A security framework for nuclear abolition

Working paper submitted by ICAN on behalf of member organization SEHLAC

1. Imagine that the international community has just accomplished the complete and irreversible elimination of nuclear weapons. That an auspicious combination of genuine political will, good-faith diplomatic engagement, and effective leadership has resulted in comprehensive and credible multilateral disarmament negotiations that made irreversible nuclear abolition a reality.

2. You wake up to the news that the last remaining warhead has been dismantled. The era of nuclear weapons is over.

3. Now imagine that a book is being written to describe the process that made this outcome possible. It details how states navigated all the thorny, seemingly intractable political and security challenges that have thus far prevented progress towards nuclear abolition.

4. The book includes a detailed roadmap that explains how concrete solutions to known hurdles were achieved. It is not just focused on aspirational questions, such as “did states express rhetorical support for the eventual goal of nuclear abolition?” It includes specifics. There is a chapter on “How Israel was persuaded to give up its nuclear weapons” and another on “The conditions under which the U.S. removed its nuclear weapons from the territories of other NATO member states.”

5. Answers to those questions demand greater attention and debate. There is an urgent need for that kind of roadmap—however hypothetical at this point.

6. Much of the current work on nuclear disarmament focuses on big-picture mechanics, describing global processes and instruments. These are important efforts, no doubt. But they must be complemented by specific measures to tackle the concrete bilateral, regional, and international security dynamics that underpin the global nuclear order.

7. To be sure, this recognition cannot be allowed to slide into a belief that some sort of Kantian peace or ideal international security conditions are necessary prerequisites for nuclear disarmament. Shifts in security arrangements can and must happen in parallel with concrete disarmament measures. A credible process leading to nuclear abolition requires attention—and demonstrable progress—on both fronts. Otherwise, it will remain a distant, ethereal objective.
I. The unfulfilled NPT promise

8. There is broad consensus that the Nuclear Non-Proliferation Treaty (NPT) has not delivered on the promise of nuclear disarmament. Not only has its credibility diminished steadily in recent years, but many doubt that this treaty, as currently structured and implemented, will ever lead to complete nuclear disarmament.

9. Today, the question is not just whether the world is a better place with the NPT than without it, but whether this treaty will result in a world free of nuclear weapons.

10. More than 50 years ago, the NPT set out a legal framework for nuclear abolition, with a specific disarmament obligation under Article 6. However, nuclear-weapon states have thus far disregarded their obligation to “pursue negotiations in good faith” leading to nuclear disarmament.

11. But even if states were willing, “good faith” would not tell them how to plot their moves to nuclear disarmament. Nor would it provide ways to respond to current security dynamics that have become obstacles to such progress.

12. Consider, for instance, the Action Plan that was adopted at the 2010 NPT Review Conference. Action 1 calls on states to “pursue policies that are fully compatible with the Treaty and the objective of achieving a world without nuclear weapons.” This is a welcome reiteration of existing obligations, but what does it mean in practice?

13. How can it be applied, say, to the security assurances that the United States gives to Taiwan, threatened by mainland China? To the pursuit of a Middle East zone free of nuclear weapons and other weapons of mass destruction? To NATO’s collective security policies, founded on nuclear deterrence? To the nuclear sabre-rattling between India and Pakistan?

II. A welcome advance


15. Tired arguments over the purported value of nuclear weapons possession were replaced by a renewed emphasis on the humanitarian imperative for nuclear disarmament. From this perspective, the catastrophic humanitarian consequences of nuclear weapons use outweigh any alleged benefits.

16. A product of widespread frustration with the lack of progress toward nuclear disarmament, the TPNW significantly strengthens the normative regime for nuclear abolition. Its effective implementation, which includes a scenario in which nuclear-weapon states and their allies join in good faith, will benefit from early and dedicated attention to the specific security contexts and relationships that will predictably be impacted.

17. A mantra in global nuclear disarmament and non-proliferation conversations has long been that there is an urgent need to formulate security arrangements that do not rely on the threat or use of nuclear weapons. So, what would those alternative security arrangements actually look like? As former U.S. statesmen Henry Kissinger, Sam Nunn, William Perry, and George Shultz argued in a 2007 op-ed for The Wall Street Journal, a world without nuclear weapons will not simply be today’s world minus nuclear weapons.
18. How would the security relationship between Russia and NATO be defined in a world without nuclear weapons? How can disparities in conventional military capabilities among nuclear armed states be accounted for in a serious abolition process? Is peace between North and South Korea a requisite for denuclearization in the Korean peninsula or vice versa? Do all states engage simultaneously in a nuclear abolition process or do the US and Russia take the lead, with other states joining at later stages?

19. Concerted thinking on effective approaches to address such issues is sorely needed. At a minimum, there must be a basic recognition of the need for a security framework to complement the existing legal and normative architecture for nuclear abolition.

III. Some security issues to address

A nuclear alliance

20. The North Atlantic Treaty Organization (NATO) has an overt policy of nuclear deterrence, and several non-nuclear weapons European states have nuclear weapons owned by the United States stationed on their territories.

21. The fact that all NATO members are also States Parties to the NPT raises important questions about the extent to which they are complying with their obligations under the treaty. In Article 1, each state party of the NPT with nuclear weapons “undertakes not to transfer to any recipient whatsoever nuclear weapons.” Article 2 requires “each non-nuclear weapon State Party to the Treaty” not to receive them.

22. The widespread rejection of this status quo, however, has done little to persuade nuclear-weapons states in NATO to change course. Of course, the position of non-nuclear weapons members of the alliance is also problematic. When it suits, they present themselves as responsible international actors that are non-nuclear-weapon states under the NPT. At the same time, they are party to, and endorse, a security relationship that runs contrary to the letter of the NPT and the broader goal of nuclear abolition.

23. NATO members extol the value of nuclear weapons as a supreme security guarantee that protects their vital security interests, but expect no one else to embrace the same rationale. They demand immediate, consistent compliance with non-proliferation obligations, but disregard their own responsibility to disarm. They consider the pursuit and possession of nuclear weapons by some states unacceptable, but seem content to accept the nuclear-weapons programs of military or economic allies, even outside the NPT framework.

24. In addition, NATO members with nuclear weapons continue to spend heavily in modernizations programs—as is the case with every other nuclear armed state. This inevitably extends the shelf life of warheads and related infrastructure, and pushes the abolition goalpost even further.

25. Obviously, NATO policy and doctrine with regard to nuclear weapons must change in any credible process to achieve nuclear disarmament.

Nuclear-armed states outside the NPT

26. Four of the nine countries currently in possession of nuclear arsenals—India, Pakistan, Israel, and North Korea—are outside the NPT framework, with no process in place to bring them into the fold. It is unlikely that these countries would be accepted into the NPT regime as nuclear-weapon states; it is just as unlikely that they would agree to join the treaty as non-nuclear-weapon states.
27. The impact of these states’ behaviour goes beyond the NPT framework and has direct implications for nuclear security. For example, in what has become a worrisome pattern, border skirmishes between India and Pakistan have become disturbingly routine.

28. Clashes in 2019 between these nuclear armed foes involved not just exchanges of gunfire, but cross-border airstrikes around the disputed Kashmir region, alarming nuclear observers about the risk of escalation to a scenario that might involve nuclear weapons. Similarly perilous incidents were observed the following year.

29. Of note, states parties to the NPT such as the United States and Canada, have engaged in nuclear cooperation with India despite the understanding and expectation that nuclear co-operation should be reserved for states parties to the treaty. Engaging in nuclear cooperation with India undermines the international community’s aspirations to fully universalize the NPT by providing rewards, instead of disincentives, to a state outside the NPT framework.

30. It is hard to see how the NPT can be a realistic vehicle to zero nuclear weapons when almost half of the states with nuclear weapons are neither bound by its obligations nor restricted by its limitations.

**The Middle East**

31. A resolution of the 1995 NPT Review Conference that called for “practical steps” toward a zone in the Middle East free of weapons of mass destruction was widely considered at the time to be critical for the indefinite extension of the NPT.

32. After years of negligible progress on this issue, NPT states parties at the 2010 Review Conference agreed on a decision to convene a conference on a Middle East free of nuclear weapons and other weapons of mass destruction by 2012. But no conference was held by this deadline. The issue emerged again at the 2015 NPT Review Conference, with the draft outcome document calling for UN Secretary-General Ban Ki-moon to convene a conference on this issue by March 2016. Once again, the deadline passed.

33. The issue finally gained some traction when it was taken up by the UN General Assembly, which in a December 2018 decision entrusted the Secretary-General with convening the long-delayed conference no later than 2019, then annually until a Middle East WMD-free Zone has been established. The first session was held on 18-22 November 2019, and a second on 29 November-3 December 2021. But not all required parties are at the table.

34. While there has been broad and participation by states in the region as well as four of five members of the UN Security Council (China, Russia, France and the United Kingdom), two states known to be crucial for the success of the process have refused to participate and have missed both sessions: Israel and the United States.

35. The achievement of a Mideast zone free of weapons of mass destruction is a necessary and integral part of a process to free the world of nuclear weapons. Despite welcome efforts and good intentions, the absence of key players make still make this a distant prospect.

**Iran**

36. Requiring separate analysis is the question of efforts to limit Iran’s ability to develop a nuclear weapons program.
37. The joint comprehensive plan of action (JCPOA) agreed to by Iran and the P5+1 (permanent members of the UN Security Council plus Germany) was a significant step in achieving a diplomatic solution to the volatile stalemate over Iran’s purported ambition to develop nuclear weapons. Although Iran was complying with the terms of the agreement, the United States withdrew unilaterally in 2018 and reinstated sanctions. As a result, the Iranian government has since walked away from its own commitments under the deal—which is now all but dead.

38. The agreement called for the removal of crippling sanctions on Iran—which have affected ordinary Iranians more than the country’s leadership—in exchange for strict limits on Iran’s nuclear activities. Iran agreed not to enrich uranium for the first 15 years beyond the level of 3.67 percent purity, needed to produce the low-enriched uranium (LEU) used in nuclear power stations. Weapons-grade uranium is 90 percent enriched. Iran had also agreed to inspections of its past nuclear-related work by the International Atomic Energy Agency (IAEA), which must certify Iranian cooperation before sanctions relief occurs.

39. While implementation of the JCPOA was always fraught with risk and uncertainty, most expert analyses concurred that the agreement was solid. Not only did it serve to gradually defuse the stalemate over the Iranian nuclear program, but it could also lay a strong foundation for normalized relations between the Islamic Republic and the West. The negotiation process itself represented a rare example of rapprochement between serious adversaries, which could have yielded ancillary benefits as the P5+1 and Iran work to overcome a history of mutual transgressions and utter mistrust.

40. With the unravelling of the JCPOA, the Iranian nuclear question is once again unresolved.

North Korea

41. In recent years, North Korea has made very significant, well-documented progress in its nuclear weapons program, including advances in warheads and delivery systems that would enable an attack on the continental United States.

42. At the same time, it is unlikely that the international community’s current approach—sanctions + sabre rattling—will put a halt to North Korea’s nuclear ambitions in the foreseeable future. No credible plan is in motion that can reasonably be expected to result in a denuclearized Korean peninsula.

43. Conventional wisdom has long held that North Korea would not abandon its nuclear weapons program without getting concrete and substantial security assurances in return—exactly the sort of trade-offs that countries like the United States has long ruled out.

44. To be sure, when North Korea speaks of security assurances, it is not referring to the lifting of sanctions, although this would certainly be a part of any grand bargain. While Pyongyang sees its nuclear arsenal as its prime bargaining chip, useful only once, sanctions can be easily reinstated.

45. Instead, security assurances to Pyongyang must be based on a fundamental change in US military doctrine and preparedness in the peninsula. This would involve the debate around the continued presence of approximately 28,000 US troops in South Korea.
46. There are other issues to consider in normalizing relations between North and South Korea, such as North Korea’s notoriously poor human rights record—exactly the type of record that has been used as a pretext to call for regime change in other cases. Would the United States and the rest of the international community be willing to acknowledge and support a North Korean autocratic regime, as long as nuclear weapons were out of the equation?

47. The denuclearization of North Korea is possible. But it will demand compromise from all parties. And a realistic plan of action.

IV. Still a rocky path ahead

48. The abolition of nuclear weapons requires disarmament provisions, verification mechanisms, and a timeline for implementation. These mechanics do not exist in a vacuum and cannot be operationalized without due consideration of relevant security dynamics and contexts, many of which point to issues that require effective resolution.

49. While it is beneficial, indeed constructive, for the nuclear abolition enterprise to focus on progress achieved, it is also critical to pay attention to areas in which progress has not been made. Some obstacles, unresolved issues, and security relationships are so entrenched that they could derail nuclear disarmament efforts for decades.

50. None of these issues, however, constitutes an insurmountable obstacle. The international community can muster responses to each. To succeed in this, imagination is certainly needed. But this much is certain: they must be addressed one way or another if nuclear abolition is ever to be a reality.