



REPORT

DILEMMAS OF ARMS CONTROL

MEETING THE INTERESTS OF NATO'S NORTH-EASTERN FLANK

| ARTUR KACPRZYK | ŁUKASZ KULESA |

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Authors: Kacprzyk, Artur; Kulesa, Łukasz

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Page 24—A nose cone of the Russian military surveillance aircraft pictured at the Estonian Air Force base in Ämari after an overflight of Estonia's territory in accordance with the Treaty on Open Skies. Photo credit: Estonian Defence Forces, <https://pildid.mil.ee/picture.php?/291156>;

Page 29—A view of an art installation of 3,200 giant poppy flowers made of artificial silk to remember the end of World War I at Koenigsplatz square in Munich, Bavaria, Germany, 5 November 2018. Photo credit: EPA/Lennart Preiss/Scanpix.

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63/4 Narva Rd., 10152 Tallinn, Estonia
info@icds.ee, www.icds.ee

ABOUT THE AUTHORS

ARTUR KACPRZYK

Artur Kacprzyk is an analyst in the International Security Programme at the Polish Institute of International Affairs. His research interests include NATO, US security policy in Europe, nuclear and conventional deterrence, and arms control. He participated in several collaborative research projects, including as a co-lead of a 2017–18 project on security in the Nordic-Baltic region. He holds an MA in International Relations from the University of Warsaw.

ŁUKASZ KULESA

Łukasz Kulesa is Deputy Head of Research at the Polish Institute of International Affairs. His research interests include nuclear and conventional deterrence and arms control, NATO, Russian security policy, WMD non-proliferation, and security aspects of the transatlantic relationship. He obtained an MA from the Faculty of Law of Jagiellonian University (Kraków) and the International Relations Department of the Central European University (Budapest). Between 2014 and 2019, he worked as Research Director at the European Leadership Network (ELN). In 2010–12, he was Deputy Director of the Department of Strategic Analyses in Poland's National Security Bureau.

EXECUTIVE SUMMARY

While the countries of NATO's north-eastern flank—Estonia, Latvia, Lithuania and Poland—are correctly putting emphasis in their security policy on strengthening deterrence, they need to take a more proactive stance on arms control. Although current prospects are not promising in the light of Russian violations and circumventions of existing treaties, demand for greater engagement with Russia on arms control is growing among NATO nations. Without a constructive input from the flank countries, NATO's arms-control agenda and the actions of individual European Allies could become detached from deterrence efforts and weaken NATO cohesion. The north-eastern countries should thus identify and promote balanced solutions that can be used to increase the region's security.

With regard to post-INF Treaty NATO policy, the north-eastern Allies should contribute by promoting a quick but flexible military response to a Russian missile build-up. NATO should make full use of currently available types of conventional military assets, but also be ready to review its posture in light of future developments. This should include consideration of the military utility of deploying short- and intermediate-range ground-launched missiles. In terms of arms control, working on proposals to prohibit arming such missiles with nuclear warheads may be a good starting point. The north-eastern Allies should insist that this concept also include banning land-based nuclear missiles with ranges below 500 km.

In terms of conventional arms control, the north-eastern Allies need to continue to work to preserve the existing arms-control, confidence- and transparency-building agreements, including the Treaty on Open Skies. They should continue to raise the issue of Russia's lack of reciprocity and demand full implementation of its obligations. To incentivise Russia to agree to the updating of the Vienna Document, countries in the region could signal openness to discuss some Russian proposals on additional transparency. They should also support a dialogue of regional experts aimed at exploring confidence-building proposals. NATO's north-eastern members also need to be active in the internal NATO and European debates about the potential future shape of a pan-European conventional arms-control architecture.

In the realm of non-proliferation, working towards a successful NPT Review Conference may require the countries of the region to adopt a less confrontational stance towards the Treaty on the Prohibition of Nuclear Weapons (TPNW). These Allies may also insist that the five NPT nuclear-weapon states work to reduce the risks of unintended escalation and nuclear war. In talks with the US, they should advocate a more realistic American arms-control agenda, including extension of the New START Treaty. In addition, they should call within NATO for greater engagement of national leaders in defence of the Alliance's nuclear policy.

Finally, the north-eastern NATO members need to build on their experience regarding cyberspace and step up their involvement in debates on setting legal norms for other new and emerging technologies. In some cases, the region's countries may be interested in the application of new technologies for their own defence, while in others—such as fully autonomous lethal weapons—they should accept that some form of general restraints or prohibitions may be more beneficial to them.

LIST OF ABBREVIATIONS

| | |
|--------------|-----------------------------------------------------|
| A2/AD | Anti-Access/Area Denial |
| AI | Artificial Intelligence |
| CEND | Creating an Environment for Nuclear Disarmament |
| CFE | Conventional Forces in Europe |
| CSBM | Confidence and Security Building Measures |
| DCA | Dual-Capable Aircraft |
| EU | European Union |
| INF | Intermediate Nuclear Forces |
| LAWS | Lethal Autonomous Weapon Systems |
| NATO | North Atlantic Treaty Organisation |
| NPDI | Non-Proliferation and Disarmament Initiative (NPDI) |
| NPT | Non-Proliferation Treaty |
| OSCE | Organisation for Security and Cooperation in Europe |
| START | Strategic Arms Reduction Treaty |
| TPNW | Treaty on the Prohibition of Nuclear Weapons |
| UN | United Nations |
| US | United States |
| USSR | Union of Soviet Socialist Republics |
| WMD | Weapons of Mass Destruction |



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INTRODUCTION

Prompted by the security threat from Russia, the countries of NATO's north-eastern flank – Estonia, Latvia, Lithuania and Poland – have focused in recent years on strengthening their own defence potential and arguing for NATO's deterrence posture to be updated. They have rightfully blamed Russia for the crisis over conventional and nuclear arms control and the weakening of the European confidence-building arrangements. While they have been supportive of preserving and modernising existing arms-control instruments, they remained wary of calls to engage with Moscow on entirely new initiatives, especially those regarding only the Baltic Sea region. NATO's north-eastern members have been also looking with concern at some developments within the nuclear non-proliferation regime, especially the arrival of the Treaty on the Prohibition of Nuclear Weapons (TPNW), fearing that these may undermine NATO's nuclear deterrence policy.

Nevertheless, it is becoming increasingly evident that countries in the region will need to take a more active stance in debates on the future of arms control. Such discussions have already begun in NATO and are likely to gain further prominence in 2020, also as part of the “reflection process” that the Alliance is set to launch.¹ So far, demand for greater European engagement on arms control has come primarily

from Western European NATO members.² Most recently, French President Emmanuel Macron has stressed that “Europe” should become more active in arms control domain.³ Compared to the north-eastern flank, these Allies have a different perception of the level of threat posed by Russia and the roles of deterrence and arms control. Many Western European societies are fearful of any escalation of tensions with Russia and their governments may find it difficult to maintain support for enhanced deterrence without arms-control initiatives involving Russia. Without a constructive input from the north-eastern flank countries, arms-control agenda of NATO and its members could become detached from deterrence efforts and, as a result, NATO's cohesion may be weakened.

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This report reviews the state of play in the most important spheres of arms control, confidence-building regimes and nuclear non-proliferation from the viewpoint of the interests of the north-eastern flank countries. It identifies opportunities for pursuing an active arms-control policy. Finally, it aims to define the areas in which deterrence, arms-control and non-proliferation approaches can be combined for the benefit of the countries in the region.

1. NORTH-EASTERN FLANK AND ARMS CONTROL

In the last few years, the security of NATO's north-eastern flank has been shaped by two main factors. First, Russia has maintained its

¹ NATO, “Speech by NATO Secretary General Stoltenberg at the High-Level NATO Conference on Arms Control and Disarmament,” NATO, 23 October 2019, https://www.nato.int/cps/en/natohq/opinions_169930.htm?selectedLocale=en; NATO, “Press conference by NATO Secretary General Jens Stoltenberg following the meeting of the North Atlantic Council at the level of Heads of State and/or Government,” NATO, 4 December 2019, https://www.nato.int/cps/en/natohq/opinions_171554.htm.

² See, for example, German Federal Ministry of Foreign Affairs, “Speech by Federal Foreign Minister Heiko Maas at the conference 2019 Capturing Technology. Rethinking Arms Control,” German Federal Ministry of Foreign Affairs, Berlin, 15 March 2019, <https://www.auswaertiges-amt.de/en/newsroom/news/maas-conference-2019-capturing-technology-rethinking-arms-control/2199902>.

³ President of France, “Speech of the President of the Republic on the Defense and Deterrence Strategy,” President of France, 7 February 2020, <https://www.elysee.fr/en/emmanuel-macron/2020/02/07/speech-of-the-president-of-the-republic-on-the-defense-and-deterrence-strategy>.

adversarial stance towards NATO and continued to modernise and increase the combat readiness of its forces in the area. Second, since Russia's aggression against Ukraine in 2014, other countries in the region and NATO have been adjusting their policy to respond.⁴ Estonia, Latvia, Lithuania and Poland increased their investment in defence and now all spend at least 2% of annual GDP on defence. For the first time in history, these countries host Allied combat forces, in the form of four multinational battlegroups.⁵ In parallel with NATO activities, the US has also made a substantial contribution to the security of the region by deploying forces there on a bilateral basis.

Although NATO has made great progress in adapting its deterrence and defence posture, this process is not complete

Although NATO has made great progress in adapting its deterrence and defence posture, this process is not complete. NATO still has a lot to improve in terms of increasing the readiness and availability of reinforcements and the ability to deploy them despite Russian anti-access/area denial (A2/AD) systems such as advanced air defences and land-attack missiles. This may require stationing additional capabilities in the region, and beefing up air and maritime dimensions of deterrence.⁶ Countries in the region expressed their preference for a stronger and more permanent NATO presence. NATO's adaptation to cyber, hybrid and nuclear threats is also seen in the region as work in progress.

⁴ Anna M. Dynier, Artur Kacprzyk, Wojciech Lorenz, Marcin A. Piotrowski and Marcin Terlikowski, *Newport–Warsaw–Brussels: NATO in Defence of Peace in Europe* (Warsaw: The Polish Institute of International Affairs, 2019), https://css.ethz.ch/content/dam/ethz/special-interest/gess/cis/center-for-securities-studies/resources/docs/PISM_NEWPORT%E2%80%94WARSAW%E2%80%94BRUSSELS%20NATO%20IN%20DEFENCE%20OF%20PEACE%20IN%20EUROPE.pdf.

⁵ Kalev Stoicescu and Pauli Järvenpää, *Contemporary Deterrence: Insights and Lessons from Enhanced Forward Presence* (Tallinn: International Centre for Defence and Security (ICDS), 2019), https://icds.ee/wp-content/uploads/2019/01/ICDS_Report_Contemporary_Deterrence_Stoicescu_J%C3%A4rvenp%C3%A4%20January_2019.pdf.

⁶ See, e.g., Eerik Marme and Henrik Praks, "NATO Brussels Summit: Prospects and Opportunities," ICDS Policy Paper, May 2019, https://icds.ee/wp-content/uploads/2018/05/ICDS_Policy_Paper-NATO_Brussels_Summit-May_2018.pdf.

The scale of the challenge is partly related to differences in the development of NATO's and Russia's force posture before 2014.⁷ At least since the late 2000s, Russian investment, deployments and exercises have focused on scenarios involving high-end conflict in Europe. Geography and the existing network of Russian deployed units, military bases and infrastructure give it a significant time-distance advantage in scenarios of a limited conventional conflict with NATO forces in the Baltic area.⁸ Meanwhile, since the end of the Cold War NATO had been focused on out-of-area operations and has cut forces and the structures necessary for larger collective defence scenarios. While Russia continued to invest heavily in its nuclear forces and did not shy away from using them to threaten NATO members, the Alliance has sought to reduce the role and numbers of such weapons. Moreover, even as NATO is today beefing up its deterrence towards Russia, Allies differ on the future requirements for this process and many increasingly see threats emanating from the southern flank as a priority.

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1.1. VIEWS FROM THE REGION

The region's views on the role and usefulness of confidence-building measures and arms-control agreements have been heavily influenced by the priority of strengthening deterrence, as well as experience in dealing with Russia. At the level of policy documents and diplomatic statements, all of these countries have consistently supported an increase in military transparency,

⁷ Jacek Durkalec, Anna Maria Dynier, Artur Kacprzyk, Wojciech Lorenz, Marcin Andrzej Piotrowski and Marcin Terlikowski (ed.), "Trends in Force Posture in Europe," PISM Strategic File no. 1 (85), June 2017, <https://www.pism.pl/file/f979097b-374c-4882-8d69-0f52a145e33e>.

⁸ See, for example, Billy Fabian, Mark Gunzinger, Jan van Tol, Jacob Cohn and Gillian Evans, *Strengthening the Defense of NATO's Eastern Frontier* (Washington, DC: Center for Strategic and Budgetary Assessments, 2019), https://csbaonline.org/uploads/documents/Stengthening_the_Defense_of_NATOs_Eastern_Frontier_WEB_1.pdf.

strengthening incident-prevention mechanisms, and full implementation of existing and development of modified arms-control measures that would restrain Russian actions in the region. They have also traditionally supported non-proliferation regimes for weapons of mass destruction (WMD). But in practice there has been widespread scepticism in these countries about the effectiveness of arms-control and confidence-building measures, and dialogue with Russia more broadly, under current circumstances.

The basic point of criticism has been that arms-control, confidence-building and transparency measures can block or complicate the efforts by the region's countries and NATO to reach an adequate deterrence and defence posture. The fact that Russia already has military superiority in the region, as well a time-distance advantage in terms of deploying additional forces, means that any arms-control arrangements that would preserve this Russian advantage, while requiring other states in the region or NATO to constrain their own posture, is seen as a non-starter and a direct threat to these countries' security interests. As regards confidence-building measures, the concern is that Russia would get an even greater insight into the already-transparent military activities on the NATO side, while not providing the same degree of openness. More fundamentally, there has been concern about creating zones with different levels of security within NATO, with unbalanced restraints on NATO's freedom of action in the conventional, and also nuclear, sphere.

There has been concern about creating zones with different levels of security within NATO, with unbalanced restraints on NATO's freedom of action

This is linked with another element: a high level of mistrust over Moscow's adherence to any prospective confidence-building or arms-control limitations. The record of Russia's non-compliance with a number of arms-control agreements – e.g. the Intermediate-range Nuclear Forces (INF) Treaty, exploitation of gaps (for example in the Vienna Document and Treaty on Open Skies), and its withdrawal from

agreements not suiting its interests (e.g. the Treaty on Conventional Armed Forces in Europe (CFE)) – suggests to the countries in the region a need for extreme caution in dealing with Russia and its pledges. It is assumed that arms-control and confidence- and security-building measures (CSBMs) could, in any future crisis, restrain the actions of other states and NATO, but not necessarily Russia.

Russia is often seen as manipulating fears of an “arms race” and conflict in Europe, especially in its dealings with Western European NATO members

The third aspect relevant to the position of the region's countries is the concern that some arms-control initiatives, especially those coming from outside the region, are ultimately aimed at reaching a broader political understanding with Russia, without meeting the conditions for normalisation of relations set by NATO and the EU in 2014. Russia is often seen as manipulating fears of an “arms race” and conflict in Europe, especially in its dealings with Western European NATO members. It is feared among north-eastern NATO members that, in order to entice Russia to engage in dialogue, various forms of military self-restraint and unilateral concessions concerning north-eastern Europe may be offered without the consent of the countries in the region. When they also see re-appearing suggestions about the need to rethink the European security order, countries in the region may worry that giving their consent to even discussing the issue would be a slippery slope:

from an early engagement with Russia focused on confidence-building, through some form of regional arms control, to a détente policy which would most likely benefit Russia and endanger their own security.⁹ All in all, it is feared that discussions on new arms-control instruments

would actually reward Russia for its violations and advance its goal of remaking the European security architecture.

⁹ See, for example, Ministry for Europe and Foreign Affairs, “Ambassadors' conference - Speech by M. Emmanuel Macron, President of the Republic,” Ministry for Europe and Foreign Affairs, Paris, 27 August 2019, <https://lv.ambafrance.org/Ambassadors-conference-Speech-by-M-Emmanuel-Macron-President-of-the-Republic>.

Finally, there is the issue of effectiveness and real-life impact of specific arms-control and CSBM instruments. Even when Russia was party to the CFE and INF treaties, it was modernising its armed forces, introducing new weapons systems and upgrading its military posture towards the West, threatening the countries in the north-eastern flank. Some important capabilities, including naval forces and short-range ballistic and cruise missiles, have not been subject to arms-control or information-sharing agreements.

1.2. THE CHALLENGE OF EMERGING TECHNOLOGIES

The breadth of technological change and the speed of direct application of new technologies in the security and defence domain pose additional challenges in terms of developing arms-control approaches, but could also bring advantages to the countries on NATO's north-eastern flank. In the cyber domain, even small countries can develop and pursue technologies and invest in human skills that enable sophisticated defensive and offensive operations against an otherwise superior opponent. Developments in some of the new technologies may result in the emergence of relatively inexpensive, miniaturised and mass-producible weapons systems that can affect the balance of forces in the region.¹⁰ For example, the mass introduction of semi- or fully autonomous unmanned weapons systems for land, sea and air warfare could help deter an attack or defend the north-eastern flank – especially for Lithuania, Latvia and Estonia, given their limited population, territory, and size of armed forces. Artificial Intelligence (AI)-enabled systems can provide better early warning, speed up intelligence-gathering, analysis and decision-making in a crisis or during war, and increase the effectiveness of specific weapons systems. New-generation offensive weapons, such as hypersonic missiles and direct-energy weapons, could be useful in defeating Russian A2/AD systems.

¹⁰ See, e.g., Alexander Lanoszka, "How Emerging Technologies Might Affect Baltic Security," in *The Return of Deterrence: Credibility and Capabilities in a New Era*, edited by William G. Braun III, Stéfanie von Hladky and Kim Richard Nossal (Kingston, ON: Queen's University, 2018), <https://www.queensu.ca/kcis/sites/webpublish.queensu.ca/kciswww/files/files/Publications/KCIS%202018%20onlinev2.pdf>.

The downside to the technological change and the challenge for the north-eastern flank countries is obviously the risk that Russia will out-invest and outpace them in the introduction of new capabilities. The countries of the region

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will not on their own be able to match Russian investments, especially in the most expensive capabilities such as hypersonic missiles. At the same time, the pursuit of new technologies (especially in an attempt to catch up with Russian developments) may require the flank countries to either further increase their defence spending or redirect resources from existing security and military modernisation programmes.

Beyond the regional dynamics, a scenario in which strategic stability between the great powers is seriously disturbed by technological progress would also be challenging for the region. For example, if the overall American military advantage is undermined, this may force the US to devote more resources to assuring the defence of its own population and territory, and rethink some of the extended deterrence commitments. Moreover, some new technologies may dangerously affect the dynamics of escalation in a potential NATO-Russia crisis, by either amplifying risks posed by existing weapons (e.g. decreasing the warning and decision time through the use of hypersonic missiles, which combine the high speed of ballistic missiles and the manoeuvrability and stealthiness of cruise missiles) or creating new ones (the dangers of "outsourcing" decision-making or combat to AI-enabled autonomous systems).

There is also a high degree of uncertainty about the utility of most of the new technologies and systems in military operations, and as factors relevant for deterrence and coercion. Advances in automation and robotics are already visible on the battlefield. Most countries – and also private armaments and research companies – do not reveal the full extent of the programmes

and capabilities under development. At the same time, the potential military advantages of applying new technologies are difficult to reject for decision-makers and the military. This complicates the task of arms control, which has historically operated much better by placing restraints on existing weapons systems than by preventing new ones from being developed. In some areas, such as cyberspace, traditional instruments of arms control – numerical restraints and physical verification – simply cannot be applied.

For the countries of the north-eastern flank, the twin tasks may be to harness some of the new technologies for their own security and defence while at the same time considering the application of arms control

For the countries of the north-eastern flank, the twin tasks may be to harness some of the new technologies for their own security and defence while at the same time considering the application of arms control. The latter would mean generating support (including through their activities in the UN, the OSCE, the EU and NATO) for restraining or prohibiting the development of new technologies and weapons systems that would increase the danger of accidental or inadvertent escalation or war in the region, substantially raise the cost of armaments or needlessly increase human suffering and casualties during a conflict.

The question of autonomous weapons provides a good illustration of the problem. A number of existing weapons systems already possess various degrees of autonomy, requiring no human intervention in selecting or engaging targets (e.g. air defence or ship defence systems operating in automatic mode, and loitering munitions).¹¹ Remotely controlled unmanned systems and military robots perform a wide range of tasks, from reconnaissance and demining to strike missions. The attractiveness of autonomous systems for the militaries of the north-eastern flank countries would most likely increase, as the availability of systems and technology expands and their cost decreases.

¹¹ For an introduction to this topic see, e.g., Paul Scharre, *The Army of None: Autonomous Weapons and the Future of War* (New York and London: W.W. Norton and Company, 2018).

State-owned and private companies based in the region have already engaged in the development of an array of unmanned systems.¹² Any general restraints on the development of autonomous systems would thus be counterproductive.

At the same time, countries in the region should be interested in the development of the legal norm prohibiting the introduction of lethal autonomous weapon systems (LAWS) with no meaningful human control over their targeting process.¹³ Beyond the moral, legal, technical and operational reservations about the use of LAWS, there may be concern that countries with a poor record of adherence to international humanitarian law (such as Russia) may be inclined to deploy this type of weapon in combat. An effort to include the prohibition of LAWS either as an addition to the Convention on Certain Conventional Weapons or in a stand-alone legal document seems thus fully consistent with the security interests of the region.

2. POST-INF TREATY CHALLENGES AND OPTIONS

Signed in 1987 by the United States and the Soviet Union, the INF Treaty was of high symbolic, political and military value for European security. By eliminating a whole class of ground-launched ballistic and cruise missiles with ranges between 500 and 5,500 km, the accord lowered the risk of nuclear war in Europe. Such systems were considered destabilising due to their ability to rapidly hit critical targets (e.g. capital cities, command centres, air bases and nuclear storage sites) on NATO or Soviet territory. To facilitate the verification process, the treaty did not distinguish between nuclear- and conventionally

¹² See, e.g., Jen Judson, "Estonian robot fires Javelin missile using Norwegian remote launcher," *Defense News*, 10 September 2019, <https://www.defensenews.com/digital-show-dailies/dsei/2019/09/10/estonian-robot-fires-javelin-using-a-norwegian-remote-launcher/>.

¹³ Anja Dahlmann, Marcel Dickow and Lena Strauss, "Weapon Systems with Autonomous Functions," in "Capturing Technology. Rethinking Arms Control," Conference Reader, German Federal Ministry of Foreign Affairs, 15 March 2019, pp. 15–20, <https://rethinkingarmscontrol.de/wp-content/uploads/2019/03/2019.-Capturing-Technology.Rethinking-Arms-Control.-Conference-Reader.pdf>.

armed missiles. Nor did it cover sea- or air-based systems, short range missiles – deemed necessary for battlefield use – and strategic weapons capable of intercontinental strikes. Politically, the INF Treaty ended a final, tense period of East-West confrontation and paved the way for further arms-control arrangements.

In August 2019, the treaty ultimately collapsed because of violations by the Russians, but wider geopolitical shifts also played a role. The US withdrawal followed failed efforts to bring Russia back into compliance, conducted since 2013.¹⁴ In the Trump administration, a view eventually prevailed that the treaty had not only become ineffective in respect of Russia but also hampered US conventional deterrence of countries not a party to the treaty. It pointed mainly to China, which developed the biggest arsenal of ground-launched missiles with ranges between 500 and 5,500 km in the world.¹⁵ A growing missile threat from other countries was also cited by Russia

There is no doubt that NATO would be among the primary targets of new Russian intermediate-range missiles

in the 2000s as one of the reasons for possible abrogation of the agreement.¹⁶ Nevertheless, there is no doubt that NATO would be among the primary targets of new Russian intermediate range missiles.¹⁷

¹⁴ US Department of State, "Timeline of Highlighted U.S. Diplomacy Regarding the INF Treaty Since 2013," US Department of State, 30 July 2019, <https://geneva.usmission.gov/2019/07/31/timeline-of-highlighted-u-s-diplomacy-regarding-the-inf-treaty-since-2013/>.

¹⁵ See, e.g., US Department of State, "Secretary Pompeo, Press Availability at NATO Headquarters (December 4)," US Department of State, 4 December 2018, <https://www.state.gov/press-availability-at-nato-headquarters/>.

¹⁶ See, e.g., Luke Harding, "Putin threatens withdrawal from cold war nuclear treaty," *The Guardian*, 12 October 2007, <https://www.theguardian.com/world/2007/oct/12/russia.usa1>.

¹⁷ Two out of three operational battalions of INF Treaty-violating 9M729 cruise missiles are reported to be deployed in the European part of Russia: one around Moscow, and a second in North Ossetia. "Report: Russia Has Deployed More Medium-Range Cruise Missiles Than Previously Thought," Radio Free Europe/Radio Liberty, 10 February 2019, <https://www.rferl.org/a/report-russia-has-deployed-more-medium-range-cruise-missiles-than-previously-thought/29761868.html>.

2.1. IMPLICATIONS FOR NATO'S DETERRENCE AND DEFENCE POSTURE

Russian INF capabilities increase the threat to NATO's north-eastern members, albeit mostly indirectly. While new missiles provide additional options to strike those countries, they have

Better coverage of key NATO military and civilian infrastructure across Europe (such as ports, airfields, command centres and storage sites) would enhance Russia's ability to impede the deployment of reinforcements

long been within the reach of various Russian systems, including Iskander ground-launched ballistic and cruise missiles with ranges below 500 km.¹⁸ Western European countries have been targeted in a more limited way by intermediate-range precision-strike cruise missiles based on ships, submarines and aircraft.¹⁹ This arsenal can be further expanded more cost-effectively by placing missiles on cheaper ground-based mobile launchers. Better coverage of key NATO military and civilian infrastructure across Europe (such as ports, airfields, command centres and storage sites) would enhance Russia's ability to impede the deployment of reinforcements to NATO's north-eastern flank. This would build upon A2/AD systems that can already cover most of Poland and all of the Baltic states.

Land-based intermediate-range systems will not only enlarge Russian missile forces but also diversify them. Mobile ground-based launchers are more difficult to detect and destroy than ships and aircraft, and thus can be more

¹⁸ For example, intermediate-range missiles could strike Poland from the Russian mainland, without the use of Kaliningrad Oblast, as pointed out in Jacek Durkalec, "Russia's Violation of the INF Treaty: Consequences for NATO," PISM Bulletin no. 107 (702), 13 August 2014, [https://www.files.ethz.ch/isn/183191/Bulletin%20PISM%20no%20107%20\(702\),%2013%20August%202014.pdf](https://www.files.ethz.ch/isn/183191/Bulletin%20PISM%20no%20107%20(702),%2013%20August%202014.pdf).

¹⁹ For decades, the whole of Europe has been within the reach of Soviet/Russian strategic ballistic missiles. They are, however, equipped only with nuclear warheads and are primarily tasked with striking targets at intercontinental range. Intermediate-range forces are dual-capable and more cost-effective, and their launch would be less likely to be interpreted as targeting American territory and thus provoke full-scale US retaliation.

safely stationed within range of their targets. In effect, they may be used quickly, with less warning time.²⁰ Completely free from INF Treaty constraints, Russia may now openly develop other capabilities – by both extending the ranges of existing systems and creating new ones – in addition to the 9M729 cruise missile (NATO designation: SSC-8), which it already introduced in violation of the INF Treaty. This may include ballistic missiles that are easier to detect in flight but also travel much faster, posing a separate set of challenges for the defending side.

Given their range, Russia might see intermediate-range weapons as particularly useful for the intimidation of Western European governments and societies

NATO assesses the 9M729 to be dual-capable, which fits with the Russian desire to develop “non-nuclear strategic deterrence” and also possess a flexible array of nuclear-attack options. Taken together, the new systems will broaden the capabilities for deterrence, signalling, coercion and waging war. Given their range, Russia might see intermediate-range weapons as particularly useful for the intimidation of Western European governments and societies. This is especially worrying from the perspective of the north-eastern flank since such threats could support Russian attempts to “regionalise”, and thus limit, a potential crisis and prevent other Allies from reinforcing attacked states.

2.2. NATO'S POST-INF TREATY POLICY

NATO backed the US and pledged to respond to Russian violations with enhanced deterrence and defence but also underscored its commitment to arms control.²¹ While NATO's north-eastern members emphasise the need to strengthen military posture, many other Allies will be wary of moves that could be seen as escalatory by Russia and their own societies. In the 1980s, massive protests occurred against

²⁰ Submarines can be even more survivable, but also perform other missions, cannot be immediately resupplied with missiles and in most cases carry limited numbers of the latter.

²¹ NATO, “Statement by the North Atlantic Council on the Intermediate-Range Nuclear Forces Treaty,” NATO, 2 August 2019, https://www.nato.int/cps/en/natohq/official_texts_168164.htm.

deployments of US nuclear-armed missiles in Western Europe, agreed by NATO as a counterbalance to Soviet SS-20 ballistic missiles. Due to such sensitivities, several Allies such as Germany would oppose the redeployment of nuclear missiles as a matter of principle and initially criticised Washington's withdrawal from the INF Treaty as premature.²² Deployment of conventional land-based intermediate-range missiles would not be as controversial, but could still be divisive. Many Europeans might consider them as inciting an arms race, especially if they could reach Moscow or other sensitive targets (e.g. elements of nuclear forces, early warning, and command and control) deep within Russia. The US is currently developing various types of non-nuclear systems like this, primarily with China in mind, although the US military also sees a role for them in countering Russia, especially its complex A2/AD capabilities.²³ NATO does not exclude this option, but at this point it seems to be mainly considering other measures (strengthening cruise-missile defences, exercises, intelligence, surveillance, reconnaissance, and air- and sea-launched missiles).²⁴

For many Allies arms control will be indispensable in easing internal and external tensions

In any case, for many Allies arms control will be indispensable in easing internal and external tensions. According to the NATO Secretary General, the Alliance is working on “how arms

²² “Germany would oppose new nuclear missiles in Europe: Foreign Minister,” Reuters, 27 December 2018, <https://www.reuters.com/article/us-usa-russia-treaty-germany/germany-would-oppose-new-nuclear-missiles-in-europe-foreign-minister-idUSKCN1OQ0BN>.

²³ See Artur Kacprzyk and Marcin Andrzej Piotrowski, “U.S. Development of Intermediate-Range Missiles after Its Withdrawal from the INF Treaty,” PISM Bulletin no. 125 (1371), 30 August 2019, https://pism.pl/publications/US_Development_of_IntermediateRange_Missiles_after_Its_Withdrawal_from_the_INF_Treaty; Joseph Trevithick, “Pentagon conducts first test of non-nuclear capable ballistic missile post-INF Treaty,” *The Drive*, 12 December 2019, <https://www.thedrive.com/the-war-zone/31456/u-s-conducts-first-test-of-non-nuclear-ballistic-missile-following-inf-arms-treaty-collapse>.

²⁴ Robin Emmot and Phil Stewart, “NATO weighs options to deter new Russian missile threat,” Reuters, 26 June 2019, <https://www.reuters.com/article/us-russia-usa-missiles/nato-weighs-options-to-deter-new-russian-missile-threat-idUSKCN1TR2V3>.

control can help Allies contribute to addressing the proliferation of missiles”.²⁵ It is not clear, however, to what extent these efforts will address post-INF treaty arms control talks in particular.²⁶ NATO could help coordinate Allied actions in this field, even though these arms control negotiations need not directly involve all Allies, but more likely would be conducted by the US or a group of NATO countries capable of producing and/or acquiring the missiles in question. All NATO members, however, would jointly define the goals and conditions for such talks and be consulted during their conduct. This approach would draw on NATO’s Cold War position on the US-Soviet INF treaty negotiations and subsequently developed consultation process.²⁷ Such joint stance would put NATO in a better position to shape the discussion with Russia, which has been making its own proposals. These are an integral part of Moscow’s playbook, which encompasses denials of its violation, counteraccusations towards the US, and threats.²⁸ The goal of these efforts is to exploit differences within NATO to prevent or limit its military response and, ideally, create a deeper split among the Allies.

2.3. CONCEPTS OF POST-INF TREATY ARRANGEMENTS

Several concepts of post-INF Treaty arms-control arrangements have already been presented in public debates.²⁹ Initially, the most discussed option concerned some sort of **trilateral INF treaty** with the participation of China, as suggested by US President Donald Trump. At this

point, however, China sees no interest in talks on limiting its large intermediate-range arsenal. Nevertheless, missile developments in Asia will remain a factor in post-INF Treaty deliberations in Europe.

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Russia declared it would not station land-based intermediate-range missiles in Europe or elsewhere, unless in response to such deployments by the US in corresponding regions. It also called on NATO countries to announce a similar measure.³⁰ Accepting this arrangement would prevent US deployments but allow Russia to further deploy the 9M729, which it portrays as having a range below 500 km.³¹ Given its implications and contradiction with NATO’s position on the 9M729, the Alliance’s Secretary General repeatedly criticised this “**moratorium**”.³² France was the only NATO member state that agreed to engage with Russia on this proposal, noting that it did not accept it but rather saw it as a basis for discussion.³³ A similar idea, advocated by some experts and German lawmakers, entailed moving the 9M729 away from Europe, east of the Ural mountains. This arrangement would have major downsides as well, not least because the system uses mobile launchers that could be relocated relatively quickly. It is potentially deployable also on regular *Iskander* launchers equipped with INF Treaty-compliant missiles, which would further complicate verification, especially with

²⁵ NATO, “Speech by NATO Secretary General Stoltenberg at the High-Level NATO Conference on Arms Control and Disarmament.”

²⁶ For an overview of various options related to control of missile technology, see Katarzyna Kubiak, “Missile Control: It’s Not Rocket Science,” ELN Policy Brief, European Leadership Network, 27 June 2019, <https://www.europeanleadershipnetwork.org/policy-brief/missile-control-its-not-rocket-science/>.

²⁷ NATO, “Special Meeting of Foreign and Defence Ministers (The ‘Double-Track’ Decision on Theatre Nuclear Forces),” NATO, 12 December 1979, https://www.nato.int/cps/en/natolive/official_texts_27040.htm.

²⁸ See, e.g., Vladimir Isachenkov, “Putin says Russia will target nations hosting US missiles,” Associated Press, 24 October 2018, <https://apnews.com/26db0e2b99874d09b8b6d5504d9d0484>.

²⁹ For another overview, see Ulrich Kühn, “Five Ways to Save INF’s Legacy,” Valdai Discussion Club, 13 February 2019, <http://valdaiclub.com/a/highlights/five-ways-to-save-inf-s-legacy/>.

³⁰ “Report: Putin sends NATO proposal for moratorium on missile deployment to Europe,” Radio Free Europe/Radio Liberty, 25 September 2019, <https://www.rferl.org/a/report-putin-sends-nato-proposal-for-moratorium-on-missile-deployment-to-europe/30182957.html>.

³¹ To prove this point Russia publicly showcased the launch canister, launcher and schematics of the 9M729, although not the missile itself and only in January 2019. The US denounced this demonstration as staged. It rejected an offer of a separate display of the 9M729 on similar grounds and insisted the system be destroyed.

³² NATO, “Press point by NATO Secretary General Jens Stoltenberg on the INF Treaty,” NATO, 2 August 2019, https://www.nato.int/cps/en/natohq/opinions_168183.htm.

³³ “France’s Macron denies accepting Putin’s missile proposal,” Reuters, 28 November 2019, <https://www.reuters.com/article/us-usa-russia-missiles-france/frances-macron-denies-accepting-putins-missile-proposal-idUSKBN1Y21E4>.

the use of national technical means (such as satellites). And if Russia developed a longer-range INF system similar to the SS-20, this could be used to target Europe from Asia. Such a deployment could be presented as a response to planned placement of US missiles in the latter region.³⁴ Finally, Russia might find a pretext to pull back from any moratorium, as it insists that US Aegis Ashore missile-defence sites in Poland and Romania can launch intermediate-range cruise missiles. It is doubtful whether allowing for inspection of these sites would change the Russian position. Moscow may very well be using the Aegis Ashore issue strictly instrumentally; it raised non-compliance of the system with the INF Treaty only after the US publicised its own accusations, and had long sought to convince NATO to cancel missile-defence sites in Central and Eastern Europe and rejected various transparency proposals.

A frequently discussed idea – suggested, inter alia, by former top NATO officials – is to **prohibit arming land-based intermediate-range missiles with nuclear warheads**.³⁵ Recent studies argue that technological progress made verification of such arrangement possible. It would build upon existing provisions of the New START Treaty that allow inspection to

A frequently discussed idea – suggested, inter alia, by former top NATO officials – is to prohibit arming land-based intermediate-range missiles with nuclear warheads

confirm the absence of warheads on selected intercontinental missiles and the non-nuclear

status of certain objects.³⁶ In effect, such a deal could permit conventional intermediate-range land-based missiles. Nevertheless, Russia might consider it disadvantageous to forgo such capabilities under this deal alone, as the US does not foresee developing such nuclear variants. On the other hand, the arrangement could alleviate Russian concerns that prospective conventional US systems might be converted into nuclear ones, or misidentified as such after launch.³⁷ Another issue is whether highly intrusive inspections and monitoring of a wide array of dual-capable assets and related bases would be acceptable in the current political climate or rejected as overly disruptive for non-nuclear operations.

Several experts argued that ballistic missiles should be addressed as a priority, as they could arguably be more destabilising than cruise missiles given their short flight times

There are also various constraints that could be applied to specific types of land-based intermediate-range missiles or their launchers (regarding their number, deployment areas or particular classes of system). Several experts argued that **ballistic missiles** should be addressed as a priority, as they could arguably be more destabilising than cruise missiles given their short flight times.³⁸ In addition, verification of constraints on ground-launched ballistic missiles can be easier to verify than in the case of cruise missiles. This is partly because neither the US nor

Russia possesses sea-based intermediate range ballistic missiles (the 9M729 is believed to be a modification of the seaborne Kalibr cruise

³⁴ See Anatoly Antonov, “A Moratorium: The First Step to Stabilizing the ‘Post-INF Treaty World,’” *The National Interest*, 25 October 2019, <https://nationalinterest.org/feature/moratorium-first-step-stabilizing-post-inf-treaty-world-90891>.

³⁵ NATO, “NATO Nuclear Policy in a Post-INF World. Speech by NATO Deputy Secretary General Rose Gottemoeller at the University of Oslo,” NATO, 9 September 2019, https://www.nato.int/cps/en/natohq/opinions_168602.htm; The Atlantic Council, “Ambassador Vershbow testifies before House Committee on Armed Services on INF withdrawal and the future of arms control,” The Atlantic Council, 26 February 2019, <https://www.atlanticcouncil.org/commentary/transcript/ambassador-vershbow-testifies-before-house-committee-on-armed-services-on-inf-withdrawal-and-the-future-of-arms-control/>. See also Ian Anthony, “Dead Man Walking: Time to Put the INF Treaty to Rest?,” ICDS Analysis, November 2018, <https://icds.ee/dead-man-walking-time-to-put-the-inf-treaty-to-rest/>.

³⁶ Pavel Podvig, Ryan Snyder and Wilfred Wan, *Evidence of Absence: Verifying the Removal of Nuclear Weapons* (Geneva: United Nations Institute for Disarmament Research, 2018), <https://www.unidir.org/publication/evidence-absence-verifying-removal-nuclear-weapons>.

³⁷ “Sergei Ryabkov: Every option will be on the table as regards deployment of U.S. missiles,” Interfax, 1 August 2019, <https://www.interfax.com/newsroom/exclusive-interviews/sergei-ryabkov-every-option-will-be-on-the-table-as-regards-deployment-of-u-s-missiles/>.

³⁸ See, e.g., Greg Thielmann, “Save this one piece of the INF Treaty,” *Defense One*, 10 June 2019, <https://www.defenseone.com/ideas/2019/06/save-one-piece-inf-treaty/157584/>; Dmitry Stefanovich, “Controlling Missiles in a Post-INF world,” ELN Commentary, European Leadership Network, 1 May 2019, <https://www.europeanleadershipnetwork.org/commentary/controlling-missiles-in-a-post-inf-world/>.

missile). Reinstating a ban on ballistic missiles is now unrealistic, as the US is pursuing at least two such systems and has already tested one. Russia may develop them quicker than the US, for example by extending the range of existing SS-26 *Iskander* missile. At some point, however, both sides may become interested in imposing legally binding limits on them.

2.4. ARMS CONTROL AND DETERRENCE NEXUS

NATO's deliberations on arms control will be intertwined with considerations on military capabilities.

NATO's deliberations on arms control will be intertwined with considerations on military capabilities

First, even in the event of Russian concessions, the US would not want to completely ban missile systems it deems necessary in Asia.

Second, it cannot be ruled out that NATO may eventually conclude that it needs some land-based intermediate-range missiles. Proponents of such deployments argue that they might be valuable precisely in preventing a Russian fait accompli in the Baltic region, as such survivable systems could begin to degrade A2/AD capabilities and counter invading forces before air force could join the fight.³⁹ As well as the option of US deployment, there is a possibility that some NATO members, including from the north-eastern flank, will decide to purchase such missiles. Poland is procuring US-made HIMARS (High Mobility

³⁹ For arguments in favour of such deployments in Europe, see Jacob Cohn, Timothy A. Walton, Adam Lemon and Toshi Yoshihara, *Leveling the Playing Field: Reintroducing U.S. Theater-Range Missiles in a Post-INF World* (Washington, DC: Center for Strategic and Budgetary Assessments, 2019), <https://csbaonline.org/research/publications/leveling-the-playing-field-reintroducing-us-theater-range-missiles-in-a-post-inf-world>; Elbridge Colby and Mike Gallagher, "INF Treaty defenders raise the risk of nuclear war," *The Wall Street Journal*, 30 June 2019, <https://www.wsj.com/articles/inf-treaty-defenders-raise-the-risk-of-nuclear-war-11561924759>. For a different view, see: Tom Countryman and Kingston Reif, "Intermediate-range missiles are the wrong weapon for today's security challenges," *War on the Rocks*, 13 August 2019, <https://warontherocks.com/2019/08/intermediate-range-missiles-are-the-wrong-weapon-for-todays-security-challenges/>.

Artillery Rocket System) launchers, which will be technically capable of carrying the future PrSM (precision strike missile) with a potential range of about 700 km.

One way to incentivise Russia to engage in arms control is to use intermediate-range land-based missiles as leverage in an in-kind deal

Third, Russia will not curtail or forgo certain capabilities for nothing in return. One way to incentivise Russia to engage in arms control is to use intermediate-range land-based missiles as leverage in an in-kind deal. Allied countries would have to host such systems so they could target Russia, or at least credibly demonstrate readiness to do so. Russia would surely try to derail this approach and, given the differences and sensitivities within

NATO, engaging in competition like this would pose significant risks of its own. This is also related to the fact that the more destabilising a particular system, the more likely it is to bring added value as a bargaining chip.

NATO members should be wary of trade-offs that would result in a net weakening of the Alliance's deterrence posture, such as constraints on its air- and sea-launched conventional missiles

An alternative is to offer something else in return for constraints on Russian intermediate-range missiles. For example, they could be covered in a US-Russia deal on strategic and non-strategic nuclear forces, although such a deal seems unlikely in the short term for various reasons. In any case, NATO members should be wary of trade-offs that would result in a net weakening of the Alliance's deterrence posture, such as constraints on its air- and sea-launched conventional missiles. These systems would be needed to address a range of threats from Russia and elsewhere, even if Russia agreed to limit its INF arsenal. In addition, most of the ships and aircraft that carry them already perform various other missions.

Finally, NATO might simply conclude that it is willing neither to take additional risks nor to pay extra costs in order to incentivise Russia. Arms-control initiatives might still be politically beneficial in terms of highlighting Russia's destabilising actions and lack of goodwill, but they would not stop the actual deterioration of the military situation.

At the same time, discussions in NATO would be complicated by the uncertainty over US procurement and deployment of previously banned missiles, at least initially. Most of these are envisaged to enter service in 2023 at the earliest, but Democrats in the US Congress question the utility of the missiles and fear that their introduction might strain relations with Allies and incite arms races with Russia and China. In effect, the post-INF Treaty missile programmes may be affected by dealings within the US Congress and changes on the American political scene that may result from the 2020 presidential and Congress elections.

2.5. RECOMMENDATIONS

Strengthening deterrence and engaging in arms control will be necessary for both effective post-INF Treaty policy and overall NATO cohesion. Close consultation among the Allies will be key, as individual initiatives that go beyond NATO consensus in either field could be damaging for Allied unity.

Strengthening deterrence and engaging in arms control will be necessary for both effective post-INF Treaty policy and overall NATO cohesion

Allies on the north-eastern flank should contribute to formulating NATO post-INF Treaty policy by promoting a balanced approach:

- **Making NATO's military response quick, but flexible.** The north-eastern Allies should insist that NATO decides expeditiously on the initial package adjusting its deterrence and defence posture, making the greatest use of defensive assets and conventional missiles that were not prohibited under the INF Treaty. At the same time, they should advocate introducing a mechanism

for regular review of NATO's posture in light of further developments in Russian intermediate-range forces (such as deployment of new systems or increasing numbers of the 9M729). This should include consideration of the **military utility of NATO deploying conventionally armed intermediate-range ground-launched missiles**, while also taking into account that they may have different impacts on NATO-Russia stability, depending on the characteristics of specific systems (e.g. range, flight time). In this way NATO would demonstrate restraint but also keep its military options open and make Russia responsible for any escalation.

Even though the prospects for arms control are currently not promising, a proactive stance by Estonia, Latvia, Lithuania and Poland could help to shape longer-term discussion of arms control in line with their interests

- **Promoting work within NATO on verifiable missile-related arms-control agreements.** Even though the prospects for arms control are currently not promising, a **proactive stance by Estonia, Latvia, Lithuania and Poland could help to shape longer-term discussion of arms control in line with their interests.** In such deliberations within NATO, the north-eastern Allies should share their perspective on the most threatening existing and/or potential Russian capabilities that should be constrained, and limitations on NATO posture that should be avoided. Developing a proposal on **prohibiting land-based intermediate-range missiles with nuclear warheads** might be a good starting point. At a later stage, especially after 2020 US elections, the Alliance could also develop or support proposals on regional and global limitations in respect of particular classes of missiles, depending on US plans, Russian actions, and discussions on NATO's deterrence. While the Alliance should continue to press Russia on the 9M729, the focus on that system is unlikely to bring results in arms control

given the fundamental discrepancy of the NATO and Russian positions over its range.

- **Advocating a more comprehensive approach to Russian missile capabilities.** While arms-control efforts related to intermediate-range land-based missiles may improve Baltic security by reducing the overall threat to NATO, **there should also be ways to address at least some threats posed by missiles with ranges below 500 km.** From the perspective of Poland and the Baltic states, these systems pose a strategic threat, as they could reach their decision-making centres as well as other military and civilian targets of crucial importance. There are also technical premises for addressing both categories of missile together.

Iskander system launchers are probably already capable of carrying intermediate-range missiles (9M729) and threatening both north-eastern and western European NATO members. This problem will probably grow as Russia introduces other capabilities.

There should also be ways to address at least some threats posed by missiles with ranges below 500 km. From the perspective of Poland and the Baltic states, these systems pose a strategic threat

In practice, the **north-eastern Allies should insist that potential proposals on banning or limiting ground-launched nuclear-armed missiles include all such weapons with ranges below 5,500 km**, not just those with ranges covered by the INF Treaty. In addition, this proposal could help to partly address the 9M729 missile, regardless of the Russian position on its range. This approach to arms control could be also presented as a way to verify the Soviet/Russian Presidential Nuclear Initiatives of 1991–2 on the elimination of all nuclear warheads for tactical missiles.

3. CONVENTIONAL ARMS CONTROL AND CONFIDENCE-BUILDING MEASURES

As well as the demise of the INF Treaty, the European security architecture has suffered from a deterioration of the conventional arms-control regime and confidence-building measures. As

As well as the demise of the INF Treaty, the European security architecture has suffered from a deterioration of the conventional arms-control regime and confidence-building measures

established in the 1990s, the system consisted of legally and politically binding instruments and procedures. The two main legally binding elements were the 1990 Treaty on Conventional Armed Forces in Europe (CFE) and the 1992 Treaty on Open Skies.⁴⁰ OSCE member states have also been implementing politically binding provisions of the Vienna Document on Confidence- and Security-Building Measures. In addition, a number of countries, including those in northern Europe, have concluded bilateral agreements on additional measures, such as increased military-to-military contacts, above-quota evaluation visits, information exchange and increased transparency of their military postures and activities, such as exercises. The overall aim of the system was to minimise the threat of a sudden concentration of forces, surprise attack and thus a major war on the continent. In the 1990s and early 2000s, it supported the process of major reductions in military equipment and personnel in Europe.

On the north-eastern flank, Poland is party to the CFE Treaty, the Treaty on Open Skies and the Vienna Document; Lithuania, Latvia and Estonia are parties to the latter two agreements. After regaining independence, they asserted that as

⁴⁰ For an overview, see, e.g., Tommi Koivula, “Conventional Arms Control in Europe and Its Current Challenges,” in *Arms Control in Europe: Regimes, Trends and Threats*, edited by Tommi Koivula and Katariina Simonen (Helsinki: National Defence University, 2017).

occupied territories they were not automatically covered by the obligations taken on by the USSR under the CFE Treaty. Their non-treaty status had not been seen as a major issue due to the size of their armed forces but was routinely raised by Russia. All three countries indicated they would be willing to join the Adapted CFE Treaty, which was agreed in 1999 but never entered into force. In addition, bilateral CSBM agreements were put in place between Estonia and Russia (1998) and between Lithuania and Russia (2001).⁴¹ Belarus signed CSBM agreements with Poland, Lithuania and Latvia.

3.1. THE CRISIS IN CONVENTIONAL ARMS CONTROL

The conventional arms-control system in Europe had been in crisis even before the Russian aggression against Ukraine. In 2006, Russia decided not to prolong its CSBM agreement with Estonia. In December 2007, it suspended its participation in the CFE Treaty, citing the refusal of NATO countries to ratify the Adapted CFE Treaty unless Russia fulfilled its commitments to withdraw its forces from Moldova and Georgia.⁴² In the aftermath, Russia also stopped providing additional information on Kaliningrad as stipulated under its CSBM agreement with Lithuania. In turn, NATO countries halted implementation of the CFE Treaty in respect of Russia in 2011. This meant that both sides no longer provided each other with notifications on holdings and deployments of treaty-limited

The conventional arms-control system in Europe had been in crisis even before the Russian aggression against Ukraine

equipment (tanks, armoured combat vehicles, heavy artillery, combat aircraft and attack helicopters), nor accepted their respective inspection. It is, however, likely that Russia receives such data on NATO countries from its ally Belarus, which remains a party to the CFE Treaty.

⁴¹ See Johan Engvall, Gudrun Persson (ed.), Robert Dalsjö, Carolina Vendil Pallin and Mike Winnerstig, *Conventional Arms Control: A Way Forward or Wishful Thinking?* (Kista: Swedish Defence Research Agency, 2018), pp. 57–59, <https://www.foi.se/rest-api/report/FOI-R--4586--SE>.

⁴² Permanent Mission of the Russian Federation to NATO, “Russia-NATO: facts and myths,” Permanent Mission of the Russian Federation to NATO, <https://missiontonato.mid.ru/web/nato-en/russia-nato-facts-and-myths>.

Without Russian participation, the observance of the CFE Treaty by the remaining participants has little practical influence on European security. The Vienna Document is still operational, but it has not been updated since a minor change in 2011, despite significant intensification of military activities in Europe, including in the north-eastern region. Its limitations, including the possibility to conduct major military exercises just below the existing thresholds for notification and observation, and lack of immediate observation provisions for “snap” (unplanned) exercises, also became apparent. Russia has been exploiting these gaps and adopted a negative attitude towards updating the Vienna Document, despite a number of proposals put on the table by other OSCE members, including some developed or supported by Poland and other countries on the north-eastern flank.

The implementation of the Treaty on Open Skies, an important confidence-building measure, has in the past been temporarily blocked by disputes over the admission of Cyprus and overflights in the vicinity of the Russian-Georgian border. Russia violated the Treaty by denying the possibility or limiting the length of conducting overflights over some parts of its territory, including the border with Georgia and Kaliningrad.⁴³ In 2019, it also blocked an observation flight during its Tsentr exercise.

The Russian aggression against Ukraine and the consequent deterioration in NATO-Russia relations deepened the crisis in conventional arms control. Proposals for a “new opening” – most notably German foreign minister Frank-Walter Steinmeier’s 2016 initiative to begin talks on a new pan-European conventional arms-control treaty – were swiftly rejected by the US, Russia and a number of NATO north-eastern flank countries as premature and unrealistic. In late 2019, Washington reportedly considered withdrawing from the Treaty on Open Skies, which it viewed as unbalanced and too beneficial for Russia in terms of intelligence-gathering possibilities.⁴⁴

⁴³ George M. Reynolds, “Taking Stock of the Treaty on Open Skies,” Council on Foreign Relations Expert Brief, 3 November 2017, <https://www.cfr.org/expert-brief/taking-stock-treaty-open-skies>.

⁴⁴ Joe Gould and Aaron Mehta, “US to Europe: Fix Open Skies or we quit,” *Defense News*, 21 November 2019, <https://www.defensenews.com/pentagon/2019/11/21/us-to-europe-fix-open-skies-treaty-or-we-quit/>.

One area that gained in importance due to increased tensions in Europe has been an effort to address the threat of accidents or incidents involving military aircraft and ships in the Baltic Sea area. There were a number of episodes

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involving mostly Russian violations of airspace of other countries in the region and Russian aircraft, helicopters and ships conducting dangerous manoeuvres in close proximity to civilian or military aircraft and ships.⁴⁵ The attention generated by these incidents and the likelihood of a sharp escalation of tension following any event that resulted in casualties prompted NATO member states, plus Sweden and Finland, to call on Russia to address the issue, based on the rules and regulations stemming from international law and from bilateral Incidents at Sea agreements. In addition, a dedicated Baltic Sea Project Team, with the participation of inter alia Poland, Russia, Lithuania, Latvia and Estonia, reviewed, publicised and suggested updates to the regulations and national practices regarding the operation of state aircraft in the airspace above the high seas.⁴⁶ The issue of prevention of incidents has also been put on the agenda of the OSCE's Structured Dialogue, with proposals including the adoption of a code of conduct or modifying the Vienna Document procedures for risk reduction and managing hazardous incidents.

⁴⁵ Łukasz Kulesa, Thomas Frear and Denitsa Raynova, "Managing Hazardous Incidents in the Euro-Atlantic Area: A New Plan of Action," ELN Policy Brief, European Leadership Network, November 2016, <https://www.europeanleadershipnetwork.org/wp-content/uploads/2017/10/ELN-Managing-Hazardous-Incidents-November-2016.pdf>.

⁴⁶ International Civil Aviation Organization (ICAO), "Experience in the EUR Region," ICAO-ACAC Civil Military Workshop, Algiers, 26–28 March 2018, <https://www.icao.int/MID/Documents/2018/ACAC-ICAO%20Civ-Mil%20WS/19-%20Session%203.1-3.pdf>.

3.2. ARMS CONTROL AND CSBMS FOR NORTH-EASTERN EUROPE?

Given the significance of the north-eastern flank (or wider "Baltic region") as an area of close proximity between Russian and NATO forces, as well as various assessments of the scenarios for potential conventional conflict in the region, there have been suggestions that a dedicated arms-control or confidence-building regime could be developed to manage the associated risks. This thinking is driven by the assumption that the return of Russia to the pan-European conventional arms-control instrument (the CFE/Adapted CFE Treaty) is not feasible, and agreeing a new inclusive treaty may be too time-consuming, even assuming the willingness of all sides to enter into negotiations and to set aside issues of violations of territorial integrity. It is thus proposed that a more narrow, regional approach should be taken.⁴⁷

Given the significance of the north-eastern flank (or wider "Baltic region") as an area of close proximity between Russian and NATO forces, there have been suggestions that a dedicated arms-control or confidence-building regime could be developed to manage the associated risks

The more comprehensive expert proposals going in that direction include both arms control (weapon limitations and restraint) and transparency dimensions. These proposals suggest maintaining the stockpiles of major military equipment (the CFE categories of weapons plus potential additional systems, such as ballistic launchers) in the region at current levels, and not introducing substantial new military forces into the regime's area of

⁴⁷ One existing model for such a solution is the sub-regional conventional arms-control regime established in the Western Balkans by the Dayton Peace Accords (Annex 1-B, Article IV). This currently includes Bosnia and Herzegovina, Croatia, Serbia, and Montenegro.

application.⁴⁸ Some also suggest restrictions on the stationing of troops in the vicinity of the border and on conducting specific types of military exercise in specified areas. In addition, they envisage a system of increased information-sharing regarding military holdings, deployments, and movement of troops, as well as verification arrangements including regular and challenge on-site inspections.

In short, the suggested system would amount to a scaled-down version of the CFE Treaty regime, updated for the operations of 21st-century armed forces. With regard to the area of application, some proposals envisage a limited area, including north-eastern Poland, Kaliningrad Oblast, Lithuania, Latvia, Estonia and the adjacent Russian regions. Others suggest a wider area, comprising all of Poland, part of Germany, the three Baltic states, Belarus, and the whole Russian Western Military District.

From the viewpoint of north-eastern NATO flank countries, there are two major problems with such an approach. First, it would essentially freeze the current holdings of major weapons systems and deployed units on their territories, solidifying the existing asymmetry and the local Russian advantage.⁴⁹ It would thus preclude the possibility of further strengthening national and NATO military potential in the region, which still remains their primary goal. Second, it would delineate an area within NATO-protected territory as a particular one,

subject to additional, region-specific limitations agreed jointly with Russia – thus creating a second category of membership within the North Atlantic Alliance. The north-eastern flank countries have consistently criticised NATO's continued adherence to political pledges made to Russia in the 1990s concerning restraint regarding permanent deployment of substantial combat forces on their territories as limiting their freedom of action. They are thus unlikely to agree to more far-reaching legally binding restrictions. In addition, they note that Russia would retain the ability to speedily concentrate and deploy additional forces in the area covered by such an arms-control regime during a crisis, even in violation of its obligations.

The north-eastern flank countries have consistently criticised NATO's continued adherence to political pledges made to Russia in the 1990s concerning restraint regarding permanent deployment of substantial combat forces on their territories as limiting their freedom of action

More limited proposals focus on the potential enhancement of confidence-building measures in the region, beyond the requirements and thresholds of the Vienna Document. Either through the series of bilateral agreements with Russia (and Belarus) or through multilateral regional agreements, countries in the region would exchange more detailed information about the activities and holdings of their armed forces in the area, external deployments into the region and major exercises, including early notification of pre-planned exercises and notification/observation procedures for snap exercises.⁵⁰ The regime could also include additional visits to military bases and units, demonstrations of new types of weapon, and increased opportunities to observe exercises. The intensified military-to-military contacts could lead to a reduction in tension and prevent inadvertent or accidental escalation of

⁴⁸ See, for example, Wolfgang Zellner et al., *Reducing the Risks of Conventional Deterrence in Europe: Arms Control in the NATO-Russia Contact Zones* (Vienna: OSCE Network of Think Tanks and Academic Institutions, 2018), p. 21, http://osce-network.net/file-OSCE-Network/Publications/RISK_SP.pdf; Evgeny Buzhinskiy and Oleg Shakirov, "Outline for Future Conventional Arms Control in Europe: A Sub-Regional Regime in the Baltics," ELN Policy Brief, European Leadership Network, September 2019, <https://www.europeanleadershipnetwork.org/policy-brief/outlines-for-future-conventional-arms-control-in-europe-a-sub-regional-regime-in-the-baltics/>.

⁴⁹ David A. Shlapak and Michael Johnson, *Reinforcing Deterrence on NATO's Eastern Flank: Wargaming the Defense of the Baltics* (Santa Monica: RAND Corporation, 2016), https://www.rand.org/content/dam/rand/pubs/research_reports/RR1200/RR1253/RAND_RR1253.pdf; David A. Shlapak, "The Russian Challenge," RAND Perspective, 2016, https://www.rand.org/content/dam/rand/pubs/perspectives/PE200/PE250/RAND_PE250.pdf; Scott Boston, Michael Johnson, Nathan Beauchamp-Mustafaga and Yvonne K. Crane, *Assessing the Conventional Force Imbalance in Europe: Implications for Countering Russian Local Superiority* (Santa Monica: RAND Corporation, 2018), https://www.rand.org/content/dam/rand/pubs/research_reports/RR2400/RR2402/RAND_RR2402.pdf.

⁵⁰ Katarzyna Kubiak (ed.), *Towards a More Stable NATO-Russia Relationship: Euro-Atlantic Security Report* (European Leadership Network & Russian International Affairs Council, 2019), p. 15, <https://www.europeanleadershipnetwork.org/wp-content/uploads/2019/02/31012019-Towards-a-more-stable-Russia-NATO-relationship.pdf>.

tensions caused by unusual military activities or the clandestine introduction of new military capabilities or forces into the region.

On the face of it, such an enhanced CSBM regime would address some of the concerns of the countries on the north-eastern flank. It would give them a greater insight into the Russian military posture and activities, without introducing constraints on external deployments or exercises at national or NATO level. It could also provide better indicators of military developments by Russia and some advance warning before any aggressive action. The scope of the transparency measures would, however, need to be broad enough to include all major Russian units and types of activity. A reciprocal level of transparency towards Russia would need to be provided by the NATO countries in the region.

The major issue with such an approach would probably be not the concept of enhanced transparency as such but, rather, the Russian refusal (so far) to offer such confidence-building measures in respect of its forces. Russia did offer countries in the region bilateral or regional consultations on security issues in 2015 and 2016, but the proposal was considered too vague and made mostly for the purposes of undermining NATO cohesion. In parallel, Russia has not only blocked updating the Vienna Document to increase the level of transparency, but also refused a Latvian

The existing system of conventional arms control and CSBM is inadequate for the contemporary challenges of European security, with wide gaps in coverage and crucial pieces missing. Most importantly, the existing conventional arms-control instruments and transparency measures do not significantly affect, in terms of decisions on armaments policy or forces deployment, either Russian security policy or the defensive responses of NATO and the countries of north-eastern Europe.⁵²

For the countries of the north-eastern flank, this presents a dilemma. On the one hand, it can be argued that they would benefit substantially from a well-functioning regional arms-control system that addresses the threat of a surprise attack, reduce local imbalances of forces and limit the scope and tempo of Russia's military modernisation. On the other hand, a "bad" arms-control agreement may leave them worse off, as a sub-region of Europe detached from the rest of NATO with permanent Russian military dominance. The countries in the region are at a

The chances of a breakthrough on conventional arms control are slim, as this would require a major change in Russian attitudes. Flank countries cannot induce such change

The existing system of conventional arms control and CSBM is inadequate for the contemporary challenges of European security, with wide gaps in coverage and crucial pieces missing

proposal from December 2016 regarding a set of reciprocal CSBM beyond the Vienna Document – in addition to having withdrawn from bilateral CSBM with Lithuania and Estonia as already mentioned.⁵¹ An increased transparency regime will have very little value if no major changes in Russian security policy follow.

disadvantage vis-à-vis Russia and see the need to move forward with the process of upgrading their national and NATO's military posture in the region. They also worry that expanding the dialogue with Russia on arms control could in itself weaken the resolve of other NATO countries to provide credible defence on the north-eastern flank.

3.3. RECOMMENDATIONS

The chances of a breakthrough on conventional arms control are slim, as this would require a major change in Russian attitudes. Russia is currently in a comfortable position as it benefits from transparency of NATO nations, despite not living up to its own commitments and using uncertainty to put pressure on the Allies. Flank

⁵¹ "Latvia and Russia talk over military activities near border," Latvian Public Broadcasting, 8 December 2016, <https://eng.lsm.lv/article/society/defense/latvia-and-russia-talk-over-military-activities-near-border.a213764/>.

⁵² NATO's self-restraint on the size of forward-deployed forces stems instead from other factors – mainly differences in threat perception and assessments of the Russian threat among the Allies and financial constraints.

countries cannot induce such change. They should continue to fulfil their arms-control and transparency commitments, as this both lowers the risk of misunderstanding or miscalculation on the Russian side and helps maintain the cohesion of the Alliance. The countries in the region are right to emphasise strengthening deterrence rather than placing their hopes for increased security on any ambitious conventional arms-control initiatives. At the same time, it is **in the interest of these countries to remain active in the conventional arms-control and confidence-building sphere through:**

- **Working to preserve the existing arms-control and CSBM agreements**, most importantly the Treaty on Open Skies. For the countries on the north-eastern flank, this provides a valuable opportunity to conduct overflights and receive data from other reconnaissance flights over Russia and Belarus, which can complete and corroborate the intelligence picture on the military posture gathered from other sources. Its collapse would thus be more problematic for them than for the US, which has a more comprehensive set of capabilities (including broad satellite coverage) at its disposal.

In current circumstances, the Vienna Document has become the main tool for countries on NATO's north-eastern flank to maintain transparency-related contacts with Russia

- **Advocating both full implementation and updating of the Vienna Document.** In current circumstances, the Vienna Document has become the main tool for countries on NATO's north-eastern flank to maintain transparency-related contacts with Russia. In October 2019, a group of OSCE countries including Poland, Lithuania, Latvia and Estonia submitted a new package of proposals for updating the Vienna Document that included lowering thresholds for advance notification and observation of exercises, increasing exercise inspection and evaluation quotas, dealing with unusual military activities, and increasing transparency on snap exercises. These proposals, if implemented, would also address a number of challenges on

the north-eastern flank. As an incentive to Russia to break the stalemate in the OSCE, **countries in the region could signal their openness to discuss as part of the broader package some Russian proposals**, for example transparency measures for naval forces and for temporary foreign military deployments on the territory of participating states.

- **Providing additional information and briefings beyond Vienna Document requirements** to Russia and/or Belarus, on the preparation and execution of major multinational exercises on the territory of the north-eastern flank countries. Such briefings have been taking place in the past in the NATO-Russia Council and at the OSCE, but can be pursued at bilateral level as well. These should be seen as gestures of good faith, coordinated in terms of timing and scope within the region and with external exercise participants. The US-led DEFENDER-Europe exercises would provide a suitable opportunity for pursuing such an initiative. Its continuation, however, should be firmly dependent upon Russian reciprocity.
- **Engaging closely in the intra-NATO and intra-Europe debates about the potential future shape of a pan-European conventional arms-control architecture.** This effort would include engagement with countries promoting such discussion (Germany and the other members of the "Group of Friends of Conventional Arms Control") and guarantee that the interest of the region would be taken into account in the deliberations. It could also be useful in pushing back against ideas of any regional arms-control regime for north-eastern Europe which would be detrimental to their security. This would require the countries in the region to develop joint positions on the potential principles, scope and mode of operation of a next-generation treaty-based regime similar to the CFE.

- **Supporting a Track 1.5 or Track 2.0 dialogue of regional experts with Russian and Belarusian counterparts** to discuss whether specific military confidence-building proposals can be developed to address certain dimensions of the ongoing confrontation.⁵³ Ideas for bilateral or multilateral CSBM arrangements could be developed by experts from the region itself,

Ideas for bilateral or multilateral CSBM arrangements could be developed by experts from the region itself, with a clear understanding of the security situation and each nation's red lines

with a clear understanding of the security situation and each nation's red lines. Such a "Baltic Sea confidence-building symposium" might initially bring together former officials, military experts and think-tankers from Russia, Belarus, Poland, Lithuania, Latvia and Estonia, and potentially also from Sweden and Finland.

4. NUCLEAR ARMS CONTROL

2020 marks the 50th anniversary of the entry into force of the Nuclear Non-Proliferation Treaty (NPT). In April and May 2020, the treaty's states-parties were to hold a Review Conference (RevCon), a regular meeting aimed at discussing the state and future of the regime. Estonia, Latvia, Lithuania and Poland will be acting at the meeting in their national capacity as members of the NPT, and will also influence the position of the European Union.⁵⁴

A well-functioning NPT is crucial for the countries of the region. NATO emphasises that the treaty

"has an essential role in the maintenance of international peace, security and stability".⁵⁵ The proliferation of nuclear weapons, especially in the Middle East, could increase threats to NATO states and their interests. Nuclear crises could divert Allied resources away from other tasks, such as strengthening the north-eastern flank. Moreover, the commitment to disarmament is a key element of NATO's nuclear policy. It remains a condition for sustaining the Allied consensus on nuclear deterrence, which – in the words of one NATO official – is becoming more important, but also more contested.⁵⁶ Questions are being raised about the legality of NATO's nuclear sharing arrangements, but also more generally about the rationale, effectiveness and morality of

relying on nuclear weapons for deterrence and defence. All these aspects are directly relevant for the countries on the north-eastern flank.

4.1. THE NPT AND DISARMAMENT

Under the NPT, five formally recognised nuclear-weapon states (China, France, Russia, the UK and the US) are obliged not to transfer such arms and technologies to non-nuclear-weapon states and to pursue disarmament. As the other side of the bargain, non-nuclear-weapon states pledged not to develop or possess nuclear

The functioning of the non-proliferation regime has not been flawless, but the scale of nuclear proliferation has been much smaller than had been feared before the creation of the NPT

weapons, and all NPT members pledged to cooperate on the use of nuclear energy only for peaceful purposes. One hundred and ninety-one states are now parties to the treaty, with

⁵³ The Track 1.5 dialogue involves both officials and non-governmental participants, while Track 2.0 involves only non-governmental participants.

⁵⁴ Poland is also a member of the Non-Proliferation and Disarmament Initiative (NPDI), a group of NPT states promoting, for example, increased transparency on nuclear weapons holdings and doctrines (see The Nuclear Threat Initiative, "Non-Proliferation and Disarmament Initiative (NPDI), NTI, 31 March 2019, <https://www.nti.org/learn/treaties-and-regimes/non-proliferation-and-disarmament-initiative-npdi/>).

⁵⁵ NATO, "Brussels Summit Declaration Issued by the Heads of State and Government participating in the meeting of the North Atlantic Council in Brussels 11-12 July 2018," Press Release (2018) 074, 11 July 2018, last updated 30 August 2018, https://www.nato.int/cps/en/natohq/official_texts_156624.htm. See also NATO, "Speech by NATO Secretary General Stoltenberg at the High-Level NATO Conference on Arms Control and Disarmament".

⁵⁶ Michael Rühle, "NATO's Nuclear Deterrence: More Important, Yet More Contested," NDC Policy Brief 2-19, NATO Defense College, January 2019, <http://www.ndc.nato.int/news/news.php?icode=1260>.

the notable exception of India, Israel, North Korea and Pakistan, all of which acquired nuclear weapons.⁵⁷ The functioning of the non-proliferation regime has thus not been flawless, but the scale of nuclear proliferation has been much smaller than had been feared before the creation of the NPT. At the same time, the regime faces a number of challenges, and cooperation on non-proliferation may suffer from increasingly intense disputes on the pace of the disarmament process, reflected by disagreements during the current review cycle.⁵⁸

A large number of non-nuclear-weapon states see nuclear weapons as entirely immoral and endangering the survival of humanity

At the previous Review Conference in 2015, NPT states-parties failed to reach a consensus and produce a final document. This was directly caused by differences over wording on the establishment of a WMD Free Zone in the Middle East, but the meeting also reflected a growing polarisation on disarmament issues. A large number of non-nuclear-weapon states see nuclear weapons as entirely immoral and endangering the survival of humanity. This group of countries has always argued for swifter elimination of nuclear weapons, but their anger grew as the post-Cold War reductions almost came to a halt, all nuclear-armed countries began to modernise their arsenals, and some states even expanded the role of nuclear weapons in their doctrine. In turn, the five nuclear-weapon states and US allies in Europe and Asia have argued that nuclear weapons play an important role in their security and global stability, and can be reduced only gradually, according to the international security environment.

The current deadlock over the “step-by-step” approach to reductions is primarily, but not only, a result of deteriorating relations between

⁵⁷ North Korea was a party to the NPT but announced withdrawal in 2003, and subsequently tested and deployed nuclear weapons. South Africa acquired nuclear weapons outside the NPT but unilaterally disarmed before joining the regime in 1991.

⁵⁸ See Łukasz Kulesa, “The State of Play and Challenges for the Nuclear Non-Proliferation Treaty,” PISM Bulletin no. 72 (1820), 30 May 2019, https://pism.pl/publications/The_State_of_Play_and_Challenges_for_the_Nuclear_NonProliferation_Treaty_.

Russia and the US, which together possess more than 90% of all nuclear weapons. Responding to the modernisation and expansion of Russian and Chinese nuclear forces, the 2018 US Nuclear Posture Review focused on deterrence, expressed scepticism on further nuclear reductions at least in the short term, and effectively put a halt to efforts to reduce the role of nuclear weapons in American security policy. Following Russian violations and the US withdrawal, the INF Treaty ceased to function in August 2019. It is uncertain whether the 2010 New Strategic Arms Reduction Treaty (New START) will be extended for a further five years after 2021.⁵⁹ While Russia declares readiness to do so, the Trump administration has not made a final decision on the extension. It is averse to it and wants to negotiate a new accord also covering

non-strategic nuclear weapons and strategic systems pursued by Russia beyond New START. Prospects for such a deal seem bleak, as Russia already rejected the Obama administration’s proposal for deeper reductions in 2013 and has its own list of demands towards the US, including limits on missile defences. Moreover the Trump administration seeks to make a new deal a trilateral one by involving China, even though the latter refuses to join nuclear arms reduction agreements on the grounds that its nuclear forces are much smaller than American and Russian arsenals.

Nothing symbolises the growing divide on disarmament better than the adoption in 2017 of the Treaty on the Prohibition of Nuclear Weapons

The prospects for the NPT RevCon are thus not promising. In addition to tensions around disarmament, there are other factors which could have a negative impact on the meeting, including continued disputes over the idea of a WMD Free Zone in the Middle East. The meeting could also be overtaken by issues related to North Korea or the Iran nuclear deal, for example if Iran fully resumes its nuclear activities banned by the JCPOA in response to the US withdrawal.

⁵⁹ See Artur Kacprzyk, “The Future of U.S.-Russia Strategic Arms Control,” PISM Bulletin no. 15 (1445), 31 January 2020, https://pism.pl/publications/The_Future_of_USRussia_Strategic_Arms_Control_.

4.2. THE NUCLEAR BAN TREATY AND NATO

Nothing symbolises the growing divide on disarmament better than the adoption in 2017 of the Treaty on the Prohibition of Nuclear Weapons (TPNW), which prohibits the production, possession and hosting of, and other activities related to, nuclear arms. The treaty is intended to increase pressure on the nuclear-armed countries. As of January 2020, it had been signed by 81 states and ratified by 35. Fifteen more ratifications are required for its entry into force. While its supporters argue that it will create a global disarmament norm, it cannot legally affect nuclear-weapon states, which denounced the TPNW.⁶⁰ Similarly, NATO criticised the TPNW as ineffective, undermining the NPT and disregarding the current security environment.⁶¹

The treaty's supporters hope to use it to delegitimise nuclear deterrence in the eyes of the public and build on anti-nuclear sentiments in some NATO member states

Nevertheless, the TPNW remains a challenge for the Alliance and its members. The treaty's supporters hope to use it to delegitimise nuclear deterrence in the eyes of the public and build on anti-nuclear sentiments in some NATO member states, for example Germany and Norway.⁶² Some TPNW supporters argue that accession to the ban would be reconcilable with NATO membership, although its purpose clearly contradicts the policies that lie at the core of Allied collective defence, such as joint decision-making and risk-sharing.⁶³ Membership in the TPNW would bring into question the validity of NATO's nuclear-sharing arrangements and

extended nuclear deterrence construct, thus weakening the Alliance's position vis-à-vis Russia. For that reason, the countries of the north-eastern flank have been consistently opposed to the TPNW. Incompatibility of the ban with NATO obligations has been cited as one of main reasons for its rejection by the Netherlands, which was the only NATO member to participate in TPNW negotiations.⁶⁴

The real risk, at least for now, does not seem to be a NATO member joining the TPNW but, rather, that an increased fear of antagonising the public might further limit the readiness of Allied governments to adopt nuclear deterrence. Beginning with the 2016 Warsaw summit, NATO members managed to strengthen joint nuclear rhetoric in the light of Russian threats and nuclear sabre-rattling. Passages underscoring the importance of US nuclear weapons stationed in Europe were reinstated in NATO communiqués, even though influential European politicians supported the total withdrawal of these arms as recently as 2009–12.⁶⁵ Nevertheless, public sensitivities appear to be a limiting factor in discussions on issues such as the NATO response to Russian INF Treaty violations or the visibility of Allied nuclear exercises of dual-capable aircraft (DCA). Anti-nuclear tendencies in NATO countries are not as high as TPNW supporters would hope but already play a role. They may grow if arms-control regimes continue to deteriorate. The result could be a weakening of NATO's ability to counter Russia, which itself cannot be affected by TPNW campaigns that are aimed at democratic states.⁶⁶

⁶⁰ See, for example, UK Mission to the UN in New York and UK Mission to the UN in Geneva, "P5 Joint Statement on the Treaty on the Non-Proliferation of Nuclear Weapons," UK Mission to the UN in New York and UK Mission to the UN in Geneva, 24 October 2018, <https://www.gov.uk/government/news/p5-joint-statement-on-the-treaty-on-the-non-proliferation-of-nuclear-weapons>.

⁶¹ NATO, "North Atlantic Council Statement on the Treaty on the Prohibition of Nuclear Weapons," Press Release (2017) 135, 20 September 2017, https://www.nato.int/cps/ua/natohq/news_146954.htm.

⁶² See Beatrice Fihn, "The Logic of Banning Nuclear Weapons," *Survival* 59(1) (February–March 2017), pp. 43–50.

⁶³ See Kjølsv Egeland, "Arms, Influence, and the Treaty on the Prohibition of Nuclear Weapons," *Survival* 61(3) (May 2019), pp. 57–80.

⁶⁴ This was also among the arguments against a hypothetical accession to the TPNW cited by a Norwegian government study. An inquiry commissioned by the Swedish government – which participated in the negotiations for the NPT but eventually refused to sign it – also noted that accession to the TPNW would prevent the country potentially joining NATO.

⁶⁵ See, e.g., "New German government to seek removal of US nuclear weapons," *Deutsche Welle*, 25 October 2009, <https://www.dw.com/en/new-german-government-to-seek-removal-of-us-nuclear-weapons/a-4824174>. On recent adaptation of NATO's nuclear posture, see Jeffrey A. Larsen, "NATO Nuclear Adaptation Since 2014: The return of deterrence and renewed Alliance discomfort," *Journal of Transatlantic Studies* 17(2) (June 2019), pp. 174–193.

⁶⁶ A point made, inter alia, in Brad Roberts, "Ban the Bomb? Or Bomb the Ban? Next Steps on the Ban Treaty," ELN Global Security Policy Brief, European Leadership Network, March 2018, <https://www.europeanleadershipnetwork.org/wp-content/uploads/2018/03/180322-Brad-Roberts-Ban-Treaty.pdf>.

4.3. RECOMMENDATIONS

The countries on NATO's north-eastern flank do not play a central role in NPT-related issues. Their position and preferences can, however, influence discussions not only at the UN and NPT level but also within the EU and NATO. North-eastern NATO members could focus on:

- **Working towards a successful NPT Review Conference.** The positive sign is that numerous NPT member states, including the five nuclear-weapon states and TPNW supporters, declare their desire to work for a successful RevCon. This provides a glimmer of hope that some common ground can be found, in spite of the fundamental differences between the camps. The biggest responsibility lies with Poland, which chaired the 2018 RevCon Preparatory Committee and will lead one of the Main Committees during the next conference, and Estonia, which has taken over from Poland in the Eastern European seat as a non-permanent member of the UN Security Council. It may be particularly important that the region's representatives avoid taking too confrontational a stance vis-à-vis the TPNW's supporters. They should consider acknowledging the concerns that led them to sign the treaty and its importance for the signatories, without endorsing the treaty itself or subscribing to the view that all nuclear powers are equally responsible for the current state of disarmament.

As close American allies and proponents of deterrence, NATO's north-eastern flank members could advocate a more realistic US agenda on arms control

- **Insisting that nuclear-weapon states at least show their willingness to work to reduce the risks of unintended escalation and nuclear war.** It is hard to imagine how this could succeed without the active engagement of the US. As close American allies and proponents of deterrence, **NATO's north-eastern flank members could advocate a more realistic US agenda on arms control**, using bilateral contact as well as the

NATO framework and the initiative Creating an Environment for Nuclear Disarmament (CEND). A mixture of US scepticism on arms control and overambitious proposals such as a trilateral treaty with Russia and China creates an impression that Washington is intentionally setting the bar too high. **A decision on the extension of the New START Treaty**, paired with simultaneous talks with Russia and China on future arms control measures, would be beneficial for NATO cohesion and improve the climate at the NPT RevCon, even if it does not satisfy the most fervent supporters of further, rapid reductions.

The Alliance should underscore that its strong investment in non-nuclear deterrence, including in the flank countries, reduce the role of nuclear weapons and the risk of their use

- **Co-shaping the disarmament-related discourse in NATO.** The Alliance should explain better and defend more forcefully its policies, which requires a greater involvement of national leaders. The Alliance should continuously stress the difference between the Allied and Russian approaches to nuclear weapons and remind people that it was Russia's actions that prompted NATO to reinvigorate its nuclear deterrence, but that NATO would not threaten or use nuclear weapons unless forced to. The Alliance should also underscore that its strong investment in non-nuclear deterrence, including in the flank countries, reduce the role of nuclear weapons and the risk of their use and the outbreak of conflict. Last but not least, it must highlight the full conformity with the NPT of NATO's nuclear-sharing arrangements, in the context of the Alliance's efforts focused on modernising DCAs and ensuring their survivability and effectiveness. The Allies could also consider greater visibility for DCA exercises, both as a signal to Russia and to enhance nuclear transparency.

CONCLUSIONS

While the current challenges are significant and criticism of Russian behaviour and the many weaknesses of the existing arms-control system remains valid, focusing the security policy of the countries of the north-eastern flank mainly on the “deterrence and defence” track should be accompanied by a proactive stance on arms control.

There are **tactical reasons for revisiting the arms-control portfolio**. As recently put by Secretary General Jens Stoltenberg, “arms control is in NATO’s DNA”, and the Alliance has always combined preparations for defence with offers of dialogue.⁶⁷ NATO’s response to the demise of the INF Treaty was conceived as a “dual track” deterrence and arms-control approach. In order to pursue the deterrence agenda within NATO, the countries of the region will thus need to engage actively and constructively in the discussions and initiatives on the future of arms control and confidence-building. This will allow them to shape more effectively the discussions at the levels of NATO, the NATO-Russia Council and the OSCE. This should be understood not as a call for unequivocal support for all arms-control and CSBM initiatives, but rather as the need to identify and promote those elements of arms control that can be used to increase the security of the region vis-à-vis Russia, without compromising the credibility of NATO deterrence. In the absence of this, countries in the region risk being sidelined in policy discussions, with a high likelihood of other NATO countries launching uncoordinated individual “peace initiatives” towards Russia.

The countries of the region will need to engage actively and constructively in the discussions and initiatives on the future of arms control and confidence-building

Beyond the tactical component of participating in the security discussion, **there may also be some value in reassessing the role of CSBM and arms-control initiatives in managing tensions**

⁶⁷ NATO, “Speech by NATO Secretary General Stoltenberg at the High-Level NATO Conference on Arms Control and Disarmament.”

between NATO and Russia, and between the countries of the region and Russia. At the time when the value of multilateralism is questioned, a signal from the region that they are interested in effective, multilateral cooperative solutions to European security challenges can be important. According to a classical definition, arms control is meant to “reduce the likelihood of war, its scope and violence if it occurs, and the political and economic costs of being prepared for it”.⁶⁸

At the time when the value of multilateralism is questioned, a signal from the region that they are interested in effective, multilateral cooperative solutions to European security challenges can be important

While it currently seems unlikely, Russia may at some point become interested in reducing military tensions with NATO, including in the Baltic Sea area. If that is the case, following the logic of arms control, it would be useful to have more clarity in Tallinn, Riga, Vilnius and Warsaw about the specific aims that the countries in the region should pursue to address the challenge of regional force imbalances and Russia’s current time-distance advantage. That could include internal reflection on the scope and depth of confidence-building and transparency measures needed on the Russian side to address the security concerns of the north-eastern flank countries, the weapons systems and military capabilities they would need to see restricted or removed by Russia from the region, and their requirements regarding the durability and verification provisions of any new arms-control or CSBM agreements. Such a reflection would, however, also need to include the question of what kind of additional transparency measures and military restraint the countries in the region would be prepared to offer in return.

Finally, the countries in the region need to remain engaged in the discussions about the future of the nuclear non-proliferation regime and step up involvement in debates about arms control for new and emerging technologies. In both areas, new developments could challenge the

⁶⁸ Thomas C. Schelling and Morton H. Halperin, *Strategy and Arms Control* (New York: The Twentieth Century Fund, 1961), p. 2.

security of the north-eastern flank countries. With regard to the NPT, the growing importance of the narrative focusing on the humanitarian consequences of nuclear use in Europe, and the launch of the TBNW, may pose a threat not only to the functioning of the regime but also to the credibility of NATO's nuclear deterrence. As for new technologies, there have already been important contributions from the region regarding the intergovernmental and legal dimensions of conducting operations in cyberspace. But the development of other technologies, including “tactical” hypersonic missiles, autonomous weapons systems and

direct energy weapons, as well as military uses of AI, may also have a direct impact on the security of the region. In some cases, the north-eastern flank countries may be interested in the application of new technologies for their own defence, and in others they could conclude that some sets of restrictions or prohibitions may be more beneficial for them. In any case, analysis of potential arms-control solutions should inform the policy of the north-eastern flank countries and allow them to participate actively in international discussion and setting the norms in these areas.



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