Waiting for Kant: devaluing and delegitimizing nuclear weapons

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The world has always been and will always be an unstable environment. Waiting for a Kantian universal and perpetual peace to commit to forswear atomic weapons simply runs counter to the ultimate objective of the NPT, which is the total and irreversible elimination of nuclear weapons.[1]

This article presents three images of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) as a means of contextualizing advocacy by non-nuclear weapon states (NNWS) parties to the NPT of a series of measures to diminish the role, salience and value of nuclear weapons, and an emerging agenda to delegitimize nuclear weapons as instruments of civilized statecraft. In the first two images, the article develops a distinction between 'surface' and 'deep' devaluing. In doing so it foregrounds debate on whether the concept and practice of nuclear deterrence is an either/or dichotomy or a spectrum along which nuclear weapons policies and practices can travel. The article argues that the core contention of NNWS' advocacy conforms to the latter: that the nuclear weapon states (NWS) recognized by the NPT (the United States, Russia, China, the United Kingdom and France) can and should actively constrain the practice of nuclear deterrence commensurate with progress towards a world free of nuclear weapons in fulfilment of their longstanding commitments under the NPT through measures that cumulatively diminish the value of their nuclear weapons. The article concludes by exploring a third image of the NPT centred on delegitimizing nuclear weapons. This is rooted in recent initiatives to reframe global nuclear discourse by highlighting the unacceptable humanitarian effects of nuclear use in the face of a seemingly implacable commitment to the logic of nuclear deterrence by nuclear-armed states.

Devaluing nuclear weapons

Advocacy of 'devaluing' nuclear weapons in global nuclear discourse has gathered pace since the mid-1990s. I have examined the concept of valuing and devaluing nuclear weapons in a separate article using the UK as a case-study.[2] This article explores the progressive devaluing of nuclear weapons through an NNWS

[1] Statement by Ambassador Antonio Guerreiro, Permanent Representative of Brazil to the Conference on Disarmament, NPT Preparatory Committee, Vienna, 2 May 2012.
[2] Nick Ritchie, 'Valuing and devaluing nuclear weapons', *Contemporary Security Policy* 34: 1, 2013, pp. 146–73.

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perspective in the context of NPT nuclear politics. This process is located within a broader set of devaluing dynamics beyond the NPT, not explored in this article, that seek to diminish the perceived political power, legitimacy and validity of nuclear weapons and nuclear deterrence. A separate article explores the concept of legitimizing and delegitimizing nuclear weapons in more detail.[3]

We can broadly define 'devaluing' as a set of social, political and economic processes that reduce or annul the shared value(s) assigned to nuclear weapons within a polity, notably its defence and security elite, in terms of the perceived beneficial effects of their possession and deployment. The term 'assigned' is important here because it asserts that nuclear weapons have no *intrinsic* values beyond those conferred upon them within a particular socio-historical context, even if some of those values have been essentialized in the mere existence of the weapons.[4] What those values are and how they are represented will vary with social and historical context within and between nuclear-armed states. Devaluing nuclear weapons is therefore a process rather than an end-state, and determining the extent of nuclear valuation and devaluation requires a subjective assessment of the social meanings assigned to them as material objects. Nuclear disarmament, though, will necessarily entail a process of devaluing, or 'un-valuing', nuclear weapons since states are unlikely to surrender voluntarily what are considered highly prized national assets.

The concept of devaluing nuclear weapons is also associated with notions of 'delegitimizing', 'stigmatizing', 'marginalizing', 'reducing the salience of' and 'reducing the role of' nuclear weapons. The devaluing of nuclear weapons as part of a nuclear disarmament process has been advocated in a series of high-profile international commissions from the mid-1990s onwards (the 1996 Canberra Commission, the 1999 Tokyo Forum and the 2006 Blix Commission on Weapons of Mass Destruction) as well as statements by NNWS at international forums such as the Conference on Disarmament, the UN General Assembly First Committee and the NPT Preparatory Committees and Review Conferences. An important contemporary example is the major International Commission on Nuclear Non-Proliferation and Disarmament (ICNND) chaired by Japan and Australia that reported in 2009. The Commission argued: 'If we want to minimize and ultimately eliminate nuclear weapons, the critical need is to change perceptions of their role and utility: in effect, to achieve their progressive delegitimation, from a position in which they occupied a central strategic place to one in which their role is seen as quite marginal, and eventually wholly unnecessary as well as undesirable.'[5] NWS and NNWS parties to the NPT formally agreed to reduce the role and significance of nuclear weapons in the 2010 NPT Review Conference final document. The document set out a 64-point action plan requiring the NWS

[3] Nick Ritchie, 'Legitimising and delegitimising nuclear weapons', in John Borrie and Tim Caughley, eds, *Viewing nuclear weapons through a humanitarian lens* (Geneva: UNIDIR, 2013), pp. 44–75.

[4] Robert Jervis, *The meaning of the nuclear revolution: statecraft and the prospect of Armageddon* (Ithaca, NY: Cornell University Press, 1989).

[5] International Commission on Nuclear Non-Proliferation and Disarmament, *Eliminating nuclear threats: a practical agenda for global policymakers* (Tokyo and Canberra, 2009), p. 59.

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'to further diminish the role and significance of nuclear weapons in all military and security concepts, doctrines and policies'.[6]

Image 1: 'Surface' devaluing

The NWS have been subject to consistent pressure since the end of the Cold War to reduce the value assigned to nuclear weapons through quantitative reductions in weapon numbers and qualitative changes in nuclear doctrine. They have been criticized for slow progress and an undiminished commitment to the logic and practice of nuclear deterrence. The NWS reject this criticism and insist they have done an impressive job in de-escalating the Cold War confrontation through significant reductions in their nuclear arsenals. The US, France, Russia and the UK all point to nuclear force reductions since the end of the Cold War as sufficient evidence for their meeting disarmament commitments under the NPT (China does not formally discuss the size of its stockpile or any force reductions made). The UK and US also point to changes in nuclear declaratory policies made ahead of the 2010 NPT Review Conference, while China invokes its no first use and unconditional negative security assurance (outlined below) and, along with France and the UK, its practice of 'minimum' nuclear deterrence as further evidence of good nuclear citizenship. According to the NWS, these actions constitute 'unprecedented progress and efforts made by the nuclear-weapon States in nuclear arms reduction, disarmament, confidence-building and transparency'. They 'note with satisfaction that stocks of nuclear weapons are now at far lower levels than at any time in the past half-century', an outcome delivered through 'systematic and progressive efforts' since the end of the Cold War.[7]

The real picture, however, is not quite as rosy (see figure 1). History shows that after an initial cull of (primarily non-strategic) nuclear weapons by the US and USSR/Russia in the early 1990s, nuclear force reductions have proceeded at a more leisurely pace. The unilateral/reciprocal force reductions under George H. W. Bush and Mikhail Gorbachev in 1991 and Boris Yeltsin in 1992 were instrumental in reducing the bloated nuclear legacy of the Cold War. These Presidential Nuclear Initiatives (PNIs) saw the US unilaterally withdraw the majority of its forward-deployed tactical nuclear weapons and cancel or curtail a number of nuclear programmes, with reciprocal measures by the Soviet Union/Russia.[8]

These nuclear cuts and further strategic nuclear reductions under the START process (the 1991 START I, 2002 SORT, and 2010 New START treaties), as well as unilateral reductions by the UK and France, are of course important and welcome. Nevertheless, they represent a codification of the changed geostrategic environment following the end of the Cold War through the consolidation of nuclear

[6] 2010 Review Conference of States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, final document (vol. 1), NPT/CONF.2010/50 (New York, 2010), p. 21.

[7] Statement by the P5, NPT Preparatory Committee, General Debate, Vienna, 3 May 2012.

[8] Richard Cheney, 'Prepared statement by Richard B. Cheney, Secretary of Defense', Hearing before the Senate Committee on Armed Services, 'Military implications of START I and START II', 28 July 1992 (Washington DC, United States Senate), p. 13.

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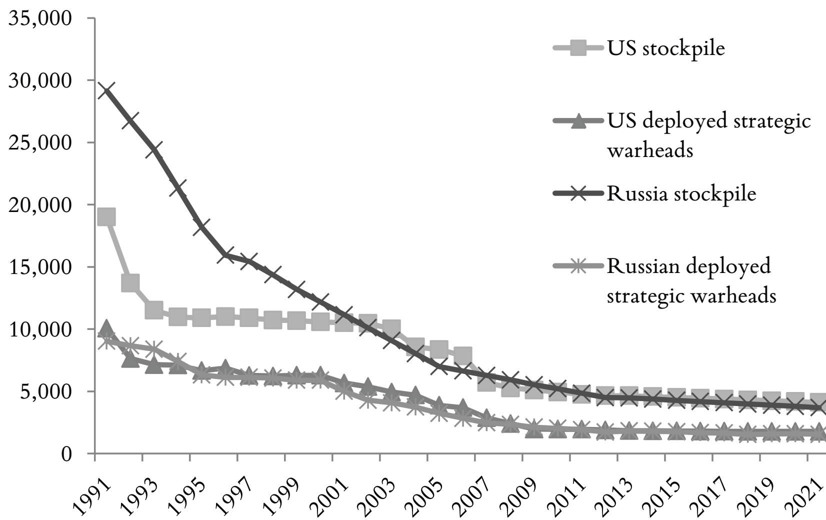
Figure 1: US and Russian nuclear weapons trend



Source: Hans M. Kristensen, *Trimming of nuclear excess: options for further reductions of U.S. and Russian nuclear forces*, Federation of American Scientists Special Report no. 5, Dec. 2012.

forces rather than any fundamental downgrading of nuclear weapons or radical rethinking of the commitment to nuclear deterrence. They signify an acknowledgement of the reduced salience of nuclear weapons in national defence and conceptions of global balances of power driven by a shift in defence priorities to 'new wars', regional intervention and expeditionary conventional military capabilities. The PNIs, for example, were a pragmatic response to geopolitical, financial and technical realities rather than a sweeping away of Cold War doctrine, as some argued.[9] The US took advantage of the dramatic changes in the Soviet Union and Europe to reduce the threat of nuclear conflict, enhance strategic stability, significantly reduce the cost of nuclear forces and the size of the defence budget, address technical challenges affecting some nuclear systems, facilitate political and military change in the USSR, and accommodate international and domestic agitation for nuclear force reductions.[10]

Nevertheless, acknowledgement of the reduced salience of nuclear weapons has been slow and cautious. Bureaucratic inertia and geostrategic suspicion between the US, Russia and China have reproduced a strong conservatism in nuclear weapons policy that has proved resistant to change in the name of prudent strategy.[11] As Morgan and Quester argue:

9 In 1991 Representative Lee Hamilton maintained that 'the most astonishing aspect of the President's initiative is his call for a unilateral reduction of U.S. armaments. In one stroke, he scrapped much of the now obsolete nuclear doctrine and Cold War thinking of the past four decades. He has paved the way for a new approach': Lee Hamilton, 'The President's Arms Control Speech', *Congressional Record (Extension of Remarks)*, 9 Oct. 1991, p. E3331.

10 George H. W. Bush, 'Presidential initiative on nuclear arms', 27 Sept. 1991 (Washington DC: US Government Printing Office); Cheney, 'Prepared statement', p. 12.

11 On nuclear inertia, see Janne Nolan, *An elusive consensus: nuclear weapons and American security after the Cold War* (Washington DC: Brookings Institution Press, 1999).

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> Many features of cold war deterrence practices still survive today … numerous states are relying on existing security arrangements because these are comfortable and comforting: retaining basic nuclear deterrence, resisting elimination of nuclear weapons, relying on U.S. alliances and informal security ties, improving nuclear weapons systems, participating in large conventional weapons flows. Even the West versus China and Russia continues. This is despite how deterrence salience and utility have dropped due to the lack of intense conflicts among major powers. General deterrence postures dominate, with large forces on high alert.[12]

What we have witnessed following the end of the Cold War is a process of 'surface' devaluing of nuclear weapons through a series of steps over two decades. This 'surface' devaluing represents a limited diminution of the values and meanings assigned to nuclear weapons primarily by rebalancing national defence priorities away from nuclear defence, trimming the vast excess of Cold War legacy nuclear forces commensurate with that reduced priority, marginalizing (though not delegitimizing) the notion of nuclear use for theatre war-fighting through significant reductions in non-strategic nuclear weapons (NSNW),[13] reallocating some roles previously assigned to nuclear weapons to conventional weapons (mainly in the US[14]), and some consolidation of nuclear declaratory policies (discussed further below). This represents acclimatization to the declining centrality and efficacy of nuclear deterrence in national security strategies with the end of what Barkenbus called superpower 'nuclear bellicosity'. It is symptomatic of what Garrity labelled a general 'depreciation of nuclear weapons in international politics'.[15]

The NWS insist this is excellent progress and fulfils requirements for meeting their end of the nuclear disarmament bargain over the past four NPT review cycles from 1990 to 2010. Yet for many, this surface devaluing of nuclear weapons is not sufficient. The codification of the transformed security environment since the end of the Cold War through reductions in the size and role of nuclear arsenals has left the logic of nuclear deterrence relatively undisturbed, the legitimacy of nuclear violence intact, and nuclear prestige largely untouched. It is a process centred on a technocratic and managerial process of arms control developed during the Cold War. It accords priority to regulation and stabilization of interstate strategic relations, based on a firm belief in the necessity and efficacy of nuclear deterrence,

[12] Patrick Morgan and George Quester, 'How history and the geopolitical context shape deterrence', in George P. Shultz, Sidney D. Drell and James E. Goodby, eds, *Deterrence: its past and future* (Stanford, CA: Hoover Institution Press, 2010), p. 5.

[13] The US has reduced its total number of NSNW from around 9,150 in 1991 to around 500 today. Russia has gone from around 18,900 to around 2,000, with several thousand awaiting dismantlement. Data from Natural Resources Defense Council, Washington DC, *Table of US nuclear warheads*, http://www.nrdc.org/nuclear/nudb/datab9.asp, and *Table of USSR/Russian nuclear warheads*, http://www.nrdc.org/nuclear/nudb/datab10.asp, both accessed 9 April 2013; Hans Kristensen and Robert Norris, 'US nuclear forces, 2013', *Bulletin of the Atomic Scientists* 69: 2, 2013, p. 78; Hans Kristensen and Robert Norris, 'Russian nuclear forces, 2012', *Bulletin of the Atomic Scientists* 68: 2, 2012, pp. 89–90.

[14] See Donald Rumsfeld, *Annual report to the President and the Congress* (Washington DC: US Department of Defense, 2002), ch. 7.

[15] Jack Barkenbus, 'Devaluing nuclear weapons', *Science, Technology and Human Values* 14: 4, 1989, pp. 425–40; Patrick Garrity, 'The depreciation of nuclear weapons in international politics: possibilities, limits, uncertainties', *Journal of Strategic Studies* 14: 4, 1991, pp. 463–541.

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and a fixation on the importance of parity between the US and Russia through a quantitative 'balance' in strategic nuclear delivery vehicles and warheads.[16]

In fact, we have seen consistent efforts to adapt the logic of nuclear deterrence to the post-Cold War and later post-9/11 periods. It is worth remembering that in the early 1990s, when the prospect of rapid progress towards very low levels of nuclear armaments seemed a realistic goal, nuclear weapons officials in the US began to rethink the role of nuclear weapons, not in terms of a fundamental downgrading of their utility or massive reductions, but in terms of new missions in national security policy. A commitment was soon made to retain a substantial and diverse nuclear arsenal well into the post-Cold War period. In particular, so-called 'rogue' states arming themselves with nuclear weapons were identified as the primary threat to international security in US national security discourse, to which flexible, 'tailored' nuclear deterrent threats were regarded as a necessary response.[17] Today multiple roles are assigned to nuclear weapons by the NWS, ranging from deterrence of aggression against 'vital interests' or nuclear blackmail by nuclear-armed major powers, 'emerging nuclear states' or 'rogue' states (in part to enable regional intervention), deterrence of state-sponsored acts of nuclear terrorism, deterrence of major conventional and/or chemical or biological attack, assurance of security commitments to non-nuclear allies and partners, and a general deterrent to preserve 'peace and stability' in an uncertain world.[18]

A spectrum of nuclear deterrence

In interviews, several representatives of delegations to the Conference on Disarmament acknowledged the list of nuclear force reductions and other changes enacted by the NWS as welcome and impressive, while observing that the values assigned to nuclear weapons remain the same.[19] A much deeper form of devaluing was advocated based on a fundamental reconceptualization of the political, strategic and military logics that underpin nuclear weapons policies and practices. Advocates of this deeper devaluing want to see the positive values assigned to possession and deployment of nuclear weapons steadily diminished through some of the measures outlined in the following section. The problem is that these measures challenge prevailing logics of deterrence and are resisted in the name of deterrence credibility and strategic stability. We see this in the British debate on moving away from a posture of continuous at-sea deterrence (CASD),[20] in the

[16] Keith Krause, 'Structural and cultural challenges to arms control in intra-state and post-conflict environments', in Ian Anthony and Daniel Rotfeld, eds, *A future arms control agenda* (Stockholm: Stockholm International Peace Research Institute, 2001), p. 128.

[17] See Nick Ritchie, *US nuclear weapons policy after the cold war: Russians, 'rogues' and domestic division* (Abingdon: Routledge, 2009).

[18] See, *inter alia*, Ministry of Defence and Foreign and Commonwealth Office, *The future of the United Kingdom's nuclear deterrent*, Cm 6994 (London, Dec. 2006); Ministry of Defence of the Russian Federation, *Voennaya doktrina Rossiiskoi Federatsii na period do 2020 g.* (Moscow, 10 Feb. 2011); Présidence de la République, *Défense et sécurité nationale: le livre blanc* (Paris, June 2008); US Department of Defense, *Nuclear posture review report* (Washington DC, April 2010).

[19] Author's interviews conducted in Geneva in May and June 2011.

[20] Expressions of support for CASD have come from Defence Secretary Philip Hammond, 'The alternatives to Trident carry an enormous risk', *Telegraph*, 2 Feb. 2013; former First Sea Lord and Labour adviser Alan West,

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sustained resistance in the US to moving away from a triad of strategic nuclear forces, and in NATO, where talk of repatriating forward-deployed US nuclear bombs from European air bases (though not 'denuclearizing' NATO) was quashed in its 2012 Deterrence and Defence Posture Review. De-alerting nuclear forces, in particular, is simply not commensurate with prevailing practices of nuclear deterrence and will be resisted.[21]

This resistance to 'deep' devaluing hinges upon the question of whether the practice of nuclear deterrence has an 'irreducible minimum' beyond which the credibility and therefore effectiveness of a nuclear deterrent threat evaporates. If there is such a thing as an 'irreducible minimum', then at some point in a nuclear arms reduction process a state will face a simple binary choice: deploy a minimum capability in a minimal way or fall below the threshold and exert zero deterrent effect. The UK and France argue they are at that point. Those who argue for a binary choice insist that there is indeed an *a priori* set of irreducible criteria for a credible and therefore acceptable and effective nuclear deterrent threat operationalized through specific force structures, capabilities, postures and declaratory policies. Force reductions and nuclear posture changes beyond an objectively credible, effective and acceptable 'minimum' nullify the logic of nuclear deterrence. From here, there is little point in retaining a nuclear capability that exerts zero deterrent effect so you might as well get rid of nuclear weapons altogether. A different perspective argues that nuclear deterrence is 'what states makes of it', to invoke Alexander Wendt.[22] In this view, the practice of nuclear deterrence does not come down to a binary choice at the level of current conceptions of 'minimum deterrence' claimed by the UK, France and China. Instead, different conceptions of nuclear deterrence can be located on a spectrum, starting with the 'maximum' deterrence practised by the US during the Cold War that based effective, credible deterrence on nuclear primacy involving tens of thousands of nuclear weapons, from nuclear shells for front-line troops and helicopter-borne nuclear depth bombs to multi-warhead intercontinental ballistic missiles. Next along the spectrum we come to current conceptions of UK, French and Chinese minimum deterrence, based on warhead numbers in the low hundreds, a general rejection of nuclear weapons as war-fighting tools, and a limited number of roles for nuclear weapons. After that the spectrum moves to the 'recessed' form of nuclear deterrence practised by India through the 1980s and 1990s, based on non-weaponization of a nascent nuclear weapons capability. This was judged to exert a sufficient deterrent effect on Pakistan, based on the mere possibility that major aggression

'Discarding Trident would not aid disarmament; it would only imperil UK security', *Independent*, 26 Feb. 2013; and two former Labour defence secretaries, George Robertson and John Hutton, 'There is no magic alternative to Trident—Britain has got to keep it', *Telegraph*, 28 Feb. 2013. Another former Labour defence secretary, Des Browne, has made the case against CASD in Des Browne and Ian Kearns, 'Trident is no longer key to Britain's security', *Telegraph*, 5 Feb. 2013. See also Nick Ritchie and Paul Ingram, 'A progressive nuclear policy: rethinking continuous-at-sea deterrence', *RUSI Journal* 155: 2, 2010, pp. 40–45.

[21] EastWest Institute, *Reframing nuclear de-alert: decreasing the operational readiness of US and Russian arsenals* (New York, 2010), p. 16.

[22] Alexander Wendt, 'Anarchy is what states make of it: the social construction of power politics', *International Organization* 46: 2, 1992, pp. 391–425.

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could result in a nuclear encounter.[23] Finally, at the other end of the spectrum we reach Jonathan Schell's 'weaponless' deterrence, with no nuclear weapons or components but a residual military nuclear industrial base that could, over time, regenerate a basic deliverable nuclear capability.[24] As a result of the interplay of history, technology and bureaucratic politics, US conceptions of effective and credible deterrence still rest on the idea of a 'triad' of strategic nuclear forces: long-range bombers, sea-launched ballistic missiles and land-based intercontinental ballistic missiles. Anything less is judged not sufficiently credible. Contrast this with the deterrent effect of North Korea's suspected handful of nuclear weapons with uncertain delivery capability, which some believe has played an important role in preventing the removal of the odious Kim dynasty.

The concepts and modalities of nuclear deterrence are therefore a movable feast. Deterrence is not an objective condition but one that rests, ultimately, on how a nuclear weapon state chooses to define it in order to legitimize its nuclear arsenal, policies and practices along a spectrum from maximum to weaponless deterrence.[25] We have seen some movement along such a spectrum through post-Cold War nuclear force reductions. Nevertheless, the commitment to the logic of nuclear deterrence has remained firm even as nuclear target sets, nuclear force posture 'requirements', and conceptions of 'minimum' deterrence have been consolidated.[26] Acceptance of a spectrum of nuclear deterrence along which nuclear weapon states can move opens up the possibility of deep devaluing.

Image 2: 'Deep' devaluing

Non-nuclear weapon states have consistently called for three specific measures to reduce the role and legitimacy of nuclear weapons in international politics: negative security assurances, no first use, and de-alerting. Their collective purpose is to significantly diminish the salience of nuclear weapons in national security and commitments to the logic of nuclear deterrence; in short, to reduce their value as instruments of state security, power and coercion. These measures have gone hand in hand with routine calls for further numerical reductions in nuclear arsenals, entry into force of the Comprehensive Test Ban Treaty, and negotiation of a Fissile Material Cut-off Treaty. Although advocated for many decades, their promotion gained new impetus through the New Agenda Coalition formed in 1998 to put pressure on the NWS to make substantial progress on disarmament commitments agreed at the pivotal 1995 NPT Review and Extension Conference (NPTREC).[27]

This collective purpose can be labelled 'deep' devaluing: qualitative changes in nuclear doctrine, posture and practice that restrict the compass of nuclear

[23] See George Perkovich, 'A nuclear third way in South Asia', *Foreign Policy*, no. 91, 1993, pp. 85–104.
[24] Jonathan Schell, *The abolition* (London: Picador, 1984).
[25] Nicholas J. Wheeler, 'Minimum deterrence and nuclear abolition', in Regina Cowen Karp, ed., *Security without nuclear weapons* (Oxford: Oxford University Press, 1992), p. 250.
[26] See e.g. Ritchie, *US nuclear weapons policy*, pp. 34–42.
[27] See 'A nuclear-weapons-free world: the need for a new agenda', joint declaration by the ministers for foreign affairs of Brazil, Egypt, Ireland, Mexico, New Zealand, Slovenia, South Africa and Sweden, 9 June 1998.

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deterrence; a shift in practices of nuclear deterrence towards the 'weaponless' end of the deterrence spectrum; and a significant diminution of the value of nuclear weapons in national security planning and international politics in order to move nuclear-armed states towards disarmament. In this respect NNWS are quite clear that these steps are 'pragmatic, interim and practical measures' pending nuclear disarmament and not a permanent substitute for this end goal.[28]

Negative security assurances

NNWS have long sought legally binding assurances from the NWS that they will not be subject to nuclear attack or blackmail. Such negative security assurances (NSAs) were considered during the negotiation of the NPT in the 1960s but did not survive the final draft.[29] The 118-member Non-Aligned Movement (NAM) has been pressing for negotiation of a universal, legally binding negative security assurance in treaty form, and reiterated its longstanding policy at the 2010 NPT Review Conference: 'Pending the total elimination of nuclear arsenals, efforts for the conclusion of a universal, unconditional and legally binding instrument on security assurances to the Non-Nuclear Weapon States Parties to the Treaty should be undertaken as a matter of priority.'[30] The NWS issued separate and different non-use declarations for NNWS at the UN General Assembly's First Special Session on Disarmament in 1978. These were further refined in 1995 when new security assurances were issued to garner support for indefinite extension of the NPT.[31] These were noted in United Nations Security Council Resolution 984 (1995). A number of these statements included caveats, including a so-called 'Warsaw Pact clause' that exempted NNWS that attacked an NWS in association or alliance with another NWS. This caveat was removed from updated NSAs issued by the US and UK in 2010.[32] China, in contrast, extends a blanket, unconditional NSA to all states.[33] Beijing's position and language mirror the NAM's case for universal and legally binding NSAs.[34]

NSAs have been closely tied to the formation of nuclear weapon-free zones.[35] The NWS have steadily codified their NSAs in legal form for an increasing number of states through protocols to some of these zones. The UK, for example, has legally codified its NSA for nearly 100 countries by ratifying the protocols annexed

[28] Statement by Ambassador Xolisa Mabhongo, representative of the Republic of South Africa to the International Atomic Energy Agency (IAEA), NPT Preparatory Committee, cluster 1: nuclear disarmament, 3 May 2012, Vienna.

[29] George Bunn, 'The legal status of US negative security assurances to non-nuclear weapon states', *Nonproliferation Review*, Spring/Summer 1997, p. 3.

[30] Statement by H. E. Dr R. M. Marty M. Natalegawa, Minister for Foreign Affairs of the Republic of Indonesia, on behalf of the NAM States Party to the NPT, 3 May 2010, United Nations, New York.

[31] Jayantha Dhanapala, *Multilateral diplomacy and the NPT: an insider's account* (New York: United Nations, 2005), p. 1.

[32] Malcolm Chalmers, *Nuclear narratives: reflections on declaratory policy*, Whitehall Report 1–10 (London: Royal United Services Institute, 2010), p. 25.

[33] Statement by Ambassador H. E. Li Baodong, 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, United Nations, New York, 4 May 2010.

[34] Statement by the Chinese delegation, NPT Preparatory Committee, cluster 1: nuclear disarmament—negative security assurances, Vienna, 4 May 2012.

[35] Bunn, 'Legal status', p. 5.

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to the treaties establishing nuclear weapon-free zones (NWFZ)in South America and the Caribbean, the South Pacific, and Africa.[36] This total will increase by 15 more countries if the UK resolves outstanding differences to enable signature of the protocols to the treaties establishing similar zones in South-East Asia and Central Asia.[37]

NSAs are seen as conducive to diminishing the value of nuclear weapons by constraining nuclear practice through formal and legally binding undertakings.[38] Under a universal and legally binding NSA regime, nuclear weapon politics would become an exclusive feature of relations *between* nuclear weapon states and, potentially, states outside the NPT or those in breach of NPT commitments. This would shrink the political realm in which nuclear weapons have salience in interstate relations, reducing it from a global space in which nuclear weapons can be framed as a legitimate response to general 'strategic uncertainty' to a much narrower one defined by existential emergencies involving a discrete number of nuclear-armed states pending disarmament.

No first use

Proposals to formalize no first use of nuclear weapons remain controversial. China has consistently declared, since its first nuclear test in 1964, that it will not be the first to use nuclear weapons.[39] This is reflected in its operational posture whereby, according to Kulacki: 'China keeps all of its warheads in storage. China's nuclear warheads and nuclear-capable missiles are kept separate and the warheads are not mated to the missiles until they are prepared for launch.'[40] India has also adopted a conditional policy of no first use. No other nuclear-armed states have formally ruled out the possibility of using nuclear weapons first in a crisis.

NNWS have consistently advocated a formal no first use agreement since the early 1960s, again with a view to restricting the scope of nuclear deterrent threats and the practice of nuclear deterrence, following the examples of the 1975 Biological and Toxin Weapons Convention (BTWC) and 1993 Chemical Weapons Convention (CWC). These banned possession of chemical and biological weapons and were facilitated by established norms against their use in customary international law and the 1925 Geneva Protocol.[41] A legally binding and *unconditional*[42]

[36] The Latin America and Caribbean NWFZ (Treaty of Tlatelolco) has been ratified by all five NWS. The South Pacific NWFZ (Treaty of Raratonga) has been ratified by Russia, the UK, France and China, and signed but not ratified by the US. The South-East Asia NWFZ (Treaty of Bangkok) has not been signed or ratified by any NWS. The Africa NWFZ (Treaty of Pelindaba) has been ratified by Russia, the UK, France and China, and signed but not ratified by the US. The Central Asia NWFZ (Treaty of Semipalatinsk) has not been signed or ratified by any NWS.

[37] Foreign and Commonwealth Office, *Lifting the nuclear shadow* (London: HMSO, 2010), p. 35.

[38] See e.g. statement by Jan Petersen, Ministry of Foreign Affairs, Norway, NPT Preparatory Committee, cluster 1: nuclear disarmament, Vienna, 3 May 2012.

[39] Statement by H. E. Mr Wu Haitao, Chinese Ambassador for Disarmament Affairs, NPT Preparatory Committee, cluster 1: nuclear disarmament, Vienna, 3 May 2012.

[40] Gregory Kulacki, 'China's nuclear arsenal: status and evolution', Union of Concerned Scientists, Washington DC, Oct. 2011, p. 2.

[41] Jozef Goldblat, 'No first use: a prerequisite for nuclear disarmament', *Strategic Dialogue* 28: 3, 1997, pp. 265–70.

[42] Alexei Arbatov outlines a range of possible NFU pledges with different conditions attached in 'No first

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no first use policy would mean NWS could not legally threaten pre-emptive use of nuclear weapons against other states (nuclear-armed or otherwise) or retaliatory nuclear use in response to a massive conventional attack, or even engage in nuclear 'signalling' during a severe crisis by firing a 'sub-strategic' 'warning shot indicating intent to escalate to a full nuclear exchange should aggression continue'.[43] It would limit nuclear deterrence policy and planning to an exclusively defensive posture whereby NWS could consider nuclear use only for two categories of retaliation: (1) to a nuclear attack; (2) possibly to a massive conventional/chemical/biological weapon onslaught that threatened the very survival of the state, that is, in which the state faced destruction through hostile occupation or being bombed or poisoned past the point of recovery (in fact, some have argued for a non-WMD first use agreement that stigmatizes first use of chemical, biological or nuclear weapons as an integrated category[44]). This would consign all other potential missions for nuclear weapons to the doctrinal dustbin with corresponding effects on alert procedures, operational war plans and perhaps procurement decisions.[45] The US Joint Chiefs of Staff, for example, outlined in their 2005 draft 'Doctrine for Nuclear Operations' a range of scenarios for the first use of nuclear weapons that would have to be repealed under a formal no first use agreement, such as countering 'potentially overwhelming adversary conventional forces'.[46] This would reinforce the 'firebreak' between use of conventional and nuclear weapons, 'weaken the political force of explicit and implicit threats to initiate the use of nuclear weapons' and diminish the legitimacy of tactical nuclear war-fighting capabilities and plans.[47] Acceptance and normalization of no first use would begin to change conceptions of nuclear deterrence in ways that diminish 'requirements' for large and diverse nuclear forces. It would restrict the residual deterrent value of nuclear weapons to a narrow and strictly defined set of existential military threats to the survival of the state as a part of the long transition to a world free of nuclear weapons. As K. Subrahmanyam argues:

> If the world ever is to become free of nuclear weapons the first essential step nuclear-armed nations must take is to adopt the no-first-use policy. No weapon considered legitimate is ever likely to be eliminated. The goal of a nuclear weapon-free world calls for delegitimization of nuclear weapons before they can be eliminated, a process that must start with diminishing their military role.[48]

The strategic environment for a no first use agreement has improved markedly since the end of the Cold War with the expansion of NWFZs, the diminishing utility

use as a way of outlawing nuclear weapons', paper prepared for the International Commission on Nuclear Non-proliferation and Disarmament, Nov. 2008, pp. 7–8.

[43] See Steven Miller, 'The utility of nuclear weapons and the strategy of no first use', paper presented at a Pugwash meeting on 'No first use of nuclear weapons', 15–17 November 2002, London.

[44] Alan Dowty, 'Making "No first use" work: bring all WMD inside the tent', *Nonproliferation Review* 8: 1, 2001, p. 80.

[45] Scott Sagan, 'The case for no-first use', *Survival* 51: 3, 2009, p. 165.

[46] *Doctrine for joint nuclear operations, Joint Publication 3–12* (draft) (Washington DC: Joint Chiefs of Staff, March 2005), p. III-2.

[47] Goldblat, 'No first use', p. 266.

[48] K. Subrahmanyan, 'No first use: an Indian view', *Survival* 51: 5, 2009, p. 32.

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of nuclear weapons in addressing complex global security challenges, progressive consolidation of NSAs that constitute no-use pledges to NNWS, and major power interdependence that increasingly and collectively renders the first use of nuclear weapons non-credible.[49] Prohibiting the first use of nuclear weapons in international law[50] without conditions would go a considerable way to devaluing nuclear weapons and constitute a significant step towards the goal of prohibiting possession.[51] For some, a no first use agreement would, in effect, prohibit their use at all, though there is a difference between a 'no use' agreement, with the implication that nuclear weapons have little value or legitimacy, and a 'no first use' agreement that could still legitimate nuclear retaliation against a state that transgresses that agreement.[52] Others have taken no first use a step further and argued that the use of nuclear weapons be declared a crime against humanity.[53] Embedding the first use of nuclear weapons as a crime under international law would shift the basis of debate from state-centric conceptions of strategic stability among NWS to an ethics of common humanity embodied in international humanitarian law—an issue explored further below.[54]

De-alerting

The third 'devaluing' measure advocated by NNWS is the de-alerting of nuclear weapons. De-alerting refers to measures that reduce the operational readiness of nuclear weapons, or more precisely 'implementing some reversible physical changes in a weapon system that would significantly increase time between decision to use the weapon and the actual moment of its launch'.[55] This can involve a range of measures, including eliminating massive attack and launch-on-warning options from nuclear war plans, physical measures to prevent missile launch that would take several hours to reverse, separating warheads from missiles that might take days or weeks to reverse, and long-term storage of all operational warheads with reconstitution times of months or years.[56]

[49] Ivo Daalder and Jan Lodal, 'The logic of zero: toward a world without nuclear weapons', *Foreign Affairs* 87: 6, 2008, p. 81.

[50] The difficulties of verifying an NFU agreement also generate resistance, though this need not constitute a significant hurdle: Arbatov, 'No first use', p. 12.

[51] Arbatov, 'No first use'.

[52] Richard Ullman, 'No first use of nuclear weapons', *Foreign Affairs* 50: 4, 1972, p. 672.

[53] Rebecca Johnson, 'Security assurances for everyone: a new approach to deterring the use of nuclear weapons', *Disarmament Diplomacy*, no. 90, Spring 2009, pp. 3–7.

[54] In fact, UN General Assembly resolutions from the 1960s argued for a 'prohibition on the use of nuclear and thermonuclear weapons' based on the prohibition of other weapons of mass destruction 'as being contrary to the laws of humanity and to the principles of international law, by international declarations and binding agreements, such as the Declaration of St. Petersburg of 1868, the Declaration of the Brussels Conference of 1874, the Conventions of the Hague Peace Conferences of 1899 and 1907, and the Geneva Protocol of 1925, to which the majority of nations are still parties', and argued further that nuclear use would 'bring about indiscriminate suffering and destruction to mankind and civilisation to an even greater extent than the use of those weapons declared by the aforementioned international declarations and agreements to be contrary to the laws of humanity and a crime under international law': Resolution 1653 (XVI), Declaration on the prohibition of the use of nuclear and thermo-nuclear weapons, UN General Assembly, 1063rd Plenary Meeting, 24 Nov. 1961.

[55] EastWest Institute, *Reframing nuclear de-alert*, p. 2.

[56] Bruce Blair, 'Increasing warning and decision time (de-alerting)', paper presented to 'Achieving the vision of a world free of nuclear weapons', International Conference on Nuclear Disarmament, Oslo, 26–27 Feb. 2008.

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Bruce Blair argues that the US and Russia maintain 'launch ready' nuclear postures that keep 'many hundreds of missiles on land and sea fully armed, fueled, and targeted' for use at short notice in 'almost exactly the same manner as they did during the Cold War'.[57] The very serious risks of accidental or unauthorized nuclear launch associated with maintaining nuclear forces on high alert (risks enhanced, Blair argues, by the possibility of cyber attacks on nuclear command and control systems in a crisis[58]) were acknowledged by the incoming Obama administration in 2009 and the four influential former US statesmen whose promotion of nuclear disarmament lent the issue new credibility in 2007: Henry Kissinger, Sam Nunn, George Shultz and William Perry.[59]

Some de-alerting has already taken place: for example, the readiness of NATO dual-capable aircraft has been reduced from hours and minutes to several months.[60] Other nuclear forces have been de-alerted prior to retirement, for example weapons withdrawn from service through the 1991 and 1992 PNIs. The real challenge, as Christopher Ford acknowledges, is moving 'entire arsenals to de-alerted status—in a context in which nuclear forces are nonetheless to be retained for some indefinite (and potentially lengthy) period of time'.[61]

Much of the de-alerting literature focuses on proposals for and critiques of US–Russia de-alerting steps as technical risk reduction measures. Yet much of the pressure for de-alerting from NNWS sees it as a means of reducing the salience of nuclear weapons in day-to-day national security planning. De-alerting is framed as having two beneficial effects: first, an immediate practical effect of lowering the risk of an accidental or unintentional launch of nuclear weapons; and second, a longer-term effect of 'a significant nuclear disarmament dividend through a reduction of the role of nuclear weapons in nuclear doctrines and therefore security policies overall'.[62] Malaysia, Chile, Nigeria, New Zealand, Sweden and Switzerland formed a 'de-alerting group' in UN disarmament forums to promote reducing the operational readiness of nuclear weapons, framing this as 'a positive step towards the eventual elimination of nuclear weapons'.[63] Since 2008 the group has introduced a de-alerting resolution to the UN General Assembly First Committee that has received overwhelming support.[64] This was echoed in a

[57] Blair, 'Increasing warning and decision time', p. 1.

[58] See also Jason Fritz, 'Hacking nuclear command and control', paper prepared for the International Commission on Nuclear Non-proliferation and Disarmament, 2009, http://icnnd.org/Documents/Jason_Fritz_Hacking_NC2.pdf, accessed 24 March 2013.

[59] Hans Kristensen, 'Obama asks UN de-alerting resolution to wait', Federation of American Scientists, Strategic Security Blog, 16 Oct. 2009, http://www.fas.org/blog/ssp/2009/10/dealert-2.php, accessed 24 March 2013; Henry Kissinger, George Shultz, William Perry and Sam Nunn, 'A world free of nuclear weapons', *The Wall Street Journal*, 4 Jan. 2007.

[60] 'NATO's nuclear forces in the new security environment', NATO, 1995, http://www.nato.int/issues/nuclear/sec-environment.html, accessed 9 Nov. 2010.

[61] Christopher Ford, 'Playing for time on the edge of the apocalypse', Hudson Institute, Washington DC, Nov. 2010, p. 5.

[62] Statement by Swiss Ambassador for Nuclear Disarmament and Non-Proliferation Benno Laggner on behalf of the De-alerting Group, UN General Assembly First Committee, 67th session, New York, 17 Oct. 2012.

[63] Statement by Ambassador Alfredo Labbe, Chilean Ministry of Foreign Relations, NPT Preparatory Committee, New York, 6 May 2009.

[64] The latest iteration is UN General Assembly resolution A/RES/67/46, 'Decreasing the operational readiness of nuclear weapons systems', adopted 3 Dec. 2013 by 164 votes to 4 against (DPRK, US, UK, Russia) with 19 abstentions.

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report by the EastWest Institute sponsored by the Swiss and New Zealand governments that framed de-alerting 'as a strategic step in deemphasizing the military role of nuclear weapons' by eliminating the option of short-notice pre-emptive nuclear attack and launch-on-warning nuclear postures.[65]

This, again, would restrict the scope of nuclear policy planning, further constrain the roles and values assigned to nuclear weapons, and begin to address the problem identified by Bruce Blair and others that 'these postures also perpetuate a mutual reliance on nuclear weapons that lends legitimacy to the nuclear ambitions of other nations'.[66] Reducing the alert status of nuclear weapons opens the door to a range of nuclear postures based on much more restrictive conceptions of 'minimum deterrence' on our spectrum of deterrence policies and practices. In essence, NNWS advocates of de-alerting measures view them as an important means of 'de-coupling'[67] nuclear weapons from the broad, day-to-day calculus of national security by demonstrating that NWS can learn to live without nuclear weapons on high alert, or even operationally deployed on a permanent basis, as a precursor to learning to live without nuclear weapons at all.

Pursuing deep devaluing

These three measures would collectively diminish the values assigned to nuclear weapons by reducing the role and relevance of such weapons in terms of the universe of scenarios in which their use or the threat of their use can be legitimately invoked. This, it is argued, will facilitate progress towards nuclear disarmament. As the resolution on 'reducing nuclear danger' presented at the UN General Assembly First Committee in October 2013 noted, 'a diminishing role for nuclear weapons in the security policies of nuclear-weapon States would positively impact on international peace and security and improve the conditions for the further reduction and the elimination of nuclear weapons'.[68] Deep devaluing centres on *qualitative* changes in nuclear doctrines as an essential component of a nuclear disarmament process and indicator of NWS commitment to that goal *alongside* quantitative reductions in nuclear numbers.

The collective purpose of these three steps is revealed in NNWS discourse, particularly as expressed by influential 'middle powers' associated with the NAM and the New Agenda Coalition.[69] Determined advocacy of deep devaluing is underpinned by longstanding concern, indeed consternation, at continued explicit reliance on nuclear weapons for national security, the commitment to the logic

[65] EastWest Institute, *Reframing nuclear de-alert*, p. 15.

[66] Bruce Blair, Victor Esin, Matthew McKinzie, Valery Yarynich and Pavel Zolotarev, 'Smaller and safer: a new plan for nuclear postures', *Foreign Affairs* 89: 5, 2010, p. 13.

[67] Michael Mazarr, 'Nuclear doctrine and virtual nuclear arsenals', in Michael Mazarr, ed., *Nuclear weapons in a transformed world: the challenge of virtual nuclear arsenals* (New York: St Martin's Press, 1997), p. 47.

[68] UN General Assembly First Committee, 'General and complete disarmament: reducing nuclear danger', A/C.1/68/L.20, 68th session, 17 Oct. 2013.

[69] See e.g. UN General Assembly First Committee, 'General and complete disarmament: nuclear disarmament', contribution from the Non-Aligned Movement, A/C.1/67/L.50, 67th session, 22 Oct. 2012.

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and practice of nuclear deterrence, and its dangerously proliferative effect.[70] The New Agenda Coalition, for example, stated in 2012:

> The commitment to further diminish the role and significance of nuclear weapons in all military and security concepts, doctrines and policies has yet to be realized. In fact these doctrines confirm continued reliance on nuclear weapons to be an integral part of national security, thereby undermining previous commitments made under the Treaty on the Non-Proliferation of Nuclear Weapons. Regrettably, nuclear deterrence policies remain a defining characteristic of the military doctrines of nuclear-weapon States and the military alliances to which they are party.[71]

Pressure for deep devaluing reflects the pervasive view that progress on the disarmament side of the NPT bargain has been wholly inadequate and that this undermines the credibility of the NPT.[72] The Brazilian delegation to the 2012 NPT Preparatory Committee was particularly forceful:

> True it is that since the height of the Cold War overall numbers of nuclear weapons have decreased. But still much has to be achieved. It is simply not admissible that more than 20 years after the end of the Cold War nuclear weapons still continue to be an integral part of military and security doctrines … We should all realize that the present discriminatory, and even invidious, state of affairs is unsustainable in the long run. An international order in which rights and obligations are the same for all participants is the only guarantee against challenges and attempts of disruption.[73]

In this context nuclear force reductions are necessary, welcome, but insufficient. This highlights a stark contrast between, on the one hand, the political effort expended to negotiate nuclear force reductions between NWS and among their domestic constituencies, whereby eventual reductions are lauded as very significant steps, and, on the other hand, the dismissal of such actions as 'cosmetic' by NNWS.[74] Part of the problem, noted in several interviews by the author with representatives of government delegations to the Conference on Disarmament, is that nuclear force reductions are invariably accompanied by unequivocal commitments to the logic of nuclear deterrence and the continuing necessity of nuclear weapons for national security.

A similar tension emerges over nuclear force modernization programmes.[75] For many NNWS, the impact of force reductions is undermined by continued modernization of nuclear arsenals that serves only to demonstrate and reproduce

[70] On the latter, see the statement by H. E. Dato' Hussein Haniff, Permanent Representative of Malaysia to the United Nations in New York, NPT Preparatory Committee, cluster 1: nuclear disarmament, Vienna, 3 May 2012.

[71] 'Nuclear disarmament', working paper submitted by the New Agenda Coalition, NPT Preparatory Committee, NPT/CONF.2015/PC.I/WP.29, Vienna, 26 April 2012, p. 3.

[72] See e.g. the statement by the Indonesian delegation, NPT Preparatory Committee, cluster 1: nuclear disarmament, Vienna, 3 May 2012.

[73] Statement by Ambassador Antonio Guerreiro, Permanent Representative of Brazil to the Conference on Disarmament, NPT Preparatory Committee, Vienna, 2 May 2012.

[74] See the statement by Kayode Laro, Permanent Representative of Nigeria to the United Nations in Geneva, on behalf of the Africa Group, UN General Assembly First Committee, cluster 1: nuclear weapons, 67th session, New York, 19 Aug. 2012.

[75] For details, see Ray Acheson, ed., *Assuring destruction forever: nuclear weapon modernization around the world* (Washington DC: Reaching Critical Will, 2012).

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the NWS' commitment to nuclear deterrence and long-term retention of nuclear weapons. Switzerland, for example, declared itself 'particularly concerned about the development of new weapons systems or plans to that effect. It implies that nuclear-armed States would maintain nuclear weapons for decades to come, which raises fundamental questions about the willingness of these States to implement their disarmament commitments.'[76] But at the same time modernization programmes provide assurances to potential domestic spoilers of unilateral or bilateral force reduction measures, as seen in the domestic US deal on New START facilitated by assurances from the Obama White House to Congress of massive investment in the US nuclear weapons complex.

There is an opportunity for NWS to engage with a 'deep' devaluing agenda through action point 5 of the 2010 NPT final document action plan. This commits the NWS to 'accelerate concrete progress on the steps leading to nuclear disarmament', including further reductions in all types of nuclear weapons, steps to further diminish the role and significance of nuclear weapons in all military and security concepts, doctrines and policies, steps to prevent the use of nuclear weapons, steps to reduce the operational status of nuclear weapons systems, and steps that further enhance transparency and increase mutual confidence. The five NWS recognize the importance of this action point. The communiqué issued after their meeting in Paris in 2011 to discuss the action plan reported a 'determination to work together in pursuit of their shared goal of nuclear disarmament under article VI of the NPT, including engagement on the steps outlined in Action 5'.[77] The communiqué issued after a follow-up meeting in Washington in June 2012 stated: 'The P5 recognize the importance of establishing a firm foundation for mutual confidence and further disarmament efforts, and the P5 will continue their discussions in multiple ways within the P5, with a view to reporting to the 2014 PrepCom, consistent with their commitments under Actions 5, 20, and 21 of the 2010 RevCon final document.'[78]

Image 3: Delegitimizing nuclear weapons

A third image based on 'delegitimizing' nuclear weapons has now emerged, driven by despair at the glacial pace of disarmament progress in the NPT.[79] Post-Cold

[76] Statement by Swiss Ambassador for Nuclear Disarmament and Non-Proliferation, Benno Laggner, UN General Assembly First Committee, 67th session, New York, 17 Oct. 2012. See also the statement by Ambassador Xolisa Mabhongo, Representative of the Republic of South Africa to the IAEA, on behalf of the New Agenda Coalition, NPT Preparatory Committee, cluster 1: nuclear disarmament, Vienna, 3 May 2012.

[77] Foreign and Commonwealth Office, 'Nuclear weapon states discuss nuclear disarmament obligations', 6 July 2011, http://www.fco.gov.uk/en/news/latest-news/?view=PressS&id=627529382, accessed 9 April 2014.

[78] Alistair Burt, Foreign and Commonwealth Office, Written Ministerial Statement, 9 July 2012, http://www.parliament.uk/documents/commons-vote-office/July_2012/09-07-12/5.FCO-P5-Conference-of-Nuclear-Disarmament.pdf, accessed 9 April 2014. Actions 20 and 21 refer to standardized reporting by NWS and NNWS to the NPT.

[79] See Ken Berry, Patricia Lewis, Benoit Pélopidas, Nikolai Sokov and Ward Wilson, *Delegitimizing nuclear weapons: examining the validity of nuclear deterrence* (Monterey, CA: James Martin Center for Nonproliferation Studies, Monterey Institute of International Studies, 2010); Maya Brehm, Richard Moyes and Thomas Nash, *Banning nuclear weapons* (Article 36, Feb. 2013); Beatrice Fihn, ed., *Unspeakable suffering: the humanitarian impact of nuclear weapons* (Washington DC: Reaching Critical Will, Jan. 2013).

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War NPT review cycles from 1990 to 2010 were typified by the two competing paradigms of valuing and devaluing nuclear weapons outlined above. One, a largely but not exclusively western-oriented paradigm, assigns multiple values to nuclear weapons based on an abiding commitment to the logic of nuclear deterrence, its necessity, efficacy and inevitability, albeit steadily curtailed by changes that represent a surface devaluing of those weapons in 'image 1' of the NPT. This has been interpreted as 'reducing the role', 'marginalizing' and 'reducing the salience' of nuclear weapons, primarily through nuclear force reductions including significant consolidation of non-strategic nuclear weapons and a marginalization of theatre nuclear war-fighting, combined with some tightening of declaratory policy and negative security assurances. The second, associated with the NAM and broadly representative of the global South, sees little or no value in nuclear weapons (with the obvious exceptions of India, Pakistan and, if included in this paradigm, China) and therefore little reason why the high value currently assigned to nuclear weapons cannot be swiftly diminished through substantial qualitative and quantitative changes in current policies and practices. It implies something much deeper and more transformative, represented in the first instance by the three steps outlined above under 'image 2'. It challenges the prevailing logic of nuclear deterrence by advocating measures to significantly curtail its remit through cumulative restrictions on nuclear practice. These measures are not an end in themselves but a means of devaluing nuclear weapons as part of a necessary transition along a spectrum of nuclear deterrence to nuclear disarmament. This paradigm tends to view nuclear disarmament through a broader lens of anti-hegemonic post-colonialism, global social justice, international economic socio-economic inequality and, for some, a human-centred cosmopolitanism.

The tension between the logics of nuclear deterrence and nuclear disarmament are, of course, well known. They represent very different world-views. But a persistent inability of states to bridge the gap between surface and deep devaluing, despite concerted efforts by the New Agenda Coalition around 2000, has led to a growing sense that these two paradigms are incommensurable: that even within the confines of the NPT serious movement towards a much deeper devaluing of nuclear weapons is just not politically feasible. This has bred disillusionment, and a determination on the part of prominent NNWS such as Norway, Mexico, Switzerland and South Africa to hold NWS commitments to account as the next quinquennial NPT Review Conference approaches in 2015. Expectations are high that the NWS will have made significant progress towards meeting commitments set out in the 2010 NPT Review Conference action plan. As the chair of the 2012 NPT Preparatory Committee, Australian Ambassador Peter Woolcott, noted at the UN General Assembly First Committee in October 2012, 'There is a high level of expectation on the nuclear-weapon States in this review cycle, notably the reporting by nuclear-weapon States on their Action 5 disarmament commitments at the third PrepCom session in 2014.'[80] States such as

[80] Statement by Ambassador Peter Woolcott, Chair of the First Session of the Preparatory Committee of the 2015 Review Conference of the Parties to the Treaty on the Non-proliferation of Nuclear Weapons, UN

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Indonesia are ever more insistent that 'rhetoric alone cannot move "the gearshift" towards this visionary world: a world free of nuclear weapon. It requires political will to change a strategic mindset, especially of those who own the nuclear weapons. It requires practical actions towards genuine multilateral negotiation.'[81] South Africa similarly insisted at the UN General Assembly in 2012 that actions by the NWS

> cannot be confined to reductions in the number of strategically deployed nuclear weapons aimed at removing the excessive destructive capabilities developed during the Cold War, irrespective of the necessity and importance of such measures. What is required is a fundamental shift in the security postures of those States and group of States that continue to rely on nuclear weapons for their security, whether through direct or extended deterrence policies.[82]

But the outlook is far from promising.[83] A follow-up report to the 2009 International Commission on Nuclear Non-proliferation and Disarmament noted: 'The unhappy reality is that while nuclear weapons continue to pose an existential threat to humanity, progress on their abolition, and on strengthening barriers to their proliferation, remains achingly slow.'[84]

Prominent NNWS have now decided to exercise their political agency and take greater ownership of the NPT's Article VI commitment to achieve a world free of nuclear weapons. Working with global civil society organizations they have taken steps to strengthen themselves by marshalling normative power drawn from conceptions of a constitutional, cosmopolitan international order founded on post-1945 international institutions and the international rule of law.[85] This image of the NPT and nuclear disarmament moves beyond deep devaluing by challenging the legitimacy of nuclear weapons. It does so by reframing NPT nuclear politics away from a nuclear force reductions process governed by the nuclear weapon states and towards the unacceptable and unmanageable humanitarian impact of the use of nuclear weapons.

Delegitimizing nuclear weapons can be defined as processes that undermine the *legitimacy* of valuing their purportedly beneficial effects (that is, the social acceptability of valuing these effects even if they are contextualized by some as beneficial). Drawing on David Beetham's work, this means demonstrating that current nuclear practices do not rest on justifiable rules in terms of the beliefs and

General Assembly First Committee, 67th session, thematic debate on nuclear weapons, 17 Oct. 2012.

81 Statement by the Indonesian delegation, NPT Preparatory Committee, cluster 1: nuclear disarmament, Vienna, 3 May 2012.

82 Statement by the South African delegation, UN General Assembly First Committee, 67th session, thematic debate on nuclear weapons, New York, 19 Oct. 2012.

83 See Gareth Evans and Ramesh Thakur, *Nuclear weapons: the state of play* (Canberra: Centre for Non-Proliferation and Disarmament, Australian National University, 2013); Gaukhar Mukhatzhanova, *Implementation of the conclusions and recommendations for follow-on actions adopted at the 2010 NPT Review Conference, disarmament actions 1–22: monitoring report* (Monterey, CA: Center for Nonproliferation Studies, Monterey Institute for International Studies, 2012).

84 Evans and Thakur, *Nuclear weapons*, p. x.

85 Barnett and Duvall refer to this as production power—the power to shape the discursive processes and practices that produce social identities and capacities that 'produce' (and reproduce) social subjects. See Michael Barnett and Raymond Duvall, 'Power in international politics', *International Organization* 59: 1, 2005, p. 55.

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values current in a given society; do not enjoy popular consent; and lack legal validity.[86]

This approach gathered momentum with the formation of a coalition of states ahead of the 2010 NPT Review Conference, some of which were instrumental in the successes of the 1997 Mine Ban Treaty and the 2008 Convention on Cluster Munitions. They were supported by a number of NGOs committed to challenging the legitimacy of the use of nuclear weapons in *any* circumstances. This perspective was reflected in the final document of the 2010 NPT Review Conference, which noted for the first time 'the catastrophic humanitarian consequences of any use of nuclear weapons and reaffirm[ed] the need for all States at all times to comply with applicable international law, including international humanitarian law'.[87] That document was followed by further statements from Norway and Switzerland at the 2012 and 2013 NPT Preparatory Committees that have gained ever more support and led to a ground-breaking conference on the humanitarian impact of nuclear weapons in Oslo in March 2013. The 'Joint statement on the humanitarian dimension of nuclear disarmament' delivered at the 2012 NPT Preparatory Committee by Switzerland's ambassador, Benno Laggner, had 16 signatories.[88] This list grew to 34 nations at the UN General Assembly First Committee in October 2012, when Laggner delivered a similar statement.[89] This more than doubled at the April 2013 NPT PrepCom to 80 nations for the statement delivered by South Africa's ambassador, Abdul Minty.[90] The Oslo conference of March 2013, hosted by the Norwegian government, attracted 128 countries as well as several UN organizations and the International Red Cross/Red Crescent movement. Norwegian Minister of Foreign Affairs Espen Barth Eide stated in his opening address:

> This conference is not intended as a substitute for any of the established arenas, be they bilateral or multilateral. The Non-Proliferation Treaty (NPT) is utterly important, but is also under serious pressure ... This conference takes a different starting point. It puts the humanitarian consequences of actual use of nuclear weapons at the centre ... It is a way of framing the discourse on nuclear weapons in a manner that properly reflects the danger that these weapons represent—to us all. The insights we gain can strengthen and inform our future debates about nuclear weapons.[91]

[86] David Beetham, *The legitimation of power* (Basingstoke: Macmillan, 1991), p. 13.

[87] 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, final document (vol. 1), NPT/CONF.2010/50, p. 19.

[88] 'Joint statement on the humanitarian dimension of nuclear disarmament', NPT Preparatory Committee, general debate, Vienna, 2 May 2012.

[89] 'Joint statement on the humanitarian dimension of nuclear disarmament' by Algeria, Argentina, Austria, Bangladesh, Belarus, Brazil, Chile, Colombia, Costa Rica, Denmark, Ecuador, Egypt, Iceland, Indonesia, Ireland, Kazakhstan, Liechtenstein, Malaysia, Malta, Marshall Islands, Mexico, New Zealand, Nigeria, Norway, Peru, the Philippines, Samoa, Sierra Leone, South Africa, Swaziland, Thailand, Uruguay, Zambia, and Switzerland, as well as the Observer State Holy See, 67th Session of UN General Assembly First Committee, 22 Oct. 2012, New York.

[90] 'Joint statement on the humanitarian impact of nuclear weapons', NPT Preparatory Committee, general debate, Geneva, 24 April 2013.

[91] Norwegian Minister of Foreign Affairs Espen Barth Eide, opening address, Conference on the humanitarian impact of nuclear weapons, Oslo, 4–5 March 2013.

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The humanitarian disarmament narrative was reiterated at the UN General Assembly's High Level Meeting on Nuclear Disarmament in September 2013, the UN Open-Ended Working Group on multilateral nuclear disarmament that also reported in September 2013, and the UN General Assembly First Committee in October 2013.[92] New Zealand delivered a further 'Joint statement on the humanitarian impact of nuclear weapons' at the latter, this time sponsored by 125 countries.[93] The narrative was further developed at the second conference on 'The humanitarian impact of nuclear weapons' hosted by the Mexican government in February 2014, which was attended by 146 states. Austria now plans to host a third conference later in 2014.[94]

Reframing nuclear disarmament as a humanitarian imperative has enabled NNWS to reassert the imperative of a world free of nuclear weapons. Nuclear disarmament under Article VI has often been dominated by an NWS discourse of deterrence, strategic stability, arms control and state security. Now it was being reframed in terms of global justice, humanitarian harm, ecological violence, human rights, human security and the international rule of law. Many NNWS are committed to these issues and values in other policy areas and this has empowered them to challenge the legitimacy of nuclear weapons in new ways with the support of civil society organizations. It has provided a new frame based on a justifiable and authoritative set of rules and norms for international society rooted in concepts of collective security and common humanity, rather than a *realpolitik* set of rules and norms rooted in state security and balances of military power.[95]

For some, the delegitimizing process is a means of reframing NPT politics in order to realize a deep devaluing of nuclear weapons through the NPT process by activating what the Austrian representative to the 2012 NPT Preparatory Committee called 'the "silent majority" of States committed to multilateralism'.[96] For others, it is a means of transcending entrenched and seemingly incommensurable positions in the NPT and galvanizing political support for a treaty to ban nuclear weapons as a precursor to a new weapons convention. Certainly for Switzerland the purpose is to mobilize state and civil society support for a legal ban on nuclear weapons based on the humanitarian unacceptability of their use; in other words, to fundamentally delegitimize them as instruments of civilized statecraft. As Laggner stated at the UN General Assembly in October 2012: 'We are encouraged by the increasing attention given to the humanitarian dimension of nuclear disarmament by States as well as international and non-governmental

[92] See 'Report of the Open-ended Working Group to develop proposals to take forward multilateral nuclear disarmament negotiations for the achievement and maintenance of a world without nuclear weapons', UN General Assembly, A/AC. 281/2, 3 Sept. 2013.

[93] Ambassador Dell Higgie, 'Joint statement on the humanitarian impact of nuclear weapons', UN General Assembly, New York, 21 Oct. 2013.

[94] 'Chair's summary', second conference on the humanitarian impact of nuclear weapons, Nayarit, Mexico, 14 Feb. 2014, http://www.sre.gob.mx/en/images/stories/cih/ci.pdf, accessed 9 April 2014.

[95] John Borrie, *Viewing nuclear weapons through a humanitarian lens: context and implications*, Humanitarian impact of nuclear weapons project paper no. 2 (Geneva: UNIDIR, 2013), p. 2.

[96] Statement of Secretary General for European and International Affairs of Austria, H. E. Johannes Kyrle, NPT Preparatory Conference, Vienna, 30 April 2012.

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organizations. Switzerland is convinced that a better understanding of the humanitarian impact of nuclear explosions will pave the way to a multilateral process to prohibit nuclear weapons based on their destructive, indiscriminate and inhumane nature.'[97] From this perspective the humanitarian initiative builds on the informal stigmatization of the use of nuclear weapons, captured in the notion of a 'nuclear taboo' or a 'norm of non-use'.[98] It can be viewed as a process of codifying the normative illegitimacy of use in a legal instrument culminating, eventually, in an unequivocal delegitimation that categorically outlaws the possession or use of nuclear weapons. A strong case can indeed be made that a new legal instrument is required since the NPT's built-in discrimination between NWS and NNWS renders it structurally unable to categorically delegitimize nuclear weapons and the practice of nuclear deterrence.[99]

The NWS are troubled by this intervention. They did not attend the Oslo conference and issued a joint statement declaring a boycott based on their collective concern that

> the conference in Oslo could divert discussion and focus away from the practical steps required to create the conditions for further nuclear weapons reductions. We believe that the practical, step-by-step approach that we are taking to progress multilateral nuclear disarmament through existing mechanisms, such as the nuclear non-proliferation treaty (NPT) and the Conference on Disarmament, have proven to be the most effective means to increase stability and reduce nuclear dangers. We will therefore continue to work together with our P5 colleagues, and non nuclear weapons states, toward strengthening the foundation for mutual confidence and further disarmament efforts.[100]

This position was reasserted in their collective statement ahead of the 2013 Preparatory Committee, which 'reaffirmed the historic contribution of the pragmatic, step-by-step process to nuclear disarmament and stressed the continued validity of this proven route'.[101] This, of course, ignores the fact that the Oslo conference was precipitated by the *failure* of the established step-by-step process and dysfunctional disarmament institutions to generate significant progress towards nuclear disarmament through ever deeper devaluing of nuclear weapons. It came as no surprise, then, when the NWS opted not to attend the second conference on the humanitarian impact of nuclear weapons in Mexico.

This third image of the NPT based on delegitimizing nuclear weapons is the primary but not the only locus of resistance to the NWS' disarmament foot-dragging. The current NPT review cycle has also witnessed additional assertions of NNWS agency, albeit on a smaller scale: in particular, the threat by the Arab League to boycott the 2013 NPT Preparatory Committee in protest at the lack of

[97] Statement by Benno Laggner, 17 Oct. 2012.

[98] Nina Tannenwald, 'The nuclear taboo: the United States and the normative basis of nuclear non-use', *International Organization* 53: 3, 1999, p. 463.

[99] See Ritchie, 'Legitimising and delegitimising nuclear weapons'.

[100] Statement by Baroness Warsi, Senior Minister of State, Department for Communities and Local Government and Foreign and Commonwealth Office, Hansard (Lords), col. WA182, 21 March 2013.

[101] Joint statement by China, France, United Kingdom, Russia and the United States, 'On the way to the 2015 NPT review conference'.

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progress towards a nuclear weapon-free zone in the Middle East agreed at the 2010 NPT Review Conference, and specifically the cancellation of a planned conference in Helsinki to initiate the process.[102] The boycott did not occur, though the Egyptian delegation withdrew from the committee midway through in protest.[103] This may have been a one-off event, or it may signal the start of a more profound and sustained resistance to the NPT status quo if key disarmament interests cannot be met.

Conclusion

Devaluing nuclear weapons is an essential and inevitable process on any path towards their abolition. This article has differentiated two forms of devaluing nuclear weapons under the NPT since the end of the Cold War. The first defines changes in NWS nuclear weapons policy since the end of the Cold War as a form of surface devaluing. This reflects a codification of a transformed security environment after the Cold War through reductions in the size and role of nuclear arsenals, consolidation of NSAs, and substitution of some nuclear missions with conventional capabilities. But it is a codification that leaves the logic of nuclear deterrence and nuclear prestige largely unchanged. The second embodies a series of measures consistently advocated by a host of NNWS that go above and beyond numerical force reductions. These measures constitute a deeper form of devaluing requiring a significant reconceptualization of the political, strategic and military logics that underpin current nuclear weapons policies and practices. The possibility of an ever deeper devaluing of nuclear weapons rests on the notion of a spectrum of nuclear deterrence from the maximum forms practised during the Cold War, through current iterations of 'minimum deterrence' adopted by the smaller NWS, through to weaponless and virtual nuclear deterrence ending in nuclear disarmament.

NNWS have become increasingly exasperated with the glacial pace of nuclear change and have set the bar high in terms of expectations of significant progress by the NWS towards commitments made in the 2010 NPT Review Conference's 64-point action plan, in particular on commitments made under action point 5 that reflect a deep devaluing agenda. Some of these states have also concluded that the gap between surface and deep devaluing cannot be bridged. Instead, they are now looking to transcend the gap between these two images—what we might label a 'P5 agenda' and a 'New Agenda Coalition *c.*2000' agenda. They are looking to empower themselves within global nuclear politics through a third image of disarmament under the NPT based on delegitimizing nuclear weapons. To that

[102] Elaine Grossman, 'Arab League threatens nonproliferation event boycott', Global Security Newswire, 21 Feb. 2013, http://www.nti.org/gsn/article/arab-states-threaten-boycott-nonproliferation-conference/, accessed 9 April 2014. See also Dan Joyner, 'League of Arab States council statement on postponement of the ME WMD FZ conference', Arms Control Law blog, 5 March 2013, http://armscontrollaw.com/2013/03/05/league-of-arab-states-council-statement-on-postponement-of-the-me-wmd-fz-conference/, accessed 9 April 2014.

[103] Elaine Grossman, 'Egypt stages walkout over failure to convene Mideast WMD summit', Global Security Newswire, 30 April 2013, http://www.nti.org/gsn/article/egypt-stages-walkout-over-failure-convene-mideast-wmd-summit/, accessed 9 April 2014.

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end they are reframing nuclear discourse to focus on the humanitarian impact of nuclear weapons in ways that challenge the legal validity of, international consent for, and justifiability of the rules and norms used to legitimize the continued possession and use of nuclear weapons. This approach rests on a different narrative of global order focused on human security and our common humanity rather than on the state, territory, and geopolitical conceptions of the national interest.

It seems, then, that the NWS will have to take deep devaluing seriously as a package of measures in order to reproduce the credibility of the NPT over time amid active political resistance to the status quo and the exercise of normative agency on the part of the NNWS. This type of engagement looks unlikely at present. It remains to be seen whether enough NNWS can align their interests to put significant and sustained pressure on the NWS to take deep devaluing measures seriously, or more radically to pursue a nuclear ban treaty akin to the Mine Ban Treaty and Convention on Cluster Munitions, with or without NWS consent.[104] This will require those who truly support the realization of a world free of nuclear weapons to prioritize this objective above other national interests and commit the necessary political resources to collectively push for a significant shift in NWS attitudes towards nuclear weapons and/or muster a meaningful coalition of states to negotiate a ban treaty.

[104] *Banning nuclear weapons without the nuclear armed states*, briefing paper (London: Article 36, Oct. 2013).

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