

Organizations Increasingly Condemn Nuclear Weapons ‘Sharing’ in Europe

A growing number of international organizations and publications have formally declared that the transfer of nuclear weapons between governments that are party to the Treaty on the Nonproliferation of Nuclear Weapons (NPT) is a violation of the treaty. Most recently, the Lawyers Committee on Nuclear Policy, the International Campaign to Abolish Nuclear Weapons, the International Lawyers Against Nuclear Arms, and three academics writing in the influential *Bulletin of the Atomic Scientists* have called for ending the practice and the withdrawal of U.S. nuclear weapons from Europe. Excerpts from the four declarations follow.

The New York City-based Lawyers Committee on Nuclear Policy published “Three Issues Confronting the Non-Proliferation/Disarmament Regime: Nuclear Threats, Security Assurances, and Nuclear Sharing,” July 25, 2023:

“The incompatibility of nuclear sharing with the NPT is based on a straightforward application of NPT Articles I and II. Article I requires NPT nuclear-armed states ‘not to transfer to any recipient whatsoever nuclear weapons ... or control over such weapons directly, or indirectly.’ It further requires the nuclear-armed states ‘not in any way to assist, encourage, or induce any non-nuclear-weapon State to ... acquire nuclear weapons ... or control over such weapons.’ ... Article II imposes the corollary obligation on NPT non-nuclear weapon states not to be the recipient of any such transfer or assistance. ...

“In no case should the argument that the United States put forward more than five decades ago in support of its interpretation of Articles I and II be accepted or promulgated. According to that argument, nuclear sharing does not ‘involve any transfer of nuclear weapons or control over them unless and until a decision were made to go to war, at which time the treaty would no longer be controlling.’ The contention that the NPT would not be legally binding in time of war, qualified as ‘general war’ in testimony before the Senate, is legally wrong, unworkable, and dangerously ‘destabilizing,’ as explained in non-governmental papers prepared over two decades ago in connection with the question of whether NATO nuclear sharing should be terminated. As noted earlier, the contention was implicitly rebuked by the 2000 NPT Final Document reaffirmation that ‘strict observance’ of treaty provisions is ‘central’ to ‘preventing, under any circumstances, the further proliferation of nuclear weapons.’

“NPT states parties should strongly express opposition to a Russia-Belarus nuclear sharing arrangement on both policy and legal grounds. They should also call for the termination of NATO nuclear sharing. Ending NATO nuclear sharing would remove a model and rationale for the establishment of such arrangements elsewhere.”

International Campaign to Abolish Nuclear Weapons (ICAN), on Aug. 2, 2023 submitted a statement to the United Nations Preparatory Committee for the 2026 NPT Review Conference:

“Our statement will focus on the practice commonly known as ‘nuclear sharing.’

“ICAN is deeply concerned that a small but growing number of NPT states parties are undermining the NPT by engaging in this dangerous practice.

“We condemn all such deployments, and call on those NPT states parties that are genuinely committed to nuclear disarmament — which is the vast majority — to do the same. Such deployments must be brought to an immediate end.

“This practice runs counter to the fundamental tenets of the treaty and is a threat to the entire regime.

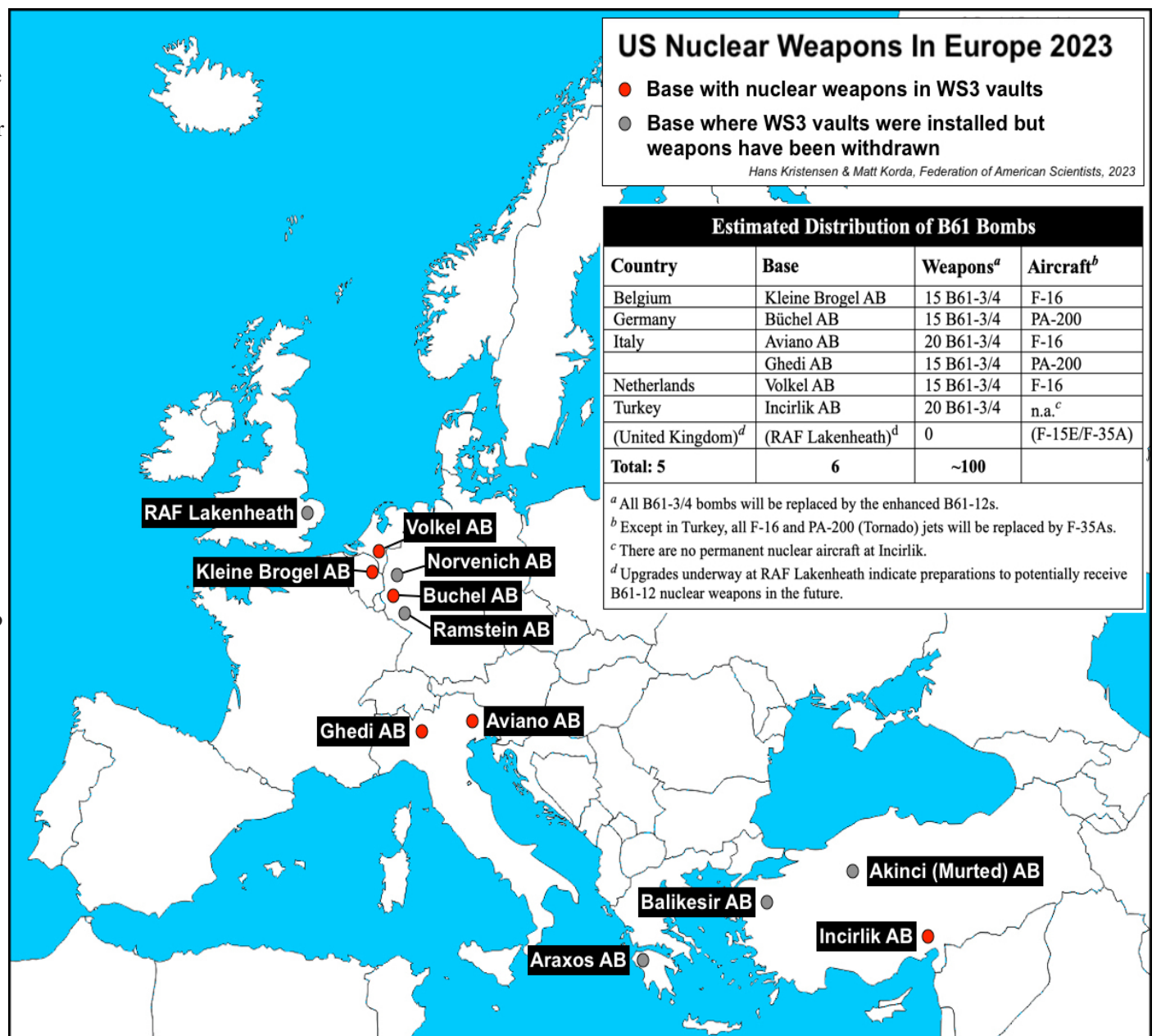
“It is in the interests of all NPT states parties that this practice does not spread further. And to guarantee that, it must be brought to an end.”

International Association of Lawyers Against Nuclear Arms Germany, submission to the UN Human Rights Council Universal Periodic Review, April 5, 2023

“The maintenance of the nuclear deterrence policy and the operational deployment of nuclear weapons show the willingness to use these weapons. ... [German Minister of Defense Annegret Kamp-Karrenbauer] stated that Germany must be prepared to use its deployed nuclear weapons against Russia in the tense international conflict situation. ...

“[D]uring the 1995 NPT Review and Extension Conference ... Mexico and then other non-weapon states questioned the continuing practice of NATO nuclear sharing after the end of the Cold War and the collapse of the Soviet Union.

[Then, at the 2022 NPT Review Conference] “Speaking on behalf of the 120 countries of the Non-Aligned Movement, Indonesia said, ‘In the view of the Group ... nuclear weapon-sharing by States Parties constitutes a clear violation of non-proliferation obligations undertaken by those Nuclear Weapon States under Article I and by those Non-Nuclear Weapon States under Article II.’ Indonesia went on to say ‘The Group therefore urges these States parties to put an end to nuclear weapon-sharing with other States under any circumstances and any kind of security arrangements, including in the framework of military alliances.’



“Although there are persuasive arguments to describe this policy as a violation of the NPT, it can by no means be considered as in compliance with it. Even if Germany has no direct control over the nuclear weapons stationed in Germany, the training, the readiness and the overall nuclear sharing policy are a preparation to directly violate the NPT. So, Germany (and all nuclear sharing states) are at least not interpreting and performing the NPT in good faith according to its object and purpose, as required by Article 31 of the Vienna Convention on the Law of Treaties, 1969.”

The Bulletin of the Atomic Scientists, July 28, 2023, “Bombs Away: Confronting the deployment of nuclear weapons in non-nuclear weapon countries,” by Moritz Kütt, Pavel Podvig, Zia Mian:

“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).

“Russia declared ‘U.S. nuclear weapons are still on the territory of non-nuclear allied states.... We have repeatedly called for the withdrawal of U.S. nuclear weapons to national territory, the elimination of the infrastructure for their deployment in Europe, and the cessation of NATO ‘joint nuclear missions.’”

“In its 2022 NPT Review Conference statement, China’s representative stated that ‘nuclear sharing arrangements run counter to the provisions of the NPT.’ China emphasized that the United States ‘should withdraw all its nuclear weapons from Europe and refrain from deploying nuclear weapons in any other region.’

“There are of course things nuclear weapon states could do. The five NPT nuclear weapon states could agree to a commitment on no-foreign-deployments as an effective measure relating to nuclear disarmament under their NPT Article VI obligations. This would require removing nuclear weapons in the European NATO countries and in Belarus, and prevent future hosting arrangements by them.”