



**Open-ended Working Group taking forward
multilateral nuclear disarmament negotiations¹****Geneva 2016**

Item 5 of the agenda

Taking forward multilateral nuclear disarmament negotiations**Accelerating global nuclear disarmament: a menu of 16
policy options****Submitted by the Netherlands Institute of International Relations
“Clingendael”²****Introduction**

1. In 1968 the Treaty on the Non-Proliferation of Nuclear Weapons – in short: the Non-Proliferation Treaty, or NPT – was opened for signature. Being one of the most successful treaties in history, currently almost all states in the world are a party to the treaty. So far, only four nuclear weapon states still remain outside the treaty. By joining the treaty, states that do not have nuclear weapons pledge to refrain from acquiring them. The five nuclear weapon states that became a party to the treaty in turn promised to work towards the elimination of their nuclear weapons – without, however, any deadline being set.

2. During the almost 50 years since the NPT was established, none of the nuclear weapon states have taken serious steps to eliminate their nuclear arsenals. In recent years, various NPT member states (sometimes spurred on by civil society organisations) have become discontent with the slow pace of nuclear disarmament. This uncomfortable feeling by some non-nuclear weapon states is placing the NPT under increasing pressure. Another important multilateral disarmament forum, the Conference on Disarmament (CD) in which also non-NPT nuclear weapon states participate, also did not manage to achieve anything in this regard for many years. An increasing number of states are questioning why the current nuclear weapon states retain their nuclear weapons on the basis of what they consider to be legitimate security concerns, while they simultaneously claim that other states cannot cite similar concerns as a valid reason for seeking nuclear weapons as well.

¹ Established pursuant to resolution 70/33 of the General Assembly of the United Nations.

² This document was originally published in February 2016 as a *Clingendael Policy Brief* authored by Sico van der Meer, <<http://www.clingendael.nl/publication/accelerating-global-nuclear-disarmament-menu-16-policy-options>>.

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3. As a result, the so-called Humanitarian Initiative, a coalition of various governments and non-governmental organisations, has gained increasing support over the last few years. The Humanitarian Initiative is focussing on the humanitarian impact of nuclear weapons, pointing out that no state or international organization would be able to cope with the catastrophic consequences of any use of modern nuclear weapons. Moreover, past decades have witnessed many cases of near misses regarding the inadvertent use of or accidents with nuclear weapons.³ Because of the enormous humanitarian consequences, the coalition argues, nuclear weapons should be delegitimized.

4. Partially influenced by the Humanitarian Initiative, 138 states voted on 7 December 2015 in the United Nations General Assembly to establish an Open Ended Working Group to discuss potential further disarmament steps. The group will meet three times during 2016. A similar working group convened in 2013 as well, but without achieving substantial progress.

A menu of choice

5. The question of how global nuclear disarmament could effectively be accelerated has been much debated in recent years. Even within the Humanitarian Initiative, which itself has opponents as well as proponents, a variety of potential options are on the table. This Policy Brief aims to provide a summarized overview of potential policy options available to accelerate nuclear disarmament – be it unilateral, bilateral or multilateral measures.

6. It should be noted that the options described below are not considered as a competing process with or a diversion from existing nuclear disarmament mechanisms like the NPT or CD. On the contrary, the measures described could coexist as a layered approach to further strengthen these disarmament approaches. The same can be seen with regard to the non-proliferation efforts of the NPT, which are combined with a multi-layered approach through initiatives like United Nations Security Council Resolution 1540, the Nuclear Security Summit process, and the Proliferation Security Initiative. Complementary efforts focussing on nuclear disarmament from a humanitarian perspective do not necessarily imply any downgrading or sabotage of the NPT. Although some policy options may entail a risk of deepening existing conflicting visions between (groups of) NPT member states, this also depends on how such measures are implemented and communicated – with careful management they could channel the current discontent concerning the lack of nuclear disarmament into positive energy to end the (perceived) nuclear disarmament deadlock in the NPT and CD processes.

7. An important consideration is that nuclear disarmament policies will not guarantee any success as long as the states possessing these weapons are not engaged. To get them on board, it may be important to recognize that nuclear weapons have both a humanitarian dimension and a security dimension. It will be a difficult balancing act to combine these two in the same policy. Nevertheless, in order to effectively achieve the global elimination of nuclear weapons, it is crucial that the states possessing the weapons should participate in measures to that end, otherwise these measures would be mainly symbolic. Even if one

³ For some cases of near inadvertent use, see: Patricia Lewis, Heather Williams, Benoît Pelopidas and Sasan Aghlani, *Too Close for Comfort: Cases of Near Nuclear Use and Options for Policy*, Chatham House Report, April 2014, pp. 7-23, <https://www.chathamhouse.org/sites/files/chathamhouse/field/field_document/20140428TooCloseforComfortNuclearUseLewisWilliamsPelopidasAghlani.pdf>. For some examples of nuclear weapons accidents from U.S. archives only, see: Eric Schlosser, *Command and Control: Nuclear Weapons, the Damascus Accident and the Illusion of Safety*, Penguin Books, 2013.

argues that such symbolic measures will increase the pressure on nuclear weapon states to disarm, one may question if such pressure is really contributing to the elimination of nuclear weapons or is only creating a fragmentation of international support for existing nuclear taboos as established in the NPT. Nevertheless, it should be noted as well that only five of the current nine nuclear weapon states are a member state of the NPT (the United States, Russia, the United Kingdom, France and China). The other four (Israel, India, Pakistan and North Korea) are not. One could argue that many of the policy steps being discussed within the Humanitarian Initiative could be applicable to all states, regardless of membership of the NPT or any other treaty.

8. Yet, confidence in and an ongoing commitment to the current multilateral system of non-proliferation and disarmament efforts, especially but not exclusively embodied by the NPT and CD, can be reinforced by the demonstrated implementation of concrete nuclear disarmament measures by the current nuclear weapon states. Constructive diplomacy has always proven to be the best method to increase international security and stability.

9. The menu of choice below consists of 16 steps. The policy options described are of course all interconnected. Moreover, the order in which they are described is not static; although the aim is to start with the least drastic step and to end with the most radical option, combinations of measures could certainly be thought of. It is not necessary that every step should follow the previous one; parallel and simultaneous steps are also certainly possible.

Relying on existing disarmament fora

10. The simplest policy option for any state involved is, of course, doing nothing new. This means sticking to the traditional disarmament efforts within the NPT and CD, trying to solve the deadlock on disarmament currently perceived by many member states within these fora themselves. Without doubting the importance of the NPT and CD, it is debatable whether this option is in itself the most effective one. Considering the many states and NGOs asking for increased disarmament efforts, one could question whether the option to stick to traditional fora and methods is enough. The discomfort concerning the pace of nuclear disarmament must be dealt with in a positive way to channel this energy into the right direction – doing nothing new may harm the massive support for existing non-proliferation and disarmament arrangements even more than looking for extra steps towards disarmament measures.

11. Nevertheless, the five nuclear weapon states within the NPT appear to prefer this path, convinced that the NPT and CD are the best fora to negotiate on further disarmament. These negotiations could be combined with their own self-designated ‘P5 Process’ in which the five nuclear weapon states within the NPT discuss the issue among themselves. There have also been meetings of the so-called ‘P5 Plus Group’, but even this group, with the non-NPT nuclear weapon states India and Pakistan on board, still misses the participation of Israel and North Korea, who are considered to have nuclear weapons as well. Without any hesitation, it is positive that these states discuss disarmament efforts with each other, although this does not mean that more inclusive discussions, with the non-nuclear weapon states and the nuclear weapon states which are not party to the NPT being included as well, should be sidelined as counter-productive. Nevertheless, the P5 Process, or preferably an extended P5 Plus Process, could certainly be helpful in discussing more far-reaching policy options as will be discussed in the options below.

Increased transparency measures

12. While non-nuclear weapon states are obliged under the NPT to provide full transparency on their nuclear activities (if any), the nuclear weapon states are not. Their nuclear weapons programmes are generally dealt with as top secret. This entails that any discussion about nuclear weapons, including the issue of nuclear disarmament, is to some extent always speculative. From this perspective, further transparency in the form of (public) reporting by the nuclear weapon states on their nuclear weapons inventories and policies, as well as their fissile material stockpiles, would be helpful in enhancing informed debate and increased confidence between states. Such transparency measures could be implemented unilaterally, bilaterally or multilaterally by (any of) the nuclear weapon states.

Confidence-building measures

13. An important problem of the current discontent regarding nuclear disarmament efforts is a lack of confidence by many state and non-state actors in the sincerity of nuclear weapon states to effectively work towards a further reduction of the threat of nuclear weapons – threats of use as well as accidents. A first step to increase confidence could be measures to minimize the inadvertent use of nuclear weapons.

14. The initiative for this kind of measure should come from the nuclear weapon states – unilaterally or in cooperation with each other. The main focus should be increasing the predictability of states' behaviour regarding the use of nuclear weapons, thus preventing misperceptions leading to inadvertent nuclear escalation.⁴

15. Various examples of confidence-building measures could be thought of. Developing and the sharing of guidelines and principles, as well as verification and accountability instruments regarding decreasing the risks of accidents with and/or inadvertent use of nuclear weapons could be effective measures to increase confidence. The same holds true for sharing best practices and lessons learned on risk reduction regarding the inadvertent use of nuclear weapons. Information sharing on nuclear postures and procedures could also increase confidence. Guarantees or standardization regarding decision making and judgement processes on the use of nuclear weapons could add to confidence in the prevention of misuse and accidents as well; decision makers on the use of nuclear weapons must, for example, have enough time and information tools for prudent judgement so as to resolve potential misperceptions and to receive vital pieces of information. Only if nuclear weapon states are able to show other states that they are serious in this kind of risk-reducing measures could confidence be increased as a first step towards a further reduction and elimination efforts.

Preparing measures for disarmament verification

16. An important step preceding actual nuclear disarmament is discussing how, at any moment, it will be accomplished. A disarmament process can only be successful if it is irreversible, verifiable and transparent. Currently, a coalition of both nuclear weapon and non-nuclear weapon states is discussing this issue within the International Partnership for Nuclear Disarmament Verification (IPNDV). This partnership, led by the United States, is

⁴ Wolfgang Ischinger, Steven Pifer and Andrei Zagorski, *Confidence Building Measures Are Now Needed More Than Ever*, European Leadership Network, 30 June 2014, <http://www.europeanleadershipnetwork.org/confidence-building-measures-are-now-needed-more-than-ever_1578.html>.

aimed at developing (technical) solutions for monitoring and verifying potential future nuclear disarmament efforts.

17. It would be helpful if this initiative would be able to come up with practical recommendations in the short term. Increasing the inclusiveness of the partnership would be helpful as well; in the end, verification mechanisms could be developed that will be supported by all states. From this perspective, cooperation with the International Atomic Energy Agency (IAEA) may be helpful as well.

Reduced role of nuclear weapons in security policies

18. As long as nuclear weapon states retain an important role for nuclear weapons in their security policies, including doctrines and postures, they do not demonstrate much priority for the elimination of these weapons. As a first step to increase the credibility of their NPT obligations of nuclear disarmament, nuclear weapon states could reduce the role of nuclear weapons in their security doctrines. By doing so, they will demonstrate that they are sincere in both decreasing their importance as well the risks of (inadvertent) use. This policy measure could be implemented unilaterally or in coordination with other nuclear weapon states.

De-alerting nuclear weapons

19. Especially the United States and Russia have nuclear warheads on ballistic missiles that are on high alert and ready to be launched within only a few minutes. France and the United Kingdom also keep some of their nuclear weapons on alert, although at lower readiness levels than the United States and Russia. As far as is known, the other nuclear weapon states have no nuclear weapons on alert status.⁵

20. The very little time that decision makers in these states have to judge whether or not to use the nuclear weapons significantly increases the risk of inadvertent use. In the past, several cases have become public in which such inadvertent use – because of miscommunications, misperceptions, or technical errors – brought the world close to nuclear warfare with catastrophic results.⁶

21. To reduce the risks of the inadvertent use of high alert nuclear weapons, unilateral, bilateral or multilateral measures could be taken to decrease the operational readiness of nuclear forces. Reducing the alert status of nuclear weapons could be achieved through a phased approach, and should preferably be verified (at least by other nuclear weapon states de-alerting their weapons as well). This measure would decrease the risk of inadvertent use to some extent as well as demonstrate a commitment to reduce the role of nuclear weapons in security policies.

22. An extra option within a process of de-alerting could be programming all nuclear missiles on alert to a default target in the middle of any ocean. This would give decision makers some more response time in (perceived) crisis situations, because the weapons should be retargeted before being used. Moreover, this would limit the risk of nuclear

⁵ Hans M. Kristensen and Matthew McKinzie, *Reducing Alert Rates of Nuclear Weapons*, United Nations Institute for Disarmament Research (UNIDIR), 2012, <<http://www.unidir.org/files/publications/pdfs/reducing-alert-rates-of-nuclear-weapons-400.pdf>>.

⁶ For examples of cases, see: Lewis, et al, *Too Close for Comfort*, (see note 2), pp. 7-23.

weapons accidentally being used against real targets. According to some sources, the United States has already implemented such a default ocean targeting.⁷

Improved ‘No First Use’ guarantees and security guarantees

23. Some nuclear weapon states have declared that they will use nuclear weapons only in response to a nuclear attack, while others do not exclude ‘first use’. Unilateral, bilateral or multilateral measures could be taken to increase the confidence that nuclear weapons will not be used by a state before it is attacked by such weapons itself. Nuclear weapon states could develop nuclear doctrines clearly stating the No First Use principle, and establish protocols to guarantee this principle in their command and control procedures. A No-First-Use Treaty or No-First-Use Convention is a possibility as well, but currently this does not seem to be realistic.⁸

24. Closely linked to No First Use guarantees are security assurances to non-nuclear weapon states. It would be a positive sign if such assurances would be extended by all nuclear weapon states, publicly giving an absolute guarantee that they will not use nuclear weapons to threaten or attack any non-nuclear weapon state.⁹

Banning nuclear weapons tests

25. Already in 1996 the Comprehensive Nuclear-Test-Ban Treaty (CTBT) was opened for signature. Since then many states have signed and ratified the treaty. However, the Treaty has not so far entered into force, because the required signatures and/or ratifications by various states are lacking, especially (but not exclusively) the nuclear weapon states of China, India, Israel, North Korea, Pakistan and the United States.¹⁰ It would be an important positive signal if those states would sign and/or ratify the CTBT as well. Even though the entry into force of the treaty will not depend on only one or a few of these states, their membership would demonstrate to the international community that they acknowledge the need for a ban on nuclear test explosions. Supporting a ban on nuclear weapons testing to some extent shows the willingness to end the development and modernisation of nuclear weapons as well, even though digitally simulated tests are always still possible.

26. As long as the CTBT cannot enter into force, states could unilaterally decide to stop testing and/or to declare a moratorium on nuclear test explosions; currently all nuclear weapon states have already done so, except for North Korea.

Reduction or removal of forward deployed nuclear weapons

27. As far as is known, one nuclear weapon state, the United States, has some of its tactical nuclear weapons deployed in other NATO states in Western Europe – so-called ‘forward deployment’. Although, technically speaking, this forward deployment possibly

⁷ Eric Schlosser, *Command and Control: Nuclear Weapons, the Damascus Accident and the Illusion of Safety*, Penguin Books, 2013, p. 478.

⁸ Ken Berry, ‘Draft Treaty of Non-First-Use of Nuclear Weapons’, Research Paper, International Commission on Nuclear Non-proliferation and Disarmament, June 2009; Gulshan Luthra, ‘India suggests global No First Use of Nuclear Weapons’, *India Strategic*, April 2014, <http://www.indiastrategic.in/topstories3290_India_suggests_No_First_use_Nuclear_Weapons.htm>.

⁹ On the importance of clear language in this regard, see: Michael S. Gerson, ‘No First Use. The Next Step for U.S. Nuclear Policy’, *International Security*, Vol. 35, No. 2 (Fall 2010), pp. 7-47.

¹⁰ Situation of 23 January 2016, according to CTBTO figures, <<https://www.ctbto.org/the-treaty/status-of-signature-and-ratification/>>.

cannot be labelled as illegal under NPT obligations (the weapons are not transferred but remain in possession and under the control of the US), it certainly is against the spirit of the treaty. Moreover, the greater the number of locations where nuclear weapons are stored, the more risks there are of accidents and inadvertent use.

28. Measures to reduce or eliminate the number of forward deployed nuclear weapons – which ideally would consist of cooperative action by the US, NATO and the actual host countries – would be a symbolically important step towards further nuclear disarmament. Considering the increasing tensions between NATO and Russia in the past few years, one could question whether NATO is currently ready for this step. However, even starting serious deliberations within NATO on such measures would already be an important signal of a serious willingness to work on further nuclear reduction and disarmament.

Reduction of or ending deployment in border regions

29. Nuclear weapons deployed in border regions between (potential) adversaries may contribute to increased tensions. Especially in the case of relatively low-yield tactical nuclear weapons, one may speculate that the threshold of use could be considered somewhat lower compared to strategic nuclear weapons or tactical nuclear weapons deployed further away from borders. The risk of use, inadvertent use (for example, in case local military commanders may decide on use in crisis situations), or accidents may be higher.¹¹

30. Specific border areas where (as far as is known) tactical nuclear weapons are currently deployed are at the borders between India and Pakistan and between Russian and NATO territory (including forward deployed US nuclear weapons as described in the previous step). Unilateral or bilateral steps to end the deployment of (tactical) nuclear weapons in border regions may decrease the risks of accidents or (inadvertent) use as well as demonstrate a willingness to reduce the role of nuclear weapons in security policies.

Banning the production of fissile materials

31. Discussions on achieving a Fissile Material Cut-Off Treaty (FMCT) have stalled within the CD for many years already. Such a treaty would ban the production of fissile materials which can be used to build nuclear weapons (plutonium and highly enriched uranium). Some states even favour a Fissile Material Treaty (FMT) which would also limit existing stockpiles of fissile materials.¹²

32. As one of the steps towards nuclear disarmament it would be helpful if negotiations on such a treaty would be given new impetus in a constructive way. Although an FMCT, or even an FMT, will not directly bring about nuclear disarmament, it will at least be helpful in building confidence that states with fissile material production facilities will not further increase their nuclear weapons resources.

33. As long as negotiations towards such a treaty will not be successful, unilateral, bilateral or multilateral initiatives could be launched to make a start in limiting and/or halting the production of fissile materials. Facilities used for the production of fissile materials for nuclear weapons could be dismantled or converted, and existing stockpiles of

¹¹ Shashank Joshi, 'Pakistan's Tactical Nuclear Nightmare: De'ja' Vu?', *The Washington Quarterly*, Summer 2013, pp. 159-172.

¹² *A Fissile Material Cut-off Treaty. Understanding the Critical Issues*, United Nations Institute for Disarmament Research (UNIDIR), 2010, <<http://www.unidir.org/files/publications/pdfs/a-fissile-material-cut-off-treaty-understanding-the-critical-issues-139.pdf>>.

fissile materials could also be converted to materials which are useful for peaceful purposes only (for example, by ‘down blending’ highly enriched uranium). Such measures, especially if transparency and verification mechanisms are included, could be an important step in building confidence that nuclear weapon states are serious about limiting their nuclear weapon programmes.¹³

Moratorium on nuclear weapons modernisation

34. Various nuclear weapon states are currently modernizing their nuclear weapons arsenal or are suspected of doing so.¹⁴ Although one may contend that in some cases it is merely maintenance rather than modernisation, or a modernisation that is aimed at increasing the security of the weapons (which few would oppose), in various cases it seems like modernisation to make nuclear weapons more effective within the context of national security policies. It is difficult not to consider such modernisation efforts as contradictory to any disarmament pledge.

35. To demonstrate their sincerity regarding nuclear disarmament, nuclear weapon states could – via unilateral, bilateral or multilateral measures – end or forego efforts to modernize their nuclear weapons (preferably including ending and foregoing the development of new missions for their nuclear weapons). This could result in a moratorium on nuclear weapons modernisation. Ideally, any kind of verification arrangements should be included in such measures to ensure confidence in such a moratorium.

Reduction of (deployed) nuclear weapons numbers

36. Considering nuclear disarmament as a phased process, starting with a reduction and ending with the elimination of nuclear weapons, accelerating the reduction phase is an important step towards the ultimate aim of ‘global zero’. Unilateral, bilateral or multilateral measures in which nuclear weapon states reduce the number of their nuclear weapons are thus essential steps.

37. Any reduction of nuclear weapons would contribute to decreasing the risks of them being used (on purpose or by accident) and would increase the confidence in commitments towards the reduction and elimination of nuclear weapons in the long term. Some nuclear weapon states may contend that the United States and Russia should make a start with their nuclear weapons stockpile reduction, since they currently possess some 93% of the global number of nuclear weapons.¹⁵ However, this does not necessarily exclude reduction measures by other states as well – states have even eliminated their nuclear weapons without taking such figures into account (in the case of South Africa).

38. Some nuclear weapon states use the principle of ‘strict sufficiency’, meaning something like maintaining their arsenal of nuclear weapons at the lowest possible level

¹³ ‘Group of Governmental Experts to make recommendations on possible aspects that could contribute to but not negotiate a treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices’, United Nations General Assembly, A/70/81, 7 May 2015, <<http://fissilematerials.org/library/gge15.pdf>>.

¹⁴ Hans M. Kristensen, ‘Nuclear Weapons Modernization: A Threat to the NPT?’, *Arms Control Today*, May 2014, <https://www.armscontrol.org/act/2014_05/Nuclear-Weapons-Modernization-A-Threat-to-the-NPT>.

¹⁵ According to the most accurate estimates: ‘World nuclear forces, January 2015’, Stockholm International Peace Research Institute (SIPRI), <<http://www.sipri.org/research/armaments/nuclear-forces>>.

with regard to their perceived strategic context.¹⁶ This may sound interesting in theory, but how this lowest possible level should be measured in practice is hard to define.

39. Although an actual reduction through the dismantlement of nuclear weapons would be the most optimal decision in this context, a preliminary step of only reducing the number of deployed nuclear weapons may also be considered as a first step. Although this would not be disarmament in itself, only removing some of the nuclear weapons from deployment into storage, it reduces the risk of these weapons being used in the short term and could at least be considered as a confidence-building measure.

40. Settings to accomplish any steps on this topic could be, for example, the P5 Process or the P5 Plus Process, as well as bilateral dialogue like past arms reduction negotiations between the United States and Russia. During the last few years, however, little to no progress has been made in such processes.

Global Nuclear Weapons Free Zone

41. In various regions Nuclear Weapons Free Zones (NWFZ) exist, which are agreements in which a regional group of states ban the use, development, or deployment of nuclear weapons in their territories. Membership of such Zones is completely voluntary, and in general there is some sort of verification mechanism in order to be certain that the member states adhere to the agreement.¹⁷ It could be an option to establish a global, or universal, NWFZ. Such a Zone would be open to any state willing to ensure that no nuclear weapons will be used, developed or deployed within its borders. This will mainly be a symbolic step, because one might assume that most states willing to enter such a global Zone are already a member of a regional Zone. However, in regions where currently no NWFZ has yet been established, individual states may wish to join a global one, demonstrating their support for nuclear disarmament as well as opening up for verification measures to confirm that they do not facilitate nuclear weapons (also possessed by other states) in any way. Aiming at the universalization of a global NWFZ may to some extent increase pressure on states not joining.

Nuclear weapons ban treaty

42. A nuclear weapons ban treaty could codify nuclear weapons as unacceptable weapons in warfare and would prohibit member states from using, possessing, producing or transferring nuclear weapons. Such a treaty would be open for signature and ratification to any state, but one might expect that the current nuclear weapon states and their allies, for example, would not join. A ban treaty would presumably not include legal and technical arrangements on how nuclear dismantlement should be implemented and/or verified. A ban treaty – even without any nuclear weapon states joining – would establish some sort of customary international norm of delegitimizing the use of nuclear weapons, but not delegitimizing them actively through the verification of disarmament. Apart from establishing a norm, it would not actually compel any state to disarm.

¹⁶ Jenny Nielsen and Marianne Hanson, *The European Union and the humanitarian initiative in the 2015 Non-Proliferation Treaty review cycle*, Non-Proliferation Papers No. 41, EU Non-Proliferation Consortium, December 2014, p. 13, <<http://www.nonproliferation.eu/web/documents/nonproliferationpapers/jennynielsenmariannehanson54856428912ca.pdf>>.

¹⁷ Michael Hamel-Green, 'Peeling the orange: Regional paths to a nuclear-weapon-free world', *Disarmament Forum*, 2011, No. 2, pp. 3-14 <<http://www.unidir.org/files/publications/pdfs/nuclear-weapon-free-zones-en-314.pdf>>.

43. A ban treaty does not necessarily contradict existing treaties like the NPT. Even more, it could establish existing NPT obligations on a more clearly defined footing. Additionally, it would offer an extra feature to states that dislike the discriminatory part of the NPT, in which a few states are to some extent allowed to possess nuclear weapons and others are not. A ban treaty would not discriminate between member states in their obligations. It would also eliminate the distinction between ‘recognized’ and ‘non-recognized’ nuclear weapon states (the P5 and the four nuclear weapon states outside the NPT) and put the focus on the illegality of nuclear weapons, regardless of who actually possesses them. The hope is that such a clear and unequivocal rejection of the possession and use of nuclear weapons by a majority of states will make it more difficult for any state to continue investing in the development, maintenance and modernisation of nuclear weapons.¹⁸

44. Nevertheless, one could also argue that a ban treaty would never leave the stage of symbolism, because no nuclear weapon state or any ‘nuclear umbrella state’ would join – thus increasing the gap between these states and the non-nuclear states. From this perspective it is doubtful whether such a treaty would actually be helpful in accelerating nuclear disarmament.¹⁹ Even more, if such a ban treaty would indeed create a wide gap between nuclear weapon states and non-nuclear weapon states, limiting any constructive dialogue, one might argue that it would be even counterproductive to accelerating nuclear disarmament.

Nuclear weapons convention

45. One step further than a nuclear weapons ban treaty would be a nuclear weapons convention. Such a convention would be a legally binding instrument delegitimizing nuclear weapons, in the same way as the Chemical Weapons Convention and – to a lesser extent – the Biological Weapons Convention already delegitimize chemical weapons and biological weapons. A nuclear weapons convention would obligate any nuclear weapon state who would sign and ratify the convention to dismantle its nuclear weapons. A verification organisation would be established to verify whether the member states of the convention adhere to their obligations. This is also the main difference with a ban treaty; it is only the convention that would entail a legal mechanism to prohibit nuclear weapons, including monitoring and verification processes.²⁰

46. It is not obvious how a nuclear weapons convention would operate in practice alongside the NPT, particularly because one could forecast that both arrangements would have different levels of adherence. Currently, it cannot be expected that any nuclear weapon state or ‘nuclear umbrella state’ would sign and ratify such a convention. Opponents of the convention concept claim that such an initiative will therefore only rigorously widen the gap between nuclear weapon and non-nuclear weapon states, making discussions on

¹⁸ Susi Snyder, *Escalating tensions: The perfect time to negotiate the outlaw and elimination of nuclear weapons*, PAX Policy Brief, September 2015, <http://nonukes.nl/wp-content/uploads/2015/09/20150908_Russia_escalations.pdf>.

¹⁹ Lukasz Kulesa, *The nuclear weapon ban is inevitable – too bad that it won't bring disarmament*, European Leadership Network, 9 December 2014, <http://www.europeanleadershipnetwork.org/the-nuclear-weapon-ban-is-inevitable--too-bad-that-it-wont-bring-disarmament_2239.html>.

²⁰ On the differences between a ban treaty and a convention, see: ‘Article VI of the Treaty on the Non-Proliferation of Nuclear Weapons. Working paper submitted by Ireland on behalf of the New Agenda Coalition (Brazil, Egypt, Ireland, Mexico, New Zealand and South Africa)’, Preparatory Committee for the 2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, NPT/CONF.2015/PC.III/WP.18, 2 April 2014, Annex II, pp. 11-15, <http://www.un.org/ga/search/view_doc.asp?symbol=NPT/CONF.2015/PC.III/WP.18>.

disarmament only more difficult. Proponents of a convention claim, on the contrary, that it would radically change the global debate on nuclear weapons, and would in the end isolate the nuclear weapon states to the extent that some of them might indeed be convinced to dismantle their nuclear arsenals.

47. At this moment, international support for a nuclear weapons convention seems rather small compared to a nuclear weapons ban treaty. It cannot be excluded, however, that support for a convention will increase the longer it takes before actual efforts towards nuclear disarmament are demonstrated.

Conclusion

48. To channel the increasing international discomfort with the very slow pace of nuclear disarmament into positive energy, this Policy Brief has concisely presented 16 possible policy measures. Except maybe for the first option, relying on existing (but generally deadlocked) negotiation mechanisms, all options offer some prospects for a rather short-term acceleration of nuclear disarmament efforts – some more fundamental than others.

49. Which of these 16 options is the most feasible to accelerate nuclear disarmament is hard to say, as they are all targeted at diminishing the risk of the catastrophic use of nuclear weapons, which can hardly be determined to be an incorrect objective in any way. However, as argued above, to achieve actual nuclear disarmament the nuclear weapon states should be involved. Any step that does not include any of these states may increase the pressure on them, but also entails the risk of widening the non-constructive gap between the ‘haves’ and ‘have nots’ without contributing to any disarmament at all. On the other hand, sticking to traditional policies like negotiating in the NPT and CD may also risk widening this gap when dissatisfied non-nuclear weapon states lose their faith in these fora. From this perspective, one might argue that the most feasible steps are in the middle of the spectrum, starting with the least complicated options, for example options 2 to 4, and then gradually adding more steps. Eventually, option 13, reducing the number of (deployed) nuclear weapons, is the most important one: this is about actual disarmament, while the others are more indirect steps facilitating disarmament or reducing the risks of the (inadvertent) use of nuclear weapons. The more far-reaching options at the end of the ranking, involving global treaties, seem more feasible after more limited steps have already been taken; if these options will be taken without any other options having been implemented, they are quite probably less effective than if they follow on from more preliminary steps.

50. An important consideration while discussing these 16 options is that most of them can actually only be executed by nuclear weapon states themselves. Only these states can really implement nuclear reduction and elimination measures. Of course, non-nuclear weapon states could play a role as an initiator or a broker in these policy options, but nothing more than this. Only in options 14, 15 and 16 could non-nuclear weapon states take the lead. These options could isolate the nuclear weapon states with, as discussed above, potential positive sides (increased pressure) as well as negative sides (creating a non-constructive gap between nuclear and non-nuclear weapon states).

51. Obviously, some of the policy options presented can be considered as steps which are more minor than others. It is important to note that especially the smaller steps must not be seen as window-dressing options; to deal with the current international discontent real efforts are required, showing speed and dedication with regard to accelerating global nuclear disarmament.

52. It is up to any actor involved to choose what (mix of) options will have preference in being focused upon. The bottom line will be that any step towards decreasing the risk of the

(inadvertent) use of nuclear weapons could only be welcomed. Still, the more risk reduction the better.
