

# Confronting “Nuclear Sharing”

In June 2022, Nukewatch was privileged to attend the first United Nations meeting of state parties to the 2017 Treaty on the Prohibition of Nuclear Weapons in Vienna. During a side event sponsored by ICAN, Prof. Moritz Kütt from the Institute for Peace Research and Security Policy at the University of Hamburg, surprisingly said that nuclear sharing did not violate the 1970 Treaty on the Nonproliferation of Nuclear Weapons (NPT), “because the U.S. hadn’t transferred control of nuclear weapons to foreign pilots.” Nukewatch’s John LaForge approached Prof. Kütt afterward and challenged him on the treaty’s precise language. Articles I and II prohibit any transfer of nuclear weapons among treaty governments, *or* the transfer of control over them — the ‘or’ being the crucial term.

The push-back may have been worthwhile. In the July 28 edition of *Bulletin of the Atomic Scientists*, Prof. Kütt along with Pavel Podvig, and Zia Mian, reports in no uncertain terms that: “The NPT prohibits both the acquisition of nuclear weapons by non-weapon states and the transfer of nuclear weapons to such countries by the five nuclear weapon states who are parties (Russia, China, the United States, the United Kingdom, and France).”

Nukewatch was also lucky enough to participate in the ICAN Forum “Act on It,” which took place in the beautiful capital city of Oslo, Norway last March. The conference focused on promoting and strengthening the Treaty on the Prohibition of Nuclear Weapons.

The issue of nuclear sharing was again raised in Oslo, when one ICAN presenter said to the gathering that the practice was “both legal and illegal.” This garbled statement prompted a discussion during a lunch meeting. Again Nukewatch suggested that ICAN formally shame nuclear sharing by declaring it to be unlawful. The same case was later made in writing to ICAN’s interim Executive Director Daniel Högsta. Nukewatch asked that ICAN further stigmatize the policy by officially declaring (then exclusively U.S., but now also Russian) nuclear sharing “a violation of the Nonproliferation Treaty.”

Again, the advocacy seems to have been valuable. In Vienna this past August 2, ICAN campaigner Elisabeth Saar from Germany delivered the organization’s formal statement to the United Nations Preparatory Committee for the 2026 NPT Review Conference. ICAN’s statement focused on nuclear sharing, and clearly condemned the practice, noting that it “runs counter to the fundamental tenets of the Treaty and is a threat to the entire regime.” ICAN’s repudiation declared emphatically, “Such deployments must be brought to an immediate end.

## Russia reverts to U.S. practice

In June 2023, President Vladimir Putin complicated the opposition to nuclear sharing by announcing that Russia had moved a number of its nuclear weapons to Belarus, its ally and neighbor, “with more nuclear weapons on the way,” and that “by the end of the summer, by the end of this year, we will complete this work,” *The Guardian* reported.

The destabilizing move came in the midst of the NATO proxy war in Ukraine, and was the first time in over 20 years that Russia has stationed nuclear weapons outside its borders.

The United States downplayed the Russian action. “We don’t see any indications that Russia is pre-



A new version of this hydrogen bomb known as B61-12, above, is set to replace the two versions now stationed in Europe later this year or in 2024. Photo by PBS News Hour.

paring to use a nuclear weapon,” U.S. Secretary of State Antony Blinken said June 17 after President Vladimir Putin’s announcement. Mr. Putin said earlier that the practice would not violate the non-proliferation treaty — just as the United States claims about its nuclear weapons stationed in five European NATO states.

“There is nothing unusual here either,” Putin said, according to the BBC. “Firstly, the United States has been doing this for decades. They have long deployed their tactical nuclear weapons on the territory of their allied countries.”

The July 28 *Bulletin of the Atomic Scientists* provided some background on the June announcement that Russia had moved some of its nuclear weapons to neighboring Belarus.

The authors report that in the mid-‘60s Soviet nuclear weapons were sent to the Czech Republic, Hungary, Mongolia, Poland, East Germany, Kazakhstan, Belarus, and Ukraine. After its 1991 collapse, the USSR had removed all its weapons from Eastern Europe by 1996.

The return of Russian nuclear bombs to Belarus is the first such transfer in 27 years while the U.S. weapons have been in Europe without pause since 1954.

Most NPT member states for almost three decades have raised their concerns over the practice, the *Bulletin* reports, particularly after the end of the Cold War and the collapse of the Soviet Union.

China is the only NPT nuclear-weapon state now consistently opposed to nuclear sharing, and has recommended that the United States “refrain from deploying nuclear weapons in any other region.” The reference is to suggestions from leaders in Poland and South Korea that they too would welcome U.S. nuclear weapons in their territory.

In June, Polish Prime Minister Mateusz Morawiecki even said, “Due to the fact that Russia intends to site tactical nuclear weapons in Belarus, we are all the more asking the whole of NATO about taking part in the nuclear sharing program,” according to *Stars and Stripes*.

## “Wake Up Justice!” Protest Rallies Aimed at Court Inaction

In honor of the United Nations International Day for the Abolition of Nuclear Weapons (September 26), Germany’s nationwide campaign Büchel is Everywhere! Nuclear Weapons-Free Now! will stage protest actions outside the offices of high-level courts that have made or will soon make decisions regarding nuclear weapons protest cases challenging the practice of U.S. “nuclear sharing” in Europe.

Nukewatch will participate in the events as part of the campaign to see U.S. nuclear weapons withdrawn from Europe.

The first “Wake Up Justice!” action is set for Friday, Sept. 22, 2023, in Karlsruhe, Germany, at the seat of Germany’s Constitutional Court, its highest. On 20 separate occasions the high court has refused to issue an opinion explaining its dismissal of appeals by nuclear resisters who’ve objected to their convictions in lower courts over nonviolent “go-in” protest actions.

In Karlsruhe, participants plan on a rally and some irreverent street theater characterizing the Constitutional Court as a silent protector of the nuclear weapons establishment and a co-conspirator in deliberate violation of the 1970 Treaty on the Nonproliferation of Nuclear Weapons (NPT).

Additionally, a civil lawsuit brought by a local resident living near Büchel airbase which argued that nuclear sharing unlawfully endangers her and the whole region by making it a target, was also rejected by the Constitutional Court.

Following the Karlsruhe protest events, campaigners will set out Sept. 23 on a climate neutral 62-mile bicycle delegation across the border to Strasbourg, France and the seat of the European Court of Human Rights. A rally will take place there Monday September 25.

### Binding international law ignored by courts

For 30 years, peace activists have organized protests aimed at the U.S. bombs in Büchel demanding that they be withdrawn, have repeatedly resorted to nonviolent interventions, and have sometimes faced prosecution. The long campaign has seen twenty nuclear abolitionists file Constitutional Court complaints (appeals) against the U.S. weapons at “Fliegerhorst Büchel” arguing in part that the foreign stationing of nuclear weapons there violates their human and civil rights and is prohibited by the Nonproliferation Treaty.

Because Germany’s high court has upheld trial court convictions of nonviolent resisters without explaining its reasons, five activists have appealed to the European Court of Human Rights (ECHR) in Strasbourg. They have argued that their convictions were in error under Article 6 of ECHR Charter on the grounds that trial court judges unfairly refused to consider testimony from expert witnesses. Article 103 of Germany’s Basic Law also guarantees the right to a fair trial.



Graphic design by Dennis Baldin

Even after 18 months, the first two appellants to the ECHR have yet to hear whether the court will consider their appeal.

These high courts are obligated to recognize and comply with treaty law above all other statutes, and the activists and their attorneys have provided the judges an opportunity to finally rule on the legal status of nuclear sharing.

The “Wake Up Justice” events are partly an alarm bell to alert the German and European courts to the issue, especially in view of the increased nuclear risks brought on by the war in Ukraine.