

# The Ban on Nuclear Weapons, Negative Security Assurances, and NATO States

---

Heinz Gärtner\*

At a United Nations Conference on 7 July, 2017, 122 state parties voted in favor of a treaty that would prohibit nuclear weapons. None of the nuclear-armed states, or their allies, participated in the vote (with the exception of the Netherlands, which voted against the treaty). The treaty expresses concern about the catastrophic humanitarian consequences of the use of nuclear weapons, and calls for their complete elimination. The Treaty calls for the full implementation of the Non-Proliferation Treaty (NPT), including the disarmament obligations of the nuclear-armed states. The treaty should close the gap between nuclear and non-nuclear-armed states. It is very unlikely that the nuclear states will give up their nuclear weapons anytime soon. This paper looks for alternative proposals by the nuclear-armed states which could satisfy the non-nuclear weapon states, at least for the time being. If nuclear-armed states are unwilling or unable to sign the ban treaty, they could offer non-nuclear-armed states Negative Security Assurances (NSAs). This is a commitment not to attack or threaten to attack those states with nuclear weapons. These NSAs must be based on international law, however. This means that they have to sign and ratify the existing and future NWFZs. A nuclear weapon free belt could be created from Mongolia to Africa (for the time being, excluding Israel). NSAs would have to be extended to states that are in a military alliance with another, nuclear-armed state. Extended deterrence should be amended via extended NSAs.

Keywords: nuclear weapons, negative security assurances (NSAs), deterrence, NATO, nuclear weapon free zones, non-proliferation, NPT, disarmament.



---

\* Heinz Gärtner, Professor for Political Science and lecturer at the University of Vienna and the Diplomatic Academy in Vienna. Currently he is the Austrian Marshall Plan Foundation Fellow in the Center for Transatlantic Relations at Johns Hopkins SAIS (Washington, DC).

### *The Ban and NATO's Nuclear Posture*

At a United Nations Conference on July 7, 2017, 122 state parties voted in favor of a treaty that prohibits nuclear weapons. None of the nuclear-armed states, or their allies, participated in the vote (with the exception of the Netherlands, which voted against the treaty). The treaty expresses concern about the catastrophic humanitarian consequences of the use of nuclear weapons, and

*Even though the catastrophic consequences of the use of nuclear weapons are widely recognized, nuclear-armed states remain convinced by the concept of nuclear deterrence, which they believe protects them from a nuclear or massive conventional attack.*

calls for their complete elimination. The Treaty calls for the full implementation of the Non-Proliferation Treaty (NPT)<sup>1</sup>, including the disarmament obligations of the nuclear-armed states.

Ultimately, the positions of states who want to keep nuclear weapons and those who want to abolish them are not compatible. Even though the catastrophic consequences of the use of nuclear weapons are widely recognized, nuclear-armed states remain convinced by the concept of nuclear deterrence, which they believe protects them from a nuclear or massive conventional attack. The US National Security Strategy of 2017 re-emphasizes the importance of deterrence, which ‘is significantly more complex to achieve than during the Cold War’.<sup>2</sup>

NATO allies rely on nuclear deterrence. NATO's Deterrence and Defence Posture Review of 20 May 2012<sup>3</sup> states: ‘As long as nuclear weapons exist, NATO will remain a nuclear alliance.’ This is reiterated in the NATO Secretary General's 2017 Annual Report.<sup>4</sup> It adds the commitment to ‘seek conditions’ for a world without nuclear weapons, although without mentioning disarmament: ‘As long as nuclear weapons exist, NATO will remain a nuclear alliance. At the same time, the Alliance is committed to seeking the conditions necessary for a world without nuclear weapons, in accordance with the Nuclear Non-

1 *The treaty on the non-proliferation of nuclear weapons (NPT) (1968). International Atomic Energy Agency, 12 June. Available at: <https://www.iaea.org/sites/default/files/publications/documents/infcires/1970/infciirc140.pdf> (Accessed: 12 April 2018)*

2 The White House (2017) *National Security Strategy of the United States of America, December, p.27. Available at: <https://www.whitehouse.gov/wp-content/uploads/2017/12/NSS-Final-12-18-2017-0905.pdf> (Accessed: 20 March 2018)*

3 NATO (2012) *Deterrence and Defence Posture Review, 20 May, Available at: [https://www.nato.int/cps/en/natohq/official\\_texts\\_87597.htm](https://www.nato.int/cps/en/natohq/official_texts_87597.htm) (Accessed: 12 April 2018)*

4 NATO (2017), *The Secretary General's Annual Report. Available at: [https://www.nato.int/cps/en/natohq/opinions\\_152797.htm](https://www.nato.int/cps/en/natohq/opinions_152797.htm) (Accessed: 12 April 2018)*

Proliferation Treaty and in a step-by-step and verifiable manner.’ This sentence also implies that all NATO-members remain committed to the long-term goal to a world free of nuclear weapons, as US-president Obama proclaimed in his April 2009 speech in Prague. On the other hand, Obama also stated that the United States would maintain nuclear deterrence during the disarmament process.

Therefore, nuclear weapon states and all NATO-states oppose the ban treaty. Their main arguments are that global elimination of nuclear weapons is not realistic (North Korea is cited as an example), and that the knowledge of nuclear fission and fusion would not disappear – meaning that any country could at any given moment reintroduce nuclear weapons.<sup>5</sup> While NATO’s founding Washington Treaty contains a mutual defense commitment (Article V), there is no reference to nuclear deterrence.

So how, then, does the prohibition of nuclear weapons relate to deterrence? How can a state abolish nuclear weapons, yet retain and modernize them at the same time? Opponents of the treaty to prohibit nuclear weapons<sup>6</sup> argue that it is impossible for complete disarmament and deterrence to co-exist. Political decisions cannot change this.

The paper first looks at the concept of nuclear deterrence and its deficiencies. Then it examines the arguments of the proponents of the ban treaty. While nuclear-armed states believe that the ban treaty polarizes the international security community, proponents of the treaty argue that security is indivisible when it comes to nuclear weapons. If nuclear-armed states are not willing to accept the terms of the ban treaty, they must offer alternatives for the non-nuclear weapon states. The paper then suggests that legally binding Negative Security Assurances (NSAs) could be an option. Finally, the paper addresses the immediate consequences of this, namely that nuclear weapon states sign and ratify the protocols of the nuclear weapon free zones, and that NSAs must also be applied to non-nuclear weapon states.

5 Kamp K-H. (2017) ‚Atomwaffenverbot schadet mehr, als es nützt‘, *Frankfurter Allgemeine Zeitung*, July.

6 United Nations conference, *UN Treaty on the Prohibition of Nuclear Weapons (2017)*, New York, March and 15 June-7 July Available at: <http://www.icanw.org/treaty-on-the-prohibition-of-nuclear-weapons/> (Accessed: 12 April 2018)

## *Nuclear Deterrence*

Nuclear deterrence is the capacity to inflict maximum damage on an adversary. It entails the capability to retaliate if attacked or threatened with attack by a nuclear power. Deterrence requires specific targeting. Push and pull factors determine nuclear planning. Targeting in this type of nuclear planning is a driving force for modernization of nuclear weapons. Deterrence only works with rational actors; it requires adversaries to rely on one another to respect deterrence and adhere to its principles. Furthermore, they must communicate and understand one another's signals. Deterrence would promote hostility and mistrust, with adversaries in a permanent state of mutual threat. Reliance on mutual deterrence gives rise to nuclear proliferation and arms races.

Nuclear weapons have to be smaller in order to be credible. This enhances both the efficacy of deterrence but also the war-fighting capability. The deterrence part aspect is confirmed by Trump's Nuclear Posture Review (NPR): 'Expanding flexible US nuclear options now, to include low-yield options, is important for the preservation of credible deterrence against regional aggression.' The war-fighting part is denied, however: 'To be clear, this is not intended to enable, nor does it enable, 'nuclear war-fighting'.'<sup>7</sup>

Indeed, mutual deterrence and complete disarmament are opposing concepts. Nuclear-armed states agree that nuclear war should be prevented, but they do not rule out that nuclear weapons should be used to in self-defense 'only in the most extreme circumstances.'<sup>8</sup> They argue that with the ban treaty in place, not only will the effectiveness of deterrence be lost, step-by-step approach toward international disarmament efforts would render it largely meaningless.<sup>9</sup>

Non-nuclear-armed members of NATO are essentially protected under the umbrella of the extended deterrence of their nuclear-armed allies. NATO-members strongly believe that nuclear deterrence does work, because there was no nuclear war between the United States and the Soviet Union. In contrast, proponents

7 Office of the Secretary of Defense (2018) *Nuclear Posture Review, February*, 35. Available at: <https://media.defense.gov/2018/Feb/02/2001872886/-1/-1/1/2018-NUCLEAR-POSTURE-REVIEW-FINAL-REPORT.PDF> (Accessed: 12 April 2018)

8 *Ibid.*, II.

9 Kamp K-H. (2017) 'Atomwaffenverbot schadet mehr, als es nützt', July.

of the ban treaty argue that we do not know if this is true since one cannot prove a counter-factual. The avoidance of nuclear war between the two Cold War superpowers likely resulted from a combination of political and military factors, including détente, arms control negotiations confidence-building measures, and cooperation via the Conference on Security and Co-operation in Europe (CSCE) along with other regimes and institutions.

Technically, NATO nuclear states can join the ban treaty. Within a negotiated timeframe, these states would be required to irreversibly eliminate their nuclear weapon program, and have that elimination objectively verified. There seems to be a contradiction to Article 1 in the ban treaty, which states that ‘each State Party undertakes never under any circumstances [...] to [...] possess ... nuclear weapons or other nuclear explosive devices’. However, the phrase ‘notwithstanding’ in Article 4, which describes the pathway by which states can join the treaty before they have actually eliminated their nuclear weapons, makes it clear that the treaty acknowledges this possibility. The option to join a treaty before complete elimination can be found in various other disarmament treaties, such as the Chemical Convention. There are not yet any specific verification provisions for disarmament in the ban treaty. This is because the states concerned did not take part in the negotiations. The treaty provides space to include concrete verification measures once nuclear-armed states join the treaty.

This treaty has flaws. On the other hand, there is no perfect arms control treaty. The Treaty on Strategic Offensive Forces Reduction (SORT) contains almost no inspection provisions; the Vienna nuclear agreement with Iran (Joint Comprehensive Plan of Action - JCPOA) has very intrusive verification mechanism and the US Administration and Israeli Prime Minister Netanyahu have expressed serious complaints; the Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization (CTBTO) implements a far-reaching verification regime; the Chemical Weapon Convention has an elaborate inspection system; and yet chemical weapons can be hidden and produced relatively easily. It is possible that by focusing on its alleged shortcomings, some critics are seeking to divert attention from the broader goals of the ban treaty.

The ban treaty expresses concern about the catastrophic humanitarian consequences of the use of nuclear weapons and calls for their complete elimination. Advocates of the treaty think that nuclear deterrence is only credible if the nuclear armed adversaries permanently demonstrate that they are serious about using nuclear weapons. This relies on the principle of mutually assured destruction which consequently is a threat with self-destruction because the attacked state would have to retaliate with nuclear weapons. This was evident during the Cold War, and remains true for regional conflicts, such as India-Pakistan. Deterrence is also North Korea's rationale for possessing nuclear weapons. Supporters of the ban treaty list other deficiencies of the deterrence concept: it can create instability and dangerous situations through miscalculations, miscommunication and technical accidents. Mutual deterrence is expensive because it requires continuous modernization and development and production of new weapons to close real and assumed loopholes in the system. Supporters of the ban treaty argue that the consequences of the use of nuclear weapons are effectively unlimited. Treaty advocates<sup>10</sup> stress that the failure of deterrence entails global disaster. They do not believe that the fallout can be mitigated by human restraint or technology. While supporters of deterrence believe that nuclear weapons are manageable, proponents of the ban treaty fundamentally reject this notion.

In addition, the International Court of Justice ruled 1996 that 'the threat or use of nuclear weapons would generally be contrary to the rules of international law applicable in armed conflict, and in particular the principles and rules of humanitarian law'.<sup>11</sup> The announced intention to annihilate large parts of humanity would be both unlawful and immoral.

### ***Security is Indivisible***

Is there a way forward? One approach would be to use the ban treaty as an instrument to stigmatize the possessor states and their allies by their population and by non-allied non-nuclear weapon states, i.e. discrediting them because they hold on to nuclear

<sup>10</sup> Meyer P. and Sauer T. (2018) 'The Nuclear Ban Treaty: A Sign of Global Impatience', *Survival* 60(2), April, pp.61-72.

<sup>11</sup> International Court of Justice, Reports of Judgments, Advisory Opinions and Orders, Legality of The Threat or Use of Nuclear Weapons, Advisory Opinion of 8 July 1996 (Accessed: <https://web.archive.org/web/20120227095818/http://www.icj-cij.org/docket/files/95/7495.pdf>)

weapons.<sup>12</sup> Opponents of this argument counter that this would put democratic NATO states at disadvantage vis-à-vis Russia, because stigmatization would have a greater impact in democratic societies than in authoritarian regimes. It is unlikely that NATO-states will accept this argument.<sup>13</sup> One could argue, however, that enabling a democratic debate on nuclear weapons is beneficial rather than damaging, as seen with other issues like the environment or human rights.

Opponents of the ban treaty<sup>14</sup> complain that it would polarize the international community. This is not the intention of the non-nuclear weapon states. Essentially, there are two opposing views on security. The nuclear and non-nuclear NATO-members feel better protected with nuclear weapons, while the non-nuclear states believe they are more secure without. The root cause of polarization pre-dates the adoption of the ban treaty. Non-nuclear weapon states felt betrayed that the nuclear-armed states did not meet their disarmament obligations under Article VI of the NPT,<sup>15</sup> which states that ‘each of the Parties to the Treaty undertakes to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control’. Non-nuclear states feel that their sacrifice – the renunciation of nuclear weapons – was in the end for naught. This caused a rift between nuclear-weapon states and non-nuclear weapon states; the intention of the ban treaty is to close this gap.

*Opponents of the ban treaty complain that it would polarize the international community. This is not the intention of the non-nuclear weapon states.*

However, the US Administration’s 2018 NPR identifies a contradiction between disarmament and non-proliferation. The ban treaty effort ‘seeks to inject disarmament issues into non-proliferation fora, potentially damaging the non-proliferation regime’.<sup>16</sup>

12 Sauer T. (2017) ‘How will NATO’s non-nuclear members handle the UN’s ban on nuclear weapons?’ *The Bulletin of the Atomic Scientists*. March.

13 Meyer P./Sauer T. (2018) ‘The Nuclear Ban Treaty’. April.

14 See Highsmith N. and Stewart M. (2018) ‘The Nuclear Ban Treaty: A Legal Analysis’, *Survival* 60(1), February-March, pp.129-152.

15 *The treaty on the non-proliferation of nuclear weapons*. International Atomic Energy Agency; <https://www.iaea.org/sites/default/files/publications/documents/infcircs/1970/infcir140.pdf> (Accessed: 20 March 2018)

16 Office of the secretary of defense (2018), *Nuclear Posture Review*, February, 72. Available at: <https://www.defense.gov/News/SpecialReports/2018NuclearPostureReview.aspx> (Accessed: 20 March, 2018)

*Advocates of the ban treaty argue that the populations of the NATO-allies would be in even greater danger, because they are the primary targets in a nuclear exchange between nuclear-weapon states.*

It is not only signatories of the ban treaty, but also non-nuclear NATO-states which have expressed concerns about the humanitarian consequences of the use of nuclear weapons. Advocates of the ban treaty argue that the populations of the NATO-allies would be in even greater danger, because they are the primary targets in a nuclear exchange between nuclear-weapon states. Thus the intention of the ban treaty was not to deepen divisions, but rather create an environment where security is indivisible. Non-nuclear weapon states say that the advantage of not being a primary target of a nuclear-weapon state should be distributed to all non-nuclear weapon states, whether they are NATO members or not. This was the primary reason for joining the NPT in the first place. The risk that nuclear weapons may be used, and their existence in the first place, pose threats to the security of any given population.<sup>17</sup>

### *Negative Security Assurances*

It appears that nuclear-armed states will not join the treaty any time soon, nor give up their nuclear weapons. Is there room for compromise?<sup>18</sup> What could they offer to non-nuclear weapon states instead?

Nuclear states could promise not to use nuclear weapons against non-nuclear states. Negative Security Assurances (NSAs)<sup>19</sup> are guarantees by nuclear weapon states to those that have renounced them. These NSAs are enshrined in the documents of the NPT-review conferences and in the Nuclear Posture Review of former US President Obama.

The Nuclear Posture Review<sup>20</sup> of the Trump administration reaffirms the NSAs of earlier administrations: 'The United States will not use or threaten to use nuclear weapons against

17 General Assembly, Geneva (2016) Nuclear weapons and security: A humanitarian perspective, submitted by Austria: Open-ended Working Group taking forward multilateral nuclear disarmament negotiations, 22 February, *A/AC.286/WP.4*. Available at: <http://www.reachingcriticalwill.org/disarmament-fora/owwg/2016/august/documents> (Accessed: 20 March 2018)

18 Heinz Gärtner H. (2017) 'A neutral state's perspective on the ban—and a compromise', *The Bulletin of the Atomic Scientists*. 15 August.

19 Roscini M. (2011) 'Negative Security Assurances in the Protocols Additional to the Treaties Establishing Nuclear Weapon-Free Zones', in Gärtner H. (ed.), *Obama and the Bomb: The Vision of a World Free of Nuclear Weapons*, *Internationale Sicherheit*. New York, Peter Lang, pp.129-147.

20 Office of the Secretary of Defense (2018), *Nuclear Posture Review*, 21. February.



non-nuclear weapons states that are party to the NPT and in compliance with their nuclear non-proliferation obligations.’

This is not asking for too much. NSAs are less of a commitment than non-first use pledges. An unconditional NSA commitment by nuclear weapon states would remove all non-nuclear weapon states from the target list. In contrast, a true non-first use doctrine would have to remove conventional, chemical and biological weapons from the target list, and would apply to non-nuclear and nuclear states alike.

These NSAs must be legally binding in order to be meaningful. Nuclear weapon states would have to sign and ratify the legally binding protocols of the treaties on Nuclear Weapon Free Zones (NWFZs), which contain NSAs. These NSAs are the only commitments of nuclear weapon states to these treaties.

*These NSAs must be legally binding in order to be meaningful. Nuclear weapon states would have to sign and ratify the legally binding protocols of the treaties on Nuclear Weapon Free Zones (NWFZs), which contain NSAs.*

The initiative to create a NWFZ in the Middle East failed to gain much traction, however, despite hopes that the 2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons would give the idea new momentum.

Legally binding NSAs raise some interesting additional possibilities. Iran could demonstrate its willingness to commit to peace and stability by joining the NWFZ-Treaty in Central Asia. In return, the US Administration could offer Iran to ratify the protocol of the treaty which contains NSAs. Geographically, historically, and culturally Iran is closer to the countries of the Central Asian Treaty of Semipalatinsk (Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan) than to the other Middle Eastern states. Iran would gain assurance that it would not be a target of a nuclear attack. If the current US Administration is not satisfied with the JCPOA of 2015, this would provide an additional security layer to this agreement, and allay concerns about Iran’s nuclear program in the future.<sup>21</sup>

Saudi Arabia announced in March 2018 that it would seek develop its own nuclear weapons in response to Iran’s nuclear program. To avoid this risk of proliferation, the US could convince its Arab

21 Gärtner H. (2015) ‘A belt of nuclear weapons free zones from Mongolia to Africa!’, *British American Security Information Council (BASIS)*. 12 June.

allies<sup>22</sup> to join the NWFZ in Africa (Pelindaba), and at the same time, ratify this treaty. This scenario would also increase Israel's security tremendously, and the rationale for Israel to possess nuclear weapons would change over time.

Mongolia, as a non-nuclear state, could be linked with the NWFZ in Central Asia; the small Russian-Chinese border stretch in between could probably - with the consent of Moscow and Beijing - be included as well. This belt could be extended to the almost nuclear weapon free Middle East (with Israel as the only exception), and then further to the NWFZ in Africa.

### *Extended Deterrence and NSAs*

What about the allies of nuclear-armed states? They come under the umbrella of extended deterrence. The Nuclear Posture Review (NPR) 2018 of the Trump Administration<sup>23</sup> confirms the US's commitment to nuclear deterrence as a means of extended deterrence: 'Effective deterrence is the foundation

for effective assurance. Allies under the U.S. nuclear umbrella, and potential adversaries, should not doubt our extended deterrence commitments or our ability and willingness to fulfill them.'

*This concept of extended deterrence is in some ways the opposite of a negative security assurance. It is the commitment by nuclear-armed states to use nuclear weapons to defend allies who do not possess nuclear arms themselves.*

This concept of extended deterrence is in some ways the opposite of a negative security assurance. It is the commitment by nuclear-armed states to use nuclear weapons to defend allies who do not possess nuclear arms themselves. In contrast, an NSA is a pledge *not to use nuclear weapons against any country without nuclear arms; this would include NATO's non-nuclear states,*

*Japan and South Korea.*<sup>24</sup> The NPR claims that 'the terms of the Nuclear Weapons Ban Treaty also could undermine ongoing and prospective military cooperation between the United States and signatory states, cooperation that is critical to the maintenance of credible extended nuclear deterrence.'<sup>25</sup>

Ultimately, what really undermines extended deterrence is not

22 Cultural differences might be a subjective obstacle.

23 Office of the secretary of defense (2018), *Nuclear Posture Review, February, XII.*

24 Gärtner H. (2017) 'A neutral state's perspective on the ban—and a compromise'. August.

25 Office of the secretary of defense (2018), *Nuclear Posture Review, February, 72.*

the ban treaty - which is not one-sided but universal - it is the logic of deterrence itself. If the provider of security becomes vulnerable, the receiver of security will provide for its own security, probably with nuclear weapons. For instance, if North Korea can reach the US with strategic nuclear missiles, the US might hesitate to intervene in East Asia. Would the US sacrifice Los Angeles for Seoul? This is precisely why France decided to become a nuclear weapon power itself in the late fifties.

Could NATO allies still enjoy the benefits of NSAs? Under current conceptions of NSAs, nuclear weapon states would not be obliged to join the ban treaty. Nuclear-weapon states have unilaterally attached exceptions and conditions to NSA.<sup>26</sup> These exceptions include states that attack in alliance with a nuclear-armed state, states that are deemed to be in breach of their non-proliferation obligations, states that use chemical weapons, and states that allow the transit or the deployment of nuclear weapons in any form.

Nuclear-armed states have always made it clear that they would indeed use a nuclear weapon against a non-nuclear weapon state that is in alliance with a nuclear-weapon state.

The Budapest Agreement of 1994<sup>27</sup>, for example, which required from all the signatories to guarantee ‘the territorial integrity or political independence of Ukraine’, contains NSAs. By intervening militarily in Ukraine after 2014, Russia violated the agreement. This agreement, which is not based on international law, explicitly exempted ‘states in association or alliance with a nuclear weapon state’. This means that were it to join NATO, Ukraine would lose the NSAs and violate the agreement.

Thus far, none of NATO’s non-nuclear weapon states would qualify for NSAs if these conditions were applied. They are allied with the US, a nuclear state, and some of them deploy US tactical non-strategic nuclear weapons (Belgium, the Netherlands, Germany, Turkey, and Italy). More specifically, Russia would have to respect the non-

*Thus far, none of NATO’s non-nuclear weapon states would qualify for NSAs if these conditions were applied. They are allied with the US, a nuclear state, and some of them deploy US tactical non-strategic nuclear weapons (Belgium, the Netherlands, Germany, Turkey, and Italy).*

<sup>26</sup> Ingram P. (2017) ‘Renewing Interest in Negative Security Assurances’, *BASIC (Briefing Paper)*.  
Roscini M. (2011) ‘Negative Security Assurances in the Protocols Additional to the Treaties Establishing Nuclear Weapon-Free Zones’. June.

<sup>27</sup> *Budapest Memorandum on Security Assurances, December 1994*. Available at: [https://www.larouchepub.com/eiv/public/2014/eiv41n08-20140221/34-35\\_4108.pdf](https://www.larouchepub.com/eiv/public/2014/eiv41n08-20140221/34-35_4108.pdf) (Accessed: 20 March 2018).

nuclear status of the non-nuclear allies of the United States in Europe and Asia.<sup>28</sup> What would Russia get in return? The likely precondition would be that in order to become beneficiaries of Russian NSAs, states that still host US weapons would have to remove them in accordance with a legally binding timeframe.

NATO's non-nuclear allies could still become beneficiaries of NSAs if nuclear states were to renounce their refusal not to use nuclear weapons against states that are in a military alliance with a nuclear-armed state. Ideally, NSAs should replace extended deterrence, but as the second-best solution, extended deterrence could be amended by extended NSAs.

### *Concluding Summary*

The Treaty on the Prohibition of Nuclear Weapons is considered a success by its supporters. However, nuclear weapon states will not join this treaty any time soon. In this case, nuclear weapon states could offer NSAs to non-nuclear weapon states. This entails the commitment not to attack or threaten to attack non-nuclear weapon states with nuclear weapons, without giving up their nuclear arsenal. These NSAs must be based on international law. Subsequently this requires that they sign and ratify the existing and future NWFZs. A nuclear weapon free belt could be created from Mongolia to Africa (excluding Israel for now).

NSAs would have to be extended to states that are in military alliances with other, nuclear-armed states. The concept of deterrence would remain in place, but these states would have to be removed from the target list. Extended deterrence should be amended by extended NSAs. NATO members would not have to leave the alliance, which includes security commitments. If a ban on nuclear weapons is not acceptable for NATO's non-nuclear states nuclear states could provide NSAs to them as a low-cost compromise. NSAs would not entail a rejection of the treaty, but rather a realistic step closer to what it seeks to achieve.

---

28 Gärtner H. (2017) 'A neutral state's perspective on the ban—and a compromise'. August.