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**ARMS CONTROL AND ITS IMPACT ON SUSTAINABLE EUROPEAN SECURITY\*****Juraj Cséfalvay<sup>1</sup>, Rastislav Kazanský<sup>2</sup>, Lucia Rýsová<sup>3</sup>**

<sup>1,2,3</sup> *Matej Bel University, Faculty of Political Science and International Relations, Kuzmányho 1, 974 01 Banská Bystrica, Slovak Republic*

*E-mails:*<sup>1</sup> [jcsefalvay@student.umb.sk](mailto:jcsefalvay@student.umb.sk); <sup>2</sup> [rastislav.kazansky@umb.sk](mailto:rastislav.kazansky@umb.sk); <sup>3</sup> [lucia.rysova@umb.sk](mailto:lucia.rysova@umb.sk)

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**Abstract.** The international legal framework for arms control fundamentally impacts global security. However, this vital institution is currently dysfunctional, which, in conjunction with the war in Ukraine and the crisis in US-Russia and NATO-Russia relations, is reviving the threat of the European continent becoming a zone of uncontrolled deployment of Russian and US weapons and weapons systems. The collapse of the arms control mechanism has a high potential to spark an uncontrolled arms race across Europe, with potential global spillover. Arms control is a unique idea promoting sustainable international security. It is based on the premise that numerous reductions in weapons and weapons systems by world actors will reduce the likelihood of the outbreak of armed conflict. Arms control is a complex process implemented through international treaties and agreements. They aim to reduce the force potential of a state actor to a level that is only necessary to ensure internal security. This article aims to analyze the impact of the arms control system on sustainable European security and its role within the international order. The basic premise of the arms control process is the principle of equal security, which is based on the sovereign equality of states expressed in the UN Charter. Arms control is always based on the parties' objectives and is therefore not considered an end in itself but is consistently used as part of a process aimed at sustainable international security and building sustainable peace.

**Keywords:** armaments; sustainable security; European security; international treaties; sustainable development goals

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## 1. Introduction

Making progress in negotiating legally binding international arms control treaties is complicated. It is a process that is subject, on the one hand, to the influence of the level of trust achieved between the signatories and, on the other hand, to the influence of the individual political domestic arenas of the signatories in the ratification process. The existence of an arms control treaty is a means to ensure sustainable peace. The interests of state actors condition its final version because of their reluctance to give up the military capability needed to secure their existence.

Historically, the European continent has had the infamous experience of catastrophic armed conflicts whose symptoms, outbreaks or post-conflict periods have also had a significant impact on the development of arms

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control. In this area, there has always been a delicate and complex interplay between the actors' initiatives and the achievement of sustainable European security. The arms control system can be classified as one of the elements that, together with the socio-economic differences of society, the quality of the environment and the promotion of the interests of global actors on the European continent, constitute sustainable European security. Also, for this reason, a functional arms control system fundamentally influences the level of inclination of European state actors to maintain and further develop such a system.

The Russian Federation (hereafter referred to as the "RU") and the United States of America (hereafter referred to as the "US") are the most important actors that fundamentally influence the international legal framework of arms control and its impact on sustainable European security, given that they hold the largest arsenal of nuclear and conventional weapons and weapons systems and their power-political interests about the European continent have been fundamental and unchanging for both actors since the end of the World War I. The failure of the US and the RU to respect international treaties on arms control is causing a trend towards a renewed arms race between the RU and the US. The RU considers the existing international legal framework of arms control in Europe outdated and respects its binding nature only partially. In this context, for example, the RU suspended the implementation of the Conventional Armed Forces in Europe Treaty (hereafter referred to as "CFE") on 12 December 2007 and completely withdrew from it on 7 November 2023. The US has an analogous approach, exemplified, for example, in its unilateral termination of the Anti-Ballistic Missile Treaty (hereafter referred to as "ABM") on 13 June 2002, rendering the treaty null and void. The CFE is meaningless without the participation of the RU since the aim was to ensure a balance of conventional forces in Europe, which cannot be achieved without the RU. The consequence of such an act is a domino effect and, for example, caused 22 of the NATO member states that are also signatories to the CFE to suspend its implementation on 7 November 2023 (Alberque, 2023).

Withdrawal from arms control treaties by global actors such as the RU and the US has a significant impact on the sustainability of the security of the European continent. The significance of the treaties lies mainly in the fact that both actors were bound to limit, for example, the stockpiles of strategic nuclear arsenals or the numbers of conventional medium-range ballistic missiles, etc. At the same time, the treaties form the basis for strengthening and building stability and peace in Europe and play a role in avoiding the threat of a vicious circle in the arms race. From the point of view of the security concept, we can classify the given area in the military security sector (Jurčák, 2020), which demands or, on the contrary, reduces the need for financial resources allocated to the defence expenditures of the states.

The article aims to examine the impact of arms control on sustainable European security, which has historically been in a constant state of transition and is closely linked to the goal of peaceful and inclusive societies for sustainable development defined by the United Nations (hereafter referred to as "UN") in the Sustainable Development Project. Therefore, European security should also be examined in terms of regional security or regional security complex, which is in line with sustainable development (Díaz, 2022; Zuk, 2023; Batusaru & Sbârcea, 2023; Liakhovych et al., 2023).

## **2. European security**

European security is firmly rooted in the traditions of power politics that have emerged on the European continent during the continent's historical development and have shaped the European security environment. In addition to the term European security, the terms European Security System, European Security Model, and European Security Architecture (hereafter referred to as "ESA") are synonymous (Budveselová, 2015). A security architecture is a set of normative and institutional arrangements part of a more or less stable security system. Hence, it does not exist on its own. Every security architecture should be seen as a superstructure of institutions, norms, principles, and conventions, which has more or less stable and functioning foundations of power relations on which the security system is built. In other words, it is an order. A security architecture directly depends on such foundations and must reflect them (Trenin, 2022).

The first historical architecture of European collective security, Trenin (2022) argues, was the European balance of power period, also called the European concert of 1814-1914. The architecture took the form of a set of conventions that organized the relations between the great powers of the time and the Holy Alliance (Russia, Austria-Hungary, Prussia), which brought together the main actors of the continent in creating a new post-World War I structure based on the Versailles Peace Treaty (hereafter referred to as "VPT") and creating the League of Nations to manage international relations. The European security architecture based on the VPT caused the RU to be excluded from the balance of power; the US chose not to join, and France and the United Kingdom needed more forces and resources to maintain the balance of power in Europe. World War II and the defeat of Germany determined Europe to be the scene of rivalry between the US and the then USSR. No formal peace was achieved; the new European security system was based on agreements made between the Allied powers at Yalta and Potsdam and, in essence, on the political-military state of the European continent at the end of the war. The bipolar system that gradually emerged during the Cold War was based primarily on mutual nuclear deterrence and the massive deployment of US and the then USSR military forces and weapons systems. The end of the Cold War, as assessed by Graef (2021), resembled an analogous period that occurred immediately after World War I with the series of treaties concluded under the 1919 VPT, when the arms control process codified a change in political relations that were inextricably linked to competing visions of the future shape of Europe. The conventional arms control system became a new instrument for creating a new security architecture in Europe; it was not an additional pillar of the old architecture. Within the broader security and political processes, it was a cornerstone in the process of creating a political and sustainable security architecture for Europe.

The Conference on Security and Co-operation in Europe (hereafter referred to as "CSCE"), a watershed moment in shaping the current European security system, was crucial in gradually moderating the adverse effects of great power rivalry during the Cold War. In particular, the CSCE highlighted security issues, including the principles governing relations between states and the military aspects of security; the free movement of people, information and ideas; cultural relations; cooperation in the economic sphere, applied science and technology; and cooperation in improving the environment. Since adopting the Helsinki Final Act (1 August 1975), the CSCE participating States have developed a system of common standards and commitments that form the basis for cooperation in the political-military, human, economic and environmental fields. The principles of the Helsinki Final Act constituted the primary basis for easing tensions, establishing general principles for relations between and within the participating states (Waisová, 2009). The role of the Organization for Security and Co-operation in Europe (hereafter referred to as "OSCE"), which was established in December 1994, in the field of European security is defined by Galbreath, Mawdsley, and Chappell (2019) as a balanced approach in regional security relations, which is the hallmark of the organization. It is based on the outcomes of the CSCE, which brought the East and the West together and set common goals in the field of security and cooperation that survived the détente period and are still present today. The OSCE has been active in early warning (Budveselová, 2015), conflict prevention and post-war stabilization. The organization's activities are also carried out in arms control, preventive diplomacy, human rights, electoral monitoring and economic control, counter-terrorism, combating trafficking in human beings, combating the illicit trade in small arms and light weapons, and border security and management.

Since the end of World War II and because of the bipolar world order, the ESA has been institutionally composed of two military organizations: NATO and the Warsaw Pact Organisation (hereinafter referred to as the "WPO"). Subsequently, since the fall of the Iron Curtain, the ESA has been influenced mainly by the post-Cold War developments themselves (i.e. the transition of the world order from bipolarity to near-unipolarity and now the attempts to establish multipolarity), the consequences of the terrorist attacks of 11 September 2001 in the US, and the process of reassessment by the European Union (hereinafter referred to as "EU") of its leading positions in the field of European security. The restructuring of the world order has led to the disappearance of the WPO on the one hand and the revival of some actors, such as the OSCE, on the other hand. At the same time, these changes have also affected new actors, such as the EU and its role in ensuring its security, and the gradual transformation of NATO concerning new challenges. The end of the Cold War enabled the NATO member states and the former WPO to sign the CFE in Paris in 1990. This paradigmatic agreement, which coincided in time, place and several actors with the signing of the CSCE Charter (also known as the Charter of Paris - the basis of the pan-European security paradigm) for the new Europe, marked a new stage in security

relations. Both agreements aimed to end the division of Europe, and both were based on the principles of mutual respect and indivisibility of security. The European Community was transformed from an economic community into a political union enshrined in the Maastricht Treaty of 1993. This ground-breaking treaty established the common foreign and security policy as one of the three pillars on which the newly created EU rested. NATO was forced to reassess its historical mission and rationale when there was no real military threat in the form of the WPO. It was a new situation that brought new challenges and changed NATO from a provider of deterrence and defence to an exporter of stability, i.e. a more intensive involvement in international crisis management. These tasks were the content of the New Strategic Concept, which was signed at the NATO Summit in Rome in 1990 (Cobaleda, 2020).

The concept of European security reflects the experience of the historical events that have taken place on the European continent and the subsequent integration process. It has succeeded in uniting enemies and conceiving a security model that guarantees stable relations between Member States, whether in the form of the EU integration grouping or NATO. The historical development of the European security system shows that security is not just an ideal; it is, above all, the construction of the positions of the state, the nation, and social groups corresponding to specific rules, relationships and a particular type of thinking. The primary objective of the European security system is to guarantee sustainable security within a stable and secure international environment in Europe (Nečas & Kollár, 2018). The current European security model results from the complementary and harmonized action of states, international organizations and international treaties, which determine the functional links, competencies and mechanisms of their mutual cooperation. These are the actions of elements of the UN, NATO, the EU and the cooperative international security organizations and OSCE structures; regional and sub-regional structures - the Central European Initiative, the Central European Free Trade Agreement, the Council of the Baltic Sea States and, of course, the system of bilateral and multilateral treaties between individual European countries within the framework of the Stability Pact; the system of politically binding documents in the military field and confidence- and security-building within the OSCE - the Code of Conduct on Political-Military Aspects of Security; the system of arms control and disarmament treaties (CFE), etc. (Budveselová, 2015).

The institutional pillars of the ESA (NATO, the EU and the OSCE) continue to play an important role. Still, they cannot address many challenges facing European security today. There is a lack of a relevant (unified) response to destabilizing circumstances such as climate change or the revisionist perceptions of the RU and US interests in consolidating its influence on the European continent. European security today is as complex and complicated as it was in the past. It is influenced by internal and external fundamental influences such as, for instance, the United Kingdom's nuclear deterrence, terrorist attacks in European cities, crises on Europe's periphery, from the invasion of Ukraine by a rising RU to the ongoing civil war in Syria and the resulting refugee crisis. It would seem that the days when the main threat to Europe was a nuclear war between the two superpowers (US and RU) are over and that Europe is no longer the scene of a nuclear holocaust (Galbreath, Mawdsley, & Chappell, 2019). However, the uncertainty of the use of nuclear weapons on the European continent has by no means disappeared. It is currently reinforced by the speech act of the RU representatives in relation to the UA, where there is a determination to use tactical nuclear weapons on the territory of the UA. In the same way, securitization is used by the US in the form of nuclear retaliation. The insecurity experienced by the states of the European continent and their inhabitants affects global, regional and local communities. This is probably also due to the fear of history repeating itself, taking into account all the world wars that have historically taken place on the European continent (World Wars I and II, the Cold War), which were European in origin and had a global impact.

Authors Goda and Báňaiová (2018) describe the current US-EU and US-Russian and selected post-Soviet interactions as the worst since the end of the Cold War. This is a situation where the European security environment is negatively affected, there is a lack of adherence to existing agreements and treaties, and, to some extent, a common normative understanding of mutual interstate relations is disappearing. This has resulted, for example, in the violation of the Helsinki Final Act and the non-compliance with the cooperative elements of the functioning of the European arms control regime (the basic documents are CFE, the Open Skies Treaty and the Vienna Document on Confidence and Security Building Measures). Many of the above elements of cooperation have either lost their relevance, e.g. the obsolete but also disregarded CFE, from which the RU has withdrawn,

or the absolute basic principles of the agreements are being violated. The deterioration of relations can be dated back to the turn of the last decade, or to the Russian-Georgian war in 2008, or even earlier, to 2007, when then RU President Medvedev presented a revision of the European security architecture and criticism of the OSCE at the Munich Security Conference. The consequences are, for example, the annexation of the Ukrainian Crimea in 2014 by the RU, the destabilization of eastern Ukraine, and the invasion of Ukraine by the RU on 24 February 2022.

Based on the above description of European security, it is possible to agree with Schmitt's (2018) assertion that the European security architecture is a complex web of military alliances (such as NATO and the Collective Security Treaty Organization) and bilateral (or multilateral) military partnerships, economic and political organizations (such as the EU), as well as an arms control system of conventional and nuclear weapons. It also follows that no arms control or disarmament agreement (whether valid or not) can be considered in isolation, in isolation from the other pillars of the European security architecture.

### **3. Arms control and European security**

Contrary to popular belief, arms control is not a straightforward solution but rather a potential means to bolster national security and promote strategic stability. The foundation of contemporary arms control theory can be traced back to the influential publication by Thomas Schelling and Morton Halperin, *Strategy and Arms Control*, released in 1961. In this seminal work, they define "arms control" as encompassing various collaborative military efforts between potential adversaries to diminish the probability, magnitude, and consequences of war and reduce the political and economic burdens associated with preparedness. Strategic stability can be effectively attained through arms control, making it the most crucial purpose for its implementation (Brooks, 2020). There is no universally accepted definition of the term arms control. Descriptions or definitions of the content of the term arms control have always been based on the objectives that states have or have had an interest in pursuing with those terms. Arms control is not considered an end state but is consistently used as part of a process aimed at national and international security and sustainable peace-building. The arms control process is seen as a means to achieve the goal of ensuring sustainable international security and reducing the likelihood of war to the lowest possible level (Dekker, 2001).

The Covenant of the League of Nations after World War I was the first ever international legal document that included a reference to arms limitation (Ondřej, 1999). The Geneva Conference in 1932-1934 was the second attempt to limit arms. However, the results of the conference demonstrated the states' disinterest in bridging the gap between national security and world ideals. It was confirmed that arms limitation was primarily a domestic political issue and only then a technical problem in the broader international sense (Kickova, 2010). Arms limitation or arms regulation on a global scale was first embraced after the end of World War II with the establishment of the UN (Ondřej, 1999).

The year 1959 was significant in relation to the international legal framework in arms limitation in that the first major arms limitation treaty was concluded in a particular area. This was the Antarctic Treaty, the main aim of which was to ensure that the Antarctic was used only for peaceful purposes (Ondřej, Mrázek, & Kunz, 2023). The first international legal framework for the regulation of nuclear weapons was aimed at protecting the environment from the harmful effects of nuclear testing (Čepelka, Šturmá, 2003). It was a 1963 treaty concluded between the then USSR, the US and the United Kingdom called the Partial Test Ban Treaty (hereafter referred to as "PTBT") (see Table 1).

**Table 1.** Selected arms control treaties

TREATY/AGREEMENT	MAIN FOCUS	SIGNATURE/ENTERED INTO FORCE
Open Skies Treaty	It commits Eurasian and North American Member States to reciprocate airspace and allow overflights by unarmed surveillance aircraft over their territories in order to enhance confidence and transparency in military exercises.	1992/2002 (US – withdrew from the treaty in 2020)
Treaty on a Nuclear-Weapon-Free Zone in Southeast Asia (Bankog Treaty)	Prohibits the testing, possession or transport of nuclear weapons in the region.	1995/1997
African Nuclear-Weapon-Free Zone (Pelindaba Treaty)	Prohibits the testing, possession or transport of nuclear weapons in the region.	1996/2009
Comprehensive Nuclear-Test-Ban Treaty	It prohibits all types of nuclear weapons test, i.e. including underground tests.	1996/ <b>not yet in force</b> (RU revoked its 2000 ratification in 2023)
Central Asian Nuclear-Weapon-Free Zone (Semipalatinsk Treaty)	Prohibits the testing, possession or transport of nuclear weapons in the region.	2006/2009
Agreement on cluster munitions	Prohibits the use, manufacture, transport and storage of cluster bombs.	2008/2010
Treaty on the Prohibition of Nuclear Weapons	A total ban on nuclear weapons, including the elimination of their stockpiles.	2017/2021
Antarctic Treaty	It bans military use of Antarctica, including nuclear testing.	1959/1961
Treaty banning the testing of nuclear weapons in the atmosphere, in outer space and under water (PTBT)	It bans nuclear weapons testing in the atmosphere, in space and underwater, and permits nuclear weapons testing below the Earth's surface.	1963/1963
Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies (Outer Space Treaty)	Prohibition on the use of space for weapons testing or deployment, including exercises.	1967/1967
Treaty for the Prohibition of Nuclear Weapons in Latin America (Treaty of Tlatelolco)	It prohibits States Parties from acquiring and possessing nuclear weapons, as well as the storage and stationing of nuclear weapons of other States, and prohibits the testing of nuclear weapons.	1967/1968
Treaty on the Non-Proliferation of Nuclear Weapons	Prohibits the manufacture and import of nuclear weapons production facilities by non-nuclear-weapon states. Imposes restrictions on and elimination of nuclear weapons by nuclear powers. Recognizes the right to peaceful uses of nuclear energy.	1968/1970
Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Bottom of the Seas and Oceans and in the Subsoil Thereof (Seabed Treaty)	Denuclearization of the seabed and ocean floor, prohibiting the use of the seabed as a means for the deployment of military weapons, including nuclear weapons incendiary devices.	1971/1972
Agreement on the prohibition of military or any other hostile use of means affecting the environment.	It prohibits the use of technologies that could alter the weather, the oceans, the ozone layer or the ecology.	1977/1978
Treaty concerning the activities of States on the Moon and other celestial bodies (Moon Treaty)	It obliges states to comply with international law on the use of space bodies. <b>It has not been ratified by any state that has a real space program.</b>	1979/1984
Treaty on a Nuclear-Weapon-Free Zone in the South Pacific (Rarotonga Treaty)	Prohibits the testing, possession or transport of nuclear weapons in the region.	1985/1986
Treaty on Conventional Armed Forces in Europe (CFE)	It sets limits on five categories of weapons in Europe, lowering the balance of power level.	1990/1992 (RU – susp. implementation in 2007, withdrew from CFE in 2023)

Source: Krejčí, 2021; Onderco, Jimenéz, 2021; Aalberque, 2023; Treza, 2023

The 1960s saw two significant developments in international security relations that influenced the international legal framework for arms control. The first event, i.e. the interest in negotiating nuclear arms control, was triggered by the shock of the aftermath of the so-called Cuban Missile Crisis. The first event convinced the US

and the RU, after much discussion on arms control, that it was an absolute necessity in international security and peace assurance to reduce the risk of nuclear war breaking out. The first tangible result was the PTBT. These events were followed by the signing of the Outer Space Treaty and the Treaty on the Nonproliferation of Nuclear Weapons (hereafter referred to as "NPT"), which were the basis for further negotiations on treaties to limit or reduce strategic weapons (the so-called SALT, SORT and START treaties). The early 1960s is also referred to as the beginning of the nuclear arms control process. The second event was directly linked to Europe. It was the arms control interest in conventional forces that began to build up in the late 1960s. The second event was equally related to the crisis caused by the construction of the Berlin Wall in August 1961. The then German Chancellor Willy Brandt was convinced that if the US was going to reduce the risk of nuclear war breaking out by negotiating its control with the then USSR, the then NATO member states should simultaneously be concerned with reducing the likelihood of armed conflict between East and West in Europe. Selected US-Russian strategic stability treaties are presented below in Table 2. The above thesis has been a source in the negotiations between NATO and the WPO on conventional force reductions and talks on mutual and balanced force reductions in Europe (Brauch, Grimwood, 2014).

**Table 2.** Selected US-Russian strategic stability treaties

TREATY/AGREEMENT	MAIN FOCUS	SIGNATURE/ENTERED INTO FORCE
Anti Ballistic Missiles Treaty (AMB)	It limits the deployment of missile defence systems to two areas (so that they do not provide defence for the whole territory) and prohibits the development of missile defence systems for deployment in space.	1972/1972, <b>not in force since 2002 (terminated by the US in 2002)</b>
Interim Agreement on Certain Measures to Restrict Strategic Offensive Arms (SALT I)	Freeze the number of strategic ballistic missile launchers and submarines for a period of 5 years.	1972/1972
Strategic Offensive Arms Limitation Treaty (SALT II)	Limits the numbers of strategic bombers, cruise missiles, intercontinental missiles and other weapons.	1979/ <b>did not enter into force (It has not been ratified).</b>
Treaties on the elimination of short and intermediate-range missiles (INF)	Eliminates and prohibits ballistic missiles and cruise missiles with a range of 500 to 5,500 km.	1987/1987, <b>not in force since 2019 (terminated by the US in 2019)</b>
Strategic Arms Reduction and Limitation Treaty (START I)	Reduces the number of strategic nuclear weapons by 30%.	1991/1994
Strategic Arms Reduction and Limitation Treaty (START I)	Reduces the number of strategic nuclear weapons.	1993/2000
START III Treaty Directive	Preliminary agreement on a treaty that would include a commitment to reduce strategic nuclear warheads to between 2,000 and 2,500 by 2007.	1997
Strategic Offensive Reductions Treaty (SORT)	It expects to reduce the number of operationally deployed nuclear warheads to between 1,700 and 2,200 by 2012.	2002/2003
Strategic Arms Reduction and Limitation Treaty (New START )	It expects to reduce the number of operationally deployed nuclear warheads to 1,550 and delivery vehicles to 700 (800 including reserves) by 2018.	2010/2011

Source: Krejčí, 2021; Crawford, Vu, 2021; Bell, 2020

The arms control architecture built during the Cold War has become a tool for political discourse on the transformation of the European security order. The decision to expand the membership bases of Western institutions, including NATO, has sidelined the antagonistic positions of the US and the RU. However, the negative side of the arms control architecture caused the RU to be politically marginalized in Europe, which made it unwilling to accept previously agreed limitations on its military posture. Any system, given both internal and external influences, needs reforms. The failure to establish democracy in the RU on the one hand, and the near unipolarity of the post-Cold War US-led system on the other, prevented the implementation of the necessary reforms to the arms control system. At the same time, the technological development of modern weapon systems in the last two decades has naturally exceeded the limitations that were part of the agreed norms

of the arms control system. Today, Europe's conventional arms control system has returned to where it started in the early 1970s. Amid the new strategic competition, many states are unwilling to take risks and give up even small concessions that might benefit adversaries. The future arms control system is no longer likely to seek to change the political order (security architecture) but to stabilize and manage the future status quo in Europe. A military balance in support of the status quo in Europe is possible given, for example, the growing role of strategic conventional weapons systems. This shift could provide linkages between conventional and nuclear weapons. If this were to happen, conventional arms control could again become crucial in ensuring the transformation of the European security order (Graef, 2021). The security situation across Europe could seriously deteriorate because Europe is heading towards a new division within the spheres of influence of US and RU power-political interests. The arms control mechanism achieved mainly during the Cold War, which is considered the basis for sustainable European security, is facing unprecedented challenges. The collapse of the arms control mechanism has a high potential to spark an uncontrolled arms race across Europe, with potential spillovers on a global scale (Rogov, 2012).

In the second half of the 20th century, Europe's security was directly linked to the strategic stability provided by the two nuclear powers - the US and the RU. The current European security architecture incorporates Cold War logic, namely arms control treaties between the US and the then USSR (now the RU) and post-Cold War multilateral agreements, including confidence-building agreements between former adversaries. These formal and informal rules exist to mitigate the so-called security dilemma (Kunertova, 2021). Dvorkin, Arbatov, and Oznobishchev (2012) report that the first mutually accepted general definition of strategic stability appeared in a June 1990 joint statement by the USSR and the US, several years after both states began using the term, each according to its interpretation. The new term replaced the non-binding principle of "equality and equal security". According to the 1990 Joint Statement, strategic stability was understood as a balance of strategic forces of the USSR and the US (or such a state in which the strategic relations of the two superpowers were) in which there was no incentive to carry out a nuclear first strike. It was declared that future agreements should ensure strategic stability by stabilizing the arms control of strategic offensive weapons and maintaining an appropriate ratio of strategic offensive and defensive weapons. The principles of stabilization included reducing the number of nuclear warheads on strategic delivery vehicles and giving priority to weapon systems capable of surviving a nuclear attack.

Crawford and Vu (2021) point out that the strategic arms control mechanism (meaning nuclear weapons) is currently in crisis or dysfunctional. The US and the RU have withdrawn from agreements that provided an international legal and control framework to control arms and ensure strategic stability. In 2002, the US withdrew from the 1972 ABM) Systems Limitation Treaty, and in 2007, the RU suspended implementation of the 1990 CFE and formally withdrew from the treaty in 2023. According to Dean and Forsberg (1992), the main benefit of the CFE was that it provided guarantees of stability and predictability in military relations in Europe. However, it also had other benefits. In many ways, it was a combined peace treaty for World War II and the Cold War. The CFE expressed in material terms the reconciliation between the Allies and Germany and between NATO and the former USSR. Another benefit of the CFE was the reduction of the number of major types of conventional armaments in the USSR successor states west of the Urals to one-third of their numbers in 1988. About economic indicators, the US, with immediate effect, permanently reduced its military presence in Europe by 50% to 150,000 members of its armed forces, thereby reducing the costliness of defence budget expenditures by \$15 billion per year in the 1990s.

The US also withdrew from the 1987 INF on the Elimination of Short-and Intermediate-Range Missiles in 2019 and the Open Skies Treaty in 2020. The only US-Russian strategic arms control agreement that is still in force is the 2011 New Strategic Arms Reduction Treaty (hereafter referred to as "New START") (its extension was signed in 2021), which expires in 2026 (Crawford, Vu, 2021). Even though nuclear weapons are still the most dangerous legacy of the 20th century, many experts are exploring to find an answer to the question of whether there is anything more devastating than nuclear weapons today. New technologies could rival or even surpass the destructive effect of today's atomic weapons (Levi, O'Hanlon, 2005). These include emerging and disruptive technologies (artificial intelligence, autonomous weapon systems, hypersonic systems, space weaponization, next-generation communication networks, novel materials, etc.), missile defences, long-range conventional high-precision weapons, and cyber and cyberspace capabilities. In the face of deteriorating global international

security that negatively affects the peace of the world, humanity has, in a sense, returned to the logic of the 1955 Russell-Einstein Manifesto, which asserted that agreements reached in peacetime are not considered binding in a state of war. The manifesto most intensely debated two possibilities: either a way to abolish war would be found, or the end of humanity would occur. As Péczeli (2023) defined, these new capabilities blur the lines between nuclear and conventional warfighting doctrines and blend nuclear, space, cyber and conventional concepts. This multidomain strategic environment's complexity makes it more difficult to distinguish between stability and instability. "

The abolition of war between nuclear-weapon states is highly unlikely today, but confidence-building measures and arms control can reduce the likelihood of conventional conflicts breaking out and escalating into nuclear war (Lodgaard, 2019; Kavan, 2021). A report prepared by Perrin (2021) for the NATO Plenary assesses that the international legal framework for arms control currently relies only on the extended New START Treaty. This is the last remaining arms control treaty that fulfils its purpose of limiting strategic nuclear weapons possessed by the US and the RU. But a delicate balance keeps alive the broader complex of arms control agreements that emerged in the 1990s. The extension of the New START provides the international community with an opportunity to redraft the currently dysfunctional international legal framework for arms control and disarmament. Historically, it is a given that agreeing on a final version of an arms control treaty or agreement between the parties to the treaty has been addressed over more than a single five-year period. Given the evolution of international security, what has been building for more than half a century since the Cuban Missile Crisis could easily unravel in the next decade. The "new nuclear age" is likely a far more significant challenge than that which characterized the Cold War. Terem and Drotár (2021) argue that bilateral nuclear agreements have the potential to be the normative principle of the second nuclear age. Crucial, however, will be an agreement between the US and the RU on framing the goal of such an agreement. If it were, for example, an agreement on total nuclear zero, this could lead to nuclear disarmament at the regional (thought of at the European level) and later at the global level (achieving global nuclear parity and balance). The extension of the New START is based on the pragmatism of the parties and strategic thinking that the future threat has more contours of asymmetry, which will come from the so-called grey security zone where nuclear weapons, conventional advanced weapons systems and emerging and disruptive technologies will play a decisive role.

The abrogated INF was part of the European security architecture and played an essential role in consolidating the security dilemma. The arms control treaties and agreements that were concluded during and then after the Cold War created an interconnected international legal framework that provided transparency, a confidence-building tool, regulated relations between the parties and reduced to a minor level the likelihood that a military attack by a contracting party would outweigh the benefits over the negatives. It became a guarantee for reducing military capabilities in the post-Cold War era (Schaub, 2013). The demise of the INF has the potential, as Kunertova (2021) argues, to reinforce the need for increased weaponization by state actors in Europe and globally.

The abrogation of the INF removed from the international legal framework the control of a category of nuclear weapons that posed a direct threat to European security: short and medium-range missiles (300 to 5,500 kilometres). The annulment of the INF has allowed both the US and the RU to introduce that category of nuclear weapons into their arsenals, potentially destabilizing the security environment on the European continent. For example, the RU is concerned with deploying US short-to-medium-range conventional missile systems in European NATO member states. Specifically, the short flight time of such missiles (less than 20 minutes) from NATO member states would give the RU almost no time to detect them and take action to destroy them, increasing the likelihood of an incorrect response based on incomplete information. The presence of these types of missiles increases the probability that a regional conflict between the RU and the US could escalate - either inadvertently or due to miscalculation - and reach an imaginary threshold of triggering a nuclear conflict, with potentially devastating consequences for Europe (Bell, 2020). The nuclear arms control system, which emerged during the Cold War as an effort by the US and the then USSR to maintain trust and transparency in the field, is in crisis. The role of nuclear arms control after the end of the Cold War may be overstated. Still, it must be emphasized that it served primarily to consolidate both countries' nuclear weapons for their nuclear missions, not to reduce stockpiles. Overall, however, the positive contribution of arms control to preventing nuclear war and managing US-Soviet and US-Russian relations is indisputable and has had a significant positive impact on

stability and sustainable peace on the European continent. Europe's security has benefited from the gradual reduction in the numbers of both nuclear arsenals and the increased predictability guaranteed by the strategic arms control treaties. Advances in bilateral arms control have also promoted nonproliferation and disarmament goals (Kulesa, 2020; Kavan, Brehovska, 2016).

Europe has benefited from the existence of the INF and the New START and the maintenance of a bilateral dialogue between the US and the RU on strategic stability and arms control. The collapse of the INF, the war in Ukraine and the crisis in US-Russian and NATO-Russian relations are reviving the threat of the European continent becoming a deployment zone for additional Russian and potentially US weapon systems with nuclear capability. All European states and the EU have continued to support US-Russian arms control as part of their vision of a rules-based global order and as a measure through which power politics is restrained and multilateralism strengthened (Kulesa, 2020).

The ABM's demise definitively abrogated a pillar that had been in place for decades between the US and the RU and had fulfilled the crucial role of maintaining good bilateral relations between the actors. The situation opened up the theoretical possibility of developing unlimited capabilities for US and RU missile defence programs, regardless of whether they would be technically feasible, successful, or affordable. Moreover, the absence of a critical pillar to keep the missile defence balance in check has deprived the bilateral arms control and disarmament process between the US and the RU of a mechanism that could also provide some barter commodity in future arms control and nuclear disarmament system negotiations. Historically, bilateral nuclear arms control treaties have been a multiplier that has been conducive to sustaining arms race dynamics even during the Cold War. Therefore, it is not an exaggeration to state that without some of the significant treaty restrictions that were part of the US-Russian bilateral nuclear arms control agreements, such as those in the INF or the ABM, an arms race out of control could have become a reality (Kühn, 2021; Kavan, 2015).

The future arms control system is likely to be less about the number of launchers, nuclear delivery systems and warheads and more about limiting competing technologies for new offensive and defensive weapon systems. Arms control will also have to address the differences between the US, RU, and Chinese and other states' expectations for nuclear crisis management and escalation control. According to some experts, a "revolution in military affairs" based on new technologies and emerging and disruptive technologies could threaten the credibility of nuclear strategic stability based on past assumptions. These technologies threaten to disrupt the long-standing nuclear deterrence paradigm and alter the balance of power between the US, the ROK, and China (Cimbala, Lowther, 2022).

## **Conclusions**

The international legal framework of arms control and disarmament is an institution that has a fundamental impact on sustainable international security and has become an integral part of public international law over its nearly 80 years of existence. The area of international law is most frequently associated with international politics and the relations between its actors. For this reason, the international legal framework of arms control and disarmament is, to a fundamental extent, conditioned by the interests of states in preserving the greatest extent of sovereignty and securing their existence. In the above context, Ondřej (1999) argues that international arms and disarmament treaties impose obligations on the parties that are particularly sensitive to the exercise of state sovereignty because they limit it. Limited state sovereignty results from a reduction in the level of armaments that affects the national security of the state actor. In this context, a workable international legal framework for arms control and disarmament is indispensable, mainly because armaments constitute a natural activity of the state actor, fulfilling the objective of securing the state's sovereignty. Therefore, it is probably an illusion to have a world without weapons, i.e. to want to achieve, for example, so-called conventional zero or nuclear zero. History still does not suggest that state actors want to renounce strategic military capability. Instead, based on post-Cold War European security, it seems more realistic to achieve an international legal framework for arms control that provides an acceptable guarantee of military balance at the regional level, i.e. sufficient military capability of a state actor to ensure its sovereignty. Historically, however, there has not been, nor is there likely to be, an international legal framework that can eliminate a state actor's use of weapons for any purpose other than the primary purpose of self-protection (i.e., ensuring security within its borders - ensuring

sovereignty). An example is revisionist state actors who associate the acquisition of foreign territory by military force with their primary purpose.

Just as European security is not static, neither is the correlation between a state actor's conventional and nuclear forces. It is a highly dynamic domain, according to Bruusgaard (2021), which is influenced by the subordination and superordination of elements. Conventional subordination can induce increased reliance on nuclear weapons, but some states are seeking to improve conventional capabilities to overcome this reliance. The aforementioned state of a state actor's adherence to conventional or nuclear forces may also reflect the functionality of the international legal arms control framework. The fact is that the international legal arms control framework ensuring a conventional military balance on the European continent has broken down. It was based on the Atlantic model of European security, given that the US is no longer a party to the CFE, the ABM, the Open Skies Treaty, or the INF. As a result, no prominent security actor can guarantee the continent's security to the extent that the US can do so. Given the antagonistic interests of the US and the RU in the relationship of the European continent, there is currently no legal framework on arms control that provides guarantees of stability and predictability in conventional forces in military relations in Europe. In the wake of the dysfunctional international legal framework concerning conventional forces on the European continent, strategic stability of nuclear weapons among the most crucial European security actors is maintained only by the last major treaty, i.e. the New START. In the second half of the 20th century, Europe's security was directly linked to the strategic stability (i.e. strategic nuclear weapons parity) provided by the two nuclear powers - the US and the RU. The current European security architecture embraces Cold War logic. Onderco and Smetana (2021) have determined the relevance in the nexus of the US nuclear deterrence strategy on the European continent, which is based on the premise that it deters an adversary (meaning mainly the RU) from a nuclear conventional attack against European NATO member states. The so-called European nuclear umbrella provided by the US that existed during the Cold War remains a critical element of NATO's nuclear deterrence strategy to this day. The nuclear umbrella in question can be strengthened in terms of military strategy due to the US withdrawal from the INF by deploying any number of non-strategic nuclear weapons on the European continent because an adequate international legal framework does not constrain such a course of action. The New START-style agreement between the US and the RU only applies to the actors mentioned above, or the deployment of non-strategic nuclear weapons by the US and the RU on the European continent has endemic limits. Given that the security insecurity experienced by the states of the European continent and their populations affects not only regional communities but also global ones.

Establishing an adequate international legal framework for arms control is and will be necessary in the future, particularly for the European continent. However, its creation and maintenance will be challenging to implement given the asymmetries that prevail in armaments (effectiveness and destructive power of conventional weapons systems compared to nuclear weapons, emerging and disruptive technologies, etc.). The asymmetry in nuclear weapons is also characteristic of the state actors that possess nuclear weapons on the European continent (France and the United Kingdom) and are not part of an adequate legal control mechanism that would build regional trust between the so-called Western states and the RU. It can, therefore, be assumed that once an acceptable framework is in place, the RU will be willing to reduce its nuclear arsenal. Future nuclear arms control regimes will thus have to abandon the so-called bipolar logic based on the principle that the US and the RU have comparable numbers of strategic nuclear weapons. The new arrangements will also have to take account of changing technological progress. Other factors that will influence the finalization of a possible future legal framework on armaments and disarmament are the increasing effectiveness of a nuclear first strike, the effectiveness of modern conventional weapons to turn off an adversary's nuclear arsenal, and the growing number of states possessing nuclear weapons. Disarmament treaties will be essential to establishing new verification regimes for nuclear arms control, the application of which will undoubtedly be a significant challenge.

The anarchy that prevails in international relations presents a picture that tends to lean towards the side that state actors will not be entirely willing to give up nuclear weapons shortly, and limiting them by legal agreement is also tricky. A factor could be that a conventional alternative to nuclear weapons will begin to exist. Taking into account the fact that European security is based on the Atlantic model, the European continent remains the theatre or stage where the interests of global actors will continue to assert themselves. For this reason, the

international legal framework should also be seen as an essential executive element for ensuring European security, reflecting the resulting architecture of congruence of actors' interests and military balance. However, the theoretical framework of the international legal framework of arms control and disarmament confirms that it is a very complex process from its very beginning. The bipolar world had a positive side. It forced the main actors of the time, the US and the USSR, to build strategic parity and a system of international legal framework to control it. Considering the current global security environment in which a new world order is being created, we can apply the bipolar analogy to the future European security architecture. There is a need to resolve the international legal framework for strategic nuclear weapons, which cannot be absent of state actors who possess such weapons. This will also ensure that if another state actor comes into the world, it will be able to become a party to the treaty. This analogy would pave the way for the establishment of an international legal framework also for modern conventional weapons, as was the case after the end of the Cold War. However, in this context, the first thing that needs to be done is to ensure an acceptable security environment on the European continent, for example, by ending the armed conflict in Ukraine with a peace treaty. However, the future of the international legal framework for arms control with nuclear or conventional weapons is contingent on a security guarantor with a global dimension, which is currently embedded in the Atlantic model and is highly likely to prevail for the next two decades. However, if European security is to move forward, it will be necessary to provide an alternative model to transatlantic European security. A European model in which the EU will play the role of a geostrategic actor is acceptable, also in light of the historical and developmental stages of the European continent. However, the concept mentioned above of European security will not be able to succeed without a balanced US presence. In the given constellation, however, the organization with a high potential to gain support across the entire European continent is the OSCE. Said concept does need time, but it is still more acceptable than hearing German Chancellor Olaf Scholz (Bunde, 2022) speak to members of the German Bundestag gathered for a special session on the morning of Sunday, February 27, 2022, three days after the start of the Russian invasion of Ukraine. "We are living through a watershed period," Scholz said, "And that means that the world then will not be the same as the world before." Or, as the Intelligence Unit Report (2022) assesses, the war in Ukraine could expand into a global conflict that pits the Russians against NATO member states. War poses a particular risk to NATO member states bordering Ukraine and the RU, which could be inadvertently drawn into the conflict. The RU could also target countries it perceives as supporting Ukraine, either by providing aid or enforcing punitive measures, and prepare its nuclear deterrent. Potential and existing NATO members such as Poland, Romania, the Baltic states, Finland, and Sweden are the most likely trigger points. Another potential flashpoint is Moldova. The consequences of a conflict of this magnitude would be devastating. The world economy would plunge into a deep recession with severe human implications and many casualties. Such a confrontation could take a nuclear form with disastrous consequences.

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**Author Contributions:** The authors contribute equally. All authors have read and agreed to the published version of the manuscript.

**Juraj CSÉFALVAY** is a PhD candidate at the Department of Security Studies of Faculty of Political Science and International Relations of Matej Bel University in Banská Bystrica. In his research, he focuses on security threats, specifically changes in the strategic thinking of the United States and the Russian Federation and their impact on European security.

ORCID ID: [0009-0001-0684-8657](https://orcid.org/0009-0001-0684-8657)

**Rastislav KAZANSKÝ** Assoc. Prof, PhD., EMBA is Head of the Department of Security Studies at the Faculty of Political Science and International Relations of Matej Bel University in Banská Bystrica. He is professionally involved in pedagogical and scientific research activities within the Geopolitics of Central European Region, Security Policy - Conflict Theory, Peace and Conflict Studies.

ORCID ID: [0000-0002-2701-2023](https://orcid.org/0000-0002-2701-2023)

**Lucia RÝSOVÁ** Assoc. Prof, PhD. in the field of international relations at the Department of International Relations and Diplomacy at the Faculty of Political Science and International Relations of Matej Bel University in Banská Bystrica. In her pedagogical and scientific research activities, she focuses on the area of development tendencies of the world economy and their influence and impact on its selected actors, the area of development and the current state of European integration, the external dimension of the economic relations of the European Union, as well as on the formation of a sustainable knowledge-based economy within the European Union.

ORCID ID: [0000-0003-2956-1162](https://orcid.org/0000-0003-2956-1162)

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