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ADDRESSING THE NEXUS: REGIONAL CONVENTIONAL ARMS CONTROL IN A GLOBAL CONTEXT

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Abstract

When the Conventional Forces in Europe (CFE) Treaty was concluded in 1990, the global context was favourable to multilateral decisions that led to far-reaching reductions of military equipment and forces. The main elements of this context were the end of the Cold War and the historic changes in relations between the United States and the Soviet Union. The signing of the CFE Treaty was followed by the dissolution of the Soviet Union and the Warsaw Pact. In its turn, the new European security configuration facilitated major bilateral nuclear arms control agreements between Washington and Moscow (START I and II, SORT). But when relations between the two countries and between Russia and NATO deteriorated following the crises in Georgia and Ukraine, although it was still possible to adopt the New START Treaty in 2010, bilateral, regional, and multilateral arms control was affected, leading to the freezing of the CFE Treaty, lack of follow-up to the New START Treaty, and threats to the 1987 Intermediate-Range Nuclear Forces (INF) Treaty. Today, any attempt to relaunch conventional disarmament in Europe as a necessary means to contribute to the relaxation of tensions and the prevention of an escalation in the arms race can only be effective if all sides give careful consideration to the global context, which is directly influenced by security concerns and threat perceptions. Indeed, it is impossible to continue to ignore the intrinsic interrelationship between, on the one hand, conventional armaments and, on the other hand, nuclear weapons and other weapons of mass destruction (WMD). Thus, recognising the nexus and linkages – whether they derive from facts or are tactical – among conventional armaments, military forces and spending, and other types of armaments (nuclear, chemical, biological, cyber, etc.) will help to make progress on all fronts and allow win-win outcomes.

Outline

- I. Background: The Achievements of Conventional Disarmament in Europe
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- IV. Recognising the Nexus to Reduce Tensions and Lower the Risk of Escalation
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I. Background: The Achievements of Conventional Disarmament in Europe

1. The European countries and North American states participating in the Conference on Security and Co-operation in Europe (CSCE) did not wait for the end of the Cold War to work collaboratively and build confidence, thus paving the way for disarmament. From the 1975 Helsinki Final Act to the 2011 **Vienna Document on Confidence- and Security-Building Measures** (CSBMs) adopted by the Organisation for

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Security and Co-operation in Europe (OSCE), the impressive list of agreements² reached by the participating States represent a major contribution to peace and security not only on the European continent, but globally. The CSBMs aim at “*reducing the dangers of armed conflict and of misunderstanding or miscalculation of military activities which could give rise to apprehension, particularly in a situation where the participating States lack clear and timely information about the nature of such activities*”, as indicated in the Helsinki Final Act. According to the OSCE, they

*include information exchanges, means for compliance and verification, as well as different forms of military co-operation. They aim to reduce the risks of conflict, increase trust among OSCE participating States and contribute to greater openness and transparency in the field of military planning and activities. They can also serve as early warning indicators of potential conflict situations.*³

They have been complemented by two other key documents:

- a. The 1994 OSCE **Code of Conduct on Politico-Military Aspects of Security**,⁴ in which OSCE participating states committed to exchange information on the democratic oversight of their armed and security forces; and
- b. The 1996 **Framework for Arms Control**, or Lisbon Document,⁵ which recognised that arms control, including disarmament and confidence- and security-building, was integral to the OSCE’s comprehensive and cooperative concept of security.

The main result of these arrangements was to promote trust and predictability through transparency, which helped to ensure military stability and reduce the risk of a major conflict in Europe.

2. The experience gained and the trust developed in the implementation of CSBMs from 1975 to 1986 allowed participating States to move one step further and launch an unprecedented effort to eliminate excess conventional armaments and reduce military personnel, on the basis of the 1989 Vienna mandate that led to the **Treaty on Conventional Armed Forces in Europe (CFE)**.⁶ This treaty entered into force in 1992 jointly with the Concluding Act of the Negotiation on Personnel Strength of Conventional Armed Forces in Europe (**CFE-1A Agreement**).⁷ The CFE Treaty provided for equal limits on the number of tanks, armoured combat vehicles, pieces of heavy artillery, combat aircraft, and attack helicopters that NATO and the Warsaw Pact could deploy between the Atlantic Ocean and the Ural Mountains. As a result, the most far-reaching destruction or decommissioning of excess conventional armaments and reduction of troop levels took place: according to the US Department of State, from 1992 to the end of 2008 more than 52,000 pieces of conventional armaments and equipment were reduced, and many states parties reduced their holdings to lower levels than required – notifying their fellow states parties

² For a complete list, see: www.osce.org/resources/documents.

³ See: www.osce.org/arms-control.

⁴ See: www.osce.org/fsc/41355.

⁵ See: www.osce.org/mc/39539.

⁶ See full text at: fas.org/nuke/control/cfe/text/index.html.

⁷ See full text at: www.osce.org/library/14093.

of over 17,955 voluntary reductions or conversions below the limits set.⁸ The real figures are in fact even higher, because Russia dismantled 14,500 pieces of treaty-limited equipment (TLE) out of the 57,000 items of TLE withdrawn by the Soviet Union beyond the Urals, many of which were also destroyed by rust. Unilateral reductions were also higher. Thus, total reductions reached between 100,000 and 150,000 pieces of TLE, if the reductions of the sub-regional arms control agreement of 1996 are included. As a result, in 2016 the total national TLE holdings of NATO member states were much inferior to their national ceilings under the CFE Treaty for the five main categories of equipment (see Table 1).⁹

Table 1: National CFE ceilings and national holdings of NATO member states

Treaty-limited equipment	Total national ceilings for NATO member states under the CFE Treaty	Total national holdings of NATO member states, 2016
Main battle tanks	25,992	9,660
Artillery pieces	25,111	11,831
Armoured combat vehicles	39,822	21,119
Combat aircraft	8,297	2,280
Attack helicopters	2,515	750

Source: Hans-Joachim Schmidt, *A Fresh Start of Conventional Arms Control in Europe Will Face Many Structural Problems*, PRIF Report No. 151, 2017, p. 8

- In addition to the CSBMs and the CFE Treaty, NATO and Warsaw Pact member states negotiated the **Treaty on Open Skies**,¹⁰ which was signed in 1992 and entered into force in 2002. Currently with 34 states parties, this treaty provides for regular unarmed aerial surveillance flights over the territories of its participants in order to enhance mutual confidence by giving all participants a direct role in gathering information about military forces and activities of concern to them. It is one of the most wide-ranging international efforts to date to promote openness and transparency regarding military forces and activities. In a 2016 report the US Department of State stated the following:

*Since the Treaty entered into force in 2002, the United States has flown nearly three times as many flights annually over Russia as Russia flies over the United States. The Open Skies Treaty flight plans (2002–2016) show 196 bids by the United States over Russia and 71 bids by Russia over the United States. Further, the United States can request copies of the imagery from other State Parties' flights over Russia. Since 2002 there have been over 500 such flights by other States Parties over Russia.*¹¹

In 2013 the Open Skies Consultative Commission celebrated the 1,000th observation flight of states parties.¹²

⁸ US Department of State, *Adherence to and Compliance with Arms Control, Nonproliferation, and Disarmament Agreements and Commitments*, July 2010, p. 28 (www.state.gov/documents/organization/145181.pdf).

⁹ Hans-Joachim Schmidt, *A Fresh Start of Conventional Arms Control in Europe Will Face Many Structural Problems*, PRIF Report No. 151, 2017, p. 8.

¹⁰ See full text at: www.osce.org/library/14127.

¹¹ US Department of State, "The United States Flies Over Russia More than Russia Flies Over the United States", 6 June 2016 (<https://2009-2017.state.gov/t/avc/rls/2016/258061.htm>).

¹² See: www.osce.org/oscc/104424.

II. The Context of Conventional Disarmament in Europe and Its Current Stalemate

The impact of deteriorating relations between states in Europe and North America on conventional arms control and disarmament is not a recent phenomenon. Already in 1979 the Soviet Union reacted to NATO's "dual-track" decision to deploy new intermediate-range nuclear weapons in Europe by blocking any progress in the conventional Mutual and Balanced Force Reductions (MBFR) talks between NATO and the Warsaw Pact in Vienna. And East-West relations hit a new low after the Soviet invasion of Afghanistan in late 1979 – illustrated by the non-ratification of the SALT II agreement by both the US Senate and the Soviet Parliament. After NATO actually deployed its Pershing II missiles and ground-launched (Tomahawk) cruise missiles in 1983, the Soviet Union walked out of the parallel Geneva-based bilateral talks on intermediate-range nuclear missiles and Strategic Arms Reduction Talks, while the MBFR talks were suspended. At that time, the Madrid Meeting of the CSCE was already protracted and was unable to adopt the mandate of the Stockholm Conference on CSBMs when the Soviets shot down a South Korean civilian aircraft (Flight KAL 007), which further heightened tensions.

In recent years the remarkable *acquis* of the Vienna Document on CSBMs, the CFE Treaty, and the Treaty on Open Skies has been endangered by the growing tensions between Russia and NATO (the latter now includes several former Soviet republics and Warsaw Pact members). From 2000 to 2011 the OSCE Forum for Security Cooperation (FSC) made painstaking attempts to achieve consensus on building on, updating, and expanding the then most recent document on CSBMs, the 1999 Vienna Document.¹³ Although many aspects dealt with in the CSBMs are technical, they require a good spirit of cooperation and mutual trust. Such a spirit was lacking due to the crises and conflicts that erupted in the former Soviet Union (Central Asia, North Caucasus, Georgia, Ukraine). It was precisely because Russian forces still occupied Transnistria in Moldova and South Ossetia in Georgia that NATO countries refused to ratify the **Adapted CFE Treaty**,¹⁴ which had been signed at the OSCE Istanbul Summit in 1999, and which replaced the NATO-Warsaw Pact approach with national and territorial ceilings of forces and equipment. As a result of this linkage, Russia withdrew its own ratification and suspended its implementation of the CFE Treaty in 2007, but waited until March 2015 to suspend its participation in the CFE Treaty Joint Consultative Group.¹⁵

Some momentum had been created by the 2010 Astana Summit, at which participating States finally recognised in their Declaration that "*[c]onventional arms control and confidence- and security-building regimes remain major instruments for ensuring military stability, predictability and transparency, and should be revitalized, updated and modernized*".¹⁶ But this positive development was short lived, and since 2011 no new agreement was possible either on CSBMs or the CFE Treaty, despite the many proposals made to the FSC,¹⁷ as well as a "new framework" proposed by President Obama in 2010, and a serious attempt by the German

¹³ See full text at: www.osce.org/fsc/41276.

¹⁴ See full text at: www.osce.org/library/14108.

¹⁵ Kingston Reif, "Russia Completes CFE Treaty Suspension", *Arms Control Today*, 1 April 2015.

¹⁶ See full text at: www.osce.org/cio/74985?download=true.

¹⁷ Pierre von Arx, "Vienna Document 2011: Achievements and Prospects for Further Updates", OSCE, 7 March 2012 (www.osce.org/fsc/103978).

chairperson-in-office, Frank-Walter Steinmeier, in 2016. The German proposal offered to work towards new agreements that:

- *Define regional ceilings, minimum distances and transparency measures (especially in militarily sensitive regions such as the Baltic);*
- *Take into account new military capabilities and strategies (smaller, mobile units, rather than traditional, large armies, taking resources such as transport capabilities into consideration accordingly);*
- *Integrate new weapons systems (for example drones);*
- *Permit effective, rapidly deployable, flexible, and independent verification in times of crisis (carried out by, say, the OSCE);*
- *Can be applied where territorial status is disputed.*¹⁸

Although this new approach was met with widespread support among most European countries, it did not succeed in overcoming the major differences between Russia and the other participating States. As a sceptical study summarised the situation, “as long as Russia plays by its own rules, inventing a new set of common rules is pointless ... and the preconditions for initiating negotiations on arms control in the OSCE are not in place at this particular point in time”.¹⁹

III. The Linkages between Conventional and Nuclear Weapons and Other Weapons of Mass Destruction

Conventional and nuclear, chemical, or biological arms control or disarmament is usually addressed separately in distinct negotiations and frameworks. Yet these two categories of weapons are intrinsically linked to each other despite the ‘firebreak’ that was assumed to prevent nuclear confrontation during the Cold War.²⁰ This is the case in several ways.

1. Doctrinal linkages

The security or military doctrines of all nuclear-weapon-possessing states and NATO are presented as purely defensive, meaning that nuclear weapons are meant to deter any aggression against these states’ vital interests or “fundamental security”, including conventional attacks. Thus, according to NATO’s 2010 Strategic Concept, “[d]eterrence, based on an appropriate mix of nuclear and conventional capabilities, remains a core element of our overall strategy. The circumstances in which any use of nuclear weapons might have to be contemplated are extremely remote”.²¹ In its 2010 Nuclear Posture Review (NPR) the United States, under the Obama administration, declared:

With the advent of U.S. conventional military preeminence and continued improvements in U.S. missile defenses and capabilities to counter and mitigate the effects of [chemical or biological weapons (CBW)], the role of U.S. nuclear weapons in deterring non-nuclear attacks – conventional, biological, or chemical – has declined significantly. The United States will continue to reduce the role of nuclear weapons in deterring non-nuclear attacks ... the United States will not use or threaten to use nuclear weapons against non-nuclear weapons states that are party to the [Non-Proliferation Treaty (NPT)] and in compliance with their nuclear non-proliferation obligations ... in the case of countries not covered by this assurance – states that possess nuclear weapons and states not in

¹⁸ Frank-Walter Steinmeier, “Reviving Arms Control in Europe”, *Project Syndicate*, 26 August 2016.

¹⁹ Johan Engvall et al., “Conventional Arms Control: A Way Forward or Wishful Thinking?”, FOI, April 2018.

²⁰ Barry D. Watts, *Nuclear-conventional Firebreaks and the Nuclear Taboo*, Center for Strategic and Budgetary Assessment, 2013.

²¹ See full text at: www.nato.int/lisbon2010/strategic-concept-2010-eng.pdf.

*compliance with their nuclear non-proliferation obligations – there remains a narrow range of contingencies in which U.S. nuclear weapons may still play a role in deterring a conventional or CBW attack against the United States or its allies and partners.*²²

For its part, Russia, in its military doctrine published in 2010 and reaffirmed in 2014, maintains a stronger linkage between scenarios of attacks with conventional, chemical, and biological weapons and the use of nuclear weapons: “Russia reserves the right to use nuclear weapons in response to the use of nuclear and other types of weapons of mass destruction against it or its allies, and also in case of aggression against Russia with the use of conventional weapons when the very existence of the state is threatened”.²³

This doctrine has been analysed by some experts as meaning ‘escalate to de-escalate’; in other words, it implies an early use of nuclear weapons in a conventional conflict to deter the adversary from escalating. However, as Olikier and Baklistkiy brilliantly demonstrate,²⁴ on the contrary, Russia is now “confident that its conventional capabilities can play at least some of the strategic deterrence roles historically played by nuclear weapons”. The case for a threshold for the use of nuclear weapons higher than the one believed by the Trump administration is based on evidence related to exercises, capabilities, and rhetoric. Thus, the request by the Trump administration in its own NPR of 2018 for new “low-yield” non-strategic nuclear weapons to counter the perceived threat of a first nuclear strike by Russia does not make any sense.

2. Strategic dimensions

The strategic link between conventional and nuclear weapons has always existed since the invention of the latter. The United States has constantly proclaimed that the use of nuclear weapons against Japan was the most effective way to end the conventional war and save more lives. Now we know from historical sources that, at that time, Japan did not distinguish between strategic conventional bombing that had caused mass casualties and the new generation of nuclear weapons that destroyed Hiroshima and Nagasaki. This led Japan to capitulate only on 15 August 1945, not because of the Hiroshima and Nagasaki bombings, but because of the Soviet Union’s declaration of war and its invasion of Manchuria.²⁵ Despite this original flaw, the doctrine of nuclear deterrence, as seen in its contemporary expressions above, has consistently relied on the idea that the fear of annihilation by nuclear weapons was the best way of preventing conventional warfare, or at least of maintaining it at manageable levels. Again, history has shown that such an assurance is not guaranteed to function in all circumstances. Some experts point to the cases of conventional attacks against or fighting between nuclear powers:

- 1948: the Soviet Union and the United States – Berlin blockade;
- 1952–1953: North Korea/China and the United States – Korean War;
- 1960: Algerian FLN and France – Algerian War of Independence;
- 1962–1975: North Viet Nam and the United States – Viet Nam War;

²² See full text at: www.defense.gov/Portals/1/features/defenseReviews/NPR/2010_Nuclear_Posture_Review_Report.pdf

²³ See full text at: www.scrf.gov.ru/security/military/document129/.

²⁴ Olga Olikier and Andrei Baklistkiy, “The Nuclear Posture Review and Russian ‘De-escalation’: A Dangerous Solution to a Nonexistent Problem”, *War on the Rocks*, 20 February 2018.

²⁵ See Ward Wilson, *Five Myths about Nuclear Weapons*, New York: Mariner Books, 2014.

- 1967: Arab states and Israel – Six-Day War;
- 1969: China and the Soviet Union – Uzzuri River clashes;
- 1973: Egypt/Syria and Israel – Yom Kippur War;
- 1979: Viet Nam and China – border war;
- 1982: Argentina and the United Kingdom – Falkland Islands (Malvinas) conflict;
- 1991: Iraq and Israel – Scud attacks during the First Gulf War; and
- 1999: Pakistan and India – the Kargil incursion.²⁶

There is also another important dimension of this linkage: **anti-ballistic missile defence**. This officially defensive weapon system is based on the assumption that a conventional weapon, i.e. ballistic missiles, can be used against a nuclear weapon also being delivered by a conventional (or in this case dual-use) weapon. All nuclear-armed states have been developing some form of anti-ballistic missile defence, which is a major admission of the insufficient credibility of nuclear deterrence; i.e. it may not necessarily deter nuclear attacks.

The United States under the Reagan administration intended to elevate anti-ballistic missile defence to the level of an absolute shield with the Strategic Defense Initiative (SDI), dubbed “Star Wars”. The laudable objective of such a grand scheme was, ultimately, to eliminate the threat of nuclear weapons and render them obsolete.²⁷ However, it had two major disadvantages: firstly, it required a very advanced technology and was enormous costly; secondly, it led the Soviet Union to believe that the United States was preparing for a first nuclear strike against it, since US forces could eventually eliminate most Soviet retaliatory capabilities and be protected against the surviving ones. Even if Reagan’s project was abandoned because of the first aspect, further less ambitious versions of anti-ballistic missile defence continued, fuelling Russia’s suspicion, especially after the United States withdrew in 2002 from the 1972 **Anti-Ballistic Missile Treaty** (ABM), which had codified the limits of anti-ballistic missile systems for both countries throughout the Cold War.

3. The non-proliferation aspects

Despite the doctrinal and technological distinctions between conventional and nuclear weapons systems, it has been shown above how both are intrinsically interrelated. This interrelationship is even more evident in the global multilateral non-proliferation regime. It is true that part of this regime addresses the risk of the transfer or proliferation of specifically nuclear items or technology generally used for peaceful purposes that can also be used for nuclear weapons programmes (such as uranium enrichment or the production of plutonium). This regime is implemented by the **International Atomic Energy Agency** and the suppliers’ export control groups (the **Nuclear Suppliers Group** and **Zangger Committee**). However, other parts of the non-proliferation regime also deal with potential consequences of exports of conventional goods and technologies that are normally

²⁶ V. Narang, *Nuclear Strategy in the Modern Era: Regional Powers and International Conflict*, Princeton, Princeton University Press, 2014, cited in Paul Meyer, “The Mirage of Deterrence: Lessons for Allies”, in *The NPT and the Prohibition Negotiation: Scope for Bridge Building*, Geneva, UNIDIR, 2017, p. 7.

²⁷ Atomic Archive, “Cold War: A Brief History – Reagan’s Star Wars”, (www.atomicarchive.com/History/coldwar/page20.shtml), accessed 28 June 2018.

used for peaceful activities or conventional defence, but may assist in or contribute to the development of nuclear weapons.

One set of measures is regulated by the **Wassenaar Arrangement**, for instance in controlling transfers of heavy conventional weapons such as fighter aircraft or submarines capable of delivering nuclear weapons, but also “special materials and related equipment” (such as plutonium, neptunium, and telecommunications systems capable of withstanding electromagnetic pulse effects) or sensors and lasers (like nuclear radiation-sensitive optical sensors), and equipment listed for convenience together with “munitions” (special protective or decontamination equipment, nuclear weapon countermeasure systems, nuclear reactors, etc.).²⁸

Another important part of the non-proliferation regime is the **Missile Technology Control Regime (MTCR)**, established in 1987 with the purpose of controlling the transfer of missile-related goods and technologies because of the inherent dual-use capability of missiles to deliver WMD. The initial focus of the MTCR was on delivery vehicles for nuclear weapons, i.e. with a minimum payload of 500 kg and a range of at least 300 km. In 1992, with the end of the Cold War, the MTCR was expanded to include all missiles and unmanned aerial vehicles with the capacity to deliver any kind of WMD. In 2002 the MTCR – now with 35 members – was complemented by **The Hague Code of Conduct against Ballistic Missile Proliferation (HCOC)**,²⁹ which has 138 members. Its aim is also to promote voluntary restraint in the production, testing, deployment, and export of ballistic missiles capable of delivering WMD.

In a further effort to regulate international transfers of conventional armaments, UN member states adopted the **Arms Trade Treaty (ATT)**³⁰ in 2013. Officially, the object of the ATT is to (a) “[e]stablish the highest possible common international standards for regulating or improving the regulation of the international trade in conventional arms; and (b) [p]revent and eradicate the illicit trade in conventional arms and prevent their diversion”. However, among the list of heavy weapons systems that are to be regulated (combat aircraft; warships, including submarines; attack helicopters; missiles; and missile launchers), some could clearly be used to deliver WMD. When a major arms exporter like France exports its Rafale fighter aircraft to India, it does not strictly violate the letter of the NPT (since it does not transfer a nuclear weapon or related technology), but without any doubt it contributes to strengthening India’s nuclear weapons capability. The same goes for German exports of conventional submarines that may be used to carry Israeli nuclear-tipped missiles. As for the Syrian government’s use of chemical weapons, it has been documented that it used aircraft or attack helicopters to deliver these weapons.³¹

²⁸ See the full Wassenaar list of dual-use goods and technologies at: www.wassenaar.org/app/uploads/2018/01/WA-DOC-17-PUB-006-Public-Docs-Vol.II-2017-List-of-DU-Goods-and-Technologies-and-Munitions-List.pdf.

²⁹ See full text of the HCOC at: www.mofa.go.jp/mofaj/gaiko/naruhodo/data/pdf/data8-1.pdf.

³⁰ See full text at: <https://unoda-web.s3-accelerate.amazonaws.com/wp-content/uploads/2013/06/English7.pdf>.

³¹ Patrick Coburn, “How Can We Know that a Chemical Attack Took Place in Syria?”, *The Independent*, 11 April 2018.

Moreover, although this issue is still far from being regulated or even discussed, when non-nuclear weapon states purchase conventional weapons from nuclear-armed states they also provide to their suppliers financial resources that may be used to develop or maintain the latter's nuclear weapons. The case was raised regarding African or Middle Eastern countries that imported cheap military equipment from North Korea despite sanctions, and are thus indirectly helping Pyongyang to fulfil its nuclear weapons ambitions.³² But the question may arise in the future in relation to the implementation of the provisions of the **Treaty Prohibiting Nuclear Weapons**,³³ in which all states parties commit not to “[a]ssist, encourage or induce, in any way, anyone to engage in any activity prohibited to a State Party under this Treaty” (meaning the prohibition on helping other states to “[d]evelop, test, produce, manufacture, otherwise acquire, possess or stockpile nuclear weapons or other nuclear explosive devices”).

The non-proliferation regime also includes the suppliers export control regime called the **Australia Group**, established in 1985, now composed of 43 members, and focusing on controlling the transfer of goods and technologies that can assist in the development or use of chemical or biological weapons. Its control lists include dual-use chemical manufacturing facilities and equipment and related technology (such as reactors, storage tanks, pumps, and valves) as well as dual-use biological equipment (such as fermenters, containment facilities, freeze-drying equipment, and aerosol testing chambers). In this sense the concept of ‘dual use’ encompasses not only conventional arms that can be useful for WMD purposes, but also goods and technologies used for peaceful civilian purposes that can also be used for military purposes, whether involving conventional weapons or WMD.

Finally, in its norm-setting role, the United Nations Security Council (UNSC) has adopted its major **Resolution 1540 (2004)**³⁴ that is binding on all member states and requires, among other things, that they must:

*refrain from providing any form of support to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery ... adopt and enforce appropriate effective laws which prohibit any non-State actor to manufacture, acquire, possess, develop, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery ... take and enforce effective measures to establish domestic controls to prevent the proliferation of nuclear, chemical, or biological weapons and their means of delivery, including by establishing appropriate controls over related materials... including... measures to account for and secure such items in production, use, storage or transport... effective physical protection measures... effective border controls and law enforcement efforts to detect, deter, prevent and combat... the illicit trafficking and brokering in such items... effective national export and trans-shipment controls over such items... [and] appropriate criminal or civil penalties for violations of such export control laws and regulations.*³⁵

It is clear that this comprehensive prohibition applies to all means of delivery of WMD, which can be conventional or dual-use items.

³² *The Guardian*, “North Korea’s Shadowy Arms Trade”, 18 July 2013.

³³ See full text of the treaty at: www.un.org/disarmament/wp-content/uploads/2017/10/tpnw-info-kit-v2.pdf.

³⁴ See full text at: [www.un.org/ga/search/view_doc.asp?symbol=S/RES/1540%20\(2004\)](http://www.un.org/ga/search/view_doc.asp?symbol=S/RES/1540%20(2004)).

³⁵ *Ibid.*, secs. 1-3.

IV. Recognising the Nexus to Reduce Tensions and Lower the Risk of Escalation

The close interrelationship between conventional weapons and nuclear weapons and other WMD has been demonstrated above, and yet no negotiating framework – whether bilateral, regional or multilateral – addresses all categories of weapons in a holistic and comprehensive approach. Conventional arms control and disarmament in Europe was confined to the CSCE/OSCE and CFE frameworks, which ignored the implications of conventional armaments for the potential production and use of WMD. The nuclear weapons-related frameworks such as the START and New START bilateral United States-Soviet/Russian negotiations or the multilateral NPT Review Conferences, the Preparatory Commission of the Nuclear Comprehensive Test Ban Treaty Organisation (CTBTO), or the Geneva-based Conference on Disarmament (at least for its agenda items related to nuclear weapons) all ignore conventional weapons, including missiles, despite the latter's dual-use capabilities.

Only did the United States-Soviet **Nuclear and Space Talks (NST)** held in Geneva from 1985 to 1991 recognise the interest of both states in addressing both nuclear weapons and anti-ballistic missile defence, including its space-based assets. The NST, headed on both sides by ambassadors, served as a framework to negotiate on three separate tracks (START, INF, and defensive weapons in space), while allowing some coordination and a common vision. As seen above, the US SDI project prevented a comprehensive agreement, but did not stop both states from agreeing later on the 1987 INF Treaty and the 1991 START I Treaty.

The **Chemical Weapons Convention (CWC)** prohibits weapons consisting of both toxic chemicals and dedicated conventional means of delivery. But states parties of the Organisation for the Prohibition of Chemical Weapons (OPCW) only recently raised the issue of conventional means of delivery in the context of investigations of the alleged use of chemical weapons in Syria and the attribution of responsibility for such use. It was because Russia vetoed further extension by the UNSC of the mandate of the Joint Investigation Mechanism between the UNSC and the OPCW that a resolution of the CWC Conference of States Parties initiated by the UK in late June 2018 conferred on the OPCW the authority to investigate and attribute responsibility for alleged cases of the use of chemical weapons.³⁶

Similarly, the **Biological and Toxin Weapons Convention (BWTC)** prohibits weapons consisting of both a biological agent and a conventional means of delivery. Efforts of states parties to remedy the absence of a verification regime led between 1994 and 2001 to the negotiation of a verification protocol that could have acted as a deterrent against using conventional equipment to weaponise biological agents. The US rejection of the protocol in 2001 was followed by regular meetings of states parties and experts, as well as the establishment of a small-scale Implementation Support Unit to coordinate meetings and information exchanges. But these multilateral talks have remained separated from other non-proliferation frameworks such as the Australia Group and the Wassenaar Arrangement.

³⁶ OPCW, "CWC Conference of the States Parties Adopts Decision Addressing the Threat from Chemical Weapons Use", 27 June 2018 (www.opcw.org/news/article/cwc-conference-of-the-states-parties-adopts-decision-addressing-the-threat-from-chemical-weapons-use/).

The main consequences of these separate approaches and frameworks are the following:

- The bilateral negotiations between the United States and Russia are deadlocked, mainly because of the obstacle of **ballistic missile defence** (BMD). The United States claims that Russia has tested and deployed a ground-based cruise missile (“SSC-8”) with a range over 500 km, while Russia accuses the United States of deploying its Mk-41 launchers at the NATO ballistic missile defence sites in Romania and Poland, which are capable of delivering the INF-prohibited Tomahawk missiles. As Erästö and Topychkanov explain, Russia’s motivations may be related to its “*perceived need to counter (a) the intermediate-range missiles of its eastern and southern neighbours, (b) NATO’s conventional superiority, and (c) US (and NATO) BMD deployments in Europe*”.³⁷ Moreover, Russia has agreed to extend the validity of the New START Treaty for five years when it expires in 2021, but it requires the expansion of negotiations on reductions of deployed strategic nuclear weapons to include non-deployed strategic weapons; non-strategic nuclear weapons (after the US withdrawal of its own tactical weapons from NATO countries); anti-ballistic missile defence (including its space-based components); and strategic conventional weapons, including long-range precision-guided conventional missiles (“Prompt Global Strike”) that Russia fears as a decapitating weapon that could be used in a nuclear first strike. The main messages sent recently by President Putin, directed both at domestic and international audiences, focus more on the modernisation of Russian forces and the introduction of new weapons systems (especially those capable of evading BMD) than on negotiations for reductions, but experts believe that, despite tense US-Russian relations, serious opportunities exist for addressing some of the issues that Moscow wishes to address, with the aim of preserving strategic stability.³⁸ In any case, while the US Congress during the Obama administration required negotiations on nuclear non-strategic (so-called ‘tactical’) weapons when the New START Treaty was ratified, Russia may agree to include them in the agenda only if it can expect some compensation for its conventional weapons inferiority and on BMD.³⁹ A favourable starting point for new negotiations would be the fact that, despite its withdrawal from the ABM Treaty in 2002, the United States still operates a number of systems that remain below the ABM Treaty limits.⁴⁰
- The prospects for a renewal of effective negotiations on **conventional arms control in Europe** (both on CSBMs and the CFE Treaty) are directly related to the outcome of bilateral discussions between the United States and Russia, on the one hand, and between NATO and Russia, on the other. Several proposals and recommendations have been made in this regard.⁴¹ They were particularly relevant to

³⁷ Tytti Erästö and Petr Topychkanov, “Russian and US Policies on the INF Treaty Endanger Arms Control”, SIPRI, 15 June 2018.

³⁸ Dmitry Stefanovich, “Strategic Stabilization: A Window of Opportunities for Russia and the U.S.”, Russian International Affairs Council, 4 April 2018.

³⁹ Amy F. Woolf, “Nonstrategic Nuclear Weapons”, Congressional Research Service, 13 February 2018, pp.2-5.

⁴⁰ George Lewis and Frank von Hippel, “Limitations on Ballistic Missile Defense—Past and Possibly Future”, *Bulletin of the Atomic Scientists*, 28 June 2018.

⁴¹ See Łukasz Kułesa, “Making Conventional Arms Control Fit for the 21st Century”, European Leadership Network, 29 September 2017; Ulrich Kühn, “With Zapad Over, Is It Time for Conventional Arms Control in Europe?”, *War on the Rocks*,

the 11-12 July 2018 NATO Summit and the 16 July 2018 Helsinki Summit between Presidents Trump and Putin. The current tensions do not augur well for far-reaching decisions, but incrementalism has been one of the keys to success within the CSCE/OSCE process.

- Other **multilateral arms control, non-proliferation, and disarmament forums** dealing with either conventional weapons (such as the Convention on Certain Conventional Weapons, the Antipersonnel Landmines Treaty, or the Cluster Munitions Convention) or WMD or related strategic issues (the IAEA; the NPT; the CTBTO; the Conference on Disarmament; the various UN organs, including the UNSC 1540 Committee; the OPCW; the BWTC; and the suppliers' regimes) all operate in silos, independently of one another. This situation can be explained by the historical, substantive, and bureaucratic specificity of each framework, but it leads to fragmentation, duplication, waste of resources, and lack of vision. This explains why UN Secretary-General António Guterres introduced his ambitious Agenda for Disarmament⁴² in Geneva on 24 May 2018: he aims to reconnect the various frameworks and encourage them to work more collaboratively by taking into account the interrelationships among disarmament, conflict prevention, humanitarian considerations, new technologies, and development. In particular, in terms of regional conventional disarmament, the UN will *“seek to revitalize existing forums, or establish new ones, in order to facilitate sustained security dialogue and brainstorming aimed at developing common regional approaches to global problems”*.

V. Conclusions

The relationship between conventional arms control and other categories of weapons has always been a complex one. The paradox is that, although some conventional dimension is relevant to all types of WMD, starting with nuclear weapons, the resulting linkages lead to higher risks of the use of both categories and their continuous build-up. Because of its fear of anti-ballistic missile defence and long-range precision-guided missiles, Russia does not propose specific bilateral or multilateral negotiations on these systems, but is developing its own in the hope of overcoming existing or future capabilities. Similarly, because it believes that Russia would use nuclear weapons early in a conventional conflict, the United States wishes to add a new echelon to its already plentiful and diversified nuclear arsenal, instead of reducing its levels and the risks of escalation. The modernisation of both nuclear and conventional offensive and defensive systems is taking place on all sides, along with regular increases in national military spending and international conventional arms transfers.⁴³ The question remains whether increasing reliance on nuclear weapons, which is the current policy of most nuclear-weapon states, starting with the United States in the Trump NPR, will result in increased opportunities for conventional arms control. At first sight, the United States' constant search for global security dominance will affect mostly global arms control and less conventional arms control in Europe, where US direct spending on defence only amounts to just over 5% of the total US military budget.⁴⁴ The current relative lack of

27 September 2017; Euro-Atlantic Security Leadership Group, “Open Letter to President Donald Trump and President Vladimir Putin”, European Leadership Network, 27 June 2018.

⁴² See full text at: https://front.un-arm.org/documents/SG+disarmament+agenda_1.pdf.

⁴³ On both military expenditures and international arms transfers, see the SIPRI databases at: www.sipri.org.

⁴⁴ Lucie Béraud-Sudreau, “The US and Its NATO Allies”, *Military Balance Blog*, IISS, 9 July 2018.

US interest in the existing frameworks for conventional arms control in Europe may also be an asset insofar as the US military should not express any strong objection to the revival of such arms control.

In the current context, which is characterised by muscle flexing, power politics, and aggravated risks of confrontation, can we resign ourselves, especially in Europe, to say – as some do – “farewell to arms control”?⁴⁵ It would be tempting always to react with force to the use of force, such as Russia’s actions in Georgia or Ukraine, if only not to be seen to reward or encourage such behaviour. However, a new arms race will benefit no one and will only lower the threshold of a global conflict that may destroy human civilisation. There is no shortage of people of good will and experts willing to deal with this issue, considering the wealth of experience and knowledge accumulated since World War II. They should lobby their own governments and mobilise civil society to promote a sober return to cooperative approaches to security and the negotiation of mutually beneficial agreements that will maintain security at lower levels of armaments. Political leaders have the advantage over often narrowly specialised officials in their potential ability to embrace the global picture and comprehensive vision that have been lacking in past years. They will be responsible either for ensuring peace through arms control or causing catastrophe.

⁴⁵ Eugene Rumer, “A Farewell to Arms Control ...”, Carnegie Endowment for International Peace, 17 April 2018.