

After Oslo: *Humanitarian Perspectives and the Changing Nuclear Weapons Discourse*

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Summary

This paper examines recent international policy discourse concerning new initiatives on nuclear disarmament that draw primarily from, or are influenced by, humanitarian concerns about the consequences of the use of nuclear weapons. In particular, it analyses recent criticism from the Nuclear Non-Proliferation Treaty (NPT)'s five nuclear-weapon states that these initiatives constitute distractions from a "practical step-by-step approach" towards nuclear weapons reductions.

Introduction

Recently, the humanitarian consequences of the detonation of nuclear weapons have become the renewed focus of widespread international attention. One concrete manifestation of this was Norway's hosting of an international conference in Oslo from 4 to 5 March 2013 to explore those impacts. Almost 130 states, United Nations humanitarian and development agencies, the Red Cross and Red Crescent Movement, and civil society organizations (coordinated by the International Campaign to Abolish Nuclear Weapons (ICAN)) attended this event.¹

The Oslo Conference was centred on expert presentations about the various humanitarian impacts stemming from detonation of nuclear weapons and not disarmament themes. Many participating states and other actors nevertheless expressed hopes that more international emphasis on the effects of nuclear weapons would contribute to greater momentum for reductions and eventually total elimination of these arms. However, the Oslo Conference was also subject to criticism of various kinds from five governments declining to attend: the NPT nuclear-weapon states—China, France, the Russian Federation, the United Kingdom, and the United States. Their key criticism was that initiatives such as the Oslo Conference divert discussion *away* from practical steps to create conditions for further nuclear weapons reductions.

1 Norwegian Ministry of Foreign Affairs, "Conference: humanitarian impact of nuclear weapons".

The claim that the Oslo Conference—and, by extension, other recent international initiatives—was a diversion or distraction merits investigation. This paper seeks to evaluate the significance of these recent developments in the multilateral discourse on nuclear weapons, and explores some possible implications for the near term.

Context

Norway's announcement at the sixty-seventh session of the United Nations General Assembly in late 2012 that it would host the Oslo Conference in March 2013 occurred against a background of other developments. Some of these are outlined in previous papers of this project.² Two expressions of international concern about the humanitarian consequences of nuclear weapons were especially significant. The first was as an element of the 2010 NPT Review Conference agreed outcome document.³ The second was a resolution passed in November 2011 in the Red Cross and Red Crescent Movement Council of Delegates emphasizing the immense suffering that would result from any detonation of nuclear weapons. The Movement also noted with concern the lack of any adequate response capacity to assist victims.⁴

Meanwhile, frustrated by continued deadlock on nuclear disarmament and related issues in multilateral forums such as the Conference on Disarmament (CD), new initiatives emerged to try to create more propitious conditions for breaking the impasse. Members of the Non-Aligned Movement (NAM) introduced a resolution at the sixty-seventh session of the General Assembly proposing a high-level political meeting to be held “to contribute to the goal of nuclear disarmament”.⁵ This meeting will take place on 26 September 2013. Another resolution introduced at that session by Austria, Mexico, and Norway and supported by a number of like-minded non-nuclear-weapon states called for the establishment of an Open-Ended Working Group (OEWG) to meet for up to 15 working days in Geneva in 2013 to “take forward multilateral nuclear disarmament negotiations for the achievement and maintenance of a world without nuclear weapons”.⁶

Reactions of the NPT nuclear-weapon states

Although the high-level meeting and OEWG initiatives differ in many respects, each reflects widespread concern about lack of progress on nuclear disarmament. Both drew disapproving responses from the NPT nuclear-weapon states in their statements and explanations of vote at the sixty-seventh session of the General Assembly, and subsequently in other contexts such as the CD and the second NPT preparatory meeting for its next five-yearly review conference, which was held in April–May 2013 in Geneva.

2 See T. Caughley, *Humanitarian Impacts of Nuclear Weapons: Tracing Notions about Catastrophic Humanitarian Consequences*, UNIDIR, 2013; and J. Borrie, *Viewing Nuclear Weapons through a Humanitarian Lens: Context and Implications*, UNIDIR, 2013.

3 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, *Final Document*, document NPT/CONF.2010/50 (Vol. I)*, 2010, part I, p. 19.

4 Council of Delegates of the International Red Cross and Red Crescent Movement, *Working Towards the Elimination of Nuclear Weapons*, Council of Delegates 2011, resolution 1, 26 November 2011.

5 General Assembly, *High-level Meeting of the General Assembly on Nuclear Disarmament*, UN document A/RES/67/39, 4 January 2013.

6 General Assembly, *Taking Forward Multilateral Disarmament Negotiations*, UN document A/RES/67/56, 4 January 2013.

While there is not space to recount this criticism in detail, common themes emerged—all intended to prop up the central assertion that the high-level meeting and OEWG initiatives constitute distractions from a “practical step-by-step approach” towards nuclear weapons reductions. Subsidiary claims can be categorized as follows:

- these initiatives fail to relate to NPT goals—specifically, the 2010 Action Plan items;
- these initiatives could undermine faithful implementation of the 2010 Action Plan (an undertaking applicable, of course, only to the NPT state parties and not to the four states outside the NPT, all of them nuclear-weapon possessors⁷); and
- nuclear disarmament should only be dealt with through orthodox (that is, established) channels.

These themes were also all reflected in the criticism that the NPT nuclear-weapon states levelled at the Oslo Conference initiative. Notably, they put their views on the CD’s formal record on 5 March 2013. As the principal refinement of arguments that these states initially advanced at the sixty-seventh session of the General Assembly, these CD statements share some common language, as do subsequent nuclear-weapon state statements in the NPT context. This is perhaps unsurprising since the states had jointly demarched certain non-nuclear-weapon states on the eve of the Oslo Conference based on a coordinated text:⁸

After careful consideration, China, France, the Russian Federation, the United Kingdom, and the United States have decided not to attend the Conference on the “Humanitarian Impact of Nuclear Weapons” scheduled to take place from 4–5 March in Oslo, Norway.

Each of our countries understands the serious consequences of nuclear weapons use and will continue to give the highest priority to avoiding such contingencies.

It is in the interest of all nations to assure that nuclear war should never be fought, for there can be no winners in such a conflict.

We remain concerned that the Oslo Conference will divert discussion away from practical steps to create conditions for further nuclear weapons reductions.

The practical step-by-step approach that we are taking has proven to be the most effective means to increase stability and reduce nuclear dangers.

In that regard, we strong reaffirm our commitment to the shared goal of nuclear disarmament and emphasize the importance of working together with all States Party to the Nuclear Non-Proliferation Treaty (NPT) to implement the 2010 Review Conference Action Plan across all three pillars of the NPT—disarmament, non-proliferation, and the peaceful uses of nuclear energy.

As nuclear-weapon States, we will continue to work together toward strengthening the foundation for mutual confidence and further disarmament efforts.

These efforts will continue at the P5 conference hosted by the Russian Federation.⁹

7 The Democratic People’s Republic of Korea, India, Israel, and Pakistan.

8 Available from [Reaching Critical Will](#).

9 The five NPT nuclear-weapon states self-identify as the “P5”. This can be taken to mean nuclear-weapon “possessor five”. However, it is not a term used in this paper as it is easily confused with the “Permanent

Examining the NPT nuclear-weapon states' subsequent statements reveals differences in how each has sustained their common criticism about the new high-level meeting, OEWG, and Oslo Conference initiatives. To varying degrees, the NPT nuclear-weapon states tempered critical references to these initiatives in their national statements after 5 March 2013. A joint statement by them at the April NPT preparatory meeting, for instance, made no reference at all to the high-level meeting, OEWG, or Oslo initiatives, nor to the latter's follow-on conference to be held in Mexico.¹⁰ Whether this silence reflects a concern of these states to downplay those initiatives or a belated realization that their statements and boycotts were proving counter-productive is not clear.

Many other governments viewed these initiatives as opportunities for discussion on nuclear weapons, underlining their commitment to their NPT obligations or to the objective of nuclear disarmament more generally. Dissatisfaction with the nuclear-weapon states' perceived lack of engagement by boycotting or opposing these initiatives almost certainly contributed to momentum for an 80-state joint statement delivered by South Africa at the NPT preparatory meeting on 24 April 2013.¹¹ This sizeable group, or "humanitarian initiative" (as described by the Chairman of the NPT preparatory meeting), focused on the catastrophic humanitarian consequences of nuclear weapons—an issue the joint statement's co-sponsors felt "has consistently been ignored in the discourse on nuclear weapons".¹² The NPT preparatory meeting also saw an increasingly large proportion of the NPT's non-nuclear-weapon states situate their national statements and interventions in humanitarian perspectives on nuclear weapons.¹³

What "steps"?

We now turn to examining the criticism that the Oslo Conference, the OEWG, and the high-level meeting initiatives constitute distractions from practical steps towards nuclear weapons reductions. There is, of course, a long history of the "step-by-step" approach—with an unfortunate record of lack of achievement since the CTBT's completion in 1996.¹⁴ However, the criticism by the nuclear-weapon states of new initiatives seems to orient itself in the steps outlined in the 2010 NPT Action Plan. These steps are worth a closer look, as is the claim of the nuclear-weapon states that the "practical step-by-step approach" they are taking has proven to be the "most effective" means to increase stability and reduce nuclear dangers. All of the five NPT nuclear-weapon states echoed

Five" of the United Nations Security Council. Although the same five states, there is no official link between the possession of nuclear weapons by China, France, the Russian Federation, the United Kingdom, and the United States and their right to permanent seats on the Security Council.

10 See US Department of State, "Fourth P5 conference: on the way to the 2015 NPT Review Conference", 19 April 2013.

11 Personal communication from Michiel Combrink, Permanent Mission of South Africa to the United Nations at Geneva, 28 May 2013.

12 See "NPT conference: joint statement on the humanitarian impact of nuclear weapons", *Pressenza*, 24 April 2013.

13 The other main development at the Preparatory Meeting was Egypt's walk-out—"a signal of the frustration widely shared and expressed by a majority of states attending over the cancellation of the Helsinki Conference on a WMD-free zone in the Middle East, in what currently looks like a completely stalled process"; see P. Ingram, "Split: a tale of two alliances", *British American Security Information Council*, 7 May 2013.

14 For an account see R. Johnson, "The NPT in 2010–2012: a control regime trapped in time", in R. Johnson, T. Caughley, and J. Borrie, *Decline or Transform: Nuclear Disarmament and Security Beyond the NPT Review Process*, Acronym Institute, 2012.

this language in their CD statements on 5 March 2013 in offering their explanations for why they had chosen not to attend the Oslo Conference and, in some cases, why they opposed the OEWG. France and China also talked of the 2010 NPT Action Plan as a road map, with China equating this directly with the “step-by-step” approach.¹⁵

It is worth noting that the notion of there being a generally understood definition of the step-by-step approach was belied by India’s statement to the same CD session.¹⁶ India said that it favoured a step-by-step process—although as India is not party to the NPT it did not equate the steps towards nuclear disarmament with implementation of the 2010 Action Plan. For India, the goal of “global, non-discriminatory and verifiable elimination of all nuclear weapons” should be pursued through “concrete negotiating proposals in the CD as the single multilateral disarmament negotiating forum”.¹⁷ India later expanded upon this, stating at the OEWG on 15 May 2013 that “the goal of nuclear disarmament can be achieved by a step-by-step process underwritten by a universal commitment and an agreed multilateral framework that is global and non-discriminatory”.¹⁸

Nevertheless, there is currently no agreed step-by-step process in the CD, as shown by the fact it has remained deadlocked since the 1990s because of divergent priorities among the nuclear-weapon possessor states. (There *is* widespread support for negotiations to commence as a matter of priority on a fissile material treaty, but—crucially—there is not consensus.) Deep divisions in the CD over the terms of mandates for dealing with its four “core issues” (nuclear disarmament, fissile material, prevention of an arms race in outer space, and negative security assurances) have prevented the body from undertaking substantive work of any kind since the Comprehensive Nuclear-Test-Ban Treaty negotiation from 1994 to 1996.¹⁹ It was not envisaged in the 1990s in the CD that its deadlock would persist so long, or that negotiations on one subject or “step” would exclude developing work on other issues on the CD’s agenda. Disagreement among the nuclear-weapon possessor states over the relative priority to be attached to these issues has thwarted any practical steps at all.

Meanwhile, the text of the NPT itself does not specify a step-by-step approach. According to article 6:

Each of the Parties to the Treaty undertakes to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control.²⁰

15 See *Intervention en séance plénière de M. Jean-Hugues SIMON-MICHEL Ambassadeur, Représentant permanent de la France auprès de la Conférence du Désarmement (Désarmement nucléaire)*, 5 March 2013; and *Statement by H.E. Ambassador Wu Haitao of the Chinese Delegation at the Plenary of the Conference on Disarmament on Nuclear Disarmament*, 5 March 2013. The United States, in contrast, at the same CD session described President Obama’s 2009 Prague speech on achieving a world without nuclear weapons as a road map.

16 India attended the Oslo conference, as did Pakistan.

17 *Statement by India on Nuclear Disarmament at CD Plenary on March 5, 2013*, 5 March 2013.

18 *Statement by Ambassador Sujata Mehta, Permanent Representative of India to the CD, at the OEWG on “Taking Forward Multilateral Nuclear Disarmament Negotiations”*, Geneva, May 15, 2013.

19 T. Caughley, *Humanitarian Impacts of Nuclear Weapons: Tracing Notions about Catastrophic Humanitarian Consequences*, UNIDIR, 2013, p. 5.

20 NPT, article 6.

In 2000, NPT states parties agreed “practical steps”—often referred to as the 13 Steps—in the Final Document of its five-yearly Review Conference.²¹ These measures include the “unequivocal undertaking by the nuclear weapon States to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament”. While the 13 Steps were numbered, this did not denote consecutive sequencing. Rather, the 13 Steps are a range of actions to be undertaken with a view to translating the NPT’s 1995 principles and objectives on disarmament into an action agenda for systematic and progressive efforts to implement article 6 of the NPT. These principles and objectives list completion of the Comprehensive Test Ban Treaty (CTBT) and fissile material treaty negotiations as well as “systematic and progressive efforts to reduce nuclear weapons globally, with the ultimate goals of eliminating those weapons, and by all States of general and complete disarmament under strict and effective international control”.²² However, as the principles and objectives make clear, full realization and effective implementation of NPT article 6 *includes* this programme of action—it was not an exhaustive or necessarily sequential list.

It was soon noted after 2000 that “a number of measures identified in the list of 13 practical steps were not pursued, and in some cases there was regression”.²³ As well as the blocking of fissile material negotiations in the CD mentioned above, such developments have included China’s nuclear weapons modernization, the Russian Federation’s reversal of its no-first-use doctrine, and the United States’ abrogation of the 1972 Anti-Ballistic Missile Treaty. The Bush administration also backed away from the 13 Steps in its positions on the CTBT and the verifiability of a fissile material ban. From this it is clear that the five nuclear-weapon states have, among themselves, differed in matters of fundamental interest and adherence to these NPT-derived practical steps. The NPT’s agreed 2010 Review Conference Action Plan is therefore significant as it saw the nuclear-weapon states reaffirm the surviving aspects of the 13 Steps, including some elements that certain nuclear-weapon states had earlier retreated from.

The 2010 NPT Action Plan is significant also because it represented a restructuring of the 13 Steps into 22 nuclear disarmament-related actions within the 64-point agreed document. Notably, Action 1 commits all NPT states parties to “pursue policies that are fully compatible with the Treaty and the objective of achieving a world without nuclear weapons”. And, in Action 5, the nuclear-weapon states “commit to accelerate concrete progress on the steps leading to nuclear disarmament, contained in the Final Document of the 2000 Review Conference, in a way that promotes international stability, peace and undiminished and increased security”.²⁴ Some of these steps are listed under Action 5, although other relevant elements appear throughout the Action Plan. In this way, the 2010 Action Plan steps are no more exclusive or prescriptively sequential in nature than the 13 Steps of 2000. It represents a framework for action to progress towards nuclear disarmament containing some minimum baselines rather than bounding the elements

21 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, *Final Document*, document NPT/CONF.208/28 (Parts I and II), 2000, step 6, p. 14.

22 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, *Final Document*, document NPT/CONF.1995/32 (Part I), 1995, annex, decision 2.

23 L. Scheinman, “Disarmament: have the five nuclear powers done enough?”, *Arms Control Today*, January/February 2005.

24 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, *Final Document*, document NPT/CONF.2010/50 (Vol. I)*, 2010, action 5, p. 21.

exclusively. In other words, it differs from the concept of a “step-by-step” approach that implies each step is contingent on a prior, designated step.

That leaves the other part of the new language in Action 5’s chapeau—“in a way that promotes international stability, peace and undiminished and increased security”. Unfortunately, this phrase’s meaning is open to interpretation. It is really only this part of Action 5 that could form the basis for the NPT nuclear-weapon states to claim that others’ actions detract from the steps they refer to in their statements. In effect, they assert the authority of the 2010 Action Plan as a basis for them to point to diversions or distractions from it that the Action Plan itself did not define—although singly or collectively, the NPT nuclear-weapon states have no greater claim to authoritative interpretation of the 2010 Action Plan than any other state party to it.

There is also a problem of temporal sequencing. The 2010 Action “steps” and the 13 Steps exist because of the continued need for the NPT nuclear-weapon states to implement them. These steps would have no reason to exist if these states had implemented those commitments. Blaming—or preparing to blame—a new cause (initiatives such as the high-level meeting, OEWG, or Oslo Conference) for the continued lack of progress on implementing nuclear disarmament “steps” does not alter the original cause. The nuclear-weapon states could argue these new initiatives make it more difficult to overcome previous failures, but so far they have not offered evidence for this. Their strongest argument seems to be that it might make nuclear disarmament difficult if it leads to a change in the current—and unproductive—status quo in the nuclear weapons control regime. After a decade-and-a-half of CD deadlock, though, this point looks weak. Overall, it is hard for the nuclear-weapon states to argue convincingly that discussing nuclear disarmament in new settings and in creative ways is not consistent with “international stability, peace and undiminished and increased security” when it is consistent with other parts of the NPT Action Plan (such as Action 1) and the Action Plan as a whole.

In sum, there appears to be no universal or even general understanding of what the practical step-by-step approach is, let alone the claim that it is proven and effective. Nor does it appear to be exactly derived from the NPT, the 13 Steps, or the 2010 Action Plan if it is intended to be strictly sequential or exclusive in scope as the nuclear-weapon states have strongly implied. Historically, they appear to differ both with each other and, over time, even with their own statements—for instance on precisely which steps they are committed to on nuclear disarmament. Moreover, as mentioned earlier, states not party to the NPT but possessing nuclear weapons (such as India) have their own understandings. Finally, the continued restatement and reaffirmation of the need for the steps to be implemented raises doubts about how proven and effective implementation of them has really been so far.

Do new initiatives on curbing nuclear weapons fail to relate to NPT goals?

As stated earlier, Action 1 of the consensus-based 2010 NPT Action Plan reflects the commitment of all parties to “pursue policies that are fully compatible with the Treaty and the objective of achieving a world without nuclear weapons”.²⁵ The sizeable

25 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, *Final*

attendance of NPT states parties at the Oslo Conference (more than two thirds of the NPT's membership) suggests there was nothing in the nature of the Conference that participating states feared was incompatible either with the NPT or the goal of a nuclear-weapon-free world. Moreover, the focus of the Oslo Conference was consistent with the NPT's opening preambular paragraph in reflecting awareness of the "devastation that would be visited upon all mankind" by nuclear war.²⁶ This sentiment is comparable to the concern registered in the 2010 NPT Review Conference's Action Plan over the risk for humanity of the possible use of nuclear weapons and the resulting catastrophic humanitarian consequences.²⁷

It is conceivable that the Oslo Conference's purpose and intended outcome may not have been clear to the NPT nuclear-weapon states prior to its convening, and thus how it would relate to the NPT or the CD. However, on closer examination, it is difficult to see how this could have been so. In addition to Norway's statement to the sixty-seventh session of the United Nations General Assembly explaining the rationale for the Conference,²⁸ the Norwegian Foreign Minister sent an invitation letter with a description to all states in late 2012.²⁹ The following February, the Norwegian government published a briefing online about the Conference, including a section on how it related to treaties and other regimes on nuclear weapons at the international level. The Oslo Conference, Norway said, would be:

a freestanding event, although of course it does complement Norway's international commitments to contain the spread of these arms and eventually eliminate them. Norway is a State Party to the NPT, for instance [...] Nevertheless, Norway is also conscious that not all states belong to the NPT. Addressing the humanitarian consequences of use of nuclear weapons detonation concerns all of the international community, and a freestanding event such as the Conference reinforces the notion that none are excluded from such dialogue.³⁰

The briefing added, "An agreement or negotiated document is not the objective of the Conference".³¹ Instead, the Oslo Conference's output was a summary by Norway in its capacity as Conference chair, which stated:

This conference aimed at presenting key aspects of the humanitarian consequences of a nuclear weapon detonation. During the discussions a number of states expressed an interest in further exploring this important issue in ways that ensure global participation. States expressed their interest in continuing the discussions, and to broaden the discourse on the humanitarian impact of nuclear weapons. The chair welcomes the offer from Mexico to host a follow-up meeting to this conference. The

Document, document NPT/CONF.2010/50 (Vol. I)*, 2010, action 1, p. 20.

26 NPT, preamble.

27 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, *Final Document*, document NPT/CONF.2010/50 (Vol. I)*, 2010, principles and objectives, para. v, p. 19.

28 United Nations General Assembly, 67th session, First Committee general debate, [statement by Geir O. Pedersen](#), 12 October 2012.

29 Letter from Norwegian Foreign Minister Espen Barth Eide, 22 November 2012. Copy on file.

30 Norwegian Ministry of Foreign Affairs, "[About the Conference—media brief](#)".

31 *Ibid.*

chair also welcomes the intention expressed by other states to organise events on this subject.³²

Moreover, in both his opening and closing remarks to that event, Norway's Foreign Minister appeared to engage with concerns that the Oslo Conference's discussions could conceivably detract from the NPT or other processes concerned with nuclear disarmament. He stressed that the purpose of the Conference was not to replace existing "traditional and institutionalised arenas" but to "supplement" them.³³

Other Oslo conference participants offered similar views. For instance, alluding to positions taken by NPT nuclear-weapon states in the CD earlier the same day (5 March), New Zealand said that it had no intention of undermining the NPT and saw no contradiction in promoting nuclear disarmament inside the NPT and outside it as at the Oslo meeting: "Indeed we see our efforts here as very possibly helping us to implement the requirement—as the International Court of Justice told us in 1996—to conduct in good faith 'negotiations leading to nuclear disarmament in all its aspects'".³⁴

Similarly, Ireland emphasized that taking a humanitarian approach to nuclear weapons was "fully compatible with and supportive of the Nuclear Non-Proliferation Treaty". Ireland added that it saw value in continuing to clarify—scientifically—the "full range of consequences [of nuclear weapon use] that would engulf our global family and the limited means that we could muster to respond to them".³⁵ For Ireland, the only rational response to these challenges to humanity is prevention through the elimination of all nuclear weapons, elimination being one of the explicit objectives of the NPT as set out in its preamble.³⁶

The Oslo Conference initiative's emergence at around the same time as the OEWG initiative may have created confusion about whether an explicit linkage existed between these exercises.³⁷ After Oslo, it became clearer that although the initiatives shared some supporters, they were nevertheless separate exercises. Still, with the CD deadlocked, these have offered new ways in which to keep the political and diplomatic spotlight focused on existing nuclear disarmament objectives, from which the NPT as a regime could benefit across all three pillars of its work. In sum, it would seem difficult to sustain criticism that these new venues for discussion on the impacts of nuclear weapons are at cross purposes with the goals of the NPT (or the CD) or, indeed, do anything other than complement them.

32 Norwegian Ministry of Foreign Affairs, "[Chair's summary humanitarian impact of nuclear weapons](#)", 5 March 2013.

33 *Ibid.*

34 [New Zealand statement at the Conference on the Humanitarian Impact of Nuclear Weapons](#), Oslo, 5 March 2013. New Zealand also observed: "we have sought for a long time now to promote concrete, practical steps to achieve nuclear disarmament such as through our efforts to encourage the nuclear powers to lower the readiness status of their nuclear weapons or to promote greater transparency of their nuclear holdings. But even an optimist could be forgiven for saying that, in terms of reaching our ultimate goal of nuclear disarmament, we have not made huge headway".

35 [Ireland statement in the Conference on the Humanitarian Impact of Nuclear Weapons](#), Oslo, 5 March 2013.

36 NPT, preamble.

37 Resolution A/RES/67/56, which resulted in the OEWG, expressed deep concern "about the catastrophic humanitarian consequences of any use of nuclear weapons"; General Assembly, [Taking Forward Multilateral Disarmament Negotiations](#), UN document A/RES/67/56, 4 January 2013.

Do the high-level meeting, OEWG, and Oslo Conference initiatives undermine faithful implementation of the 2010 NPT Action Plan?

The NPT nuclear-weapon states have each argued in almost identical terms that the “practical, step-by-step approach that we are taking has proven to be the most effective means to increase stability and reduce nuclear dangers”,³⁸ and that only this route can lead toward nuclear disarmament.³⁹ As discussed above, there are basic problems with these assertions. There is also the poor record of this step-by-step approach, considering the approximately 17,000 nuclear weapons remaining in the world more than two decades after the Cold War ended.⁴⁰ The nuclear-weapon states also sought to contrast the step-by-step approach they tend to associate with the 2010 NPT Action Plan with complementary initiatives on the grounds that initiatives not identified with the step-by-step approach must detract from its implementation. Such an assertion seems difficult to justify, especially since, to date, the high-level meeting, OEWG, and Oslo and Mexico Conference initiatives have sought to draw attention to the need for nuclear disarmament rather than trying to erect alternative forums in which to pursue it. There is also the point to consider that the nuclear-weapon states have themselves pursued some freestanding initiatives. These include the Proliferation Security Initiative,⁴¹ United Nations Security Council resolution 1540,⁴² and the Nuclear Security Summit initiative—a parallel process with the intention of creating a positive impact on NPT pillars such as non-proliferation, but which does not mention the NPT or engage with non-NPT member states possessing nuclear weapons.⁴³

Moreover, given the complexity of the task of eliminating nuclear weapons (including verification of destruction of stockpiles), it is difficult to imagine how any step-by-step approach could proceed in the absence of formal understandings as to all of the various stages and aspects to be covered, including some sequencing. Despite statements by the nuclear-weapon states alluding to the 2010 NPT Action Plan as a “road map”, the Action Plan does not take such a form. Even if it did, it would leave four nuclear-weapon possessor states (the Democratic People’s Republic of Korea, India, Israel, and Pakistan) outside its ambit.

38 US Department of State, “[The Obama Administration’s second term priorities for arms control and nonproliferation](#)”, 20 March 2013.

39 For instance, on 5 March in the CD, China said, “the existing multilateral disarmament machinery should be safeguarded. Such existing institutions as the Conference on Disarmament, the UN Disarmament Commission and the NPT Review mechanism have provided appropriate venues for the deliberation and negotiation of nuclear disarmament issues. Establishing new mechanisms to address nuclear disarmament will only undermine the authority of existing ones, divert limited resources and create disorder in international nuclear disarmament process, which will not be conducive to efficient advancement of nuclear disarmament”; *Statement by H.E. Ambassador Wu Haitao of the Chinese Delegation at the Plenary of the Conference on Disarmament on Nuclear Disarmament*, 5 March 2013.

40 Federation of American Scientists, “[Status of world nuclear forces](#)”.

41 See US Department of State, “[Proliferation Security Initiative](#)”.

42 Security Council, UN document [S/RES/1540](#), 28 April 2004. According to the United Nations [webpage](#) devoted to it, “Resolution 1540 (2004) complements relevant multilateral treaties and arrangements by requiring all States to comply with the obligations outlined in the resolution, irrespective of their status regarding such treaties and arrangements. Through its integrated approach, resolution 1540 aims at preventing proliferation of weapons of mass destruction and their means of delivery as well as illicit trafficking in WMD-related materials, particularly with respect to the activities of non-State actors”.

43 See Arms Control Association, “[Nuclear Security Summit at a glance](#)”, April 2012.

Brazil's ambassador at the 2013 NPT Preparatory Meeting sought to address the issue of what he described as a "false choice" between step-by-step incrementalism and a comprehensive approach in nuclear disarmament efforts. He argued that "even if nuclear weapon states agreed today to negotiate a nuclear weapons convention, those negotiations would develop a road map to get to zero. He also argued that any assurances against proliferation must be part of those negotiations, not preconditions for them"⁴⁴—alluding to the tendency at times of the nuclear- and non-nuclear-weapon states to compartmentalize the issues in the three NPT pillars and at other times to create a tangled web of linkages, for instance for the need for perfect non-proliferation conditions and general and complete disarmament before nuclear weapons elimination can be considered.

Separately, the United Nations' High Representative for Disarmament Affairs, Angela Kane, made complementary points. She noted the "rich history of step-by-step proposals for nuclear disarmament" and its mixed record of success.⁴⁵ These included "partial measures" contributing to this goal (such as the NPT, the biological and chemical weapons ban treaties, and CTBT) as well as nuclear-weapon-free zone treaties, and other treaties limiting the deployment of these arms. Yet nuclear arms control discussions have often had little connection to serious disarmament steps. More holistic approaches not dependent on specific sequencing could play helpful roles in overcoming deadlocks and other difficulties, in her view. There is:

no need to choose between a step-by-step process and a more comprehensive approach. Concrete progress in one domain can "spill over" into the other. ... I have come to the conclusion that there is a place for both comprehensive and step-by-step approaches, provided that the latter are backed by accountability measures.⁴⁶

Kane cited the United Nations Secretary-General's "five point" nuclear disarmament proposal of 24 October 2008 as one example.⁴⁷

It follows that other new initiatives or settings such as the Oslo or Mexico conferences or the OEWG could generate new ideas on nuclear disarmament that create positive "spill over" for NPT implementation or the CD—or at least enhance states' receptivity to such approaches. In other words, such focus on nuclear disarmament would aid implementation of the NPT 2010 Action Plan and not detract from it. Arguably then, the nuclear-weapon states should welcome opportunities for creative discussion that might lead to the changing of minds in states with policy difficulties in the CD and elsewhere, and thus create more propitious conditions for NPT implementation instead of rejecting it as counterproductive.⁴⁸ Instead, whether deliberately or inadvertently, the nuclear-weapon

44 R. Acheson, "NWS labelled 'persistent underachievers' in the NPT yearbook", *NPT News in Review*, vol. 11, no. 5, 2013.

45 United Nations Office for Disarmament Affairs, "The 'step-by-step' process of nuclear disarmament: quo vadis?".

46 *Ibid.*

47 See United Nations Department of Public Information, "'Contagious' doctrine of deterrence has made non-proliferation more difficult, raised new risks, Secretary-General says in address to East-West Institute", document SG/SM/11881, 24 October 2008.

48 The United Kingdom stated: "We are half way through the NPT's five-year cycle but some appear already to have abandoned the Action Plan, convening alternative processes which will divide the international community"; *Statement on Nuclear Disarmament by Ambassador Joanne Adamson, United Kingdom Permanent Representative to the Conference on Disarmament*, 5 March 2013.

states risk conveying the impression they are more comfortable with a deadlocked or deteriorating status quo than efforts to achieve a nuclear-weapon-free world.

Moreover, why have the nuclear-weapon states spurned the opportunity to participate in the OEWG on nuclear disarmament, yet shown active interest in being members of the Group of Governmental Experts on fissile material established by the General Assembly?⁴⁹ This is surprising since their boycott of the OEWG to date has denied them the opportunity to have their views (for example, on the “step-by-step” process) incorporated in the OEWG’s report to the General Assembly on “discussions held and all proposals made”.⁵⁰ This selectivity in their willingness to engage serves to obscure the concrete nuclear disarmament-related actions they have each undertaken so far, and fuels suspicion about their motives and promises to the non-nuclear-weapon states.

Should nuclear disarmament only be dealt with through established channels?

One possible interpretation of the 2010 Action Plan—and a bleak one—is that the nuclear-weapon states see the agreement not as an inventory of steps to take, but rather as a political document to be selectively interpreted as to how and when implementation will (ever) take place. These states are unconcerned if their interpretations are perceived to be weak or illogical. Their position is reinforced by the fact that the “step-by-step” process is primarily the domain of those that will ultimately have to undertake it; that is, those states that have not already foresworn nuclear weapons. To this way of thinking, the nuclear-weapon states have to date exploited this dichotomy of nuclear weapons “haves” and “have-nots” to keep control over nuclear disarmament discourse. And it has contributed to keeping the nuclear-weapon states together as a group with a common interest in maximizing their own power (through the possession of nuclear weapons) for as long as possible.

One could extrapolate an even bleaker outlook for efforts to curb nuclear weapons. In a previous paper, we noted the observation of various analysts that despite the importance of components of the current nuclear weapons control regime such as the NPT, it represents a status quo that suits nuclear-armed states and disempowers the non-nuclear-weapon states.⁵¹ The latter periodically voice their grievances about the continued existence of nuclear weapons in effect legitimized by the structure of the regime, while non-proliferation and enforcement crises involving political outliers such as the Islamic Republic of Iran or the Democratic People’s Republic of Korea shape the discourse into one of nuclear weapons “haves”, “have-nots”, and “wannabes”. This dynamic of blockage and a circular discourse dominated by possessor states is a familiar one in arms control. Success in eliminating nuclear weapons remains out of reach because the international community is stymied in its ability to devalue or delegitimize these arms.⁵² While the CD

49 See General Assembly, *Treaty Banning the Production of Fissile Material for Nuclear Weapons or Other Nuclear Explosive Devices*, document A/RES/67/53, 4 January 2013.

50 General Assembly, *Taking Forward Multilateral Disarmament Negotiations*, UN document A/RES/67/56, 4 January 2013, para. 3.

51 J. Borrie, *Viewing Nuclear Weapons through a Humanitarian Lens: Context and Implications*, UNIDIR, 2013, p. 10.

52 See N. Ritchie, “Valuing and devaluing nuclear weapons”, *Contemporary Security Policy*, vol. 34, no. 1, 2013; and K. Berry et al., *Delegitimizing Nuclear Weapons: Examining the Validity of Nuclear Deterrence*, James

remains deadlocked and thus unable to contribute to nuclear disarmament steps because of blunt use by a few of the consensus rule to prevent any substantive work, it reinforces this unproductive dynamic. Yet it is plain that the status quo cannot be sustained, once the non-nuclear-weapon states conclude that their engagement on nuclear disarmament and commitment to adhering to the nuclear weapons control regime is unlikely ever to be meaningfully reciprocated. Among other profoundly negative outcomes, this would have disastrous implications for the non-proliferation goals the nuclear-weapon states prioritize.

It is also notable that efforts emerging outside the established nuclear weapons discourse may challenge it even while the intent and effect may be to strengthen aspects of the disarmament and non-proliferation regime. It is for that reason that those most comfortable with the status quo—the nuclear-weapon possessors, and the states living under their so-called nuclear “umbrellas”—should be expected to oppose new initiatives just because of the uncertainty it introduces for them.

That is indeed what can be seen with respect to the NPT nuclear-weapon state boycott of new initiatives. Their opposition is not really to a two-day symposium in Oslo or Mexico City per se, a photo opportunity for world leaders in New York, or to some weeks of discussions among Geneva’s disarmament community about nuclear disarmament under the auspices of the United Nations General Assembly. Rather, the concerns or fears of these—and other—nuclear-weapon possessors more importantly relate to where those initiatives could conceivably lead—to a situation beyond their procedural control. Indeed, it is striking in the context of recent discourse how—despite radically different (and sometimes mutually opposed) interests and agendas—the NPT nuclear-weapon states have rallied together in common opposition to new initiatives on nuclear disarmament. Other nuclear-weapon possessor states, notably India, which have participated in these new initiatives, have hedged their positions.⁵³

Humanitarian approaches to nuclear weapons are problematic from the perspective of preserving the status quo. As discourse in other arms-related contexts has indicated, once evidence of impact is gathered and critical questions are asked about certain prevailing practices that would appear to be incompatible with humanitarian standards it can raise doubts in the minds of policymakers and publics about the acceptability and utility of particular weapons or practices. Despite being modest in scope, the Oslo Conference began to do that—in a manner uncontested by the nuclear-weapon states at that time due to their boycott—in a process of reframing likely to be extended by the Mexico Conference in early 2014. And, as an exercise relevant to nuclear disarmament and non-proliferation, the Oslo Conference’s discussions are certain to feature in the OEWG’s deliberations, just as its concerns featured in many statements at the NPT Preparatory Meeting in Geneva in April–May 2013, of which the South Africa-led joint statement on humanitarian consequences of nuclear weapons was one.

Martin Center for Nonproliferation Studies, 2010.

53 India stated to the OEWG on 15 May 2013 that it had abstained on the resolution establishing the body because “we did not want to prejudge the utility or otherwise of this Group. We had also done so in view of the assurances of the co-sponsors of the resolution that this effort was not intended to supplant or damage the UN disarmament machinery including the CD”; see *Statement by India on Nuclear Disarmament at CD Plenary on March 5, 2013*, 5 March 2013.

Notably, campaigners and advocates of nuclear disarmament have begun to recognize the potential of humanitarian consequences-based framings of nuclear weapons issues in order to demystify the technocratic, arms control-centred discourse and to try to push nuclear weapons elimination higher up the international agenda. The International Campaign to Abolish Nuclear Weapons (ICAN) global consortium of non-governmental organizations stated this explicitly:

discussions about nuclear weapons must focus not on narrow concepts of national security, but on the effects of these weapons on human beings—our health, our societies, and the environment on which we all depend. The processes that led to treaties banning landmines in 1997 and cluster munitions in 2008 demonstrated the importance of adopting a humanitarian-based discourse: new political coalitions were formed, longstanding deadlocks were broken, and two whole classes of weapons were outlawed. Today we must adopt a similar approach for nuclear weapons.⁵⁴

ICAN's goal is to “mobilize people in all countries to inspire, persuade and pressure their governments to initiate and support negotiations for a treaty banning nuclear weapons”.⁵⁵ It is significant in this context that ICAN's call for nuclear disarmament is not specific about the channels or institutions through which this should be achieved.

At the same time, there is a widespread sense that such a goal is unlikely to be achievable within the contexts of the CD or the NPT. Procedural blockage and the perceived tyranny of consensus (in the CD) would probably necessitate a free-standing process of some kind to achieve any outcome with the potential to generate significant political and normative pressure on states to negotiate nuclear disarmament measures that bite into stocks and capabilities. It has led some to argue that “it is only by committed governments taking responsibility to agree a treaty banning nuclear weapons even without the participation of the nuclear-armed states that a clear legal rejection of nuclear weapons will be put in place”.⁵⁶ The rationale behind a ban treaty is that it would undercut the acceptability of nuclear weapons over the long run by normative means, and thus place added pressure on possessor states to devalue, reduce, and eliminate these arms. It would have a non-proliferation benefit in building a taboo against possession of nuclear weapons, and a disarmament benefit in putting pressure on all existing possessors in a non-discriminatory way. For these reasons, the non-nuclear weapon states should not count on the support or cooperation of nuclear-weapon possessor states—nor, following this logic, should they necessarily seek it.

Conclusions

Judging by the state of the current discourse on nuclear weapons in contexts such as the CD and NPT, and in new settings such as the Oslo Conference and the OEWG, the international community is still some way away from commencement of nuclear weapon disarmament processes of any kind. Nevertheless, the impact of humanitarian perspectives since the 2010 NPT Review Conference outcome are already discernible both

54 ICAN, *Catastrophic Humanitarian Harm*, 2012.

55 ICAN, *Advocacy Guide: Second Preparatory Committee of the Nuclear Non-Proliferation Treaty, 22 April–3 May 2013*, 2013, p. 11.

56 Article 36, *Banning Nuclear Weapons*, 2013, p. 20.

in terms of statements and shifts in the terms of debates about renewing momentum in nuclear disarmament—“essentially to point out the incompatibility of nuclear use, or the threat of that use, with international humanitarian law, while reminding states of their obligation to comply with this law”.⁵⁷ And, humanitarian perspectives have provided a unifying focus to dissatisfaction among non-nuclear-weapon states with the pace of nuclear disarmament in view of the continuing possibility that these massively destructive weapons could be used.

This is not to say that real challenges do not exist for humanitarian approaches to become a means by which more propitious conditions for nuclear disarmament are achieved. For all of the success of the Oslo Conference, it was not even concerned directly with matters of nuclear disarmament. As of writing, the agenda for the follow-up Mexico Conference is not clear. The South Africa-led joint statement at the NPT stemming in part from the Oslo Conference’s discussions kept concerns about the catastrophic humanitarian consequences of nuclear weapons detonation in the public eye despite the boycotts of Oslo and the OEWG by the nuclear-weapon states. But such political declarations will be of diminishing value if the humanitarian concerns they express do not catalyse the further delegitimization of nuclear weapons or concerted action toward nuclear disarmament.

Inevitably, the South Africa-led joint statement put some states living under the nuclear “umbrellas” of the nuclear-weapon states in awkward positions: despite their nuclear disarmament rhetoric, states such as Australia, Canada, Germany, and Japan did not join it perhaps for fear of contradicting their military alliance commitments. However, it points to the need for advocates of proposals such as a nuclear-weapon-ban treaty to persuade such states as to the value of such an outcome. And, means need to be devised by which rejecting the legitimacy of nuclear weapons can be squared with military alliances that none of the nuclear umbrella states would be willing to walk away from. This is likely to entail achieving changes in the self-perceived identities of these military alliances among their constituent states: what these alliances are for, and what animates them apart from dependence on nuclear weapons.

Moreover, proposals from civil society for a ban treaty are just one of many different ideas for renewing nuclear disarmament momentum. These range from the more exotic, such as a nuclear weapons convention, a no-first-use treaty, or a global nuclear-weapon-free zone, to agreements between nuclear-weapon states to de-alert nuclear weapons, take steps to decrease the role of nuclear arms in security policies, or develop verification capacities. Overall, however, what is striking is that for the first time in many years, discussions about the need to eliminate nuclear weapons have taken on a note of urgency, and some states have moved from lamenting their disempowerment and the state of the nuclear weapons control regime to actively considering how they can best strengthen momentum towards elimination based on fresh assessments.

While this change in discourse cannot be attributed to humanitarian approaches alone, humanitarian concerns—for instance, as expressed in the 2010 NPT Action Plan—have helped to catalyse it. Humanitarian concerns have also demonstrated potential as means by which to continue the reframing process about the acceptability of nuclear weapons among policymakers and the public. In view of our analysis, seeking to undercut and

57 P. Meyer, “Canada’s contradictory military and humanitarian stances”, *Embassy*, 1 May 2013.

then topple the perception of nuclear weapons as connoting power or prestige because of their lack of acceptability must be an essential element. The reluctance of the NPT nuclear-weapon states to engage with concerns about nuclear weapons outside of their comfort zones in the CD and NPT have, if anything, placed these concerns even more centrally in the spotlight: to many non-nuclear-weapon states and civil society onlookers, it seems to expose a disturbing gap between the rhetoric of these states and their actions. Proponents of nuclear disarmament can be expected to further exploit this gap with a view to building pressure on nuclear-weapon possessor states in coming months and years. This process may be made more straightforward for them the less these states are seen to engage with the substance of their concerns. But such lack of engagement by the nuclear-weapon states would be very unfortunate as it could ultimately carry great risks for the “international stability, peace and undiminished and increased security” referred to in the 2010 NPT Action Plan.

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