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Germany and the Role of Nuclear Weapons

Between Prohibition and Revival

Oliver Meier

Never since the end of the Cold War have the international community and Europe been so deeply divided over the role of nuclear weapons in security policy. There is disagreement within the United Nations over whether to begin negotiations on a treaty banning nuclear weapons. At the same time, Russia's aggression against Ukraine and Moscow's associated nuclear threats have triggered a new discussion in NATO about enhancing its nuclear deterrent. Both debates are difficult and uncomfortable for Berlin, because they undermine the incremental arms control approach favoured by Germany. Against the background of the upcoming July 2016 NATO summit in Warsaw and the forthcoming establishment of a working group on nuclear disarmament in Geneva, Berlin must adopt a clear stance on nuclear deterrence if it is to play an active role in shaping the outcome of these discussions.

On 7 December 2015, 138 states voted in the UN General Assembly in favour of establishing a working group to discuss further nuclear disarmament steps. The Open-ended Working Group (OEWG) will meet in Geneva for three weeks in the course of 2016 "to substantively address concrete effective legal measures, legal provisions and norms that will need to be concluded to attain and maintain a world without nuclear weapons". A similar working group convened in Geneva in 2013 without achieving substantial progress.

Although it enjoys the support of countries such as Austria, Brazil and Ireland, the initiative is highly controversial. Many NATO members fear that the working group is a ploy to pave the way for talks on a treaty banning nuclear weapons. The three NATO nuclear weapons states – France, the United Kingdom and the United States – therefore voted against the relevant UN Resolution, as did almost all the Alliance's Central European members. Germany and all other "old" NATO members abstained.

A similar divide characterises the debate about a possible revision of NATO's nuclear weapons policy. Some Central European states are demanding a greater role for nuclear weapons in order to more credibly deter further Russian aggression in Europe. Western European members, on the other

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hand, largely wish to preserve the status quo. They fear a nuclear arms race in Europe and doubt that nuclear threats would positively influence Russia's behaviour.

The Movement for a Nuclear Ban Treaty

Since the signing of the New START Treaty in 2010, in which Moscow and Washington agreed to reduce their strategic nuclear arsenals, nuclear arms control has been deadlocked. As a result, the Humanitarian Initiative, which brings together a colourful and disparate coalition of governments and NGOs, over the past two years has dominated discussions about further disarmament steps. What unites the group is the conviction that nuclear disarmament is unlikely to progress through small, incremental steps. Instead, it is argued, disarmament should be driven by principled arguments and approached from the angle of delegitimising nuclear arms. Three international conferences, attended by a growing number of states and NGOs, which pointed out that no state or international organisation alone would be able to cope with the consequences of any use of nuclear weapons, were the starting point for the current debate over the Humanitarian Initiative.

More than 150 states participated in the most recent December 2014 conference in Vienna. For the first time, two nuclear weapon states, namely, the United Kingdom and the United States attended. Most of the participants saw the humanitarian consequences of nuclear weapons as grounds to demand a comprehensive ban.

Austria, as the host of the Vienna meeting, initiated the "Humanitarian Pledge", which asserts that the lack of a ban on nuclear weapons in the NPT (Treaty on the Non-Proliferation of Nuclear Weapons) represents a "legal gap". In the meantime, 121 states have backed the Pledge and promise to work to "stigmatise, prohibit and eliminate nuclear weapons". However, the statement contains no unequivocal call for a ban treaty. No NATO member has signed the statement.

The subsequent debate in the UN General Assembly's First Committee in autumn 2015 revealed that supporters were pursuing rather diverging objectives in subscribing to the Humanitarian Initiative. From their ranks, four similar resolutions were tabled, focusing on the "ethical dimension" or the delegitimisation of nuclear weapons. Mexico's initiative to set up the OEWG represented the lowest common denominator with respect to next steps. The working group is to discuss "effective measures" and norms for achieving the goal of a world without nuclear weapons.

The OEWG will not apply the consensus rule that is otherwise sacrosanct in arms control. The nuclear weapon states protested sharply against the possibility of decisions being taken by majority vote. Without a veto, they fear lack control over the outcome and intend to boycott the Geneva discussions. It is an open question whether states that abstained, like Germany, will participate in the OEWG. Berlin has reiterated that talks about a treaty banning nuclear weapons would only make sense if the nuclear weapon states also participated in them.

A New Nuclear Debate in NATO

While the UN discusses a world without nuclear weapons, the Ukraine conflict has triggered a debate within NATO about whether and to what extent nuclear weapons could and should contribute to deterring Russia from further aggression, above all against NATO itself.

The constellation is a reverse mirror-image of the discussion that Germany set in motion in 2009, together with other Western European states, about reducing the role of nuclear weapons in European security. Encouraged by US President Barack Obama's speech in April 2009, in which he announced that the United States would take a leading role in abolishing all nuclear weapons, the new centre-right German

government promised in its coalition agreement to "advocate within the Alliance and with our American allies the removal of the remaining nuclear weapons from Germany". However, the initiative faltered because of French and Central European resistance and the lack of US backing.

Today, the same Central Europeans that objected to change in 2009 and 2010 argue that vis-à-vis Russia, the visibility of NATO's instruments of nuclear deterrence needs to increase. They would like NATO's nuclear doctrine and declaratory policy – i.e. the description of possible scenarios for the use of nuclear weapons – to be updated. According to their view, it would be possible to dust off some older deterrence instruments. NATO's 1999 Strategic Concept, for example, states that: "Nuclear weapons make a unique contribution in rendering the risks of aggression against the Alliance incalculable and unacceptable." The document also declares that nuclear forces must possess "the necessary characteristics and appropriate flexibility and survivability, to be perceived as a credible and effective element of the Allies' strategy in preventing war". The new 2010 Strategic Concept drops these formulations. While deterrence is still referred to as a "core element" of NATO's overall strategy, the Alliance now describes the circumstances under which any nuclear weapons use might be considered as "extremely remote".

A tighter integration of nuclear weapons into defence planning is also conceivable by more closely linking conventional and nuclear defence and deterrence capabilities. The growing role of nuclear weapons could be documented by including nuclear-capable systems in exercises and holding more frequent and more realistic manoeuvres. British Secretary of State for Defence Michael Fallon made precisely such suggestions following a meeting of the NATO Council in October. Further, the time required to make US nuclear weapons stationed in Europe operational could also be reduced. Currently, the Alliance measures the timeframe during which the highest level of readiness can be achieved in weeks. In instituting such steps, NATO would be following the example set by Russia, which since the annexation of Crimea has demonstrated the integration of its conventional and nuclear forces in a series of exercises.

The most far-reaching proposals are those suggesting changing NATO's deployment patterns. In the context of nuclear sharing, there are currently believed to be about 180 US nuclear weapons stationed in Belgium, Germany, Italy, the Netherlands and Turkey. In early December, the freshly appointed Polish deputy defence minister, Tomasz Szatkowski, caused a stir when he appeared to suggest that Warsaw might be interested in having US nuclear weapons deployed on Polish territory. Even if the Polish ministry of national defence later walked back his statements, Szatkowski had called into question the NATO-Russia Founding Act. The promises made by NATO in 1997 in this politically binding document include not deploying nuclear weapons on the territory of new NATO members. Germany would like to preserve the NATO-Russia Founding Act.

What Next?

In 2016, Germany will have to take a stance on the role of nuclear weapons in the discussions in the OEWG in Geneva and in NATO. The German Government's White Paper on Security Policy and the Future of the German Armed Forces, which is due to be published in 2016, is also likely to contain a passage on the role and purpose of nuclear sharing arrangements. The European Union is expected to adjust its disarmament goals in the course of the revision of the European Security Strategy, which is due to be completed by the summer.

Germany could respond to these contradictory expectations by joining demands for an enhanced nuclear deterrent or by backing the supporters of a nuclear ban treaty. However, either of these options would amount to a break with existing German arms control, disarmament and

non-proliferation policies. That would risk Berlin isolating itself from partners and allies and harming the credibility of German arms control policy.

It would appear more sensible to clearly define the foundations of the German stance and, on that basis, influence the discourse about the next steps in nuclear disarmament and the possible revision of NATO's nuclear weapons policy. In the United Nations, such an approach would mean participating actively in the OEWG. It is clear that a treaty that ultimately rejects nuclear deterrence would contradict the role of NATO as a "nuclear alliance".

Below this threshold, however, there are issues that could be usefully discussed in the OEWG. These include the question of the security preconditions for further disarmament steps, the role of security guarantees, and possibilities for greater openness and transparency on nuclear weapons.

Participating in the OEWG is not without its risks. Under its majority voting rules, the OEWG's final report could potentially fail to adequately reflect minority positions. High-profile statements on nuclear disarmament by prominent representatives of the German government could help to prevent Germany being co-opted by the supporters of a nuclear weapons ban treaty. The German Bundestag subcommittee on disarmament, arms control and non-proliferation could also provide critical guidance to Germany's participation in the working group through hearings and resolutions.

A debate about revising the Alliance's nuclear doctrine is likely to be unavoidable during and after the mid-2016 Warsaw NATO summit. Here, Germany should seek to assert its own positions vigorously, in concert with like-minded states. Above all, the risks that any increase in the role of nuclear weapons pose to crisis stability, Alliance cohesion and global non-proliferation efforts need to be highlighted. In the short term, priority could be granted to those topics that both proponents of stronger nuclear deterrence and supporters of further disarmament regard as particularly important. The former hope that greater transparency concerning nuclear weapons will make deterrence more credible, the latter that it will lead to progress on confidence-building. Both sides also agree that the circumstances under which the use of nuclear weapons would be conceivable need to be defined more precisely. One side sees this as a way to create a more effective deterrent, the other regards it as a way to reduce the role of nuclear weapons.

A revision of the fundamental principles of nuclear policy, as defined in NATO's 2012 Deterrence and Defence Posture Review report, should wait for the outcome of a thorough and inclusive discussion within the Alliance. The timing of the US elections opens up a window of opportunity for such a debate on the role of nuclear weapons in European security. The new Administration in Washington is unlikely to be in any position to formulate goals for a revised NATO nuclear doctrine before mid-2017. So there is plenty of time to conduct a broad debate within and among NATO member states about whether nuclear weapons can contribute to greater security in Europe.

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