



# Hard Times for Arms Control

## What Can Be Done?

Steven E. Miller, International Security Program, Belfer Center for Science and International Affairs, Kennedy School of Government, Harvard University

February 2022





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**Author:**

Steven E. Miller, International Security Program,  
Belfer Center for Science and International Affairs,  
Kennedy School of Government, Harvard University

**Editors:**

Paul van Hooft and Tim Sweijts

**Cover photo source:**

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February 2022

HCSS has received funding within the PROGRESS research framework agreement and has commissioned the author to draft this paper. Responsibility for the contents and for the opinions expressed, rests solely with the authors and does not constitute, nor should it be construed as, an endorsement by the Netherlands Ministries of Foreign Affairs and Defense.

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## Bad Times for Arms Control

For more than two decades now, arms control has foundered. It has always been controversial, has always had its opponents, has always had its limits, has always been subject to ups and downs, to successes and failures. But for roughly four decades, starting around 1960, there was a sustained investment in the instrument of arms control as a central element of efforts to limit the dangers manifest in the international order – especially those associated with weapons of mass destruction – and to introduce elements of restraint and stability in the bilateral relationship between Washington and Moscow that governed the vast majority of the nuclear weapons that exist on this planet. By the end of the 20<sup>th</sup> century, reflecting decades of painstaking effort, an extensive architecture of multilateral and bilateral arms control arrangements helped to structure the security environment and provided an array of guidelines and guardrails that were thought to constrain nuclear dangers and reduce the risk of nuclear catastrophe.

In the intervening two decades, much of that arms control infrastructure has been eroded or dismantled. Arguably, the tide began to turn when the US Senate rejected the Comprehensive Test Ban Treaty (CTBT) in 1999 – one of the reasons why the treaty has never entered force. In 2001, the Bush Administration opposed progress on the Biological Weapons Convention Verification Protocol. In 2002, the US withdrew from the ABM Treaty – an agreement of indefinite duration that was widely regarded as the cornerstone of strategic arms control. Russia “suspended” its observance of the Conventional Forces in Europe Agreement (CFE) in 2007, commencing a process of departure that culminated in withdrawal from participation in 2015. In 2012 Moscow decided to terminate the Cooperative Threat Reduction (CTR) program, one of the pioneering arms control initiatives of the post-Cold War era that involved extensive cooperation between the nuclear weapons establishments of the former Cold War rivals. The retreat from arms control reached a crescendo under President Trump, with rejection of the Joint Comprehensive Plan of Action (JCPOA), the “unsigned” of the UN Arms Trade Treaty, and withdrawal from both the Intermediate Nuclear Forces Agreement (INF) and the Open Skies Treaty. These dramatic, high-profile Trump moves attracted much attention and criticism, but in truth they are only the latest phase of a long trend away from arms control.

There have been some notable exceptions to this negative story. The US and Russia agreed to the Moscow Treaty in 2002 (though it was an odd and unprecedentedly brief agreement that expired the same day it took effect and contained no verification provisions). In April 2010, Moscow and Washington signed the New START Agreement, which was extended for five years by Presidents Biden and Putin in January 2021. In 2015, the multiparty JCPOA was reached with Iran – though Trump pulled the US out of it in 2018, Iran responded by gradually transgressing JCPOA limits, and the future of the agreement remains in doubt. But if there are some bright spots in the picture, overall the broad trend is more negative than positive. In the Russian-American context, arms control has been largely off the agenda. There have been no serious arms control negotiations for a dozen years, there is no momentum, the priority attached to arms control seems to have diminished, and there is no new agreement in sight. Europe’s arms control architecture has been substantially dismantled – with CFE, INF, and Open Skies abandoned and the confidence-building measures associated with OSCE faded in significance. As for multilateral arms control, the main item on the agenda – the Fissile Material Cutoff Treaty (FMCT) – has been frozen without progress for decades. For critics of arms control, this state of affairs represents success. (As Douglas Feith, former deputy to Secretary of Defense Rumsfeld in the administration of President George W. Bush, has written, he and like-minded arms control skeptics saw themselves engaged in “arms control

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control” – that is, efforts to minimize the role of arms control.<sup>1</sup>) But for those who believe that arms control can be a useful instrument of policy and who prefer a world of negotiated constraints to one in which security choices and military deployments are unregulated, this is a disappointing and disturbing trend.

It will be difficult to alter this picture of arms control because a confluence of trends has produced an environment in which it is difficult to achieve security cooperation and negotiated restraint. The international context has grown more demanding and complex, the domestic politics of arms control are challenging in some key countries, the military environment is marked by modernization and technological advancement, the line between conventional and nuclear operations has blurred, while the fortunes of arms control have waned. Major trends include:

- The deterioration of great power relations. In theory, bad relations among the big powers makes arms control more important and more worthwhile. In reality, however, America’s increasingly toxic relations with Russia and the increasingly testy relations with China heighten the sense of rivalry and competitiveness, produce high levels of distrust, inspire greater investment in military capability, and increase the emphasis on nuclear weapons in the doctrines and concerns of the major powers. Intensified friction and rivalry inhibit diplomacy and make agreement seem both remote and domestically untenable.
- The growing geostrategic complexity of the global nuclear order. The growth of Chinese power means that in the context of the great powers bilateral calculations are no longer sufficient. This was reflected in the Trump Administration’s insistence that nuclear agreements must include China in order to be acceptable to the US and by the recent Congressional effort to mandate that all future nuclear arms control must be trilateral. In addition, the acquisition of nuclear weapons by North Korea, India, and Pakistan has resulted in regional nuclear balances in Northeast Asia and South Asia. This produces a complicated set of nuclear relationships that are overlapping and interacting. Steps taken by one party can reverberate through the system via a web of linkages that connect the core triangle – Russia, China, and the US – with a regional triangle in South Asia – China, India, and Pakistan – and a nuclear-armed quadrangle – North Korea, China, Russia, and the US – in Northeast Asia.<sup>2</sup>
- Reflecting these global and regional developments, the hallmark of the current phase of the nuclear age is comprehensive modernization. All of the nuclear-armed states are in the midst of substantial improvements and in some cases also augmentations of their nuclear postures. Existing systems will be replaced with newer, generally more advanced, ones. New technologies are being incorporated into long-term infrastructures – reinforcing the impact of evolving technology on the strategic balance. Russia, for example, is well-advanced in an impressive investment in its nuclear forces, including exploration of nuclear-powered cruise missiles, hypersonic glide delivery systems, and nuclear-armed torpedoes, as well new generations of ballistic missiles. The US is in the early stages of an enormous long-term, \$1.5 trillion strategic modernization program that will replace and upgrade every element of its nuclear posture. Recent evidence suggests that China is, for the first time, undertaking a substantial expansion of its nuclear forces after decades of contentment with a modest minimum deterrent capability. The other nuclear-armed states are in the modernization game as well. India, for example, is investing in an ambitious

1 Douglas Feith, *War and Decision: Inside the Pentagon at the Dawn of the War on Terrorism*, (New York: Harpers, 2008), p. 38.

2 An excellent illustration is Robert Einhorn and Wahegurus Singh Sidhu, “The Strategic Chain: Linking Pakistan, India, China and the United States,” Arms Control and Nonproliferation Series, The Brookings Institution, March 2, 2017.

The hallmark of the current phase of the nuclear age is comprehensive modernization.

Rapid modernization is reinforcing the impact of the evolution of technology, raising difficult challenges for arms control.

upgrade of its nuclear capabilities, including ballistic and cruise missiles, multiple warhead reentry vehicles, as well as ballistic missile submarines.<sup>3</sup> In short, momentum is not in the direction of restraint and cooperative management of the nuclear order. Rather there appears to be a strong tide pulling the nuclear weapon states in the direction of competitive armament. Conveying a widely shared worry, Joe Cirincione has warned, “The threat is clear: a new arms race has begun.”<sup>4</sup>

- Rapid modernization is reinforcing the impact of the evolution of technology, raising difficult challenges for arms control, in at least two dimensions. Advances in precision, surveillance, and lethality hold potential to threaten the survivability of deployed nuclear forces, thereby undermining stability and provoking responses that erode the constrained and predictable strategic environment sought by arms control. The problem is compounded by the increasingly competitive spread of modern military capability into new domains, such as space, where anti-satellite assets can have disruptive and destabilizing effects. In addition, an array of emerging or emerged technologies – cyber, artificial intelligence, biotechnology, robotics – have significant strategic implications but possess attributes that will not be easily constrained by negotiated agreement. Cyber threats, for example, evoke fears of preemptive attack on nuclear command and control, but it is hard to imagine how an arms control agreement could verifiably limit such capabilities. Traditional arms control may simply be unable to cope with some of the issues that are now pressing on the security agenda.
- The growing capabilities of advanced non-nuclear weapon systems are blurring the line between conventional and nuclear. Because conventional systems are able to undertake strategic strikes, it will be hard to exclude consideration of such forces from future arms control discussions, nor will it seem desirable to ignore the destabilizing consequences of strategic conventional assets – such as the ability to degrade adversary command and control.<sup>5</sup> But the dual-use character of these system means that nuclear arms control negotiations will have implications for the entire defense posture of the states in question – a much more complex context in which there will be additional substantial impediments to agreement.
- Arms control has been undermined by concerns about its effectiveness and its reliability. Critics in key countries such as the US, Russia, and Iran perceive the record of arms control to be marked by failures – each reaching this judgment from its own distinctive national perspective. One corrosive force has been persistent concerns about non-compliance – whether Russia’s violations of the INF agreement, Iran’s transgressions of its NPT obligations, or Russian and Iranian complaints about US behavior. It is inevitable that the value of arms control will be questioned if there are recurrent instances in which parties do not abide by or are believed to be cheating on the terms of agreement.<sup>6</sup> What is the point of struggling to reach agreement if other parties are going to cheat – and especially if other parties are regarded as regular cheaters? An additional corrosive force is repeated instances in which existing arms control treaties are rejected. Permanent agreements, such as the ABM Treaty, turn out to be impermanent, standing arrangements (such as Cooperative Threat Reduction program) are terminated, painstakingly negotiated deals

3 See, for example, Michael Peck, “India Is Going Full Steam Ahead With Nuclear Modernization,” *The National Interest*, September 25, 2021; and Matt Korda and Hans Kristensen, “India’s Nuclear Arsenal Takes a Big Step Forward,” *Federation of American Scientists*, December 23, 2021.

4 Joseph Cirincione, “Restoring Nuclear Diplomacy,” *The Foreign Service Journal*, May 2020, p. 37.

5 See, for example, the extensive analysis in James Acton, “Escalation Through Entanglement: How the Vulnerability of Command-and-Control Systems Raises the Risk of an Inadvertent Nuclear War,” *International Security*, Vol. 43, No. 1 (Summer 2018), pp. 56-99.

6 See Eric S. Edelman, “Arms Control: Can Its Future Be Found in Its Past?,” *Center for Strategic Budgetary Assessments*, September 17, 2021, which explains that US skepticism toward arms control is justified by Russian violations.

like the JCPOA are rejected long before agreed expiration dates, multilateral commitments, like the 2000 NPT Review Conference's 13 disarmament steps, are unilaterally abandoned by important states. When arms control measures die premature deaths, the benefits of arms control are foreshortened and come to be regarded as unreliable. There is less incentive to invest in arms control if it is not viewed as a dependable and effective instrument of policy. The most severe critics of arms control, at least in the US, highlight these problems, see it as a failed Cold War experiment and view support for arms control as reflecting "a debilitating arms control ideology."<sup>7</sup>

- In the US, which plays an important role in many arms control contexts, opponents and critics of arms control are quite strong and often have the upper hand. Much of the time, ratification of treaties appears out of reach and, as Trump's withdrawal from the JCPOA illustrates, sustained commitment to unratified political arrangements cannot be assumed. A confident coalition favoring negotiated restraint does not exist and cannot be counted on to provide sufficient support and momentum. The case for arms control is no longer sufficiently persuasive to create political conditions for successful agreements.

In short, the international politics of arms control are problematic, the domestic politics of arms control, at least in some key countries, are intractable, the imperative of modernization seems irresistible, some of the issues on the agenda do not appear to be amenable to arms control solutions, and the uneven record of arms control undercuts its appeal. Some respond to these circumstances by asking whether we have come to the end of the age of arms control.<sup>8</sup> There are those that doubt whether it will ever again play a role as central as it once did, whether treaty-based arms control is viable in a world where key states are reluctant to negotiate and unable to ratify agreements, whether arms control will be relevant to the challenges posed by emerging technologies. This is a serious and plausible set of propositions that suggest we ought to be doing some thinking about how to manage in a world with less arms control or without arms control. The record of the first quarter century of the nuclear age, almost completely empty of arms control, is far from heartening, marked as it was by intense arms racing, recurrent scares, dangerous crises, and prodigious accumulations of weapons.

## Rethinking Arms Control for Hard Times

The potential costs and perils of a military environment unregulated by arms control constraints suggest that it is essential to rethink rather than to give up on arms control – perhaps especially because of the harsh politics and challenging military and technological issues that mark the current nuclear era. And indeed, the perceived crisis of arms control has inspired considerable effort to reconsider it in light of these current realities and this different set of circumstances. Efforts to think creatively about what might be called arms control in

7 John Bolton, "Donald Rumsfeld Freed the World from Mutual Assured Destruction," *Foreign Policy*, July 1, 2021.

8 See, for example, Linton F. Brooks, "The End of Arms Control?," *Daedalus*, Vol. 149, No. 2 (Spring 2020), pp. 84-100; Goetz Neuneck, "The Deep Crisis of Nuclear Arms Control: The State of Play and the Challenges," *Journal for Peace and Disarmament*, Vol. 2, No. 2 (2019), pp. 431-452; Alexey Arbatov, "Mad Momentum Redux: The Rise and Fall of Nuclear Arms Control," in Steven E. Miller and Alexey Arbatov, *Nuclear Perils in a New Era: Bringing Perspective to the Nuclear Choices Facing Russia and the United States*, (Cambridge, MA: American Academy of Arts and Sciences, 2021), pp. 40-72; Dmitri Trenin, "Stability Amid Deregulation: Managing the End of Nuclear Arms Control," *The Washington Quarterly*, Vol. 43, No. 3 (Fall 2020), pp. 161-175; Andrey Kortunov, "Is There Life After Arms Control Death?," Russian International Affairs Council, June 16, 2019; and Steven E. Miller, "The Rise and Decline of Global Nuclear Order?" in Steven E. Miller, Robert Legvold, and Lawrence Freedman, *Meeting the Challenges of the New Nuclear Age: Nuclear Weapons in a Changing Nuclear Order*, (Cambridge, MA: American Academy of Arts and Sciences, 2019), pp. 1-27..

Those with long-term nuclear memories recognize that arms control has always been slow, difficult, and controversial.

hard times has produced a number of ideas about how it can retain relevance and utility. Many of these ideas start with the broad proposition that the pursuit of restraint and stability need not be focused on the bilateral, treaty-based, force posture-oriented arms control that was prevalent during the Cold War.<sup>9</sup> Rebecca Lissner argues, for example, that “The traditional model of bilateral, treaty-based nuclear arms control will prove insufficient—and perhaps also impracticable. To meet new challenges, the US should expand its conception of nuclear arms control to pursue a broader array of reciprocal restraints.”<sup>10</sup> Similarly, a paper out of the Carnegie Endowment invokes an early broad definition of arms control as “all forms of military cooperation between potential adversaries.”<sup>11</sup> These lines of thought have led to an elevation of an agenda less preoccupied with formal legal agreements and focused on confidence-building, crisis management, rules of the road, informal measures, and dialogue. Such measures will not limit modernization or shape and constrain force postures, but they do attempt to curb the dangers associated with nuclear rivalry, arms racing, and crises. They are aimed more at influencing behavior and preventing nuclear use than in capping forces. The United Nations Institute for Disarmament Research (UNIDIR), for example, has spearheaded an effort to revisit nuclear risk reduction measures, which have a substantial presence in the Cold War past.<sup>12</sup> Indeed, many such measures already exist in the Russian-American context, though some are neglected or underutilized. But it is possible that some of these can be adapted to different contexts or different regional settings. A verifiable agreement limiting cyber capabilities, for example, is not likely to be possible but there has been interest in an ‘Incidents at Sea’ type cyber agreement could perhaps establish some rules of the road for cyber behavior and create a mechanism for addressing cyber incidents. And measures that are already in place in relations between Washington and Moscow might be usefully adapted to regions or relationships in which such instruments are less extensively in place, such as South Asia or in relations between the US and China. Some ideas have already spread rather widely. The US-Russian hotline agreement aimed at insuring reliable and timely communication in crises, for example, has been replicated among many of the nuclear pairings around the world.<sup>13</sup> But other approaches – nuclear risk reduction centers, accident and incident management arrangements, pre-notifications and data exchanges, and pre-arranged crisis management procedures – are tools that could be adapted to the more complex and more multilateral nuclear order that has come to exist. Moving in this direction may highlight the role of an ongoing arms control process as a confidence-building measure in its own right and may give value to dialogue and informal interaction as supplements to treaty-seeking exercises.

If some seek alternatives to traditional treaty-based arms control, others urge persistence and offer updated approaches to the long-established pursuit of negotiated limitations on capabilities, despite the evident difficulties that presently exist. In fact, those with long-term nuclear memories recognize that arms control has always been slow, difficult, and controversial. It has at times taken years of patient and determined effort to achieve negotiated constraints – twelve years, for example, between the completion of SALT II in 1979 and the signing of START I in 1991. And the dangers of an unregulated nuclear environment and an unconstrained arms competition make it seem imperative to devote some intellectual and political effort to finding ways of gaining the benefits of arms control. It is not desirable to slide

9 See, for example, Nevine Schepers and Oliver Thranert, “Arms Control Without Treaties,” *Policy Perspectives*, Vol 9, No. 3, (March 2021).

10 Rebecca Lissner, “The Future of Strategic Arms Control,” Discussion Paper Series on Managing Global Disorder No. 4, Council on Foreign Relations, April 2021, p. 2.

11 James Acton, Thomas MacDonald, and Pranay Vaddi, “Revamping Nuclear Arms Control: Five Near Term Proposals,” Carnegie Endowment for International Peace, December 14, 2020.

12 See, for example, Wilfrid Wan, ed., *Nuclear Risk Reduction: Closing Pathways to Use*, (Geneva: UNIDIR, 2020).

13 I have examined this issue in Steven E. Miller, “Nuclear Hotlines: Origins, Evolutions, Applications,” *Journal of Peace and Nuclear Disarmament*, Vol. 4, No. 1 (2021), pp. 176-191.

from a familiar world with rules of the road to a dangerous new world with no rules.<sup>14</sup> James Timbie, for example, has developed an ambitious arms control framework involving “more subjects and more countries” in an attempt to address comprehensively the new issues and the relevant players. The goals are familiar, Timbie writes, but the circumstances in which arms control must be negotiated are not. New actors, such as China, must be drawn in and new topics, such as precision conventional forces, space assets, and hypersonic delivery systems, must be addressed. He recognizes that this is a challenging objective but emphasizes the payoff if success can be achieved: “Negotiation and implementation of an agreement along the lines suggested here would require an intense effort by all concerned. But even in difficult times (perhaps especially in difficult times), international cooperation that helps to reduce the costs and risks of unregulated competition, and to manage and reduce the existential threat of nuclear conflict, merits a priority effort.”<sup>15</sup> Similarly, a team at the Carnegie Endowment for International Peace has advanced an extensive agenda of bilateral and trilateral arms control proposals aimed at promoting transparency, building confidence, and constraining force postures – for example, by limiting warhead numbers, establishing equal levels of delivery systems, and restraining space operations. They acknowledge that “political roadblocks” exist but nevertheless argue that arms control remains a “powerful tool” that offers the prospect of “better managing the risks inherent to enhancing security through threats of catastrophic destruction.”<sup>16</sup> Rose Gottemoeller (a key member of the American team that negotiated the New Start agreement) has investigated how arms control might address instabilities that could arise from the evolution of technology. She proposes exploration of ideas such as sanctuaries for second strike forces, measures to enhance transparency and predictability, and negotiated limits that would reduce the vulnerability of retaliatory capabilities.<sup>17</sup> Possible constraints on missile defenses are also attracting considerable thought.<sup>18</sup> Meanwhile, others are seeking to identify concrete and practical steps that might “catalyze the restart” of arms control.<sup>19</sup> Naomi Egel and Jane Vaynman argue that even in bad times arms control should be possible if mutual benefit can be identified – even in environments in which cheating has occurred.<sup>20</sup> It is to some extent the dwindling of the recognition of mutual benefit and the loss of the notion of shared interests in avoiding mutually costly or disastrous outcomes that has contributed to the fading of arms control, and the intellectual effort to rebuild the case for arms control must involve the credible restoration of these fundamental foundations. The times may be hard but the agenda is full of ideas.<sup>21</sup>

14 I have borrowed this imagery from Thomas Countryman, “Why Nuclear Arms Control Matters Today,” *The Foreign Service Journal*, May 2020, p. 34.

15 James Timbie, “A Way Forward,” *Daedalus*, Vol. 149, No. 2 (Spring 2020) pp. 190-204.

16 James M. Acton, Thomas D. MacDonald, and Pranay Vaddi, *Reimagining Arms Control: A Comprehensive Approach*, (Washington DC: Carnegie Endowment for International Peace, 2021), p. 14.

17 Rose Gottemoeller, “The Standstill Conundrum: The Advent of Second-Strike Vulnerability and Options to Address It,” *Texas National Security Review*, Vol. 4, No. 4 (Fall 2021).

18 Examples include Tytti Erasto and Matt Korda, “Time to Factor Missile Defense Into Nuclear Arms Control Talks,” SIPRI Background Paper, September 30, 2021; Michael Krepon, “Is a Third Trade for Missile Defenses Possible?” *Arms Control Wonk*, August 5, 2021; Vasily Klimov, “Is Missile Defence Agreement on the Cards?,” Russian International Affairs Council, December 6, 2021; George Lewis and Frank von Hippel, “Limitations on Ballistic Missile Defense – Past and Possibly Future,” *The Bulletin of Atomic Scientists*, June 2018.

19 Acton, Macdonald, and Vaddi, “Revamping Nuclear Arms Control.”

20 Naomi Egel and Jane Vaynman, “Reconsidering Arms Control Orthodoxy,” *War on the Rocks*, March 21, 2021.

21 For other contributions to this discussion, see David A. Cooper, *Arms Control for the Third Nuclear Age: Between Disarmament and Armageddon*, (Washington DC: Georgetown University Press, 2021); Steven Pifer, “Nuclear Arms Control in the 2020s: Key Issues for the US and Russia,” Brookings Institute Order from Chaos Series, April 8, 2021; Heather A. Conley, et al, “The Future of US-Russian Arms Control: Principles of Engagement and New Approaches,” Center for Strategic and International Studies, March 2021.



## Arms Control from the Outside

How might European states play a role in promoting arms control? For those states that favor negotiated restraint but are not themselves main protagonists in the arms control arena, there are no easy answers that guarantee impact or results, but there are a few ways in which European states can give expression to their preferences, potentially have some influence on the course of events, and occasionally contribute to results. The following discussion briefly describes possible elements of an arms control strategy for those seeking to push arms control from the outside.

In what areas might European states play a role?

**Promoting Arms Control:** In an era marked by the erosion of arms control frameworks and agreements, the withering of arms control processes, and declining support for and diminished priority attached to arms control, there is a need for supporters, advocates, defenders, agenda-setters, and initiators. Where leadership is lacking or activity is absent, there is opportunity to provide it. European states have a direct or indirect stake in many arms control domains and should be regarded – and should regard themselves – as interested stakeholders. As one analysis of transatlantic arms control policy urges, on arms control issues Europe should demonstrate “the will and capacity...to make good on their stated intentions.”<sup>22</sup> Particularly given the disordered arms control environment and the troubled prospects for this instrument of policy, there is an opportunity for Europe to contribute to the reestablishment of arms control.

**Revisit European Arms Control:** One of the striking developments of recent years is the near total collapse of the arms control system in Europe. The CFE agreement governing conventional forces is defunct, Russia having suspended its observance of the treaty in 2007 and having terminated its participation in 2015. The INF agreement was cast aside by the Trump Administration in 2019, as was the Open Skies Agreement in 2020. The Organization for Security and Cooperation in Europe (OSCE) – which has itself receded into the background – describes the Vienna Document on confidence and security building measures (CSBMs), CFE, and Open Skies as “a web of interlocking and mutually reinforcing arms control obligations and commitments. Together they enhance predictability, transparency and military stability and reduce the risk of a major conflict in Europe.”<sup>23</sup> But two of the three “interlocking” arrangements no longer exist, while the impact of CSBMs has come to be overshadowed by the shocking deterioration of relations with Russia and the alarming crisis occasioned by the threat Russian forces pose to Ukraine. The structure of European security and the role of arms control in that structure is an issue of direct and immediate interest to European states; here is a large, challenging, vitally important arms control agenda for European states who wish to advance arms control. Recommitting to an arms control agenda is one answer to the negative trends witnessed in recent years and represents a challenge that will be protracted and difficult, but one in which European states surely have a role to play.

**Norms, Laws, and Global Governance:** It is desirable to seek rules, norms, guidelines, and constraints that minimize the adverse implications of new challenges such as cyber or

22 Anna Peczei, Brad Roberts, Jonas Schneider, Adam Thomson, Oliver Thranert, and Heather Williams, “Redesigning Nuclear Arms Control for New Realities,” Policy Perspectives, Vol. 9, No. 8 Center for Strategic Studies, ETH Zurich, November 2021, p. 4.

23 This passage is from the OSCE website under the heading “Arms Control.” Available at <https://www.osce.org/arms-control>.

There is a large, significant, and difficult agenda of arms control issues in which European states have a stake and on which they should want to have a voice and could play a role.

space. It is possible that some measures can be organized bilaterally, but in truth many of the emerging realities raise multilateral issues that require multilateral measures – ideally a global regime – to be broadly effective.<sup>24</sup> Cyber is ubiquitous in modern life and the issues raised touch the interests of all states. The need for an international framework to govern cyber security issues has been evident for some years.<sup>25</sup> Similarly, space is exploited for important military purposes – navigation, communication, and surveillance – while there has been a dramatic expansion in the use of space for commercial and scientific purposes. By 2020, more than 1000 satellites were being launched per year and 105 countries possessed at least one satellite.<sup>26</sup> There is growing concern about the militarization of space, the vulnerability of satellites, and the growing interest in anti-satellite weapons – which in recent years have been tested by Russia and China. Such concern has been manifest at the UN, which in 2020 adopted a resolution calling on states to “share their ideas on the further development and implementation of norms, rules and principles of responsible behaviors and on the reduction of the risks of misunderstanding and miscalculations with respect to outer space...”<sup>27</sup> These are issues that are not solely the province of the great powers and represent areas in which it is possible for the ministries of other states to develop expertise, establish voice, and perhaps even exercise leadership. Long, difficult multilateral discussions will surely be necessary to achieve progress in such areas, and there is room for European states to play a prominent role.

There is, in short, a large, significant, and difficult agenda of arms control issues in which European states have a stake and on which they should want to have a voice and could play a role. But for states that are not normally major protagonists in arms control, where and how can this happen? There are opportunities that can be exploited for states that give arms control priority and are willing to develop the expertise required for leadership and influence. There are venues and methods that offer the potential for progress for those prepared to make a sustained investment in the typically slow and laborious process of negotiating arms control.

**Alliance Voices:** Allies of the US have some possibility of influencing American policy and have at least a voice, if not an impact, on the approaches adopted by the coalition. To be sure, a willful American administration can proceed with disregard even for widely held preferences among allies, as was vividly demonstrated during the Trump Administration. But in some contexts and on some issues, allies can be influential in Washington and the views of allies can weigh significantly in American policy deliberations. Indeed, in Washington alleged allied positions tend to be invoked on all sides of a controversial issue whatever the true distribution of opinion within the alliance. In certain settings – Israel on Iran, South Korea on the DPRK – allies have enormous, though not always decisive, impact on US thinking. Certainly, when it comes to the question of reconstructing an arms control framework for Europe, NATO allies will and should be centrally involved. More broadly, within NATO the alliance provides an opportunity to share views and preferences on arms control and sometimes considers issues that have huge implications for the pursuit of arms control.

24 See, for example, Joseph Nye, “The World Needs an Arms Control Treaty for Cybersecurity,” *Washington Post*, October 1, 2015.

25 President Obama, for example, expressed hopes that US-China cyber arrangements might be expanded into a broader international framework. See Rob Litwak and Meg King, “Arms Control in Cyberspace?” Wilson Briefs, Woodrow Wilson Center, October 2015.

26 These numbers are drawn from Supriya Chakrabarti, “How Many Satellites are Orbiting Earth?” *space.com*, September 25, 2021.

27 United Nations General Assembly, “Reducing Space Threats Through Norms, Rules, and Principles of Responsible Behaviours,” A/RES/75/36, December 16, 2020.

One immediate and portentous example will suffice. NATO is deliberating about the role that missile defense will play in its new strategic concept, currently being developed.<sup>28</sup> Missile defense is one of the drivers of current nuclear modernization efforts and has the potential to be a serious complication for future arms control efforts. Russia and China may be reluctant, for example, to limit forces if they are worried about the need to defeat US and NATO missile defenses. They may be reluctant to negotiate further agreements unless missile defense are included, though Washington grows more disinclined to accept limits on those systems as its defensive capability grows. Here is an issue with truly huge implications for arms control, and it is an issue on which the NATO European members have a voice, at least with respect to envisioned deployments in Europe. Those interested in advancing arms control should wish to be deeply involved in alliance deliberations on this issue and any other (such as INF) that has significant arms control implications.

**Multilateral Opportunities:** Most states operate in multiple multilateral organizations or treaty regimes that provide venues within which arms control issues can be raised and addressed. The question is whether, when and how such opportunities are exploited. States eager to keep arms control on the agenda, or who have specific measures they wish to champion, may be able to invite attention, provoke debate, and sometimes even achieve results in the multilateral arena – whether the UN, NPT review conferences, IAEA meetings, or other such gatherings. At the NPT Review conference in 2000, for example, the New Agenda Coalition of eight middle powers, was credited with successfully promoting the adoption in the final document of thirteen arms control and disarmament steps. Although some steps were subsequently disregarded by some major states, including the US, progress was made: a framework for judging the behavior of states was established and commitments were obtained that complicated the future options of states unwilling to fully implement the steps.

This obvious point need not be belabored, but one suggestion has emerged in the recent rethinking of arms control is worth noting, if only because it is somewhat surprising since it reflects the constructive evolution of a Trump initiative that was initially regarded as a disingenuous sideshow. In 2018, the Trump Administration proposed the creation of a working group on Creating an Environment for Nuclear Disarmament (CEND). In the context of the Administration's distaste for arms control and its policy of withdrawal from multiple arms control agreements, this initiative was received cynically and was viewed as an attempt to create an impression of arms control activity while avoiding actual arms control progress. However, it is now established, has attracted the participation of dozens of countries, has formed three subgroups to address improved dialogue, strengthening nonproliferation and disarmament mechanisms, and examining risk reduction measures. CEND has come to be seen as a setting with diverse and unique participation, that can facilitate serious deliberation on consequential issues.<sup>29</sup>

**Promoting Informal Dialogue:** Keeping open informal or unofficial lines of communication, creating settings that allow for better mutual understanding, providing unfettered opportunities to explore new ideas and proposals, and building networks of experts and officials across

28 For a discussion of this issue, see the excellent analysis in Andrey Baklitskiy, James Cameron, and Steven Pifer, "Missile Defense and the Offense-Defense Relationship," Deep Cuts Working Paper No. 14, October 2021, pp. 20-21.

29 Advocating that CEND be exploited is Lewis A. Dunn, "Reversing the Slide: Intensified Great Power Competition and the Breakdown of the Arms Control Endeavor," UNIDIR, 2019, pp. 10-11. Emphasizing the unique composition of CEND and its forward-looking agenda is Heather Williams, "CEND and a Changing Global Nuclear Order," European Leadership Network, February 18, 2020. On the structure of CEND's organization, see Shannon Bugos, "CEND Establishes Two-Year Work Program," *Arms Control Today*, January/February 2020.

national divides is desirable and constructive under all circumstances. But this is particularly true and particularly valuable when the formal arms control process is sputtering, when negotiations are absent or stymied, when official interactions are infrequent or bruising or fruitless, when there are barriers to open contact or negotiation between governments, or when existing policy is not favorable to arms control. In hard times for arms control, it is the informal gatherings and the unofficial diplomacy that keeps discussions and personal connections alive, that allow problems and issues to be addressed and solutions to be pursued – which creates a menu of possibilities for those phases when official arms control interactions revive and which may also contribute to such revivals. The importance – indeed, sometimes the decisive centrality – of such informal processes has been documented throughout the history of arms control (and in other difficult diplomatic settings).<sup>30</sup>

It is within the capacity and the prerogative of European states to initiate, sponsor, and provide resources for such dialogues and associated research – which would usually be implemented by non-governmental organizations or research centers. There is, in fact, ample precedent. Nordic countries, for example, have been active and influential in supporting dialogue in the Middle East.<sup>31</sup> Several governments, spearheaded by Canada, have backed the Ottawa Dialogue, which started as a venue for discussions of security in South Asia but has broadened to cover an array of difficult topics, including US-Iran and Israel-Palestine.<sup>32</sup> The Netherlands Government is already supporting work on risk reduction in Europe.<sup>33</sup> If arms control is viewed as a complex and multifaceted process that involves official and unofficial interactions, formal and informal dialogue, and the slow, collaborative exploration of ideas and proposals that might shape policy and enhance restraint, then investment in informal dialogue is a core and necessary element of the exercise.

**Arms Control with Absences:** Some causes do not attract the support necessary to make them comprehensive or fully effective. Opponents of an initiative sometimes have or achieve considerable blocking power, allowing small numbers of parties to halt progress or prevent the completion of an agreement – as in the UN Conference on Disarmament, which operates on the basis of consensus. This empowers even a single state to hold up a negotiation, as has happened over many years in the discussions of the FMCT. In other cases, however, interested parties simply carry on despite objection or opposition. The Ottawa Treaty banning anti-personnel land mines, for example, was moved forward despite the opposition of major states, including the US (which in 1997 sought to move the issue into the UN Conference on Disarmament whose consensus rules would allow the treaty to be stopped). Emphatic

30 Evidence can be found in the accumulating literature that documents the contributions of so-called Track-II diplomacy to progress in arms control and peacemaking. See, for example, Matthew Evangelista, *Unarmed Forces: The Transnational Movement to End the Cold War*, (Ithaca, NY: Cornell University Press, 1999); Hussein Agha, Shai Feldman, Ahmad Khalidi, and Zeev, Schiff, eds., *Track-II Diplomacy: Lessons from the Middle East*, (Cambridge, MA: MIT Press, 2004); Dalia Dassa Kaye, *Talking to the Enemy: Track Two Diplomacy in the Middle East and South Asia*, (Washington DC: The RAND Corporation, 2007); Poul Erik Christiansen, *Diplomacy Becomes Them: Mediating Knowledge in Spaces of Conflict Resolution*, Phd Dissertation, University of Ottawa, 2019; and Alison Kraft, Holger Nehring, and Carola Sachse, “The Pugwash Conferences and the Global Cold War: Scientists, Transnational Networks, and the Complexities of Nuclear Histories,” *Journal of Cold War Studies*, Vol 20, No.1 (Winter 2018), pp. 4-30. Emanuel Adler, in an influential article, argued that informal processes and connections were essential to the establishment of arms control as a meaningful instrument of policy. See his “The Emergence of Cooperation: National Epistemic Communities and the International Evolution of the Idea of Nuclear Arms Control,” *International Organization*, Vol. 46, No. 1 (Winter 1992), pp. 101-145.

31 Christiansen, in *Diplomacy Becomes Them*, for example, offers illustrations of Pugwash work in the Middle East, much of it focused on the Iran nuclear controversy, that was supported by Norway.

32 Details can be found at [ottawadiologue.ca](http://ottawadiologue.ca). See also Peter Jones, *Track Two Diplomacy in Theory and Practice*, (Palo Alto: Stanford University Press, 2015), written by the leader of the Ottawa Dialogue.

33 See Gry Thomasen, “Applying a Systematic Approach to NATO-Russia Risk Reduction: Announcing Phase 2 of the BASIC-Netherlands Collaboration,” BASIC, November 5, 2021.

dissent from important states did not prevent the treaty from being signed in 1997 and entering force in 1999. While 33 states remain outside the treaty regime, including the US, Russia and China, 165 states are parties to the agreement.

The Treaty on the Prohibition of Nuclear Weapons (TPNW) represents a similar tale. It was negotiated despite intense opposition from the nuclear armed states, was signed in July 2017 with the support of 122 members of the UN General Assembly, and entered force on January 22, 2021 after obtaining 50 ratifications. There is little expectation that the treaty will have a direct near term effect on the behavior of the nuclear weapon states. On the contrary, the P-5 nuclear weapon states have issued a joint declaration proclaiming their complete rejection of it: “We will not support, sign or ratify this Treaty. The TPNW will not be binding on our countries, and we do not accept any claim that it contributes to the development of customary international law; nor does it set any new standards or norms.”<sup>34</sup> Nevertheless, supporters of the TPNW believe that it stigmatizes nuclear weapons, reinforces the nuclear taboo, bolsters the nuclear disarmament vision, and creates a normative pressure that across time may act upon the choices of the nuclear weapon states despite their strong resistance to the treaty. As one NGO analysis suggested, “The treaty increases the pressure on the nuclear-armed States to reduce and eliminate their nuclear arsenals.”<sup>35</sup> An expert analysis by treaty supporters explained its purpose this way: “The treaty’s main goal is to stimulate a societal and political debate inside the nuclear-armed states and their allies by strengthening the antinuclear norm and by stigmatizing nuclear weapons and their possessors.”<sup>36</sup> An analysis of the implications of the treaty for Europe similarly notes that “For its proponents, the TPNW moves well beyond the NPT in highlighting the risks to international security posed by continued nuclear weapon possession and reliance on nuclear deterrence. By delegitimizing nuclear weapons and the doctrines that uphold them, the TPNW sets abolition as the standard rather than as an aspirational goal, and creates a legal and political norm against their possession and use.”<sup>37</sup>

For those who see value in creating what Joe Cirincione has called “an alternative nuclear security architecture,” the TPNW illustrates that it is possible to pursue an arms control agenda despite the absence of key states from the ranks of those who are prepared to support the effort.<sup>38</sup>

**Implementation without Entry into Force:** The CTBT represents another interesting model of seeking to advance arms control objectives despite obstacles or opposition. Article XIV of the treaty establishes a challenging entry into force provision: forty-four specified countries must ratify the agreement before it takes legal effect. More than a quarter of a century after the CTBT negotiations were completed, eight of the necessary states have failed to ratify the agreement. In the most prominent case, the US Senate rejected the treaty when it came to a vote in 1999 and at no time since has ratification been politically feasible. Rather, the Republican party has been steadfastly opposed, Republican presidential administrations have denounced and renounced the agreement, and there are not enough votes in the Senate to permit ratification now or for the foreseeable future. This means that in legal terms the CTBT is frozen: entry into force is not possible.

34 Russia, UK, China, US, France Won’t Sign Treaty on the Prohibition of Nuclear Weapons,” TASS News Agency, October 29, 2018.

35 International Committee of the Red Cross, “Why Does the Nuclear Ban Treaty Matter?” January 19, 2021.

36 Tom Sauer and Mathias Reveraert, “The Potential Stigmatizing Effect of the Treaty on the Prohibition of Nuclear Weapons,” *The Nonproliferation Review*, Vol. 25, No. 5-6 (2018), p. 1

37 Nevine Schepers, “Europe and the Nuclear Ban Treaty,” *CSS Analyses in Security Policy* No. 286, Center for Security Studies, ETH Zurich, June 2021, p. 2.

38 Cirincione, “Restoring Nuclear Diplomacy,” p. 38.

Nevertheless, the treaty has been substantially implemented. A Comprehensive Test Ban Treaty Organization (CTBTO) has been established in Vienna – technically a Preparatory Commission because the treaty has not entered force, but institutionalized, with a staff of nearly 300, an annual budget in excess of \$125 million, the support of 170 member states, and in operation continuously since shortly after the treaty was opened for signature in 1996. More importantly, the CTBTO has developed an International Monitoring System, comprised of 321 monitoring stations and 16 labs spread across 89 countries that allow the CTBTO to perform its intended function. This verification network is accompanied by an International Data Center that allows the CTBTO to collect, analyze, and distribute the data provided by the monitoring system.<sup>39</sup> The CTBT has not entered force but the verification role intended for the treaty regime has been essentially fulfilled.

Further, the CTBT has been largely (though not entirely) successful in preventing nuclear tests. The 170 states (who are overwhelmingly non-nuclear) that have signed and ratified the treaty have, not surprisingly, abided by the ban on nuclear testing. More surprising is that, apart from the single exception of North Korea, for nearly a quarter of a century there has been no testing even by those nuclear-armed states that have failed to sign and/or ratify the treaty. This amounts to **compliance without accession** and suggests that there is normative suasion associated with the CTBT regime. A particularly striking example is found in the 2018 Nuclear Posture Review of the Trump Administration, which took the following stance on the CTBT:

“Although the United States will not seek Senate ratification of the Comprehensive Nuclear Test Ban Treaty, it will continue to support the Comprehensive Nuclear Test Ban Treaty Organization Preparatory Committee as well as the related International Monitoring System and the International Data Center, which detect nuclear tests and monitor seismic activity. The United States will not resume nuclear explosive testing unless necessary to ensure the safety and effectiveness of the U.S. nuclear arsenal and calls on all states possessing nuclear weapons to declare or maintain a moratorium on nuclear testing.”<sup>40</sup>

Here we see an administration generally hostile to arms control and firmly opposed to the ratification of the CTBT but nevertheless supporting both its purpose and its institutions while offering a conditional commitment to comply with the treaty’s core prohibition. Clearly, the CTBT has an effect even on states that refuse to join it.

This is an interesting case because it suggests that even initiatives that are not completely successful can have constructive effects that make the invested effort to create a legal framework worthwhile. It seems a safe bet that the CTBT will not enter force for the foreseeable future, but the CTBTO exists, it performs its intended purpose, and it influences the behavior of states.

<sup>39</sup> Details can be found at CTBTO.org.

<sup>40</sup> Office of the Secretary of Defense, *Nuclear Posture Review*, (Washington DC, 2018), p. 72.

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## Conclusion

For those who continue to regard arms control as a useful and desirable instrument that can be helpful in taming some of the hazards of the modern era, a challenging time lies ahead. Paradoxically, the world has grown more dangerous but less hospitable to arms control measures that could limit some of the dangers. However, this simply highlights the need to rebuild the case for arms control, to rethink its role, to invest in the human and intellectual capital that will allow it to be adapted to the realities that now exist or will emerge. Arms control will not truly recover unless international coalitions of supporters make it possible to preserve what still exists, attempt to rebuild what has been lost, and find measures that address the new and daunting challenges that have arisen.

In this exercise, European states can play a meaningful role. It has been suggested here that there is a substantial agenda of arms control issues in which Europe has a full stake – including Europe's arms control order and the regulation of global milieu such as space and cyber. There are opportunities within NATO and in multilateral institutions to play a role in the discussion and negotiation of these issues – natural settings for a Europe that champions multilateralism. Obstacles exist, but there are ways around them, however imperfect, as suggested by the examples of the TPNW and the CTBT. There are areas, such as the realm of informal dialogue, in which governments have full license to be active and play a leadership role to the limits of their interest. However long the path and however tough the mission, giving priority to this agenda offers the best chance for Europe to avoid the unappealing outcome of living in a much less constrained and much less regulated world full of dangers and instabilities.

Arms control will not truly recover unless international coalitions of supporters make it possible to preserve what still exists, attempt to rebuild what has been lost, and find measures that address the new and daunting challenges that have arisen.

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The Hague Centre  
for Strategic Studies

**HCSS**

Lange Voorhout 1  
2514 EA Hague

**Follow us on social media:**

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**The Hague Centre for Strategic Studies**

Email: [info@hcss.nl](mailto:info@hcss.nl)

Website: [www.hcss.nl](http://www.hcss.nl)