

Banning Nuclear Weapons: necessary and achievable (in our lifetimes)

REBECCA JOHNSON

Dr Rebecca Johnson FRSA is Co-Chair of the International Campaign to Abolish Nuclear Weapons (ICAN), co-founder of the Aldermaston Women's Peace Camp, and CND Vice President, as well as a member of Action AWE's Core Group.

The effects of a nuclear weapon detonation, irrespective of cause, will not be constrained by national borders, and will affect states and people in significant ways, regionally as well as globally.

Norwegian Foreign Minister, Espen Barth Eide, Chair's summary, Oslo Conference on the Humanitarian Impacts of Nuclear Weapons, 5 March 2013

Nuclear weapons should be stigmatised, banned and eliminated before they abolish us.

Federal President of Austria, Heinz Fischer, High Level Meeting of the UN General Assembly on Nuclear Disarmament, New York, 26 September 2013

AS LONG AS nuclear weapons exist, they may be used. That's the conclusion drawn by the world's leaders, from UN Secretary-General Ban Ki-moon to numerous presidents, including recent British Prime Ministers. Dr Hassan Rouhani, speaking for the first time as President of Iran and Chair of the 120 member Non-Aligned Movement during a ground-breaking High Level Meeting on nuclear disarmament held by the UN General Assembly in September 2013, made the obvious connection with abolition, saying: 'As long as nuclear weapons exist, the risk of their use, threat of use and proliferation persist. The only absolute guarantee is their total elimination.'¹

Most, if not all, the nuclear-armed states say they want security without nuclear weapons, but they are carrying on with programmes to modernise and deploy them for many years to come. After decades in which treaty

obligations such as 1968 Non-Proliferation Treaty (NPT) have been evoked to justify nuclear programmes and modernisation, it's time for those that really want to achieve disarmament to change our strategies. Despite all evidence to the contrary, we've continued to behave as if the NPT provides an adequate legal basis for disarmament and that step by step reductions will somehow lead to zero. By creating a multilateral process for a new treaty designed to prohibit nuclear weapons for everyone on an equal basis, we change the rules of the game. By re-framing nuclear disarmament in humanitarian terms we put the onus for disarmament action on the nuclear free as well as nuclear-armed governments. Under international humanitarian law, a multilateral treaty could be brought into force far more quickly and directly than through the processes of traditional arms control, which have to bow to the political interests of the states that wield these weapons of mass suffering for their own purposes. While it is desirable to pressure the nuclear-armed states as much as possible, it is not necessary to wait for them all to see the light. The humanitarian law approach makes it just as much the responsibility of nuclear free states – the majority by far – to negotiate a new, globally applicable treaty that would ban the use, deployment, production, transfer, transporting and stockpiling of nuclear weapons and require their elimination.

History shows that legal prohibitions generally precede and facilitate the processes of stockpile elimination, not the other way around. And history and experience also show that weapons that have been outlawed become more quickly stigmatised and taken out of circulation. They come to lose their political status, and so do not keep having money and resources invested in their production, modernisation, proliferation and perpetuation. That – though the major political parties don't yet acknowledge it – would be good news for Britain, where the current Government is still stuck on an outdated plan to replace Trident, costing billions that would be better spent on real human security needs. Most British people don't want these nuclear weapons, and the Scottish government is determined not to store the warheads at Coulport or deploy Trident-armed submarines at Faslane.

This chapter focuses on recent international approaches aimed at achieving a new international treaty to ban nuclear weapons and cut through all the objections of the reluctant weapons states. Already much work has been done to build alliances between governments and the International Campaign to Abolish Nuclear Weapons (ICAN) – a relatively new

and fast-growing network of local, national and international civil society NGOs who have been working on humanitarian, rights and environmental issues as well as disarmament. ICAN's strategy is to create pressure and incentives for a significant cross-regional group of governments to start negotiations on a nuclear weapons ban as the next step towards eliminating nuclear weapons. This chapter looks at why this approach could become the tipping point to achieve nuclear disarmament once and for all, much sooner than previously envisaged.

Why do we need a new treaty?

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 experiences of over 100 years of arms control and disarmament for many kinds of weapons – from biological and chemical weapons to land-mines, cluster munitions and laser blinding weapons – show us the importance of getting international negotiations to prohibit the use, deployment, manufacture, stockpiling and transfer of weapons of mass suffering, and to create international laws that unequivocally and without exception require their total elimination. The existence of such treaties doesn't remove all risks, but they play a vital part in reducing dangers and incentives and providing legal and political tools to deal with perpetrators and prevent any terrorist (state or non-state) use from escalating even more catastrophically.

Efforts to eliminate nuclear weapons have been an uphill struggle, in large part because of the double standards and nuclear myths of the Cold War.² Instead of banning nuclear weapons after they brought the world to the brink of annihilation in the 1962 Cuban Missile Crisis, the major powers decided on an approach aimed at non-proliferation – to keep their own arsenals but stop the spread of such terrible weapons to more countries. Over 40 years after the NPT entered into force, there are nine nuclear-armed states and over 17,000 nuclear weapons still at large.³ The overkill capacity of the largest arsenals has been reduced from its Cold War peak of over 50,000 in the 1980s, but the five nuclear-weapon states recognised by the NPT – China, France, Russia, the UK and United States – have been joined by four more: Israel, with an undeclared nuclear arsenal of unknown strength and capabilities, estimated at over 80 warheads; India and Pakistan, which are locked into a competitive nuclear arms race

and estimated to have built more than 100 weapons each since conducting nuclear tests in 1998; and North Korea, which left the NPT in 2003 and appears determined to test and deploy nuclear weapons. Others – such as Iran, despite claiming its unnecessary nuclear fuel cycle programme is for ‘peaceful purposes’ – are suspected of wanting to join these nuclear-armed states.⁴

For decades, the majority of governments have abided by the NPT and tried to get the nuclear-armed states to fulfil their part of the disarmament non-proliferation bargain. I have attended every NPT meeting since 1994 and worked with governments to develop principles, objectives and action plans with unilateral, bilateral and multilateral commitments.⁵ If pursued as agreed, these step by step programmes would have brought us close to a nuclear-free world by now. But they were treated as paper words rather than binding legal commitments by the nuclear-armed states, who have kept modernising their weapons and spending billions on refurbishing their nuclear laboratories and facilities so that they could continue to design, make and deploy these inhumane weapons systems for the next century.⁶ Constructed to ensure that the Cold War nuclear-armed states would maintain their power and control, the NPT has had the counterproductive consequence of marginalising the concerns of the nuclear free countries, impeding genuine disarmament, and assisting proliferation.

Despite years of legal advice, arguments, judgements and even the 1996 advisory opinion of the International Court of Justice (ICJ) on the use and threat of use of nuclear weapons,⁷ the nuclear-armed states continue to claim that their possession, deployments, weapons collaboration programmes, and nuclear use doctrines are either consistent with or else not covered by the NPT.⁸ Though the NPT has a weakly worded obligation under its Article VI to pursue nuclear disarmament ‘in good faith’, it has not had any effective legal impact on the nuclear-modernisation and perpetuation policies of the nuclear-armed states. As long as some countries insist that the NPT legitimises their possession of these weapons of mass suffering, proliferation and the risks of nuclear weapons use and accidents will remain a major threat to peace and security.

We’re being conned by nuclear-armed leaders saying they want a world free of nuclear weapons while undermining effective steps to get there. US-Russian agreements to reduce their arsenals should be internationally welcomed, but do not contribute to disarmament while they pour money into their nuclear labs to refine and modernise the thousands they

still deploy. Claiming legitimacy under the NPT, in 2010 the British and French governments signed a new agreement on nuclear collaboration. The 'Teutates Treaty' committed these two nuclear-armed states to share technologies and use each other's nuclear weapons facilities to enhance and maintain their nuclear arsenals for the next 50 years.⁹ China keeps its weapon numbers below 500 but continues to upgrade and modernise its warheads and delivery systems, while India and Pakistan would like to benefit from the NPT if they were allowed in as 'nuclear-weapon states'.

It is a glaring omission and anomaly in international law that nuclear weapons – the most destructive and inhumane of all weapons – are not yet subject to an explicit treaty prohibition. On entering into force, the treaties prohibiting biological and chemical weapons created the unequivocal recognition that any use of such weapons would be a crime against humanity and war crime under international law. By contrast, nuclear 'deterrence' doctrines – whether 'first use' or 'retaliatory' – indicate that nuclear-armed states do not recognise that they would be guilty of crimes against humanity and war crimes if they unleash their nuclear weapons. As the reaction to the use of chemical weapons in the Syrian war showed, the biological and chemical weapons treaties provide invaluable legal and political tools to hold perpetrators accountable and eliminate the weapons; the international legal consequences of violating the biological and chemical weapons treaties' prohibitions are applicable to non-signatories once the core prohibitions have become embedded in international law.

Catastrophic humanitarian consequences – an imperative to ban nuclear weapons

Learning from the strategies that brought about the treaties banning land mines (1997) and cluster munitions (2007), ICAN has taken the lead in coordinating civil society to reawaken understanding that nuclear use and accidental detonations would cause unbearable suffering and unacceptable humanitarian consequences, and focus those concerns into pressure on governments to negotiate a global nuclear ban treaty. The information and arguments go beyond moral repugnance by providing a route towards a practical nuclear ban treaty under international humanitarian law. Disarmament advocates are being joined by humanitarian organisations such as the Red Cross and Red Crescent Societies, which since 2010 have

produced information and adopted resolutions to reawaken the understanding and argue for them to be outlawed.¹⁰

No-one who has seen photographs of the devastation and misery caused by the two atom bombs used on Hiroshima and Nagasaki can deny that a single detonation would create unimaginable horrors for the people directly affected. We've probably all heard about the intense heat, blast and fire storms that would kill hundreds of thousands immediately. Radiation sickness would kill many more in the first days, weeks and months to follow. Radioactivity would also be deposited in a wide area as fall-out from the nuclear mushroom clouds, and this would contaminate agricultural lands and homes across a far wider area, depending on wind and weather patterns. But fear of these dreadful consequences receded at the end of the Cold War. Most people thought the dangers were being reduced, while others believed that it was moral for some states to have nuclear weapons for the purposes of 'nuclear deterrence' and prevention of war.

That complacency is being shaken by historical analyses that cast doubt on the theories of nuclear deterrence and use of nuclear weapons for war prevention¹¹ and also by updated scientific studies showing that 'nuclear winter' and widespread famine would occur if only a small fraction of today's arsenals were used against cities in a regional war.¹² Soviet President Mikhail Gorbachev was persuaded to pull back from the brink and kick-start disarmament talks in the mid-'80s by reports from US and Soviet scientists that demonstrated that nuclear war would cause planet-wide 'nuclear winter'.¹³ Such studies are becoming influential once more, after being updated with data and calculations from the past 30 years of climate change research.

Based on the use of only a small fraction of today's arsenals in a 'limited' or regional nuclear war, climate scientists have demonstrated that the explosions and fires would propel millions of tonnes of soot, smoke and debris into the upper atmosphere, darkening the skies, causing temperatures across the planet to plummet and disrupting rainfall and agriculture everywhere on earth.¹⁴ These effects could persist for over a decade, with devastating consequences for food resources and the health and life cycles of many species. Building on this research, scientists and physicians have conducted analyses on the health and humanitarian consequences of various 'limited scenarios'. Bearing in mind increases in global population and urbanisation since the 1980s, Dr Ira Helfand and others have concluded

that in addition to the millions that would die from the direct effects of a regional nuclear war, over one billion people around the world would be put at risk of starvation and death due to famine and the epidemics and other health and security disasters that breed on the backs of large-scale hunger and malnutrition.¹⁵ To put this into perspective, that level of appalling global disruption would be caused if one or more nuclear-armed states detonated just 0.5 percent of current nuclear arsenals – equivalent to less than half the explosive power carried on board one Trident-armed British submarine.

Further British-based studies have analysed the humanitarian consequences of various scenarios involving attacks on UK cities and, since we are also responsible for the weapons fired in our name, if one UK submarine launched Trident missiles at Russian cities. The studies show a scale of destruction, death and suffering that is truly shocking, confirming that nuclear winter and global famine could be caused by a relatively small number of nuclear detonations. In addition, in this interconnected world we have to think about how the lives of survivors would be made extremely difficult as the effects of nuclear weapons destroyed electronic communications and the transporting of blood, medical supplies and food resources around the world. And radiation would continue to contaminate wide areas for many generations.¹⁶

Most people prefer not to think about nuclear weapons being used, but these studies show that we must. It is irresponsible of leaders to hide behind glib assertions that ‘the point of having nuclear weapons is to deter people and not to use them’ (David Cameron, 2010) or that they are an ‘ultimate insurance’ (Tony Blair, 2006). Deterrence is not a property of a weapon but a relationship between potential adversaries, and history shows how often deterrent communications and threats can go wrong. The ‘use them or lose them’ logic and quick, computerised, launch operations associated with nuclear deterrence policies makes it more rather than less likely that nuclear weapons will be used, especially in times of conflict, uncertainty and mistrust. As well as the catastrophic humanitarian harm that just one or a few nuclear weapons would create, an unforeseen or badly managed conflict involving nuclear-armed leaders could escalate into nuclear war. Millions of people in countries far from the weapons’ intended targets would suffer from contamination, climate disruption and nuclear-induced famine. As long as nuclear weapons are deployed, the risks of nuclear use, accident and war remain unacceptably high.

Civil society and government partnership to ban and eliminate nuclear weapons

ICAN has been persuading governments that in view of the transnational effects and consequences of nuclear detonations, accidents and war, the non-nuclear countries have their own compelling security imperative as well as the responsibility to initiate and carry through negotiations to ban and eliminate nuclear weapons. While it goes without saying that the nuclear-armed states should be encouraged and pressured to join in this collective endeavour to make the world safe from nuclear weapons, they should not be allowed to control or block the process. The non-nuclear countries need to move forward now. Whether or not the nuclear-armed states feel ready to participate at the start, the proposed nuclear ban treaty would change the political and legal context and remove the special status accorded to the countries that wield nuclear weapons.

These strategies are already putting humanitarian disarmament onto the international agenda. Following a UN General Assembly resolution in 2012, an UN-mandated 'open-ended working group' has been meeting in Geneva to discuss how to move forward on nuclear disarmament. Shockingly, the 'P5' nuclear-weapon states boycotted these multilateral talks in 2013.¹⁷ In March 2013, the Norwegian government hosted an international conference in Oslo to consider the humanitarian impacts of nuclear weapons. Though 127 governments participated, the P5, Israel and North Korea boycotted the conference. Nonetheless, Mexico has taken the next step of convening a further international conference in February 2014, to further and deepen governments' understanding of the humanitarian consequences of nuclear weapons and consider what to do to prevent future catastrophe. The humanitarian train, as noted by one high ranking diplomat, has left the station. Civil society has to make sure that it heads towards a nuclear ban treaty, which is increasingly being recognised as the next station towards nuclear disarmament.

Following the Oslo Conference, 80 NPT member states co-sponsored a strong statement at the NPT 'PrepCom' meeting in 2013 – up from 16 the year before. Aware that boycotting Oslo and the UN Open-ended Working Group backfired on them, Britain, France and the United States tried a different tack by attending the September 2013 High Level Meeting on Nuclear Disarmament held at the United Nations, using a joint statement to criticise other governments for directing energy towards humanitarian

nuclear disarmament initiatives. They tried to guilt-trip them into working only through the NPT – which confers special privileges on five nuclear-armed states – and the Conference on Disarmament and UN Disarmament Commission, which have been deadlocked and passive for over 18 years.¹⁸

Intended to be effectively multilateral by being open to all and blockable by none, the humanitarian strategies are much harder for the nuclear-armed states to prevent or block than disarmament programmes that have been proposed through the NPT, Conference on Disarmament or via traditional arms control approaches.¹⁹ Contrary to the criticisms of some nuclear-armed states, the humanitarian disarmament concerns build on the NPT, which at its 2010 Review Conference clearly stated NPT parties' 'deep concern at the catastrophic humanitarian consequences of any use of nuclear weapons and reaffirms the need for all States at all times to comply with applicable international law, including international humanitarian law.'²⁰ The 2010 Final Document also declared that 'all States need to make special efforts to establish the necessary framework to achieve and maintain a world without nuclear weapons' and noted, for example: the five-point proposal for nuclear disarmament of the Secretary-General of the United Nations, which proposes, *inter alia*, consideration of negotiations on a nuclear weapons convention or agreement on a framework of separate mutually reinforcing instruments, backed by a strong system of verification.²¹

A major reason why the humanitarian disarmament strategies in several different fora are making the nuclear-armed states nervous is that they are creating new opportunities and better mechanisms to bring about disarmament. Most importantly, they enable the states that have renounced nuclear weapons by joining the NPT and various nuclear-weapon-free zone treaties to play a larger role in stigmatising and eliminating the weapons globally – based on their own national and international security. The reinvigorated international movement for a nuclear ban remains supportive of the NPT's disarmament and non-proliferation objectives, but it is strategically aimed at getting a treaty that will reinforce the regime by fundamentally changing the legal and political context within which nuclear-armed states and proliferators operate. The aim is a universally applicable prohibition under international law that will apply equally to all. No more privileges for nuclear 'haves' that Britain and others can use to justify continuing to make and deploy nuclear weapons. No more 'let-outs' for states that don't sign on to the treaty, like India, Pakistan and

Israel. Since this would be first and foremost a treaty for international and collective security, it would not promote nuclear energy and would create obligations and regulatory frameworks to ensure that nuclear technologies could not be used to supply or support nuclear weapons programmes.

Once the treaty is concluded and enters into force it will become part of the body of international law, alongside the NPT, Geneva Protocols, Mine Ban Treaty, Cluster Munitions Convention, Chemical Weapons Convention, Biological and Toxin Weapons Convention and CTBT.²² A nuclear ban treaty does not have to negotiate a schedule for the weapons to be eliminated.²³ It is recognised that dismantling and destroying all the existing weapons will take time, and requires careful dismantling, security and verification processes. The weapons labs are equipped to accomplish these sensitive technical tasks, and a treaty would shift the burden of proof and make it more clearly in the nuclear-armed states' interests to develop effective ways to monitor and verify each other. Instead of wasting our billions on designing and making new warheads, Aldermaston scientists and the British government should take the lead in developing technically safe and secure methods to accomplish the total and verified elimination of all nuclear armaments, as they did for verifying the CTBT. They've had over 40 years experience of dismantling weapons deemed surplus to requirements, but under the NPT they have simply carried on making new ones. Disarmament histories show that they are more likely to accelerate the practical tasks of eliminating all their weapons – individually or together – if a treaty is already in place that unequivocally makes this an obligation, and includes universal prohibitions on the use, deployment, production and stockpiling of the weapons.

A multilateral nuclear ban treaty – the next step off the nuclear treadmill

For the past 30 years, British people have paid billions to deploy the current Trident system from Faslane (against Scotland's wishes) and keep producing nuclear warheads at AWE Aldermaston and Burghfield. This was a decision taken in 1979 on the basis of 'expert' projections about future Soviet threats and developments that were proved spectacularly wrong. By the time the first Vanguard submarine headed out to sea with its Trident missiles in 1994, the Cold War was over. Now British politicians

are tying themselves in knots to justify spending another £100 billion on the next generation of Trident for another 30–50 years of nuclear proliferation, risks and fears. Once again, their analyses have got it wrong, badly misjudging future trends and developments in international security, and costing British people billions in wasted military resources.

British politicians have lined up to say they want a world free of nuclear weapons, but everything that they do is geared towards perpetuating nuclear arsenals, not only for themselves but for others. Rather like the sad old ‘joke’ about a smoker who keeps going to France to load up his car with duty free cigarettes while praying ‘Lord, help me to stop – but not yet’. Like that smoker, the nuclear-armed states think that they can carry on making and deploying nuclear weapons until they decide – in their own, sweet, unhurried time – that they ought to stop. Decades ago, it was assumed that smoking was an individual right or choice, and that the smokers had to be cajoled with appeals about their own health and welfare. Those approaches had limited impact. The real change in behaviour and incentives occurred when non-smokers led the way to prohibit smoking in public spaces and workplaces. Similarly, international prohibition treaties like the Chemical Weapons Convention and Mine Ban Treaty have significantly changed the behaviour of states that did their utmost to prevent negotiations in the first place. As the treaties entered into force under international law they also embedded norms, taboos and expectations.

Local, national and international security demands that we bring together campaigns like Action AWE with CND and ICAN, to integrate global efforts to ban nuclear weapons with British public and political efforts to scrap Trident. By contrast with the ‘not in my lifetime’ caveats of the nuclear-armed states, recent, game-changing strategies by nuclear free people and governments are bringing a global nuclear ban treaty within reach.

Action AWE is building on Trident Ploughshares and the Aldermaston Women’s Peace Camp(aign) to mobilise activists – from environmental and poverty campaigning as well as established civil society organisations like CND. In turn, UK activism to prevent Trident replacement can inspire and boost international initiatives and ICAN’s global campaigning for a nuclear ban treaty. At all levels, we have necessary and important roles to play in halting further nuclear weapons production and deployment and creating political pressure for our governments to negotiate and conclude a fully comprehensive nuclear ban treaty without further delay.

Even before this treaty enters into full legal force, it will give us more effective tools in international law to ensure that our governments are held accountable for halting nuclear production and proliferation and eliminating their arsenals as quickly, safely and securely as possible. Such a treaty will stigmatise nuclear weapons and make sure that state and non-state actors understand that using and preparing to use nuclear weapons constitute crimes against humanity and war crimes, and that perpetrators, suppliers and others who violate the legal norms established by a nuclear ban treaty will be prosecuted and brought to the International Criminal Court, even if they come from countries that have not yet signed.

The table below graphically shows the key differences between the status quo arms control approach and the humanitarian disarmament approach. Our challenge now is to choose the most effective actions, arguments and approaches to create a tipping point that will require and enable the world to ban nuclear weapons. This in turn will require and enable Britain, NATO and the other nuclear-armed states to undertake genuine and irreversible steps to eliminate their current arsenals and stop wasting further resources on replacements.

Arms control and non-proliferation premises and UK government assumptions	Humanitarian disarmament premises and new thinking about tackling nuclear weapons
Proliferation is bad but can be managed.	Proliferation is bad and isn't being safely managed.
Proliferation is best stemmed by tightening nuclear security procedures and controls on the non-nuclear-weapon states	Stemming proliferation also requires halting the acquisition, modernisation and spread of nuclear weapons and stigmatising nuclear as well as other WMD as unusable, inhumane and its use as pariah/ha'aram
Nuclear weapons are essential for deterrence but cause insecurity if in the 'wrong' hands.	Nuclear deterrence is a dangerously misguided belief system, and doctrines of use and deployment create greater humanitarian threats, risks and instabilities than other deterrence tools.

<p>Arms control and non-proliferation premises and UK government assumptions</p>	<p>Humanitarian disarmament premises and new thinking about tackling nuclear weapons</p>
<p>'We' can't 'give up' nuclear weapons before others. We need them as long as anyone else has some.</p>	<p>Scrapping nuclear weapons first will help move the process forward without compromising anyone's security because these weapons have no real military or security utility.</p>
<p>Status quo possession is stabilising, and proliferation is not affected by the actions and policies of recognised nuclear-weapon states.</p>	<p>The high value accorded to possessing nuclear weapons is a salient proliferation driver.</p>
<p>Nuclear weapons are by definition deterrents.</p>	<p>Deterrence is not a property or attribute of a weapon, but a complex, multifaceted relationship and process among potential adversaries, requiring accurate and effective communications and interpretations of information, intentions and cultural implications.</p>
<p>Nuclear deterrence requires credible scenarios and operations to demonstrate a readiness to fire and an ability to deliver 'unacceptable loss'.</p>	<p>The role of nuclear weapons in deterrence is questionable, unproven and unprovable. Threatening 'unacceptable loss' is inhumane and won't deter non-state or many state adversaries. Other states' actions and intentions may be miscalculated or misinterpreted.</p>
<p>Nuclear deterrence ensures that responsible states can extend security to their allies and have freedom of action where necessary.</p>	<p>The illusions of deterrence lead nuclear-armed states to take more risks and think they can project regional or international power ('punch above their weight'), which is dangerous and destabilising.</p>
<p>Nuclear deterrence is necessary for 'us' and must be maintained (but may be possible to do with lower numbers).</p>	<p>Nuclear weapons are not necessary for deterrence, which is determined by factors other than the number or size of nuclear weapons a country possesses.</p>

<p>Arms control and non-proliferation premises and UK government assumptions</p>	<p>Humanitarian disarmament premises and new thinking about tackling nuclear weapons</p>
<p>Nuclear deterrence is not necessary for non-nuclear countries, unless they are in alliance with nuclear-armed states.</p>	<p>If nuclear deterrence worked as theorised, every state should have the right to nuclear weapons of their own. That would of course be a recipe for insecurity and humanitarian disaster.</p>
<p>It is not necessary to consider the consequences of nuclear detonations because nuclear deterrence will ensure that these nuclear weapons won't be used.</p>	<p>When nuclear deterrence fails, the humanitarian consequences will be catastrophic.</p>
<p>Regional nuclear-weapon-free zones (NWFZ) and incremental steps have to be taken first.</p>	<p>Regional and international nuclear problems are interconnected, and international initiatives to ban nuclear weapons will reinforce and accelerate strategies to conclude further NWFZ.</p>
<p>Nuclear weapons have to be greatly reduced and eliminated before there can be any question of prohibiting them with a treaty.</p>	<p>A nuclear ban treaty will change the legal and political context and push the nuclear-armed states to accelerate the total elimination of their arsenals.</p>
<p>Working towards a nuclear weapons convention or other comprehensive nuclear treaty will undermine and distract from the NPT.</p>	<p>Working towards and achieving a nuclear ban treaty will help to fulfil the aims and objectives enshrined in the NPT, just as the 1996 Comprehensive Test Ban Treaty (CTBT) reinforced and fulfilled the 1963 Partial Test Ban Treaty (PTBT).</p>

Arms control and non-proliferation approach (status quo reinforcing)	Humanitarian disarmament approach (game-changing)
<p>The NPT is the cornerstone of the non-proliferation regime and is okay as long as we keep talking about disarmament and universality.</p>	<p>As a cornerstone dating back to the 1960s, the NPT needs to be built on with new treaties and agreements in order to achieve nuclear disarmament and create a non-discriminatory and universally effective regime to prohibit and eliminate nuclear weapons.</p>
<p>The NPT is useful for enabling the 'recognised' nuclear-weapon states to take the lead in managing this high value, important and desirable weapon while stopping its spread to others, unless they have already successfully developed their weapons outside the NPT in which case we will protect their interests along with our own.</p>	<p>It is time to ban and abolish this inhumane, unusable weapon that is contrary to humanity's interests and threatens our future survival. The nuclear-free governments and civil society must take the lead to achieve a non-discriminatory, universal treaty that will ban the use, deployment, production, stockpiling and transporting of nuclear weapons and require their total elimination.</p>
<p>Objective: do enough to appease nuclear free states in the NPT and keep the non-proliferation regime going with the 'recognized nuclear-weapon states' in charge.</p>	<p>Objective: accelerate the elimination of all nuclear weapons through a universally applicable nuclear ban treaty that will change the legal and political context of nuclear decision-making.</p>
<p>Focus on stabilising status quo among nuclear 'haves' and counter-proliferation and 'nuclear security' to prevent nuclear weapons being acquired by new or 'bad' actors.</p>	<p>Focus on changing international law and delegitimising nuclear weapons use and doctrines of threatened use (including nuclear deterrence).</p>
<p>Talk about step by step reductions in the context of the NPT while maintaining infrastructure and options for the current nuclear-armed states to keep modernizing and rearming.</p>	<p>Use all available multilateral fora and opportunities to highlight the catastrophic humanitarian consequences of nuclear weapons and make the case for a nuclear ban treaty that would transform the legal</p>

Arms control and non-proliferation approach (status quo reinforcing)	Humanitarian disarmament approach (game-changing)
	and political context for everyone and give us new, stronger tools to stop proliferation, close down nuclear programmes and bases, and hold our governments accountable.
Emphasis on reducing numbers of largest arsenals and maintaining more modern less expensive nuclear arsenals (for the foreseeable future).	Emphasis on banning use, deployment, production, stockpiling and production on nuclear weapons for all nuclear-armed states and providing obligations to create a more irreversible context for reducing and eliminating arsenals now.
Maintain national security and strategic stability, especially among nuclear-armed states, and projecting security with nuclear weapons.	Promote human security, create more sustainable national, regional and international security without nuclear weapons for everyone, and prevent harm to potential victims, including preventing catastrophic humanitarian consequences if nuclear weapons are detonated
Maintain (and if necessary adapt) nuclear deterrence as a potent doctrine of security, insurance and power projection.	Challenge and discredit nuclear deterrence beliefs and postures, as these perpetuate proliferation and impede disarmament.
Nuclear weapons and disarmament questions are a primary national security interest for the states that have them.	Nuclear weapons are a major human and global security issue, and nuclear disarmament is everyone's responsibility and in everyone's interests.
The most important actors are the nuclear weapons states, military and technical experts.	The non-nuclear weapon states must take more responsibility to initiate, lead and drive a humanitarian disarmament process with humanitarian agencies and NGOs and all sectors of civil society.

Arms control and non-proliferation approach (status quo reinforcing)	Humanitarian disarmament approach (game-changing)
The nuclear-weapon states must determine the pace and steps for nuclear disarmament.	Because of vested interests, the nuclear-armed states will fail to disarm without leadership from key nuclear-free states to ban nuclear weapons.
The non-nuclear states should support whatever the nuclear-armed states feel able to agree.	The nuclear-armed states are encouraged to participate in multilateral nuclear treaty negotiations but not empowered to block.
Processes include bilateral nuclear reduction negotiations between US and Russia, voluntary unilateral cuts; confidence building talks among the P5 nuclear-weapon states might eventually lead to negotiations.	Bring together a cross regional group of significant states to initiate multilateral negotiations on a nuclear ban treaty that can enter into force and create the conditions for accelerating the elimination of all nuclear arsenals.
Nuclear disarmament is impossible unless and until all nuclear-armed states are fully on board.	Even if the nuclear-armed states reject a multilateral nuclear ban treaty to begin with, it will change their policies and behaviour, making it much harder to keep modernising and perpetuating nuclear arsenals.

Notes

- 1 Dr Hassan Rouhani, statement on behalf of the NAM to the High Level Meeting of the UN General Assembly on Nuclear Disarmament, New York, 26 September 2013: [http://www.reachingcriticalwill.org/images/documents/Disarmament-fora/HLM/26Sep_NAM.pdf].
- 2 Rebecca Johnson, 'Rethinking the NPT's role in security: 2010 and beyond', *International Affairs* 86:2 (2010), Royal Institute of International Affairs, Chatham House.
- 3 SIPRI Yearbook 2013, Stockholm International Peace Research Institute: [<http://www.sipri.org/yearbook/2013/files/SIPRIYB13Summary.pdf>].
- 4 The NPT was useful in signing up most of the world (185 of its states parties joined as non-nuclear-weapon states) and developing a variety of additional procedures and agreements for nuclear monitoring, safeguards and export

- controls. Iran is the most recent to cause concern for manipulating the Article IV nuclear energy provision. Concerns about the unintended consequences of both Article IV and Article VI, are underpinned by science and history: almost all the nuclear-armed states developed their weapons capabilities through nuclear energy programmes.
- 5 The most comprehensive plan agreed by NPT states parties was negotiated primarily between the P5 nuclear-weapon states and the New Agenda Coalition of seven non-nuclear states in 2000. Dubbed the ‘thirteen steps’, the disarmament plan of action was adopted by the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, Final Document, May 20, 2000, New York, NPT/CONF.2000/28 Part I. The commitments were largely ignored by the nuclear-weapon states for the next ten years and then renegotiated in a much weaker form in the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, Final Document, Volume I, Part I.
 - 6 We should not be surprised that traditional arms control has failed to deliver disarmament. Human history, reason, and lawmaking experiences show that those with vested interests in a weapon, activity or crime are going to drag their feet if they think they can hang on to their privileges and avoid penalties for ignoring the security and needs of the community.
 - 7 See the various analyses in Rebecca Johnson and Angie Zelter, eds. *Trident and International Law: Scotland’s Obligations*, (Luath Press, 2011).
 - 8 See for example the 2006 White Paper on ‘The future of the UK’s nuclear deterrent’: [https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/27378/DefenceWhitePaper2006_Cm6994.pdf], which paved the way for Tony Blair to tell the House of Commons in 2007 that the NPT gives Britain ‘the right to possess nuclear weapons’: [<http://www.acronym.org.uk/uk/index.htm>]; and Mohammed ElBaradei, *The Age of Deception: Nuclear Diplomacy in Treacherous Times*, Bloomsbury 2011. See also the 2013 Trident Alternatives Review, published by HM Government on 16 July 2013: [https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/212745/20130716_Trident_Alternatives_Study.pdf] For analysis see Rebecca Johnson: Trident Alternatives Review: the elephant in the room, openDemocracy, 5 August 2013: [<http://www.opendemocracy.net/5050/rebecca-johnson/trident-alternatives-review-elephant-in-room>].
 - 9 See Nuclear Information Service briefings: [<http://nuclearinfo.org/blog/nuclear-information-service/2013/04/nis-presentation-uk-%E2%80%93-france-nuclear-weapons-co-operation>, <http://www.nuclearinfo.org/sites/default/files/NIS%20Anglo-French%20co-operation%20briefing%20November%202010.pdf>].
 - 10 For the first time since 1982, the International Red Cross and Red Crescent

- Movement adopted a resolution on nuclear weapons, which called for their use to be prohibited and the weapons to be totally eliminated: 'Working towards the elimination of nuclear weapons', Resolution adopted by the Council of Delegates of the International Red Cross and Red Crescent Movement, Geneva, 26 November 2011. EN CD/11/R1.
- 11 Ward Wilson, *Five Myths about Nuclear Weapons*, Houghton Mifflin Harcourt, 2012.
 - 12 See for example, Owen B. Toon, Richard P. Turco, Alan Robock, Charles Badeen, Luke Oman and Georgiy L. Stenchikov, 'Atmospheric effects and societal consequences of regional scale nuclear conflicts and acts of individual nuclear terrorism'; also Alan Robock, Luke Oman, Georgiy L. Stenchikov, Owen B. Toon, Charles Badeen and Richard P. Turco, 'Climate consequences of regional nuclear conflicts', *Atm. Chem. Phys.* 7 (2007); and Ira Helfand, 'Nuclear Famine: A Billion People at Risk', IPPNW, 2012.
 - 13 Mark Hertsgaard, 'Mikhail Gorbachev explains what's rotten in Russia', *Salon.com*, 7 September 2000.
 - 14 Toon, Owen B., Richard P. Turco, Alan Robock, Charles Badeen, Luke Oman and Georgiy L. Stenchikov, 'Atmospheric effects and societal consequences of regional scale nuclear conflicts and acts of individual nuclear terrorism'; also Robock, Alan, Luke Oman, Georgiy L. Stenchikov, Owen B. Toon, Charles Badeen and Richard P. Turco, 'Climate consequences of regional nuclear conflicts', *Atm. Chem. Phys.* 7 (2007).
 - 15 Helfand, Ira, 'Nuclear Famine: A Billion People at Risk', IPPNW, 2012.
 - 16 For example, see Rebecca Johnson, 'Unacceptable Risks: UK-relevant reports on the humanitarian consequences of nuclear weapons'; Richard Moyes, Philip Webber and Greg Crowther, *Humanitarian consequences: Short case study of the direct humanitarian impacts from a single nuclear weapon detonation on Manchester, UK*. Article 36, February 2013; Frank Boulton, *Blood Transfusion Services in the wake of the humanitarian and health crisis following multiple detonations of nuclear weapons*, Medact, February 2013; John Large, *The Lay-person's Alternative Guide to REPPER Relating to the Atomic Weapons Establishment (AWE) Aldermaston and Burghfield*, Nuclear Information Service, April 2012; John Ainslie, *If Britain Fired Trident: The humanitarian catastrophe that one Trident-armed UK nuclear submarine could cause if used against Moscow*, Scottish CND February 2013; Philip Webber, *The climatic impacts and humanitarian problems from the use of the UK's nuclear weapons*, Scientists for Global Responsibility, February 2013 (revised from SGR Winter 2008). These reports are all available from the ICAN and Acronym Institute websites.
 - 17 'P5' is UN jargon for the five permanent members of the UN Security Council

- China, France, Russia, the United Kingdom and United States – which are also the defined ‘nuclear-weapon states’ recognised by the NPT.
- 18 Alistair Burt, statement on behalf of France, the United Kingdom and the United States, to the High Level Meeting of the UN General Assembly on Nuclear Disarmament, New York, 26 September 2013: [http://www.reachingcriticalwill.org/images/documents/Disarmament-fora/HLM/26Sep_UKUSFrance.pdf].
- 19 Documents obtained through freedom of information requests have revealed that they are worried that when other governments discuss and understand the humanitarian consequences of nuclear weapons, the next logical step will be a process to prohibit the weapons and put the onus much more strongly on the nuclear-armed states to get rid of them. See the ICAN and Article 36 websites for further detail on these documents.
- 20 A (Principles and Objectives) v, Conclusions and recommendations for follow-on actions, 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, Final Document, Part 1.
- 21 B (Disarmament of Nuclear Weapons) iii, Conclusions and recommendations for follow-on actions, 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, Final Document, Part 1.
- 22 See the Acronym Institute website [www.acronym.org.uk] for information on these treaties and links to other organisations with knowledge and expertise in these areas. The CTBT has not yet formally entered into force, but as it has been signed by over 180 states and ratified by more than 150 it is generally viewed as part of the body of international law relating to nuclear weapons.
- 23 The recognition that effective new obligations can be created without negotiating all aspects of verification and elimination is the key difference between earlier civil society efforts to demonstrate the feasibility of nuclear disarmament through a detailed model ‘nuclear weapons convention’ (NWC), circulated in 1997 and 2007, and the humanitarian strategy to fast track negotiations for a simpler nuclear ban treaty. Advocates of both approaches acknowledge that the technical and physical eliminations require the agreement and participation of the nuclear armed states. As someone who initiated and helped draft the NGO model nuclear weapons convention, I think it did a good job of showing what a fully comprehensive treaty would have to do. As a political strategist analysing how narrowly perceived national interests of a handful of nuclear-armed states blocked negotiations on a small, incremental objective such as a fissile materials treaty in the Conference on Disarmament, I grew increasingly concerned

that the 'all or nothing' multilateral negotiations implied in the NWC approach put too much power in the hands of the most reluctant nuclear-armed states who would keep finding ways to stop NWC negotiations from ever getting started. By focusing on the legal necessity of prohibition – which can be achieved with or without the nuclear armed states – a nuclear ban treaty would irrevocably change the political calculus, creating obligations and removing existing justifications and incentives for impeding additional agreements on fissile materials, weapons reductions and verified elimination.