

PEACE AND SECURITY

# BETWEEN ASPIRATION AND REALITY

Treaty on the Prohibition of Nuclear Weapons

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The negotiation and adoption of the Treaty on the Prohibition of Nuclear Weapons has increased the antagonism between states that do and do not have nuclear weapons.



Non-nuclear-weapon states should consider how best to engage the nuclear possessor states by entertaining proposals made in the NPT preparatory meetings by groups of »bridge-builders,« by the Elders but also by the United States.



All states should demonstrate more ownership of the NPT, focusing not only on the outcome of the NPT conference but also on the review process, and enlisting bridge-builders.

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Treaty on the Prohibition of Nuclear Weapons

How quickly events unfold: changes in the geo-political landscape have been swift and dramatic since the Treaty on the Prohibition of Nuclear Weapons was adopted in July 2017, not even two years ago.

The security landscape is now significantly gloomier: a US President with an aggressive agenda is in office who ramped up military posturing and power, unilaterally withdrew from the Joint Comprehensive Plan of Action (JCPOA) to curb Iran's nuclear weapons program as well as other painstakingly negotiated multilateral agreements, and makes no secret of his dislike of military alliances such as NATO and of multilateral trade pacts.

Bilateral US-Russian relations are at their nadir, with the INF (Intermediate-Range Nuclear Forces) Treaty being abrogated by the US in early February 2019 and no disarmament or arms control negotiations – or even talks – on the agenda. As adjusted last year, the Doomsday Clock remains at two minutes to midnight – and only once before was it set so close to midnight, in 1953, following the US decision to pursue the hydrogen bomb.

This is the atmosphere in which the Treaty on the Prohibition of Nuclear Weapons (TPNW) – also called the «Ban Treaty» – is making slow but determined progress towards entry into force. After two-thirds of the entire UN membership – 122 States – voted to adopt the Treaty, 70 States have signed it since it was opened for signature on 20 September 2017, and 22 have ratified as of February 2019. With 50 ratifications needed for it to enter into force, nearly half the required number has been reached.

### Shifting the focus to humanitarian consequences changed the political perspective

Much has been made of the shift in focus from nuclear weapons to the «catastrophic humanitarian consequences of any use of nuclear weapons» after the Final Document of the NPT Review Conference in 2010 included a reference to this aspect.

Even when acknowledging the change in political climate from the positive atmosphere of a decade ago, the supporters of the humanitarian approach – and hence of the TPNW – continue to have all the moral arguments on their side: not only can they appeal to the ethical considerations that speak for disarmament; they can also point to the long history of disarmament efforts, which began in 1946 at the United

Nations with the very first General Assembly resolution calling for the elimination of nuclear weapons and all other weapons »adaptable to mass destruction.«<sup>1</sup>

Yet following the statement in the Final Document of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) Review Conference in 2010, the atmosphere soured. The nuclear-weapon states (NWS) did not participate in the Open-Ended Working Groups in Geneva that were convened to consider the humanitarian issues. They did not attend the three conferences organized on this topic (in Norway, Mexico and Austria), although the UK and the US did participate in the final meeting in Austria, which China attended as an observer.

The rejection of any engagement or dialogue by the NWS brought into sharp relief the divisions that have existed for years in the NPT process but that had been diplomatically smoothed over in order not to damage the NPT, the «cornerstone of nonproliferation efforts,» as it is often referred to.

The 2015 NPT Review Conference further inflamed tempers. The commitment to hold a conference on a weapons-of-mass-destruction-free zone in the Middle East was not fulfilled, and the implementation of the 2010 NPT Action Plan side-stepped the parts relating to the obligations of the nuclear powers, and no consensus was reached on a final document.

### A wide gap between the views of the NWS and the non-NWS

Ultimately, this may have been the proverbial straw that broke the camel's back: it further aggravated the gap between the nuclear-weapon states and their allies, on the one side, and the proponents of a ban treaty, on the other. This gap had widened each year that has passed in sterile discussions: neither the Conference on Disarmament, the Disarmament Commission, nor the First Committee of the General Assembly has had any concrete achievements to show for years.

The non-NWS consider that all obligations are on the side of the NWS, seeing that they were not fulfilling their obligation under NPT Article VI (*«to undertake to pursue negotiations in good faith on effective measures relating to the cessation of the nuclear arms race»*).

<sup>1</sup> A/RES/1/1 (1946)

In the view of the non-NWS, Article VI should have obliged the NWS to engage in the preparatory process for the TPNW and the negotiations leading up to its adoption – even if they did not sign on in the end. Therefore, the non-NWS reject the criticism of the Treaty; in their view, the NWS – and their supporters – had ample opportunities to contribute to the drafting of the Treaty but did not avail of them.

From their side, the NWS and their allies have leveled criticisms against the Treaty. Without going into greater detail, the critics are right when they argue that the negotiations brought together like-minded states that were united in their goal of achieving a consensus text within the short time allotted to the negotiations. They are also right that the negotiations were accompanied by a large number of disarmament activists who – with generous funding from some governments – were able to attend the various meetings, working groups and the actual negotiations in New York, and thus kept up the pressure on governments. ICAN, the International Campaign to Abolish Nuclear Weapons – an umbrella organization of several hundred NGOs founded just ten years ago – was awarded the 2017 Nobel Peace Prize for its effective advocacy efforts, with the prize being jointly accepted by Hiroshima survivor Setsuko Thurlow and the director of ICAN at the award ceremony in Oslo.

## The positions are hardening

On the day the TPNW was adopted, France, the UK and the US issued a joint press statement which dismissed the Treaty, stating that they did »not intend to sign, ratify or ever become part of it.« They noted that »importantly, other states possessing nuclear weapons and almost all other states relying on nuclear deterrence have also not taken part in the negotiations,« and added that »a ban treaty ... risks undermining the existing international security architecture which contributes to the maintenance of international peace and security.«<sup>2</sup>

Since then, the verbal assault on the TPNW has continued apace: in a joint statement issued on 29 October 2018, the nuclear-armed permanent five UN Security Council members (P-5) declared that the Treaty »fails to address« the key problems and »risks undermining« the NPT. Even worse, the statement accuses the Treaty of »creating divisions across the international non-proliferation and disarmament machinery« and sternly warned those backing it to »reflect seriously on its implications for international peace and security.«<sup>3</sup>

In December 2018, US Assistant Secretary of International Security and Nonproliferation, Christopher Ford, accused the proponents of the TPNW of a retreat into »counterproductive and magical thinking,« which, he stated, »may actually

make the world a more dangerous, unstable, and nuclear-weapons-dependent place.«

Harsh words indeed – this is where we are now. We should, however, look beyond the statements that are being made by the Treaty's opponents: What developments have there been since its adoption?

## What were the effects of the Treaty?

First of all, the TPNW shone a harsh light on the entrenched positions of both sides. Second, it brought into sharp focus the position of the nuclear umbrella states, which receive nuclear guarantees from the NWS. They did vote – and were pressured to do so – with the NWS against the TPNW, and they have also done so in the UN General Assembly and other fora.

The nuclear umbrella states have a long history of domestically advocating nuclear disarmament, but of not openly acknowledging the benefits they derive from the nuclear-sharing relationship. From now on they may well have to contend with domestic audiences for whom the ban treaty is a victory and the culmination of many years of disarmament advocacy.

NATO confirmed the alliance's rejection of the Treaty and stated that the nuclear defense capabilities remained a core element of its overall strategy. Yet the difference between a fact sheet issued in March 2017<sup>4</sup> and one issued over a year later – which describes the NPT at 50 as entering its »midlife crisis« – shows that its position has evolved. It now lists as the »most serious bone of contention within the NPT« the slow progress on nuclear disarmament and the criticism of the NWS for »not fulfilling their promises.«<sup>5</sup> And while NATO states that »the TPNW further polarises the NPT process at a time when longstanding points of tension take on new significance in a changed security environment,« it also suggests that »the NATO Allies should seek to find a compromise to preserve the NPT and accommodate disarmament aspirations.«

Still, the TPNW comes in for criticism on the grounds that pressure from its supporters »requires all NATO member governments to defend their security and moral **rationales** for maintaining NATO's nuclear capabilities.« This »balancing act« is highly undesirable because it puts NATO allies »at odds with supporters of abolishing nuclear weapons within the NPT.« Nevertheless, the allies are urged to »publicly defend the Alliance's nuclear deterrent.«

<sup>2</sup> See <https://usun.state.gov/remarks/7892>

<sup>3</sup> See [http://www.mid.ru/en\\_GB/foreign\\_policy/news/-/asset\\_publisher/ckNonkJE02Bw/content/id/3384609](http://www.mid.ru/en_GB/foreign_policy/news/-/asset_publisher/ckNonkJE02Bw/content/id/3384609)

<sup>4</sup> Fact Sheet: NATO and the Non-Proliferation Treaty, March 2017, see [https://www.nato.int/nato\\_static\\_fl2014/assets/pdf/pdf\\_2017\\_03/20170323\\_170323-npt-factsheet.pdf](https://www.nato.int/nato_static_fl2014/assets/pdf/pdf_2017_03/20170323_170323-npt-factsheet.pdf)

<sup>5</sup> NATO Review: The Non-Proliferation Treaty at fifty: a midlife crisis, 29 June 2018, see <https://www.nato.int/docu/review/2018/also-in-2018/the-nuclear-non-proliferation-treaty-at-fifty-a-midlife-crisis/en/index.htm>

Another effect of the Treaty could be seen on the European Union, 22 of whose members belong to NATO and opposed the ban, while five EU Member States voted in favor of it (Austria, Cyprus, Ireland, Malta, and Sweden). Initially, the European Parliament welcomed the convening of a conference to negotiate a treaty, but it has not taken a position on the TPNW following its adoption.

Sweden – which voted for the Treaty – conducted an inquiry into the consequences of a possible Swedish accession to the Treaty. Its conclusion, issued in January 2019, pointed to the need to further develop the Treaty – something which Sweden would support – but that Sweden’s accession »would be perceived as a fundamental criticism of the Strategic Concept within NATO by almost all of Sweden’s neighbors and partners in the European and transatlantic space.« The evaluation therefore concluded that Sweden should neither accede to nor sign the Treaty in its current form.

Another case was Switzerland which voted for the TPNW, but decided that a more detailed clarification of the agreement and its implication was necessary. A Working Group analyzing the TPNW released its report in June 2018<sup>6</sup> and concluded that while the »treaty’s ultimate objective is indeed in line with the Swiss disarmament policy ... the reasons against an accession of Switzerland outweigh the potential opportunities.« Switzerland therefore decided on 15 August 2018 not to sign the treaty, though Parliament late last year voiced its opposition and urged a political debate on the issue.

Clearly, the decisions of these two states were disappointing for the TPNW’s supporters, since their accession would have given pause to those critics who dismiss the TPNW signatories as states lacking in significance and power. Yet it can be argued that it is too early to assess the impact of the Treaty on the current debate over the ultimate achievement of nuclear disarmament.

## New arguments emerge for keeping nuclear weapons

Another development since the adoption of the TPNW is the emergence of new arguments why nuclear weapons must stay.

First, there are the decisions by the nuclear-weapon states to upgrade their arsenals over the next decades. These predated the TPNW itself, yet they were taken when the humanitarian consequences of a nuclear explosion had already been debated at length. The US alone will spend \$1.2 trillion over 30 years to modernize and maintain nuclear weapons – a signal that they intend to keep them as an entitlement rather than downsizing or given them up. And the recent US Nuclear

Posture Review<sup>7</sup> has challenged the discussion on nuclear deterrence by adding scenarios of use in cases such as »significant non-nuclear strategic attacks,« including attacks on »civilian population or infrastructure,« as well as calling for the development of new, less powerful warheads, which critics fear will facilitate their employment, with potentially catastrophic consequences. Other NWS, particularly China and Russia, have responded by also expanding their arsenals.

In addition to modernizing and expanding their nuclear arsenals, there has been an interesting shift in how the NWS interpret the NPT. In December 2018, US Assistant Secretary of State Ford rejected the relationship between the NPT’s three pillars (non-proliferation, disarmament, and peaceful uses of nuclear energy); it was not intrinsic to the Treaty nor part of its original understanding, he said, and he did not agree that the pillars were »explicitly or implicitly coequal elements,« a view that even NATO does not share, since it calls the three pillars »interrelated and mutually reinforcing.«

Ford concluded that central to the US diplomatic agenda is the importance of preserving the integrity of the nonproliferation regime, citing as the two biggest challenges denuclearizing North Korea and ensuring that Iran never again has any pathway to a nuclear weapon.<sup>8</sup>

Another shift in argument relates to the long-held P-5 tenet that nuclear disarmament could only take place in a »step-by-step« approach. This remained for years a rather hollow formula, since at no time have steps ever been identified – much less taken – that could constitute building blocks towards a world with fewer, or no, nuclear weapons.

## New initiatives are being launched to re-focus the debate

A new initiative has now been taken for creating the environment for nuclear disarmament, which was first outlined in the spring of 2018 by the United States and was further elaborated in October.<sup>9</sup> The proposal posits that movement towards disarmament only becomes possible when real-world weapons possessors feel that such movement is feasible, safe, verifiable, and sustainable. It also points out that »traditional approaches to disarmament questions – which focus principally upon the weapons themselves – in large part miss the point, because they downplay or ignore

<sup>6</sup> See [https://www.eda.admin.ch/dam/eda/en/documents/aussenpolitik/sicherheitspolitik/2018-bericht-arbeitsgruppe-uno-TPNW\\_en.pdf](https://www.eda.admin.ch/dam/eda/en/documents/aussenpolitik/sicherheitspolitik/2018-bericht-arbeitsgruppe-uno-TPNW_en.pdf)

<sup>7</sup> See <https://dod.defense.gov/News/SpecialReports/2018NuclearPostureReview.aspx>

<sup>8</sup> »The Structure and Future of the Nuclear Non-Proliferation Treaty«, House of Lords, UK, 12 December 2018, see <https://www.parliament.uk/documents/lords-committees/International-Relations-Committee/foreign-policy-in-a-changing-world/Dr-Christopher-Ford-Assistant-Secretary-Bureau-International-Security-Nonproliferation-US-StateDept.pdf>

<sup>9</sup> »Where Next in Building a Conditions-Focused Disarmament Dis-course?«, Dr. Christopher Ford, Assistant Secretary, Bureau of International Security and Non-Proliferation, Millennium Hilton, New York, 14 October 2018

the underlying conditions of security and geopolitical challenge.«

It is clear that the TPNW has forced new thinking on the part of the nuclear-weapon states. But will this have the desired effect of dissuading more states from signing or ratifying the Treaty? Will it deflect from strengthening the norm against nuclear weapons? Will it put the genie of humanitarian prohibition back in the bottle? And finally, how will the NPT review process hold up under the polarizing pressures?

The fact is that the TPNW has broken new ground. It is a new political reality and was the result of the long-standing dissatisfaction and frustration on the part of the overwhelming majority of the NPT members with the refusal of the P-5 to fulfill their part of the nuclear bargain. The TPNW was clearly not the *cause* but rather a *symptom* of the division between the nuclear haves and the nuclear have-nots, a conflict that is primarily played out in the NPT review process.

The question that hangs over the final NPT preparatory committee this year and the Review Conference next year is whether the divergent – even antagonistic – positions of the major players can be bridged. It is clearly in everyone's interest to uphold the NPT, despite its shortcomings and the dissatisfaction with the lack of implementation of Art. VI; so ways need to be found to agree on a modicum of measures that will satisfy both sides, and show that sufficient compromise was achieved to continue the NPT into its sixth decade.

There are quite a number of issues for both sides to consider, and it is worth examining them. A number of them can be dismissed as politically naïve or simply not feasible; but in the interest of safeguarding the NPT, out-of-the-box thinking is necessary, even if some reject it as wishful thinking.

## What could be done to improve the atmosphere and the discourse?

**First**, let us put a halt to the dismissive and derogatory statements about the TPNW and its supporters. France, the United Kingdom, and the United States called the Treaty »dangerous,« Russia described it as a »mistake,« and Pakistan said it was »not inclusive.« China voted against any text in the General Assembly that supported the Treaty. The US thought it was »counterproductive, divisive, and only seeks to divert attention from actual effective measures.« The US also posited that the Treaty would »not result in the elimination of a single nuclear warhead or improve the security of any state« and called it »magical thinking« as cited above. Yet the Treaty is a fact and was voted with a two-thirds majority in the General Assembly, a powerful expression of the will of the international community.

**Second**, stop referring to the TPNW as a threat to the NPT that takes Member States only farther away from nuclear disarmament. How could that be the case if the treaties on nuclear-weapon-free zones did not do so? The oldest such treaty, the Treaty of Tlatelolco, even preceded the NPT and

commemorated the 50th anniversary of its establishment in 2017. The various regional arrangements establishing nuclear-weapon-free zones are seen as complementary – and even supportive – to the NPT, not as detracting from it.

**Third**, follow up on the long-standing demand by the non-nuclear possessor states to receive Negative Security Assurances (NSAs). This should be self-evident. Who could possibly argue that a group of states that voluntarily entered into legal commitments not to acquire nuclear weapons should be denied the right not to be threatened by the use of such weapons, moreover a right backed up by legal commitments?<sup>10</sup> States have received assurances pursuant to their membership in regional nuclear-weapon-free zones, though some of the relevant protocols have not yet been ratified by all of the nuclear-weapon states. NSAs are important in that they would become a supporting element in nuclear disarmament, and providing such assurances would be a meaningful confidence-building measure between the NWS and non-NWS.

**Fourth**, ratify the Comprehensive Test-Ban Treaty that was negotiated over 20 years ago but has still not come in force. It is an important part of the non-proliferation regime and efforts should be intensified to bring it into force, rather than »seeing no prospects for US ratification,« as recently stated by Secretary Ford.

**Fifth**, stop denying that the TPNW is becoming a global norm: the change in the global normative milieu has already occurred. Let us not forget that the view that nuclear weapons are inhumane and contrary to international humanitarian law was first enshrined in the NPT Preamble and repeated in later documents, and in addition was affirmed in the landmark 1996 International Court of Justice Advisory Opinion on the Legality of the Threat or Use of Nuclear Weapons.<sup>11</sup>

**Sixth**, let us reconsider the argument that nuclear weapons are essential to guarantee security. Two of the three recognized types of weapons of mass destruction – namely, biological and chemical weapons – are already outlawed. The conventions outlawing them were signed and ratified by a majority of states. The arguments that these weapons were essential to guarantee security and for deterrence were not advanced at the time the treaties were negotiated or when they opened for signature. In fact, most states strongly condemn the use of chemical weapons and demand compliance with the Chemical Weapons Convention; yet the opponents of nuclear disarmament find it polarizing or divisive for the vast majority of states to demand compliance with NPT obligations.

**Seventh**, do not insist that the TPNW will damage the prospects for nuclear disarmament. Why would anyone believe that the Treaty would slow down or prevent implementation of New START (Strategic Arms Reduction Treaty) and a fol-

<sup>10</sup> S/RES/984 (1995)

<sup>11</sup> See <https://www.icj-cij.org/en/case/95>

low-on treaty? Why would it impede any discussions or negotiations to enter into a successor arrangement to the INF Treaty?

**Eighth**, extend the scope of the concept of nuclear problem states beyond the Democratic People's Republic of Korea (DPRK) and Iran. Should Iran, which continues to abide by the JCPOA and is subject to regular inspections by the International Atomic Energy Agency (IAEA), be singled out as a nuclear destabilizer? There is general agreement that the possession of nuclear weapons by the DPRK represents a dangerous situation; but what about the three other nuclear possessor states, India, Israel and Pakistan, who do not come in for scrutiny?

**And finally**, Russia, the UK, and the US need to address the long-standing question of the weapons-of-mass-destruction-free zone in the Middle East. It is not enough to abandon previous commitments by referring to the changed geopolitical circumstances or by insisting that the states in the region are responsible for progress. Efforts must be made by the three guarantors to engage with the states in the region and to accept offers from partners, such as the European Union, to support the preparation of a conference. No one underestimates the difficulties of such an effort; but it is important to honor the obligation that has existed for so many years and patience is wearing thin. In view of the unwillingness of the guarantors to move forward with convening of such a conference, the Arab states forced a move last year in the General Assembly by entrusting to the Secretary-General to hold such a conference no later than 2019.<sup>12</sup>

Witnessing the proceedings in the meeting rooms where disarmament and non-proliferation discussions take place, it is hard not to be pessimistic. So what can be done to overcome the divisions and embark on a more fruitful dialogue?

## More proposals for engagement and bridge-building

First, let us re-examine the concept of deterrence, so often cited by the NWS to justify their possession of nuclear weapons. Wars are still being fought, and it cannot be demonstrated that any have been averted due to the threat to use nuclear weapons. A thoughtful analysis published in *The Guardian* shows that until 1945, the purpose of military forces had been to win wars, yet afterwards the chief purpose was to *avoid* wars. Thus deterrence became not only a strategy, but the very grounds on which governments justified nuclear weapons themselves. Every nuclear possessor state now claims that they deter attacks by their threat of catastrophic retaliation; yet an examination of post-World War II history shows that this theory simply does not hold water. And the value of nuclear deterrence is only upheld by the possessors of nuclear weapons: non-possessors do not share this assessment.

Conversely, the TPNW's supporters will have to consider how best to engage the possessor countries. One possibility is to engage with the United States in the »Building a Conditions-Focused Disarmament Discourse.«<sup>13</sup> US Secretary Ford outlined a path beyond bilateral engagement in the shape of a workshop or roundtable discussion forum approach, which, in addition to the traditional disarmament and nuclear weapons experts, would involve a broader and more interdisciplinary group from outside the disarmament community. And while this proposal was made in a context that could well discourage TPNW supporters from engagement, the international community cannot ignore any openings to conduct a dialogue.

Another initiative, a »minimization agenda« for nuclear disarmament, was proposed by the Elders, an independent group of global leaders working together for peace, justice, and human rights. It focuses on four key principles: doctrine, de-alerting, deployment and decreased numbers. While supporters of the TPNW may dismiss this as falling short of their ultimate objective, it is nevertheless an initiative that would, if successful, contribute to reducing tensions and building confidence. The NWS are not a monolithic bloc, they share certain objectives, differ on others – but they have never negotiated a multilateral agreement on nuclear weapons. Making progress, even modest, would contribute to a better atmosphere in the NPT proceedings.

Within the NPT process, there is growing frustration and fatigue with the unwillingness of the NWS to make meaningful contributions to implementing previous agreements. This unwillingness to move forward has diminished the sense of common purpose that had prevailed with regard to the NPT and sustained it for so long. Yet the commitments made in the Final Documents of 2000 and 2010 – adopted by consensus – are now seemingly being relegated to the trash heap of history, at least by the NWS. The agreements made on strengthening the review process, the »13 Steps« of 2000, and the 2010 »Action Plan« should therefore be reconsidered for implementation, since this would increase accountability and restore trust in the NPT process.

For the NWS, it is most important that, instead of an outright rejection of discussion about nuclear disarmament, an honest dialogue should be started with the non-NWS. We cannot return to business as usual, where the demands by the non-NWS were simply brushed aside.

It is also important to examine the proposals that have been made by possible bridge-builders, such as the New Agenda Coalition, a group of states comprising Brazil, Egypt, Ireland, Mexico, New Zealand and South Africa. At the Second Session of the NPT Preparatory Conference in March 2018, they issued a working paper which focused on Article VI of the NPT and reiterated the urgency of its implementation. The paper outlined the actions agreed upon in 1995, 2000 and

<sup>12</sup> A/73/513 of 19 November 2018, and A/C.1/73/L.70

<sup>13</sup> Ford, »Where Next in Building a Conditions-Focused Disarmament Discourse?«

2010 which they call »necessary for the implementation of the nuclear disarmament obligation in article VI« and for which they hold States Parties »fully accountable.«<sup>14</sup>

Another coalition of member states, the Non-Proliferation and Disarmament Initiative (NPDII) submitted four working papers to the second session, one of which focused on action to strengthen the review process for the NPT.

Others, notably civil society, have made thoughtful proposals for consideration to both sides; but if these ideas are being taken up, it is happening outside public scrutiny.

Would it not be useful to compile the various proposals and consider which could be implemented within a certain time-frame? This would be a constructive engagement, rather than the current verbal sparring among the TPNW supporters and detractors.

If one reads the statements made at the close of the Second Session of the Preparatory Conference, the significant differences in views on a range of issues were on full display, including the criticisms leveled at the Chairman's summary, which was not seen as comprehensive and balanced. With the third session coming up very soon, the NPT States Parties would do well to take measures to build positive momentum towards the 2020 Review Conference.

## A to-do list with specific steps

For the NWS:

1. Accept the reality of the TPNW and abandon the dismissive language against it: the Treaty was accepted by a two-thirds majority of Member States who are not against the NPT nor are they trying to undermine it;
2. Include the non-NPT nuclear possessors in the discussion of nuclear issues;
3. Identify the role of nuclear weapons in their national security strategy;
4. Make a strong statement which echoes the one endorsed by Presidents Reagan and Gorbachev in the 1980s (»a nuclear war cannot be won and must never be fought«); a declared policy of avoiding a nuclear war at all cost would be an important signal to the international community.
5. Consider creating greater transparency regarding possession, numbers and deployment of nuclear weapons;
6. Determine whether there is a lowest number of nuclear weapons at which nuclear deterrence is still valid; assess what would be the level of security to be reached before nuclear disarmament could be considered, and define and outline such a scenario; also assess how conditions conducive to nuclear disarmament can be created and who would be responsible for them; in

short, determine what are some of the steps *towards* nuclear disarmament;

7. Reaffirm commitment to the Comprehensive Nuclear-Test-Ban Treaty (CTBT);
8. Make a risk assessment to ensure that nuclear weapons are not in danger of terrorism, theft, accidents or cyber-attack;
9. Start discussion about what language can be negotiated for the Final Document 2020 that is acceptable to TPNW supporters.

For the supporters of nuclear disarmament, the following questions should be considered:

1. How to address the security concerns, not only of one nation, but of an alliance such as NATO, which has adopted a doctrine of nuclear deterrence?
2. How to persuade the military establishment to give up – or reduce the role of – nuclear weapons in their defense strategy?
3. How to convince the military-industrial complex – with its reliance on the financial benefits deriving from the existence and modernization of nuclear weapons – to support nuclear disarmament?
4. How to engage public opinion to demand from their government a reduction in nuclear weapons or to leave the nuclear umbrella altogether?
5. How to explain why nuclear weapons are so resistant to opprobrium, in contrast to chemical and biological weapons? Is there more that can be done to »name and shame« them?
6. How to handle inspection and monitoring in a non-nuclear world? Would this continue to be handled by the IAEA? And how would you prevent possible break-outs or rogue actors?
7. In advance of the 2020 NPT Review Conference, how to negotiate language for the Final Document that is acceptable to nuclear-weapon states?

For all states, there are the following suggestions:

1. Demonstrate more ownership of the NPT – in statements but also by making some concrete, practical suggestions. These could be reports or bridge-building proposals, akin to the »gift baskets« that had been a successful feature of the Nuclear Security Summits.
2. Do not focus exclusively on the *outcome* of the Review Conference but also on the *review* process. Take up the proposals to make this process more effective.
3. Try to enlist »bridge-builders« who could help both sides arrive at a discussion that is free from hostility and emotion and which focuses on moving the issues forward in a constructive manner.

<sup>14</sup> NPT/CONF.2020/PCII/WP.13 of 15 March 2018



## Conclusion

The TPNW represents a watershed. The consensus around the NPT is fraying. While no state has voiced its intention to leave it, more must be done to maintain its relevance. Vision and leadership are required from all: rather than focusing on what they consider »the negative,« states should shift their attention to cooperation and positive steps.

The five NWS can no longer claim that their possession of nuclear weapons has international approval and legitimacy – and that this will continue unchanged into the future.

Moreover, nuclear weapons are not the only issue on the international security agenda: increasingly sophisticated conventional weapons, cyber issues, outer space, lethal autonomous weapons and other threats need our focus and attention.

Surely, now is the time to pull together rather than engage in verbal sparring and disparagement. Wisdom and cool heads will hopefully prevail and constructive engagement will win the day. This will ensure a relatively positive atmosphere at the Review Conference in 2020. Yet words will not suffice. Concrete steps must be discussed and offered. If not, it is difficult to see how a hardening of positions and a negative outcome can be avoided.



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The New York office is located in close proximity to the United Nations headquarters. The office has four permanent staff members and provides internships for students specializing in international affairs, development and economic policy.

## BETWEEN ASPIRATION AND REALITY

### Treaty on the Prohibition of Nuclear Weapons



The negotiation and adoption of the Treaty on the Prohibition of Nuclear Weapons has increased the antagonism between states that do and do not have nuclear weapons. Since the consensus about nuclear non-proliferation is also fraying, vision and leadership are required from all sides: rather than focusing on what they consider »the negative,« states should shift their attention to cooperation and positive steps. Nuclear-weapon states should refrain from open criticism of the Treaty and from insisting that it damages prospects for nuclear disarmament. It also suggests that renewed efforts should be made to address the long-standing question of the weapons of mass destruction-free zone in the Middle East in order to contribute to a more harmonious atmosphere surrounding the Non-Proliferation Treaty (NPT).



Non-nuclear-weapon states should consider how best to engage the nuclear possessor states by entertaining proposals made in the NPT preparatory meetings by groups of »bridge-builders,« by the Elders but also by the United States. They should also consider engaging the military-industrial complex and should engage public opinion in the nuclear disarmament debate.



All states should demonstrate more ownership of the NPT, focusing not only on the outcome of the NPT conference but also on the review process, and enlisting bridge-builders who can help both sides to discuss nuclear matters in an atmosphere free from hostility and emotion in order to move the issues forward in a constructive manner.

For further information on this topic:

<https://www.fesny.org/topics/sustaining-peace/>