Putin mulled putting nuclear forces "on alert" over Crimea. Available at: <http://www.telegraph.co.uk/news/worldnews/vladimir-putin/11473960/Vladimir-Putin-mulled-putting-nuclear-forces-on-alert-over-Crimea.html> [Accessed September 3, 2015].

⁵ "Ukraine Names Russia as 'military Adversary' in Official Defense Doctrine." RT, September 2, 2015. <http://www.rt.com/news/314131-ukraine-russia-military-adversary>.

¹¹ Richard Sisk. "Russia Threatens Massive Military Buildup to Counter US, NATO." Text. *Military.com*, June 15, 2015. <http://www.military.com/daily-news/2015/06/15/russia-threatens-massive-military-buildup-to-counter-us-nato.html>.

¹² Ian Kearns, Łukasz Kulesa & Thomas Frear, 2015. Preparing for the Worst: Are Russian and NATO Military Exercises Making War in Europe more Likely? Available at: http://www.europeanleadershipnetwork.org/preparing-for-the-worst-are-russian-and-nato-military-exercises-making-war-in-europe-more-likely_2997.html [Accessed August 17, 2015].

¹³ 2015. NATO to hold biggest military drills in decade, Russia welcome to observe. *RT English*. Available at: <http://www.rt.com/news/273979-nato-drills-russia-monitor/> [Accessed September 3, 2015].

¹⁴ Ian Kearns, Łukasz Kulesa & Thomas Frear, 2015. Preparing for the Worst: Are Russian and NATO Military Exercises Making War in Europe more Likely? Available at: http://www.europeanleadershipnetwork.org/preparing-for-the-worst-are-russian-and-nato-military-exercises-making-war-in-europe-more-likely_2997.html [Accessed August 17, 2015].

¹⁵ "Agile Spirit": NATO Military Exercises Kick off in Georgia." RT, July 8, 2015. <http://www.rt.com/news/272518-nato-military-exercises-georgia>.

Posturing

Placement of military assets is directly related to military postures, and sometimes referred to as posturing. The movement of these assets, whether they be ships, planes, or other personnel and hardware from one location to another can also be a clear indication of preparation for conflict. These are the actions that underline the rhetoric. Posturing sends a clear and direct signal that 'we have these capabilities and we're ready to put them to use' and increases the risk of accidents than can lead to war.

| NATO | Russian Federation |
|--|--|
| <p><i>October 2014:</i> Finland and Sweden agree a memorandum with NATO including a “host nation” support mechanism, under which Finland and Sweden could allow NATO to deploy land, naval and air force assets on Swedish and Finnish soil.¹⁸</p> <p><i>February 2015:</i> NATO announces plans to open training centre in Georgia.¹⁹</p> <p><i>June 2015:</i> Increasing number of NATO ships enter the Black Sea in preparation for major exercise.²⁰</p> <p><i>June 2015:</i> US sailors arrive at the AEGIS Ashore missile defence facility in Deveselu, Romania.²¹</p> <p><i>August-September 2015:</i> NATO opens six Force Integration Units, one each in Bulgaria, Estonia, Latvia, Lithuania, Poland and Romania to help in rapid deployment of Allied forces to the Eastern part of the Alliance if necessary.²²</p> | <p><i>March 2014 -</i> Russia annexed Crimea after an armed takeover by Russian troops without insignia after having forced out the Ukrainian armed forces and a hastily staged referendum.</p> <p><i>May 2015:</i> Russia unveils new military equipment including tanks and armoured personnel carriers at Victory Day parade.²³</p> <p><i>June 2015:</i> Russia deploys 20 military attack helicopters to western district area.²⁴</p> <p><i>July 2015:</i> Russia plans new tank army for western district comprised of staff from Bakovka, the Moscow Region, and Voronezh.²⁵</p> <p><i>August 2015:</i> Russia plans to deploy more than 8,000 new pieces of military equipment to western district.²⁶</p> |

¹⁶ Anon, 2015. Russia Targets NATO With Military Exercises. *Stratfor*. Available at: <https://www.stratfor.com/analysis/russia-targets-nato-military-exercises> [Accessed August 21, 2015].

¹⁷ Thomas Barrabi, 2015. Russia Conducts Military Exercises At Armenia Base In Latest Combat Readiness Drill. *International Business Times*. Available at: <http://www.ibtimes.com/russia-conducts-military-exercises-armenia-base-latest-combat-readiness-drill-1997545> [Accessed September 3, 2015].

¹⁸ Gerard O'Dwyer. "Sweden And Finland Pursue 'Special Relationship' With NATO." *Defense News*, October 10, 2014. <http://archive.defensenews.com/article/20141010/DEFREG01/310100032/Sweden-Finland-Pursue-Special-Relationship-NATO>.

¹⁹ Margarta Antidze, 2015. NATO Hopes to Open Training Center in Georgia in 2015. *Atlantic Council*. Available at: <http://www.atlanticcouncil.org/blogs/natosource/nato-hopes-to-open-training-center-in-georgia-in-2015> [Accessed August 21, 2015].

²⁰ Sam LaGrone, 2015. Four NATO Ships Enter Black Sea for Annual Exercise, Russian Activity on Rise in the Region. *USNI News*. Available at: <http://news.usni.org/2015/07/06/four-nato-ships-enter-black-sea-for-annual-exercise-russian-activity-on-rise-in-the-region> [Accessed August 21, 2015].

²¹ David Larter. "Navy: Sailors Laying Groundwork for Missile Shield in Romania." *Navy Times*, June 8, 2015. <http://www.navytimes.com/story/military/2015/06/08/navy-aegis-ashore-missile-defense-shield-deveselu-romania/28679929>.

²² "Greater Solidarity, Strength and Readiness": NATO Secretary General Marks Opening of Six New Headquarters in Eastern Allies." *NATO*, September 3, 2015. http://www.nato.int/cps/en/natohq/news_122324.htm.

²³ Oliphant, Roland. "Vladimir Putin's New Tanks to Be Revealed at Victory Day Parade," 5, 2015, sec.

World. <http://www.telegraph.co.uk/news/worldnews/vladimir-putin/11583987/Vladimir-Putins-new-tanks-to-be-revealed-at-Victory-Day-parade.html>.

²⁴ Kukil Bora. "Russia To Boost Military Presence On Western Border With Over 20 Attack Helicopters By End Of 2015." *International Business Times*, June 30, 2015. <http://www.ibtimes.com/russia-boost-military-presence-western-border-over-20-attack-helicopters-end-2015-1989617>.

²⁵ "Tank Army to Be Formed near Moscow by Wintertime — Source." *TASS*, July 29, 2015. <http://tass.ru/en/russia/811376>.

²⁶ "Over 8,000 Pieces of Weaponry to Enter Service in Russia's Western Military District." *TASS*, August 22, 2015. <http://tass.ru/en/russia/815847>.

Modernisation is escalation

Currently, every nuclear armed country in the world has plans to modernise their nuclear arsenals. These countries are assembling new warheads, modernizing old ones, and building missiles, launchers and the supporting technology to use them. Announcements about modernisation plans, even plans that have been in process for years, send signals that escalate tensions. Both Russia and the US are currently funding programmes to develop new intercontinental ballistic missiles (Sarmat in Russia and Long-Range-Stand-Off missile in the US),²⁷ amongst other new capabilities planned.²⁸

Retention, and even modernisation, of the B61 bombs currently stored in Europe will not result in the capability to use these weapons outside of the NATO alliance eastern boundaries. The most likely victims of any B61 use would be NATO citizens themselves. Removing the weapons from their forward deployment has a two-fold benefit. First, it is an action that shows sincerity in any offers of further disarmament negotiations, removing a big obstacle to talks. Second, it reduces the likelihood of use within alliance borders, preventing the possibility of a catastrophic humanitarian disaster and removing existing military targets.

| France | United Kingdom | United States | Russian Federation |
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| France is in the middle of upgrading its submarine launched ballistic missiles, with a new version of the missile (the M51.3) scheduled to be deployed in 2020. ²⁹ | UK warhead modernisation programmes include new arming, fusing and firing systems as well as performance enhancements and refurbishments to extend the missile life until the 2040s. ³⁰ | The US is committed to modernising or replacing all of its bombs and warheads. This includes increasing missile accuracy and range of the system shared with the UK (Trident D5), as well as adding precision guided tail kits to increase accuracy of the B61 bombs now forward deployed in five NATO countries. ³¹ | Russia's strategic nuclear arsenal appears to be lowering to below the requirements under the new START treaty. However, plans to modernise Soviet-era launchers have been underway since 1997. These include new ICBMs and SSBNs. ³² |

²⁷ Ray Acheson, et al, 2015. *Assuring Destruction Forever: 2015 Edition*, New York: Reaching Critical Will of the Women's International League for Peace and Freedom. Available at: <http://www.reachingcriticalwill.org/images/documents/Publications/modernization/assuring-destruction-forever-2015.pdf>.

²⁸ For an example, see Kristensen, H.M., 2014. B61-12 Nuclear Bomb Design Features. Federation Of American Scientists. Available at: <http://fas.org/blogs/security/2014/04/b61-12features/> [Accessed August 24, 2015]. or Wasserby, D., 2014. NNSA working upgrade, life extension efforts for B61-12 nuclear gravity bomb. IHS Jane's 360. Available at: <http://www.janes.com/article/45146/nnsa-working-upgrade-life-extension-efforts-for-b61-12-nuclear-gravity-bomb> [Accessed October 30, 2014].

²⁹ Ray Acheson et al., 2015. *Assuring Destruction Forever: 2015 Edition*, New York: Reaching Critical Will of the Women's International League for Peace and Freedom. Available at: <http://www.reachingcriticalwill.org/images/documents/Publications/modernization/assuring-destruction-forever-2015.pdf>.

³⁰ Ray Acheson et al., 2015. *Assuring Destruction Forever: 2015 Edition*, New York: Reaching Critical Will of the Women's International League for Peace and Freedom. Available at: <http://www.reachingcriticalwill.org/images/documents/Publications/modernization/assuring-destruction-forever-2015.pdf>.

³¹ Ray Acheson et al., 2015. *Assuring Destruction Forever: 2015 Edition*, New York: Reaching Critical Will of the Women's International League for Peace and Freedom. Available at: <http://www.reachingcriticalwill.org/images/documents/Publications/modernization/assuring-destruction-forever-2015.pdf>.

³² Kristensen, Hans M. "New Nuclear Notebook: Russian Nuclear Forces 2015." *Federation Of American Scientists*. Accessed September 3, 2015. <http://fas.org/blogs/security/2015/04/russiannotebook/>.

De-escalation measures

With tensions mounting, de-escalation between NATO and Russia is needed. There are a number of measures that can be taken to lower current tensions and draw back from demonstrations of power that increase the risk of accidental or intentional harm.

Historically, during times like these of great tensions, successful negotiations have taken place. The bilateral arms reduction agreements between the US and Russia including the SALT (Strategic Arms Limitation Talks) and START (Strategic Arms Reduction Treaty) talks (with the exception of the most recent START agreement), the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Tlatelolco Treaty), as well as the nearly universal nuclear Non Proliferation Treaty (NPT) were all negotiated at times of great regional tensions.

Concerns about increased risk of nuclear weapons use have rallied governments to support all efforts, including indirect efforts, to reduce the likelihood of use and restrain arsenals. In the last several years a number of proposals have been put forward to reduce nuclear weapons (notably by the US after the conclusion of the latest START treaty), as well as proposals to restore arsenal superiority between both sides (notably the Russian proposal to resume talks on the Conventional Armed Forces in Europe (CFE) treaty). However, these bilateral efforts have not brought results.

Past experience shows that other actors can take the lead in addressing some of these issues, improving conditions for further bilateral discussions. These could take place in the context of existing forums (e.g. by reviving the NATO – Russia council, or at G7/8 meetings, or at the Organisation for Security and Cooperation in Europe (OSCE)), by raising concerns and proposals during the UN General Assembly, or by facilitating the creation of new norms outside traditional forums.

Non-nuclear armed countries have options to influence the nuclear armed states' reliance on nuclear weapons, they can show these countries that they believe nuclear weapons have no role in security arrangements by clearly stating their objection to the (threat of) use of nuclear weapons. The most structural way of doing this is by declaring readiness to support negotiations for a legal instrument prohibiting nuclear weapons for all. Such a treaty has the potential for a normative effect even on states that don't participate in negotiations.

The nuclear armed countries are planning to spend nearly US\$ 1 trillion over the next decade on modernising their nuclear arsenals and depending on what is included in the final text of a nuclear weapons ban treaty, there is an opportunity to have a direct impact on modernisations programmes. If the treaty text includes prohibitions on financing the production of nuclear weapons, as advocated by some civil society coalitions³³ it is likely to prevent investments needed by nuclear weapons producing companies to fulfil orders for key nuclear weapons components.

³³ See "Principles of a Ban Treaty", International Campaign to Abolish Nuclear Weapons, <http://www.icanw.org/wp-content/uploads/2015/04/principles-2.pdf>

A nuclear ban treaty would not discriminate between states in their obligations, which could have a variety of useful impacts on the nuclear armed nations, including *inter alia* uniform non-proliferation measures, strengthened inspection and reporting requirements, prohibitions on all types of assistance with nuclear weapons possession and production (having an immediate effect of reducing required capital for the nuclear weapons industry).

A ban on nuclear weapons is not necessarily about unilateral disarmament of nuclear arsenals, it is about creating an international norm against the use and possession of nuclear weapons. A clear and unequivocal rejection of the possession and use of nuclear weapons will make it harder for all states to continue investing in the maintenance and development of nuclear weapons.

There is currently no incentive for progress on nuclear disarmament or penalty for failure to disarm. Without clear milestones, timelines, and consequences, the step-by-step approach has effectively become a delaying tactic. A nuclear ban treaty would eliminate the distinction between recognised nuclear weapon states and nuclear armed states, and put the focus on the illegality of the weapons, regardless of who possesses them. This would facilitate the delegitimizing of the weapon, and provide the legal underpinning to complete all of the 'steps' necessary to achieve and maintain a nuclear weapons free world.

During the 2015 NPT Review Conference, the Russian delegation (among others) raised concerns about the practice of forward deploying nuclear weapons to other territories that NATO continues, stating clearly that both articles I and II of the nuclear Non Proliferation Treaty *"are violated during so called "nuclear sharing" when servicemen from NATO non-nuclear weapon States are trained to apply nuclear weapons and participate in the nuclear planning process"*.³⁴

At the same time, many delegations, including the Dutch, put forward proposals to increase transparency, which if applied to all countries equally would end the public secret keeping on locations and numbers of forward deployed NATO nuclear weapons, and would build confidence towards future reductions and negotiated disarmament. Even though the Netherlands doesn't consider nuclear sharing a breach of the NPT, to remove the Cold War forward deployed weapons from Europe and report on their removal would be a positive example and a clear confidence building measure.

Renewed commitment to existing international agreements, for example Russia and the US recommitting to the INF, could reduce tensions. Other governments can encourage de-escalation by asking explicitly for clarifying statements on the costs, purpose, planning, and time-frame of modernisation programmes for existing missile technologies (like submarine launched missiles), or for emerging technologies (like ballistic missile defence systems). Some of these technologies can also be interpreted as violations of the INF, and clarifying questions asked by other governments to both the US and Russia, during international meetings like the UN General Assembly, demonstrate concerns and support for the INF.

³⁴ Mikhail I. Uliyanov, 2015. Statement by Mikhail I. Uliyanov Acting Head of the Delegation of the Russian Federation at the 2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (General debate) . Available at: http://reachingcriticalwill.org/images/documents/Disarmament-fora/npt/revcon2015/statements/27April_Russia.pdf.

Non nuclear armed delegations should, during international public meetings, question why some nuclear armed states already have contracts with private companies that defy commitments to disarmament- for example France has contracts for a new medium-range air-to-surface nuclear missile which will only be operational in 2035³⁵, and the US has contracts for a new nuclear cruise missile scheduled for deployment in 2027.³⁶ Other governments can also reduce tensions around certain types of nuclear weapons technology by declaring they absolutely will not host any ground launched cruise missiles on their territories- demonstrating unequivocal support for normative international legal agreements.

What can individual countries do to reduce tensions?

There are a number of things that can take place across NATO member states, and others, to reduce tensions and increase citizen safety. Demanding the removal of forward deployed US nuclear weapons is one of these. Citizens across NATO countries have long called for the removal of these weapons and this has been reinforced by repeated resolutions in national parliaments. The removal of the forward deployed weapons also recognises the retention of these weapons increases the likelihood that the area they are stored is targeted with similar capabilities. This could have grave cross-border implications, as modelled by Dr. Matthew McKinzie, et al.³⁷ Some have argued that removing the forward deployed weapons increases the likelihood of a Russian nuclear attack on NATO soil, yet NATO itself does not list these weapons as part of its nuclear alliance guarantee. Removal of forward deployed weapons means removing the incentive to target these 'second strike capabilities'. A nuclear strike at any of the six bases where the US currently deploys nuclear bombs would have a devastating impact on the health and well being of the people living in the region (not only the immediate area). Some have argued that changing basing arrangements must be made in full consultation with all allies, but historically (e.g. in Greece, Canada and the UK) basing decisions have been made bilaterally and then communicated afterwards to the alliance. Belgium, Germany, Italy, the Netherlands and Turkey all have the opportunity and obligation to protect their citizens by engaging in bilateral discussion with the US to remove forward deployed nuclear weapons from their territories.

The Netherlands must recognise that the legitimacy of continued reliance on nuclear weapons only reinforces their continued possession- and that this is a significant proliferation incentive. Rhetorical delegitimisation of the weapons can have a follow-on effect that will impact nuclear possessing states. It can begin by governments making it clear nuclear weapons should never be used again, under any circumstances. Recognising the security concerns of all people, means recognising that the use of nuclear weapons would lead to disproportionate and indiscriminate humanitarian harm. The Netherlands, as a home to the international rule of law, must necessarily recognise that nuclear weapons simply cannot be used in compliance with fundamental principles of international law protecting civilians from the effects of warfare, protecting combatants from unnecessary suffering, and protecting the natural environment. The International

³⁵ Merchet, J.D., "MBDA, une entreprise pionnière de l'Europe de défense", *Website L'Opinion*, 23 March 2015 (www.lopinion.fr/blog/secret-defense/mbda-entreprise-pionniere-l-europe-defense-22548); Hollande, F., "Discours sur la dissuasion nucléaire – Déplacement auprès des forces aériennes stratégiques. Istres (13)", *Présidence de la République Française*, 19 February 2015 ([file:///C:/Users/tomo/Downloads/discours-sur-la-dissuasion-nucleaire-deplacement-aupres-des-forces-aeriennes-strategiques-istres-3%20\(1\).pdf](file:///C:/Users/tomo/Downloads/discours-sur-la-dissuasion-nucleaire-deplacement-aupres-des-forces-aeriennes-strategiques-istres-3%20(1).pdf)); Warwick, G. & L. Dickerson, "Arming New Platforms Will Push Up Value Of Missiles Market", *Website Aviation Week*, 5 January 2015 (aviationweek.com/defense/arming-new-platforms-will-push-value-missiles-market).

³⁶ Federation of American Scientists, "W80-1 Warhead Selected For New Nuclear Cruise Missile", *Website Federation of American Scientists*, 10 October 2014 (fas.org/blogs/security/2014/10/w80-1_lrso/).

³⁷ A presentation of these results was given during the Vienna Conference on the Humanitarian Impact of Nuclear Weapons and can be found here: http://www.bmeia.gv.at/fileadmin/user_upload/Zentrale/Aussenpolitik/Abrüstung/HINW14/Presentations/HINW14_S1_Presentation_NRDC_ZAMG.pdf

Committee of the Red Cross confirmed this analysis at the Vienna Conference on the humanitarian impacts of nuclear explosions.³⁸ In many circumstances, use of nuclear weapons would constitute a crime against humanity as defined in the Rome Statute of the International Criminal Court. The Dutch can help move deadlocked nuclear disarmament forward, and reduce current tensions both by acknowledging that any use of nuclear weapons would generally be illegal, and therefore help the law develop, from common law to statutory law, from custom to treaty.

In the past we've seen that rising tensions can force countries to reconsider the role of nuclear weapons. Most of the major disarmament and non-proliferation treaties were negotiated in times of heightened tensions: The Partial Test Ban Treaty (1963), the NPT (1970), the Intermediate-Range Nuclear Forces Treaty (1987) and bilateral treaties such as the SALT and first START agreement. It is in those moments that governments seem to most aware of the insane dangers posed by the continued possession and threat of use of nuclear weapons by some states. The idea of the NPT, the cornerstone of multilateral nuclear weapons disarmament was introduced by Ireland, a small non-aligned country that changed the world for the better. New multilateral negotiations must be introduced and supported now, to check tensions and take the nuclear option off every table.

In the 70 years since Hiroshima and Nagasaki were bombed, many of their citizens have worked for the complete abolition of nuclear weapons, a call that has been echoed around the globe. The citizens have spoken, and now is an excellent time to take political responsibility to prevent the possibility of use of nuclear weapons through national, regional, and international action. Now is the time to codify the illegitimacy of nuclear weapons, now is the time for a ban.

Myth: If the Ukraine had not given up its nuclear weapons its territory would never have been violated

The "Budapest Memorandum on Security Assurances" is a diplomatic memorandum that was signed in December 1994 by Ukraine, Russia, the United States, and the United Kingdom. It is not a formal treaty, but rather, a diplomatic document under which signatories made promises to each other. Ukraine promised to remove all nuclear weapons from its territory, send them to disarmament facilities in Russia, and sign the Nuclear Non proliferation Treaty, and Russia and the Western signatory countries recognised Ukrainian sovereignty and promised that none of them would ever threaten or use force against the territorial integrity or political independence.

As with all security assurances the memorandum was meant to build confidence in the shorter term leading to negotiated legally binding agreements later. It is important to recall that the nuclear weapons returned to Russia were never weapons under Ukrainian command or control. There was never an option for Ukraine to maintain the weapons or to take ownership of them.

³⁸ Dr. Helen Durham, Director of International Law and Policy, International Committee of the Red Cross, "The Use of Nuclear Weapons and International Humanitarian Law," December 9, 2014, http://www.bmeia.gv.at/fileadmin/user_upload/Zentrale/Aussenpolitik/Abbruestung/HINW14/Presentations/HINW14_S4_Presentation_Helen_Durham.pdf (accessed August 16, 2015).

Security Assurances are helpful steps to facilitate talks and can be useful on the road to mutually beneficial relationships. However, the security assurances granted in the Budapest Memorandum were not followed up in a comprehensive manner. Security assurances, as in the Budapest Memorandum, are not an end result. They are a temporary measure, that must be followed up by taking other action such as verifiable disarmament. While the return of weapons from Ukraine was a verifiable act, expected negotiations to deal with both conventional and nuclear capability differences between the US and Russia never took place, despite two decades of attempts on all sides.

The Budapest Memorandum came amongst a flurry of other agreements, including assurances given at the end of the Cold War that NATO would not enlarge to Russian borders. In Moscow, enlargement continues to be seen not only as a threat to Russian security, but also the means by which Russia is excluded from an effective role in European security. This, in addition to perceived escalations through agreements to deploy new capabilities (including missile defences) or sign cooperation agreements closer to Russian borders is also an escalatory component.

The lesson to take from the Budapest Memorandum and the situation in Ukraine is not that Russia will invade a country if it returns nuclear weapons to their owner, but rather that security assurances are a temporary measure that must be followed up by legally binding agreements.

Myth: If the Netherlands removes nuclear weapons from its soil the security of the Baltic states will be endangered (a case study)

The Baltic states are worried by the growing tensions and rightly so, as conflicts are happening in their near neighbourhood. However, the only role nuclear weapons have in dealing with these conflicts is to increase the risk of indiscriminate, disproportionate, inter-generational harm. The 2014 Chatham House Report "Too Close for Comfort: Cases of Near Nuclear Use and Options for Policy"³⁹, illustrates that *"that those who possess nuclear weapons will continue to be distrustful of one another and remain reliant on data transmitted by systems that are vulnerable to error or misjudgement"*. Any reaffirmation of a positive role for nuclear weapons increases the risk that they will be used, and this is a risk that cannot be adequately dealt with by humanitarian actors.⁴⁰

NATO has made it clear, through movements of personnel and equipment, that it is ready to stand by its treaty commitments and respond appropriately should any NATO member be attacked. The Baltic states have been able to count on military support and protection of NATO allies. For years, governments including the Netherlands have been offering various forms of support to improve the security of Baltic states. The Netherlands and many other countries are participating in air patrol missions, there are NATO military vessels in the Baltic Sea at all times, there are joint training exercises and scenarios. The preparation and inclusion of a variety of military assets to reinforce this message of solidarity and protection to the Baltic states however, has not involved a great show of nuclear capabilities. This is simply because there is no way

³⁹ Found here: <http://www.chathamhouse.org/publications/papers/view/199200>

⁴⁰ John Borrie & Tim Caughley, 2014. An Illusion of Safety Challenges of Nuclear Weapon Detonations for United Nations Humanitarian Coordination and Response, Geneva, Switzerland: UNIDIR. Available at: <http://www.unidir.org/files/publications/pdfs/an-illusion-of-safety-en-611.pdf>.

to protect the citizens of the region from any use of nuclear weapons, and only the strategic weapons of the alliance (not the forward deployed weapons currently located in five European countries) have the direct range or capability to reach logical targets without refuelling anyway. Any scenario involving a nuclear exchange within or nearby NATO borders would require intentionally sacrificing areas and citizens meant to be protected, as well as potentially leading to a global health and environmental catastrophe of unknown proportions. For the NATO alliance, solidarity is not nuclear weapons but consultation, commitment and military asset allocation.