



## Cooperation or Conflict? Walking the Tightrope of NPT and Ban Treaty Supporters

Angela Kane

### Summary

*The adoption of the Treaty on the Prohibition of Nuclear Weapons in 2017 changed the paradigm of the NPT and its review process. The two preparatory meetings preceding the 2020 NPT Review Conference will show in stark relief the differences and the convergence between the nuclear allies and the Ban Treaty supporters. The paper looks at the emergence of the frustrations of the non-nuclear weapon states that led to the Ban Treaty and its adoption by almost two-thirds of the United Nations member states. It outlines the arguments against the Ban Treaty put forward by the nuclear allies and the hardening of positions in light of their cavalier dismissal of the Ban Treaty. The paper addresses these criticisms, discusses the positions put forward by the Ban Treaty supporters, and examines the possible repercussions for the debate on nuclear issues and security. The paper argues that the nuclear possessors should accept the Ban Treaty as a reality and focus on the way forward: renewed dialogue and cooperation with the non-nuclear-weapon states. Suggestions for constructive engagement are addressed to both nuclear allies and Ban Treaty supporters, arguing that vision and leadership is needed from both sides in order to avoid a further disintegration of the nuclear architecture.*

1. Much has been made of the fact that the 2010 Review Conference of the Nuclear Non-Proliferation Treaty (NPT) included a statement of “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.”<sup>1</sup> This laid the foundation for what was subsequently labelled the humanitarian initiative. Under this banner three conferences were organized in 2013 and 2014 (in Oslo, Nayarit, and Vienna) and resulted, finally, in the negotiations to conclude a Treaty on the Prohibition of Nuclear Weapons (TPNW) which was adopted on 7 July 2017 in New York.

2. We sometimes forget how quickly the international political climate can change. The 2010 NPT Review Conference took place only months after former President Barack Obama made his famous “Prague speech,” raising hopes for substantial progress in nuclear disarmament between the US and Russia. Had this been followed up and progress been made on

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<sup>1</sup> Final Document of the 2010 NPT Review Conference (NPT/CONF.2010/50 (Vol. I)).

nuclear agreements, the TPNW might possibly have been avoided.

3. Yet today, more than seven years after Obama's Prague speech, the security landscape is dramatically worse: a US President with a pro-military agenda is in power, bilateral US-Russian relations are at their nadir, the nuclear progress and sabre-rattling of the Democratic People's Republic of Korea (DPRK or North Korea) has alarmed the international community and agreements like the Joint Comprehensive Plan of Action (JCPOA), that halted the possible military dimensions of Iran's nuclear program, are under attack in the US. Early this year, the Doomsday Clock was advanced to two minutes to midnight – it was only once before so close to midnight, in 1953, following the US decision to pursue the hydrogen bomb.<sup>2</sup>

4. In today's security environment, how will the relationship between the TPNW, the Treaty on the Prohibition of Nuclear Weapons – also called the "Ban Treaty" – and the NPT evolve? Will it conflict? Will it be cooperative? Will it develop in parallel? These are the questions that are foremost in the minds of experts,<sup>3</sup> considering that we are only two years away from the next NPT Review Conference: the historic milestone of a fiftieth commemoration of the entry into force of the NPT.

5. The supporters of the TPNW have all the moral arguments on their side, all the ethical considerations, as well as the long history of disarmament efforts, begun in 1946 at the United Nations with the very first General Assembly resolution which called for the elimination of nuclear weapons and all other weapons "adaptable to mass destruction."<sup>4</sup> And yes, al-

most two-thirds (63 per cent) of the entire UN membership – 122 states – voted to adopt the Treaty. Fifty-six states signed it since its opening for signature on 20 September last year, five have ratified as of 28 February 2018. The bar to entry into force was set deliberately low, at fifty ratifications.

6. I will skip over the details of the negotiations and the criticisms that have been levied by the nuclear-weapon states (NWS) and their allies against the treaty. It is true that the negotiations brought together states that were like-minded and that were united in their goal of achieving a consensus text within the short time allotted to the negotiations. They were mindful of the efforts by the US in 2016 – ultimately unsuccessful – to stymie the process by not allocating the necessary funds to the General Assembly to hold two negotiating sessions in 2017 and they were fearful that a longer negotiating timetable could unravel the delicate consensus that had held them together.

7. The negotiations were accompanied by a very large number of disarmament activists who – with generous funding from some governments – were able to be present at the various meetings, working groups and the actual negotiations in New York. They kept up the pressure on governments. ICAN, the International Campaign to Abolish Nuclear Weapons – an umbrella organization of several hundred NGOs which was founded just ten years ago – was recognized last year by the Nobel Committee for their effective advocacy efforts and awarded the Peace Prize – a prize that Hiroshima survivor Setsuko Thurlow accepted together with ICAN.

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<sup>2</sup> By contrast, in early 2010, the clock stood at six minutes to midnight, and the assessment was: "we are poised to bend the arc of history toward a world free of nuclear weapons." See <http://www.thebulletin.org/timeline>.

<sup>3</sup> Several conferences were held recently at which papers on the TPNW were presented. I would like to mention the prepared remarks by Trevor Findlay at the 27th United Nations Conference on Disarmament Issues, Hiroshima, 29–30 November 2017, as a useful contribution to the debate.

<sup>4</sup> Resolution 1 (1) adopted on 24 January 1946, entitled

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"Establishment of a Commission to Deal with the Problem Raised by the Discovery of Atomic Energy."

## Alleged Detrimental Effects of the Treaty

### *Widened Gap between NWS and Allies and Ban Proponents*

8. Having witnessed for a number of years the discussions in the NPT context, I find this view extremely misleading. The gap was already there and got worse each year that disarmament efforts were not pursued, especially after the 2010 NPT Review Conference and the abandonment of the commitment to hold a conference on a weapons of mass destruction (WMD)-free zone in the Middle East in 2012. The gap – I would rather call it the chasm – was evident in the NPT deliberations, in the Conference on Disarmament, in the UN General Assembly and its First Committee.

9. None of these fora has had any concrete achievements on its record for years. The non-possessors of nuclear weapons consider that all obligations are on their side, while the obligation of Article VI (“to undertake to pursue negotiations in good faith on effective measures relating to the cessation of the nuclear arms race”<sup>5</sup>) was not being implemented.

10. In their view, Article VI should have obliged the NWS to engage in the preparatory process for the TPNW and the negotiations leading up to its adoption – even if they had not signed on in the end. Instead, the five NWS, who are also the permanent members of the UN Security Council (P5), and the states under their nuclear umbrella largely stayed away from the preparatory process and did not participate in the negotiations. The only exception was the Netherlands – but their motivation was not in line with the supporters of the treaty: due to strong public support, they were mandated by their Parliament to participate in the negotiations, and in the end voted against the treaty, spoiling, together with Singapore’s abstention, what

would otherwise have been a consensus adoption.

11. The day the TPNW was adopted, France, the UK and the US issued a joint press statement which inflamed passions further, stating that they “do not intend to sign, ratify or ever become part of it.”<sup>6</sup> They noted that “importantly, other states possessing nuclear weapons and almost all other states relying on nuclear deterrence have also not taken part in the negotiations,” and that “accession to the ban treaty is incompatible with the policy of nuclear deterrence, which has been essential to keeping the peace in Europe and North Asia for over 70 years.” They added that “a ban treaty... risks undermining the existing international security architecture which contributes to the maintenance of international peace and security.”

12. The TPNW thus shone a spotlight on the entrenched positions of both sides. It also brought into focus the position of the nuclear umbrella states which receive nuclear guarantees from the NWS. These states have a long history of domestically advocating nuclear disarmament, but of not openly acknowledging the benefits they derive from the umbrella relationship. They may well have to contend from now on with domestic audiences for whom the Ban Treaty is a victory and the culmination of many years of disarmament advocacy. Sweden – which voted for the treaty – is currently conducting an inquiry into the consequences of a possible Swedish accession to the treaty. Parliamentary inquiries are also being conducted in Italy and Norway, though neither country participated in the treaty negotiations. The domestic pressures from constituents will have to be managed as – and when – the ban treaty comes into force.

13. Another interesting effect is seen in the four states that possess nuclear weapons but are outside the NPT. India and Pakistan had

<sup>5</sup> See <https://www.un.org/disarmament/wmd/nuclear/npt/text/>

<sup>6</sup> See <https://scribd.com/document/3653174842/Joint-Press-Statement-by-UK-France-US-on-nuclear-ban-treaty>.

claimed to be in favour of nuclear disarmament yet maintained that the NPT was not the proper instrument because of its distinction between the nuclear haves and the have-nots. So now that there is the TPNW, they clearly do not consider it the right vehicle for achieving nuclear disarmament either.

14. And finally, the fallout from the TPNW was already evidenced at the General Assembly's First Committee last October, as there were clear indications from the nuclear-armed states that they are more committed than ever to retaining their nuclear arms.<sup>7</sup> Last year, 30 of the 58 resolutions and decisions were approved by recorded vote. Of these, 16 resolutions and 2 decisions related to nuclear weapons. Many of the texts usually reiterate language from year to year, yet several of the draft resolutions in 2017 deviated from the texts of versions that had been tabled previously. These texts were objected to on the basis of undermining consensus documents, of omitting language that had been agreed to in prior years, or that the text fell short of expectations and obligations related to the TPNW.<sup>8</sup> By contrast, in 2016, the First Committee approved 26 texts, only seven of them with a recorded vote.<sup>9</sup>

### *A Threat to the NPT Regime*

15. Let me be clear: the NPT has already been suffering a crisis of confidence, and the TPNW is likely adding another divisive issue to the Review Process. It has been suggested – and not only by the three Western members of the P5 quoted above – that the TPNW is creating divisions in the international community re-

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<sup>7</sup> See Reaching Critical Will, "First Committee concludes; views diverge over what progress on disarmament really means," <http://www.reachingcriticalwill.org/news/latest-news/12249-first-committee-concludes-views-diverge-over-what-progress-on-disarmament-really-means>.

<sup>8</sup> For a fuller account see "Approving 18 Drafts on Disarmament Measure, First Committee Urges General Assembly Call for States to Sign Nuclear-Weapon-Ban Treaty," GA/DIS/3590 of 27 October 2017.

<sup>9</sup> See "Addressing Arms Proliferation Risks, First Committee Approves 26 Texts, Including Draft Promoting Nuclear-weapon-free Middle East," GA/DIS/3566 of 1 November 2016.

garding the pace and the manner in which nuclear disarmament should occur.

16. We all know that the only nuclear disarmament that has ever taken place has been unilateral, or bilateral between the US and the Russian Federation. No nuclear disarmament discussions have occurred in the context of Article VI of the NPT – and that is precisely the reason for the long-standing dissatisfaction and frustration on the part of the overwhelming majority of the NPT members. It therefore follows that the TPNW is not the *cause* of the division but rather a *symptom* of the division between the nuclear haves and the nuclear have-nots.

17. And why would the treaty be a threat to the NPT if the treaties on nuclear-weapon-free zones are not? The oldest, the Treaty of Tlatelolco – which preceded the NPT by a year – commemorated its fiftieth year since establishment in 2017, and the various regional arrangements which establish nuclear-weapon-free zones are seen as complementary to – even supportive of – the NPT, not detracting from it.

### *Damage Prospects for Nuclear Disarmament*

18. I fail to see how this could be. Clearly, the aim of the treaty is to delegitimize nuclear weapons and to make it more difficult for states to continue stressing their reliance on nuclear weapons as part of their military and security strategies. Why would anyone believe that the treaty would slow down or prevent implementation of New START and a follow-on treaty? Or to make progress on the entry into force of the Comprehensive Test-Ban Treaty (CTBT)?

19. We have heard dire statements about the current global instability and the strategy touted by the P5 of the "step-by-step" approach, yet no steps have been identified that could constitute building blocks towards a world with fewer – or no – nuclear weapons. Even smaller steps, like the implementation of the 2010 NPT

Action Plan, were not taken by the NWS, despite the adoption by consensus of this Plan.

20. In fact, the TPNW has been criticized for not outlining concrete steps which would result in a reduction of nuclear weapons. Yet how could this be achieved by the negotiators of the treaty, absent the nuclear weapons possessors? Nothing in the treaty would obstruct or impede reductions in the number of nuclear weapons – in fact, any movement in that direction would be wildly cheered by the non-nuclear possessors.

### **Encourage “Forum Shopping”**

21. It is unclear why this would be controversial: the TPNW closely mirrors the NPT language, in its inclusion of a withdrawal clause as well as in the treatment of safeguards. In a speech before the First Committee in New York in October 2017, Ambassador Dell Higgie of New Zealand explained:

The treaty has been designed to ensure that no State can evade the basic safeguards underpinning the NPT. The new Treaty parallels the NPT’s legal obligation to have a Comprehensive Safeguards Agreement (CSA) and establishes this as a *minimum* baseline. It goes further than the NPT by requiring – as a *legal obligation* under the terms of the Prohibition Treaty itself – those of its States Parties who have an Additional Protocol to retain this in place as *their* minimum baseline. The allegation that the new treaty does not strengthen the NPT has overlooked the fact that successive Review Conferences have not been able to require NPT States Parties to go beyond the CSA as the safeguards baseline.<sup>10</sup>

### **Positive Aspects of the Ban Treaty**

22. Having discussed the negative aspects of the TPNW, let me now turn to what could be considered the positive ones, though this view depends of course on one’s perspective on the TPNW.

### **Strengthening Humanitarian and Environmental Norms against Nuclear Weapons**

23. The strongest argument in favour of the TPNW is its contribution to the strengthening of the norm which holds that nuclear weapons are inhumane and against international humanitarian law, have detrimental effects on the environment and pose an existential threat to humanity. This was first enshrined in the NPT Preamble,<sup>11</sup> affirmed in later documents – such as the 2010 NPT Review Conference – and on which proponents base their demand to outlaw them.

24. Two of the three weapons of mass destruction, biological and chemical weapons are already outlawed. Their conventions were signed and ratified by a majority of states. The arguments that these weapons were essential to guarantee security and for deterrence were not advanced at the time the treaties were negotiated nor when they opened for signature. In fact, most states strongly condemn the use of chemical weapons and demand compliance with the Chemical Weapons Convention, yet they find it polarizing or divisive for the vast majority of states to demand compliance with NPT obligations.

25. Equally, there is a strong norm against nuclear testing which took many years to take hold. It first manifested itself in the Partial Test-Ban Treaty of 1963, to be succeeded by the CTBT in 1997, following the disastrous effects of years of nuclear testing on humans and the environment that are still with us.

26. North Korea is being widely condemned for its nuclear tests (the only country having tested in this century). It is interesting to note that North Korea, not a party to the CTBT, is being condemned by the international community for

<sup>10</sup> See <http://www.converge.org.nz/pma/nz-1c13oct17.pdf>.

<sup>11</sup> “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.”

violating the norm against nuclear testing, not because it is violating a treaty.

27. Yet the establishment of a norm against nuclear weapons is precisely what the NWS wish to avoid. In the disarmament deliberations in the General Assembly last year, they vocally objected to all explicit or implicit references to the TPNW in almost a dozen First Committee resolutions. France, the United Kingdom and the United States called the treaty “dangerous,” Russia described it as a “mistake,” and Pakistan said it was not inclusive.<sup>12</sup> The US opposed references to the TPNW, because it is “counterproductive, divisive, and only serves to divert attention from actual effective measures,” according to US Ambassador Robert Wood, who also posited that the treaty “will not result in the elimination of a single nuclear warhead or improve the security of any state.”<sup>13</sup>

### **Strengthening the NPT**

28. In the view of the treaty supporters, the TPNW will strengthen the NPT, as it will constitute an important step in the implementation of its Article VI obligation to pursue negotiations in good faith on effective measures relating to nuclear disarmament. It will not disturb any legal obligations arising from the NPT, as there are well-established rules to manage overlapping provisions arising from successive treaties, and the inclusion of key prohibitions (such as testing, possession, use, transfer and stationing) in fact strengthen current NPT provisions.

### **Establishing a Legal Framework for Nuclear Disarmament**

29. The treaty also articulates and establishes a legal framework for what was previously seen as a mere aspiration. It is now possible to en-

visage a treaty format through which nuclear disarmament can be achieved. It is a concrete result that challenges those who disagree with it: how would they devise an alternative or engage with the treaty’s proponents?

### **Moral High Ground**

30. The TPNW supporters are occupying the moral high ground. This has been amplified by Pope Francis who added his powerful voice to the discussions on nuclear weapons: “The threat of their use as well as their possession is to be firmly condemned,” he said, adding that the policy of nuclear deterrence could be morally acceptable “as long as real work was underway on a complete ban of the weapons”<sup>14</sup>.

31. The award of the Nobel Peace Prize to ICAN has added strong support to the issue and at the same time elevated the profile of advocacy organizations to promote nuclear disarmament. The ensuing press coverage certainly will help disarmament advocates to lobby their governments, but whether it will be sufficient to sway governments to change their policies is unclear – even doubtful. The case of Japan is proving the resilience of the nuclear weapon argument: despite being the only country having suffered the effects of two atomic bombs and a very strong and vocal disarmament movement, Japan continues to enjoy the advantages of the US nuclear umbrella and did not participate in the TPNW process.

### **Re-examination of Nuclear Deterrence**

32. The debate is also leading to a re-examination of the concept of deterrence. Wars are still being fought, but it cannot be demonstrated that any were averted due to the threat of using nuclear weapons. A thoughtful analysis published in *The Guardian* shows that until 1945, the purpose of military forces had been to win wars, yet afterwards the chief purpose

<sup>12</sup> “US Signals Shift at UN First Committee,” by Alicia Sanders-Zakre, *Arms Control Today*, 1 December 2017, <https://www.armscontrol.org/act/2017-12/news/us-signals-shift-un-first-committee>.

<sup>13</sup> Ibid.

<sup>14</sup> Catholic News Service, 11 November 2017, <http://www.catholicherald.co.uk/news/2017/11/11/pope-francis-the-possession-of-nuclear-weapons-should-be-firmly-condemned>.

was to *avoid* wars.<sup>15</sup> Thus deterrence became not only a strategy, but the very grounds on which governments justified nuclear weapons themselves. Every nuclear possessor state now claims that they deter attacks by their threat of catastrophic retaliation,<sup>16</sup> yet an examination of post-World War II history shows that this theory simply does not hold. And the value of nuclear deterrence is only upheld by the possessors of nuclear weapons: non-possessors do not share this assessment.

## Next Steps

33. So the question before us is the following: what comes next? The positions are well entrenched, the second Preparatory Committee (PrepCom) for the NPT will take place in a few weeks and is anticipated with some apprehension.

34. It is clear from the above account that none of the nuclear possessor states will sign the TPNW. They acquired nuclear weapons for reasons of national security, of prestige, threat perceptions or other internal political rationales that will not be swayed by the mere existence of a framework or treaty for giving them up.

35. An additional factor of contention is the decision by the NWS to upgrade their nuclear arsenals over the next decades. This decision predated the TPNW itself yet was taken while the humanitarian consequences of a nuclear explosion were debated at length. The US will spend \$1.2 trillion over 30 years to modernize and maintain nuclear weapons – a signal that they intend to keep them as an entitlement rather than downsizing or given them up. And recently, the US Nuclear Posture Review has upended the discussion on nuclear deterrence by adding scenarios of use in cases such as “significant non-nuclear strategic attacks,” to

include attacks on “civilian population of infrastructure,” as well as calling for the development of new, less powerful warheads which critics fear will make them more usable, with potentially catastrophic consequences.<sup>17</sup>

36. These developments have further heightened the concerns of the ban treaty supporters. What, then, can be done to change the situation? First of all, can a head-on collision at the NPT Review Conference be avoided?

## Some Thoughts on Remedial Action

37. *For the nuclear-weapon states*, it is most important that instead of an outright rejection of discussion about nuclear disarmament, an honest dialogue is started with the non-NWS. It is no longer business as usual, where the demands by the non-NWS were simply brushed aside or even ignored. I would suggest that the nuclear weapon states:

- i. Accept the reality of the TPNW: it exists and was voted with a two-thirds majority of member states;
- ii. Accept that the TPNW proponents are not against the NPT and nor are they trying to undermine it;
- iii. Abandon the dismissive and offensive language against the TPNW supporters;
- iv. Include the non-NPT nuclear possessors in the discussion;
- v. Identify the role of nuclear weapons in their national strategy;
- vi. Similar to rules of engagement in conventional war, can such rules be considered for nuclear war?
- vii. Consider more transparency regarding possession, numbers and deployment of nuclear weapons;
- viii. Determine if there is a lowest number of nuclear weapons at which nuclear deterrence is still valid;

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<sup>15</sup> David P. Barash, “Nuclear deterrence is a myth. And a lethal one at that,” *Guardian*, 14 January 2018, <https://theguardian.com/world/2018/jan/14/nuclear-deterrence-myth-lethal-david-barash>.

<sup>16</sup> Bernard Brodie, “The Development of Nuclear Strategy,” *International Security* 2:4 (1978), pp. 65–83.

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<sup>17</sup> <https://www.defense.gov/News/SpecialReports/2018NuclearPostureReview.aspx>.

- ix. Assess what would be the level of stability or security to be reached before nuclear disarmament can be considered; could such a scenario be defined or outlined?
- x. Determine what are some of the steps *towards* nuclear disarmament that can be envisaged;
- xi. Consider what progress can be made on negative security assurances, a long-standing demand of the Non-Aligned Group;
- xii. Make a risk assessment to ensure that nuclear weapons are not at danger of terrorism, theft, accidents or cyber attack;
- xiii. In advance of the 2020 NPT Review Conference, determine whether language can be negotiated for the Final Document that is acceptable to TPNW supporters.

38. And finally, Russia, the UK and the US need to address the *question of the WMD-free zone in the Middle East*. It is still a festering problem and has the potential to again disrupt the NPT deliberations. The three guarantors need to make efforts to engage with the states in the region, to respond to the Arab states' pressure to comply with the commitments made.

39. *For the nuclear disarmers*, there are also questions to be considered:

- i. How do you address security concerns not only of one nation but of an alliance like NATO which has adopted a doctrine of nuclear deterrence?
- ii. How do you convince the military establishment to give up – or reduce the role of – nuclear weapons in their defence strategy?
- iii. How do you convince the military-industrial complex – with its reliance on the financial benefits deriving from the existence and modernization of nuclear weapons – to support nuclear disarmament?
- iv. How do you engage public opinion to demand from their government a reduction in nuclear weapons or in leaving the nuclear umbrella altogether?
- v. How do you explain why nuclear weapons are so resistant to ostracism, in contrast to chemical and biological weapons? Is there more that can be done to “name and shame”?
- vi. How would you handle inspection and monitoring in a non-nuclear world? Would this continue to be handled by the International Atomic Energy Agency (IAEA)? And how would you prevent possible break-outs or rogue actors?<sup>18</sup>
- vii. In advance of the 2020 NPT Review Conference, determine whether language can be negotiated for the Final Document that is acceptable to NWS.

40. *For all states*, here are more suggestions:

- i. Demonstrate more ownership of the NPT – in statements but also by making some concrete and practical suggestions. These could be reports, bridge-building proposals or something akin to the “gift baskets” that had been a successful feature of the Nuclear Security Summits.
- ii. Do not only focus on the *outcome* of the Review Conference but also on the *review* process. How could this process be made more effective?
- iii. Try to identify “bridge-builders” who could help both sides arrive at a discussion that is free of hostility and emotion.

41. These questions and suggestions are not only highly relevant, but they also show that *engagement from both sides* is needed in order to prevent a train-wreck at the 2020 NPT Review Conference. The blame game from the NWS is already in full swing; what is needed is vision and leadership from the P5: rather than focusing on what they consider “the negative” – that is, the TPNW – they should shift their attention to the origin of this effort – the humani-

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<sup>18</sup> See John Carlson, “Verifying the Elimination of Nuclear Weapons and Providing Assurance against Breakout,” *APLN/Toda Peace Institute Policy Brief* no. 57 (February 2018), [http://www.apln.org/briefings/briefings-view/Policy Brief No 57 - Verifying the Elimination of Nuclear Weapons and Providing Assurance against Breakout](http://www.apln.org/briefings/briefings-view/Policy%20Brief%20No%2057%20-%20Verifying%20the%20Elimination%20of%20Nuclear%20Weapons%20and%20Providing%20Assurance%20against%20Breakout).

tarian consequences – and show cooperation and positive steps. The probability of using the TPNW as a political tool to sow heightened distrust and dissension is high.

42. The rise of DPRK's nuclear status has further disturbed the status quo and is used to deny any progress on nuclear disarmament. Demands are made on North Korea to give up their nuclear weapons before engagement can take place. Yet North Korea withdrew from the NPT in 2003 – even if this withdrawal is not considered effective (it is still listed as a State Party on the official UN website). It is hard not to draw parallels with the situation of the three other nuclear possessors outside the NPT, and that brings the question: what other states aspire to acquiring nuclear weapons?

43. In South Korea, public opinion polls show the majority of the population favours the acquisition of nuclear weapons – 60 per cent. In Japan, mindful of the Hiroshima-Nagasaki experience, only 10 per cent of the public is in favour of nuclear weapons, but this could quickly change with increasing threats coming from North Korea – and dire utterances from the US to retaliate. Both countries have access to sensitive nuclear materials, have mastered the technology and could rapidly advance to becoming a nuclear power.

44. The desire of Saudi Arabia to enter the nuclear power business and erect as many as 16 nuclear reactors for electricity generation has raised fears that they may build these as a hedge against their arch-rival, Iran. The current discussions with the United States centre on bilateral civil nuclear agreements that require adherence to strict non-proliferation criteria – the so-called “gold standard” for civil nuclear cooperation – which Saudi Arabia is resisting. This could leave them free to repurpose the technology for nuclear weapons. If the sale is agreed to, it would show yet again a double standard by one of the NWS, just like the ongoing pressure by the US to admit India into the Nuclear Suppliers Group (NSG) and dispense with the requirement that any NSG member must have acceded to the NPT.

45. These examples again show the divisiveness and the lack of trust between the nuclear haves and the have-nots.

46. The TPNW presents a watershed. The consensus around the NPT has effectively been put on hold, with two-thirds of states having endorsed a nuclear-free world as a norm. The five NWS can no longer claim that their possession of nuclear weapons has international approval and legitimacy – and will continue unchanged into the future.

47. Surely, now is the time to pull together rather than engage in verbal sparring and disparagement. Let us hope that wisdom and cool heads will prevail – and that constructive engagement will win the day and a relatively positive atmosphere at the NPT Preparatory Commissions and the Review Conference in 2020. Yet words will not suffice, concrete steps must be discussed and offered. If not, it is difficult to see how a hardening of positions and a negative outcome – which is in no one's interest – can be avoided.

### The Author

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APLN and the Toda Peace Institute are publishing a series of Policy Briefs together in a partnership on a project entitled "Bridging the Gap: Harmonizing the NPT and Ban Treaties." The objective of the project is to link global efforts to protect and strengthen international mechanisms for advancing nuclear non-proliferation and disarmament by harnessing the NPT and the Ban Treaty. A key will be to identify ways to improve cooperation between the 122 countries that voted to adopt the Ban Treaty on the one hand and, on the other, the nuclear-armed states and allies under the nuclear umbrella in the North Atlantic and the Asia Pacific.

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