Multilateral treaty-based commitments and obligations
Panel I: Open-ended working group.
Beatrice Fihn, 14 May 2013

Nuclear disarmament and the Non-Proliferation Treaty (NPT)

The NPT is a landmark international treaty whose objective is to prevent the spread of nuclear weapons and weapons technology, to promote cooperation in the peaceful uses of nuclear energy and to further the goal of achieving nuclear disarmament and general and complete disarmament.

It represents the only binding commitment in a multilateral treaty to the goal of disarmament by the nuclear-weapon states.

Unfortunately, that commitment does not come with a timeframe or any other requirements rather than committing all states parties to “pursue negotiations” to end the nuclear arms race and to nuclear disarmament.

Throughout the years, there have been many attempts to turn article VI into something more concrete.

For example, the states parties to the NPT adopted an outcome document in 2000, with 13 Practical Steps to implement the nuclear disarmament obligation.

The 13 Practical Steps calls for things like ratification of the Comprehensive Test Ban Treaty (CTBT), applying the principle of irreversibility to nuclear disarmament, conclusion of START III, preserving and strengthening the Anti-Ballistic Missile (ABM) Treaty, and “[a]n unequivocal undertaking by the nuclear-weapon States to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament to which all States parties are committed under Article VI.”

That didn’t happen. The member states of the NPT did not make a whole lot of progress on multilateral nuclear disarmament.

In 2010, the same states parties adopted a 64 point action plan, with three parts, each for one of the pillar of the NPT, nuclear disarmament, nuclear non-proliferation, and nuclear energy, as well as decisions around the Middle East.

It included 22 actions on nuclear disarmament, ranging from entry into force of the CTBT, and starting negotiations in the CD on a FMCT.

But also other items are suggested, such as reducing the role of nuclear weapons in security doctrines, lowering of operational status, increase transparency, and reducing the risk of nuclear war.
The action items provide very few benchmarks to measure progress. Time lines were removed and the language used is vague and leaves most disputed actions open for interpretation.

The 2010 Review Conference took place in one of the most positive and conducive international environments for addressing nuclear weapons. But while the outcome is often applauded as a success, it actually shows that the regime is deeply fractured and incapable of dealing with tough decisions.

When the action plan is described as a success, it’s often more an expression of relief that the deadlock and failure of 2005 had been avoided, rather than true enthusiasm over a substantive move towards nuclear disarmament.

And when it comes to implementation of this document, not much more positive things can be said. As we saw just two weeks ago here at the NPT, not much has been done. RCW’s “Monitoring the 2010 NPT Action Plan report” shows that most actions related to nuclear disarmament are continuing to fall behind the other pillars and is lacking in progress.

It was obvious that at the last PrepCom in Geneva, states continued to repeat similar statements from previous years, focusing a lot on what others haven’t done, instead of choosing to discuss what next steps can be taken to address the stalemate that is poses more and more challenges each year.

The prospects for coming up with anything concrete for the 2015 Review Conference that will move us towards nuclear disarmament seems rather limited.

This lack of forward movement is unfortunately typical for outcomes and meetings from the NPT, as the process itself seems to favour status quo.

The main problem with the NPT is that article VI somehow is interpreted by the five nuclear weapon states, China, France, Russia, United Kingdom, and United States, to allow them to possess nuclear weapons until they eventually decide to get rid of them.

And countries that interpret the article as an obligation to negotiate nuclear disarmament are seen as upsetting the strategic balance and even sometimes are blamed for not focusing enough on non-proliferation.

It is obvious that patience is running out for the majority of states, and the arguments of the five nuclear possessing states are seen as increasingly unacceptable.

Fortunately, this attitude is seen as increasingly unacceptable to the majority of states parties.

The most tangible effort the nuclear possessing states in the NPT have reported on from their “P5 process” is the development of a glossary of key
nuclear terms, which they announced at the recent PrepCom that they will finalize and present at the 2015 Review Conference.

This is simply not enough anymore.

In March 2013, 127 governments, and many UN agencies and civil society organizations met in Oslo for a conference on the humanitarian impact of nuclear weapons.

The conference concluded that no state or international organization could provide an adequate response to the humanitarian and environmental catastrophe that would be created by the use of nuclear weapons.

This conference, which took place in a growing debate around the humanitarian impact of nuclear weapons, had a clear impact at the NPT. At the PrepCom in Geneva, a joint statement by 80 states parties highlighted the catastrophic humanitarian consequences of nuclear weapons.

Never in NPT history has such a large cross-regional group of states delivered a joint statement on one issue. 80 states delivered one simple message: any use of nuclear weapons would cause unacceptable harm through the “immense, uncontrollable destructive capability and indiscriminate nature of these weapons.”

However, the nuclear possessing states and their nuclear allies seems to want to ignore this joint statement.

It was even argued that the consequences of nuclear weapons are so well known there is no longer any point in discussing them, or that discussing this would be some kind of “distraction” from “real work”.

Most NATO states or nuclear umbrella states also distanced themselves from the joint statement, some highlighting difficult words but most of them did not seem to be able to point out what they couldn’t accept.

While some NATO countries, in particular those with American nuclear weapons on their soil, refused to sign because they saw it as “contradictory” to their NATO obligations, four NATO states did not agree. As they signed the statement, it is clear that not all of NATO see this as a contradiction.

The increased frustration seen at the NPT, coupled with the debate around the humanitarian statement is a telling sign of a broader problem with this existing legal regime.

There is a growing friction between states relying on nuclear weapons for security, and the rest of the world. While most governments are adjusting their security policies and strategies to face the challenges of the 21st century, the nuclear possessing states continue to rely on policies and weapons from an old cold war era.
Throughout the years of the NPT, many governments voiced disappointment and frustration with the lack of tangible progress on nuclear disarmament. Following the hopes that came out of the modest “success” from 2010, it is not surprising lack of implementation is just further increasing such friction.

The most obvious sign of frustration came from the Egyptian delegation, which walked out of the 2013 PrepCom because of lack of progress in fulfilling the commitment related to the WMD free zone. The delegation said it “cannot wait forever” for the start of this process and argued that it was not reasonable to continue making concessions for agreements that are never implemented—and then still being expected to comply with those concessions.

This is where the open-ended working group comes in. We are here to address nuclear disarmament, because the international community is not satisfied with the results so far.

When something doesn't work, you change.

Our work around nuclear disarmament needs to change. What we have been doing so far, the tools we’ve developed, the road map and future steps we’ve drawn up are clearly not working.

There are many different views in this room on how we could “change”. For Reaching Critical Will, our thoughts on this are simple and straightforward. Ban nuclear weapons.

A process to ban nuclear weapons should be seen as states taking responsibility for disarmament and if no nuclear weapon state is willing to step up non-nuclear weapon states should take the initiative.

Such treaty would be a part of the process we are here to participate in – the ban would be an additional tool towards a nuclear weapon free world.

Experiences from chemical weapons and biological weapons, but also landmines and cluster munitions, shows that elimination usually follows a prohibition.

It would fulfill your existing NPT obligations, and will be a concrete way for you all to create the conditions for nuclear disarmament. A ban treaty is not an alternative to the NPT, it will be a concrete track in its own right, which is not dependent on NPT outcomes. However, it will complement and reinforce the existing regime of nuclear weapons.

I’m sure that many of you have different ideas on how we get nuclear disarmament. And I hope you take this opportunity of the open-ended working group to think constructively, exchange ideas, and come up with concrete proposals to achieve a world free of nuclear weapons.