

THE NPT AT 50: Successes, Challenges, and Steps Forward for Nonproliferation

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Fifty years after the opening for signature of the nuclear Nonproliferation Treaty [NPT], there are many reasons to celebrate, not least among them is the continued salience and importance of this treaty.

Now, there is the addition of a new and exciting legal instrument, the **Treaty on the Prohibition of Nuclear Weapons**, which will make a strong contribution to the NPT's Article VI obligation for states-parties to pursue nuclear disarmament. The new treaty is truly groundbreaking, not only in its prohibitions on the weapons but also in its acknowledgment of the role of the hibakusha, its provisions on victim assistance and cooperation on the environment, and its commitments to disarmament education and the full and equal participation of men and women in the work of the treaty.

In 1958, Ireland's foreign minister, Frank Aiken, introduced at the United Nations the first of the Irish resolutions that would eventually lead to the adoption of the NPT a decade later. At that time, the prospect was very real of a world where many actors, state and nonstate, would eventually acquire the means and the technology to build their own nuclear arsenals. In his speech, which remains as prescient and true today



Irish Foreign Minister Frank Aiken (center) listens to the debate at the First Committee of the General Assembly on October 8, 1958. Also shown in the photo are (front row, left to right): L. Vitetti (Italy); Abba Eban (Israel); H. Jawad (Iraq); and D. Abdoh (Iran). (UN Photo/MB)

as it was 60 years ago, Aiken spoke of how weapons that are the monopoly of the great powers today become

the weapons of smaller powers and revolutionary groups tomorrow. He made clear that, while abolition of the weapons and permanent disarmament was Ireland's goal, the immediate pragmatic need was to prevent further dissemination of the weapons.

As we assess the NPT at 50, we can, I believe, agree that the treaty has, to a good extent, achieved its objectives. Very few states have remained outside the treaty and have gone on to develop nuclear weapons. It is indeed one of the most participated-in UN treaties. The five nuclear-weapon states have all joined and therefore are bound by the commitment to nuclear disarmament contained within Article VI, which remains the core legal obligation binding the nuclear-weapon states to disarm. This is also evidenced by the unequivocal undertaking that they gave in 2000 to accomplish the total abolition of their nuclear weapons.

Additionally, the states of many regions of the world have chosen to be part of nuclear-weapon-free zones in strong demonstration of their commitment to the objective of a world without nuclear weapons. Some of the strongest voices in the room at the prohibition treaty negotiations came from these regions and brought the strength of their convictions and experience to the treaty negotiations.

The NPT itself is a slim treaty, its preamble and 11 articles fitting easily on six standard letter-size pages. But the international community has built around it a strong framework of supporting institutions. The International Atomic Energy Agency [IAEA] in particular, though predating and independent from the NPT, has built up an impressive structure of expertise and an enabling framework to facilitate that use of nuclear technology for peaceful purposes while implementing strict safeguards that prevent diversion to nonpeaceful uses.

With the development of supporting export control regimes including the Nuclear Suppliers Group and the Missile Technology Control Regime, states have been successfully assisted in preventing and inhibiting proliferation of nuclear weapons and ballistic missile technology without preventing transfer of technology and materials for peaceful uses. This aspect of the treaty is also an essential one to which states parties need to continue to give careful support and attention.

The NPT has also, through the strengthened review process agreed at the 1995 review and extension conference, helped to promote and give impetus to many far-reaching agreements and understandings aimed at preventing further proliferation and enabling bilateral nuclear disarmament. The bilateral accords between Russia and the United States have also been greatly supportive of the NPT aims, with the Intermediate-Range Nuclear Forces [INF] Treaty, the Strategic Arms Reduction Talks treaty, and the New Strategic Arms Reduction Treaty [New START] contributing to a welcome and significant reduction in the large stockpiles of nuclear warheads that had built up during the Cold War.

Equally, the Comprehensive Test Ban Treaty [CTBT] must also be counted among the NPT successes. While it hasn't entered into force, the strength of the global norm, which has been established against nuclear testing, and the development of the Comprehensive Test Ban Treaty Organization's International Monitoring System rank among the great achievements of the international community in nuclear disarmament.

The Treaty on the Prohibition of Nuclear Weapons represents the NPT's latest success story.

The first new legal instrument on nuclear disarmament to be adopted in over 20 years, it is a success story not only because of its groundbreaking content but also because of what it entails in terms of progress toward the fulfillment of the NPT's disarmament provisions. NPT Article VI expressly envisaged a separate and complementary treaty on general and complete disarmament under strict and effective international control.



Jackie O'Halloran Bernstein speaks at the annual meeting of the Arms Control Association on April 19 in Washington. (Photo: Allen Harris/Arms Control Association)

The prohibition treaty is not founded on a grand bargain whereby states agree to give up the possible military advantages and the status attached to being nuclear weapons possessors in exchange for an agreement that the nuclear-weapon states will disarm. Instead, the states who adopt the treaty agree to an unambiguous and unconditional commitment that they will never under any circumstances develop,

test, produce, manufacture, otherwise acquire, possess, or stockpile nuclear weapons

or other nuclear explosive devices.

I think **Frank Aiken**, 50 years after the entry into force of the NPT, would be pleased that the prohibition treaty finally implements and gives effect to the NPT's disarmament provision, that almost two-thirds of the UN membership are committed to the complete prohibition and elimination of nuclear weapons, and that this took place from an appreciation of the elevated risk and catastrophic consequences that would result from a nuclear weapons detonation, accidental or deliberate.

For the security of all humanity and the future of our fragile planet, our states are making this choice. It is our great hope that, in time, all others including the nuclear weapons possessor states and their allies will join us.

Aiken was a strong supporter of the idea of the sovereign equality of all states and a firm believer in the equalizing power of the United Nations.

He would, I think, have approved of the inclusive and respectful nature of the deliberations that led to the adoption of the treaty, both in the 2016 open-ended working group so ably chaired by Ambassador Thani Thongphakdi of Thailand and also at the prohibition negotiations where Ambassador Elayne Whyte Gómez of Costa Rica played such a strong role in bringing the deliberations on the treaty to a successful conclusion.

In addition to the prohibition treaty, there have been other welcome advances in disarmament and arms control in recent years, including the entry into force of the Arms Trade Treaty [ATT] in 2014, the Joint Comprehensive Plan of Action with Iran in 2015, and the agreements at the Convention on Certain Conventional Weapons to establish a group of governmental experts to address the challenges raised by autonomy in weapons systems. These achievements show that the international community, states, and civil society can achieve our goals when we can agree and focus on a common purpose.

But huge challenges confront us. Growing urbanization has led to massive increases in civilian casualty rates and damage to civilian infrastructure in our cities from the use of conventional explosive weapons. The Iran nuclear accord, negotiated with such effort and attention and despite careful and positive implementation assessment by the IAEA, is under threat. The ATT is experiencing significant challenges in universalization and in implementation, while 100 years on from the Battle of Ypres, chemical weapons are again being used in war and to assassinate, despite the universal prohibition on their use.

Meanwhile, nuclear disarmament by the NPT nuclear-weapon states has stalled. Bilateral nuclear disarmament between the United States and Russia, undertaken following the successes of [the] INF [Treaty] and New START, has halted. After the successful outcome of the NPT's 2010 review conference with its ambitious but achievable action plan, including an innovative approach to progress on a Middle East zone free of weapons of mass destruction, the 2015 conference did not agree on an outcome. The CTBT, despite the previously mentioned successes, has still not lived up to its promise of an end to the damage and destruction caused by nuclear testing by entering into force.

Modernization and investment in nuclear arsenals is rising in all nuclear-weapon states, and efforts to reduce the salience of nuclear weapons in military doctrines and in nuclear alliances has receded. Proliferation threats are increasing, with North Korea's nuclear program representing a particular dangerous development. Against this background, the norm against the threat of use of nuclear weapons has been seriously eroded. The world's citizens, after decades of post-Cold War complacency, are awakening to the harsh reality that, yes, nuclear weapons do still exist and that the hands of the Doomsday clock are yet again at two minutes to midnight.

So what to do amid this somewhat grim background when we have seen disarray and lack of agreement at the UN Security Council on an issue in which there should be overwhelming global agreement and abhorrence—chemical weapons use? It seems utopian to suggest that NPT states-parties should renew their efforts to engage with each other and genuinely find ways forward to overcome the divisions on approaches to nuclear disarmament that have become evident in recent years.

But that is exactly what we need to do. If the NPT could be negotiated and adopted at the height of the Cold War, then a renewed commitment to its implementation and the establishment of dialogue among its states-parties is more than possible. I am not going to list here the 13 steps or the actions from the 2010 NPT action plan on which all are agreed. Neither am I going to set out the steps put forward by the proponents of the progressive, or step-by-step, approach to nuclear disarmament.

Ireland and the other delegations to the prohibition treaty are all committed to making progress on these measures, and many of our countries have engaged actively in the work to make them happen. There is, however, one issue to address in more detail, the question of the Middle East zone free of weapons of mass destruction and their means of delivery. As we reach the midpoint of the NPT's 2020 review cycle with little or no progress, it is time for serious stocktaking and reassessment of how to achieve some progress on this issue despite the challenges and difficulties. Otherwise, the risk that the 2020 review cycle will also fail to agree on an outcome is strong, with a resulting strongly negative impact on the treaty.

Ireland proposed at last year's preparatory committee that a dedicated resource should be provided possibly within the UN Office for Disarmament Affairs to assist the co-conveners and other interested states and civil society actors to develop creative and innovative proposals and, in particular, confidence-building measures that could begin to move the process forward. Trust and confidence are key to the success of any negotiation, and this is what we need most of all.

Recently, Ireland celebrated an auspicious moment in our history, 20 years of the Good Friday agreement and the success of the Northern Ireland peace process. The agreement has had many challenges. It hasn't always lived up to its promise as a beacon of hope and reconciliation, but it has endured, and the hard-earned peace that is represented has lasted in spite of all the difficulties, including those that confront it today.

That achievement wasn't built in a few weeks of negotiations and only through the dedication and preparedness to take risks of some leaders, though that wasn't lacking either. But rather, it was built through decades of work within communities, schools, churches, within labor movements, business associations, political parties, academics, think tanks, working together or as individuals to establish lines of communication, to start a conversation, to build bridges instead of walls, to have a cup of coffee instead of shouting across the barricades. Mostly it was built by starting conversations and by listening to the other's viewpoint. It was also built by women reacting to the loss and devastation within their communities and determined to end the violence once and for all.

Within the NPT process, there often is talk of needing to identify the bridge builders. Those states, groups of states, civil society actors, leaders who can find a way forward to bridge the divisions between those who seek immediate and nonconditioned implementation of the

NPT's disarmament provisions and related commitments and those who believe that, while nuclear disarmament is the ultimate goal of the NPT, the conditions are not yet right for it to happen.

With the second NPT preparatory committee, we can all be bridge builders, those who believe that nuclear disarmament is essential to creating the conditions for a peaceful and secure world and those who believe we must create a peaceful and secure world before nuclear disarmament can happen.

When speaking of the Good Friday agreement and the need for renewed commitment to its implementation and objectives, Irish Deputy Prime Minister Simon Coveney said renewal does not demand perfection. It demands leadership, courage, and hard work. For the NPT, we also need leadership, courage, and hard work. Most of all, we need to begin a dialogue to find what works and what can bring us nearer to the realization of our mutual goal, a world without nuclear weapons and a successful outcome to the 2020 NPT review cycle.

There are already some promising green shoots in the chairman's draft summary from last year's preparatory meeting, including the recognition of gendered impacts of nuclear weapons and the need to increase women's participation in nuclear disarmament forums. As Pope Francis has said, a world without nuclear weapons will not be this world just without nuclear weapons, it will be a different world. For those of us who want that different world, it's time to begin both imagining and creating it.

Jackie O'Halloran Bernstein recently completed her posting as director for disarmament and nonproliferation at Ireland's Department of Foreign Affairs and Trade. This is adapted from her keynote address to the annual meeting of the Arms Control Association on April 19 in Washington.