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The Ukraine Crisis and Control of Weapons of Mass Destruction

Impacts on German Arms Control Objectives

Oliver Meier

Russia's annexation of Crimea will make it harder for Germany to achieve its disarmament and non-proliferation objectives. Joint action by Russia and the United States to reduce their strategic nuclear arsenals appears unlikely in the medium term. And that reduces the chances of tactical nuclear weapons being included – as Germany would prefer – in a future arms control accord. While existing nuclear arms control agreements have not thus far been openly called into question, they may yet become consumed by the ongoing Ukraine crisis. Berlin should argue against NATO re-directing missile defences at a Russian threat. In order to prevent a further weakening of the nuclear non-proliferation treaty, Germany can emphasise the value of security guarantees for non-nuclear-weapon states.

As laid out in its coalition agreement of autumn 2013, the German government supports global efforts on arms control and disarmament of weapons of mass destruction. In particular, it cites NATO's November 2010 decision to create the conditions for a world without nuclear weapons. By annexing Crimea, Russia has shattered the belief in close cooperation on nuclear arms control.

Nuclear Arms Control

Long before the Ukraine crisis, however, the Russian-US nuclear disarmament dialogue was stuck in a rut. Although both sides followed up the New START treaty of 2010 with working-level exploration of further disarmament steps, the US and Russian positions on scope, objectives, format and timeline for ongoing strategic nuclear disarmament in fact were – and remain – miles apart.

In his June 2013 speech at the Brandenburg Gate in Berlin, US President Barack Obama offered the Russians a reduction of about another third in the number of strategic nuclear weapons. Moscow failed to respond and is making a binding promise that US missile defence systems will not be used against Russia a precondition for any further discussion of nuclear disarmament. Moscow would also like talks to address the US superiority in modern long-range con-

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ventional weapons, arguing that these systems may threaten its nuclear second-strike capability. But the Obama Administration, whose room for manoeuvre is limited by Congress, refuses to make such concessions.

The Ukraine crisis has worsened the prospects for new disarmament steps. In early March, the United States stopped all military cooperation with Russia and suspended the dialogue about possible cooperation on missile defence. Washington has yet to state clear conditions for reversing that decision, but did announce it would review its bilateral agreements on establishing missile defence capacities in third states in the light of Russia's actions in Ukraine.

Moscow responded on 8 March, initially threatening to suspend inspections under the New START treaty and the Vienna Document on transparency of conventional forces. But Russian deputy defence minister Anatoly Antonov back-pedalled just a few days later, declaring that Moscow would fulfil all its arms control obligations, at least as long as that served Russia's national interests.

It is unclear whether this status quo can last. On 25 March President Obama called Russia a regional power acting out of weakness in Ukraine. This could hamper the arms control dialogue, because the United States is not in the habit of conducting bilateral nuclear disarmament talks with weak regional powers. The US press, conservative think-tanks and individual members of the US Congress have demanded cancellation of existing arms control agreements in response to the occupation of Crimea, sometimes arguing that the United States would be better placed than Russia to win a new arms race.

The United States also demands that the Kremlin clarify whether the development of a new Russian cruise missile violates the 1987 INF treaty that bans the possession and production of medium-range missiles. Russian refusal would further burden the arms control process.

Tactical Nuclear Weapons and NATO

In its coalition agreement the German government promises to work for the start of negotiations between the United States and Russia on complete and verifiable disarmament of tactical nuclear weapons. It regards success in such negotiations as a precondition for any withdrawal of the tactical nuclear weapons stationed in Germany and Europe.

Because of their short range, tactical nuclear weapons are a threat to European security. Russia's stock of probably about 2,000 operational sub-strategic weapons could represent a particular security risk because it is unclear how well they are secured against theft or accidents. The future of the roughly 180 to 200 US tactical nuclear warheads that are probably deployed in Europe has repeatedly been a bone of contention within NATO. Against that background Germany has long argued for a reform of NATO's nuclear policy, even if NATO makes further reductions dependent on Russian concessions.

The Russian annexation of Crimea has further diminished what were already small chances of restricting the role of tactical nuclear weapons. In November 2013 Russia had suspended talks on nuclear arms control in the NATO-Russia Council, blocking NATO's plan to discuss a series of transparency- and confidence-building measures (TCBMs) with Russia. Such TCBMs were intended to pave the way for a reduction in tactical nuclear weapons.

On 1 April NATO members decided to suspend civil and military cooperation with Russia but explicitly left open the possibility of political discussions in the NATO-Russia Council.

The Ukraine crisis threatens to reignite the internal discussion within NATO about the value and future of nuclear deterrence. Certain central and eastern European states have been demanding that US nuclear forces should be based not only in the "old" NATO member states of Belgium, Germany, Italy, the Netherlands and Turkey, but also in some of the new member states. Such a

move would represent a breach of the political promise made in the 1997 NATO-Russia Founding Act: "The member States of NATO reiterate that they have no intention, no plan and no reason to deploy nuclear weapons on the territory of new members, nor any need to change any aspect of NATO's nuclear posture or nuclear policy – and do not foresee any future need to do so." Given that even the call for substantial combat forces to be permanently stationed on Russia's borders provoked great controversy between the allies, any proposal to deploy nuclear forces must be expected to generate strife.

Missile Defence

Until the Ukraine crisis the German government pursued cooperation with Russia on the missile defence question, guided by hopes that joint action and cooperative solutions would prevent the emergence of new tensions and arms races.

To date NATO has justified the development of a missile defence system exclusively in terms of the (danger of) proliferation of missiles and weapons of mass destruction. The United States recently explicitly cited the threat from Iran and Syria, against which NATO's European Phased Adaptive Approach (EPAA) should protect the Alliance territory and populations.

Certain NATO members, especially the central and eastern Europeans, also regard the stationing of US missile defence capabilities as a means to reassure themselves of Alliance and especially US support. While Polish and Lithuanian representatives have called for a revision of the missile defence plans, for example by modifying the system's capabilities, in order to send a message to Russia, there has to date been little support for that line elsewhere within NATO. The US Secretary of Defence, Chuck Hagel, recently re-emphasised that NATO's missile defence plans did not represent any threat to Russia, but added that a modification of the construction timetable was certainly possible (completion is currently scheduled for 2018). Missile defence was directed against real, not theoretical threats, Hagel argued.

Moscow is aware of the ambivalence of NATO's position. When the United States redeployed the first EPAA missile defence cruiser from the Mediterranean to the Black Sea in mid-April, Antonov accused NATO of breaking its promise. The redeployment of the USS *Donald Cook*, he said, confirmed that the planned missile defence was directed against Russia.

Altogether, Moscow's response to the suspension of the missile defence dialogue by the United States and NATO was ambiguous. Russian arms control experts initially dismissed the decision as "hot air", and Russian deputy foreign minister Sergei Ryabkov concurred that cooperation with the United States would never have come about anyway. But in mid-April Russian President Vladimir Putin explicitly stated that Moscow was willing to conduct talks on questions of missile defence. In his address to the Duma on 18 March, too, his many complaints about NATO policies were accompanied by a declaration that Russia remained open for dialogue.

Cooperation on Non-Proliferation

The Ukraine crisis has had little impact on joint efforts with Russia to prevent the spread of nuclear, biological and chemical weapons of mass destruction. From the German perspective, it would be important for Russia and the United States to continue to cooperate on resolving non-proliferation problems. The destruction of Syria's chemical weapons and a diplomatic resolution of the conflict over the Iranian nuclear programme would be significant successes.

During the first weeks of the Ukraine crisis it became clear that continued cooperation between Russia and the United States on non-proliferation cannot be taken for granted. On 5 March, NATO Secretary-General Anders Fogh Rasmussen announced after a meeting of the NATO-Russia Council

that the Alliance was suspending the preparation of a joint NATO-Russia naval operation to protect the vessel destroying Syrian chemical weapons on the high seas. On 19 March, Ryabkov threatened that Russia might take "retaliatory measures" that could affect the E3/EU+3 talks about Iran's nuclear programme in response to Western sanctions.

In fact, however, Russia has continued to participate in efforts to destroy Syria's chemical weapons, with a Russian naval vessel remaining part of the multinational force protecting two Danish and Norwegian ships removing the Syrian chemical weapons stocks. Nor have negative repercussions of the conflict in Ukraine actually been discernible in the nuclear talks with Iran. On the contrary, the talks – with Russian participation – are actually going better than many would have predicted.

The Obama Administration certainly has no interest in ending cooperation with Russia on control of weapons of mass destruction. In early April, it defied sharp criticism from individual Republican members of Congress to confirm that it had successfully concluded negotiations with Moscow on a successor to the Cooperative Threat Reduction programme, which aimed to secure the nuclear, biological and chemical weapon legacy in Russia. The Administration now has requested $100 million from Congress for the corresponding programmes. Rose Gottemoeller, US Under Secretary of State for Arms Control and International Security, defended the cooperation on 12 May, arguing that "We shouldn't shoot ourselves in the foot in terms of stopping or halting important national security work that prevents nuclear bombs from getting in the hands of terrorists."

It is unclear how non-proliferation efforts through the G8 should be approached following the suspension of Russia's membership of the group. Until that point, Russia had actively participated in the Global Partnership against the Spread of Weapons and Materials of Mass Destruction initiated in 2002. In the early years, the Global Partnership programmes concentrated on securing and decommissioning the Soviet Union's WMD legacy. Over the years, Russia's role shifted, from being a recipient to being a donor and the focus of the Global Partnership increasingly moved to other topics, such as measures to improve biosecurity in the Global South. That reorientation process can now be expected to accelerate further.

Security Guarantees and the Nuclear Non-Proliferation Treaty

The Russian occupation of part of Ukraine has grave effects on the credibility of security guarantees for states that have renounced nuclear weapons. By annexing Crimea, Moscow broke promises it made to Ukraine in 1994 in the Budapest Memorandum. The guarantees were part of a deal: Ukraine signed the Nuclear Non-Proliferation Treaty (NPT) as a non-nuclear-weapon state and promised to return to Russia all the nuclear weapons on its territory following the collapse of the Soviet Union. In return, the United Kingdom, the United States and Russia promised to respect Ukraine's independence, sovereignty and existing borders. The three NPT depositary states explicitly promised to refrain from the threat or use of force and economic coercion. If Ukraine suffered aggression the three states promised to seek UN Security Council action immediately.

Russia's annexation of Crimea and ongoing threat of military force against Ukraine are clear violations of the Budapest Memorandum. From the German perspective, this is deplorable from a non-proliferation perspective, too: States that have renounced nuclear weapons, as well as those that the international community believes should do so, could conclude that any security guarantees given in exchange for such a pledge were worthless. That would seriously harm non-proliferation efforts. Security guarantees play a key role in efforts to resolve the two most fraught current conflicts, namely Iran and North Korea.

Two factors might mitigate the damage done to global non-proliferation efforts by Russia's violation of the Budapest Memorandum. Firstly, Iran and North Korea see their nuclear potential as a security counterweight to the United States, not to Russia. Pyongyang and Tehran certainly fear American aggression more than Russian.

But in response to Moscow's violation of the Budapest Memorandum Washington has reiterated the importance of positive security guarantees and asked the Security Council to act as specified in the Memorandum. It is important to emphasise that it is Moscow that has broken its promises, not the West. Such a response by NPT states parties could help to ensure that future security guarantees are not generally dismissed as worthless. A side effect of such an approach would be to reduce Russia's prestige and role in resolving regional security problems.

Secondly, the harm to non-proliferation efforts caused by the violation of the Budapest Memorandum security guarantees is moderated by a fundamental difference between Ukraine and other acute proliferation cases. Iran and North Korea, for example, developed their nuclear programmes at considerable expense over many years and regard them as symbols of their national strength. Whether and under what conditions they will be willing to restrict their nuclear activities remains unclear.

Ukraine, on the other hand, belongs to a special category of successor states that inherited parts of the Soviet nuclear arsenal in 1991. There is no basis for the argument that a nuclear-armed Ukraine would not, or at least not so easily, have fallen victim to Russian aggression. By 1992 Ukrainian leaders had already concluded that keeping even some of the 1,900 strategic nuclear warheads left in their country was not a realistic option. Retaining them would have incurred great financial and political costs in return for uncertain security benefits. The step to becoming a nuclear weapons state would have cost billions of dollars and permanently strained relations with Russia, as well as with the United States and other Western states. Lastly, Ukraine never actually possessed full control over the nuclear weapons stationed on its territory, but shared it with Russia. So in essence the question between 1992 and 1994 was not whether Ukraine would remain a nuclear weapons state but only the conditions for giving them up.

That fact does not lessen the value of Russia's security guarantees. But the consequences of these guarantees being violated cannot be extrapolated directly to today's proliferation candidates.

Germany's Role

Russia's annexation of Crimea has not fundamentally changed German arms control objectives. A renewed nuclear arms race between the two superpowers, which possess over 90 percent of the world's more than 17,000 nuclear weapons, could reignite dangers to European security that were overcome 25 years ago. For Germany, strengthening existing disarmament and non-proliferation instruments and treaties therefore remains a fundamental interest. Proliferation of nuclear, biological and chemical weapons can only be prevented through international cooperation based on clear rules and action against those that violate those norms. In advance of the NPT Review Conference in spring 2015, progress on nuclear disarmament – or at least the avoidance of setbacks – will become increasingly important because many non-nuclear-weapon states tie their own renunciation of nuclear weapons to general progress towards a nuclear-free world.

But it has become more difficult for Germany to achieve progress on nuclear disarmament and control of other weapons of mass destruction. Trust in Russia's reliability and calculability has been deeply and permanently shattered. While arms control without trust is not impossible, it certainly facilitates the negotiation and implementation of agreements.

In the wake of the Ukraine crisis Germany will need to readjust its policies concerning control of weapons of mass destruction.

Safeguard Arms Control Agreements

In the near future nuclear arms control will have to return to its roots, which lie in the Cold War era. Cooperative arms management rather than strategic partnership is likely to be the motto for a future dialogue with Russia on reducing nuclear weapons.

Priority should be given to safeguarding existing nuclear arms control instruments like the INF treaty and the New START treaty. Both prevent an unfettered nuclear arms race. Experience also shows how hard it is to repair the harm caused by the cancellation of existing agreements. Since the United States withdrew from the Anti–Ballistic Missile Treaty (ABM Treaty) in 2002, conflict over US missile defence plans has stood in the way of increased cooperation between Moscow and Washington. And to this day no substitute has been found for the Treaty on Conventional Armed Forces in Europe after Moscow suspended implementation in 2007.

Safeguarding the status quo should also be given priority when it comes to tactical nuclear weapons. On 3 and 4 June, NATO defence ministers decided to continue to operate on the basis of the NATO-Russia Act. At least in the medium term, it is thus unlikely that US nuclear weapons will be deployed on the territory of additional European countries.

In the long term, NATO and Russia should continue to work towards opening a dialogue on reducing the importance of nuclear deterrence in European security. Tactical nuclear weapons no longer play any role in NATO's operational planning, while US plans to modernise nuclear warheads and delivery systems stationed in Europe have always been politically controversial.

NATO has homework to do to, while it is trying to create the conditions for a transparency- and confidence-building dialogue. These would include revising outdated classification rules and a discussion of possible technical measures for verifying a future agreement on reductions of tactical nuclear weapons. Finally, the Alliance should also use the pause in talks with Russia to clarify the conditions under which it would be willing in principle to reform or to completely renounce nuclear sharing.

Reconsider Missile Defence

The Ukraine crisis also spotlights the question of the purpose of NATO's missile defence plans. In advance of the 2010 Lisbon Summit, Germany based its support largely on the argument that cooperation on missile defences could be a "game changer" in the relationship with Moscow. But that argument is now irrelevant, because the idea of a security partnership with Russia that would also enable cooperation in a sensitive field like missile defence has been eclipsed by the Ukraine crisis.

On the other hand, directing the missile defence project against Russia would be meaningless and politically counterproductive. From the technical perspective, the planned system would be incapable of offering effective protection against Russian missiles, especially since March 2013, when the United States abandoned the fourth phase that foresaw interceptors fast enough to stop intercontinental missiles. Politically, a reorientation of the EPAA would play into the hands of hardliners in Russia who seek an escalation of the confrontation with NATO. The United States would also be likely to focus more sharply on the unanswered question of financial burden-sharing, if the EPAA ended up being tailored primarily to European rather than global threats. Whether the European allies would be willing to take on part of the US expenditures – estimated at about $20 billion over the next 25 years – for building and operating such a system, may reasonably be called into doubt.

Germany has an interest in the Alliance acquiring better protection against weapons of mass destruction. Almost four years

after the decision to build a NATO missile defence system it would be appropriate to evaluate the project's scope, orientation and cost in view of the changing security situation. Such a discussion is incidentally also required in the context of a possible diplomatic solution of the conflict over Iran's nuclear programme, given that a nuclear-armed Iran was to date the most important justification for the EPAA.

Strengthen Non-Proliferation

Joint efforts with Russia to prevent the proliferation of weapons of mass destruction are likely to continue on a cooperative basis. Both sides want to prevent more states, and especially terrorist groups, from gaining access to capabilities of mass destruction. At least to date, this joint interest appears to have deterred them from breaking off cooperation.

Germany is directly involved in the talks over the Iranian nuclear programme and should argue with its partners for Russia to remain involved. Admittedly, Moscow has always been a difficult participant in the talks with Tehran. But without Russia's active involvement it is likely to be more difficult to achieve a compromise with Iran. Only Russia is currently supporting the Iranian nuclear energy programme, and the exclusive supplier of nuclear fuel for Iran's only power-producing nuclear reactor. Iran and Russia have also declared their intention to expand civil nuclear cooperation. If Russia is excluded from the talks, the value of a nuclear agreement with Iran will be smaller.

Prevent Nuclearisation

The Ukraine crisis has to date had little impact on cooperation with Russia on matters of disarmament, arms control and non-proliferation. This reflects first and foremost the fact that the prospects of further disarmament steps were already poor even before the Ukraine crisis. Secondly, all major actors have an interest in continuing cooperation with Russia where a concrete danger of proliferation of nuclear, biological and chemical weapons exists, such as in Syria or Iran.

Thirdly the crisis itself has not to date acquired a nuclear dimension. Neither NATO nor Russia have brought their nuclear capacities into play to influence the course of the conflict. But the danger of nuclearisation cannot be entirely excluded. Since the outbreak of the conflict the United States and Russia have both conducted manoeuvres involving nuclear delivery systems. The United States, which explicitly placed its exercises outside the context of the Ukraine crisis, deployed nuclear-capable long-range bombers to Europe. At the beginning of June, Russia conducted exercises with nuclear-capable short-range missiles in the western military district. In the context of these manoeuvres, Russian officials referred to events last December, when Moscow said it would deploy nuclear-capable Iskander-M missiles in Kaliningrad in response to NATO's missile defence plans.

An agreement between NATO and Russia to refrain from conducting such exercises or from changing the deployment of nuclear-capable delivery systems would represent an important confidence-building measure. Both sides could then build on such a step and use the spectrum of arms control instruments to promote a political dialogue. Europe would have most to lose from a collapse of the arms control architecture. During the Cold War, arms control frequently offered a starting point and a framework for political dialogue between the rivals. NATO and Russia should work together to ensure that that basis is not thoughtlessly thrown away in the current crisis.

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