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To cite this article: Michal Onderco (2017): Why nuclear weapon ban treaty is unlikely to fulfil its promise, Global Affairs, DOI: [10.1080/23340460.2017.1409082](https://doi.org/10.1080/23340460.2017.1409082)

To link to this article: <https://doi.org/10.1080/23340460.2017.1409082>



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Published online: 06 Dec 2017.



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# Why nuclear weapon ban treaty is unlikely to fulfil its promise

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## ABSTRACT

Recent discussion about the nuclear ban treaty is the culmination of the “Humanitarian initiative”, arguably the most important development within the non-proliferation regime over the past Review cycle. Supporters see such treaty as the first step to forcing countries possessing nuclear weapons to disarm. This paper argues that a ban treaty is a bad idea because it would neither strengthen the norms, nor make the world a safer place. Instead, it would weaken the position of international law, and put premium on cheating on international commitments. Such outcome would not be beneficial neither for those wishing to do away with the risk of nuclear weapons, nor for the stability of international system. The article wraps up by listing some alternative possibilities to make world safer from the nuclear weapons – short of banning them outright.

## ARTICLE HISTORY

Received 7 July 2017

Accepted 20 November 2017

## KEYWORDS

Nuclear ban; international regimes; negotiations; nuclear weapons; foreign policy

## Introduction

Arguably, the most important development within the non-proliferation regime since over the past Review cycle, which ended with the 2015 NPT Review Conference, has been the rise of the so-called “Humanitarian Initiative”. The Initiative is a continuation of the decades-long drive to advance nuclear disarmament through legal means. The Initiative, supported by a large coalition of non-governmental organizations and dozens of countries, aims at “filling the legal gap” on the use of nuclear weapons, and at advancing the nuclear disarmament agenda. The nuclear weapon ban treaty,

negotiated in New York in June 2017, is born out of the initiative. Even before the negotiations started, such treaty was, similar to other arms control treaties, generally considered by the supporters as being the first step to forcing countries possessing nuclear weapons to disarm.

The reasons raised by the supporters of the Humanitarian Initiative usually fall within three chief categories. The first one is so-called close calls – situation when nuclear weapons were almost used, either by negligence or by real escalation. The second reason is a potential catastrophic impact of nuclear detonations. Thirdly, the opponents point out that

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An earlier version of this paper was presented at the conference of the *European Initiative on Security Studies*, in Paris (January 2017).

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nuclear weapons, by their very nature, violate the principles of distinction, proportionality and ban on indiscriminate attacks. These principles form the bedrock of the international humanitarian law, and their violation in armed conflict is not permissible.

For these reasons, the supporters of Humanitarian Initiative advocated for a nuclear ban treaty. The treaty holds a promise that, if adopted by a great majority of world's states, it would ban the nuclear weapons for good. The purpose of this article is to argue that nuclear ban treaty is unlikely to fulfil its promise. It is unlikely to do so, because it would neither strengthen the norms, nor make the world a safer place. Instead, it would weaken the position of international law, and even if it led to nuclear disarmament, it would put premium on cheating on international commitments. The article wraps up by listing some alternative possibilities to make world safer from the nuclear weapons – short of banning them outright.

### The Humanitarian Initiative

Humanitarian Initiative – the attempt to ban the use of nuclear weapons because of their humanitarian impact – has gained traction since 2012. It originally started as a statement of 16 countries at the 2012 Preparatory Conference for the 2015 NPT Review Conference (PrepCom, for short) (“Joint statement on the humanitarian dimension,” 2012). The membership quickly increased, and 127 countries attended the first Conference on the Humanitarian Impact of Nuclear Weapons, hosted by Norway. The following conference in Nayarit, Mexico, in 2014 was attended by 146 members; and the conference in Vienna in December 2014 was attended by the

United States and the United Kingdom, as the first NPT nuclear weapons states. The conference ended with the bilateral Vienna Pledge calling for ban on the production, stockpiling and use of the nuclear weapons. The pledge was initially supported by 107 states; and was adopted by the United Nations General Assembly during its 70th session as the Resolution 70/48, with 139 out of 168 countries voted in favour (United Nations, 2015).

The extraordinary success of the initiative owes to the appeal of the pledge on three general counts. Firstly, it is the history of close calls. As existing research has argued that the nuclear history is full of “near misses” and close calls, when only a small step was missing for the use of nuclear weapons (Lewis, Williams, Pelopidas, & Aghlani, 2014; Schlosser, 2014). Given the constant alert on which nuclear weapons are placed, short trigger times, and situations that are often hard to decipher quickly, the potential for miscalculation is enormous. That, of course, does not take into account the potential technological failures, such as the 1983 malfunction which erroneously identified a launch of five intercontinental ballistic missiles headed towards the Soviet Union, and when nuclear retaliatory strike was prevented only by Lt Col Petrov.<sup>1</sup> Furthermore, the management of the nuclear weapons, even in the most technologically advanced settings, is prone to mishaps, which threaten the very countries nuclear weapons are meant to protect.<sup>2</sup>

The second reason the potential catastrophic impact of nuclear explosion on the human society. Nuclear explosion, releasing energy in the forms of heat, blast and radiation, brings immediate, long-term destruction. By the calculations of the International Campaign Against Nuclear Weapons, “a regional nuclear

war involving around 100 Hiroshima-sized weapons would disrupt the global climate and agricultural production so severely that more than a billion people would be at risk of famine” (“Catastrophic harm,” 2003). The suffering in the aftermath of the nuclear explosion would be due to burns, blasts, and radiation leading to deaths. The proponents of the nuclear weapon ban claim that the impact alone would make any sensible humanitarian response to the nuclear explosion impossible.

The third reason for opposing the nuclear weapons is legal. The International Committee of the Red Cross and Red Crescent (ICRC) has been leading the campaign in this respect. The proponents of the legal argument state that due to the indiscriminate suffering the nuclear weapons bring about; their impact is incompatible with the principles of distinction, proportionality, necessity and infliction of unnecessary suffering. The legal challenge has been already presented to the International Court of Justice (ICJ) by the World Health Organization, which requested the ICJ to deliver an advisory opinion. In 1996, the ICJ delivered its famous *Legality of the Threat or Use of Nuclear Weapons* Advisory Opinion of 1996.

The court left the proponents of the total ban unhappy. In the Advisory Opinion, the ICJ held that use of nuclear weapons could be permitted, in very restrictive circumstances. Such could include marginal cases (such as the use of low-yield nuclear weapons in remote areas) or extreme circumstances of self-defence (the survival of a state). Written statements submitted to the Court as a part of the proceedings, for example, invoked a possible legality of the use of nuclear weapons against naval vessels, or an armoured formation (“Letter dated 20 June 1995 from the Acting Legal Adviser

to the Department of State, together with Written Statement of the Government of the United States of America”, 1995). The de-classified military plans for the use of US nuclear weapons show that these go well beyond naval vessels and armoured formations (“Atomic Weapons Requirements Study (complex list),” 1956). The proponents of the nuclear ban point out to the discrepancy, and repeat that the present plans for the use of nuclear weapons rely on element largely outside the scope, which even the nuclear weapons states use for justification.

The latest legal challenge to the nuclear weapons, in the form of the claim filed by the Marshall Islands against the nine states possessing nuclear weapons, failed too. The ICJ found itself not having jurisdiction for the lack of dispute between the Marshall Islands and the three countries (the United Kingdom, India and Pakistan) that accept ICJ’s jurisdiction universally (International Court of Justice, 2016a, 2016b, 2016c).

### How does the ban look like?

The idea of a “nuclear ban treaty” builds on a straightforward format, sometimes also called “a simple-ban treaty”. Proponents of a simple ban treaty argue that mere existence of the treaty (and associated membership thereof) would be enough to create a normative pressure on the nuclear weapons states to disarm. This is the model that the UNGA resolution of November 2016 seems to have in mind, with its paragraph 12 calling upon “States participating in the conference to make their best endeavours to conclude as soon as possible a legally binding instrument to prohibit nuclear weapons, leading towards their total elimination[.]”(United Nations, 2016). This is also the format towards which Treaty on the Prohibition

of Nuclear Weapons adopts. The Treaty does not contain elaborate provisions for verification and dismantlement (Caughley & Mukhatzhanova, 2017).<sup>3</sup>

The issue of verification is particularly tricky. As outlined later in the paper, verification of dismantlement is key for preventing the nuclear ban turning into a nuclear nightmare. If other conventions related to weapons of mass destruction – such as the chemical weapons convention or the biological weapons convention – are of any guidance, then verification is the trickiest of subjects. In case of the biological weapons convention, where verification provisions are not included, the issue of verification returns repeatedly to the fore (Findlay, 2006; Kahn, 2011). In the Chemical Weapons Convention, a comparably more complete regime with a verification mechanism and an international organization backing it up, the verification disputes have been recently plaguing the meetings of both the Executive Council and the Conference of State Parties. Reports by diplomats of stalled meetings and weeks-long delays over the use of chemical weapons in Syria became commonplace. Despite having completed the destruction of all the declared chemical weapons materiel in the country in January 2016, the reports of the use of chemical weapons in Syria continue to emerge (Malsin, 2016).

### **Even if it worked, would it make the world safer?**

The key premise behind the thinking about the nuclear weapons ban (whether a ban treaty or a convention) is that such instrument would make a safer place (somehow). This thinking emerges from the line of argumentation that assumes that the nuclear weapons make the world dangerous per se, not that

nuclear weapons are a result of the security dilemma (for a similar argument, see Müller & Kötter, 1991). However, seeking nuclear weapons (as any type of armament) is usually at least initially spurred by security concerns (Debs & Monteiro, 2016; Sagan, 1996).<sup>4</sup>

Political scientists working on the issue of arms control have historically used the prisoner's dilemma as a starting point for their considerations of issues related to designing arms control instruments (Jervis, 1982). Devised by John Herz in 1950s, prisoner's dilemma provides a simple scenario to think about situations where motivation for reneging on commitments is high, and potential benefit from such action is also high (Herz, 1950). The main fear stemming from cooperation in prisoners dilemma is that of exploitation – where one party complies and the other party does not. Such situation can lead to disproportionate gains for the non-compliant party. States therefore deeply care about potential defection, and the costs thereof (Lipson, 1984; Oye, 2003). In this case, defection refers to the risk of violation of agreement, or maintenance of a (secret) nuclear weapon programme.

Practitioners of arms control negotiations have acknowledged that the issue of verification is often fuzzy (even for one's own side) and is among the most crucial but also most difficult to negotiate (Graham, 2002). Policy experts, however, also agree that the verification and monitoring of compliance is the key element for evaluating whether a certain provision of arms control law is effective or not (Hart & Fedchenko, 2009). This is why most of the accounts of the nuclear disarmament and abolition spend significant amount of space on the discussion about the need for verification (Perkovich & Acton, 2009).

Yet, the challenge of verification is immense. One needs to only remember the verification of Iran (or Iraq)'s nuclear programme, and its long-term challenges, where the IAEA was not able to certify Iran's submissions for a long time. One should take into account that Iran is a developing country, which had in its interest to come clean about its nuclear programme, and of which nuclear programme was relatively limited (compared to that of Russia, the US or China). Another example is South Africa, the only country in the world that indigenously built, and then destroyed, functional nuclear weapons (Lieberman, 2001; Purkitt & Burgess, 2005; van Wyk, 2009). Often forgotten element is that South African regime was, at the time, negotiating itself out of power, and under enormous pressure to give up its nuclear weapons before the transition to the majoritarian rule. Not many countries (and certainly none of the five nuclear weapon states) are in such positions.

The Treaty (United Nations, 2017) recommends an international authority designated by State Parties to take over the responsibility for verification of the submissions about disarmament. Which organization this may be is, however, unclear. The IAEA, despite having possibly largest expertise in nuclear matters, has no expertise in weapon dismantlement and disarmament verification (Wolfsthal, 2017). If the IAEA were to assume challenge to verify complete nuclear disarmament, its manpower, expertise and powers would have to increase substantially (VERTIC, 2015a). It is far from obvious that member states would be in favour of it (VERTIC, 2015b). In a situation (quite unlikely) that a ban would lead to global nuclear disarmament, the existing situation would put premium on cheating in

international politics. Quite simply, the party that would somehow cheat on the existing agreement and managed to keep its hold on nuclear weapons (or ability to construct them at very short notice) could hold the world hostage. This point is not new; Thomas Schelling made it almost a decade ago. In Schelling's words

a "world without nuclear weapons" would be a world in which [...] countries would have hair-trigger mobilization plans to rebuild nuclear weapons and mobilize or commandeer delivery systems, and would have prepared targets to preempt other nations' nuclear facilities, all in a high-alert status, with practice drills and secure emergency communications. Every crisis would be a nuclear crisis, any war could become a nuclear war. The urge to preempt would dominate; whoever gets the first few weapons will coerce or preempt. It would be a nervous world. (Schelling, 2009)

The "nuclear zero" world would be not only a world with high readiness to produce weapons, but also a world where the expertise exists.<sup>5</sup> If one remembers the discussions about the difficulties to obliterate Iran's nuclear programme through military means to remember that destruction of weapons and limitation of facilities does not lead automatically to a peace of mind about the ambitions related to nuclear weapons (Kroenig, 2014; Raas & Long, 2007).

The dual use of many steps leading towards nuclear weapons would further complicate the issue of verification. It is worth recalling Wohlstetter's basic argument about "getting the bomb while not quite breaking the rules" (Wohlstetter, 1976). Essentially, a country can get very close to having a nuclear weapon capability without building a nuclear weapon. The dual-use nature of the process leading to the nuclear weapons would

continue to verification difficult (Fuhrmann, 2012), and states continue to worry about potential intrusions on their national sovereignty (Kreps, *in press*). A good example of such resistance is Brazil, one of the main forces behind the nuclear weapons ban, which resists IAEA Additional Protocol exactly because of protection of national sovereignty and the country's nuclear expertise, developed within a framework of a nuclear programme under the military's auspices (Kassenova, 2014; Onderco, 2016; Spektor, 2010). The current draft of the treaty, with its explicit demand for the lowest existing standard of inspections, provides a worrying look into the future (United Nations, 2017, Art 3(2)).

Hence, the complete nuclear disarmament would be highly unlikely to make the world more stable, as the proponents suggest. On the opposite, it would give premium to states cheating on their commitments. With well-known impact of the use of nuclear weapons (which the proponents of the ban are very well aware of), the ability to prevail in bargaining would be significant. With missing or weak verification, and the benefits of defecting on countries' commitments (in this case, the commitment being nuclear zero) would increase their chances of non-compliance. For a chilling illustration, recent examples of Syria, or a more distant example of Soviet defections on their commitments under Biological Weapons Convention, shows that normative commitments (with or without verification mechanisms) have only limited power to deter violations. In case of nuclear weapons, such violations have a potential to be disastrous.

The account above overlooks the possibility that the demise of nuclear weapons could bring about increase in

conventional armaments, with a possibility to make the international security even more unstable (Brodie, Dunn, Wolfers, Corbett, & Fox, 1946; Glaser, 1998; Waltz, 1981). This possibility is not at all overstated – as the then-Vice President of the United States Joseph Biden said in one of his last public appearances, conventional superiority might make nuclear weapons less relevant for the US national security (Biden, 2017). It may, therefore, mean that nuclear disarmament, if divorced from addressing the underlying security dilemma, may actually increase instability, contrary to the predictions by the proponents.

### Will it strengthen norms?

If the nuclear weapon ban could not lead to disarmament, it is possible at least that it will lead to strengthening of the norm against the nuclear weapons. In other words, even if the nuclear weapons states would not sign on the treaty and comply with its provisions, the normative power behind the movement, and its sheer size, would compel the states to give up their nuclear weapons.

Political scientist Tom Sauer summarized this line of thinking:

The major goal of a Ban Treaty would be to elevate the nuclear taboo to prominence and, by doing so, stigmatize the spread of nuclear weapons. The hope is that by doing so a societal and political debate will arise, including in some of the (democratic) nuclear-weapon states. (Sauer, 2016)

Similar argument is advanced by the Beatrice Fihn, Executive Director of the International Campaign to Abolish Nuclear Weapons, in her recent article: “[p]rohibition precedes elimination – not the other way” (Fihn, 2017, p. 46). This argument is based on mechanism known in the



international relations literature as a norm spiral – while violator of a norm at first resist, over time they accept the language of the norm, and finally comply with the norm (Risse & Sikkink, 1999). Sauer, just like other proponents of such normative spiral, assumes that the anti-nuclear norms would “float freely” and could lead to public pressure to give up nuclear weapons.

There are two problems with such argument. Firstly, ideas do not float freely, to cite Thomas Risse-Kappen’s famous article (Risse-Kappen, 1994). Domestic structures matter – national security decision-making in different countries is to a different extent responsive to the public opinion. Furthermore, public opinion is not universally opposed to the nuclear weapons – in fact, the nuclear weapon taboo is quite weakly represented in public opinion (Press, Sagan, & Valentino, 2013; Sagan & Valentino, 2017). This is not to say that norm against the use of nuclear weapons does not exist – Western nuclear weapons states continue to explain the need to keep nuclear weapons, underlining their awareness of the existing norm against their use.

For example, the British public opinion still fairly strongly supports the nuclear deterrent (Grice, 2016). And while it is not inconceivable that some proponent of unilateral nuclear disarmament would gain access to a high office in a nuclear weapons state (Jeremy Corbyn would be such example), even a single state disarmament would not lead to norm cascade, where other countries would follow. South Africa’s and Ukraine’s disarmament, or Qaddafi’s Libya’s dismantlement of their nuclear programme did not spur countries to give up their nuclear deterrent. If anything, the Qaddafi’s fate, and Ukraine’s recent

experience with the country’s security guarantor, cast shadow over the strategic logic behind such steps (Ruble, 2015; Thakur, 2015).

Another useful counter-example is provided by a convention which some nuclear weapon ban proponents take as an example – the Ottawa Treaty banning landmines (Berry, Lewis, Pelopidas, Sokov, & Wilson, 2010). While the treaty banning the nuclear weapons would need only 50 signatures to come into force and produce the alleged normative pressure (United Nations, 2017, Art 15), the Ottawa Treaty has 162 State Parties to the treaty (success which even the Humanitarian Initiative can be envious about). Yet, important countries remain outside because they believe in the military utility of the weapons, while in some states party a political debate is held about the wisdom of such membership (e.g. in Finland), and yet others (such as Turkey) have repeatedly missed deadlines in complying with the treaty. This suggests that normative pressure – even from a *very successful* treaty – is limited on non-parties, and not absolute on parties. States who believe in military utility of a certain weapon are unlikely to sign up to a treaty banning such weapon. Such was the case with other weapons; there is no reason why it should be otherwise with nuclear weapons.

Some proponents of the ban propose that the widespread support for the nuclear ban treaty would undermine the legal validity of the claims justifying the continuing possession of the nuclear weapons by the nuclear weapon states (Ritchie, 2016). This is quite unlikely. Nuclear weapon states would simply argue that the ban treaty does not apply to them, as they are not party to it. Furthermore, they can argue that they are



on track to fulfil their obligations under Art VI, by decreasing the nuclear arsenals from their Cold War peaks (such argument may be counter-argued by pointing out nuclear weapon's states commitment to multilateral disarmament, which is not fulfilled by bilateral and plurilateral arrangements, cf. Loets, 2016).<sup>6</sup>

This argument is not only rooted in general principles of law, but in the existing analysis of rules of international responsibility. As pointed out by former ICJ President Tomka (2016) a recent Separate Opinion, nuclear disarmament is a textbook example of what scholars of international law know as conditional performance. In disarmament treaties, states reduce their "military power because and to the extent that the other parties do likewise" (Sicilianos, 2002 in Tomka, 2016, p. 1134). States' responsibility to comply is conditional on others states' compliance with their obligations under the same treaty (Crawford, 2002). Political science research on actual compliance with international law overwhelmingly confirms such findings. Existing work showed that compliance with international law is a matter of reciprocity and peer-performance (Morrow, 2015; Simmons, 2000). In other words, states comply with international law because they see (or expect) others to comply. This means that nuclear weapon states would start complying with the treaty's provisions only if they expected their counterparts to comply.

Secondly, and more worryingly, the ban treaty could seriously damage the actual negotiations towards nuclear disarmament, and the existing non-proliferation regime. Some supporters of the ban even suggest that the conclusion of a ban treaty by some countries should lead to a joint withdrawal from the Non-Proliferation Treaty by these states

(Joyner, 2016). Not only the withdrawal from the NPT is not in the interest of any of the members states, whether the nuclear weapon states or others (Horowitz, 2015), such action would damage the existing law and practice emanating from the treaty (including in relation to Articles I and II), and has a potential to create further confusion among the members.

Even if proponents of the ban treaty remained parties to the NPT, it is unlikely that nuclear weapons countries would be susceptible to the normative pressure to give up nuclear weapons. On the opposite, the nuclear ban movement carries a serious risk to derail the existing cooperation. The topic of nuclear ban is becoming a major dividing point also in unrelated forums, such as the IAEA Board of Governors, or the European Union. It is hard to imagine how the nuclear ban treaty could bring about "new life" into the NPT review process as the proponents suggest (Acheson & Fihn, 2013). Already in the 2015 NPT Review Conference, the otherwise coherent group of the EU member states faced rising disagreement over the issue of nuclear disarmament, which significantly hampered the cooperation even among the otherwise sympathetic countries (Smetana, 2016). This disagreement among the EU further increased over time, leading to the absence of a statement on behalf of the EU in Cluster 1 of the First Committee recently.

Banning the treaty may therefore not only not bring us closer to actual nuclear disarmament, but it may make the goal more difficult. By stalling negotiations within the NPT (and with Conference on Disarmament blocked), the global disarmament agenda is likely to become stuck with the passing of the ban treaty. The countries in the treaty would refer

to the treaty as a precondition for further steps, whereas the countries outside the treaty would continue arguing that such treaty is deeply flawed. Furthermore, there is a strong feeling that the treaty is targeted against some nuclear weapons states more than against others, and has an anti-Western bias (Harries, 2017; Wolfsthal, 2017). Such allegations will not help to smooth future negotiations. Even if imperfect, the NPT benefits vast majority of its members, if only because it diminishes significantly the difficulty of conducting foreign policy in an area where few states have significant interests. At this moment, for many countries, nuclear non-proliferation is an issue of only tangential interest. Bringing it to a grinding halt through ban treaty would not serve the community interests, and could bring about the deterioration of the standing of the treaty among its members.

## Conclusion

In this paper, I argued that the current draft of the nuclear ban treaty is unlikely to lead to nuclear disarmament, because it does not address the fundamental issues related to verification. The absence of such provisions makes states unlikely to join, and comply with, the provisions of the treaty. Yet, alternatives to the nuclear ban are not only present, but also readily available and not at all tested. Nuclear weapons are nothing but a reaction to the security dilemma states face.

The first alternative is to work on next disarmament steps, and further reduction in stockpiles, associated with de-alerting of existing nuclear weapons and creation of more trust among the nuclear weapons states. De-alerting, and encouragement for no-first-use commitments by the

nuclear weapon states would decrease the military utility of nuclear weapons in the eyes of the military (Ritchie, 2014). This may, in turn, lead to opening of the avenues to consider the humanitarian grounds for banning nuclear weapons, along the lines taken by the coalition advocating the ban on cluster ammunition (Borrie, 2014). At the same time, efforts to promote verifiable nuclear disarmament (including through the public-private enterprises such as the International Partnership for Nuclear Disarmament Verification) should be encouraged, rather than maligned as insufficient.

For civil society, denouncing practices of nuclear deterrence or nuclear threats is a viable choice. Anti-nuclear movement has been historically anti-Western, or more specifically anti-American (Moro, 2011; Müller & Risse-Kappen, 1987). Yet, the dangers commonly associated with nuclear weapons, are today mostly associated with Russia, which famously “put the nuclear gun on the table”, North Korea, or China’s non-transparent modernization and posture (Buckley, Jones, & Hille, 2016; Meyer, Salander, & Mian, 2015). Denouncing, for example, Vladimir Putin’s threats of use of nuclear weapons, and practicing for their use in fight, would undoubtedly support the norm against nuclear weapons even more. The role of civil society in such denouncements cannot be under stated. Humanitarian aspects of possible nuclear explosion provide an excellent angle to continue fostering steps towards de-legitimation of nuclear weapons.

Lastly, progress on nuclear weapons cannot be separated from the progress on conventional disarmament. Even the most recent UNGA resolution was adopted under the heading of general and complete disarmament. If the “nuclear zero” is to make the world

safer, conventional disarmament must be made part of the discussion. Therefore, it makes no sense to limit activities within the field to nuclear disarmament only, however sexy that may sound.

## Acknowledgements

The author is thankful to Ulrich Kühn, Benoît Pelopidas, Nick Ritchie, Tom Sauer and Luis Simón for their helpful comments. All mistakes remain my own.

## Disclosure statement

No potential conflict of interest was reported by the author.

## Notes on contributor

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## Notes

1. The story was popularized in the 2014 movie *The Man Who Saved the World* by the Danish director Peter Anthony.
2. But see a recent criticism by Tertrais (2017), who argues that all of the alleged close calls have been prevented by the institutional system put in place to prevent accidents.
3. An alternative to the simple ban treaty would be a more complicated instrument, a nuclear weapon convention, which is a more comprehensive proposal, including provisions for dismantlement and verification. Such treaty should be as close to universality as possible, including states possessing nuclear weapons (whether NWS or

not). As Brazil's working paper to the OEWG states,

[t]he highest degree of effectiveness would be reaching a consensual timeframe and an agreed verification mechanism for the elimination of nuclear arsenals. All approaches should thus be judged on how close they would bring the international community towards this goal. ("Effective measures, legal norms and provisions on nuclear weapons: A hybrid approach towards nuclear disarmament. Submitted by Brazil (A/AC. 286/WP. 37)", 2016)

4. In reverse, states tend to roll back their nuclear weapons programs if their security assessment changes, or if their security needs are guaranteed by another country, such as the United States, cf. (Levite, 2003).
5. Interesting work on so-called "zero-knowledge protocols" gives some promise to thinking about possibility to keep declared materials safe, cf. Glaser, Barak, and Goldston (2014). Even such sophisticated methods are, however, not completely immune to hacking and cheating (Kemp, Danagoulian, Macdonald, & Vavrek, 2016).
6. They would also challenge the notion that widespread support for the nuclear ban treaty somehow constitutes an emerging international custom – state practice needed for emergence of international customs requires practice of the states concerned (Dixon, 2013; Shaw, 2008). I am thankful to the reviewer for pointing out this aspect.

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