‘Perspectives on the necessary framework to achieve and maintain a nuclear weapons free world'

Elements and background for presentation by Dr Rebecca Johnson, Acronym Institute for Disarmament Diplomacy to the Open-ended Working Group on Nuclear Disarmament
May 21, 2013, Palais des Nations, Geneva

Rebecca Johnson is also Co-Chair, International Campaign to Abolish Nuclear Weapons (ICAN) and a Member of the International Panel on Fissile Materials (IPFM), but makes these remarks in her capacity as Acronym Institute director and author of the chapter on Arms Control and Disarmament in the recently published Oxford Handbook of Modern Diplomacy (eds, Andrew F. Cooper, Jorge Heine and Ramesh Thakur, Oxford University Press, 2013), as well as Unfinished Business, Trident and International Law: Scotland’s Obligations, (Luath Press, 2011), and Decline or Transform: Nuclear disarmament and security beyond the NPT review process (with Tim Caughley and John Borrie, London 2012).

The initiative to hold this Open-Ended Working Group on nuclear disarmament is very welcome, not only in its recognition that the current disarmament machinery and tools are not delivering the necessary results for our human and global security; but most importantly in providing a structured forum for discussing the problems and potential ways to resolve them and move forward.

I’ve been asked to examine the role of steps and of comprehensive approaches for making progress on nuclear disarmament. So the first point I have to make is that these are not alternatives but complementary. When dealing with the mechanics of reducing and eliminating the thousands of nuclear weapons that still infest the world – still over 17,000, according to SIPRI – steps will always be necessary. The processes of elimination take time.

But steps don’t get you very far without the right sense of direction and commitment to head for the right destination.

In looking at the ‘steps versus comprehensive’ conundrum posed most often by nuclear-armed governments, we also have to note that it barely exists in other areas of disarmament discourse. Why is it treated as a realist versus impossibilist dichotomy where nuclear weapons are concerned?

I argue that this is a false dichotomy constructed as a ‘ping pong’ tactic to keep shunting the responsibility for disarmament back and forth between different committees, institutions or negotiating forums.

Who does this false dichotomy benefit? Those that don’t want to implement their own parts of the process of disarmament. The fact that ‘disarmament’ has both kinds of meanings – process and objective – can sometimes muddy the waters. Here I include both the objective and the process – both the comprehensive goal of the complete elimination of nuclear weapons and the various means, steps, building blocks and tasks for getting there.
In the 1960s the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) was viewed as a comprehensive approach. It was in fact very short on concrete steps, but it was an important start, undertaken at a time of Cold War tensions, geostrategic and ideological rivalries and severe constraints on diplomatic feasibility. Under the circumstances, it has served the world remarkably well.

But it is not the vehicle that can take us to our destination of achieving and maintaining a nuclear weapons free world, even though this is the avowed objective of NPT states parties. Because of its structural flaws and partial approach, the NPT no longer has the capacity to enable the world to take further necessary steps.

In over 40 years most of the world has signed up to the NPT, but it has failed in its core security objectives of nuclear non-proliferation and disarmament. In the longer version of this paper I consider how the development of the NPT to address proliferation concerns in the Cold War has embedded attitudes about nuclear weapons that let the nuclear-armed states – outside as well as inside the treaty – off the hook, as well as fuelling rather than inhibiting the ambitions of future proliferators.

Because of the creation of two categories of parties under the NPT – nuclear-weapon- and non-nuclear-weapon states – the NPT has failed to create a universal and sustainable norm, it has not de-legitimised nuclear weapons, and it provides treaty cover under current international law for continuing with doctrines, threats and operations of nuclear use, encouraging an indefinite future of nuclear weapons deployments, modernisation, and nuclear umbrella alliances, perpetuating institutional and regional stalemates where one or more states possess nuclear weapons and resist negotiations with neighbours that have already signed away their sovereign rights to acquire these weapons of mass suffering.

**A comprehensive legal approach to facilitate and accelerate concrete steps**

What do we want and expect from a ‘comprehensive approach’?

It starts with obtaining collective identification and agreement on the goals, purpose, principles and direction for the steps to take us towards. What do we want to do?

I’ve been asked to take as my starting point the objective described in recent UN Security Council resolutions and the 2010 NPT Review Conference, which is “to achieve and maintain a world without nuclear weapons”.

Steps are the tasks, benchmarks, requirements and mechanisms to facilitate progress in the process of accomplishing the goals and objectives. A step by step process does not have to be linear, it has to be directional.

Depending on the weapons and the political and strategic environment, some steps are likely to be quantitative – reductions in numbers of weapons or amounts of accumulated or stockpiled materials to make such weapons. Others need to be qualitative, such as diminishing the role, operations and reliance associated with the weapons.
Some steps will best be achieved through unilateral, national actions; while others can be worked on by groups of states, with assistance from experts, agencies and civil society.

In the nuclear field the main accomplishments so far have included unilateral disarmament decisions to cut excess weapons and stocks and close reprocessing or other weapons-related facilities, bilateral arms reduction (with or without treaty verification), and multilateral negotiations, such as the CTBT and regional-multilateral initiatives such as nuclear weapon free zones (NWFZ).

Time and again steps have also been identified and even agreed to, for example through the action plans negotiated in the 2000 and 2010 NPT Review Conferences, though only five of the nuclear-armed states participated in those negotiations.

But these steps keep being ignored or subverted. Why? Because one key component that is necessary for disarmament progress to move to the next phase has been missing. The absence of a clear legal prohibition on using, deploying, manufacturing, transporting, stockpiling with a legally recognised obligation to carry out the elimination of the existing nuclear arsenals makes it much harder to implement a rational step by step process for either disarmament or non-proliferation.

If we look at the history and recent achievements in arms control and disarmament, we see that once societal and international revulsion over an inhumane weapon or practice reaches a tipping point, governments come together to negotiate a prohibition treaty.

A prohibition treaty is an important step. It is neither the first nor the last in the process towards eliminating inhumane weapons. But ICAN and a growing number of governments now argue that it needs to be the next step.

Undertaking a legal ban does several important things that pave the way for practical progress on eliminating the physical weapons. It puts everyone into the same legal boat, whether or not they have developed such weapons themselves. It clarifies and embeds the obligations, responsibilities and rights for all states, giving greater tools and incentives to national politicians and civil society actors to bring their own countries on board and monitor their compliance and implementation, strengthening where necessary national legislative and legal structures to enable and oversee implementation tasks.

An international ban treaty will provide legitimacy and accountability for measures to prevent access to the weapons and curb incentives to proliferate. It becomes the spur for collective action, including developing tools and technologies to monitor and verify progress and provide confidence among regional and international rivals.

**What kind of treaty will best do this job for nuclear weapons?**

Recent proposals and resources in the international arena include the UN Secretary-General’s five point plan, which talks of a ‘framework of separate, mutually reinforcing instruments’ or a ‘nuclear weapons convention’, referencing the detailed draft ‘model’ NWC drawn up by an assortment of NGOs during the 1990s to demonstrate the
technical, legal and political feasibility of nuclear disarmament, which was subsequently attached to a proposal by Costa Rica, with the intention of providing these ideas to UN Member States in the UN languages, as a resource to stimulate debate and help identify steps and requirements.

Or more recently, ICAN and a growing number of governments are arguing the case for a nuclear ban treaty, viewing this not as the codification of the end-phase of nuclear disarmament but as a transformative and necessary legal step to mandate, enable and accelerate the process of disarmament.

We can learn from recent negotiations for other kinds of armaments (from biological and chemical weapons to landmines, cluster munitions and various proposals for nuclear weapons, and develop the right instrument for this stage in the pursuit of disarmament.

Some treaties like the CWC go into explicit detail on how the armed-states should implement and verify their disarmament commitments and identify specific steps and requirements.

Other treaties, for example the BWC, Mine Ban Treaty and Cluster Munitions Conventions don’t go into such practical or operational details but prioritise getting agreement on the legal prohibitions and obligations.

Once the obligations and prohibitions are spelled out and adopted, the onus of responsibility is put onto the armed states to find the most appropriate, quick, safe and secure means to comply, with incentives and (where necessary) assistance to help get the job done.

Though the original treaty may or may not go into detail, further decisions may be taken that result in agreed steps, tools and mechanisms to promote and enable full compliance – which may be bolstered and monitored by civil society and relevant agencies as well as through mutual verification among states. If there are existing mechanisms, tools and agencies, these can be harnessed or adapted to assist in eliminating stockpiles and monitoring compliance and implementation.

We should not try to overthink the exact form of the treaty in advance as this is usually a recipe for preconditions and deadlock.

If enough states agree on the core objectives and purpose and engage in negotiations, the specifics of the treaty will evolve from their negotiations.

That’s how it works, whether or not governments and NGOs have researched or published suggested drafts. As a long time researcher on nuclear arms control and disarmament, including the NPT, CTBT and various steps in between, I've participated in various drafting exercises, from model CTBTs, fissile materials treaties and the model nuclear weapons convention in the 1990s. Useful though these exercises can be, the actual treaties that governments negotiate are going to be different.
Yet my research has also demonstrated that nowhere else in the 20th-21st century history of arms control and disarmament do we see the false dichotomy asserted between the step-by-step and comprehensive approaches that bedevil discourse on nuclear weapons. It is obvious that to pursue the elimination of nuclear weapons you need both steps and comprehensive prohibitions.

To understand why these are presented as mutually exclusive alternatives for dealing with nuclear weapons, it is necessary to consider the peculiar history of nuclear arms control and the NPT, which I provide below.

In nine countries at present, there are national vested interests in keeping nuclear weapons. These may be military, political or economic – usually a combination. Paradoxically, the NPT is frequently cited by these vested interests as justifying (or at least legitimising) their nuclear arms practices, including modernisation.

And the fact that only these nine can physically carry out the tasks of eliminating their arsenals (and changing their doctrines and operations to eliminate the roles) is the major stumbling block these days. This makes global efforts to prevent the catastrophic human consequences of nuclear weapons uses and accidents entirely dependent on the domestic debates, power struggles and political peculiarities of nine countries.

**The problem is not the steps but the context in which we ask for them to be undertaken.**

As long as certain states derive special status from their possession of nuclear weapons and attach high value to retaining and deploying them, disarmament will remain an unobtainable dream.

Treating arms reductions as if they will bring the world to zero is a nice conceit, but it isn’t realistic. That isn’t the way disarmament works. Learning the lessons of history, only so much can be done to reduce reliance on weapons that are upheld as legal, legitimate and useful for some.

Under this mindset, any disarmament step is seen by possessors as “giving up” something of political and/or military value and use, even ‘need’. This attitude means that governments have to reassure ‘stakeholders’ (such as political elites and sectors of national militaries, nuclear laboratories, politicians and publics frightened by the idea of losing ‘the deterrent’). This domestic imperative too frequently results in increased financial and technological commitments resulting in modernizing nuclear weapons and capabilities even as numbers are reduced and rationalised. Therefore, arms control processes often have the perverse and counterproductive consequence of increasing the value attached to nuclear weapons, not only for domestic stakeholders, but for military rivals and future proliferators as well.

As long as disarmament is pre-eminently regarded as ‘giving up’ or making others give up something special on which their security or status relies, opponents will be able to undermine its objectives and conduct, amplify the technical, legal and political hurdles, and project disarmament as impossible to achieve. In other words, NWS may manipulate notions of the ‘vision of a world free of nuclear disarmament’ for public diplomacy, while falling back on “realist sense” and national security arguments to justify keeping and
modernizing their arsenals from one generation to the next. By dint of constant repetition of assumptions such as “you can’t put the genie back into the bottle” and “pending the total elimination of nuclear weapons by everyone we will ensure that we retain nuclear deterrence and an effective arsenal”, they foster the belief that nuclear disarmament cannot be achieved in our lifetimes.

That is only the case if we keep on thinking of disarmament challenges and possibilities framed by the partial structures developed for a different political era, in which nuclear weapons had high strategic value and important roles in projecting power and cementing alliances. These structure constantly cede power to the countries that wield the weapons to decide whether, when, how much and how slowly (if at all) they will implement the range of steps that successive generations have identified, through the NPT, the CD and of course the UN.

However many times we repeat the sloganised call for universality of the NPT, we know it can’t happen as long as the regime permits five NWS to have weapons that are forbidden to everyone else.

Another false dichotomy fostered by some or all of the nuclear-armed states in different ways is that NNWS leadership to ban nuclear weapons will “distract from” existing means, including the NPT and CD. Evidence suggests the contrary – that a ban would shift the deadlock and provide new energy, opportunities and possibilities to achieve the various steps on the NPT and CD agendas.

The NPT is frequently described as the cornerstone of the non-proliferation and disarmament regime.

A cornerstone is supposed to be built on. It helps to anchor the building but it’s up to the architects to decide what to construct on top of it. Without the shared vision of what should be built and its purpose, and without further construction to create the desired building, a cornerstone sits like a stumbling block.

Why should global and NNWS efforts to achieve disarmament be treated differently from recent efforts to strengthen nuclear security, safety and the prevention of nuclear terrorism and trafficking?

In the past decade, key governments have undertaken – and in some cases negotiated – a range of multilateral approaches on nuclear security, safety and prevention of nuclear terrorism, including additional treaties, UN Security Council resolutions, including inter alia UNSCR 1540 (2004) and 1887 (2009), decision-making among nuclear suppliers, and nuclear security summits of selected stakeholders. Most of these initiatives originated with some or all of the N-5 NWS. In some cases they were justified as steps undertaken to fulfil their responsibilities as both the P-5, the N-5 and nuclear supplier countries.

Such initiatives are laudable efforts to strengthen the regime. But they are not immune from criticisms, especially in the current unequal regime. As criticisms from some other states demonstrate, such initiatives, however useful, have limits, and may generate counterproductive resistance among NNWS that resent that obligations and restrictions keep on being piled onto them while the nuclear-armed states – outside as well as inside the NPT – get away with perpetuating and modernising their nuclear arsenals and proclaiming their essential and necessary role for security and deterrence.
To build on the NPT cornerstone and strengthen nuclear security and non-proliferation, the next building block needs to be a universally applicable ban on nuclear weapons, without distinctions and privileges being accorded to nuclear-armed states.

**CHANGING THE TERMS OF ENGAGEMENT**

The consequences of nuclear detonations, as discussed by some 130 governments in the Oslo Conference of March 4-5 are truly horrific. The effects would be global, long term and utterly catastrophic for human health, our environment, our development, security, human rights, communications and food resources, with the most vulnerable people and regions suffering the greatest harm.

As will be addressed in more depth next year in Mexico, nuclear weapons dangers and impacts penetrate into every area of our lives and future, economic as well as environmental. This makes nuclear weapons a threat that has to be prevented by everyone. This is not just something that can be left to the states that wield these weapons, as they seem to be in denial.

As governments, you are responsible for the safety and security of your citizens. Many countries have taken important steps to make your regions into nuclear-weapon free zones. But if one or more of the nuclear-armed states makes a mistake or gets it wrong, people in all our countries could suffer terrible consequences, wherever we live.

**A genuinely comprehensive approach will accelerate implementation of disarmament steps**

International law won’t uninvent the weapon, but will contribute to accelerating its marginalisation as an instrument of policy or defence.

A nuclear ban treaty would be able to greatly strengthen the powers and tools of the IAEA and other international organisations to restrict access to the plutonium and HEU that make nuclear bombs, as well as overseeing the elimination of existing arsenals and nuclear bomb materials.

That doesn’t happen in the current regime of legitimised nuclear haves, where safeguards and verification are woefully underfunded and limited by the contradictory rights and obligations in the NPT and the interests of a small number of governments to keep or get nuclear weapons.

Changing the legal environment within which decisions about nuclear weapons are made will change the value and thus the calculus of political and military decision-making about acquiring, replacing, keeping, modernising NW. Under conditions of a legal ban (regardless of whether all relevant countries voluntarily accede at the beginning), the perceived political and military benefits of nuclear weapons will greatly diminish. That gives the world better tools to prevent the rogues or extremists at the margins from ever getting hold of these WMD, while encouraging and assisting existing nuclear-armed states to eliminate their arsenals as safely and securely as possible.

The fact is that nuclear weapons are not usable by any sane leaders: they are costly, dirty, unable to discriminate between combatants, have unpredictable environmental and long
term consequences that include ‘blowback’ for the user, they are vulnerable to accident and theft and terrorist use…. That’s the shift in attitudes that a legal ban will help to embed, removing incentives and releasing resources for governments to take collective security action on more relevant security challenges – from preventing global heating, climate chaos and environmental ecocide to addressing transnational crime and terrorism.

Of course we hope that all the nuclear-armed states will have the sense to join in this collective endeavour to make the world safe from nuclear weapons. But even if they prove unready – as suggested by their boycotting of the OEWG and Oslo discussions – we do need to move forward now.

Protecting all people’s security and our fragile planetary environment must be a vital national security interest for all governments as well as an international security priority.

The catastrophic humanitarian consequences make it an imperative to prevent any nuclear use or accidental detonation. And this is as much a responsibility for non-nuclear governments as for the nuclear-armed states.

The days of the NNWS being marginalised and taken for granted have to end. The global consequences of nuclear weapons mean that nuclear disarmament and the prevention of nuclear uses and accidents is everyone’s security business. And as has been stressed time and again since the dawn of the nuclear age, the most effective guarantee against nuclear weapons use and accidents is to ban and eliminate nuclear weapons.

It is an anomaly in international law that nuclear weapons are the only remaining weapons of mass destruction not subject to an explicit treaty prohibition.

History shows that legal prohibitions generally precede and facilitate the processes of stockpile elimination, not the other way around.

History and experience also show that weapons that have been outlawed become delegitimised. They come to lose their political status, and so do not keep having money and resources invested in their production, modernisation, proliferation and perpetuation.

This would be good news also for the UK government, stuck in its double bind over Trident replacement, and for NATO and other umbrella and supplier states caught in a ridiculous situation of wanting to eliminate non-strategic weapons but unable to get political consensus to take the obvious steps.

Appendix I: Partial approaches dating back to the cold war
Nuclear weapons have been recognised as a security problem since 1945. Unfortunately the awesome power unleashed when they were used and tested above ground also led to these weapons being treated as means of projecting strategic power in the Cold War. They became core components of cold war military and ideological rivalry. Having lots of nuclear weapons became equated with big power status – the bigger the arsenal, the bigger the power.
In the 1940s, 50s and 60s, public opinion in many states advocated for controls and prohibitions. Despite calls to ban nuclear weapons and their environmentally destructive tests and the construction of various negotiating fora, including the forerunner to the Conference on Disarmament (the ‘Ten-’ and then ‘Eighteen Nation Disarmament Committee’ – ENDC), arms control got nowhere until the Cuban Missile Crisis of 1962 shocked the whole world – not least the two largest nuclear-armed governments of the Soviet Union and United States – with the spectre of nuclear war caused through miscalculation, sabre rattling and miscommunication.

The first nuclear arms control came in the form of the Partial Test Ban Treaty, in 1963, which in fact represented the failure of the major states to agree on their stated goal of a Comprehensive Test Ban Treaty.

At about this time it is estimated that there were around 33,000 nuclear weapons, with the US outnumbering the Soviet Union by 7 to 1, and the UK with about 280.

It took another 5 years before another partial treaty could be negotiated and brought to conclusion: the 1968 Treaty on the Non-Proliferation of Nuclear Weapons (NPT).

The NPT’s very first paragraph clearly outlines the fundamental purpose of the treaty – security (human, national and international).

“Considering the devastation that would be visited upon all mankind by a nuclear war and the consequent need to make every effort to avert the danger of such a war and to take measures to safeguard the security of peoples…”

In the second paragraph of the NPT text it is explained that the treaty addresses the proliferation of nuclear weapons because this would “seriously enhance the danger of nuclear war”.

The intention of the NPT is also clearly stated in terms of the desire to

“facilitate the cessation of the manufacture of nuclear weapons, the liquidation of all their existing stockpiles, and the elimination from national arsenals of nuclear weapons and the means of their delivery…”

Nonetheless, the extraordinary cold war equating of nuclear weapons with strategic, military and even political and ideological power projection, meant that the obvious means of preventing nuclear war – a treaty to prohibit the use, deployment, production, transporting, transferring and stockpiling of these weapons of mass destruction and require their total elimination – was out of reach. Although this is what civil society and many countries wanted, it was not seriously considered by the US and Soviet Union.

Despite the PTBT’s restrictions on nuclear testing, another 5,000 bombs had been added, as well as two more nuclear-arms producers and deployers: China and France.

In this context, they came up with the unusual concept of “non-proliferation” rather than prohibition. This created two categories – nuclear weapon states and non-nuclear weapon states. No other security or disarmament agreement has before or since been concluded without the multilateral hallmarks of universally applicable obligations, non-discriminatory
mechanisms for implementation and verification, equal rights and reciprocal security commitments.

It is historically understandable that the NPT was tailored to fit cold war tensions, relations and assumptions, as well as post-WWII anxieties about imbalances in conventional armaments and fear that these could lead to a recurrence of major power wars.

The preamble clearly stated the aim of eliminating all the nuclear arsenals “pursuant to a treaty on general and complete disarmament under strict and effective international control”.

It would have been difficult if not impossible to persuade the majority of governments to join the NPT and renounce national nuclear weapons development (for the next 25 years if not in perpetuity) without some commitment to nuclear disarmament. But in the febrile nuclear arms racing of the 1960s this obligation was framed by the US and Soviet diplomats without specific steps, timelines or mechanisms for accountability or verification, resulting in the vagueness of Article VI:

“to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control.”

The NPT had other unusual features that have weakened its effectiveness as a security treaty over the years. Yet it also stemmed unbridled proliferation, providing a legal and political context for countries that had embarked on nuclear weapons programme to decide not to go ahead.

The first twenty years were remarkably successful in signing up non-nuclear states parties. Analysis shows that the very existence of the NPT fed positively into domestic debates in a number of countries, making it easier for governments to pull the plug on nuclear programmes without being attacked by political rivals.

Yet in the 1980s the major nuclear powers were rattling sabres and threatening to unleash nuclear war in the ‘European Theatre’. Sixteen years after the NPT entered into force – in 1986 - five states had amassed over 65,000 nuclear weapons, and four more were believed to have nuclear weapon capabilities outside the NPT (India, Pakistan, Israel and South Africa), with several more (including Iraq, Iran, North Korea, Libya and Syria) viewed as proliferation threats.

The next key milestone for the NPT was 1995, the first review conference after the end of the Cold War, and the politically charged meeting when it would be decided whether and for how long to extend the 25 year duration of the original treaty. Despite some misgivings, especially among many non-nuclear-weapon states, the treaty was indefinitely extended, but not unconditionally. Agreement was obtained only with decisions on Principles and objectives for nuclear non-proliferation and disarmament and on Strengthening the review process, and a Resolution on the Middle East which called for a zone free of nuclear and other weapons of mass destruction in the Middle East.

The principles and objectives set out the comprehensive obligations, and a few steps were made explicit (with a target date for the CTBT).
Five years later, the New Agenda Coalition of 7 key states – Brazil, Egypt, Ireland, Mexico, New Zealand, South Africa and Sweden – initiated and led negotiations that resulted in agreement on a thirteen-paragraph plan of action on nuclear disarmament (dubbed the ’13 Steps’, although the 18 specific requirements comprised not just steps but key principles, purposes and objectives as well).

The framing comprehensive commitment which was negotiated and accepted by the nuclear weapon states was the “unequivocal undertaking by the nuclear weapon states to accomplish the total elimination of their nuclear arsenals”.

Other steps included:
• CTBT entry into force and implementation;
• conclusion of a fissile materials ban;
• moratoria both on testing and on fissile material production, pending entry into force of those treaties;
• unilateral measures to cut arsenals as well as deeper bilateral US-Russian reductions in nuclear forces;
• transparency (i.e. the provision of more open information on nuclear capabilities and the implementation of disarmament agreements);
• reductions in non-strategic nuclear weapons;
• concrete measures to reduce the operational status of nuclear weapons (a dilution of the intended recommendation to take the weapons off alert);
• diminishing the role of nuclear weapons in security policies (understood to mean initiatives relating to deterrence and the potential first use of nuclear weapons that underpins NATO and Russian nuclear doctrine);
• the principle of irreversibility to be applied to nuclear arms control;
• five power disarmament approaches;
• further initiatives to put fissile materials (declared “excess”) permanently under safeguards;
• verification;
• pursuit of the “ultimate objective” of complete and general disarmament under effective international control.

The ink was barely dry before the N-5 nuclear weapon states began publicly backing away from most if not all these negotiated agreements, claiming they were not legally binding.

Ten years later, the best that could be negotiated on disarmament at the 2010 NPT review conference was a weakened version of what had been previously negotiated and agreed by the NWS in 2000.

Though it served a useful purpose in stemming proliferation since 1970, the NPT is increasingly toothless in face of real world challenges such as withdrawal from the treaty following the use of nuclear energy technologies to construct nuclear weapon capabilities, the inadequacy of the IAEA’s current materials-based inspection powers.

After delivering on the long-advocated CTBT, the Conference on Disarmament has remained paralysed for over 16 long and frustrating years, failing to get negotiations on a fissile materials treaty despite agreeing on a negotiating mandate in 1995.
APPENDIX II: FOOD FOR THOUGHT
The following table graphically highlights some differences between the status quo arms control approach and ways in which a humanitarian approach could free up different options and resources for achieving the goal that both approaches say they share: peace and security in a world free of nuclear weapons.

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<thead>
<tr>
<th>Arms control and non-proliferation approach</th>
<th>Humanitarian disarmament approach</th>
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<tbody>
<tr>
<td>Regulating a high value, important and desirable weapon</td>
<td>Banning and abolishing an inhumane, unusable weapon that is contrary to humanity’s interests</td>
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<tr>
<td>Focus on stabilizing status quo among nuclear “haves” and counter proliferation to prevent nuclear weapons being acquired by new or “bad” actors</td>
<td>Focus on creating security without nuclear weapons, and on delegitimizing use and doctrines of threatened use (inc. nuclear deterrence)</td>
</tr>
<tr>
<td>Emphasis on reducing numbers of largest arsenals</td>
<td>Emphasis on banning use, deployment, production, stockpiling and production on NW for all nuclear-armed states and providing obligations to create a more irreversible context for reducing and eliminating arsenals</td>
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<tr>
<td>Maintain strategic stability, especially among NWS</td>
<td>Enhance global and human security and prevent harm to potential victims, including preventing catastrophic humanitarian consequences if nuclear weapons are detonated</td>
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<tr>
<td>Maintain (and if necessary adapt) nuclear deterrence</td>
<td>‘Nuclear deterrence’ myths and postures are part of the problem</td>
</tr>
<tr>
<td>Primary actors: nuclear weapons states, military and technical experts</td>
<td>Initiating drivers: non-nuclear weapon states, humanitarian NGOs, and all sectors of civil society… NWS invited to participate but not empowered to block</td>
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<table>
<thead>
<tr>
<th>Arms control and non-proliferation premises</th>
<th>Humanitarian disarmament premises</th>
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<tr>
<td>Proliferation is bad but can be managed. Stem proliferation by tightening controls on others.</td>
<td>Proliferation is bad and isn’t being safely managed. Roll back acquisition, modernisation and spread of NW by making NW unusable, unattractive and pariah</td>
</tr>
<tr>
<td>NW have security value for deterrence but dangerous in the wrong hands.</td>
<td>Nuclear deterrence is a dangerously misguided belief system, and doctrines of use and deployment create more threats, risks and instabilities</td>
</tr>
<tr>
<td>Status quo possession is stabilising and disarmament is risky</td>
<td>The high value accorded to possessing NW is a salient proliferation driver</td>
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Nuclear weapons are by definition deterrents. Nuclear deterrence is necessary for us and must be maintained (but possible to do so with lower numbers). Nuclear deterrence is not necessary for NNWS, unless they are in alliance with NWS. Nuclear deterrence requires credible scenarios and operations for nuclear use.

Nuclear deterrence is a problem. If it works, every state should have the right to it; if it doesn’t work the consequences are likely to be catastrophic. The illusion leads NWS to think they can punch above their weight, which is dangerous and destabilizing.

Deterrence is a complex, multifaceted relationship and communicative process among potential adversaries, not a property of a particular weapon.

The role of nuclear weapons in deterrence is unproven and unprovable.

When nuclear deterrence fails, the consequences will be catastrophic.

<table>
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<tr>
<th><strong>Arms control and non-proliferation process</strong></th>
<th><strong>Humanitarian disarmament process</strong></th>
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<tr>
<td>Step by step reductions while maintaining infrastructure and options for modernizing and rearming</td>
<td>Prohibit the use, deployment, production and stockpiling of NW; this will contribute to delegitimizing them, thereby paving the way to accomplish the necessary steps and processes to bring about their total elimination</td>
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<tr>
<td>Objective: do enough to appease NNWS in NPT and keep NPT going with ‘recognized nuclear-weapon states’ in charge.</td>
<td>Objective: accelerate the elimination of all NW through changing the legal context by means of a universally applicable nuclear ban treaty</td>
</tr>
<tr>
<td>The NWS determine the pace and terms; the biggest must reduce first</td>
<td>Because of vested interests, NWS will fail to disarm without leadership from key NNWS</td>
</tr>
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</table>

Bilateral (US-Russia) voluntary unilateral P5/N5 as numbers near parity? | Multilateral, including non-NPT nuclear weapon possessors Leadership by NNWS to prohibit the weapons though a nuclear ban treaty |