

A Nuclear Weapon-Free Zone in Europe – A Project Whose Time Has Come?¹

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A time-honored way to address the nuclear menace regionally is establishing nuclear weapon free zones (**NWFZ**). Such zones exist in Latin America, the South Pacific, Africa, Southeast Asia, and Central Asia. Mongolia has declared itself a single-state NWFZ and earned international recognition of this status. Antarctica became a legally nuclear free region (without hosting any national state) through an international treaty in 1961. NWFZ are thus no unknown terrain, but much experience exists with this instrument of nuclear non-proliferation and disarmament.(Parrish/DuPreez 2006) No such zone exists in Europe, one of the best developed, wealthiest, most densely populated and powerful regions of the world. It is worthwhile considering whether today's generation of European citizens has a duty towards its progeny to work with determination to make the "old continent" nuclear weapons free.

Why a NWFZ?

The essence of a NWFZ is the undertaking of its member states not to have (develop, acquire etc.) nuclear weapons or permit the deployment of such weapons on their territory. Like the new Nuclear Weapon Ban Treaty (NBT), (Mukhatzhanova 2017; Potter 2017) zones go beyond the scope of prohibition contained in the Nuclear Non-proliferation Treaty (NPT) in prohibiting not only acquisition and possession, but also *stationing* of nuclear weapons on one's territory by foreign powers. NATO's nuclear sharing arrangements which provide for the peacetime deployment of US nuclear weapons in selected member states (and afford their air forces nuclear roles in wartime) would thus be excluded by the basic obligations under a European NWFZ Treaty. The opportunity for going beyond the boundaries of existing legal obligations – depending on the regional situation and the preferences and needs of the member states – is a fundamental advantage of NWFZ.

At the same time, NWFZ provide a safety net should the NPT decay. Since 2002, the NPT has been in almost continued crisis, alleviated only by the success of its 2010 Review Conference. This success was made possible by the more benign nuclear

weapons policy of the Obama Administration, but proved to be a short-lived intermezzo.

Deep cleavages exist today in the NPT's membership which make needed compromises ever harder to achieve (Müller 2017). The the non-compliance cases of Iran – presently pacified by the Joint Comprehensive Plan of Action (JCPOA) and North Korea's brutish nuclear weapons policies pose additional questions for the Treaty's survival. In case of a NPT collapse, the regional arrangements would ensure that the vast majority of the world's regions would remain nuclear weapons free even if the NPT would cease to exist. Since all zones oblige their members to conclude nuclear safeguards agreements with the International Atomic Energy Agency (IAEA), the verification system would remain intact at least for NWFZ members.

NWFZ serve also as regional confidence-building measures. Neighbours ensure each other of the absence of the nefarious intention to threaten or attack their region by nuclear weapons. Countries in the region can rely on the knowledge that disputes in their neighbourhood will not be pursued by nuclear arms racing. Excluding nuclear weapons activities in a region is a very important step to set it on the path from the usual state of rivalry and conflict to a pacified security community. (Adler/Barnett 1998)

An additional benefit for the non-nuclear weapon states (NNWS) in the area of a NWFZ is constituted by the negative security assurances (NSA) afforded by the nuclear weapon states (NWS) to members of a zone: by ratifying the relevant protocol of a zone, NNWS pledge not to threaten or attack zone members with nuclear weapons. NSA's have also been pronounced in the context of the NPT, but they consist of individual declarations by the NWS which are noted in two UNSC resolutions (1968 and 1995); the legal status of these resolutions is not completely clear, some lawyers opine that they have legal status under international law (Bunn/Timerbaev 1993), others see them as purely political commitments. At any rate, NSAs through protocols to NWFZ have legal status, but NWS have attached reservations and interpretations to them which tend to undercut their value. As for the Bangkok Treaty which has established the NWFZ in Southeast Asia, NWS have yet to ratify the protocol because of disputes about the geographical scope of this zone (which singularly includes the Exclusive Economic Zone of the member states extending 200 miles from their

shores), and the right of free passage related to these vast sea territories. Nevertheless, a well negotiated and worded NSA protocol erects a normative barrier against nuclear threat and use and enhances the security for all parties to a NWFZ as well as to the region as a whole.

Finally, there is another political aspect that is of high value. Establishing a NWFZ is a political self-empowerment by NNWS in a region, enabling them to make a clear political statement in opposition to nuclear weapons (and, by corollary, to the doctrine of nuclear deterrence). Most NNWS have little chance to influence the nuclear politics and policies of NWS. While Art. VI of the NPT establishes that nuclear disarmament is the matter of *all* states parties to the NPT, NWS and NNWS alike, the NWS in practice claim this field as their turf and are indignant about attempts of NNWS to claim back their rights and duties under Art. VI. A NWFZ is a way to make a clear point, and one with practical consequences, because NWFZ may in fact diminish the freedom of movement for nuclear weapons..

Why in Europe, and why now?

The “old continent” is still the region with the largest number of countries having and/or hosting nuclear weapons: Russia, France and the United Kingdom are NWS, Germany, the Netherlands, Belgium and Italy host US nuclear weapons (B-51 gravity bombs which would be carried by host countries air forces to target in the case of use). We can add Turkey, a NATO member with US nuclear bombs on its territory, but for this bi-continental state, the nuclear weapons are deployed in the Asian part. Europe is a continent where military doctrines, strategies and postures are still heavily infested with the nuclear aura.

Today, the nuclear shadow hangs again heavily over Europe. With NATO enlargement and Russian occupation of territory of three neighboring states, Georgia, Ukraine, and Moldavia, NATO’s easternmost member states are nervous about a new Russian threat. This concern is reinvigorated by Russian maneuvers featuring combined nuclear-conventional operations, including the doctrine of “nuclear de-escalation” in which a limited use of nuclear weapons is meant to bring to a halt a conventional war which develops unfavorably from the Russian perspective (Sokov 2016). Long-range

operations which brought Russian strategic bombers over the Channel underlined this mode of military thinking. The Baltic states suffer regular illegal overflights by Russian military aircraft and are, like Poland, highly concerned about the deployment of Iskander medium-range, nuclear-capable missiles in the Kaliningrad Oblast. NATO is presently checking its options for underlining extended deterrence, under pressure of the US Congress which even concerns to authorize a weapon system intentionally violating the INF Treaty as a countermeasure or at least a “bargaining chip” against the supposed Russian violation (Larsen 2016). Other options include enhanced exercises of NATO’s “nuclear sharing” air forces, bringing strategic US bombers more frequently to Europe and preparing for the deployment of new US sub-strategic nuclear weapons closer to the Russian border (Kroenig 2016) – all options that sound, like Russian brandishing of nuclear weapons, like steps on the “march of folly” (Tuchman 1984).

Russia, in turn, is worried about the build-up of a NATO missile defense system ostensibly directed against Iran but which Russian authorities claim could be used to compromise the Russian strategic nuclear deterrent. Russia accuses the US that parts of this system can be used in an offensive manner against Russian strategic assets in violation of the INF Treaty, while Washington regards a cruise missile developed by Russia as incompatible with Moscow’s undertakings under INF. A basic pillar of nuclear arms control in Europe is thus in danger (Reif 2017).

The current European security situation is one of enhanced tension and, as a consequence, enhanced nuclear saliency. In this situation, “thinking out of the box” like debating the pros and cons of a NWFZ in Europe aims at creating a “countercyclical” momentum: in times of tension, even greater efforts are needed to defuse nuclear risks.

The Patchwork Problem²

The project of a zone in Europe is facing a construction problem: how to establish a zone, when there are still nuclear weapons in the region, and in all likelihood only a few states will join in the short term, because the majority of regional states consists of NWS or NNWS which are bound by an alliance – NATO – that calls itself “nuclear”.

This constellation will force like-minded European governments to establishing the zone in a *patchwork* way, making it quite different from the zones that exist. There are two justifications: First, the European project is *sui generis*; hence, special features and procedures cannot and must not be avoided. Second, there are precedents of patchwork structures in other, established and internationally recognized zones, notably the Rarotonga and the Tlatelolco Treaty.

The South Pacific Nuclear-Free Zone is a patchwork not only in becoming, but in an enduring way: It is a patchwork by nature, since it extends across a gigantic Ocean. It includes land territory, territorial waters, and open seas which are *terra nullius* and are thus not under the sovereign rule of anybody. And there are two additional features of interest to the European zone project.

Rarotonga is open to signature by all South Pacific Forum (now Pacific Islands Forum (PIF)) members. PIF encompasses 16 members which are thus *eligible* to join the Zone. Only three of them are *not* parties to Rarotonga: Micronesia, Palau and Marshall Islands. All three are located *north* of the equator, and their territory is *not* included in the zone, as defined in the Treaty's Annex 1 and its map (the equator is the northern border of the zone; parts of Papua New Guinea, Nauru and Kiribati which are located north of this border, are shown in Annex 1 and therefore legally in the zone's territory of application). When the Rarotonga Treaty was opened for signature in 1985, the South Pacific Forum had only 13 members. Subsequently, Micronesia, the Marshall Islands and Palau became members and therefore also eligible to become parties to the Zone (Pande 1998). In 1985, these three states had been the Trust Territory of the Pacific Islands, under US administration. This area was not included in the zone according to Annex 1 of the treaty. With this in mind, Article 12(3) of the Rarotonga Treaty opened the possibility of extending the zone through the accession of states outside of this delimited territory by agreement of the South Pacific Forum's members. The three states which had belonged to the US's Trust Territory are the only three members of the Pacific Islands Forum *not* parties to Rarotonga. Thus, article 12(3) has not yet been invoked, but this could happen at any time.

The Rarotonga Treaty's zone, as it is delineated in its Annex 1, includes territories of three extra-regional states – UK (Pitcairn); France (French Polynesia, Wallis and Futuna and New Caledonia); and US (American Samoa and Jarvis Island). So these territories fall under the geographical scope of the zone. Protocol 1 commits the possessor states to apply the Treaty's basic prohibitions to these regions under their control. All three extra-regional states signed Protocol 1 in 1996; only the US has yet to ratify (France ratified 1996, UK ratified 1997).

These two features of the Rarotonga Treaty constitute possible precedents for a NWFZ in Europe: First, the initial geographical scope can be extended; second, the zone treaty can enter into force while there are still geographical “holes” in the zonal tapestry. This brings us close to the European patchwork problem: A zone that consists initially of non-contiguous “islands” where nuclear weapons are banned, combined with the hope to enlarge the zone by future new accessions.³

The waiver clause in the *Tlatelolco Treaty* made the emergence of the zone a patchwork process as well: The Treaty contains an ambitious condition for entry into force: all states of the region must have ratified before the Tlatelolco would become binding international law for any member. But the Treaty also offers an escape from what would have postponed the validity of the Tlatelolco Treaty for decades: it allows states willing to do so to “waive” the entry into force condition. States attaching such a waiver to their instrument of ratification accept that the Treaty gains full legal binding force for them immediately. Consequently, the Tlatelolco Treaty was in force for the majority of regional states, but not for some such as Argentina, Chile, Cuba, or Brazil. Membership of the Tlatelolco Treaty, thus, developed patchwork-wise. The difference as compared to the European project is that the final scope of the South American zone in total was agreed by all regional countries in advance, while the *realization* of the zone took a patchwork path.

Finally, it should be noted again that international reference texts quoted above provide a solid base for a patchwork approach. According to the UN's “Comprehensive Study”, “obligations relating to the establishment of nuclear-weapon-free zones may be assumed not only by groups of states, including entire continents or large geographical regions, but also by smaller groups of” without specifying that this group of states must

satisfy the criterion of contiguity.⁴ 90 “Action 9” of the 2010 NPT Conference’s “plan for action” spoke of “states of the region concerned”, not of “*the* states” or “*all* states”. This formulation allows for the emergence of a zone with “holes” in its territorial space. Unfortunately, the Nuclear Ban Treaty used the wording “freely arrived at by *the* states in the region” (emphasis added), ironically supplying an argument to the opponents of a zone in Europe once the NBT enters into force – one of several examples for not well-considered language which diminishes the value of the NBT (see also Potter 2017)

The patchwork structure, opposition to the zone project by many states in the region, and uncertainty over the specific geographical path the expansion of zonal membership would take make it unwise to define the geographical scope of the zone at the outset (in the same way members of the European Community refrained from defining “Europe” in the Rome Treaties). The supporters of a NWFZ in Europe would be well advised to choose a path which was seriously considered during the Tlatelolco negotiations but eventually dropped, but which would help to solve the problem for Europe:

“Opinion was divided as to whether to decide on a pre-determined regional zone or to adopt a more pragmatic approach and include in the zone the territory of each state party *as it joined* [emphasis added]. No decision was taken until the end, when the extent of the zone was finally defined” (Epstein 2001, 161).

Given the situation in Europe, the “pragmatic approach” appears an attractive option. One would not define the whole area to which the ambition of initiators extends. The extension of the zone would be *coterminous with the territory (including territorial waters) of those who had actually become parties* to the zonal treaty by signing, ratifying and depositing their note of ratification. The territorial scope of the zone would then be extended when additional states accede. For this reason, the zone would not be called “Nuclear-Weapon-Free Zone Europe”, but “Nuclear-Weapon-Free Zone *in* Europe”, thereby denoting the transitory and partial nature of its geographical scope. Using the undefined term “Europe” would be a sufficient signal for further geographical ambition without offending those European countries which decide not to join by a definition which would locate – against their present preferences - their territories in the zone as envisaged by the founding members.

As for entry into force, the initiators should thus seriously explore how many countries would be ready to commit to early ratification. The entry into force should then be conditioned on the ratification by a minimum number of states, fewer than those ready to commit to ratification (say, if six countries commit to prompt ratification, the condition might be set at four to have some safety margin against unforeseen developments in one or two of the committed proponents). The entry into force clauses in existing NWFZs also require a certain amount of ratifications (except for Tlatelolco, with its more complex mechanism). This approach would grant an early existence of the zone in order to create political momentum.

The initial patchwork shape will lead to criticism from opponents of the project. The promoters should make it clear that the zone is held together by the common political will and by the common hope that it will expand. They might also argue – pointing to the support by bodies and citizens from other European states – that the zone of common political will extends in fact beyond their own borders. The stronger these two arguments are made, however, the stronger the challenge to outsiders, notably NATO states, will be. Whatever strategy is chosen, it should be clear that the patchwork form is neither illegal nor incompatible with the basic idea of a NWFZ. It thus presents no serious stumbling block for those determined to pursue the NWFZ in Europe project.

Undertakings in a European NWFZ Treaty

Undertakings should be divided into three groups: First, basic obligations that constitute the essence of the zone and must be subscribed to by every party. Second, desirable undertakings that will no doubt be contested and, if obligatory, would exclude any consideration of accession by even the most disarmament-friendly NATO countries; to these undertakings, an opt-out option might be attached. Third, non-essential, but principally desirable and probably uncontested undertakings whose inclusion as obligatory would enhance the value of the zone without proving divisive among members.

Basic Obligations (no opting out)

The prohibitions to which no waiver would be admitted would comprehend research, development, production, acquisition, possession, transfer (of weapons as well as parts and technologies), test and use on and of nuclear weapons. The inclusion of research would be a tremendous improvement on the NPT which the drafters of the Nuclear Ban Treaty failed to include. Equally, prohibiting the transfer of weapons, weapons parts and related technologies would go beyond the different, but similarly limited prohibitions of both the NPT and the NBT.

In addition –beyond the NPT – the stationing of nuclear weapons in the zone territory by third parties as well as transit on the ground would be prohibited, as would nuclear missions by parties' military forces such as under NATO's nuclear sharing arrangements. This would exclude the membership of European NATO members that participate actively in nuclear missions and/or and deploy nuclear weapons on their territories. It would permit membership for all other European NNWS NATO members.

Non-essential and contested obligations (opting out possible)

Voluntary (waiver-subjected) prohibitions would start with transit through territorial waters and national airspace. Such obligations would be hard to implement, because difficult to control and verify, and they would most probably erect insurmountable barriers even for NATO members who do not take part in nuclear sharing and could consider to combine zone and NATO membership. A similar case could be made for nuclear planning. This might sound strange, but countries like Norway may well make the case that participation in the work of NATO's nuclear planning group offered a venue for promoting nuclear arms control and disarmament which would otherwise not be available. To write these undertakings into the zone treaty, but attach a waiver opportunity, might enable some NATO members to consider joining. This effect may well be worth the concession constituted by the waiver option.

Non-essential, but possibly non-controversial obligations

NWFZ can go beyond NPT and now also NBT undertakings and try to enhance the resilience of the region against nuclear dangers as long as related measures attract the support of parties. A NWFZ in Europe should prescribe to its members the toughest nuclear and radiological safety and security standards, including a duty to report about related measures of implementation. It might also be advisable to prohibit the use of highly enriched uranium (which none of the prospective first members of a European zone is using anyway).

In the realm of verification, the zone treaty should require comprehensive safeguards plus the Additional Protocol as verification standard for all parties. It would also make sense to integrate the well thought out control and verification measures related to nuclear *weapon* technologies – including dual-use technologies that have legitimate civilian applications – which are part of the Joint Comprehensive Plan of Action, the agreement between Iran and the EU, France, Germany, the UK, the US, China and Russia. Several activities and related equipment that could be part of weaponization are subject to declaration and end-use control.

First steps and negotiation options

The reference documents for initiators should be from the beginning the Comprehensive Study on Nuclear Weapon Free Zones by a United Nations group of experts and the Final Declaration of the 2010 NPT Review Conference. Action 9 of the “Plan of Action” adopted by this conference “encourages” the establishment of new NWFZ where they don’t yet exist.

This is an explicit invitation to states in regions presently without a zone to explore this possibility without any preconditions concerning the agreement of all states of the region to support this intention.

The project will be contested; in the beginning, there will be at best half a dozen determined supporting governments. States engaging in the project need realistic expectations of what is awaiting them, the determination to endure, and domestic backing. They must ensure domestic supra-partisan and civil society support for the long haul.

Different from other regions, there is no obvious institution that would serve as venue for the negotiation process. The all-European organization, OSCE, is unfit because of a majority constituted by four NWS plus their allies which would block any negotiation attempt. It might make sense to demand a formal debate on the project in the OSCE Security Forum, but this would be just a move to demonstrate respect for the Organization and its members, not a serious step towards negotiations.

The most promising negotiations approach would combine “closed shop” coordination among like-minded zone supporters with a more open process like the Ottawa and Oslo Convention negotiations for discussing draft texts, but in which the core group would remain in process control. The core group should seek consultations with the NWS, as customary for the preparatory stage of establishing NWFZ, but without making negotiations and their result contingent on the NWS’ consent. The support of the UNGA by way of resolution, while desirable, should be invoked only after a majority has been ensured through diplomatic efforts. Eventually, after a few rounds of negotiations in the open forum, a text should be ready that allows bringing the zone into force for a minimum quota of ratifications from the core group (emulating the Tlatelolco Treaty with the waiver procedure).

Obstacles and problems

Throughout this article, it has been emphasized that the project of a NWFZ in Europe will be controversial and contested: a majority of states in Europe are under the “nuclear umbrella” as NATO allies or as allies of the Russian Federation. NATO as an organization as well as its membership will protest and critique the project as inappropriate, senseless and unfriendly. It will probably exclude membership for NATO allies. Obviously, it is perfectly true that membership in the zone is not compatible with NATO nuclear sharing: a key zone treaty prohibition, having nuclear weapons in one’ territory, would be violated. Nevertheless, only a *minority* of NATO NNWS participates actively in nuclear sharing, Norway and Denmark never tolerated nuclear weapons on their territories, and Spain insisted on the withdrawal of US nuclear weapons that were deployed there during the Franco dictatorship when the young democracy was seeking NATO membership. Also, when NATO expanded after the end of the Cold War, NATO

committed in the NATO-Russia Foundation Act not to deploy nuclear weapons in any of the new member states.

Legally, nuclear weapons are not constitutive for NATO. The Washington Treaty does not contain a single word on nuclear status. That NATO is “a nuclear alliance” is no more than a contingent political statement, not based on Treaty law; it could be changed by a simple decision of the NATO Council.

Naturally, NATO’s NWS embrace the political statement. The US might have concerns that the freedom of movement of US nuclear forces in NATO-Europe could be impeded by the membership of allies in a zone Treaty. Russia, in turn, could probably be unwilling to provide negative security assurances to any NATO member, even if denuclearized through membership in a NWFZ. Moscow might not wish to facilitate accession by NATO NNWS to a zone that it does not like and that might complicate emergency nuclear war plans. On the other hand, Russia might regard such assurances as a means to weaken the unity of the Western alliance. The eventual Russian policies towards this issue are thus inconclusive and hard to predict.

Impact on other Treaties, initiatives, and institutions

In the debates on the NBT, it has been predicted that it might impact negatively on the NPT. When we discussed the NWFZ in Europe project, concerns were uttered that it might inhibit the progress of the Ban Treaty, create obstacles for nuclear disarmament negotiations of the NWS or compete with the project of a Middle East NWFZ (or zone free of weapons of mass destruction. None of these concerns is realistic.

There is no logical reason why a NWFZ in Europe should weaken the NPT. Art. VII of the NPT 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. Of course the project could re-enforce old divisions among NPT parties (and within the EU). But these divisions are already there, and neither NWS nor Europe’s NATO allies take care of the particular concerns and worries of non-aligned and neutral states in their region. These states are thus well justified in pursuing their own preferred policies.

Even less convincing is the proposition that the zone might impede or slow down disarmament efforts by the P5. First, where are these disarmament efforts? That the P5 discuss regularly about nuclear matters since 2009 is laudable, but the process, so far, shows little tangible results. And since the NWS are not truly involved in NWFZ in Europe negotiations – other than considering whether or not to offer negative security assurances – it is very hard to see why the project should detract from serious disarmament efforts of the P5 if there are willing to engage.

As stated above, 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. Likewise, fears that focussing on a NWFZ in Europe might hurt the momentum of the humanitarian initiative and, consequently, the progress towards a NBT, were a bit short-sighted and underestimated by some orders of magnitude the speed with which the frustration of the majority of NNWS transformed itself into diplomatic energy to bring about a ban treaty ready for signature. Logically, the two projects are fully compatible insofar as the arguments for the NWFZ feed on the humanitarian arguments that drove the move towards the ban treaty: Europe as one of the most densely settled regions in the world whose complex infrastructure would not stand even a “limited” nuclear war would suffer an unspeakable humanitarian catastrophe should such a war ever occur. European peoples thus have an existential interest to erect any conceivable barrier that helps prevent a nuclear conflagration. A NWFZ in Europe is such a barrier.

A zone in this deterrence-ridden region should be able to create normative synergies with the NBT: both instruments aim at de-legitimizing nuclear weapons; their compatibility should not be in question. There is rather the risk that the accomplishment of the ban wipes out perceived needs for a zone with the feeling “well, we have already the ban!” But as stated above, the regional approach has distinct advantages: e.g. it is closer to home and thus more tangible for the people in the street. It affords possibilities for “ownership” which the more abstract, because global, ban does not offer so easily. As the ban is already there and needs only be ratified, not created, the original fear that both projects might compete for scarce political, diplomatic and social capital has become obsolete.

Ownership of civil society

A key objective of the zone project is to engender wider debate on nuclear weapons. Pursuing this objective requires courage, as it is certain to annoy other governments even more than the project as such. But we live in the age of transboundary communication, of the growth of civil society, of active governmental units below the level of the national executive, i.e. regional and local. After all, the repercussions of nuclear weapons policies in peace, crisis, and war have tremendous transboundary effects.

Sub-national entities (regional and local governments), non-governmental organizations and private citizens in European states which are not party to the Zone Treaty and whose national leaders may object to the project, may differ from their central governments and endorse the objectives of the Zone. There are ways for the members of the zone to empower these organizations and people to make their positions publicly known. The zone organization which would likely be founded to administer the zone could establish a website with a portal where organizations and individuals could express their support.

This website and portal could be mentioned in the Zone Treaty as a key mission of the zone organization. By making this approach part of the Treaty, factually giving it legal status, is a highly visible (and probably contested) action. 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 of the interactive opportunity in the Treaty, but the portal as continuing practice of the zone organization
- Keeping the portal could be entrusted to a non-governmental organization or a consortium of such organizations (comparable to the Landmine Monitor which was created in the context of the Ottawa Convention).
- The Portal Keeper – zone organization or NGO – would report on the state of public support by subnational organizations 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, its potential to stimulate public debate, and the opportunity to go beyond the commitments in the NPT and even the Ban Treaty if parties agree. 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.

¹ For this article, I draw on Müller et al. 2015

² In this chapter, I rely strongly on Müller et al. 2015, Chapter 5.1, which was largely researched and written by Aviv Melamud and Anna Péczeli

³ Mogami (1988) qualifies Rarotonga as “semi-zonal approach”: “This is typified by the idea to form a 'non-nuclear club', whereby the participants of the 'club' may establish a 'zone' but restrict the area of nuclear freedom to their own land and maritime territories. 'Zone' in this case means no more than the expression of the solidarity among the members, predicated upon their shared determination to free themselves from nuclear orthodoxy” (p. 426).

⁴ Comprehensive Study of the Question of Nuclear-Weapon-Free Zones in All its Aspects –Special Report of the Conference of the Committee of Disarmament, 8 October 1975 (A/10027/Add.1), p. 41

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