

## EU Non-Proliferation and Disarmament Consortium

Promoting the European network of independent non-proliferation and disarmament think tanks

E-newsletter of the European Network of Independent Non-Proliferation and Disarmament Think Tanks

### Shipping cluster munitions to Ukraine, an interview with Margarita Petrova



Margarita Petrova is an assistant professor at IBEI where she teaches courses in International Relations and International Peace and Security. She holds a PhD degree in Government from Cornell University. Her main research areas are international norm development, ethical and legal issues in international relations, security studies and arms control, and transnational activism and NGO advocacy.

[What do you think of the US announcement that it will send cluster munitions to Ukraine?](#)

The first concern is that it will contribute to civilian casualties. Given the munitions' wide-area coverage and lack of precision, if used near populated areas, they will likely kill civilians. Even if populated areas are avoided, the high rate of unexploded submunitions will lead to civilian casualties and hamper reconstruction efforts after the war. The unexploded submunitions would also hinder military movements and probably cause casualties among Ukrainian soldiers when they advance through areas targeted with cluster munitions. This certainly was a problem for US forces after they used in Iraq the same types of DPICM munitions transferred to Ukraine.

There are important normative and political concerns. The transfer undermines the US ability to hold the moral high ground. It seeks to bolster Ukraine's war effort in the short term, but could backfire against the US credibility as a defender of the international rule-based order that is ultimately at stake. Potentially, the decision weakens the stigma on cluster munitions that are banned by the 2008 Convention on Cluster Munitions, ratified by 111 states, including the majority of NATO allies, notable exceptions are the United States, Russia and Ukraine. Whether cluster munitions will be re-normalized depends on the international community's reaction and the US's own justifications. So far, the significant media attention, disapproval voiced by states, civil society, and the UN Secretary General indicate the strength of the norm. The Administration justified this "difficult decision" as a stopgap measure until more unitary munitions became available, recognized the humanitarian risks, and demanded that Ukraine doesn't use cluster munitions in civilian areas and records their employment so that unexploded submunitions can be cleared promptly. This could be seen as acknowledging the existing norm against cluster munitions even in its breach. However, concerted efforts are urgently needed to prevent its future unraveling.

[What explains the lack of ratifications of the 2008 convention banning the use of cluster munitions by major powers such as the United States and Russia?](#)

In short, they insist cluster munitions have a certain military utility. They haven't been impervious to the international stigma on cluster munitions, but have responded to it differently. The Pentagon was among the first to acknowledge the humanitarian concerns with cluster munitions in 2001 and has sought to address them by technical fixes aimed at lowering the unexploded ordnance rate. The US hasn't used cluster munitions since 2003 (except one strike in 2009). Unfortunately, the current decision breaks with this trend of de facto compliance with many aspects of the Convention.

Russia is less susceptible to normative influence. A recognition that a norm against cluster munitions exists transpires in its criticisms of cluster use by Ukraine (and NATO in the past). It also denies or doesn't comment on its own use of cluster munitions. However, many organizations, including Human Rights Watch and Amnesty International, have documented Russia's indiscriminate employment of cluster munitions that has led to significant civilian casualties in Syria and Ukraine.

[What can the EU do to promote the universalization of the Convention?](#)

The EU supports the humanitarian objectives of the Convention, especially regarding risk education, ordnance clearance and victim assistance, which it should keep supporting globally. It should also continue speaking out against the use of cluster munitions resulting in civilian casualties. However, the EU doesn't have a common position on the Convention's provisions banning cluster munitions, as some member states haven't ratified it yet (Cyprus, Finland, Estonia, Greece, Latvia, Poland, and Romania). Ratification by all EU members would boost support for the Convention and allow the EU to assume a more active role in its further universalization.

### Iran, the US and the JCPOA: Time for an agreement?

In the five years after U.S. withdrawal from the JCPOA, the Iranian nuclear programme has made dramatic progress. In its last report, the IAEA has indicated that its inspectors had found uranium particles enriched up to 83.7% quite close to military grade. The time required for Iran to acquire the necessary material for a bomb, if it decides to do so, is estimated to be less than a week, compared with a year under the JCPOA. Plus, one of the key dispositions of the JCPOA binding Iran not to undertake any activity to make ballistic missiles capable of delivering nuclear weapons is set to expire in October this year. In this context, since mid-June, the U.S. and Iran have reportedly conducted discussions to improve bilateral relations. Can those talks come to fruition? And if so, what kind of agreement might emerge?

Even though the Biden administration has not officially confirmed such talks, the spokesperson of the Iranian ministry of foreign affairs did so, while making it clear that there was no intention to negotiate a new formal deal. This makes sense as there is no much space to negotiate a new formal deal, which would need to be approved by Congress, something that appears unthinkable ahead of the 2024 U.S. presidential elections. However, in any case, the agreement would aim to reduce tensions between the two sides, especially in the Middle East. The closure of a dispute between the IAEA and Iran regarding two suspect sites is also part of this effort.

The deal being negotiated would foresee the release of billions of dollars' worth of Iranian assets around the world in exchange for the repatriation of American prisoners detained in Iran but especially a freeze of the Iranian nuclear programme. The U.S. is also seeking a decrease of Iranian military support to Russia.

The European Union (EU) is following the negotiations very closely, while reiterating its established position on the issue. It continues to call on the US to re-join the JCPOA and on Iran to abide by the agreement in exchange for a lifting of the sanctions. Nevertheless, it should be noted that the E3/EU has decided to keep in place the ballistic missile sanctions, which are set to expire in October this year according to the JCPOA, while not triggering the snapback mechanism as the effects of it would be too strong on the non-proliferation regime and on the image of the EU vis-à-vis Iran.

In conclusion, there are two unknowns. The first is whether Iran will stick to the tacit agreement not to further pursue uranium enrichment. The second is who will win next year's US presidential elections and how he or she will address the Iran dossier and more specifically the option of transforming the tacit agreement into a lasting pact

**Héloïse Fayet. Research fellow at the French institute of international relations (Ifri)**

## Latest Publications

The G7 and the Nuclear Non-proliferation Regime: Between Idealism and Pragmatism. Manuel Herrera. IAI. June 2023

Weaponizing Innovation? Mapping Artificial Intelligence-enabled Security and Defence in the EU. Raluca Csarnatoni EUNPDC Non-Proliferation and Disarmament Papers. July 2023

On the Peace and Security Implications of Cybercrime: A Call for an Integrated Perspective. Mischa Hansel and Jatnje Silomon. IFSH. April 2023

## Network Calls

The *Istituto di Ricerche Internazionali Archivio Disarmo* (IRIAD) is partnering with various universities to offer internship opportunities to students. Those interested can send their CV and motivational letter to [info@archiviodisarmo.it](mailto:info@archiviodisarmo.it)

More info: [Here](#)

The *Groupe de recherche et d'information sur la paix et la sécurité* (GRIP) is looking for two full time researchers for the upcoming September 2023

More info: [Here](#)

The Peace Research Institute Frankfurt (PRIF) offers internship opportunities to become a peace researcher

More info: [Here](#)

## EU NEWS

### THE EU AND THE 22ND ANNUAL MEETING OF THE HAGUE CODE OF CONDUCT AGAINST BALLISTIC MISSILE PROLIFERATION (HCOC)

IN A STATEMENT AT THE 22ND ANNUAL MEETING OF THE HCOC, THE REPRESENTATIVE OF THE EU NOTED THAT AFTER TWO DECADES OF EXISTENCE, THE CODE HAS BECOME AN IMPORTANT MULTILATERAL TRANSPARENCY AND CONFIDENCE-BUILDING MEASURE AIMING AT BOTH PREVENTING BALLISTIC MISSILE PROLIFERATION AND INCREASING TRANSPARENCY ABOUT BALLISTIC MISSILES AND SPACE LAUNCH VEHICLES.

THE EU REAFFIRMED ITS STRONG SUPPORT FOR THE HCOC BY ACTIVELY PROMOTING ITS UNIVERSALISATION, FULL IMPLEMENTATION AND EFFICIENT FUNCTIONING, CALLED ON ALL UN MEMBER STATES THAT HAVE NOT YET DONE SO, TO SUBSCRIBE TO THE CODE, WELCOMED THE ADOPTION BY THE UNITED NATIONS GENERAL ASSEMBLY (UNGA) OF A NEW BI-ANNUAL RESOLUTION IN SUPPORT OF THE HAGUE CODE OF CONDUCT, AND ENCOURAGED ALL UN MEMBER STATES TO SUPPORT AND VOTE IN FAVOUR OF THE NEXT HCOC RESOLUTION DURING THE 79TH SESSION OF THE UNGA IN 2024.

THE EU REPRESENTATIVE WENT ON SAYING THAT SINCE 2008, THE EU HAS CONTINUOUSLY PROVIDED SIGNIFICANT POLITICAL AND FINANCIAL SUPPORT FOR THE CODE THROUGH VARIOUS OUTREACH EVENTS, REGIONAL SEMINARS, EXPERT MISSIONS, AND RESEARCH PAPERS AND STRESSED THAT ON 17 JANUARY 2023 THE COUNCIL OF THE EUROPEAN UNION HAD ADOPTED ITS FIFTH DECISION (CFSP 2023/124) IN SUPPORT OF HCOC, ALLOCATING MORE THAN ONE MILLION EURO FOR ACTIONS IN SUPPORT OF THE UNIVERSALISATION, FULL IMPLEMENTATION AND ENHANCEMENT OF THE CODE AND BALLISTIC MISSILE NON-PROLIFERATION.

THE EU REPRESENTATIVE ADDED THAT THE EU REMAINS CONCERNED BY THE CONTINUED PROLIFERATION OF WEAPONS OF MASS DESTRUCTION AND THEIR DELIVERY SYSTEMS, IN PARTICULAR THE PURSUIT BY SEVERAL COUNTRIES OF CONCERN (I.E. DPRK, IRAN AND SYRIA ) OF BALLISTIC MISSILE PROGRAMMES IN VIOLATION OF UN SECURITY COUNCIL RESOLUTIONS, AND CALLED FOR THE IMMEDIATE DISMANTLEMENT OF SUCH PROGRAMMES.

MORE INFO: [HERE](#)

## NETWORK NEWS

### XIII ODCNP INTERNATIONAL SUMMER SCHOOL: “DANCING IN THE DARK: THE FUTURE OF NUCLEAR ORDER”

THE ODESA CENTER FOR NONPROLIFERATION AND THE BODRUM INSTITUTE WITH SUPPORT OF PLOUGHSHARES FUND ORGANIZE THE INTERNATIONAL SUMMER SCHOOL ON ARMS CONTROL, NONPROLIFERATION AND INTERNATIONAL SECURITY, WHICH PROVIDES HIGH QUALITY UP-TO-DATE TRAINING IN A WIDE RANGE OF SPECIALLY SELECTED METHODS. THE MAIN AIM OF THE SCHOOL IS TO PREPARE THE YOUNG GENERATION OF NONPROLIFERATION AND ARMS CONTROL EXPERTS ACROSS EUROPE AND THE BLACK SEA REGION FOR THE CURRENT TRENDS IN THE FIELD OF NUCLEAR WEAPONS POLICY, ARMS CONTROL; DETERRENCE; DISARMAMENT; AND NONPROLIFERATION. THE SUMMER SCHOOL ALSO AIMS TO PROMOTE THE NEXT GENERATION'S ANALYTICAL AND INDEPENDENT THINKING, AS WELL AS TO EXCHANGE VIEWS AND MAKE LASTING CONTACTS WITH REGIONAL AND INTERNATIONAL EXPERTS, AND TO ADVANCE PRESENTATION AND NEGOTIATION SKILLS THROUGH THE USE OF TABLETOP EXERCISES.

MORE INFO: [HERE](#)

### CALL FOR APPLICATIONS FOR THE NEXT CLASS OF THE RÉSEAU NUCLÉAIRE & STRATÉGIE

THE RÉSEAU NUCLÉAIRE ET STRATÉGIE - NOUVELLE GÉNÉRATION (RNS-NG) WAS CREATED IN SEPTEMBER 2015. THIS NETWORK IS AIMED AT STUDENTS (MASTER 2 LEVEL, PHD STUDENTS, DOCTORS) AND YOUNG PROFESSIONALS (DIPLOMATS, ENGINEERS, JOURNALISTS...) INTERESTED IN MILITARY NUCLEAR ISSUES, IN PARTICULAR DETERRENCE AND NON-PROLIFERATION, IN ORDER TO DEEPEN THEIR KNOWLEDGE AND PROVIDE FOOD FOR THOUGHT. THE NETWORK IS ADMINISTERED BY THE FONDATION POUR LA RECHERCHE STRATÉGIQUE (FRS) AND THE INSTITUT FRANÇAIS DES RELATIONS INTERNATIONALES (IFRI), WITH THE SUPPORT OF THE FRENCH GOVERNMENT.

APPLICATIONS FOR THE NINTH SESSION (OCTOBER 2023 - SEPTEMBER 2024) ARE NOW OPEN UNTIL 15 SEPTEMBER 2023.

MORE INFO: [HERE](#)