

## **Working Group 1: Nuclear Disarmament and the UN Negotiation Process to Prohibit Nuclear Weapons**

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### Introduction

The 62nd Pugwash Conference on Science and World Affairs, themed “Confronting New Nuclear Dangers,” was convened in Astana, Kazakhstan from 25-29 August 2017. Across three 3-hour sessions during the conference, Working Group 1 gathered to discuss issues of nuclear disarmament and the broader UN negotiation process to prohibit nuclear weapons, timely topics in light of the 7 July 2017 adoption of the Treaty on the Prohibition of Nuclear Weapons (or the Nuclear Weapon Ban Treaty).

The group was comprised of 29 experts with educational and professional backgrounds in and around the nuclear issue, including former diplomats, scientists, academics, researchers, and activists. This report provides a summary of the group’s discussions, conducted under the Chatham House Rule. It is not intended to represent the views of all participants, nor is it intended to be an outcome document of Working Group 1.

### Discussion Summary

#### **Nuclear Weapon Ban Treaty**

The majority of the working group expressed their appreciation for the Nuclear Weapon Ban Treaty as a means to effectuate a world without nuclear weapons. Against the background of foot-dragging by the nuclear weapon states on nuclear disarmament progress – marked by the slowdown in reductions of existing stockpiles and significant investment in modernization programs – the Nuclear Weapon Ban Treaty heralds a new paradigm. By prohibiting the development, production, testing, acquisition, stockpiling, transfer, possession, stationing, and both the use and threat of use of nuclear weapons, the treaty sends a clear political message: nuclear weapons are illegitimate. Echoing the thoughts of proponents and opponents, the participants agreed that the Ban Treaty is unlikely to lead to one or more states renouncing nuclear weapons in the near future. Instead, its primary objective is to stigmatize nuclear weapons and further strengthen the international norm against those armaments.

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<sup>1</sup> As is customary for all Pugwash participants, the rapporteurs served their roles strictly in their personal capacity. The views expressed in this report do not represent the position, views, or policy recommendations of their respective institutions.

In the short- to medium-term, the Ban Treaty can provide a foundation for national-level action that would bolster its provisions in the service of nuclear disarmament. The working group identified several means to this end, drawing on the role of domestic actors and civil society alike, especially in supporting states. First, this includes the targeting of entities in the industrial and financial sectors that manufacture and fund components and equipment relevant to nuclear weapons programs. Initiatives like the ‘Don’t Bank on the Bomb’ project reveal the impact of public pressure on organizations, including with ethical considerations. Second, domestic legislation to criminalize personal activity related to weapons programs provides another means to national implementation, and could lay the foundation for the amendment of the Rome Statute of the ICC. Third and interrelated, domestic legislation prohibiting transit of nuclear weapons through ports and territorial waters could address an issue left unaddressed in the international treaty. Finally, the existence of the Ban Treaty can help pressure governments of non-nuclear weapon states to reassess nuclear guarantees and, in the case of five NATO members, the stationing of tactical nuclear weapons on their soil.

Still, the limitations of the treaty text were well recognized by participants. Some participants noted that it was a mistake on the part of the nuclear weapon states to boycott the process that generated the Ban Treaty and the Ban Treaty Conference. Nevertheless, their lack of involvement can still be seen as weakening the treaty’s provisions. As a result, detailed discussions of compliance and verification may eventually have to take place outside the structure of the treaty, perhaps through an accompanying convention, should any of that group seek to accede in the future. Further, there is clarity lacking across the text, including on the “competent international authority” that would oversee implementation, and on the precise nature of reporting and submission requirements in Article 4. The overall paucity of institutional support outlined led some participants to identify other practical challenges that are sure to arise. For example, one familiar issue - financing - has taken on a new twist, as the new UN Secretariat’s administrative reform initiative (UMOJA) places the execution of the Ban Treaty (and its Meetings of States Parties) in question if parties are unable to cover all expenses beforehand.

Putting aside the content of the treaty however, its existence sent a clear message that the non-nuclear weapon states were severely frustrated with the pace of Article VI disarmament progress in the Nuclear Non-Proliferation Treaty (NPT). For some, these states had finally taken control of the agenda, laying bare the lack of prioritization on either prohibition or elimination on part of the nuclear weapon states. However, others suggested that the Ban Treaty may actually remove rather than intensify pressure for further action, citing the lack of deadlines in the text, while noting that the treaty’s adoption may shift the disarmament issue away from the spotlight. For these participants, the memory of the lack of follow-through with the 13 Practical Steps and the 2010 Action Plan loom large. Regardless, there was near consensus that the value of the Ban Treaty as a political statement and normative symbol could not be denied. In that manner, whatever impact the Ban Treaty would have on the NPT pales in comparison to the fundamental change its establishment represented.

## **Towards Nuclear Disarmament**

The broader issue of how nuclear disarmament could eventually be achieved brought about spirited debate. Participants discussed the positives and negatives of a framework that separated prohibition from elimination (as in the Ban Treaty), while considering alternative approaches including step-by-step (in which elimination preceded prohibition) and comprehensive (simultaneous prohibition and elimination processes). There was near-consensus that a comprehensive convention - as with the chemical and biological weapons processes - was not possible in the nuclear case because of the status and prestige attained by those armaments. Notably, the line has blurred between the capabilities of advanced conventional weapons and nuclear weapons, rendering the latter less unique. It was posited that this could open the door for comprehensive disarmament measures that connected both classes of weapons. Some pushed back on this notion, however, suggesting that the most likely outcome would involve arms control rather than disarmament measures. Indeed, the frequent use of conventional weapons (including dual-capable cruise missiles) rendered the possibility of their elimination far more unlikely. Further, past successful instances of nuclear disarmament – most notably the Intermediate-Range Nuclear Forces Treaty between the United States and the Soviet Union – had been accompanied by confidence-building measures and verification exercises even during the negotiation process; such foundations simply do not exist in the current environment. Ultimately issues of strategy and doctrine must be considered in gauging the foundation for nuclear disarmament, regardless of approach.

Indeed, the disarmament debate will be hard-pressed to move forward without a further revisiting and deconstructing of the underlying theory of deterrence. The existing framework paints nuclear weapons risk as controllable yet dangerously overlooks deterrence failures with non-disastrous consequences (e.g. the Cuban Missile Crisis and the Goldsboro incident), as well as other revealing instances of close calls and luck. The absence of nuclear war – cited by at least one participant as proving the efficacy of nuclear deterrence – was not sufficient evidence, in the eyes of many in the group. For these participants, the absence of great power war since 1945 cannot simply be attributed to the presence of nuclear weapons. After all, several American diplomats expressed doubts even during the Cold War that the Soviets were planning an invasion of Europe, and the Soviets indeed never prepared plans for a conventional invasion. This is a blow to the explanatory power of nuclear deterrence, and consequently, to the wisdom of relying upon the doctrine to prevent nuclear use today – in a world more removed not only from nuclear use, but from large-scale conventional conflict. Such a challenge to the notion of nuclear deterrent-based stability would provide more impetus for nuclear disarmament.

## **Leadership in Nuclear Disarmament**

Still, the current geopolitical environment poses a major question mark for further movement towards nuclear disarmament. The ongoing Nuclear Posture Review in the U.S. under the

Trump administration provided a jumping off point for discussions of the arduous process ahead. For instance, notions of strategic stability had actually helped to justify the Cold War arms race, and continued reliance on the framework today could do the same between the U.S., Russia, and China. Those states also continued to have different conceptualizations of deterrence. In addition, the nearly automated process of nuclear weapons procurement and modernization in the U.S. in particular, but across all nuclear-armed states, would have ramifications decades into the future (even if postures are being reviewed). Especially instructive too was the recounting of the U.S. consideration of “no first use” under the Obama administration. It was in fact U.S. allies that vehemently protested and ultimately prevented it from adopting the policy (currently featured only in India and China, though they appear to have exceptions to their pledges). While several participants questioned the degree to which the U.S. would acquiesce to its allies on core doctrine, there was consensus that the security concerns of those states would have to be addressed before they could be expected to be more supportive of such policies.

The working group concluded its discussions by focusing on the need to create a global environment that lessens state reliance on nuclear deterrence – arguably the key conundrum in nuclear disarmament. A final discussion considered the promise of the upcoming High-Level Conference at the United Nations devoted to nuclear disarmament. At a minimum, it would allow dialogue between the nuclear weapon states and the non-nuclear weapon states, and bring about a large number of voices to the table: both factors key to progress in that venue and beyond. Indeed, others noted the value of regular strategic dialogue between the U.S. and the Soviet Union even during the deepest recesses of the Cold War, and the lack of such forums in this latest freeze between the U.S. and Russia. The resumption of such dialogues, the expansion of Track II efforts, and the inclusion of relevant parties – nuclear-armed and non-nuclear armed alike – will be key to addressing the fundamental security issues that will allow sustainable progress in nuclear disarmament.

#### Recommendations for Pugwash

- Pugwash could play a greater role in inspiring and revitalizing strategic dialogue between US and Russia, including on issues such as perceptions of INF Treaty violations, and concerns about modernization efforts on each side. Other nuclear-armed states could be included in the conversation as appropriate.
- Pugwash could convene a study group/workshop examining drivers of arms races, to prevent conflation between the reasons for and causes of nuclear weapons development. This might involve scientists, political scientists, and historians familiar with armament dynamics.
- Pugwash could convene a study group/workshop to study doctrinal alternatives to nuclear weapons-based deterrence order. This includes the potential substitutive role of advanced conventional weaponry, as well as the impact of conventional military and non-military political and security arrangements.

- Pugwash should find means to engage states outside the nuclear-armed group, and consider in particular the perspectives of members of nuclear-sharing arrangements (e.g. NATO) and of nuclear alliances. This would include dialogue aimed to expand the spectrum of options to ensure security for that group without relying on nuclear weapons.
- Pugwash could engage academic and research institutions to inspire more work aiming to deconstruct and challenge long-standing concepts related to nuclear weapons, from strategies and doctrines to technical aspects. This would include the study of leaders and perspectives in the Cold War, as well as in contemporary circumstances (including India-Pakistan)
- Pugwash could deploy its network in emphasizing the value of national-level action in the service of existing multilateral instruments. For instance, in the context of the Nuclear Ban Treaty, this includes the promotion of corresponding national legislation that would bolster treaty provisions (i.e. criminalizing activity; or to tackle funding of corporations linked to the development, production, or manufacture of nuclear weapons programs).