

## The U.N. just passed a treaty outlawing nuclear weapons. That actually matters.

By **Nina Tannenwald**

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On July 7, the United Nations adopted the first treaty imposing a total ban on nuclear weapons. This [Nuclear Prohibition Treaty](#) covers all aspects of nuclear weapons, including their use and threat of use, testing, development, possession, sharing and stationing in a different country. It provides a pathway for countries with nuclear weapons to join and destroy their nuclear arsenals. One hundred twenty-two nations — all non-nuclear — voted to adopt the treaty. Only the Netherlands voted against doing so, and Singapore abstained.

But the nine nuclear-armed countries — Britain, China, France, India, Israel, North Korea, Pakistan, Russia and the United States — boycotted the negotiations. So did all NATO members (except the Netherlands) as well as Japan and South Korea, all of which are protected by U.S. nuclear weapons. Although there was jubilation in the negotiating hall after the successful vote, the United States, Britain and France announced in a [joint statement](#), saying, “We do not intend to sign, ratify or ever become party to it. ... clearly disregards the realities of the international security environment,” including the growing threat of North Korea’s nuclear and missile programs.

The non-nuclear countries obviously knew that the treaty would not immediately cause nuclear states to give up their arsenals. So why did they put so much effort into it?

### **The Non-Proliferation Treaty creates nuclear haves and have-nots.**

To understand that, let’s look at a little history. The 1968 Nuclear Non-Proliferation Treaty (NPT) set up a “grand bargain” in which non-nuclear nations agreed not to acquire nuclear arms, while the five countries that possessed nuclear weapons at the time — Britain, China, France, Russia and the United States — agreed to pursue disarmament. Nearly 50 years later, there is still no real disarmament; in fact, most nuclear-armed countries are modernizing their arsenals. That leaves the non-nuclear nations frustrated that the nuclear powers didn’t hold up their end of the bargain.

That frustration led to a new campaign to delegitimize nuclear weapons. Launched in 2010 at a review conference of the NPT, the campaign highlighted the catastrophic humanitarian consequences of nuclear weapons. The campaign was led eventually by Austria, Brazil, Ireland, Mexico, New Zealand and South Africa, with strong support from civil society groups. It builds on the humanitarian concerns of the grass-roots [antinuclear movements of the 1950s](#), but makes a more explicit effort to link antinuclear activism to the framework of international humanitarian law.

Campaigners warned how using even a small number of nuclear weapons could kill millions of people in non-nuclear countries through radioactive fallout, drops in temperature and large-scale crop failures leading to famine. In highlighting the devastating medical, environmental and economic effects of nuclear war, the campaign challenges the identities of the nuclear-armed countries as “civilized.”

The campaign successfully mobilized the support of a majority of countries for a legal ban on nuclear weapons. In December 2016, the General Assembly voted by 113 in favor to hold treaty negotiations, despite objections from the Britain, France, Russia, the United States and 34 other countries. All NATO allies except for the Netherlands opposed negotiations. China, India, Japan, Pakistan and South Korea abstained.

The United States lobbied its allies against it. U.S. officials warned of dire consequences if it was adopted, arguing that it would undermine existing nonproliferation and arms-control efforts. However, here's why the United States is really opposed: The new treaty is explicitly trying to delegitimize the nuclear deterrence policies on which the United States and other nuclear-armed countries rely.

### **But wait, how will a ban work if the nuclear nations won't participate?**

The treaty's main goal is to unambiguously prohibit nuclear weapons, placing them in the same class as chemical and biological weapons — thereby strengthening the norms against nuclear weapons' use and possession.

Advocates believe the ban fills the legal gap left by the NPT, which has allowed the five declared nuclear powers to hang on to their nuclear weapons indefinitely. Taking that first step — declaring nuclear weapons illegal — can be done without the nuclear states. Indeed, the strategy was to leave them out so that they could not stall action — as they did, for instance, by not ratifying the Comprehensive Test Ban Treaty, which has not come into force.

As one advocate put it, “You cannot wait for the smokers to institute a smoking ban.”

### **The hope of nuclear disarmament has been around for a long time. How is this different?**

This new treaty exemplifies three trends.

**1) The democratizing of disarmament politics.** The nuclear powers are losing control of the nuclear disarmament agenda. The ban campaign took its playbook from past successful efforts to ban land mines and cluster bombs. In those earlier efforts, key countries, through simple majority votes, took the debate outside traditional consensus-based U.N. negotiating forums over the objections of recalcitrant nations. Now, as then, advocates worked to mobilize widespread support against a class of weapons.

**2) The key role of civil society groups.** The International Campaign to Abolish Nuclear Weapons (ICAN) united about 450 nongovernmental organizations around the world to work on this effort. As in the cluster bomb and land mines campaigns, these groups have reframed disarmament as a humanitarian, not simply a security, issue. NGO campaigners disseminated these arguments through the United Nations, proposed treaty language, critiqued drafts and lobbied member countries to adopt their preferred positions, often successfully. The treaty will encourage more citizen activism.

**3) The adoption of new norms.** The treaty promotes changes of attitude, ideas, principles and discourse — essential precursors to reducing numbers of nuclear weapons. This approach to disarmament starts by changing the meaning of nuclear weapons, forcing leaders and societies to think about and value them differently.

U.S. officials will reiterate that they are not bound by any treaty they did not join; therefore, by retaining nuclear weapons, they are not outside the law. Even so, a legal ban introduces new political challenges for the United States. The treaty's prohibition on threats of nuclear weapons use directly challenges deterrence policies. It is likely to complicate policy options for U.S. allies under the U.S. nuclear “umbrella,” who are accountable to their parliaments and civil societies.

The new ban treaty may not result in the physical destruction of nuclear weapons anytime soon. But it is likely to

have political effects internationally and domestically over the coming years, even in nuclear-armed states that did not, and will not, sign.

*Nina Tannenwald is director of the International Relations Program at Brown University and the author of “The Nuclear Taboo: The United States and the Non-Use of Nuclear Weapons.”*



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