

Changing Europe's Calculations

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On 22 January 2021, nuclear weapons were placed in the same category as chemical and biological weapons – the other weapons of mass destruction – illegal under international law. On that date, the Treaty on the Prohibition of Nuclear Weapons (TPNW) entered into force and will change the legal and normative landscape around nuclear weapons. This has significant implications for any European governments complicit in the practice of deployment and potential use of nuclear weapons of mass destruction.

A historic milestone for nuclear disarmament

According to experts such as the *Bulletin of Atomic Scientists*, the United Nations Secretary-General, and numerous scientists, academics, and parliamentarians, the risk of nuclear weapons use is increasing. There is no doubt that any use of nuclear weapons would lead to catastrophic harm. The risk is rising in part because of technological modernisation programmes by all the nuclear-armed states and an increasing reliance on weapons of mass destruction by NATO states and nuclear allied states.

The growing international objections to this dangerous trend have been evident in the groundswell of support for the Treaty on the Prohibition of Nuclear Weapons (TPNW). With its 50th state ratification, the TPNW reached the minimum requirements for becoming international law. In response, the United Nations Secretary-General Antonio Guterres called the treaty “a meaningful commitment towards the total elimination of nuclear weapons”, and said he looked forward to helping to facilitate

the treaty's progress towards this goal. Peter Maurer, President of the International Committee of the Red Cross (ICRC), called it a “historic moment” and “a victory for humanity”, which allows us to envision a future without nuclear weapons as “an actual achievable goal”.

Impact on Europe

On 22 January 2021, states parties' obligations under the treaty were triggered. Three states in Europe — Austria, Ireland and Malta — have joined the TPNW. The fact that they find themselves in the minority in Europe is no surprise: the long-standing peer pressure from within NATO and the United States in particular to hold the line against the ban is, by now, well known. But the Treaty will have an impact on other European states – no matter if they join it or not. With its entry into force, the ban on nuclear weapons will be another step towards developing a norm against possessing nuclear weapons. It will positively influence the behaviour of states that are not party to the treaty, including the so-called ‘nuclear umbrella states’ (which have agreed to be protected by the nuclear weapons of nuclear-armed states), most of whom are on the European continent.

The potential classification of nuclear weapons as ‘controversial weapons’ by finance industry observers and investors will have implications for banks, pension funds and investment companies. The Treaty will also prompt more discussion of the prohibition of nuclear weapons in parliament, civil society and the media in states not party. Already, over 1,600 elected representatives have called on their governments to join the TPNW, as have capitals in nuclear-armed states such as Paris and Washington D.C.

As has been documented, the practice of nuclear-sharing allows the political risks from – and reputational costs of – participating in the practice of nuclear deterrence to be spread out. The result is a curious situation in which the possessors of nuclear weapons within NATO assert the legitimacy of their weapons by pointing at the obligation to ‘defend their allies’, while the non-nuclear weapon member states point to the need to have nuclear weapon states involved in any disarmament process – essentially giving the nuclear weapons states the right to veto how and when any such process should start. The TPNW exposes these states for what they are at the moment: complicit in the legitimation of the most destructive and inhumane weapon ever invented – and standing ready to participate in the annihilation of cities and mass murder of civilians. In the states that host US nuclear weapons — Belgium, Germany, Italy, The

Netherlands, and Turkey — the decision to accept these weapons of mass destruction onto their territory was never put to a vote, and for a long time was never publicly acknowledged by their governments. In the other nuclear umbrella states, the public has been told precious little of exactly how their countries will be involved in any decision to use nuclear weapons. Meanwhile, many of these same states pride themselves on being defenders of humanitarian law and democracy. The TPNW is making this double standard very hard to maintain.

Growing European support for the TPNW

Public opinion and growing political support for the TPNW is starting to show that the current European government support for nuclear weapons won't be maintained forever. A similar and ultimately futile effort by the United States to keep NATO allies in line behind the use of cluster bombs was known to have taken place during the process leading to the Convention on Cluster Munitions (CCM). In September 2020, 56 ex-presidents and -ministers from 22 nuclear weapons-implicated states signed an open letter calling on the current leaders of their governments to join the TPNW. 46 of them were from Europe, including two former secretaries-general of NATO. The Belgian government's new coalition agreement marks the first instance a NATO government has positively recognised the TPNW. And while discontent around nuclear sharing has long been bubbling in Germany around nuclear weapons, the SPD's Rolf Mützenich caused a stir year when he voiced his opposition to extending the stationing of US nuclear weapons at Büchel air base. More recently, the Green Party – who are strong contenders to join the next government – included a clear commitment to getting Germany to join the TPNW in their party platform for the 2021 elections.

These gains are modest, but they are significant and will grow over time. With major elections in several European NATO states in 2021, the TPNW is guaranteed to continue to be an issue in building coalition governments. Public opinion polls show support for the TPNW across Europe: 79% of Swedes, 78% of Norwegians, 84% of Finns, 70% of Italians, 68% of Germans, 67% of French, and 64% of Belgians support their governments joining the treaty, along with 75% of Japanese.

There's a right way and a wrong way to react to the momentum of the TPNW. The nuclear-armed states, led by the United States, are conducting a master class in doing it wrong. European NATO allies must do better if they want to be on the right side of history.