

Nuclear disarmament approaches after the Ban Treaty: a personal view

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Where next for realistic nuclear disarmament?

The Ban Treaty is now open for signature, and over 50 states were reported to have signed on its first day. It is one of the few points of bright optimism in an otherwise very dark sky overshadowing global nuclear diplomacy, though equally it has its downsides and risks. There will now be a concerted effort by campaigners to achieve the 50 ratifications necessary for entry into force. But this effort may not be the most important dimension of the issue in the near future. It may instead be time to refocus on the step-by-step approach often assumed to be alternative, but in reality is the only means to achieve concrete progress.

Those states joining the Nuclear Ban could also consider parallel moves (such as explicit declarations) that confirm the Ban as unambiguously complementary to existing disarmament and non-proliferation machinery and thereby provide important reassurance that could reduce the risk of fracture on the non-proliferation agenda. For those who may have been opposed to it on the grounds of risk to the NPT, their task is also to ensure those risks are minimised, which demands engagement in concrete steps that reduce dependence upon nuclear weapons. Unfortunately, the trend has been in the opposite direction, as the

nuclear armed states appear as committed to retaining and modernising their nuclear arsenals as ever.

It is high time nuclear armed states revisited their declaratory policies. Only China and India have made unconditional nuclear guarantees never to threaten states without nuclear weapons, part of their no first use policy. Other states issuing guarantees weaken them with caveats and exceptions (withdrawing the assurance if a state is not in compliance with NPT obligations, for example) that only serve to deepen the misperception that nuclear weapons are valid tools of diplomatic pressure. If all nuclear armed states were to issue such guarantees it would go a long way to addressing the fears of a North Korean nuclear attack on Japan or South Korea.

In the meantime, the ground is shifting under our feet. Power is a slippery thing, and in spite of the best efforts by established powers to freeze it, the global order is moving. China is now making bids to fill the apparent vacuum left by the Trump Administration in several global arenas, promoting economic globalisation but also re-entrenching the norm of national sovereignty against robust global governance. North Korea's defiance with their nuclear and missile testing illustrates the challenge. Emerging threats caused by the breakdown of ecosystems and climate change place extra stress on human

systems. Technologies transform not only the daily lives of billions and the effectiveness of military forces, but shift military capabilities and doctrine, and often render some obsolete. BASIC research has suggested they could in time threaten the effectiveness of nuclear deterrence. This could usher in very dangerous strategic dynamics in the transition whilst nuclear forces remain in place, and presents new challenges to peace and security. The nuclear age issued in a new level of existential vulnerability that led to the idea of mutually assured destruction. That mutual vulnerability has only grown as technologies have proliferated and societies become more interconnected.

There will be no one approach or set of arguments that solve these problems. Stable multilateral disarmament demands an ongoing, open, inclusive and adaptive approach, with discussion and analysis involving incremental steps and exploration of the implicit assumptions and visions that drive and shape policy. Ultimately, and this is a personal opinion, I believe the search for deepening security requires a greater understanding and acceptance of the need for sustainable and collaborative approaches that move away from dominance, threat and punishment towards mutual restraint and the universal rule of law backed up by distributed power and widespread consent. States' responsibility towards global peace, security and stability will be valued as highly by leaders and their publics as their inward-looking responsibilities to their own citizens and interests.

These are complex times, full of risk and opportunity.

The Ban Treaty

It was widely recognised that the successful conclusion of talks to establish the Ban Treaty would only be the start of the process. Now that the treaty is open for signature, and over 50 states have signed up, the next step is entry into force. This requires at least 50 states to ratify. Supportive governments and campaign groups will be attempting a significant push to encourage signatories, and in all likelihood this will lead to a large number of states joining over the next few years. This will nevertheless be an uphill struggle, not least because African and other states more supportive of this process generally take a lot longer to pass treaties through their parliaments. It could be realistic to expect this process to take several years.

Whilst it will be seen by many as a significant achievement in building support within the international community for an expression of vision, so far it appears to have little chance of affecting the behaviour of those states that depend directly or indirectly upon nuclear weapons for their strategic defence postures. The biggest problem all along is that it is very challenging for any state to take part in this process without disavowing nuclear deterrence from the start. Engagement with the Treaty is explicit recognition by that state that any form of current attachment to nuclear deterrence is unlawful.

Whilst the majority of states would like to see nuclear weapons banned as quickly as possible, they are under no illusions that this ban treaty will deliver that objective. So perhaps the most significant objection to the Treaty is that in the present situation

it achieves little. Whilst it may be a little early in the process to conclude this with confidence, as a serious domestic debate over signing the Treaty could yet be triggered within a NATO member state, for example, it is difficult to see how the Treaty will affect change in the short run.

Critics have claimed that the Ban Treaty has already exacerbated polarisation within the international community, and the rhetoric of some pro ban states may have exacerbated this. They say that it distracts from and could directly weaken existing disarmament and non-proliferation processes (such as the NPT review process and the efforts to bring the test ban, CTBT, into force). They fear that states may even start to see the Ban Treaty as an alternative superior regime and relax on their NPT responsibilities. But this last objection was not a complaint against the earlier establishment of nuclear weapon free zones that could have held similar risk and have in fact strongly complemented the regime. Any state that relaxes its obligations under the NPT would trigger a reaction from the rest of the international community whether it does so as part of the Ban Treaty or not.

Some are concerned that the Treaty is too simplistic and does not address the complex challenges of verification. The Ban would demand extraordinary acts of faith from states in other states' intentions and promises, were it the principal instrument of disarmament and non-proliferation. It may have been a stronger agreement if there had been such verification measures, but many other treaties, including the NPT itself, do not have detailed verification measures (they often depend upon related agreements or protocols), and this is not in itself a

retrograde step or in contradiction to any existing verification mechanisms.

In the end the Ban Treaty is but one part of the complexity that is multilateral nuclear deterrence and disarmament diplomacy. It will be destructive if states start to see it as an alternative to all the other pieces in the non-proliferation puzzle, but the international community ought to be robust enough to handle any such suggestion assertively and with clarity.

The principal missing quality of the discussion at present is any clear and credible paths towards trust, confidence and states' relaxing their dependency on nuclear deterrence for their security. The paper delivered by a number of states to the Open Ended Working Group in May 2016 entitled A progressive approach to a world free of nuclear weapons: revisiting the building-blocks paradigm was seen as an alternative to the Ban. With the Ban in place it can be seen as complementary. But attention needs to focus on the concrete steps. They include greater transparency; closing fissile material facilities; de-alerting; reducing numbers and salience of nuclear weapons in security doctrines; entry into force of CTBT; negotiating a fissile material treaty; and developing effective verification.

One particular area offering room for progress would be in declaratory policy. Nuclear armed states offer negative security assurances (guarantees they would not attack non-nuclear weapon states), but most do so with exceptions that weaken the good will and trust that such guarantees would otherwise encourage. Establishing a global norm against nuclear threats towards non-nuclear weapon states, perhaps backed up by legal obligations and some

form of verification, could go a long way to reducing tensions, both within regions and the nuclear non-proliferation regime.

Some states will likely remain outside of the Ban Treaty, seeing signature as obstructing any role as bridge-builders between entrenched states. This is partly as a result of the manner in which the negotiations of the Ban was seen by advocates and opponents alike as a tool to stigmatise those with nuclear weapons.

Whether the Ban Treaty is a good idea or not, it is now a fact of life, and is likely to enter into force in the coming years. It is therefore a piece of the non-proliferation regime. It is incumbent on all states and stakeholders to absorb this fact into their approach and collaborate across divides to minimise any potential risks to the rest of the established disarmament and non-proliferation regime, and maximise what opportunities still exist.

Stigma, Deterrence and Security

Those pressing for the Ban Treaty have been deeply suspicious of the argument that concrete change requires consideration of the security environment and the deterrence doctrines of states dependent upon nuclear weapons. They believe that such issues have held up progress and ignored the risks and humanitarian consequences of nuclear postures. Instead, they say a humanitarian legal focus on the impacts emphasises just how unacceptable it is to rely upon nuclear deterrence when such strategies are far from risk-free. But ignoring the motivations of those that have nuclear weapons, who also happen to remain the most powerful states within the international community, will miss

important opportunities and doom disarmament efforts to wishful thinking and failure. Disarmament will not be achieved by stigma and shaming, when governments have a sincere and solemn duty to protect their nations and citizens and remain convinced that nuclear weapons are essential for that purpose. We have already seen a deep degree of push-back by nuclear weapons states to the Ban Treaty. Far from shamed, they appear resolute. Successful disarmament will require those governments to shift their beliefs in the essential effectiveness in nuclear weapons to deliver security, and to find ways to reduce and then abandon arsenals to achieve greater stability.

Unfortunately, far from a stigma emerging, nuclear weapons are receiving renewed attention and every state with them is modernising its arsenal. Nuclear threats, in Korea, Europe and South Asia are on the rise, along with populist nationalism. The Trump nuclear posture review is expected to bring greater salience to nuclear weapons, increased investment in several new nuclear delivery systems and possibly new warheads. The President's nuclear threats to North Korea, in his speech to the UN General Assembly on 19th September 2017, are now not even veiled.

Emerging technologies

Strategic stability between nuclear armed states has long depended upon the idea that a nuclear exchange would be devastating to all concerned and that therefore it is irrational to start any attack likely to end in such an exchange. It is thought that this depends upon states believing their opponents have an 'assured second strike' capability - in other words, that they are unable to attack and

eliminate all their opponent's nuclear weapon systems with any confidence. A number of emerging technologies call into question this stability in future. For example, some level of sophisticated missile defence may enable a state to attack first and eliminate any missiles their initial attack may have missed, an attack that may have been conducted with nuclear warheads or with conventional prompt global strike capabilities. Submarines may not in future be as stealthy and therefore as assured as autonomous robotics, processing power, various sensing technologies improve dramatically.

See *Impact of Emerging Technologies on the Future of SSBNs*, by Sebastian Brixey-Williams and Carol Naughton, September 2016.

Nuclear weapon systems will be increasingly vulnerable to cyber attack that could neutralise them in a crisis. As offensive cyber capabilities develop they will impact upon the uncertainties and consequent instabilities surrounding nuclear weapon systems.

See *Hacking UK Trident: A Growing Threat* by Stanislav Abaimov and Paul Ingram, May 2017

As confidence in the efficacy of nuclear weapons weakens, and the attraction of other options that are more targeted and credible in their threat and therefore more effective in delivering desirable outcomes (such as deterrence or dominance), states may at some point come to decide that the dangers are too great and the benefits too weak to invest in new generations of nuclear weapon systems and instead invest in alternative systems to achieve deterrence and other objectives, or adopt alternative approaches. We are trying to

encourage their awareness of this point of inflexion sooner rather than later, and thereby help to minimise the risk and damage associated with it.

Credible strategies for disarmament

A good deal of work needs to go in to moderating behaviour, strengthening strategic and crisis stability, and starting to move states in the direction of reducing nuclear salience. This is why BASIC is looking to draw states into reconsidering what it means to act responsibly in an international context involving nuclear arsenals, and how nuclear relationships can be managed to moderate risk.

See: *Responsible Nuclear Sovereignty and the Future of the Global Nuclear Order* by Sebastian Brixey-Williams and Paul Ingram, February 2017

We have also been developing a number of multilateral proposals, or modest national steps designed to build confidence in the multilateral process. One such is to draw nuclear armed states into considering a mutual doctrine of unconditional negative security assurances (NSAs). In other words, to explicitly promise never to threaten the use of nuclear weapons against any state that does not themselves have them. It is a simple idea, and achievable with modest adaptations of existing doctrines of nuclear armed states, as all explicit national practical justifications for nuclear arsenals are to deter attack (nuclear or conventional) from particular other states with nuclear weapons. Resistance to this proposal on the grounds of theoretical future scenarios illustrates an attitude that deeply undermines progress in multilateral

disarmament. After all, there will always be objections to disarmament in possible theoretical future scenarios.

See: [Negative Security Assurances](#) by Paul Ingram, June 2017

Later informal iterations of this paper were delivered to meetings in Geneva and New York (on the sidelines of the UN First Committee), and BASIC is hopeful of working with the Foreign Ministries to further develop this idea. We believe it has particular benefit to the North Korean situation, and hints at a potentially lucrative track for talks.

BASIC outlined 30 proposals for multilateral disarmament directed principally at the United Kingdom, as a nuclear weapon state, earlier in 2017. These should be developed in a debate in the context of the Ban and the need to progress before the 2020 NPT Review Conference.

See: [Meaningful Multilateralism: 30 Nuclear Disarmament Proposals for the Next UK Government](#) by Sebastian Brixey-Williams, Paul Ingram and Nina Sofie Pedersen, May 2017

In an age of populism moves to build confidence between states will require ambitious leadership and public support in an effort to tackle the most fundamental assumptions that underpin nuclear systems - the idea in essence that security comes through massive threat. We have to better chart the realistic paths that build opportunities and reduce the risks to the machinery of global governance.

The belief that security and global influence requires the ability and credible intent to deliver unimaginable destruction upon an adversary, or to be allied to a state

capable of such, remains very strong. This attachment is stronger than any complex theory of deterrence or credible criticism of it. Enticing states to collectively soften their grip on these capabilities will require concerted effort in tackling this deeply embedded belief. This will not happen through threat or legal condemnation from non-nuclear weapon states agreeing a Treaty amongst themselves. It will rely in part upon the idea that governments have an external responsibility towards the international community as well as an internal sovereignty responsibility towards their own state and population. A stronger international community can provide the security that states would otherwise seek in their own capabilities and in alliance.

BASIC recently published a report on Finland's decision to forego their antipersonnel landmines and reform their defence posture in order to join the international landmine ban. Far from this being achieved through shame or international pressure, the principal reason was the recognition that Finland's genuine security lay not only in its own defence capabilities, but also in its integration within the international community.

See: [A Small Sacrifice for Security: Why Finland gave up its landmines](#) by Ville Majaama, August 2017

This illustrates the need to look again at how governments deliver security and consider the benefits of stronger global governance to genuine and sustainable national security.