A treaty banning nuclear weapons

What does it mean for the United States?

Richard Lennane

Washington DC, 21 June 2016
Before we start, it’s important to keep in mind...

...we’ve been pursuing this nuclear disarmament thing for a while now.
1. Where we are
Nuclear weapons affect all states, and so are the responsibility of all states.

The risks are too great to delay action any longer: those that can act, must act.
“V. Conclusions and recommendations

17. In light of the above, we propose that the Open-Ended Working Group, in its report, includes the following recommendations to the General Assembly:

(a) Convene a Conference in 2017, open to all States, international organizations and civil society, to negotiate a legally-binding instrument to prohibit nuclear weapons

(b) To report to the United Nations high-level international conference on nuclear disarmament to be convened no later than 2018, pursuant to resolution 68/32, on the progress made on the negotiation of such an instrument.”
Comprehensive Nuclear Weapons Convention

- **Prohibition**
  - Ban treaty
- **Elimination**
  - Protocol
- **Verification**
  - Protocol

- Do this now
- Add these later
2. Implications for the US government
Basic commitments of the United States

“commitment to seek the peace and security of a world without nuclear weapons”
- Barack Obama, Prague, 2009

“unequivocal undertaking” to “accomplish the total elimination” of nuclear arsenals leading to nuclear disarmament, to which all NPT states parties are committed under Article VI
- NPT review conference, 2010
“We cannot support and will oppose any effort to move to an international legal ban on nuclear weapons.”

@ClarkeatAmerica Yesterday I asked @USAmbCD the reason for US opposition to a ban. Answer was not very clear. Curious to see US policy here

Robert Wood
@USAmbCD
1:16 AM - 18 Dec 2014

@Wildfire_v @ClarkeatAmerica A ban is neither practical nor realistic. No viable alternative to verifiable step-by-step disarmament.

Wildfire_v
@Wildfire_v
3:38 AM - 18 Dec 2014

@USAmbCD Thanks, but curious why US sees ban as “alternative”. Wouldn’t a ban actually support verifiable step-by-step disarmament?

Robert Wood
@USAmbCD
4:03 AM - 18 Dec 2014

@Wildfire_v Thanks. Don’t see realistic alternative to step-by-step approach. Important not to ignore security dimension of US nuke policy.
Full spectrum approach to nuclear disarmament

- International Partnership for Nuclear Disarmament Verification
- Fissile material treaty
- Treaty banning nuclear weapons
- CTBT entry into force
- De-alerting and NSAs

Independent pursuit of complementary and mutually-reinforcing measures
“proposals such as a nuclear weapons ban … risk creating a very unstable security environment, where misperceptions or miscalculations could escalate crises with unintended and unforeseen consequences, not excluding the possible use of a nuclear weapon.”

– Frank A. Rose, UNGA First Committee
12 October 2015
“some countries, and I understand the emotion of it, want to just outlaw every nuclear weapon tomorrow. I understand why people want to do that. But to do that without working through all of these other things that we know we have to work through is not to make the world safer. This has to be done, and we’re for it, but it has to be done in a way that works up to the capacity to accept that you, in fact, are not making the world more dangerous because you’ve done away with a level of deterrence for activity, you’re actually making the world safer.”

– John Kerry, Hiroshima, 11 April 2016
But what would the ban actually change for the United States?

- Harm US interests? How exactly?
- Constrain defence policy options? How exactly?
- Undermine the NPT? How exactly?
- Destabilize the security environment? How exactly?
- Cause problems for US allies? Ah…
it is possible that the imposition of a ban might have the unintended consequence of imperiling the stability achieved under the NPT.

For instance, proponents of this approach may incorrectly assume that all non-nuclear weapon States, by virtue of having already signed the NPT, would also sign a ban treaty. It is quite conceivable, however, that some NPT States Parties may actually be reluctant to do so, particularly if they are in regions where proliferation threats exist.

Such a situation would generate new doubts about the actual commitment of these countries to their NPT obligations ... In other words, a ban, negotiated without adequate engagement of major parties, risks creating a less certain world of the sort that existed before the entry into force of the NPT”

- OEWG working paper WP.20
Positive aspects of the ban for the US

- Strengthens non-proliferation norm
- Will help locate and remedy NPT weak points
- May fill NPT loopholes, notably on withdrawal
- Gives non-nuclear-weapon states something positive to do

The ban doesn’t have to be seen as confrontational or as a threat to the US and its interests
Options for US response to a ban process

• Join the process
• Tolerate it, and support it from outside where appropriate (as with AP landmine ban)
• Ignore it
• Discourage and criticize it without interfering
• Resist, obstruct and sabotage it

Underlying question: If the ban won’t make a difference, why resist it? If it will make a difference, why resist it?
3. Implications for US civil society
Wherever we were...

...we’re now somewhere rather different
Possibilities for US civil society engagement

• Think-tank heaven: explore, research, study, analyze, argue

• Negotiation support: traditional sources of support will likely be absent

• Keeping door to US government engagement open (goes both ways)

• Media and public outreach

• Other possibilities?