Resuming dialogue on moving nuclear disarmament forward:

An immediate challenge

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Introduction

The age of nuclear weapons has so far lasted more than 70 years since the atomic detonations over Hiroshima and Nagasaki in Japan in August 1945. During the Cold War, the overall quantity of nuclear weapons in the world rose steeply, but since 1990 fell almost as dramatically for a time, mainly due to reductions by the United States and the Soviet Union (then the Russian Federation). Yet nuclear weapons are still deeply embedded in the strategic doctrines of a gradually expanding circle of possessor States (nine at current count).\(^1\) In today’s strategic context, it is plain that the risk of nuclear use has not gone away, and there are indeed indications that it is growing due to a range of factors.\(^2\)

Attainment of a nuclear-weapon-free world, a long-standing goal of the United Nations and the international community, would appear to be as elusive as ever. Partly as a response, some non-nuclear-weapon States recently negotiated the Treaty on the Prohibition of Nuclear Weapons (TPNW)\(^3\) intended to stigmatize nuclear weapons in any hands over the long term, and thus contribute to bringing about conditions for achieving a nuclear-weapon-free world. In contrast, the nuclear-armed States have, in general, been dismissive of the TPNW, and most of their respective military allies have fallen in with this view. It can be argued that this controversy over the TPNW (which is still some way from entering into force internationally) is a distraction at a time when the international community needs to help the global nuclear regime respond to a range of pressures including the tense situation on the Korean peninsula, the future of Iran’s nuclear activities, and lack of implementation of agreed steps related to nuclear disarmament and non-proliferation. Underlying all of these problems is the disconcerting prospect of cascading towards a much expanded circle of nuclear possessors, particularly in Asia and the Middle East.

Where does the current situation leave prospects for further concrete steps towards nuclear disarmament, especially nuclear-weapon elimination? In principle, this is a shared objective, although multilateral commitment to a coordinated time-bound process is lacking.\(^4\) Moreover, many steps or building blocks towards a nuclear-weapon-free world have been identified in past Nuclear Non-Proliferation Treaty final review conference documents and in the United Nations General Assembly.\(^5\) In light of that, rather than reiterate what the potential measures or steps are, this paper discusses an important and immediate barrier to ways forward, which is achieving the requisite collective intentionality. In turn it means altering the current discourse in nuclear diplomacy: it is in a mode that, for now, can unhelpfully amplify polarization within the NPT and other forums related to the management of nuclear dangers. After setting out some context, some suggestions are made at the end of this paper for elements to contribute to common dialogue to that end.

Context

The fact is that, for now, negotiation of new nuclear disarmament agreements has largely halted. Unless extended, the provisions of the bilateral New START between the United States and the

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5. These include the outcomes of the 2000 and 2010 NPT five-yearly Review Conferences, as well as the so-called “Decalogue” of issues emanating from the 1978 United Nations Special Session on Disarmament, which forms the basis for the Conference on Disarmament’s agenda.
Russian Federation, the sole nuclear arms control treaty in force, will expire in 2021.\(^6\) The Intermediate-range Nuclear Forces (INF) Treaty between the two States is in strife.\(^7\) Meanwhile, all of the nuclear-armed States are “modernizing” their nuclear arsenals and delivery systems.\(^8\) This essentially means that none of them have plans to reduce their reliance on nuclear weapons any time soon. Indeed, some are considering new nuclear missions.\(^9\) This has not gone unnoticed by the rest of the world, including in certain NPT non-nuclear-weapon States in which periodically there are domestic calls for the acquisition of nuclear arsenals.

The nine nuclear-armed States, including the five recognized as nuclear-weapon States under the Treaty on the Non-Proliferation of Nuclear Weapons (NPT),\(^10\) point to strategic conditions to explain both current obstacles to the negotiation and implementation of further nuclear disarmament measures, as well as the need for their continued reliance on nuclear weapons for the foreseeable future.\(^11\) In the minds of policymakers in the nuclear-armed States, at least, deterrence based on the possession of nuclear weapons appears to be key to surviving an unsettling period of geopolitical challenge.

The United States, in particular, sees extended nuclear deterrence as a key stabilizing element in the contemporary international order—not only to deter strategic competitors and potential adversaries, but to reassure American allies and dissuade those perhaps tempted to develop their own nuclear arsenals (like Japan and the Republic of Korea) from doing so.\(^12\) Indeed, the development of nuclear weapons and missile-based delivery capabilities by the Democratic People’s Republic of Korea (DPRK), a State that earlier withdrew from the NPT, has escalated tensions in Northeast Asia to the level of a serious crisis.\(^13\)

Northeast Asia is not the only region in which nuclear tensions are manifest. The United States has indicated it is pulling out of the Joint Comprehensive Plan of Action, a 2015 international agreement limiting Iran’s nuclear program.\(^14\) The collapse of the Iran nuclear deal could precipitate a new nuclear crisis in the Middle East region, including a move by Saudi Arabia towards nuclear weapons.\(^15\) Meanwhile, in South Asia, India and Pakistan have been locked in a tense regional strategic

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\(^8\) See, for instance, the sources in note 1 above. See also H. Kristensen and S. Kile, “World Nuclear Forces”, in Stockholm International Peace Research Institute (SIPRI), *2017 SIPRI Yearbook*, Stockholm: SIPRI.

\(^9\) Ibid.

\(^10\) The nine-nuclear-armed States are China, France, Russian Federation, United Kingdom and the United States (the five NPT nuclear-weapon-States). The others are India, Israel (although it has not publicly acknowledged possessing a nuclear arsenal) and Pakistan: these States have never belonged to the NPT. The latest is the Democratic People’s Republic of Korea, which withdrew from the NPT in January 2003.


competition since the late 1990s when both States tested nuclear weapons.\textsuperscript{16} And, in Europe, the deterioration of relations between the Russian Federation and NATO States in the last few years—especially since the Russian Federation annexed Crimea in 2014—has led to a circling of the wagons in the NATO nuclear alliance, aggressive military posturing by Moscow, and more hostile rhetoric on both sides.\textsuperscript{17} In the West, the rise of China economically and militarily, a revanchist Russian Federation, the recent use of weapons of mass destruction (repeated chemical weapon attacks killing civilians in the conflict in Syria, as well as the poisoning of a former Russian double-agent and his daughter in Salisbury in the United Kingdom) and new forms of security threat, for instance from cyberattack, are some of the reasons variously put forward for the need for nuclear arsenals to continue to underpin deterrence.

There is also a technological dimension to uncertainties in the current strategic context. “Stable” nuclear deterrence as developed during the Cold War depends upon assured second-strike nuclear retaliatory capabilities, which (the logic goes) means that even a surprise attack would inevitably be unacceptably costly to an aggressor.\textsuperscript{18} The incremental development and roll-out of ballistic missile defence systems spearheaded by the United States concerns the Russian Federation and China, as they fear its impact on strategic stability as they see it (i.e. retaining a credible nuclear retaliatory capability versus the United States).\textsuperscript{19} Additionally, all three States are exploring hypersonic missile systems that although likely always to be niche in capability, could impact stability as these are intended to be fast, have global reach, circumvent missile defences, and have either nuclear or conventional warheads.\textsuperscript{20} At the same time, mounting reliance on space-based assets and the interdependence of critical societal infrastructure such as telecommunications is creating new vulnerabilities.\textsuperscript{21} Moreover, increasingly large-scale, damaging and brazen cyberattacks and “information warfare” have led policymakers in certain nuclear-armed States to hedge their strategic doctrines to permit (or at least not explicitly exclude) nuclear retaliation.\textsuperscript{22}

The NPT

Frustration among the NPT’s non-nuclear-weapon States about lack of nuclear disarmament progress has turned to consternation in light of—some would say despite—recent developments like those mentioned above. Key to the NPT grand bargain as they see it is Article VI of the Treaty, in which “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.”\textsuperscript{23} Although five-yearly review NPT meetings in 1995, 2000 and 2010 agreed lists of “steps”, a key obstacle for the stewardship regime remains their lack of implementation, primarily by the nuclear-weapon States. Matters are hardly simplified by the fact that four nuclear-armed States

\begin{thebibliography}{9}
\bibitem{un disarmament} https://www.un.org/disarmament/wmd/nuclear/npt/text.
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(India, Israel, Pakistan and the DPRK) are not NPT members, and there is little prospect of them joining.

Nevertheless, as is frequently pointed out, the NPT remains the “cornerstone” of the global nuclear-weapon control architecture. Since 1995, when the NPT was indefinitely extended, the Treaty has been reviewed under three pillars—nuclear non-proliferation, disarmament, and peaceful uses—by means of a strengthened review process intended to be forward- as well as backward-looking. If far from perfect, the NPT has generally been a success story in curbing nuclear proliferation and in promoting the peaceful uses of nuclear technology under safeguards.

The NPT has also become over-burdened with expectations. The Treaty is not self-implementing—it depends on the actions of the States Parties. It was not negotiated and adopted to solve regional security questions, but the matter of a weapons of mass destruction-free zone in the Middle East has become highly contentious and indeed derailed the 2015 NPT five-yearly review conference. The issue has the potential to do so again in 2020. The NPT contains the sole legal obligation on the five nuclear-weapon States to pursue nuclear disarmament. But it is not a forum for the negotiation of nuclear disarmament agreements—and deadlock in the Conference on Disarmament for more than two decades is in fact partly due to the postures of States not party to the NPT.

There are real limits on the NPT’s capacity to effect more propitious conditions for nuclear disarmament, as shown by its historical record. This reality contributed to momentum among concerned non-nuclear-weapon States for negotiations in the United Nations on a TPNW (or nuclear ban treaty), an agreement adopted in July 2017. Although the TPNW is not the primary focus of this paper, featuring it is inescapable because it has become a rhetorical foil for the NPT’s shortcomings.24 Yet the TPNW’s emergence, and the humanitarian initiative before it, is a symptom—not a cause—of difficulties in the NPT and for nuclear disarmament more generally. Moreover, there is every sign that the great majority of States in the process resulting in the TPNW were acting in good faith, and out of conviction and alarm about lack of progress towards a nuclear-weapon-free world, the deterioration of the NPT regime, and the permanence of nuclear weapons in global politics. Only time will tell whether the TPNW is an “effective measure”—or not, as its critics contend.

Politically at least, the TPNW’s adoption as a United Nations treaty has become surprisingly controversial in the NPT context, especially in view of more pressing issues for the regime. Logically, one would expect that States invested in non-proliferation—presumably all NPT States Parties—would now look to find common ground on supporting and implementing the NPT based on the 64-point action plan agreed in 2010 (the last time a five-yearly review conference reached consensus on a final document).25 Yet in the lead up to the second Preparatory Meeting to be held in Geneva, Switzerland, from 23 April to 4 May 2018 such a collective view could not be taken as given. Instead, a strengthening rhetorical theme, especially among officials from some of the nuclear-weapon States, was that continued commitment to previously agreed NPT outcomes on nuclear disarmament is not necessarily a given in the contemporary strategic context. Further, if there is any NPT strengthening to be done it is for more, obligatory non-proliferation measures on the non-nuclear-weapon States, with any reciprocity to be seen in terms of the benefits accrued from existing scope for and levels of peaceful access to and uses of nuclear-related technology. Another point heard lately is that there can be no common ground concerning the new TPNW, or even tacit accommodation such as factual recognition of its existence in the Preparatory Committee Meeting Chairs’ summaries

or the 2020 final document, since that Treaty’s aim (the stigmatization of nuclear weapons over time) is inimical to the nuclear deterrence policies that form the basis for security for some States.

An element of such rhetoric may be diplomatic positioning for later conference diplomacy in the NPT context and elsewhere. Even if in a best case it is, such postures heighten concerns about the regime among non-nuclear weapon States and will not help to allay polarization. Former United States arms control diplomat Lewis Dunn has nevertheless observed that NPT States Parties need to “agree to disagree” on the TPNW. In practice, this means sceptics accepting that that Treaty will come up in an NPT context, that it is real, and that there were strong motivations behind it linked to legitimate concerns. At the same time, Dunn argues that pro-TPNW States need to avoid making the 2020 NPT Review Conference into a referendum on the TPNW, either by insisting on a consensus reaffirmation of the TPNW in the NPT final document, or through a stand-alone resolution endorsing the TPNW there. Dunn argues that either course would probably fail, and thus damage both the TPNW’s prospects and quite possibly the NPT regime in the process.26 Other scholars have suggested that TPNW supporters need to reflect carefully on how they relate their enterprise to the NPT to ensure they give effect to the claim that the nuclear ban treaty will complement its implementation.27

**Nuclear disarmament on or off the table?**

If division over the TPNW is an immediate source of discord, it can obscure deeper questions about nuclear disarmament prospects. After all, the elimination of nuclear weapons and the de-emphasis of nuclear weapons in strategic doctrines require nuclear-armed States themselves to take action, in many cases to implement steps that have been agreed previously in the context of the NPT. For the time being (that is, for the 2018–2020 time period) reductions of nuclear arsenals probably are off the table in light of the fact that these are usually exhaustively considered steps, let alone because of heightened tension between some of the nuclear-armed States. However, it does not mean that other measures, such as extension of new START for a further five years, or other proposals of the kind outlined in SIPRI’s paper on “setting the stage for progress towards nuclear disarmament”,28 are out of the question. And, as Ritchie has outlined in his paper examining how to reduce the role of nuclear weapons in current tensions in Northeast Asia, there are practical interim steps for managing the risks of nuclear use to be undertaken in the context of crisis management and regional conflict prevention that would likely build confidence for later steps related to nuclear disarmament.29 Such managing of the risks of nuclear use is an important collective endeavour in which all have a stake.

However, even getting to the point where meaningful collective discussion occurs on how to create more propitious nuclear disarmament conditions is not assured at present. Creating the space for it will require tacit but important diplomatic choices, including for all delegations in the NPT review cycle. There are certainly a number of potential catalysts for debilitating disagreement, from the DPRK to Iran and the Joint Comprehensive Plan of Action, to recent chemical weapons use, and the TPNW. Nevertheless, it is within the collective control of the TPNW’s most vociferous opponents and

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supporters to restrain themselves from allowing the NPT to become an arena for rhetorical or procedural combat over the TPNW with the NPT as its foil.

Heavy-handed efforts in the NPT to marginalize the TPNW in the absence of progress on implementation of previously agreed nuclear disarmament steps will feed the sense of grievance of some non-nuclear-weapon States and sap support for the NPT regime, plus divert attention from collectively responding to its challenges. It is worth noting that in each case in the last five years when the nuclear-weapon-States have boycotted or given the cold shoulder to nuclear weapons-related initiatives they oppose—whether the 2013 Oslo conference on the humanitarian impacts of nuclear weapons, the 2016 United Nations open-ended working group on taking forward multilateral nuclear disarmament negotiations, or the TPNW negotiations—it has led to a diplomatic counter-reaction that has added momentum (and numbers) to those initiatives.

Again, the deeper issue for many non-nuclear-weapon States is lack of the kind of progress they want to see on nuclear disarmament from the nuclear-armed States, both within and outside the NPT. Whether or not there really is much that individual nuclear-armed States can do for now to deliver this in a less permissive strategic environment (some of them are strategic rivals, after all), they could consider this in how they communicate their positions on nuclear disarmament frankly but sympathetically. Nor do constructive contacts have to be limited to set-piece multilateral interactions like the NPT. For instance, there could be roles for collectives of non-nuclear-weapon States to explore with nuclear-armed States ways to reduce nuclear dangers. At a minimum, it would lead to greater understanding of respective points of view.

Restraint and patience will also be needed among the NPT non-nuclear-weapon States, and by this is meant not only the TPNW’s supporters. Nuclear disarmament—including any effects of the TPNW—constitutes a long game. If this is accepted, then it should also be recognized that prospects for progress will be brighter if cracks in the NPT regime are repaired. In a consensus-based diplomatic environment this requires the cooperation of all, which in turn necessitates a greater level of confidence in mutual intentions, and a civil and respectful discourse (on all sides) that recognizes that nuclear politics look quite different depending on one’s vantage point. Without the opportunity to discuss these respective vantage points and how to reconcile (or at least manage) them in order to restore a sense of common purpose, the achievement of a nuclear-weapon-free world has little chance of actualization.

At present, there are calls for efforts to build bridges on nuclear disarmament, which are positive and welcome in recognizing a perilous situation. But, overall, expectations that nuclear-allied non-nuclear States can “bridge-build” between nuclear- and other non-nuclear-weapon States are probably over-optimistic in an adversarial setting. Nevertheless, States like these, and others, can certainly help to reduce some of the suspicion and cynicism that currently pervades NPT politics by promoting inclusive dialogue both publicly and informally when opportunities arise. Initiatives to focus attention and resources on practical issues such as verification and nuclear risk reduction are certainly needed as part of this. It could also be matched by more concrete discussion involving the nuclear-armed States as to how the roles of nuclear weapons and reliance on them can be reduced over time in specific ways, along with modalities of nuclear crisis management.

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Some elements for dialogue

In light of the above, here are 10 propositions and questions. They are intended to help in promoting non-adversarial dialogue in environments like the NPT about plausible confidence-building measures both between nuclear-armed adversaries and nuclear-weapon States and non-nuclear-weapon States to manage and reduce nuclear dangers in the current environment. This is pending more propitious political conditions for negotiated bilateral and multilateral steps of the kind identified previously by the international community, and towards which this intended to contribute:

1. The logic of credible nuclear threat and retaliatory threat developed during the Cold War is being eroded by political, strategic and technological realities, independently of the TPNW’s emergence.

2. The TPNW is one spur for all States to recognize and engage on point 1, whether their intention is to join the TPNW or not, or whether they believe in its merits.

3. At the same time, the strategic context is changing in ways that are not helpful to building the trust necessary for nuclear disarmament-related steps to be taken, nor some feel for reducing their reliance on nuclear deterrence in the current security environment.

4. Nuclear risk reduction measures, further nuclear reductions, and reducing the role of nuclear weapons in national and alliance strategic doctrines would all ultimately be in the interests of States relying on nuclear weapons for security. It would also help in preparing for any transition beyond nuclear deterrence.

5. Whatever the difficulties of bilateral and multilateral arms control, there is more that nuclear-armed and non-nuclear-armed States committed to a nuclear-weapon-free world should do to ensure that the situation does not remain stalled, including through national and plurilateral initiatives (for instance, on de-alerting, and no first use).

6. Lack of implementation of agreed steps on nuclear disarmament is ultimately corrosive to nuclear non-proliferation efforts and the authority of the NPT.

7. There are thus real incentives to be found for States to cooperate in the NPT context, without also overlooking the importance of engaging nuclear-armed States not party to the NPT in their efforts.

8. The risk that nuclear weapons could be detonated extends beyond the situation on the Korean peninsula and should not be viewed only through that prism.

9. What is required, and from whom, in order to create a more propitious strategic context for reducing reliance on nuclear weapons and resuming reductions in arsenals?

10. In this regard, could a reaffirmation of Reagan and Gorbachev’s 1985 statement that a nuclear war cannot be won and must never be fought constitute a constructive initial step to set the general tone of the debate? This was made, after all, in order to confirm the importance of existing nuclear dialogue, reflecting a “strong desire to seek common ground on existing problems.”

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32 This is not the author’s idea. Although its exact provenance is not clear to him, it was a proposal made by a variety of people he has heard during or on the margins of various recent nuclear disarmament-related meetings.

Resuming dialogue on moving nuclear disarmament forward: An immediate challenge

Nuclear disarmament is a shared objective, and many steps towards it have been identified in past Nuclear Non-Proliferation Treaty (NPT) final review conference documents and in the United Nations General Assembly. Meanwhile, in an increasingly uncertain strategic environment, the reality is that nuclear disarmament is at an impasse. Dialogue is needed with a view to achieving the requisite collective intentionality required for future progress, and transcending what has become an unhelpfully polarized discourse within the NPT and other forums related to the management of nuclear dangers. After setting out context, some suggestions are made in this paper for elements to contribute to common dialogue towards that end.