The background of the cover is a dark teal color with a complex white technical drawing. The drawing consists of various geometric shapes, including circles, lines, and polygons, some of which are filled with a hexagonal pattern. The drawing appears to be a cross-section or a plan of a structure, possibly a building or a piece of machinery, with various components and lines indicating its structure and layout.

THE STRUGGLE FOR ABOLITION

POWER AND LEGITIMACY IN MULTILATERAL
NUCLEAR DISARMAMENT DIPLOMACY

Kjølv Egeland

The Routledge logo is located in the bottom right corner. It features a stylized white 'R' inside a dark square, with the word 'ROUTLEDGE' written in white capital letters to its right.

ROUTLEDGE

The Struggle for Abolition

Can the genie be returned to the bottle? This book investigates the pursuit by states, civil society groups, and international organisations of nuclear abolition. Detailing the evolution of the institutional architecture for multilateral nuclear disarmament from the 1960s onwards, this book tells a story of high hopes, broken promises, and clashing views of history, security, and the future.

Global nuclear politics deals in material power and security but is also shot through with contests over prestige, justice, and mutual recognition. Waves of innovation in multilateral nuclear disarmament diplomacy have typically come about on the back of crises of legitimacy within the broader nuclear order.

The book concludes with a discussion of policy implications and a reflection on successes and failures in the history of multilateral nuclear disarmament. The volume will be of great interest to scholars and researchers of diplomacy, history, and politics and international relations.

Kjølv Egeland is a postdoctoral fellow with the Nuclear Knowledges Programme at the Center for International Studies (CERI) at Sciences Po in Paris. Completing his doctorate in International Relations at the University of Oxford in 2018, his research interests centre on international security, ideology, and multilateral diplomacy. Egeland's work on nuclear arms control and disarmament has appeared in a range of leading social science journals. His article 'A Theory of Nuclear Disarmament' was awarded the Bernard Brodie Prize in 2022.

‘Kjølv Egeland renders us a valuable service in giving us this painstakingly accurate account of the long efforts to eliminate nuclear weapons. They have been sadly frustrated and the weapons have retained their strategic importance. Yet, the broad resistance to them, including the Treaty Prohibiting Nuclear Weapons, has undoubtedly caused them to be delegitimized. Even the G 20 group of states meeting in New Delhi in September 2023 with China, the United States, and Russia participating acknowledged that “the use or threat of use of nuclear weapons is inadmissible”.’

Hans Blix, former Director General of the International Atomic Energy Agency and Foreign Minister of Sweden

‘Egeland has written an essential book on nuclear disarmament and nuclear order.

The Struggle for Abolition combines extensive primary research with thoughtful analysis of questions of legitimacy, order, and recognition to provide a new understanding of the international disarmament framework and the potential for nuclear abolition.’

Laura Considine, Associate Professor of International Politics and Director of the Centre for Global Security Challenges, University of Leeds, UK

‘Within a novel and illuminating conceptual framework, the author uses elements of recognition theory and identity to show how the prevailing nuclear hierarchy has threatened non-nuclear states’ identities as sovereign equals, rejecting them as partners in the nuclear ordering process. Unsurprisingly, and in a world where all states are vulnerable to the dangers posed by nuclear weapons, the non-nuclear states’ most recent action has been the creation of a new treaty, the TPNW, to transcend and move beyond the inequities of the NPT.

Egeland’s book sheds a revealing light on the history of the long struggle against a dominant nuclear order that threatens planetary security. It is vital reading for anyone interested in peace and disarmament, and the role of small and middle-sized states in resisting entrenched but inequitable narratives and practices.’

Marianne Hanson, Associate Professor and Director of the Rotary Centre for International Studies in Peace and Conflict Resolution, University of Queensland, Australia

‘US Secretary of Defense Robert McNamara once offered a dire prospect for humankind: “If, then, man is to have a future at all, it will have to be a future overshadowed with the permanent possibility of thermonuclear holocaust. About that fact, we are no longer free.” This book smartly traces the history and politics of the more than 50-year struggle through international diplomacy to break free from this future. It shows how nuclear diplomacy has sometimes mattered, critically illuminating the roles of institutional legitimacy, rules and

roles, and the recognition of others, in the fitful evolution of the current global nuclear order from the 1960s effort to stop the spread of the bomb to the new treaty banning nuclear weapons. The focus here is showing why the handful of powerful nuclear-armed states do not always get their way, bringing into sharp relief the importance of diplomatic contestation, confrontation, and crisis, in driving occasional but seemingly inevitable reforms in the nuclear order. It offers insightful and compelling scholarship on the need to shift attention to the very nature of the nuclear order as the source of the problem rather than one or other nuclear-armed state.'

Zia Mian, Senior Research Scholar and Co-Director, Program on Science and Global Security (SGS), Princeton University, USA



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Power and Legitimacy in Multilateral Nuclear Disarmament Diplomacy

Kjølv Egeland

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Abbreviations and Acronyms

ABM	Anti-Ballistic Missile
CARICOM	Caribbean Community
CD	Conference on Disarmament
CCD	Conference of the Committee on Disarmament
CELAC	Community of Latin American and Caribbean States
NGO	Non-governmental organisation
CTBT	Comprehensive Nuclear-Test-Ban Treaty
ENDC	Eighteen Nation Committee on Disarmament
G77	Group of 77 developing states
HINW	Humanitarian impact of nuclear weapons
IAEA	International Atomic Energy Agency
ICAN	International Campaign to Abolish Nuclear Weapons
ICJ	International Court of Justice
IPNDV	International Partnership for Nuclear Disarmament Verification
IPPNW	International Physicians for the Prevention of Nuclear War
INF	Intermediate-Range Nuclear Forces
MFA	Ministry of Foreign Affairs
NAC	New Agenda Coalition
NAM	Non-Aligned Movement
NATO	North Atlantic Treaty Organisation
NGO	Non-governmental organisation
NIEO	New International Economic Order
NWS	Nuclear-weapon state
NPT	Treaty on the Non-Proliferation of Nuclear Weapons
P5	Permanent five members of the UN Security Council
PNET	Peaceful Nuclear Explosions Treaty
PrepCom	Preparatory Committee
PTBT	Partial Nuclear Test-Ban Treaty
SALT	Strategic Arms Limitation Talks (I and II)
START	Strategic Arms Reduction Treaty (I, II, and New)
TPNW	Treaty on the Prohibition of Nuclear Weapons
TTBT	Threshold Nuclear-Test-Ban Treaty
UN	United Nations

x *Abbreviations and Acronyms*

UNGA	United Nations General Assembly
UNSSOD	United Nations Special Session on Disarmament (I, II, and III)
WDC	World Disarmament Conference
WHO	World Health Organization
WMD	Weapon of mass destruction

Introduction

Multilateral Nuclear Disarmament and International Order

Introduction and Argument

What ought we do about the bomb? The official answer given by effectively all the world's states is abolition. To be sure, the current nuclear-armed states are for all intents and purposes resolved to retain and renew their arsenals for the foreseeable future. Disarmament rhetoric has persistently been belied by enormous investments in warheads, missiles, bombers, and submarines. Yet, on the level of official policy, even the major nuclear powers agree that abolition should be the long-term aim. The basic case for disarmament is threefold. First, it is widely acknowledged that the combination of nuclear armament and an international system composed of sovereign states portends eventual disaster. At some point, be it tomorrow, next year, or 200 years from now, deterrence will fail catastrophically. As put by the author Martin Amis, 'the trouble with deterrence is that it can't last out the necessary time-span, which is roughly between now and the death of the sun'.¹ Second, nuclear weapons are of a nature to cause superfluous injury and uncontrollable, indiscriminate effects if used. The employment of nuclear arms is thus difficult or impossible to square with prevailing principles of international law and morality. And, third, abolition is widely seen as the only politically defensible long-term solution to the nuclear predicament. Few are prepared to say in public that nuclear weapons should be permanently available to some states but not others, and fewer still are prepared to maintain that they should be available to all. Accordingly, virtually all the world's states have committed, with varying degrees of sincerity, to pursuing multilateral nuclear disarmament. But in what way? How has the diplomatic pursuit of nuclear zero evolved over time? The history of the struggle for multilateral nuclear disarmament is a tale of frustrated hopes and broken promises, of backroom deals and creative diplomatic tricks, and of clashing visions of justice and security. It is also a story of how smaller states have sought to pressurise the powerful few – and of how the powerful few have sought to legitimate their power and privileges vis-à-vis the many small.

This book offers an effort to make sense of the history and politics of multilateral nuclear disarmament diplomacy from the 1968 adoption of Treaty on the Non-Proliferation of Nuclear Weapons (NPT) to the 2021 entry into force

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of the Treaty on the Prohibition of Nuclear Weapons (TPNW). Admittedly, nuclear disarmament has been on the international community's agenda since the beginning of the nuclear age. In its very first resolution, adopted by consensus in January 1946, the United Nations General Assembly (UNGA) called for proposals to advance the 'elimination from national armaments of atomic weapons and of all other major weapons adaptable to mass destruction'.² Yet it was only with the 1968 NPT that the goal of nuclear disarmament was elevated to the status of binding international law. Often referred to as the 'cornerstone' of the global nuclear order, the NPT codified a legal distinction between 'nuclear' and 'non-nuclear' powers, obliging states in the former category not to disseminate their weapons to others, committing those in the latter never to acquire nuclear arms, and requiring all parties to negotiate 'effective measures' for nuclear disarmament while simultaneously guaranteeing all states an enduring right to use nuclear technology for peaceful purposes. The institutional framework for multilateral nuclear disarmament diplomacy has since evolved and expanded considerably, with new treaties, forums, actors, and practices being integrated into the existing architecture. Containing a blanket prohibition on any retention of nuclear arms, the TPNW offers the latest, and most sweeping, of these additions.

But does the multilateral nuclear disarmament architecture even work? Does it actually serve its purpose? Despite the high and increasing volume of diplomatic activity, global nuclear zero remains, at best, a vision. More than half a century after the adoption of the NPT, the list of states armed with nuclear weapons has grown and none of the states that possessed nuclear arms at the time of the NPT's adoption have given up their arsenals. In fact, no nuclear warhead has ever been dismantled as a direct result of multilateral negotiations. Multilateral nuclear disarmament diplomacy has therefore been derided as 'play-acting' and a 'charade' with little impact on the real world.³ Some historians have gone further yet, arguing that the expansion of the institutional architecture for multilateral nuclear disarmament has actively harmed the disarmament agenda.⁴ A case in point is the Conference on Disarmament in Geneva. Initially formed as a 10-member forum, the Conference is today composed of no fewer than 65 states – each with de facto veto powers. As of fall 2023, it has been almost three decades since the Conference was able to move forward on a programme of work.

Against the objections outlined above, several scholars have maintained that multilateral nuclear disarmament advocacy has contributed to the emergence of diffuse but significant norms of nuclear restraint.⁵ It can also be argued that multilateral nuclear disarmament initiatives have helped put in place institutional and intellectual resources for future use. As argued by the American economist Milton Friedman, once an existing sociopolitical system is disrupted and radical change enabled, 'the actions that are taken depend on the ideas that are lying around'.⁶ Multilateral nuclear disarmament diplomacy has also produced institutions that are highly relevant and already in constant use by the international community. The Comprehensive

Nuclear-Test-Ban Treaty (CTBT), while not officially in force, has established a robust verification system that helps monitor and arguably deter nuclear testing worldwide. At the time of writing, only North Korea has carried out explosive nuclear testing since the turn of the last century.

On a more basic level, I maintain that advocacy for multilateral nuclear disarmament has served as a means for non-nuclear-weapon states to contest the creeping permanence of legalised nuclear inequality and, by extension, reaffirm the integrity of the norm of sovereign equality. Sovereignty is not a fact of nature, but rather ‘an ongoing accomplishment of practice’,⁷ produced, maintained, and transformed through evolving diplomatic actions.⁸ Multilateral nuclear disarmament diplomacy, in this perspective, may be understood as a practice of sovereignty affirmation. As I shall argue in this book, the politics of nuclear disarmament touches on both material and ontological security, meaning that relevant actors are concerned not only about their physical safety but also about their standing or identity as a certain kind of agent. It should be pointed out, however, that concerns with physical safety and identity recognition often cannot be unglued. As theorised by the German philosopher Axel Honneth, the demand to have one’s material interests minded is often inseparable from a demand for social recognition as a subject worthy of respect.⁹

This book develops five separate but related claims. First, I maintain that the expansion of the multilateral nuclear disarmament framework has occurred not through a gradual process but three bursts of activity followed by longer periods of institutional stasis (one burst playing out in the second half of the 1970s, another in the 1990s, and a third in the mid-2010s). Second, the perceived legitimacy of the NPT and wider nuclear order ebbs and flows over time. Phases of gradual delegitimation have invariably ended up fostering crises of legitimacy, which in turn have been resolved through institutional contestation and, eventually, the establishment of a new political settlement recalibrating the order. Third, phases of institutional delegitimation typically follow a pattern whereby mounting censure and disapproval are first directed towards actors deemed to be in non-compliance and later towards the institutional arrangement itself.¹⁰ Fourth, the effectiveness of counter-resistance – attempts at undercutting contestation and reform – depends on its timing in the cycle of de- and re-legitimation.¹¹ If carried out during the active or ascendant phase of a period of contestation, counter-resistance typically proves counterproductive. Fifth and most fundamentally, I contend that struggles for recognition, involving conflicts over respect, equality, and special entitlements, have played a crucial role in shaping the global nuclear order’s institutions and practices. The 2017 adoption of the TPNW, I argue, marked a withdrawal of recognition of the traditional major powers as states uniquely entitled to possess nuclear weapons pending the fulfilment of the disarmament ambition enshrined in the NPT.

The remainder of this chapter is divided into two parts. In the first, I discuss the book’s relevance and contribution, exploring the connections between

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disarmament and non-proliferation. In the second part, I briefly outline the study's research design and methods.

Relevance and Contribution

Why study the evolution of multilateral nuclear disarmament diplomacy at all? Two overarching reasons stand out. First, despite constituting a salient international practice, involving a myriad of international institutions, the politics of disarmament remains 'under-studied and under-theorised.'¹² And in the words of Robert Keohane, 'international institutions are worth studying because they are pervasive and important in world politics and because their operation and evolution are difficult to understand.'¹³ Second, multilateral nuclear disarmament is directly concerned with vital questions of security, planetary boundaries, and the integrity of the modern international system. Alongside the institutional frameworks governing nuclear non-proliferation and cooperation on the civilian uses of nuclear technology, multilateral nuclear disarmament plays an important role in the wider nuclear 'regime complex'.¹⁴ This regime complex, in turn, makes up a central component of the so-called global nuclear order, which in turn forms a pivotal subsystem of the broader and often mythologised institutional edifice typically referred to as the 'liberal' or 'rules-based' international order.¹⁵

This book offers several contributions to scholarship on international institutions and nuclear politics. Empirically, the chapters that follow add to international relations literature on institution building and multilateral diplomacy by uncovering how the multilateral nuclear disarmament architecture has evolved in dialectic with legitimacy contests and power politics. Drawing on a wide range of sources to provide a detailed account of understudied historical events, the study also contributes to contemporary and Cold War history. On the theoretical plane, the book furthers the nascent literature on recognition and misrecognition in international affairs. Emerging in contemporary social theory from re-readings of Hegel's Jena philosophy,¹⁶ recognition theory has been employed to good effect in studies of international conflict and global justice.¹⁷ Proceeding from the theoretical premise that 'all people and groups, including nations and states, crave for recognition',¹⁸ the present study marks a first book-length attempt at using recognition theory to understand institution building and everyday multilateral diplomacy.

One of the central concepts informing this study is legitimacy.¹⁹ Permitting a select group of five states to possess uniquely powerful weapons, the NPT has often been argued to conflict with humanitarian, environmental, and natural law principles.²⁰ A number of scholars have in recent years concluded that nuclear devastation has been avoided not just through purposive action by individuals and organisations but also by plain luck.²¹ Further, given the emphasis in contemporary international legal practice and diplomacy on the norm of equality,²² any regime that sets out different rights and obligations

for different groups of states is bound to be questioned on grounds of legitimacy. It may be argued on a legalistic basis that a treaty cannot undermine the principle of sovereign equality as long as it has been consented to freely, but in practice the NPT-centred nuclear regime complex is clearly ‘prone to a critique that portrays it as an instrument of hegemonic power, dividing the world into nuclear “haves” and “have-nots” and thus violating the “sovereign equality” of States’.²³ Inequality is of course especially challenging when perceived benefits go in favour of the actors that might be argued to need them the least. In contrast, for example, to the climate change regime negotiated in the 1990s, which prompted developed states to shoulder extra responsibility for reducing greenhouse gas emissions,²⁴ the nuclear order established in the 1960s has been claimed to provide for the ‘disarmament of the disarmed’.²⁵

‘Time is running out’, wrote Thomas Halsted, the director of the US Arms Control Association, in 1975.²⁶ He argued that unless the nuclear-weapon states took decisive steps towards redressing the inequalities embedded in the NPT by acting more assertively on the disarmament agenda, there was a significant chance that the 1968 treaty would collapse, fostering a wave of nuclear proliferation. After all, the nuclear ‘have-nots’ had signed on to the norm of non-proliferation on the understanding that the ‘haves’ would move towards eliminating their nuclear armouries. Halsted’s argument was echoed by the United Nations official and analyst William Epstein. Epstein posited that if the nuclear-weapon states did not make meaningful progress towards a world without nuclear weapons soon, the NPT’s already questionable legitimacy would break down entirely and the treaty would not live to see its tenth birthday.²⁷ Distinguished scholars such as Hedley Bull, Ian Brownlie, Richard Falk, and Lincoln Bloomfield all questioned the viability of an ‘inherently discriminatory global structure’.²⁸ In a 1980 classified dispatch to the president, US Special Representative for Non-Proliferation Matters, Gerry Smith, argued that the growing sense that America and other major powers had failed to honour their disarmament obligations boded badly for the ‘life expectancy’ of the NPT regime.²⁹ Similar predictions would be offered again and again over the subsequent years and decades.³⁰

But, as it turned out, the NPT did not collapse. How? A first and obvious reason is that the NPT serves an important security function for non-nuclear-weapon states regardless of whether disarmament is achieved.³¹ Providing a check on the nuclear ambitions of other non-nuclear powers, the NPT arguably contributes to security and stability in many regions. Further, as demonstrated by Benoît Pelopidas, the literature on nuclear proliferation suffers from a general overestimation of states’ desire to acquire nuclear arms. In his view, the mainstream ‘proliferation paradigm’ has stimulated wildly exaggerated predictions of the rate of nuclear proliferation by falsely portraying the bomb as universally desired and proliferation as an irreversible and self-begetting process.³² In reality, only a relatively small number of states have ever seriously considered acquiring nuclear arsenals.³³

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In addition, I argue that multilateral nuclear disarmament diplomacy has offered an outlet for states dissatisfied with the nuclear status quo, venting pressure on the non-proliferation framework.³⁴ The empirical chapters that follow suggest that institutional contestation and advocacy for multilateral nuclear disarmament may indeed have provided an alternative to proliferation or overt opposition to the NPT in certain cases. In this view, multilateral disarmament advocacy and contestation have, ironically, played key roles in stabilising the prevailing nuclear order. As suggested above, however, it is also plausible that disarmament advocacy has contributed to the long-term strengthening of anti-nuclear norms, facilitating both the non-use of nuclear weapons in war since 1945 and a near disappearance of nuclear testing.³⁵

Research Design and Methods

This book offers an analysis of the history and politics of nuclear disarmament diplomacy from the 1960s to the 2021 entry into force of the TPNW. Zeroing in on the evolution of the institutional framework for multilateral nuclear disarmament, the book identifies three consecutive cycles of institutional stasis and upheaval. The empirical analysis draws on a wide range of primary sources, including the verbatim or summary records of various diplomatic conferences; numerous resolutions, working papers, and other documents connected to diplomatic events; declassified government memos, meeting records, and correspondence; government documents obtained through freedom of information requests; the memoirs and other writings of many of the individuals involved in the events being discussed; and semi-structured interviews with practitioners. Interviews were conducted in London, Geneva, Oslo, Stockholm, and New York City, as well as over telephone. In addition, the book is informed by ethnographic research carried out at a large number of diplomatic conferences and meetings. The events and locations in question include NPT and TPNW conferences in New York (2014 and 2017); an open-ended working group on nuclear disarmament in Geneva (attending two separate sessions in 2016); a conference on the humanitarian impact of nuclear weapons in Vienna (2014); and track 1.5 roundtable meetings involving diplomats, experts, and civil society representatives in the Philippines (2014), Zambia (2014), Jamaica (2014), the United Kingdom (2019), and Norway (2022 and 2023).³⁶

The remainder of the book is structured as follows. First, the conceptual framework lays out the central ideas and concepts structuring the analysis. In it, I explain the punctuated equilibrium model of institutional change, discuss recognition theory and its application to international affairs, and analyse the political settlement that enshrined nuclear disarmament as a principle of international law. Next, the three empirical chapters delve into the history of the struggle for abolition, covering the periods from the late 1960s to 1978, 1979 to 2000, and the early 2000s to 2021, respectively. The final chapter

summarises the findings, offers policy recommendations, and reflects on the politics of nuclear non-proliferation and disarmament.

Finally, a few words on terminology. Since its establishment in 1960, the standing negotiating body for disarmament agreements currently known as the Conference on Disarmament has had several names – Ten-Nation Committee on Disarmament, Eighteen-Nation Committee on Disarmament, Conference of the Committee on Disarmament, the Committee on Disarmament, and now the Conference on Disarmament. For the sake of simplicity, I refer to it as the ‘Geneva Conference’ throughout the study. The term ‘disarmament’ is used interchangeably to refer to a field of diplomatic practice, the goal or end state of nuclear zero, and the practice of reducing weapon stocks. In each case, the meaning should be clear from the context. The term ‘multilateral’ is used to refer to a diplomatic arrangement involving four or more states. The term ‘non-aligned’ (lower case) is used to refer to all states outside the major alliance blocs – not only the members of the Non-Aligned Movement. In closing, this is not a history of nuclear weapons generally or of the disarmament effort per se. Equally, this is not an analysis of the merits or feasibility of nuclear abolition. Rather, this is a book about the evolution of the institutional and legal framework for multilateral nuclear disarmament.

Notes

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- 2 United Nations General Assembly, Resolution 1(I), ‘Establishment of a commission to deal with the problems raised by the discovery of atomic energy’, London, 1946.
- 3 See, e.g., Jorge M. Pedraza, ‘How nuclear-weapon states parties to the Non-Proliferation Treaty understand nuclear disarmament’, *Public Organization Review* 17: 2, 2017, p. 214; John Simpson, ‘The UN’s role in disarmament: retrospect and prospect’, *Contemporary Security Policy* 15: 1, 1994, p. 60. See also Ramesh Thakur, *The United Nations, peace and security: from collective security to the responsibility to protect* (Cambridge: Cambridge University Press, 2006), p. 163.
- 4 Dimitris Bourantonis, *The United Nations and the quest for nuclear disarmament* (Brookfield, VT: Dartmouth, 1993); Avi Beker, *Disarmament without order* (Westport, CT: Greenwood Press, 1985); Anton Bebler, ‘Yugoslavia’s positions and policies on arms control and disarmament’, *The International Spectator* 10: 2, 1989, pp. 94–101.
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- 6 Milton Friedman, *Capitalism and freedom* (Chicago, IL: The University of Chicago Press, 1982), p. ix.
- 7 Alexander Wendt, ‘Anarchy is what states make of it’, *International Organization* 46: 2, 1992, p. 413.

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- 8 Ole J. Sending, Vincent Pouliot, and Iver B. Neumann, *Diplomacy and the making of world politics* (Cambridge: Cambridge University Press, 2015), p. 17.
- 9 See Axel Honneth and Nancy Fraser, *Redistribution or recognition? A political-philosophical exchange* (London: Verso, 2003).
- 10 Compare Ian Clark et al., 'Crisis in the laws of war? Beyond compliance and effectiveness', *European Journal of International Relations* 42: 2, 2018, p. 12.
- 11 See Charles D. Brockett, 'The repression/popular-protest paradox', in Mark Traugott, ed., *Repertoires and cycles of collective action* (Durham, NC: Duke University Press, 1995), pp. 117–44. See also Rebecca D. Gibbons, 'Addressing the nuclear ban treaty', *The Washington Quarterly* 42: 1, 2019, pp. 27–40.
- 12 Lyndon Burford, *National identity and nuclear disarmament advocacy by Canada and New Zealand*, PhD thesis (Auckland: University of Auckland, 2016), p. 1.
- 13 Robert O. Keohane, 'International institutions: two approaches', *International Studies Quarterly* 32: 4, 1988, p. 393.
- 14 On the concept of regime complexes, see Kal Raustiala and David G. Victor, 'The regime complex for plant genetic resources', *International Organization* 58: 1, 2004, pp. 277–309.
- 15 Walker, *A perpetual menace*.
- 16 Especially Axel Honneth, *The struggle for recognition: the moral grammar of social conflicts* (Cambridge: Polity, 1995); Charles Taylor, 'The politics of recognition', in Amy Gutman, ed., *Multiculturalism: examining the politics of recognition* (Princeton, NJ: Princeton University Press, 1993), pp. 25–73. See G.W.F. Hegel, *Jenaer realphilosophie* (Hamburg: Verlag von Felix Meiner, 1969); G.W.F. Hegel, *Hegel's phenomenology of spirit* (Oxford: Oxford University Press, 1977).
- 17 E.g., Erik Ringmar, *Identity, interest and action* (Cambridge: Cambridge University Press, 1996); Thomas Lindemann, *Causes of war* (Colchester: ECPR Press, 2010); Tony Burns and Simon Thompson, *Global justice and the politics of recognition* (London: Palgrave Macmillan, 2013); Nicholas, G. Onuf, 'Recognition and the constitution of epochal change', *International Relations* 27: 2, 2013, pp. 121–40; Thomas Lindemann and Erik Ringmar, *The international politics of recognition* (Abingdon: Routledge, 2016); Michelle Murray, *The struggle for recognition in international relations* (Oxford: Oxford University Press, 2018); Constance Duncombe, *Representation, recognition and respect in world politics* (Manchester: Manchester University Press, 2020).
- 18 Jörg Friedrichs, 'An intercultural theory of international relations', *International Theory* 8: 1, 2016, p. 64.
- 19 See, e.g., Patrick M. Cottrell, *The evolution and legitimacy of international security institutions* (Cambridge: Cambridge University Press, 2016).
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- 21 See, e.g., Martin Sherwin, *Gambling with armageddon: nuclear roulette from Hiroshima to the Cuban Missile Crisis* (New York, NY: Knopf, 2020); Benoît Pelopidas, 'The unbearable lightness of luck: three sources of overconfidence in the manageability of nuclear crises', *European Journal of International Security* 2: 2, 2017, pp. 240–62; Patricia Lewis et al., *Too close for comfort: cases of near nuclear use and options for policy* (London: Chatham House, 2014).
- 22 See articles 1 and 2 of the United Nations Charter, signed 26 June 1945, in force 24 Oct. 1945.
- 23 Jörn Müller and Andreas Paulus, 'Survival through law', *Finnish Yearbook of International Law* 18, 2007, p. 87. See also Yoshiko M. Herrera and Jacques E.C. Hymans, 'The Non-Proliferation Treaty as a conditional norm', PONARS Eurasia, *Policy Memo* 142, May 2011, p. 2; Nick Ritchie, 'A hegemonic nuclear order', *Contemporary Security Policy* 40: 4, 2019, pp. 409–34.

- 24 According to the principle of ‘common but differentiated responsibility’ for reducing emissions, developed states are expected to shoulder the brunt of the cuts.
- 25 Quoted in Sara Z. Kutchesfahani, *Politics and the bomb* (London: Routledge, 2014), p. 40.
- 26 Thomas A. Halsted, ‘The spread of nuclear weapons’, *Bulletin of the Atomic Scientists* 31: 5, 1975, p. 11.
- 27 William Epstein, *The last chance* (London: The Free Press, 1976), p. 256.
- 28 See Hedley Bull, ‘Rethinking non-proliferation’, *International Affairs* 51: 2, 1975, pp. 175–89; Lincoln P. Bloomfield, ‘Nuclear spread and world order’, *Foreign Affairs* 53: 4, 1975, pp. 743–55; Bruce Unger, ‘The Nuclear Non-Proliferation Treaty review conference’, *World Affairs* 139: 2, 1976, p. 91; Richard Falk, ‘Nuclear weapons proliferation as a world order problem’, *International Security* 1: 3, 1977, p. 84. See also Ian Brownlie, ‘Nuclear proliferation: some problems of control’, *International Affairs* 42: 4, 1966, pp. 600–8.
- 29 Foreign Relations of the United States 1977–1980, vol. XXVI, arms control and nonproliferation, ‘Memorandum from the president’s assistant for national security affairs (Brzezinski) to president Carter’, Washington, 24 Nov. 1980, doc. 395.
- 30 E.g., John M. Lamb, ‘Rolling the arms control waters’, *Bulletin of the Atomic Scientists* 43: 8, 1987, p. 18; Jayantha Dhanapala, ‘Indefinite extension of the Non-Proliferation Treaty’, *Acronym Report* 7, Sept. 1995, <http://www.acronym.org.uk/old/archive/acrorep/a07intro.htm>; Manpreet Sethi, ‘NPT reviews conference 2000’, *Strategic Analysis* 24: 1, 2000, pp. 51–64; Graham Allison, ‘Nuclear disorder: surveying atomic threats’, *Foreign Affairs* 89: 1, 2010, pp. 74–85; Nina Tannenwald, ‘Justice and fairness in the nuclear nonproliferation regime’, *Ethics & International Affairs* 27: 3, 2013, pp. 299–317.
- 31 See T.V. Paul, ‘Systemic conditions and security cooperation: explaining the persistence of the nuclear non-proliferation regime’, *Cambridge Review of International Affairs* 16: 1, 2003, pp. 135–54.
- 32 Benoît Pelopidas, ‘The oracles of proliferation’, *The Nonproliferation Review* 18: 1, 2011, pp. 297–314; See also Benoît Pelopidas, ‘The nuclear straitjacket’, in Stéfanie von Hlatky and Andreas Wenger, eds, *The future of extended deterrence* (Washington, DC: Georgetown University Press, 2015), pp. 73–105.
- 33 Benoît Pelopidas, *Repenser les choix nucléaires* (Paris: Sciences Po University Press, 2022).
- 34 Jan Ruzicka, ‘Behind the veil of good intentions: power analysis of the nuclear non-proliferation regime’, *International Politics* 55: 3–4, 2018, pp. 369–85.
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1 Nuclear Order and the Struggle for Recognition

Punctuated Equilibrium in Multilateral Nuclear Disarmament Diplomacy

The overall aim of this study is to give an account of the evolution of the institutional framework for multilateral nuclear disarmament between the adoption of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) in 1968 and the entry into force of the Treaty on the Prohibition of Nuclear Weapons (TPNW) in 2021. The institutional framework in question is made up of the various legal instruments aimed at facilitating global nuclear disarmament (as defined through diplomatic practice), the diplomatic forums in which multilateral nuclear disarmament is discussed and negotiated, the rules of procedure and diplomatic behaviours associated with these forums, and the actors empowered to operate within the institutional architecture just described. Thus conceived, the multilateral nuclear disarmament framework is anchored in four dimensions: a subject matter and purpose (*res*), a selection of sites and arenas (*loci*), a collection of rules and practices (*modi*), and a set of actors authorised to operate within these structures (*agentes*). What I refer to as institutional adaptation takes place when either of these constituent parts of the framework is altered or added to. Since most adaptations have added to and not replaced existing regime components, institutional adaptation has led to significant institutional expansion. As suggested in the introduction, the overall volume of diplomatic activity in the field of multilateral nuclear disarmament has increased greatly since the 1960s.

I argue that institutional adaptation in the field of multilateral nuclear disarmament has followed a pattern of punctuated equilibrium. A pattern of punctuated equilibrium is 'characterized both by periods of no significant innovation and periods of great innovation, as opposed to a continuous, gradual process of change'.¹

In other words, institutional adaptations in the field of multilateral nuclear disarmament diplomacy tend to come in waves or bursts. The theory of punctuated equilibrium was first propounded by Stephen J. Gould and Niles Eldredge in the field of evolutionary biology, contradicting the Darwinian view of continuous change, but has since been applied to a range of other fields, including international relations (IR).²

An early application of the concept of punctuated equilibrium to the study of political institutions was provided by Stephen Krasner in 1984. Krasner argued that governmental powers have usually been expanded through short bursts of activity followed by longer periods of consolidation.³ While the concept has long been used by scholars working within the tradition of historical institutionalism,⁴ it has been used more sparingly in mainstream international relations literature on international regimes. A notable exception is provided by Colgan, Keohane, and Van de Graaf. In 2012, Colgan and colleagues argued that institutional adaptations in the energy regime complex – the set of institutions governing the production and trade of energy – have come about not as a result of a continuous process, but in junctures caused by changes in the oil price. In contrast to Krasner, who emphasised the short duration of periods of adaptation relative to periods of stasis, Colgan et al. found that, in the case of the energy regime complex, the phases of change and stasis were comparable in duration. The duration of the period of change simply depends on how long it takes for the pressures that induced the disruption to be resolved.

It is tempting to conceptualise punctuated equilibrium as a binary between ‘change’ and ‘stasis’, and to conceive of the transition from one state to the other as taking place, as it were, at the flick of a switch. But this is not necessarily accurate. According to Stephen J. Gould, punctuated equilibrium encompasses the idea that change usually takes place ‘when a stable structure is stressed beyond its buffering capacity to resist and absorb’.⁵ Stasis, in this view, is typically characterised by a cumulative build-up of ‘stress’ that eventually leads to a bursting point. This means that a crucial variable of the punctuated equilibrium model is *time*: While a structure might absorb a certain amount of stress for a finite period, sustained pressure will eventually explode the structure’s equilibrium.⁶

The institutional history of multilateral nuclear disarmament diplomacy may be divided into distinct phases of stasis and change. In this study, ‘stasis’ describes a period of institutional continuity. During a period of institutional stasis, the multilateral nuclear disarmament architecture’s stakeholders operate within the bounds of existing institutional structures; perform their respective roles in established arenas; and draw on existing rules, practices, and allies to pursue their interests. Note, however, that although stasis implies stability in the sense that the ‘rules of the game’ are largely left unaltered, stasis does not imply that the game is not played with high intensity. The game of multilateral disarmament diplomacy has been chronically discordant.⁷ Defined in opposition to stasis, ‘change’ or ‘expansion’ refers to a period of institutional upheaval. During such periods, institutions are changed and enlarged, rules altered, and established practices overturned.

Susan Strange argues that the concept of international regimes is too vague to enable rigorous analysis. The concept is poorly defined and exaggerates the degree of ‘predictability and order in the system’. Scholars should rather focus on specific institutions and the dynamic bargains on which regimes

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are based, she claims.⁸ This study heeds Strange's call by investigating the history of the disarmament bargain that underpins the nuclear regime complex, exploring how crises of legitimacy have prompted specific changes to the institutions and practices that make up multilateral nuclear disarmament diplomacy.

The Politics of Recognition

This study's ontological point of departure is that diplomacy takes place in a social milieu. Not only is diplomacy conditioned by existing norms, discourses, and relationships, diplomatic initiatives are often aimed at changing or reinforcing precisely such intersubjective phenomena. The function of diplomacy, in this view, is not just to facilitate 'systemic' interactions such as trade, but also to enable 'societal' interactions such as the cultivation of shared values and norms.⁹ Diplomacy also involves competition over status and entitlements. When gauging their own status and that of others, states tend to 'make comparisons with others that are "similar but upward" – that is, to others that are similar on key dimensions but have higher status'.¹⁰

For scholars working in the Hegelian tradition, subject identities and corresponding demands for status are produced by 'recognition and its absence'.¹¹ An actor can only gain a certain identity through interacting with, and gaining recognition from, an Other. Whether directed at gaining equality (sameness) or prestige (distinction), the demand for recognition 'is a desire unlike all others', argues Erik Ringmar.¹²

[P]eople act not only in order to win things, but also in order to defend a certain conception of who they are. We act, that is, not only because there are things we want to have, but also because there are persons we want to *be*. In fact, this latter kind of action must be the more fundamental since it is only as a *some-one* that we can have an interest in *some-thing*. Without this 'someone' there would simply not be anyone around for whom something could, or could not, be an interest.¹³

In some cases, ideas about national prestige, reputation, and dignity have directly influenced crucial decisions about nuclear armament. According to French President Charles de Gaulle, for example, a France without nuclear weapons and corresponding 'world responsibility' would be 'unworthy of herself' as a major power.¹⁴ French nuclear policy has been powerfully influenced by demands for *grandeur*. As another example, UK Prime Minister Tony Blair opposed giving up his country's nuclear weapons in part because he feared disarmament would downgrade the United Kingdom's 'status as a nation'.¹⁵ In Vladimir Putin's Russia, state and religious institutions have consistently framed nuclear weapons as divine markers of Russia's status as a great power.¹⁶

Along similar lines, North Korean authorities frequently invoke notions of national pride and honour when justifying the country's nuclear arsenal.¹⁷ By contrast, Sweden's Prime Minister from 1946 to 1969, Tage Erlander, eventually decided against the idea of developing a Swedish bomb at least in part because he wanted Sweden to be recognised as 'a good boy'.¹⁸ Analogously, in the late 1980s, officials at the South African Department of Foreign Affairs argued that South Africa's 'national pride' would be enhanced by South Africa renouncing nuclear weapons and joining the NPT, thus 'becoming a respected member of the international community'.¹⁹ In other cases, struggles for recognition have conditioned nuclear politics more indirectly. As I shall argue in this book, advocacy for multilateral nuclear disarmament, while invariably anchored in concerns about national or human security, has often been fuelled by non-nuclear-weapon states' justice-based demands for political inclusion and sovereign equality.

For the purposes of this study, 'recognition' describes the implicit or explicit avowal of an actor's self-description, identity, and/or social role. More specifically, social theorists have used the term 'recognition' to describe two slightly different things. First, recognition refers to the constitutive mechanism 'through which identities are formed and transformed'.²⁰ Such mechanisms are often ritualised. For example, students are 'matriculated', presidents 'inaugurated', priests 'ordained', and new members of international society 'recognised' by other states. Second, recognition also implies respectful or appropriate conduct. In this sense, recognition means to 'appropriately respect people as who they already really are'.²¹ Expressed through acts of inclusion, assertions of mutual respect, or the exchange of reciprocal rights and obligations, mutual recognition facilitates institutional stability and cooperation. By contrast, denial or withdrawal of recognition – referred to as 'negation', 'disrespect', 'derecognition', or 'misrecognition' – can foster so-called status disequilibrium and resultant conflict.²² Actors denied the social recognition they believe they are entitled to are confronted with a 'recognition dilemma': They must either accept that they are not who they want to be or fight to prove that they are.²³ Recognition theorists claim that many social conflicts and movements reflect precisely such struggles.²⁴ Genuine recognition is granted mutually. Coerced recognition, as described by Hegel in his famous dialectic of lordship and bondage, can never be truly meaningful or sustainable.²⁵

The idea of applying recognition theory to the behaviour of states has been criticised for ignoring the so-called 'multi-body' or 'levels-of-analysis' problem.²⁶ The levels-of-analysis problem arises from the difficulty of ascribing individual-level properties to collective agents. States, for example, are complex organisational structures that do not have interests, identities, or emotions in the same way individuals do.²⁷ According to Christian Olsson, 'the tendency to reduce "the state" or "society" to a representative agent with ideas, emotions, and motivations' is an 'obvious pitfall'.²⁸ Along the same lines, Volker Heins posits that the state 'does not express the identities

and feelings of its citizens and is not organized in such a way as to cater primarily to the needs for recognition felt by its own citizens or the citizens of other countries'.²⁹

Collective agents such as states cannot directly experience emotions. That much is clear. It makes little sense to speak of states being 'proud', 'humiliated', or 'frustrated' in a direct psychological sense. Yet that does not mean that recognition does not play a role in relations between states. The position I advance here, grounded in the theory of symbolic interactionism,³⁰ is that government officials consistently act *as if* states had human characteristics.³¹ As Mattias Iser points out, a state 'does not have to be able to feel disrespect in order to be disrespected'. States are 'capable of registering misrecognition exactly the way they can register (and react to) other events – they do not have to *feel* it the way individual persons do'.³² Along similar lines, Todd Hall argues that the anthropomorphisation of state behaviour can produce 'a form of perceptual hypocatastasis, in which the metaphor of human behaviour becomes the actual frame of understanding, such that no incongruity is perceived when states are described and understood to be displaying an emotion'.³³ The habit of both scholars, laypersons, and foreign policy practitioners of anthropomorphising states has been claimed to be at least as old as the state system itself. In fact, at least one scholar has argued that the anthropomorphising of the state was what enabled international society to form in the first place.³⁴ In multilateral nuclear disarmament diplomacy, the anthropomorphisation described by Hall and others is pervasive. Both in public and private, diplomats and politicians frequently describe their own and other states as 'big guys', 'little guys', 'bad guys', and 'good guys' (almost always male). These 'guys' are, in turn, regularly given human traits such as feelings, preferences, perspectives, and interests.

In international legal theory, the idea of state sovereignty stems from Grotius' and Vattel's extrapolation of Hobbes' conceptualisation of the anarchical state of nature – 'where all men are equal'³⁵ – to the international affairs of the European polities of the seventeenth and eighteenth centuries.³⁶ While in an objective sense the 'state person' is a fiction, its widespread use has given it what recognition theorist Patchen Markell calls a 'structural effect'.³⁷ In an ethnographic study of the Norwegian Ministry of Foreign Affairs, Iver Neumann confirms that diplomats regularly see themselves as 'embodying' the state.³⁸ Hans Morgenthau, for his part, argues that 'diplomats are the symbolic representatives of their respective countries. The respect shown them is really shown their countries; the respect shown by them is really shown by their countries; the insult they give or receive is really given or received by their countries'.³⁹ Morgenthau's view links up well with the core theoretical insight of symbolic interactionism, namely, that people routinely act in accordance with the symbolic meanings objects and relationships are infused with.⁴⁰

The politics of recognition invariably revolves around a 'recognition order' that justifies norms and practices, determines appropriate behaviour,

and provides stakeholders with ontological security, that is, a stable identity to which values and interests may be anchored.⁴¹ Recognition orders produce and rank specific social roles. In international affairs, such roles must be compatible with relevant states' 'national identity conceptions'. Jacques Hymans defines national identity conceptions as ideas about what the nation in question 'naturally stands for' and how it ranks in comparison to others.⁴² National identity conceptions, in turn, are typically constrained by both domestic and international discourses.⁴³ Thus, even if domestic audiences seldom pay close attention to the goings-on of day-to-day multilateral diplomacy, they commonly help condition those activities by shaping their leaders' conceptions of themselves and their states.⁴⁴ For example, it has been persuasively argued that the United Kingdom's retention of nuclear weapons is entangled in a set of deeply ingrained British (or English) cultural narratives that frame the United Kingdom as a great power and military force for good.⁴⁵ These narratives, which are produced through interaction between elites and the public (though not necessarily consciously embraced by all or even most UK citizens), have not just made the United Kingdom's continued possession of nuclear weapons possible but legitimate and necessary as an expression of the collective identity of the nation.⁴⁶ That said, the identity of any state is constantly subject to an 'ongoing intersubjective and intrasubjective struggle about which of the many possible stories of the Self [of the state] should at any one time be activated'.⁴⁷ This implies that the state is both a participant in, and a product of, the politics of recognition, making the normative aspect of recognition theory more difficult to apply.⁴⁸

In summary, if the arguments above have merit, the levels-of-analysis problem may be overcome by conceptualising diplomats as symbolic representatives enacting social roles.⁴⁹ Note, however, that although it may reasonably be argued that states assume roles and identities, one should be wary of treating state identity as monolithic. Conceptualising states as unitary actors seeking recognition, wealth, or material security may have analytical utility for explaining international outcomes but ignores important sub-national conflicts and processes.

Sovereign Equality and the NPT Grand Bargain

The diplomatic process that culminated with the adoption of the NPT, the so-called cornerstone of the global nuclear order,⁵⁰ was initiated by the Irish government at the United Nations General Assembly (UNGA) in 1958. Reacting to concern that the continued spread of nuclear weapons would increase the risk of nuclear war – the renowned scholar Hans Morgenthau believed continued proliferation would 'result in a political anarchy of unimaginable proportions, followed by total nuclear destruction either in piecemeal or in one single catastrophe'⁵¹ – Ireland proposed that the international community should negotiate a nuclear 'non-dissemination treaty'.⁵²

The apparent danger of nuclear war and proliferation was raised by several delegations in the years after 1958, but a significant number of states, both aligned and non-aligned, were reluctant to commit to a formal process. Stockholm, for example, was contemplating building nuclear weapons and instructed its diplomats to stall the international deliberations.⁵³ The superpowers were also indisposed. The United States saw the proposed non-proliferation agreement as an obstacle to plans for a ‘multilateral nuclear force’ under joint NATO command. As it happened, the creation of such a force was seen partly as a means of curbing proliferation, as it might help dissuade West Germany and Italy from acquiring their own nuclear arms.⁵⁴ It was not until 1964, when the People’s Republic of China conducted its first nuclear explosive test, that the superpowers truly came around to the idea of a treaty to limit the spread of nuclear weapons.⁵⁵ Fearing that the Chinese test could provoke a wave of proliferation, the superpowers duly initiated formal, multilateral negotiations in Geneva in 1965. While the United Kingdom supported the move, France declined to take part in the negotiations; Paris had taken a strong stance against the negotiation of a non-proliferation treaty in the 1950s (when it was still in the process of developing its first nuclear explosive devices). China, equally, did not take part. At the time, Beijing was still not a member either of the Geneva Conference or the United Nations (UN).

The principle of sovereign equality is a fundamental international norm. And a regime that permits some states to possess nuclear weapons but not others ‘appears to violate one of the bedrock principles of the international state system, namely, that sovereign states have an equal right to security, self-defense, and self-help, including the possession of nuclear weapons’.⁵⁶ According to the principle of sovereign equality, no state may ‘plead privilege of rank or cast’ in their international dealings.⁵⁷ For many states, the idea of bestowing upon the extant nuclear powers an exclusive and permanent right to possess nuclear arms was therefore ‘an affront to the principle of sovereign equality under international law and that no “self-respecting” state could accept’.⁵⁸ How, then, was the codification of a palpably unequal regime justified?

Denying the non-nuclear-weapon states the opportunity to develop nuclear weapons – a presumed equaliser of superior conventional capabilities – the NPT has traditionally been understood to present the non-nuclear-weapon states with a security dilemma vis-à-vis the nuclear-armed powers.⁵⁹ During the NPT negotiations, some non-nuclear powers vigorously pushed the nuclear-weapon states to formally declare that they would never use nuclear force against non-nuclear states. But security assurances were not the non-nuclear powers’ main demand. Updating the US Senate on the negotiations in February 1966, US Secretary of State, Dean Rusk, expressed his bewilderment that the non-nuclear powers had thus far been more interested in disarmament.⁶⁰

I would say, Mr. Chairman, that the interest on the part of the non-nuclear states as registered in the last few months is, surprisingly, not

so much aimed at the question of assurances and guarantees as it is aimed at a clear demonstration that those who have nuclear weapons are proceeding on a path of disarmament.⁶¹

The Romanian government, which caucused with the non-aligned bloc, argued that the NPT should lead to 'the ending of the division of the world into nuclear and non-nuclear countries' and a 'strengthening of equality among states'. Strong provisions for disarmament and a possibility to withdraw from the treaty would be necessary to avoid conflict between the NPT and 'the principles of the sovereignty and equality of states'.⁶² The Swedish representative, Alva Myrdal, argued that the NPT should be 'a first step on the road towards nuclear disarmament, soon to be followed by others'.⁶³ According to Brazil, the non-nuclear-weapon states' commitment to 'sign away their right' to build nuclear arms had to be coupled with a 'specific and binding commitment on the part of the nuclear-weapon Powers' to 'eliminate the stocks of nuclear weapons and their delivery vehicles'.⁶⁴

Already in 1965, the UNGA had adopted a resolution, championed by Sweden and India, containing 'five principles' for a nuclear non-proliferation treaty. Two of these spoke directly to the relationship between nuclear and non-nuclear powers: First, according to principle (b), the treaty should 'embody an acceptable balance of mutual responsibilities and obligations of the nuclear and non-nuclear Powers'. Second, according to principle (c), the treaty should be 'a step towards the achievement of general and complete disarmament and, more particularly, nuclear disarmament'.⁶⁵

The concept of general and complete disarmament, enthused by the League of Nations' call for the 'reduction of national armaments to the lowest point consistent with national safety and the enforcement by common action of international obligations',⁶⁶ had fallen into disrepute in the run-up to World War II,⁶⁷ but was partially rehabilitated in the 1950s.⁶⁸ In the so-called McCloy-Zorin statement of 1961, the United States and Soviet Union called for the development of a programme for general and complete disarmament to provide for the 'disbanding of armed forces', 'elimination of all stockpiles of nuclear, chemical, bacteriological and other weapons of mass destruction', 'cessation of military training', and 'discontinuance of military expenditures'.⁶⁹ These ideas were supported by numerous neutral and non-aligned states. At the same time, many advocates of nuclear abolition were wary that an overly ambitious and frankly unrealistic programme of general and complete disarmament would function as a quixotic fig leaf for inaction on the nuclear issue. They were thus eager to stress that nuclear disarmament should be pursued as a matter of special priority.⁷⁰

The superpowers were reluctant to include provisions for disarmament in the treaty. However, their negotiators soon realised that a treaty that did not at least pay lip-service to the goal of disarmament would fail to attract the support of many non-nuclear powers. Accordingly, the draft that was eventually adopted incorporated language on disarmament both in the preamble

– the parties pledged to ‘facilitate the cessation of the manufacture of nuclear weapons, the liquidation of all their existing stockpiles, and the elimination from national arsenals of nuclear weapons and the means of their delivery pursuant to a Treaty on general and complete disarmament’ – and in a separate, operative paragraph.⁷¹ According to the NPT’s article VI:

Each of the Parties to the Treaty undertakes to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a Treaty on general and complete disarmament under strict and effective international control.

As is clear from the wording, article VI obliges the parties to pursue negotiations towards three separate but overlapping ends. First, the parties must pursue negotiations on effective measures for the ‘cessation of the nuclear arms race at an early date’.⁷² Second, the parties must pursue negotiations on effective measures for ‘nuclear disarmament’. And, third, the parties must pursue negotiations on ‘a Treaty on general and complete disarmament’.⁷³ The sequencing of the three elements suggests, but does not unequivocally mandate, a chronological order of business: first stop the arms race, then get rid of nuclear weapons, and finally negotiate a treaty on general and complete disarmament.

If judged as an attempt at tackling the neutral and non-aligned states’ material security dilemma vis-à-vis the nuclear-weapon states and their allies, the NPT’s disarmament language looks next to worthless. The parties explicitly agree to ‘pursue’ negotiations on disarmament, but not to complete them. No timeline is included. And given the wording of the disarmament language in the preamble, it is possible (though perhaps not very convincing given the sequencing in article VI) to argue that nuclear disarmament is no more of a priority than, or would have to be included as part of, an unrealistic treaty on general and complete disarmament.⁷⁴ Yet in the words of Mohamed Shaker, who represented the United Arab Republic (Egypt) at the negotiations and subsequently wrote an authoritative book about the treaty, the nuclear-weapon states’ commitment to disarm ‘was looked upon by the non-nuclear-weapon States not only in the context of achieving a more secure world but as a *quid pro quo* for the [... non-nuclear-weapon states’] renunciation of nuclear weapons’.⁷⁵ Disarmament, in this view, was actually ‘a question of principle more than a question of security’.⁷⁶ In fact, non-nuclear-weapon state officials privately admitted that they did not believe that the NPT alone would be an effective vehicle for nuclear disarmament.⁷⁷ They understood perfectly well that the vague language of article VI would not bind the nuclear-weapon states, at least not in the short or medium term.

What the disarmament commitment did do was to publically and in formal terms counteract the NPT’s apparent breach with the principle of the equality of states.⁷⁸ By casting the NPT as a step towards disarmament, article VI

allowed the non-nuclear-weapon states to describe themselves not simply as 'inferior' or 'unequal', but as 'equal in waiting'. In the words of one analyst, the import of article VI was its promise of the future 'elimination of inequality within the treaty community, and thus of the intuitively unjust order'.⁷⁹ This crucial aspect of temporality was further bolstered by the inclusion of a date stamp; according to the NPT's article X, the treaty would remain in force for 25 years after its entry into force. After that period, a conference should be convened to decide on whether the treaty would be extended indefinitely or for another fixed period or periods – depending, perhaps, on conditions being met on disarmament. As the Swiss government put it during the NPT negotiations, the non-nuclear-weapon states could not 'take the responsibility of tying their hands indefinitely if the nuclear-weapon States fail to arrive at positive [disarmament] results'.⁸⁰ Article X also codified the parties' 'sovereign right' to withdraw from the agreement should extraordinary events jeopardise their 'supreme interests'.

Indicating that the discriminatory structure codified by the treaty would be temporary, articles VI and X allowed the non-nuclear-weapon states to describe themselves as 'equal in waiting'. But the non-nuclear-weapon states were not happy simply to wait idly for the nuclear-weapon states to disarm. They were eager to be included in the process of disarmament as active, audible stakeholders. Discussing the notion that the NPT had to 'embody an acceptable balance of mutual responsibilities and obligations of the nuclear and non-nuclear powers', the delegation of the United Arab Republic (Egypt) argued that the treaty 'should represent a new era of partnership, of obligations and responsibilities'.⁸¹ A Ghanaian official argued that, 'in the past, the super Powers have tended to treat the non-nuclear States as if they counted for little and as if they had no interest in this vital question of war and peace'. But no more: the non-nuclear-weapon states had 'a right to insist that our views should at least be heard'.⁸² 'Our peoples, the peoples of the developing countries, want to be subjects and not objects of history, actors and not merely spectators of the drama being acted out before our eyes', said the Chileans.⁸³ The Romanians demanded there be 'constant participation of all the contracting parties in the operation of verifying the working of the machinery established by the treaty'.⁸⁴ The process of disarmament needed to be based on 'a true dialogue' in the 'spirit of, and with rigorous respect for, the principle of the equality of the States'. That, in turn, presupposed 'an understanding of and receptiveness to the arguments of each one'.⁸⁵ The Brazilian delegation had made the same point with great expressiveness a few years earlier:

Some may think that, since we do not possess atomic weapons and do not belong to the atomic club, nothing we say on the subject is more than academic speculation. As we take no part in the actual game, we may be regarded as mere 'theoreticians' which in the etymological sense of the Greek word means spectators. [...] Would that be the proper

attitude for the non-atomic and non-aligned countries – the attitude of theoreticians or spectators? No. Such an attitude would be contrary to our terms of reference, contrary to the interests of our peoples, which coincide in this case with the common interests of mankind. [...] If we cannot still be spectators tomorrow, it is our right and duty today to pass from spectatorship to action.⁸⁶

The concerns rehearsed above are immediately recognisable through the analytical lens of recognition theory: For non-nuclear-weapon states to be able to cultivate identities as sovereign actors, it was vital that they be recognised a right to take part in the governance of the nuclear issue – a matter of enormous relevance to their own citizens' security and prospects. After all, non-nuclear weapon states were highly vulnerable both to direct nuclear attack and the transboundary consequences of a nuclear war elsewhere. In this view, the non-nuclear-weapon states faced a threat to their sovereignty not only in the sense that the unequal NPT brushed up against the norm of sovereign equality but also in the sense that nuclear weapons, by their nature, seem scarcely reconcilable with 'the state form' as a 'protection providing entity'.⁸⁷ On this latter point, the nuclear and non-nuclear-weapon states were of course in the same boat. There was and remains no defence against nuclear-tipped, intercontinental-range missiles. National defences and boundaries cannot stop radioactive fallout or the famine and economic dislocations likely to be wrought by nuclear conflict.

Some non-nuclear powers, perhaps most notably India, Mexico, Sweden, and the United Arab Republic during this period, clearly also took pride in playing leadership roles within the neutral and non-aligned caucus.⁸⁸ In the latter three cases, it appears that the disarmament negotiations, not just of the NPT but also other processes, had a 'second-image-reverse' effect whereby international action conditioned domestic interests and priorities.⁸⁹ For example, Sweden's eventual decision to abandon its nuclear-weapons programme and join the NPT has been argued to have been powerfully influenced by Sweden's active role in the negotiations. Drawing praise internationally as a champion of peace and international law, disarmament advocacy provided Sweden with an alternative source of prestige.⁹⁰

The non-nuclear-weapon states' desire for active inclusion was accommodated in two ways. First, article VI on disarmament was addressed to 'each of the parties' – not just the nuclear-weapon states (the negotiation of a treaty on general and complete disarmament would inevitably also involve most non-nuclear-weapon states in a material sense given their possession of conventional armaments). Second, the superpowers agreed to a provision, contained in article VIII, that was unique for its time: Five years after the treaty's entry into force, a 'review conference' would be convened to assess the implementation of the treaty. Additional review conferences could be convened at five-year intervals. As mentioned above, article X also made provisions for an extension conference 25 years after the treaty's entry into

force. The non-nuclear-weapon states would thus not be mere ‘spectators’ or ‘theoreticians’; they would, instead, be ‘partners’ in the nuclear order. As William Walker puts it, the political settlement that underpinned the order implied that all states ‘should work *together*, over time, to dissolve the system of deterrence’.⁹¹ Although disarmament might be difficult to achieve, the non-nuclear powers would be able to participate in the multilateral process at the UNGA, the NPT, and, for those that were members, the Geneva Conference. Those in the aligned blocs would additionally be able to take part in discussions about war, peace, and disarmament in their respective alliance forums.

Most analysts and historians of the NPT emphasise that the treaty rested on a wider political understanding or settlement.⁹² I conceptualise this settlement as the NPT ‘recognition order’. While the NPT recognised the nuclear-weapon states as first among equals and de facto possessors of nuclear arms, the non-nuclear-weapon states were recognised as sovereign equals with legitimate stakes in the governance of the nuclear world. The core of the NPT recognition order was what over time became known as the NPT ‘grand bargain’, defined by US President Barack Obama in the following terms: ‘Countries with nuclear weapons will move towards disarmament, countries without nuclear weapons will not acquire them, and all countries can access peaceful nuclear energy’.⁹³ To be precise, the disarmament project was from the outset pitched as a broad collaborative process in which all states had a legitimate interest.⁹⁴

The idea of the NPT as the codification of a ‘grand bargain’ between nuclear and non-nuclear powers has come under considerable scrutiny in recent years.⁹⁵ For example, Roland Popp maintains that the grand-bargain narrative obscures the reality that the NPT process was tied to narrow Cold War imperatives and ‘driven and dominated by the two superpowers’.⁹⁶ Joachim Krause suggests that the grand bargain is an ‘ideological myth’ perpetuated by ‘the liberal arms control school’.⁹⁷ There is no doubt that superpower collusion and Cold War considerations played significant roles in the process that brought about the adoption of the NPT. There is equally no debating that the language of article VI was vague and effectively unenforceable. Contributors to what Popp labels ‘new international nuclear history’ have argued convincingly that, for the major powers, the purpose of the NPT was to freeze the status quo, maintain trade advantages, and/or stabilise Central Europe.⁹⁸ From the point of view of the superpowers, article VI was a footnote. In a 1969 memorandum to then US national security advisor Henry Kissinger, Spurgeon Keeny, a senior staff member of the US National Security Council, described article VI as ‘an essentially hortatory statement’ that presented ‘no problems’ for established US nuclear policy.⁹⁹

From the point of view of many non-nuclear powers, however, article VI and the other compensatory measures that were included in the NPT over the course of the negotiations were not footnotes but necessary conditions for support. Claiming that the formation of the NPT owed to superpower

politics and Cold War imperatives alone risks underplaying the agency of the states that the treaty was first and foremost created to restrain, i.e., the non-nuclear-weapon states.¹⁰⁰ The nuclear-weapon states' leaders certainly understood the seriousness with which many non-nuclear powers saw the disarmament agenda. In his closing statement during the NPT negotiations, the US representative William Foster noted that 'there has been at least one theme on which all have been agreed. The non-proliferation treaty should be a step towards achieving further measures of nuclear disarmament'.¹⁰¹ At the NPT signing ceremony in Washington DC, US President Lyndon B. Johnson maintained that the NPT's three-pronged purpose was 'very simple': First, the NPT committed states without nuclear weapons 'not to produce them or receive them in the future'. Second, the NPT assured the same states that they were free to enjoy 'the full peaceful benefits of the atom'. And, third, the NPT committed the nuclear powers 'to move forward toward effective measures of arms control and disarmament'.¹⁰² There is no doubt that the treaty was packaged and sold as an instrument of eventual disarmament and equality.

Admittedly, some neutral and non-aligned states were not convinced by the compensatory package offered by the superpowers. Several middle powers, including Algeria, Argentina, Brazil, India, Pakistan, and Spain, initially refused to sign. Nuclear-armed China and France also declined to join. Yet, as the norm of non-proliferation grew in strength over the following decades, in particular as Cold War bipolarity eventually gave way to US unipolarity, only a handful of states managed to withstand the pressure of adhering to the treaty.¹⁰³ As argued by the authors of a 1980 US Government Accountability Office report, 'adherence by just one additional state increases by two the difference between the number of parties and nonparties and thereby serves to further isolate the nonparty states'.¹⁰⁴ As of 2023, India, Israel, Pakistan, North Korea (which withdrew in 2003), and South Sudan (a recently independent state) are the only UN member states that are not party to the NPT.

Institutional Adaptation and Cycles of Legitimacy

This book documents three waves of institutional contestation and change in multilateral nuclear disarmament diplomacy. These waves of upheaval, I maintain, have been brought on by recurring crises of legitimacy in the nuclear regime complex. Crises of legitimacy, in turn, can be read as moments or phases in an underlying cycle of institutional regeneration and decay. The cycle begins with the constitution or reconstitution of an acceptable balance of nuclear rights and duties – a recognition order. This recognition order justifies the regime complex' fundamental norms and sets out social roles and expectations for appropriate behaviour. On the institutional level, an intact recognition order is associated with stasis, meaning that the diplomatic process unfolds within existing structures. In the case of the nuclear regime complex, the various iterations of the underlying recognition order have obliged the nuclear-weapon states to engage in an inclusive diplomatic process aimed

at eventual nuclear disarmament. In practice, however, this ideal has rarely been upheld. The result has been gradual institutional delegitimation – the second phase of the cycle. Over time, sustained delegitimation inevitably leads to one or more ‘critical junctures’ – the third phase. At such moments, the nuclear-weapon states will either stabilise the regime complex by returning to the behaviour prescribed by the recognition order or they will continue as before, causing the regime complex to suffer a crisis of legitimacy – the fourth and final phase. Crises of legitimacy induce aggrieved parties to take action to recalibrate the regime complex, notably through institutional contestation and change.¹⁰⁵ The cycle ends when the legitimacy crisis is resolved through the reconstitution of an acceptable political settlement, bringing about the start of a new cycle.

Overall, the legitimacy of a social order is a function of its stakeholders’ perception that the order’s basic principles and operation are ‘desirable, proper, or appropriate within some socially constructed system of norms, values, beliefs, and definitions’.¹⁰⁶ I thus take a subjective view of legitimacy: Whether an order is legitimate or not is decided not by objective criteria but by the order’s stakeholders.¹⁰⁷ Martin Wight captures this idea well by defining legitimacy as ‘moral acceptability’.¹⁰⁸ As discussed above, the legitimacy of the nuclear regime complex depends to large parts on the credibility of the prospect of inclusive multilateral disarmament. Several factors influence the credibility of this prospect. The nuclear-weapon states’ willingness to engage in negotiations and meaningful diplomatic deliberations is an obvious indicator. Nuclear-weapon states’ military strategies and spending on nuclear weapons are other factors. Rhetorical commitment to the goal of a world without nuclear weapons is a third. One of the most important factors influencing the legitimacy of the regime complex, however, is time: So long as the nuclear-weapon states are not seen to be in the process of getting rid of their weapons, the very passage of time will reduce the regime complex’ credibility as a catalyst of change. If enough time passes without meaningful progress towards the elimination of nuclear armouries, pressures for institutional adaptation will inevitably surface, as those eager to advance disarmament will seek new ways to further their interests. As the hydraulic model of motivation predicts, actors’ resolve to act typically follows a gradual build-up of drive that – as when a water reservoir is slowly filled up and eventually bursts under pressure – sooner or later reaches a point where action becomes inescapable.¹⁰⁹

A crisis of legitimacy can thus be understood as a period of disruption or upheaval brought about by the collapse of a social system’s moral acceptability. A telling indicator of the onset of a crisis of legitimacy in the nuclear regime complex, in other words, is the occurrence of institutional contestation and change. Yet institutional contestation and change are not the only indicators available. Hirschman’s theory of exit, voice, and loyalty offers a formula for analytical pattern matching. According to Hirschman, any social arrangement is ‘subject to lapses from efficient, rational, law-abiding,

virtuous, or otherwise functional behaviour'. When such lapses occur, those concerned have three options.¹¹⁰ If the lapses are thought to be temporary or minor, Hirschman suggests, stakeholders are likely to remain loyal. But if the lapses are more serious, they are liable to either voice harsh criticisms or exit the arrangement altogether. What might this look like in the context of the nuclear regime complex?

'Voice' may be understood as a broad category of behaviours including both verbal and non-verbal communication. Using the term interchangeably with 'protest', Hirschman defines voice as 'any attempt at all to change, rather than to escape from, an objectionable state of affairs'.¹¹¹ On this basis, we might expect crises of legitimacy in the nuclear regime complex to foster more heated rhetoric and argumentation than periods of relative stability.¹¹² But states also have at their disposal a wide repertoire of non-verbal diplomatic voice.¹¹³ For example, decisions to call diplomats home, pull out of negotiations, or block consensus on conference declarations are universally recognised in the diplomatic milieu as means of signalling dissatisfaction. Finally, to the extent that voice can be understood as synonymous with protest or opposition, one might also expect crises of legitimacy in the nuclear regime complex to reduce states' willingness to compromise or accept additional obligations in related areas. For example, many non-nuclear-weapon states have been wary of accepting additional non-proliferation commitments so long as the nuclear-weapon states are not moving seriously on the disarmament agenda. Crises of legitimacy might be expected to accentuate such opposition.

'Exit' also encompasses a broad category of behaviours. Institutional contestation and change is itself an obvious example of a type of behaviour aimed at, in Hirschman's words, escaping from an objectionable state of affairs. Another obvious way of exercising exit would be to withdraw from the regime complex' constituent institutions. Short of that, states might *threaten* to do so. Arguably the most dramatic way in which non-nuclear-weapon states might exercise exit from the nuclear regime complex is to engage in proliferation.¹¹⁴ Low regime legitimacy could, in theory, function either as a direct cause of proliferation or an enabling factor making deviant behaviour easier to justify to external or internal audiences. By the same token, high regime legitimacy would be more likely to foster robust international reactions to non-compliance with central norms, including non-proliferation. When the regime complex' legitimacy is high, in other words, we would expect non-nuclear-weapon states to react more firmly to proliferation threats by supporting sanctions or other measures to rein in potential or active proliferators. Conversely, when the legitimacy of the regime is low, we would expect non-nuclear-weapon states to be more prepared to make excuses for potential or actual proliferators, placing the blame on the nuclear-weapon states.

The next chapter turns to the history of the multilateral nuclear disarmament process, beginning with the immediate aftermath of the NPT's adoption.

Notes

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- 24 Axel Honneth, *The struggle for recognition: the moral grammar of social conflicts* (Cambridge: Polity, 1995); Taylor, 'The politics of recognition'.
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2 Democratisation and Discord, 1969–1978

Hegemony and the ‘Freezing of World Power’

SALT and the Arms Race

The success of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) as a break on the spread of nuclear weapons was by no means certain when the treaty was opened for signature in July 1968. Keen to signal that the superpowers were serious about their end of the NPT bargain, US President Lyndon B. Johnson announced on the very day the NPT was opened for signature that the United States and the Soviet Union had agreed to initiate bilateral negotiations on the limitation of ‘strategic’ nuclear weapons, i.e., nuclear weapons with intercontinental range. And, indeed, the commencement of ‘Strategic Arms Limitation Talks’ (SALT) was initially praised by numerous neutral and non-aligned states as an ‘encouraging sign of progress’.¹

Even India, one of the nascent nuclear order’s most ardent critics, applauded the initiative.² However, once the SALT process kicked on, it did not take long before criticism started to appear. SALT, critics believed, was not really a disarmament effort after all.

Developed by US defence experts in the 1950s and 1960s, the arms control paradigm sought not to abolish or even necessarily reduce nuclear-weapon stocks but instead to manage deterrence relations.³ Unsurprisingly, proponents of disarmament were deeply sceptical of this approach. Arms control would ‘normalise’ nuclear armaments and freeze the international power structure, they advanced.⁴ The Tanzanian delegation to the United Nations General Assembly (UNGA), for example, questioned the sincerity of the superpowers’ disarmament pledges already in 1970. ‘It appears’, said the Tanzanians, that the major powers ‘are not wholly committed or sincere in their efforts to achieve complete disarmament and therefore are offering this new concept of arms control and limitations on strategic weapons. One wonders whether this is not a mere charade’.⁵ The Swedish delegation, similarly, identified a growing ‘credibility gap’ between the nuclear-weapon states’ words and deeds.⁶ To the extent that the stability of the nuclear regime complex rested on the credibility of the concept of inclusive disarmament, these statements were clear warning signs. Defenders of the arms control paradigm countered that the purpose of arms negotiations should be to maximise

security, not necessarily disarmament.⁷ But the neutral and non-aligned states were not receptive to such arguments, claiming that security would have to be achieved through disarmament.⁸ The game-theoretic models and idealised notions of stability advanced by arms controllers seemed to many proponents of disarmament to privilege a narrow form of rationality over basic prudence and reason.⁹

The bilateral US–Soviet talks culminated in the adoption, on 26 May 1972, of two agreements. Both deals noted their parties' mindfulness 'of their obligations under article VI of the Treaty on the Non-Proliferation of Nuclear Weapons' in their preambles. The first and arguably most significant outcome of SALT was the Anti-Ballistic Missile (ABM) Treaty, which limited the superpowers' freedom to develop anti-ballistic missile systems. According to the treaty, they would be limited to only two such systems each. The somewhat paradoxical idea behind the ABM Treaty was that mutual vulnerability was good for security; if neither party could attack the other without risking catastrophic retaliation, chances were that they would both avoid war at almost any cost. It would also attenuate incentives to build ever-more weapons to ensure an ability to get past the opponent's defences. The second agreement was a five-year interim agreement that placed a ceiling on the number of strategic missiles each side could deploy. These limitations, Luther Carter argued, offered a good example of the 'levelling-up-to-symmetry phenomenon', the practice of seeking 'strategic balance' by allowing one or both parties to scale *up* to a level of parity rather than down.¹⁰ Balancing the superpowers' capabilities, the interim deal on missiles was grounded in the same theory as the ABM Treaty: if neither party could go to war without risking pandemonium, major conflict would be improbable. The SALT agreements, William Walker concludes, formalised a 'managed system of nuclear deterrence' as a constitutive element of the global nuclear order.¹¹

The academic community's reception of SALT was mixed. According to Franklin Long, the results of the arms control negotiations had been disappointing: 'The world has, it is true, avoided nuclear war, but that is about all that can be said'.¹² According to Johan Galtung, the SALT agreement was 'neither a disarmament agreement, nor an agreement to maintain status quo, but probably the most significant armament agreement in world history'.¹³ Others were much more positive. In the view of Andrew Pierre, SALT constituted an important first step 'towards a safer and more stable world order'.¹⁴ Others argued that SALT provided necessary fuel for the gradual improvement in East–West relations that had been developing since the mid-1960s. In this perspective, SALT was 'a *sine qua non* for continued international security'.¹⁵

The reception of the SALT agreements in the diplomatic community was at best measured. The agreements may have contributed to stabilising the strategic balance. But from the perspective of many neutral and non-aligned states, comprising both liberal democracies and deeply authoritarian states, this was precisely the problem. A frozen nuclear order in which certain

states were free to practice nuclear deterrence while others were not was not compatible with long-term security or justice, they argued. Few non-aligned states appear to have even entertained the hypothesis advanced by Thomas Schelling and other proponents of managerial arms control that a non-nuclear world would be highly unstable and dangerous due to the risk of conventional war and nuclear rearmament.¹⁶

The neutral and non-aligned states' criticism of SALT fell into two broad categories, one substantive and one procedural. The chief substantive grievance was that, rather than washing away the distinction between 'haves' and 'have-nots' as foreseen under the NPT recognition order, SALT seemed to solidify the nuclear hierarchy legalised by the NPT. In the words of the historian Francis Gavin, SALT 'recognized the equality of the superpowers' as nuclear sovereigns.¹⁷ In other words, the superpower arms control process helped constitute the superpowers as such. But the corollary of this, of course, was that all others were relegated in status.¹⁸ According to Dimitris Bourantonis, the Non-Aligned Movement (NAM) 'saw SALT as an institution that emerged to perpetuate the status group' and therefore as eroding the 'prestige and competence' of broader institutions such as the United Nations General Assembly (UNGA).¹⁹ The adoption of SALT, in this view, did not square with the recognition order established through the NPT negotiations, according to which all states 'should work together, over time, to dissolve the system of deterrence'.²⁰ In an article entitled 'The United Nations and the Freezing of the International Power Structure', the Brazilian statesman João de Araújo Castro argued that SALT reflected a deceitful attempt at creating a hegemonic 'directoriate' in charge of an unequal world order.²¹

Many states welcomed the adoption of SALT I in the UNGA, but at least as many expressed considerable disappointment.²² A representative of Ecuador called out the alleged 'propaganda on the benefits of the Strategic Arms Limitation Talks' and maintained that SALT did not in any way qualify as disarmament.²³ According to the Albanian delegation, SALT was 'designed only to strengthen the nuclear weapons monopoly'.²⁴ Punning on the SALT acronym, the Saudis charged that the agreement had only 'put salt on wounds'.²⁵ The superpowers simply 'have not wanted to relinquish any of their enormous accumulation of military power', argued the highly influential Swedish diplomat Alva Myrdal; Myrdal's many interventions would frequently be cited by other representatives in their official statements.²⁶ A large number of states were adamant that the nuclear-weapon states were not complying with their disarmament commitments under the NPT.²⁷ According to the Irish delegation, which was seen as an authority on NPT matters due to the fact that it was the Irish who had initiated the NPT process through the 1958 proposal for a nuclear non-dissemination treaty, the continuing arms race weakened the credibility of the nuclear-weapon states' commitment 'to the fulfilment of the obligation to disarmament'.²⁸ For the Indonesian delegation, 'the results of [... SALT] have in reality been illusory as far as their effect on disarmament is concerned'.²⁹

A grievance about procedure was also evident in the neutral and non-aligned states' critique. Alluding that they had been deprived of their roles as partners in the regime complex, many delegations complained that SALT had been negotiated behind closed doors, offering few opportunities for non-nuclear-weapon states to gain insight, let alone engage in the talks. At their meeting in Georgetown in 1972, the members of the NAM agreed that '[t]he destiny of the world [...] should not rest with a small syndicate of states'.³⁰ The NAM's choice of the word 'syndicate' – commonly associated with organised crime – was hardly accidental. The Nigerian delegation to the UNGA in 1972 'could not fail to note' that the importance of SALT 'would have been greater had the negotiations been carried out in a less restrictive forum'.³¹ 'Many countries like mine have not been able to participate', complained the representative of Uganda.³² The Albanians argued that the adoption of SALT was simply a means of 'deluding' the peoples of the world about the 'dangerous consequences flowing from this military collusion between the United States and the Soviet Union'.³³ According to the Mexican ambassador, Alfonso García Robles, 'the system which for 10 years has been available to the United Nations to deal with disarmament has proved itself obviously inadequate. This applies primarily to the question of allowing all peoples of the world to make a positive contribution to this matter which is of such interest to them'.³⁴ The non-nuclear-weapon states, in this view, experienced a denial of recognition as partners in the regime complex.

Despite the criticism, negotiations towards a second bilateral SALT agreement commenced quickly after the finalisation of SALT I. Continuing to resist almost any transparency – the Nixon administration believed strongly in the utility of secrecy, as did the authoritarian Soviet regime³⁵ – the superpowers fuelled the non-nuclear-weapon states' sense of marginalisation and suspicions of US–Soviet 'complicity' and 'collusion'.³⁶ In striking contrast to the conventional view of the Cold War as a struggle between East and West, in the context of multilateral nuclear disarmament talks, US and Soviet officials came across as 'old friends and comrades' keen to coordinate their actions to undermine the influence of disarmament-hungry non-nuclear-weapon states.³⁷ In Hedley Bull's words, SALT II was 'surrounded by humbug' and would likely have little impact on the level of armaments.³⁸ According to Beth Bloomfield, SALT had 'diminished the authority and prestige of the multilateral forum'.³⁹ The implication, of course, was that the authority and prestige of smaller states had declined. Even the superpowers' closest allies were excluded. According to the UK Labour peer Wayland Young,

[n]ot one of the present disarmament negotiations is of any great use or interest to the United Kingdom, to Europe or to the world at large. This is because the potentially useful ones are carried on in darkest secrecy, and those carried on openly are pointless.⁴⁰

The total number of stockpiled US nuclear warheads peaked in 1968 – the year of the NPT’s adoption. The Soviet arsenal, however, continued to grow into the 1970s. The UK arsenal, admittedly much smaller, was also growing. But arguably more important than these fluctuations, at any rate from the perspective of advocates of nuclear abolition, was the fact that all three nuclear-weapon states party to the NPT – as well as the nuclear-armed states that had declined to join the agreement – seemed firmly committed to security strategies anchored in nuclear deterrence and, by implication, the retention and periodic modernisation of their nuclear arsenals. New warhead designs were steadily introduced, and new generations of missiles, bombers, and submarines were periodically discussed, authorised, and funded by the relevant states’ legislatures. In short, nuclear weapons and deterrence had become firmly embedded in the major powers’ defence policies and political processes. While the first few decades of the nuclear age had seen influential authors and policymakers outlining bold visions for the governance of the nuclear world – including world government and total disarmament – by the 1970s the nuclear-political discourse on display within the major powers had grown narrow and managerial.⁴¹

The SALT II negotiations were concluded in 1979. The central agreement was a limit to the number of offensive delivery vehicles each side could deploy at any given time. Aimed at stabilising the ‘balance of terror’, SALT II was similar to its predecessor in aims and scope. But it came to naught. Not long after the conclusion of the negotiations, the Soviet Union invaded Afghanistan to support that country’s failing communist government, which had seized power in Kabul through a *coup d’état* the year before. The Soviet invasion of Afghanistan in late 1979 shattered the détente that had developed between East and West since the mid-1960s. Declaring that the world ‘simply cannot stand by and permit the Soviet Union to commit this act with impunity’, the then US President Jimmy Carter, who otherwise appears to have been genuinely interested in reducing nuclear stockpiles and dangers, instructed the US Senate to defer action on SALT II ratification.⁴² The agreement never entered into force.

The neutral and non-aligned states clearly seemed to harbour more bitterness towards the three nuclear-weapon states party to the NPT than they did towards the two that had declined to join the agreement. Despite not participating in the Geneva Conference and refusing to ratify the NPT, China and France escaped much of the criticism. For Alva Myrdal, the fact that the three original nuclear possessors had been recognised as depositary states of the NPT was a particular source of annoyance.⁴³ This apparent double standard relates to the central argument of this study: While the three then-NPT nuclear-weapon states’ nuclear sovereignty had been legally endorsed, that of the other two had not, or at least not in the same way. While China and France ‘only’ enjoyed material superiority over the non-nuclear-weapon states, the United Kingdom, the United States, and the Soviet Union also enjoyed a form

of legal superiority that, in the eyes of many non-nuclear-weapon state officials, could only be justified through serious efforts at disarmament.

The Geneva Conference vs the General Assembly

The NPT negotiations consumed the Geneva Conference for more than three years. After the conclusion of the negotiations in 1968, most states were eager to move on to the issue of a comprehensive prohibition on nuclear testing (a Comprehensive Nuclear-Test-Ban Treaty, CTBT). Such a treaty had been a central demand of non-nuclear-weapon states and peace groups since the 1950s. Both the 1963 Partial Nuclear-Test-Ban Treaty and NPT called explicitly for the negotiation of a CTBT in their preambles. The reference in the NPT's article VI to negotiate 'effective measures relating to cessation of the nuclear arms race at an early date', moreover, was widely understood as a reference to the negotiation of a CTBT. Providing a means of undercutting the nuclear-weapon states' ability to develop new types of nuclear explosives, a comprehensive test ban was seen as a crucial instrument for slowing and ultimately reversing the arms race. Many states were thus disappointed when, after the adoption of the NPT, the superpowers insisted on devoting the Conference's time to negotiations on a treaty banning the emplacement of nuclear devices on the seabed – another non-proliferation instrument. Although few states were opposed to such a prohibition per se, many thought other issues were a lot more pressing.⁴⁴

For many non-nuclear-weapon states, the superpowers' decision to ignore the majority's call for negotiations on a CTBT fell into an emerging pattern of superpower *diktat*.⁴⁵ In fact, the negotiation of the NPT had already brought out considerable dissatisfaction among non-nuclear-weapon states with how the Geneva Conference and wider 'disarmament machinery' operated.⁴⁶ Non-nuclear-weapon state officials grumbled that the great powers' domination of the existing institutions had undermined smaller powers' ability to contribute to disarmament negotiations in a meaningful way. Pressure for reform of the Geneva Conference came from both outside and inside the Conference.⁴⁷ From the outside, numerous states demanded a seat at the table. They saw the Conference as an exclusionary 'club' lacking in both representativeness ('input legitimacy') and transparency ('throughput legitimacy').⁴⁸ The 18 members of the Conference were in theory meant to act as stand-ins for their respective diplomatic blocs – Eastern, Western, and neutral/non-aligned – but many non-members felt insufficiently represented and engaged.

Aiming to appease the critics, the Soviet Union and the United States opened a bilateral dialogue on institutional reform in early 1969. The dialogue resulted in the renaming of the Conference from the 'Eighteen Nation Committee on Disarmament' (ENDC) to the 'Conference of the Committee on Disarmament' (CCD) and extension of membership to eight additional states (Argentina, Hungary, Japan, Mongolia, Morocco, the Netherlands,

Pakistan, and Yugoslavia). This expansion constituted the only significant change to the multilateral nuclear disarmament framework in the years between 1968 and 1975.⁴⁹ Although the expansion was popular among most of the neutral and non-aligned states represented in Geneva, the expansion seems, indirectly, to have impaired their collective clout. As the number of neutral and non-aligned states grew from 8 to 12, it became more difficult for those states to agree on a common position. From 1962 to 1968, all proposals by neutral and non-aligned states (apart from individual statements) had been expressed in the so-called ‘memorandums of eight’ that represented the neutral and non-aligned states’ unified view. But after the 1969 expansion, such memorandums became rare.⁵⁰ Leading to an increase in the non-aligned bloc’s ‘solution preference heterogeneity’,⁵¹ the expansion appears to have diminished the neutral and non-aligned states’ ability to influence the proceedings.⁵²

There were also pressures to reform the Conference’s rules of procedure. After all, membership in the Geneva Conference was hardly synonymous with meaningful inclusion in the process of arms control and disarmament. On the contrary, what were widely seen as the most important talks – those on nuclear testing and strategic arms limitations – were carried out ‘in darkest secrecy’ between the superpowers. Spearheaded by India, Mexico, Sweden, and Yugoslavia, a coordinated reform movement emerged in the early 1970s.⁵³ The reformers’ most central demand was a discontinuation of the Conference’s ‘co-chair practice’, which they reckoned conflicted with ‘the basic principle of the sovereign equality of states’.⁵⁴ The co-chair was a special arrangement through which the Soviet Union and the United States permanently shared the function of chair, giving them a considerable degree of control over the Geneva Conference’s business.

The co-chair arrangement had originally been proposed by India as a means of forcing the superpowers to cooperate, but it soon became a symbol of their alleged collusion and abuse of power.⁵⁵ For some, the Geneva Conference was the ‘illegitimate child of the unlawful USA–USSR amours’.⁵⁶ Alva Myrdal held that it was high time for the non-aligned states to challenge the institutional privileges of the ‘omnipotent’ superpowers.⁵⁷ Alfonso García Robles thought the co-chair practice was ‘unheard of’ and not in keeping with ‘sovereign equality’.⁵⁸ As argued in Chapter 1, such arguments could be read to reflect a fundamental concern with ontological security: Formal procedural inequality challenges the idea of an international society of states that mutually recognise each other’s identities as formally equal counterparts.

The relationship between the non-aligned-controlled UNGA and the superpower-controlled Geneva Conference deteriorated over the course of the first half of the 1970s. Formed in 1960, the Geneva Conference was formally independent of the United Nations (UN). Yet, the Conference received technical support from UN staff and was located inside the UN Palais des Nations. The neutral and non-aligned states thus felt that the Conference owed deference to the UNGA – the international community’s primary

deliberative body. The superpowers, for their part, were adamant that the Conference was formally independent, and that they, the co-chairs, had the right to ignore any instructions from external bodies. The neutral and non-aligned states' various demands – that the Conference should be formally obliged to report on its proceedings to the UNGA; that the UNGA should have the power to determine, or at least give input to, the Conference's priorities and agenda; and that negotiation mandates for the Geneva Conference should require a stamp of approval from the UNGA – were simply disregarded by the co-chairs.⁵⁹ The superpowers 'turned a deaf ear' to the calls of the neutral and non-aligned states.⁶⁰

The co-chairs' unwillingness to listen to the UNGA's increasingly desperate urgings meant that most of the world's non-nuclear-weapon states were effectively cut off from meaningful participation in the governance of the nuclear order. Speaking in 1972, the delegation of Uruguay objected to the UN being 'reduced to that of a simple spectator'.⁶¹ Iraq, for its part, complained that the superpowers' 'subtle procedural tactics' had reduced the UN to a 'toothless forum'.⁶² Brazil, which in contrast to Iraq and Uruguay had not joined the NPT, bemoaned that 'historical experience disavows any permanent differentiation of States into a small group endowed with, on the one hand, unparalleled power and, on the other, a second category of countries condemned to the role of spectators or *protégés* of power'.⁶³ The non-nuclear-weapon states, in other words, experienced an uncomfortable mismatch between their aspirations for sovereign equality and mutual recognition, on the one hand, and their marginalisation in the diplomatic process, on the other hand.

During the early 1970s, proposals for reform of the 'disarmament machinery' coalesced on the idea of convening a 'world disarmament conference' (WDC) – a major multilateral summit that would take up the mantle from the World Disarmament Conference hosted by the League of Nations between 1932 and 1937. The NAM had promoted the convening of a WDC since the mid-1960s, asserting that such a conference would be the optimal place to negotiate both institutional reforms and new measures of disarmament.⁶⁴ But the major powers were unwilling. Each declared that they would only support the convening of a WDC if all the others pledged their support first, passing the buck between them.⁶⁵ In a 1974 statement to the Geneva Conference on behalf of the Western bloc, the British delegation argued against reform of the Geneva Conference on pragmatic grounds:

In a climate of belief in the sovereign equality of states, it may not be congenial to have to acknowledge that some countries are bigger and more powerful than others. But it is a political reality. And the present arrangements of our Committee reflect political realities.⁶⁶

The nuclear-weapon states and their allies argued that the unequal practices of the Geneva Conference had a functional justification: Disarmament could

only take place if the major powers felt in control of the proceedings. The neutral and non-aligned states would simply have to put up with being sidelined – too many cooks would spoil the broth. But this view was, unsurprisingly, unacceptable to a large number of states.

The growing pressure on the Geneva Conference coincided with a deepening rift between the developed and developing worlds across a range of international issue areas. The non-aligned states had originally presented themselves as ‘a golden bridge’ between East and West,⁶⁷ but as the Cold War proceeded, the structure of the international debate changed. Over the course of the 1960s and early 1970s, the non-aligned bloc increasingly came to define itself not as an intermediary or bridge, but as a kind of watchdog or oppositional force to the colluding Cold War superpower blocs.⁶⁸ According to a commentator writing in the mid-1970s, the NAM had ‘been transformed into [...] a joint alignment against all the industrialised countries’; global politics had degenerated into a form of ‘class warfare’.⁶⁹ In more positive terminology, the NAM had come to cultivate a politics of collective resistance to what its members saw as neo-colonial international structures.⁷⁰ The most famous expression of this resistance was the effort to create a ‘New International Economic Order’ (NIEO), launched by a coalition of 77 developing states (the so-called ‘Group of 77’ or ‘G77’) at the UNGA in 1974, but the developing states’ nuclear disarmament advocacy should also be seen in this light.⁷¹

The campaigns for economic justice, on the one hand, and for reform of the disarmament machinery, on the other, were both explicitly framed as demands for ‘democratisation’ and ‘decolonisation’ of international relations.⁷² The nuclear-weapon states’ lavish spending on the arms race was described as an ‘insult’ to ‘those peoples who lack urgent necessities’.⁷³ The politics of recognition thus entered the disarmament discourse in two ways: Not only was the nuclear-weapon states’ unwillingness to engage in transformative multilateral disarmament negotiations seen as a breach of contract and denial of recognition of the non-nuclear-weapon states as sovereign equals, the nuclear-weapon states’ perceived wastefulness was portrayed as disrespectful towards poor people worldwide. Lambasting the superpowers, non-aligned states frequently appealed to ‘public conscience’ and the interests of ‘humanity’. The struggle for disarmament was thus represented as an element of a broader struggle for global justice and emancipation. This was not only the case for post-colonial states. For example, Sweden’s disarmament ambassador, Alva Myrdal, often cast herself as an outsider representing ‘small nonaligned nations, the poor, women, and the grass-roots nuclear disarmament movement’.⁷⁴

Having concluded the Seabed Treaty in 1971, the Geneva Conference moved on to the issue of abolishing chemical and biological weapons. The non-nuclear-weapon states’ demand for a CTBT was thus again pushed back in the queue.⁷⁵ After an initial round of talks, the major powers found that they would be hard pressed to agree on anything related to chemical weapons, as

challenges related to dual-use and verification were deemed insurmountable for the moment. They thus separated biological weapons out to be addressed first. After bilateral US–Soviet negotiations and then relatively quick multi-lateral negotiations in Geneva, a draft convention on biological weapons was formally adopted on 10 April 1972.

After the conclusion of negotiations on biological weapons, the turn had finally come to the CTBT. Yet, as the negotiations commenced, it almost immediately became clear that the nuclear-weapon states were unlikely to come to an agreement.⁷⁶ When criticism against the superpowers' supposed collusion 'reached unacceptable proportions', Bourantonis notes, 'the United States and the Soviet Union resorted to their favourite diversionary tactic', introducing a new issue for negotiation. This time it was the issue of environmental manipulation in conflict.⁷⁷ The idea of an Environmental Modification Convention (ENMOD) came on the international agenda in 1974, and, in August 1975, the United States and Soviet Union tabled identical treaty drafts to the Geneva Conference. The Geneva negotiations lasted for about a year, resulting in a few clarifications to the draft. The Convention was adopted by the UNGA in December 1976.

There was a sense among non-nuclear-weapon state officials that the nuclear-weapon states were filibustering, introducing relatively insignificant topics for negotiation while continuing the arms race out in the real world.⁷⁸ 'Looking back at the diligent work by many delegates in Geneva and at the UN General Assembly', argued Myrdal, 'the verdict must be that the great powers have kept us preoccupied with trifles'.⁷⁹ However, the nuclear-weapon states' prioritisation of comparatively insignificant topics did not necessarily reflect a desire to thwart more sweeping disarmament progress. Some have understood the superpowers' prioritisation of 'easy' issues as an effort to build the mutual trust that would be necessary for more decisive steps towards disarmament in the future.⁸⁰ From the perspective of many neutral and non-aligned states, however, the superpowers' preoccupation with 'trifles' came across as a dishonest stalling tactic that was not in keeping with the NPT recognition order.⁸¹

While the superpowers were unwilling for the moment to negotiate a comprehensive ban on nuclear testing, they eventually agreed to more limited measures. In 1974, they adopted the Threshold Nuclear Test-Ban Treaty (TTBT). Two years later, they adopted the Peaceful Nuclear Explosions Treaty (PNET), expanding the provisions of the TTBT to also cover 'peaceful' nuclear explosions (see below on the concept of peaceful nuclear explosions). The reception of the two treaties in the international community was almost universally negative.⁸² Allowing underground tests of devices ten times the size of the Hiroshima bomb, the treaties were seen as 'worse than no agreement at all'.⁸³ In contrast to the 1963 Partial Nuclear-Test-Ban Treaty, which had been negotiated trilaterally between the two superpowers and the United Kingdom, the TTBT and PNET were negotiated bilaterally by Moscow and Washington. UK officials were not overly pleased with this.

John Edmonds, a senior UK official who would go on to lead subsequent British test-ban delegations, later described the outcome of the superpowers' bilateral talks as 'negative', maintaining that 'their prohibition of tests yielding 150 kt imposed no serious limitation on further nuclear weapons development by the two superpowers'.⁸⁴ The US and Canadian branches of the Pugwash Conferences labelled the TTBT a 'mockery'.⁸⁵ Alva Myrdal called it a 'disgraceful conspiracy' designed to present the public with an image of restraint when in reality it 'strangles all attempts to reach international agreements on a total ban'.⁸⁶ The Thai delegation to the UNGA claimed in 1974 that the TTBT was a 'backward step which appears to legitimize the very underground tests we want to suspend'.⁸⁷ The Austrians, for their part, said they:

would consider it as absolutely essential that the nuclear-weapon States rapidly arrive at an agreement on the cessation of all nuclear weapon tests [...]. This would be at least a small step nuclear-weapon States could take in the direction of eliminating some of the more glaringly discriminatory features of the non-proliferation Treaty. The 150-kiloton threshold agreement between the Soviet Union and the United States cannot in itself be regarded as coming anywhere near that goal.⁸⁸

As explicitly emphasised by Austria, it was vital for many non-nuclear-weapon states that the 'discriminatory features' of the existing nuclear order be progressively dismantled. Indeed, as I argued above, the understanding that the nuclear-weapon states would gradually deconstruct the nuclear hierarchy was an integral part of the recognition order on which the NPT was based. SALT and the threshold treaties, however, only seemed to codify the primacy of the nuclear-weapon states.

As discussed in Chapter 1, the function of the NPT's article VI was not just or even primarily to solve the non-nuclear-weapon states' security dilemma vis-à-vis the nuclear-weapon states. Important was also the ability of article VI to solve the non-nuclear-weapon states' 'recognition dilemma', i.e., to counteract the NPT's apparent breach of the principle of sovereign equality. But already by the mid-1970s, the ability of article VI to solve this dilemma looked questionable. Nuclear weapons remained symbols of power and prestige. Abolition looked distant. In a candid 1973 statement, the Swedish UNGA delegation explicitly highlighted the 'status dimension' of disarmament:

A particular problem lies in the fact that no attempt at all has been made to reduce the prestige of nuclear weapons in international relations. As I have stated before in the CCD [the Geneva Conference], the political status value attached to the possession of these weapons is one main reason for the resentment felt by several non-nuclear-weapon states against nuclear-weapon states for refusing to give up something themselves which they try to keep others from acquiring.⁸⁹

For Sweden and other non-nuclear-weapon states, the deepening permanence of the nuclear hierarchy that had been codified by the NPT threatened not only long-term international security but also the non-nuclear-weapon states' identities as sovereign equals. Moreover, the lasting prestige value of nuclear weapons – arguably boosted by the adoption of the NPT – threatened non-proliferation and disarmament alike.

India's 'Peaceful' Nuclear Explosion

A momentous development for the regime complex took place in 1974. On 18 May, India became the world's sixth state to detonate a nuclear explosive device. The test had been a 'peaceful nuclear explosion', said Indian officials, but the blast nevertheless dealt a political shock to the international community.⁹⁰ The concept of peaceful nuclear explosions – the use of nuclear devices for civil engineering purposes such as the fashioning of dams and canals – had enjoyed some acceptance in the 1950s and 1960s. Indeed, the NPT obliged the nuclear-weapon states to help non-nuclear-weapon states carry out such explosions should they demand them. However, the concept of peaceful nuclear explosions had fallen out of fashion as more information about the harmful environmental and public health consequences of nuclear detonations became available.

The Indian explosion of 1974 was a signal. India never actually proceeded to use nuclear explosions for civilian purposes. And according to George Perkovich, the test was not primarily motivated by security calculations either – India's security environment 'had not worsened' since 1964 (when China became a nuclear power). For Perkovich, the test was motivated primarily by concerns about international reputation and 'prowess'.⁹¹ Domestically, the test led to a significant boost in the approval ratings of Prime Minister Indira Gandhi.⁹² The Indian academic M.S. Rajan argued that the Indian test had 'challenged the privileged position in the international system of the Big Five as permanent members of the Security Council and as nuclear-weapon powers', making it necessary to amend the NPT so as to 'accord a certain privileged status' to new nuclear powers.⁹³ The Indian government highlighted its 'sovereign equality' and made it clear that India would 'not accept any proposition which seeks to limit the right to conduct peaceful nuclear explosions to five states'.⁹⁴ It seems clear that concerns with recognition as a major power – equity with the 'Big Five' – was a major driver of the decision to test. The timing of the test is particularly interesting. In fact, the Indians seem to have had the capability to conduct nuclear tests for several years,⁹⁵ but it was only by the mid-1970s, when the credibility of the nuclear-weapon states' disarmament pledges had begun to seriously erode, that the Indians announced their nuclear capability to the world.⁹⁶

The Indian explosion met mixed reactions from other states. Many states were critical, seeing the test as a challenge to the norm of non-proliferation. Others expressed understanding. While urging India to place its nuclear

activities under the auspices of the International Atomic Energy Agency (IAEA), Swedish officials held that the superpowers ‘will have to take their share of responsibility for developments in this field as long as they do not show convincingly their will to implement article VI’.⁹⁷ A representative of Sri Lanka argued that it was ‘easy to sympathize’ with the Indians.⁹⁸ Regionally, the test created a recognition dilemma for India’s neighbour, Pakistan, whose foreign policy elite now felt compelled to match India. For Pakistan, Richard Betts argued, ‘national status and recognition are part of its security problem’.⁹⁹

Crossroads at the First NPT Review Conference

The text of the NPT was not specific about the formalities of the review conference to be held five years after the agreement’s entry into force. Over the course of 1973, a conflict emerged between the NPT depositary states (the United Kingdom, the United States, and the Soviet Union) and a group of neutral and non-aligned states led by Mexico, Sweden, and Yugoslavia over the ‘ownership’ of the NPT review process. While the nuclear-weapon states were keen, in the words of the head of the Arms Control and Disarmament Department at the UK Foreign Office, to create a ‘manageable’ process that could be ‘controlled by the depositary powers without unduly alienating significant Non-Nuclear Weapon States such as Sweden and Mexico’, the latter wanted to subordinate the review process to the UNGA.¹⁰⁰ As noted above, influential figures in the neutral and non-aligned caucus had expressed regret that they had agreed to make the NPT nuclear-weapon states depositaries in the first place.¹⁰¹ As ever, the principle at stake was the perceived ‘balance of mutual responsibilities and obligations’ between nuclear ‘haves’ and ‘have-nots’.¹⁰² As the Swedish UNGA delegation put it in 1973: If the organisation of the review process is left to the nuclear-weapon states, ‘we risk strengthening the discriminatory feature inherent in the non-proliferation Treaty’.¹⁰³

As a compromise, the United Kingdom suggested that the three depositary states could organise the review conference in partnership with Mexico, Sweden, and Yugoslavia. But the superpowers were dismissive of this idea; US officials argued that the non-aligned states should not be awarded status as ‘senior partners’.¹⁰⁴ The Brits were thus compelled, as a telegram from London to Washington put it, ‘tactfully to smooth over hurt feelings’ among the neutral and non-aligned.¹⁰⁵ In the end, the review process (including three brief preparatory meetings) was set up through a 1973 UNGA resolution tabled by the United States and the Soviet Union. Participation in the preparatory meetings would be restricted to states represented on the IAEA Board of Governors and/or members of the Geneva Conference.¹⁰⁶ The disagreements leading up to the convening of the review conference offer an interesting window into the politics of recognition in international politics. It seems that, for the practitioners involved, ideas about standing, entitlements, and ‘hurt feelings’ provided important pieces of background knowledge. Recognition

theory formed part of the diplomatic ‘practical reason’ or *phronesis*.¹⁰⁷ The superpowers were wary of elevating supposed lesser states to the role of ‘senior partners’.

Two issues were particularly divisive in the preparatory process. The first was the matter of civil society participation. The non-aligned bloc suggested that the review conference should be open to all UN-registered civil society organisations and that representatives of these organisations should be allowed to speak. This was a radical suggestion at the time – few diplomatic arenas had opened for meaningful participation by non-governmental actors. The nuclear-weapon states and some of their allies forcefully rejected the proposal. Between the second and third preparatory committee meetings, the depositaries made intensive efforts to get the neutral and non-aligned states to back down.¹⁰⁸ The compromise outcome was that only state parties and signatories would be allowed to participate actively, but that plenary sessions and sessions of the ‘main committees’ would be open to the public. Meetings of the ‘sub-committees’, where the nitty-gritty would be discussed, would be closed. A second divisive issue during the preparatory process was the question of how the review conference should make decisions. While most non-aligned states argued that decisions should be reached by majority voting – that way the numerically superior neutral and non-aligned caucus could control the outcome – the depositaries insisted on consensus. The outcome, proposed by the Canadian government, was that voting could be used (two-thirds qualified majority), but only after a two-day interim period during which the delegations were to make ‘every effort’ to reach consensus.¹⁰⁹ This meant that, for all intents and purposes, the rule of consensus would reign. After all, any draft outcome would likely be finalised at too late a stage for the voting option’s notice period to run its course before the end of the conference.

Although the review conference was tasked with assessing the implementation of all the treaty’s provisions, ‘article VI issues’ had taken most of the attention in the run-up to the Conference.¹¹⁰ Sverre Lodgaard, a Norwegian nuclear policy expert and later director of the United Nations Institute for Disarmament Research (UNIDIR), had argued in advance of the conference that the event offered an opportunity

to manifest views on the many fundamental issues involved, and to negotiate solutions to them. It should avoid being trapped into extensive occupation with technicalities. The strengthening of the NPT has to go primarily through accords on main political issues: Technical clarifications and agreements would eventually have to follow later.¹¹¹

In the years and months ahead of the review conference, some non-nuclear-weapon states had stipulated ‘red lines’ for what should be expected of the nuclear-weapon states. Iran, for example, had declared in 1971 that 1975 was an absolute ‘deadline’ for the adoption of a CTBT.¹¹² Mexico had stated that the credibility of article VI depended on the nuclear-weapon states’

giving ‘convincing proof’ at the review conference ‘that they have the necessary political will to ensure that their promises do not remain a dead letter’.¹¹³ Sweden similarly called for ‘concrete evidence’ of the nuclear-weapon states’ ‘serious intention to pursue negotiations in good faith on effective and early measures on disarmament’.¹¹⁴ The NPT was, as the Australians put it, at ‘a historic cross-roads’.¹¹⁵ Of course, these statements had implications for the states that uttered them. After all, they would logically have to do something were the red lines crossed. They were, in other words, setting up a commitment trap.

The opening statements at the review conference revealed a large gulf between the nuclear-weapon states and many non-nuclear-weapon states with respect to how they judged the disarmament record. The Soviet Union, for example, strongly denied that the nuclear-weapon states were not fulfilling their obligations under article VI, claiming that ‘appreciable progress had been made’.¹¹⁶ Many non-nuclear-weapon states, however, pointed out that the number of nuclear weapons in the world had in fact increased since the NPT’s adoption; they claimed that the nuclear-weapon states had ‘failed to honour’ their disarmament commitments.¹¹⁷ In the absence of Alva Myrdal, who had just retired, the dominant figure among the neutral and non-aligned was Mexico’s Alfonso García Robles.¹¹⁸ In the words of William Epstein, Robles was the one to lead ‘the revolt against the hegemony of the superpowers’.¹¹⁹ From the point of view of disarmament advocates, the non-nuclear-weapon states were struggling against what they viewed as the nuclear-weapon states’ subversion of the regime complex’ disarmament goal.

Under a rationalist approach to the study of international affairs, one might expect the neutral and non-aligned states to focus their advocacy on limited arms control goals achievable in the short term, such as improving the non-proliferation architecture and/or extracting binding security assurances from the nuclear-weapon states. And indeed, the issue of security assurances was raised by several non-aligned states. By the time of the first review conference, only a small subset of the non-aligned bloc had been offered binding assurances from the nuclear-weapon states not to be attacked with nuclear weapons. Those security assurances had been offered through the nuclear-weapon states’ ratification of Protocol II to the 1967 Treaty of Tlatelolco, the treaty establishing Latin America and the Caribbean as a nuclear-weapon-free zone. (Four of the five nuclear-weapon states had ratified Tlatelolco before the 1975 review conference (China and France, admittedly, had not yet joined the NPT.) The Soviet Union ratified in 1979.) But as had been the case during the NPT negotiations, most neutral and non-aligned states, and indeed several aligned non-nuclear-weapon states, seemed more interested in the general progress towards nuclear disarmament than more limited measures such as security assurances. While the summary records of the review conference contain 46 references to ‘security assurance(s)’ and ‘security guarantee(s)’, ‘disarm’ and ‘disarmament’ appear 310 times. ‘Article VI’ appears 164 times.¹²⁰

Led by Mexico, groups of non-aligned states submitted three ‘draft additional protocols’ to the NPT.¹²¹ While the draft ‘Additional Protocol III’ did indeed contain security assurances for non-nuclear-weapon states – the nuclear-weapon states would pledge to refrain from ‘first use’ of nuclear weapons against non-nuclear-weapon states (art. 1) and to aid any non-nuclear-weapon state that had ‘become victim to an attack with nuclear weapons’ (art. 2)¹²² – protocols I and II sought to establish a formal link between specific disarmament actions by the nuclear-weapon states and accessions to the treaty by non-nuclear-weapon states.¹²³ For example, draft Protocol II on nuclear testing proposed that the nuclear-weapon states should be obliged to institute ten-year moratoria on underground nuclear testing once the number of parties to the NPT reached 100 (the treaty had 91 parties by the time of the review conference) and that these moratoria should be extended by another three years for every five accessions on top of the first 100.

The neutral and non-aligned states were met with stark opposition from the superpowers. While the United Kingdom ostensibly attempted to appease the non-nuclear-weapon states by stressing that the NPT’s parties were ‘partners’ and that the treaty ‘had already proved its success’,¹²⁴ the superpowers, as one delegate recalled, ‘steadfastly refused to make even minor gestures’, and, in effect, told the non-aligned states that nuclear disarmament issues ‘were bilateral matters to be settled between the United States and the Soviet Union’.¹²⁵ The nuclear-weapon states’ primary negotiating tactic – agreed upon at a meeting in London prior to the review conference – was to divert discussions away from ‘political questions’ in favour of ‘technical’ ones.¹²⁶ To many non-nuclear-weapon state officials, the nuclear-weapon states’ ‘stonewalling approach’ came across as deeply irresponsible and even disrespectful.¹²⁷ Yet, the nuclear-weapon states’ rhetoric was not the only thing that caused a stir at the review conference. One of the most significant events that took place during the conference did not occur in Geneva, but underground in Nevada. Mid-conference, in what some read as a deliberate attempt at ‘humiliating’ the non-nuclear-weapon states, the United States exploded a 380-kiloton nuclear bomb (about 25 times the size of the Hiroshima bomb and more than twice the limit of the TTBT, which had not been brought into force) at one of its test sites.¹²⁸

The review conference saw the parties reaching agreement on many questions relating to non-proliferation and the civilian uses of nuclear technology. But the talks on disarmament went nowhere. A particularly divisive issue was the relation between disarmament and non-proliferation. While a large number of neutral and non-aligned states held that non-proliferation was, or at least should be, dependent on disarmament,¹²⁹ the nuclear-weapon states and many of their allies argued that ‘the one should not be made a *sine qua non* condition of the success of the other’.¹³⁰ The Soviet Union’s delegation asserted that the attempt to tie non-proliferation and disarmament ‘into a single bundle’ could only ‘create further barriers in our talks’. The NPT, the Soviets alluded, was a non-proliferation treaty, not an instrument

of disarmament.¹³¹ Arguing along similar lines, the US delegation contended that ‘members should be guided not by any abstract concept concerning a balance of obligations under the Treaty’.¹³² Such arguments might be persuasive under a rationalist framework. After all, improvements to the non-proliferation architecture – even if not coupled with specific disarmament steps – would constitute Pareto efficient improvements of the regime complex for all states committed to non-proliferation. But a large number of states – including states that were seemingly fully committed not to develop nuclear weapons – were concerned precisely about the ‘abstract concept concerning the balance of obligations’ referred to by the Americans.

Virtually all the scholarly accounts of the review conference note the superpowers’ ‘negative’, ‘dismissive’, or ‘arrogant’ attitude as a critical factor in the failure of the Conference to reach a negotiated agreement.¹³³ According to William Epstein, the ‘actions of the two superpowers seemed almost deliberately calculated to anger the third-world countries’.¹³⁴ It was ‘almost incredible’ that the nuclear-weapon states ‘could have been so insensitive to the legitimate demands of the third-world countries that they live up to their treaty obligations’. The nuclear-weapon states’ behaviour came across ‘not merely as discriminatory but as a form of nuclear neo-colonialism’.¹³⁵ In the vocabulary of this study, the nuclear-weapon states’ behaviour provided a clear denial of recognition of the non-nuclear-weapon states in their desired roles as equal and audible partners in the regime complex.

The review conference broke down without a negotiated final declaration. By the standards of diplomatic rhetoric, the closing statement of the Group of 77 developing nations was scolding; the group ‘felt a deep sense of disappointment and disillusionment at the deliberations of the Conference. Where commitment had been called for, members had been served with complete indifference’.¹³⁶ Individual non-nuclear-weapon states also made strong statements. The Romanian delegation complained that the review conference had ‘failed to treat on an equal basis all the views expressed by all the sovereign States participating in it’.¹³⁷ Yugoslavia’s representative argued that:

while the non-nuclear-weapon States had fulfilled their obligations under the Treaty in every respect, the nuclear-weapon States had failed to do so. [...] The non-nuclear-weapon States [...] demanded a programme of measures that would strengthen and consolidate the Treaty and enhance equality among nuclear and non-nuclear-weapon States as regards their rights and duties. [...] But] the Conference had failed to reach consensus [...] The Yugoslav Government, having regard to the above-mentioned facts, found itself obliged to re-examine its attitude towards the Treaty and to draw the corresponding conclusions.¹³⁸

Yugoslavia, in other words, threatened to withdraw from the NPT over the nuclear-weapon states’ apparent unwillingness to advance disarmament

and, by implication, enhance equality between nuclear and non-nuclear-weapon states. Nigeria made a similar threat.¹³⁹ As suggested in the conceptual framework, this is precisely the type of behaviour that would be expected to occur when the legitimacy of the regime dwindles. While a crisis of legitimacy had probably occurred in the eyes of the Indian leadership already the year before, the 1975 NPT review conference marked the advent of a wider crisis.

Since no negotiated text had been concluded, the president of the conference, the Swedish diplomat Inga Thorsson, drafted what was essentially a brief summary of the discussions. This summary was then incorporated into a final document accounting for the proceedings. The G77 accepted this arrangement on the condition of having its critical ‘interpretative statement’ and the three Mexican-drafted protocols annexed to the declaration. In later histories of multilateral nuclear diplomacy, it has sometimes been claimed, erroneously, that the 1975 review conference succeeded in producing a ‘consensus outcome’. But, as others have also pointed out, it did not.¹⁴⁰ The 1975 final document contains a summary of discussions annexed with critical interpretative statements, not a negotiated final declaration.

The review conference was widely seen as a disaster for the disarmament cause. ‘No single development or event in recent years brought out with such clarity the failure of the arms control accords as the debate at the 1975 NPT review conference’, one analyst concluded.¹⁴¹ The Swiss government claimed that there was an urgent need to redress the ‘imbalance of rights and obligations’ between nuclear-weapon states and non-nuclear-weapon states so as to make the regime complex ‘consistent with the principle of the sovereign equality of states’.¹⁴² Alva Myrdal proclaimed article VI ‘dead’.¹⁴³ Its only hope of resurrection, she believed, resided in the prospect of the neutral and non-aligned states taking action on their own: ‘Up to this very moment we nonaligned powers have been too submissive’, she argued.¹⁴⁴ The non-aligned states ‘should exert more pressure and be less willing than hitherto to endorse partial, discriminatory, and ineffective treaties’.¹⁴⁵ Myrdal’s language brings out the non-nuclear-weapon states’ ‘recognition dilemma’ clearly: An actor denied recognition can either accept that she is not who she wishes to be – a sovereign equal – or she can fight to prove that she is.¹⁴⁶ Overwhelmingly, the non-nuclear-weapon states opted for the second alternative. Over the next few years, non-nuclear-weapon states broke decisively with the established practices and institutions of the multilateral nuclear disarmament framework.

Would the wave of institutional contestation and change that took place from 1975 to 1978 have taken place if the nuclear-weapon states had engaged constructively with the non-nuclear-weapon states at the review conference in 1975? It seems highly likely that a more positive attitude by the nuclear-weapon states in 1975, perhaps agreeing to watered-down versions of the draft additional protocols introduced by the non-aligned states, would have reduced the demand for regime change in the years that followed. The review conference was a crossroads – and the path chosen by the nuclear-weapon

states was decidedly not the one favoured by the majority of the neutral and non-aligned states.

Contestation and Reform of the Disarmament Machinery

A First Crisis of Legitimacy

The 1968 adoption of the NPT had established a ‘recognition order’ acceptable to the majority of non-nuclear-weapon states. But the order could not be maintained. Already by the mid-1970s, the multilateral disarmament process envisioned by many of the treaty’s negotiators looked a shambles, and the nuclear regime complex was plunged into a crisis of legitimacy. The main symptom of this crisis was the wave of institutional contestation and change described below. But the occurrence of a crisis of legitimacy can be corroborated also by other indicators. First, as detailed above and below, the rhetoric of the non-nuclear-weapon states party to the NPT grew increasingly heated. By the mid-1970s, non-aligned states were describing the regime as ‘unacceptable’ and the behaviour of the nuclear-weapon states as ‘a serious international breach of faith’.¹⁴⁷

Second, dissatisfied non-nuclear powers used diplomatic signals to broadcast their deep displeasure with the status quo. The 1975 NPT review conference failed to reach consensus on a substantive final document; unwilling to acquiesce to what they saw as too weak language on disarmament, the non-aligned states insisted on having an interpretative statement and draft additional protocols annexed to the final declaration. India’s ‘peaceful’ nuclear explosion has also been interpreted as a diplomatic signal: if the ‘haves’ did not embark on a serious process of disarmament, the ‘have-nots’ would not support the non-proliferation endeavour.¹⁴⁸

Third, resistance to additional non-proliferation measures appears to have increased. Two attempts at tightening the non-proliferation framework were made over the second half of the 1970s. Firstly, between 1972 and 1978, overlapping groups of nuclear ‘supplier states’ (the Zangger Committee and the London Nuclear Suppliers Group) developed export guidelines for trade in nuclear materials and technology. Secondly, in 1977, US President Jimmy Carter proposed to restrict non-nuclear-weapon states’ access to plutonium. But although all committed parties to the NPT would have an interest in minimising the potential for horizontal proliferation, both initiatives were met with intense hostility from a large number of non-nuclear-weapon states.¹⁴⁹

Fourth, tolerance for non-compliance with non-proliferation norms grew within the non-nuclear-weapon state caucus. The United Kingdom, the Soviet Union, and the United States were eager to put pressure on India to abandon its nuclear programme and join the NPT. But many neutral and non-aligned states offered tacit support for India’s stance, blaming the nuclear-weapon states for their lack of commitment to disarmament. Finally, the mid-1970s saw the norm of non-proliferation explicitly questioned

by non-nuclear-weapon states party to the NPT. In 1975, Yugoslavia and Nigeria both threatened to exit the NPT.

The Neutral and Non-Aligned States Regroup – and Progress on the Test-Ban Issue

The period from 1975 to 1978 saw a range of institutional adaptations to the multilateral nuclear disarmament architecture. A first change, provided for in the Geneva Conference's report to the UNGA at the end 1975, came with the extension of Geneva Conference membership to East Germany, West Germany, Iran, Peru, and Zaire.¹⁵⁰ Then, at the 1975/76 UNGA session, the neutral and non-aligned states pushed through a resolution mandating the establishment of an ad hoc committee composed of all UN member states to discuss the 'role of the UN' in the field of disarmament. Meeting in 1976, the committee produced a report that recommended a number of reforms; obliged the Geneva Conference to provide more documentation of its work to the UNGA; urged a resurrection of the UN Disarmament Commission (a deliberative forum that had been dormant for decades); and called for a restructuring and expansion of the administrative UN Secretariat for Disarmament.¹⁵¹ Also in 1976, demands for progress on the test-ban issue resulted in the Geneva Conference establishing, on the basis of a Swedish proposal, a group of scientific experts to discuss seismic verification techniques for a future CTBT. A year later, the United Kingdom, the United States, and the Soviet Union opened trilateral test-ban talks in Geneva. According to Or Rabinowitz, Carter was the first US president since Kennedy who was 'seriously intent' on reaching a comprehensive test ban. The negotiations were difficult, however. As had been the case previously, the main obstacle was a disagreement over on-site inspections, a measure the Soviet government was loath to accept.¹⁵²

At the 1975 NAM conference in Lima, convened three months after the NPT review conference, the Yugoslav delegation proposed the convening of a UN 'special session' on disarmament. Such a session, the Yugoslav delegation suggested, would be an ideal occasion to make the disarmament machinery more inclusive. As discussed above, Yugoslavia had departed the NPT review conference with a warning that it would 're-examine its attitude' to the treaty.¹⁵³ But rather than withdrawing from the NPT, Yugoslavia made an energetic push to recalibrate the nuclear regime complex through institutional reform.¹⁵⁴ Yugoslavia's proposal was supported by several influential neutral and non-aligned states, including Argentina, Egypt, Mexico, and Sweden.¹⁵⁵ At a NAM conference in Colombo in 1976, the NAM collectively decided to 'request the holding of a special session of the General Assembly as early as possible and not later than 1978'.¹⁵⁶ A resolution convening the session, co-sponsored by 68 non-nuclear-weapon states (mostly non-aligned states), was duly tabled at the UNGA later that year. Although the superpowers disagreed with the resolution's content – the United Kingdom was, as usual, a bit more forthcoming¹⁵⁷ – they realised that it could not be stopped

and agreed to its adoption without a vote.¹⁵⁸ In a bilateral meeting with US counterparts, a Yugoslav official had explained that his government ‘wished the special session to “dramatize” the lack of progress in disarmament’.¹⁵⁹ In this view, the session had a clear symbolic or communicative function as well as the more immediate, practical one of reforming the so-called disarmament machinery.

According to Abraham Bargman, the convening of the first special session on disarmament (UNSSOD-I) signalled that, ‘after a long period of acquiescence’, the non-aligned states were now eager ‘to subject the disarmament policies of the superpowers to public and critical scrutiny’.¹⁶⁰ The conference was seen by many non-aligned states as a sort of rematch of the NPT review conference.¹⁶¹ The session would provide an arena for the neutral and non-aligned states to launch proposals for institutional reforms and hold the nuclear-weapon states’ representatives’ feet to the fire on disarmament generally and article VI specifically. The matter of the disarmament framework’s functionality, however, seemed arguably to be of secondary interest. As the analyst Unto Vesa points out, the reformers seemed more interested in ‘input’ than ‘output’. One would assume, he argues, ‘that the basic criterion in any appraisal of the fora for disarmament negotiations would be the expected outcome, i.e., to what degree one framework or another enhances progress towards disarmament’, but there was ‘little evidence to suggest that progress in arms control and disarmament could have been more substantial under a different kind of machinery’. However, ‘for many countries efficiency is not the only criterion in this respect; the equality of states and “democratisation of international relations” gets a prominent place as well’.¹⁶²

The onset of the first wave of institutional contestation and change in the multilateral nuclear disarmament framework took place during the period known as *détente*. Taking place from the mid-1960s to 1979, *détente* designates the relative improvement in East–West relations during the middle of the Cold War.¹⁶³ One might, from a realist perspective, contend that the expansion of the multilateral nuclear disarmament framework between 1975 and 1978 should be understood as an expression of the broader, geopolitical shifts associated with *détente*. But there are several problems with such a reading. First, the entirety of the period under consideration in this chapter – which includes periods of both institutional stasis and change – took place during *détente*. *Détente* alone is thus at best one of more conditions needed for institutional adaptation to occur. Second, the expansion of the multilateral nuclear disarmament framework was not enacted by the Eastern and Western blocs – to which *détente* applies – but by neutral and non-aligned states frustrated by the nuclear-weapon states’ alleged collusion and non-compliance with article VI. The major powers could, of course, have done more to dissuade the non-nuclear-weapon states from pursuing institutional reforms, but they were reluctant to do so as blocking institutional adaptation might fuel the non-nuclear-weapon states’ dissatisfaction with the status quo and thus increase the stress on the NPT even further. If anything, *détente* was

significant in that it exacerbated the perception among non-nuclear-weapon states that the major powers were cooperating to maintain their privileges. A third and more basic problem with using détente to explain institutional developments in arms control and disarmament arises from a problem of endogeneity: Since historians have used precisely the occurrence of arms control and disarmament talks to define the period of détente, there is a danger of conflating *explanandum* and *explanans*.¹⁶⁴

Reform at the Special Session on Disarmament

With Yugoslavia's Lazar Mojsov serving as president of the conference, the first UN special session on disarmament opened on 23 May 1978. The conference, which had been preceded by three preparatory meetings over the course of 1977, would last six weeks. All UN member states sent delegations. Most were represented at a high political level (heads of state or government or ministers for foreign affairs). Many states and groups of states submitted elaborate working papers. Argentina, Egypt, Ethiopia, Peru, Yugoslavia, and Zaire submitted a 'Declaration on Disarmament', in which they postulated that the arms race, 'which is both the cause and result of great Power rivalry, impedes the realization of the objectives of the United Nations Charter, especially those relating to the respect for sovereignty'. Taking aim directly at the arms control paradigm, the group claimed that the effort to 'maintain a strategic balance' provided the 'greatest stimulus to the global arms race'. 'The increase in weapons, especially nuclear ones, far from helping to strengthen international security, weakens and decreases it'.¹⁶⁵

The conference itself expanded the regime complex' *agentes*. For the first time, NGOs and research institutes were included as active participants in a central process of the complex. As discussed above, inviting NGOs to sit in on meetings and address the floor had been a preference of some of the neutral and non-aligned states in the process leading up to the NPT review conference in 1975, but their effort to create an inclusive forum for civil society actors was blocked by the superpowers. In the preparatory process for the special session, however, the neutral and non-aligned states refused to budge.¹⁶⁶ UNSSOD-I thus became a central rallying point for both national and international NGOs promoting nuclear disarmament. According to the historian Lawrence Wittner, it was UNSSOD-I that for the first time truly enabled disparate national civil society campaigns to coordinate and link up, fostering the rise of the 'global anti-nuclear movement'.¹⁶⁷ The burgeoning integration of civil society into the regime complex constituted one of the many institutional adaptations made during the second half of the 1970s.

On 30 June 1978, UNSSOD-I adopted a final document that provided for sweeping reforms of the UN disarmament machinery. First, UNSSOD-I (re-) created the UN Disarmament Commission. A UN Disarmament Commission had existed for a brief period in the 1950s but had not been in use since then. The Commission was now resurrected and given a new mandate. Open to all

members of the UN, it would complement the UNGA as a ‘deliberative forum’ for disarmament. Second, the UNGA First Committee was restructured. Having served as a deliberative forum for all kinds of international security questions – the First Committee had spent much of its allotted time in the 1970s on ‘the question of Cyprus’, ‘the question of Palestine’ etc. – the First Committee would now be exclusively devoted to disarmament and attendant security issues. Third, UNSSOD-I provided for the establishment of a UN Institute for Disarmament Research, an autonomous research establishment under the United Nations umbrella.¹⁶⁸ Fourth and perhaps most significantly, UNSSOD-I disbanded the CCD and replaced it with a new forum called the Committee on Disarmament (renamed the Conference on Disarmament (CD) in 1984). This updated version of the Geneva Conference – which would serve as a forum for negotiating new treaties – would be made up of the 31 members of the CCD plus an additional nine states. After multilateral consultations, Algeria, Australia, Belgium, China, Cuba, Indonesia, Kenya, Sri Lanka, and Venezuela were recognised as new members. The new forum would remain formally detached from the UN but had to report to and consider the recommendations made by the UNGA. Unless otherwise decided, plenary meetings would be open to the public (to listen in but not speak).¹⁶⁹ Changing the disarmament framework’s *modus*, the much-criticised co-chair system was abolished in favour of an egalitarian rotation formula whereby the duties and privileges of the chair would rotate alphabetically among all members. The new system, the non-aligned states exulted, would ‘reflect the basic principle of the sovereign equality of states’.¹⁷⁰ Finally, UNSSOD-I decided to carry on with further special sessions on disarmament in the future. UNSSOD-I would thus not be a stand-alone event but instead the beginning of a new institutional track.

Regime effectiveness, i.e., a regime’s ability to produce the results it was formally established to produce, is invariably seen as a crucial variable for explaining institutional adaptation.¹⁷¹ On the face of it, this fits the first wave of expansion in the multilateral nuclear disarmament framework. Officially, the reforms of 1975–1978 were all justified as measures to facilitate disarmament. But effectiveness was hardly the reformers’ only or even primary aim. Indeed, it could have been predicted in advance that some of the reforms would have a negative effect on the regime’s effectiveness. The reform and expansion of the Geneva Conference, for example, would obviously make the diplomatic process in that forum more cumbersome while at the same time increasing the number of veto players; the rule of consensus was, after all, retained.¹⁷² The damaging effects of expansion had in fact been pointed out already after the limited increase in membership in 1969.¹⁷³ But this did not appear to dampen many non-nuclear-weapon states’ desire for a further widening of the forum’s membership.¹⁷⁴

The number of nuclear weapons in existence throughout the world continued to grow for almost another decade after the first wave of institutional expansion – a result, primarily, of the expansion of the Soviet

nuclear complex. Bourantonis argues straightforwardly that the reforms damaged any potential for ‘serious negotiations’ on nuclear disarmament through the multilateral disarmament machinery.¹⁷⁵ However, as discussed above, for many countries efficiency was not the only criterion for judging the institutional architecture for disarmament. Concerns with equality and democratisation were also central to the process.¹⁷⁶ And while the non-aligned states’ attempts at bolstering the regime’s effectiveness were mostly unsuccessful – or arguably had a negative effect – their quest for ‘democratising’ the regime was triumphant, at least in a formal sense. The reforms bolstered the non-nuclear-weapon states’ nominal standing within the regime complex.

Codifying the NPT Bargain, Relegitimising the Regime

As discussed in Chapter 1, the legitimacy of the nuclear regime complex depended on both substantive and procedural elements. First, with respect to the substance, non-nuclear powers demanded assurances that the nuclear powers were serious about nuclear disarmament and, by extension, about dismantling the hierarchy codified by the NPT. Second, with respect to the procedural element, non-nuclear powers demanded a meaningful seat at the table. The following explores how these two elements of justice were temporarily satisfied through the wave of institutional expansion enacted between 1975 and 1978.

Adopting the Disarmament ‘Bible’

At UNSSOD-I, the nuclear-weapon states agreed to a final document with far-reaching implications for the multilateral nuclear disarmament framework. In pro-disarmament circles, the document was soon dubbed the disarmament ‘bible’.¹⁷⁷ In terms of substance, the core of the final document was a ‘declogue’ of priorities in the field of disarmament.¹⁷⁸ Nuclear disarmament ‘in all its aspects’ was established as the first commandment.¹⁷⁹ During the NPT negotiations in the 1960s and at the 1975 review conference, the nuclear-weapon states and some of their allies had been reluctant to acknowledge a link, whether normative or empirical, between non-proliferation and disarmament. The UNSSOD-I final document went far towards codifying the political understanding that had made the NPT’s adoption possible, namely, that non-proliferation and disarmament were intertwined, involving reciprocal commitments by nuclear-weapon states and non-nuclear-weapon states – the NPT ‘grand bargain’:

The goal of nuclear non-proliferation is on the one hand to prevent the emergence of any additional nuclear-weapon States besides the existing five nuclear-weapon States, and on the other progressively to reduce and eventually eliminate nuclear weapons altogether. This involves

obligations and responsibilities on the part of both nuclear-weapon States and non-nuclear-weapon States.¹⁸⁰

Harking back to the non-aligned-initiated resolution on ‘principles’ for a non-proliferation treaty adopted in 1965, the UNSSOD-I final document stipulated that an ‘acceptable balance of mutual responsibilities and obligations for nuclear and non-nuclear weapon States should be strictly observed’.¹⁸¹ Drawing on article VI of the NPT, the conference also acknowledged that the implementation of ‘effective measures’ for nuclear disarmament was urgently required.¹⁸² With respect to the process of disarmament, the final document recognised the non-nuclear-weapon states as legitimate stakeholders and partners in the global nuclear order: All peoples of the world ‘have a vital interest in the success of disarmament negotiations’ and all states ‘have the right to participate on an equal footing in those multilateral disarmament negotiations which have a direct bearing on their national security’.¹⁸³

The neutral and non-aligned states, and indeed most advocates of nuclear disarmament, lauded the special session as a great diplomatic victory.¹⁸⁴ According to a US official, the non-aligned states ‘attached a totally disproportionate importance’ to the UNSSOD-I final document.¹⁸⁵ Swedish diplomats asserted that ‘new ground has been broken, new approaches have been introduced, and involvement in our efforts has greatly increased. Thus the special session has given new impetus to the disarmament effort’.¹⁸⁶ The disarmament machinery had been ‘rendered more democratic and representative’, said a Yugoslav diplomat, welcoming the dawn of a ‘process of genuine disarmament’.¹⁸⁷ According to the Philippines, the ‘historic’ session had not only been ‘the greatest gathering ever to be seized with the question [of disarmament], but also one of the most important and hopeful’.¹⁸⁸ From the perspective of most of the activists and civil society organisations that attended conference, the final document was ‘excellent’.¹⁸⁹ Philip Noel-Baker, who had been awarded the Nobel Peace Prize for his disarmament activism in 1959, described the UNSSOD-I final document as nothing short of ‘the greatest state paper of all time’.¹⁹⁰

One may wonder why the nuclear-weapon states accepted a final document with such strong language on disarmament. Bourantonis speculates that the nuclear-weapon states were wary of non-aligned states withdrawing from the NPT if the former were not more obliging. ‘A negative attitude by the superpowers’, he argues, would ‘have left the non-aligned states feeling that the basic bargain that persuaded them to sign the Non-Proliferation Treaty is being violated’, possibly leading to defections from the non-proliferation framework.¹⁹¹ Declassified US government documents suggest that Bourantonis’ assessment was accurate. For example, in a May 1978 memo to US President Jimmy Carter, the director of the US Arms Control and Disarmament Agency made the case that the United States needed to rectify ‘the widely resented discriminatory situation where the nuclear powers continue to expand their nuclear arsenals and are not themselves subject to

the inspection procedures we are pressing on non-nuclear weapon states'.¹⁹² In its instructions to the US delegation to the UN, the US Department of State listed 'improve our dialogue with important Non-Aligned and other countries' and 'make North-South dialogue on disarmament more constructive' as key US objectives.¹⁹³ Secretary of State Cyrus Vance reported to the president that protecting US non-proliferation interest hinged, in part, on 'our response to the desire of non-nuclear weapons states for [...] a commitment in principle to explore more steps to achieve nuclear disarmament'.¹⁹⁴ For the Carter administration, the then US official Joseph Nye explained, engagement in the multilateral disarmament process functioned as a means of securing a more cooperative climate for non-proliferation work and of lessening the 'prestige motivations that might lead states to acquire nuclear weapons'.¹⁹⁵ Others maintained that the nuclear-weapon states had not actually agreed to anything radical. Frank Barnaby, for example, argued that, for all its grandiloquence, the UNSSOD-I final document was short on specific commitments and enforcement mechanisms.¹⁹⁶ There was no guarantee that the lofty ideals the document set out would be upheld. But from the perspective of the neutral and non-aligned states, it was nevertheless important that the symbolic 'balance of mutual responsibilities and obligations' between nuclear-weapon states and non-nuclear-weapon states had been restored.

Inclusion and Participation in the Multilateral Nuclear Disarmament Architecture

The NPT negotiations had revealed a concern among non-nuclear-weapon states about being relegated to the role of mere 'spectators' of disarmament diplomacy. By the mid-1970s, these concerns were back. Mauritius, for example, complained that 'the assertion of a new democratic spirit in international life requires the [...] contribution of all States, small and large, developed and developing'.¹⁹⁷ Along the same lines, Spain argued that the Geneva Conference's rules of procedure 'arouse a feeling of frustration which should be avoided by amending the rules of procedure so that the clear majority of States Members will no longer be mere spectators of the negotiations'.¹⁹⁸

Convening UNSSOD-I, the non-aligned states wanted to create political space for greater involvement and advocacy. According to one commentator, the session provided an opportunity for the non-aligned states to address their 'greatest concerns – the promotion of the United Nations itself and the reform of the disarmament machinery – whereby they would gain equality with the great powers'.¹⁹⁹ The initiative to convene UNSSOD-I was widely praised by non-nuclear-weapon states and various organisations.²⁰⁰ Several states made statements about how the session would give non-nuclear-weapon states an opportunity to engage in a meaningful way.²⁰¹ Hailing the initiative of the non-aligned states, the government of Bangladesh expressed appreciation that UNSSOD-I would provide non-nuclear-weapon states with

an opportunity to escape their consignment to the spectator box of international politics:

[T]he decision to convene the special session on disarmament, in the wake of the initiative undertaken by the non-aligned nations, holds an overwhelming significance. It offers a vital opportunity to tackle anew the fundamental problems in the field of disarmament within the full glare of international publicity and with the equal participation of all States irrevocably bound together by their common vulnerability to sudden extinction. No longer can smaller States afford to view this question from the peripheries of the process as mere spectators; nor can their role be reduced to that of exhortation.²⁰²

According to Romania, it was about time that the international disarmament machinery should ‘meet the requirements of the democratization of international life’.²⁰³ The Philippines expressed its ‘gratitude and indebtedness’ to the states that had promoted the session.²⁰⁴ The non-aligned states were clearly pleased with having pulled off the event, and the conference president, Lazar Mojsov of Yugoslavia, received heaps of praise both on his own person and on his country.²⁰⁵

The non-aligned states’ contestation of the established nuclear order in the second half of the 1970s provided them with opportunities to assert their agency and presence. Based, as Mojsov put it to the UNGA in 1972, on ‘resistance to the policy or imperialism and hegemony’, the NAM saw ‘the struggle for disarmament’ as a fight for their ‘sovereign and inalienable rights’.²⁰⁶ Giving non-nuclear-weapon states the opportunity to act out their self-descriptions as sovereign partners in the regime, the very act of pursuing institutional adaptations vented pressure on the regime complex, helping to resolve the crisis of legitimacy. ‘Thanks to their activities and initiatives, the non-aligned countries have become a recognised, indispensable and irreplaceable factor in the United Nations’, Mojsov argued.²⁰⁷ Egypt, which played a leading role at the conference alongside Yugoslavia, ratified the NPT a few years later. A link between these facts seems highly plausible. ‘Instead of seeking the glory of an Arab bomb’, Maria Rublee argues, ‘Egypt sought the glory of leading the nonproliferation effort’. Quoting a diplomat, Rublee notes that ‘[s]ome say that states pursue nuclear weapons for the glitter factor. For Egypt, the glitter factor was transferred over to using the UN and taking a leadership role diplomatically’.²⁰⁸ As discussed in Chapter 1, a similar process seems to have taken place in Sweden in the 1960s.

Conclusion

The recognition order established through the NPT negotiations quickly came under pressure. Not only were the non-nuclear-weapon states excluded from participating in the negotiations viewed to be of greatest significance,

the arms control measures adopted by the superpowers were seen to further entrench the nuclear hierarchy. The ‘colluding’ United States and the Soviet Union were seen to be engaged in practices of neo-colonial domination to the detriment of both international justice and security. To restore the NPT recognition order, the non-aligned states sought to reinvigorate the disarmament process and ‘democratise’ the multilateral nuclear disarmament framework. While pressure from NGOs and grassroots movements appears to have been quite marginal in the 1970s compared to the preceding and succeeding decades, the ‘invocation of the “third world masses”, whether real or imaginary’, was a central justification for the expansion of the regime.²⁰⁹ The membership of the Geneva Conference was expanded to include more non-aligned states (although at 40, the membership was still relatively limited), and the co-chair was abolished in favour of an egalitarian arrangement. The role of the UNGA was formally strengthened vis-à-vis the Geneva Conference. A second deliberative forum, the UN Disarmament Commission, was resurrected.

The first wave of institutional adaptation in the multilateral nuclear disarmament framework had at least three significant consequences, two intentional and one unintentional. First, greater ‘democratisation’ of the disarmament machinery provisionally boosted the regime complex’ ‘input’ and ‘throughput’ legitimacy, temporarily re-legitimising the nuclear hierarchy.²¹⁰ From a liberal perspective, it may be seen as something of an irony that many of the states that promoted increased international ‘democratisation’ were not themselves democracies.²¹¹ But in a conservative international legal perspective, there is no contradiction between domestic authoritarianism and a demand for ‘democracy’ at the international level. It matters not, in this view, whether the ‘sovereign’ is constituted by the people or an absolute monarch or politburo.

A second outcome of the first wave of institutional contestation and change was the entrenchment of what over time became known as the NPT ‘grand bargain’, the idea that the NPT is based on a contractual exchange of pledges of non-proliferation (by the non-nuclear-weapon states) for disarmament (by the nuclear-weapon states), with all states free to use nuclear technology for peaceful purposes. Through the UNSSOD-I final document, the nuclear-weapon states recommitted to the goal of a world free of nuclear weapons and, by implication, the elimination of the legal hierarchy between ‘haves’ and ‘have-nots’ codified by the NPT. It should be pointed out, however, that the nuclear powers’ commitment to disarmament remained rhetorical and, as such, symbolic. If judged as an instrument to guarantee the physical security of the non-nuclear-weapon states from nuclear attack, UNSSOD-I was of limited value. The updated negative security guarantees pledged by the nuclear-weapon states at the conference (declarations that they would not attack non-nuclear-weapon states with nuclear weapons) were not legally binding and subject to several caveats.²¹² From a material security-maximising perspective, the various institutional adaptations enacted over the course of the second half of the 1970s had little effect.

A third consequence of the first wave of expansion was unintentional. Having lost control of the Geneva Conference, the United States and the Soviet Union disengaged even more from the multilateral process. The expansion of the multilateral nuclear disarmament framework, in other words, led to a decline in meaningful multilateralism, as the superpowers simply opted to distance themselves from the multilateral arena. Anton Bebler puts it succinctly when he points out the following:

The optimism expressed in the final document of the First Special Session [...] was followed by setbacks, deadlocks, and by an almost complete breakdown for several years in meaningful disarmament negotiations. The ill-fated reform of the UN mechanisms did not bring about the results expected by Yugoslavia and other non-aligned states. Deprived of privileges and privacy the two superpowers withdrew almost entirely all meaningful arms control-related activities [...] into bilateral seclusion.²¹³

With that foreshadowing, the next chapter turns to the evolution of multilateral nuclear disarmament diplomacy in the 1980s and 1990s.

Notes

- 1 Yugoslavia, United Nations General Assembly (UNGA) First Committee, New York, 4 Nov. 1970, doc. A/C.1/PV.1750, p. 5. See also, e.g., Morocco, UNGA First Committee, New York, 4 Nov. 1970, doc. A/C.1/PV.17549, p. 2; Finland, UNGA First Committee, New York, 11 Nov. 1970, doc. A/C.1/PV.1757, p. 11; Iran, UNGA First Committee, New York, 11 Nov. 1970, doc. A/C.1/PV.1756, p. 12; Turkey, UNGA First Committee, New York, 16 Nov. 1970, doc. A/C.1/PV.1761, p. 2.
- 2 India, UNGA First Committee, New York, 12 Nov. 1970, doc. A/C.1/PV.1758, p. 4.
- 3 See, e.g., Hedley Bull, *The control of the arms race* (New York, NY: Praeger, 1965).
- 4 E.g., Marek Thee, 'The nuclear arms race', *Instant Research on Peace and Violence* 6: 1/2, 1976, p. 20; Hedley Bull, 'Arms control and world order', *International Security* 1: 1, 1976, p. 5.
- 5 Tanzania, UNGA First Committee, New York, 12 Oct. 1970, doc. A/C.1/PV.1735, p. 4.
- 6 Sweden, UNGA First Committee, New York, 4 Nov. 1970, doc. A/C.1/PV.1750, pp. 10–11.
- 7 E.g., United Kingdom, UNGA First Committee, New York, 4 Nov. 1970, doc. A/C.1/PV.1750, p. 5.
- 8 E.g., Morocco, UNGA First Committee, New York, 8 Nov. 1972, doc. A/C.1/PV.1886, p. 6.
- 9 See Rens van Munster and Casper Sylvest, *Nuclear realism: global political thought during the thermonuclear revolution* (London: Routledge, 2016), p. 33; S. M. Amadae, *Rationalizing capitalist democracy: the Cold War origins of rational choice liberalism* (Chicago, IL: University of Chicago Press, 2003).
- 10 Luther J. Carter, 'Strategic arms limitation (II)', *Science* 187: 4177, 1975, p. 628. This phenomenon can, in part, be explained by the parties' use of so-called bar-

- gaining chip strategies. See Robert J. Bresler and Robert C. Gray, 'The bargaining chip and SALT', *Political Science Quarterly* 92: 1, 1977, pp. 65–88.
- 11 William Walker, 'Nuclear order and disorder', *International Affairs* 76: 4, 2000, p. 703.
 - 12 F.A. Long, 'Arms control from the perspective of the nineteen-seventies', *Dædalus* 104: 3, 1975, p. 5. See also Thee, 'The nuclear arms race'.
 - 13 Johan Galtung, 'The SALT armament agreement', *Bulletin of Peace Proposals* 3: 4, 1972, p. 291.
 - 14 Andrew J. Pierre, 'The SALT agreement and Europe', *The World Today* 28: 7, 1972, p. 281.
 - 15 Benjamin S. Lambeth, 'Deterrence in the MIRV era', *World Politics* 24: 2, 1972, p. 223.
 - 16 Thomas C. Schelling, 'The role of deterrence in total disarmament', *Foreign Affairs* 40: 3, 1962, pp. 392–406.
 - 17 See Francis J. Gavin, *Nuclear statecraft: history and strategy in America's atomic age* (Ithaca, NY: Cornell University Press, 2012), p. 104.
 - 18 Interestingly, the United Kingdom, France, and China were widely referred to in this period as the 'lesser nuclear powers'.
 - 19 Dimitris Bourantonis, *The United Nations and the quest for nuclear disarmament* (Brookfield, VT: Dartmouth, 1993), p. 119.
 - 20 Walker, 'Nuclear order and disorder', p. 708.
 - 21 João A.A. Castro, 'The United Nations and the freezing of the international power structure', *International Organization* 26: 1, 1972, pp. 160–1.
 - 22 E.g., Ireland, UNGA First Committee, New York, 3 Nov. 1972, doc. A/C.1/PV.1883, pp. 38–9; Nigeria, UNGA First Committee, New York, 26 Oct. 1972, doc. A/C.1/PV.1875, pp. 10–1; Japan, UNGA First Committee, New York, 27 Oct. 1972, doc. A/C.1/PV.1877, p. 5; Brazil, UNGA First Committee, New York, 30 Oct. 1972, doc. A/C.1/PV.1878, p. 9; Kenya, UNGA First Committee, New York, 1 Nov. 1972, doc. A/C.1/PV.1881, p. 6; Cyprus, UNGA First Committee, New York, 2 Nov. 1972, doc. A/C.1/PV.1882, p. 71.
 - 23 Ecuador, UNGA First Committee, New York, 24 Oct. 1974, doc. A/C.1/PV.1999, pp. 3–4.
 - 24 Albania, UNGA First Committee, New York, 1 Nov. 1972, doc. A/C.1/PV.1881, p. 43; India, UNGA First Committee, New York, 9 Nov. 1972, doc. A/C.1/PV.1888, p. 5.
 - 25 Saudi Arabia, UNGA First Committee, New York, 6 Nov. 1974, doc. A/C.1/PV.2009, p. 46.
 - 26 Sweden, UNGA First Committee, New York, 2 Nov. 1972, doc. A/C.1/PV.1882, p. 41.
 - 27 See, e.g., Sweden, UNGA First Committee, New York, 30 Oct. 1973, doc. A/C.1/PV.1941, p. 204; Ireland, UNGA First Committee, New York, 8 Nov. 1973, doc. A/C.1/PV.1952, p. 338; Venezuela, UNGA First Committee, New York, 8 Nov. 1974, doc. A/C.1/PV.2014, p. 47; Yugoslavia, NPT review conference, Geneva, 30 May 1975, doc. NPT/CONF/SR.14, p. 140.
 - 28 Ireland, UNGA First Committee, New York, 7 Nov. 1974, doc. A/C.1/PV.2012, p. 47.
 - 29 Indonesia, UNGA First Committee, New York, 8 Nov. 1974, doc. A/C.1/PV.2013, p. 48.
 - 30 Bourantonis, *The United Nations and the quest for nuclear disarmament*, p. 119.
 - 31 Nigeria, UNGA First Committee, New York, 26 Oct. 1972, doc. A/C.1/PV.1875, p. 11.
 - 32 Uganda, UNGA First Committee, New York, 9 Nov. 1972, doc. A/C.1/PV.1888, p. 92. See also the statements by Ireland, UNGA First Committee, New York, 3

- Nov. 1972, doc. A/C.1/PV.1883; Sweden, UNGA First Committee, New York, 2 Nov. 1972, doc. A/C.1/PV.1882; Gabon, UNGA First Committee, New York, 28 Oct. 1974, doc. A/C.1/PV.2002, p. 53.
- 33 Albania, UNGA First Committee, New York, 1 Nov. 1972, doc. A/C.1/PV.1881, p. 42.
- 34 Mexico, UNGA First Committee, New York, 23 Oct. 1972, doc. A/C.1/PV.1872, p. 1. See also Ireland, UNGA First Committee, New York, 3 Nov. 1972, doc. A/C.1/PV.1883, p. 38.
- 35 John L. Gaddis, *The Cold War* (London: Penguin, 2005), p. 172.
- 36 Alva Myrdal, *The game of disarmament: how the United States and Russia run the arms race* (Manchester: Manchester University Press, 1977), p. 271; Beth Bloomfield, 'Strategic arms limitations', *Proceedings of the Academy of Political Science* 32: 4, 1977, p. 186; Robert L. Pfaltzgraff, Jr, 'The rationale for super-power arms control', in William R. Kintner and Robert L. Pfaltzgraff, Jr, eds, *SALT: implications for arms control in the 1970s* (Pittsburgh, PA: University of Pittsburgh Press, 1973), pp. 3–20.
- 37 George H. Quester, 'Preventing proliferation', *International Organization* 35: 1, 1981, p. 228.
- 38 Hedley Bull, 'A view from abroad', *Foreign Affairs* 57: 3, 1978, p. 445.
- 39 Bloomfield, 'Strategic arms limitations', p. 188.
- 40 Wayland Young, 'Europe and arms control', speech made on 1 Dec. 1976. Printed in *Survival* 19: 3, 1977, p. 125.
- 41 Van Munster and Sylvest, *Nuclear realism*; Campbell Craig, *Glimmer of a new leviathan: total war in the realism of Niebuhr, Morgenthau, and Waltz* (New York, NY: Columbia University Press, 2007); Benoit Pelopidas, 'The birth of nuclear eternity', in Sandra Kemp and Jenny Andersson, eds, *Futures* (Oxford: Oxford University Press, 2021), pp. 484–500.
- 42 Jimmy Carter, 'Address to the nation on the Soviet invasion of Afghanistan', 4 Jan. 1980, The American Presidency Project, <https://www.presidency.ucsb.edu/documents/address-the-nation-the-soviet-invasion-afghanistan>.
- 43 Myrdal, *The game of disarmament*, p. 327.
- 44 See, e.g., Myrdal, *The game of disarmament*, pp. 98–101.
- 45 Michael J. Sullivan III, 'Conference at the crossroads: future prospects for the Conference of the Committee on Disarmament', *International Organization* 29: 2, 1975, pp. 393–413.
- 46 The Eighteen Nation Committee on Disarmament (ENDC) consisted of five states from the Western group, five states from the Eastern group, and eight non-aligned states. The West was represented by Canada, France (which boycotted the forum), Italy, the United Kingdom, and the United States. The East was represented by Bulgaria, Czechoslovakia, Poland, Romania, and the Soviet Union. These ten were the original members of the Ten Nation Committee on Disarmament, which existed for four months in 1960. In 1961, eight non-aligned states were invited to join the forum and the ENDC was created: Brazil, Burma, Ethiopia, India, Mexico, Nigeria, Sweden, and the United Arab Republic (Egypt).
- 47 See, e.g., Indonesia, UNGA First Committee, New York, 24 Nov. 1971, doc. A/C.1/PV.1835, pp. 1–4; Ecuador, UNGA First Committee, New York, 24 Nov. 1971, doc. A/C.1/PV.1835, pp. 6–7; Ireland, UNGA First Committee, New York, 24 Nov. 1971, doc. A/C.1/PV.1835, p. 13. See also Alessandro Corradini, 'Organizing for peace', *International Journal* 35: 2, 1980, p. 302; Alan F. Neidle, 'The rise and fall of multilateral arms control', in Edward C. Luck, ed., *Arms control: the multilateral alternative* (New York, NY: New York University Press, 1983), p. 30.

- 48 See Sullivan, 'Conference at the crossroads', p. 397; Manouchehr Fartash, 'The "disarmament club" at work', *Bulletin of the Atomic Scientists* 33: 1, 1977, p. 57. On 'input', 'output', and 'throughput' legitimacy, see Vivien A. Schmidt, 'Democracy and legitimacy in the European Union revisited', *Political Studies* 61: 1, 2012, pp. 2–22.
- 49 Note that a multilateral conference of non-nuclear states met shortly after the NPT's adoption in 1968. Given that the intended purpose of the conference had been to coordinate non-nuclear states' positions in the NPT negotiations – a purpose that was lost when the NPT was adopted earlier than anticipated – I treat it as a part of the wider NPT negotiating process.
- 50 Sullivan, 'Conference at the crossroads', p. 398.
- 51 Jeff Colgan, Robert O. Keohane, and Thijs Van de Graaf, 'Punctuated equilibrium in the energy regime complex', *Review of International Organizations* 7: 2, 2012, p. 121.
- 52 Sullivan, 'Conference at the crossroads', p. 398.
- 53 Bourantonis, 'Democratization, decentralization, and disarmament at the United Nations', *The International History Review* 15: 4, 1993, p. 697.
- 54 India, Conference on the Committee of Disarmament (CCD), Geneva, 29 Feb. 1972, doc. CCD/PV.545, p. 35.
- 55 See also Bourantonis, *The United Nations and the quest for nuclear disarmament*, p. 71.
- 56 Quoted in Avi Beker, *Disarmament without order* (Westport, CN: Greenwood Press, 1985), pp. 93–4.
- 57 See Myrdal, *The game of disarmament*, pp. 327–31.
- 58 Mexico, UNGA First Committee, New York, 23 Oct. 1972, doc. A/C.1/PV.1872, p. 3.
- 59 Sergiu Verona, 'The Geneva disarmament conference: some considerations', *Instant Research on Peace and Violence* 6: 1/2, 1976, pp. 62–71.
- 60 Dimitris Bourantonis, 'The role of the United Nations in disarmament and arms control', *Cambridge Review of International Affairs* 8: 1, 1994, p. 68.
- 61 Uruguay, UNGA First Committee, New York, 26 Oct. 1972, doc. A/C.1/PV.1876, p. 2.
- 62 Iraq, UNGA First Committee, New York, 20 Nov. 1970, doc. A/C.1/PV.1767, pp. 2–3.
- 63 Brazil, UNGA First Committee, New York, 25 Oct. 1971, doc. A/C.1/PV.1806, p. 2.
- 64 Sullivan, 'Conference at the crossroads', p. 405.
- 65 Sullivan, 'Conference at the crossroads', p. 412.
- 66 United Kingdom, CCD, Geneva, 22 Aug. 1974, doc. CCD.PV.553, p. 14.
- 67 Cecil V. Crabb, *The elephants and the grass* (London: Praeger, 1965), p. 102.
- 68 See Hedley Bull, 'The revolt against the West', in Hedley Bull and Adam Watson, eds, *The expansion of international society* (Oxford: Oxford University Press, 1984), p. 222. See also Andrew Hurrell, *On global order: power, values, and the constitution of international society* (Oxford: Oxford University Press, 2007), p. 210.
- 69 Robert L. Rothstein, 'Foreign policy and development policy', *International Affairs* 52: 4, 1976, pp. 614–5.
- 70 A.W. Singham and Shirley Hune, *Non-alignment in an age of alignments* (London: Zed, 1986), p. 77. See also Nick Ritchie and Kjøløv Egeland, 'The diplomacy of resistance: power, hegemony, and nuclear disarmament', *Global Change, Peace & Security* 30: 2, 2018, pp. 121–41.
- 71 E.g., Tariq O. Hyder, 'Inchoate aspirations for world order change', *International Security* 2: 4, 1978, pp. 56–64.

- 72 Singham and Hune, *Non-alignment in an age of alignments*, p. 346; Evard Kardelj, 'The historical roots of non-alignment', *Bulletin of Peace Proposals* 7: 1, 1976, pp. 84–9.
- 73 Argentina, UNGA First Committee, New York, 9 Oct. 1970, doc. A/C.1/PV.1734, p. 20.
- 74 Sondra R. Herman, 'The woman inside the negotiations', *Peace and Change* 23: 4, 1998, p. 517.
- 75 Myrdal, *The game of disarmament*, p. 209.
- 76 Myrdal, *The game of disarmament*, p. 210.
- 77 Bourantonis, 'Democratization, decentralization, and disarmament at the United Nations', p. 704.
- 78 See Bourantonis, *The United Nations and the quest for nuclear disarmament*; Alva Myrdal, 'The high price of nuclear arms monopoly', *Foreign Policy* 18, Spring 1975, p. 37.
- 79 Myrdal, 'The high price of nuclear arms monopoly', pp. 36–7.
- 80 Emmanuel Adler, 'The emergence of cooperation: national epistemic communities and the international evolution of the idea of nuclear arms control', *International Organization* 46: 1, 1992, pp. 101–45.
- 81 Myrdal, 'The high price of nuclear arms monopoly'.
- 82 Jozef Goldblat, *Arms control: a guide to negotiations and agreements* (London: Sage, 1994), p. 45.
- 83 William Epstein, *The last chance* (London: The Free Press, 1976), pp. 29–30.
- 84 John Edmonds, 'A complete nuclear test ban—why has it taken so long?', *Security Dialogue* 25: 4, 1994, pp. 377–8.
- 85 US and Canadian Pugwash, 'The uncontrolled atom', *Bulletin of the American Academy of Arts and Sciences* 28: 1, 1974, p. 9.
- 86 Myrdal, *The game of disarmament*, p. 210.
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3 Renewing the Bargain, 1979–2000

The ‘Delusion’ of the Non-Aligned

Multilateral Nuclear Disarmament Diplomacy in the Second Cold War

The United Nations’ first special session on disarmament greatly improved the legitimacy of the non-proliferation and disarmament regime complex. Tellingly, the non-aligned states greeted the outcome of the second round of Strategic Arms Limitation Talks (SALT II) with much greater enthusiasm than they had SALT I – and indeed what had leaked about the SALT II negotiations in the mid-1970s.¹ As discussed in Chapter 2, SALT I and II were similar in scope and aims. What had changed over the course of the second half of the 1970s, of course, was not the contents of SALT but the social environment in which nuclear diplomacy was enacted. After the ‘historic’ first special session, the neutral and non-aligned states were eager to spin the bilateral negotiations on strategic arms as a meaningful step towards disarmament. A representative of Uruguay, for example, stated in 1979 that ‘we optimistically support and welcome the steps that have been taken towards achieving détente in international relations. We refer specifically to the Strategic Arms Limitation Talks’.² Just three years before, the delegation of Uruguay had slammed the arms control effort as ‘useless’.³

The second review conference of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) was convened at the Palais des Nations in Geneva in the fall of 1980. The parties made significant headway on several contentious issues. To the surprise of many, the participants reached agreement on language related to civilian nuclear cooperation and non-proliferation safeguards.⁴ However, as five years before, the parties were stuck on disarmament. The analysts Jozef Goldblat and Sverre Lodgaard argued that the conditions were propitious to work out a ‘uniform formula for negative security assurances’ that would be acceptable to all nuclear-weapon states,⁵ but the non-aligned states were, on the whole, less interested in pushing for such assurances than in holding the nuclear powers to account on abolition.⁶

Despite the apparent agreement to advance non-proliferation safeguards and nuclear technology collaboration, the Group of 77 collectively opposed consensus on the draft final declaration. Contrary to what one might expect

under a rationalist framework, the non-aligned states were not willing to abandon their principled stance on disarmament to advance other interests. According to the G77's spokesperson, the non-nuclear-weapon states 'had faithfully observed the obligations assumed under article II', i.e., on non-proliferation. The obligations regarding disarmament, however, 'had not been respected'.⁷ Certain analysts saw the break-up of the second NPT review conference without agreement on a final declaration as a significant blow to the regime complex.⁸ The then director of the US Arms Control and Disarmament Agency, Ralph Earle, reported in a memo to the president of 'widespread resentment on the part of many of the non-nuclear weapon parties at the disparity between their self-denial and the dearth of concrete achievement by the nuclear weapon states in limiting their nuclear armaments'. President Carter highlighted this paragraph and added the following marginalia: 'I agree'.⁹

In hindsight, however, the second review conference's inability to reach consensus has been interpreted not as a sign of significant institutional decay or ill will, but rather as an expression of the regime complex' 'natural' dynamic. According to Christopher Daase, the review cycle's main function in this period, i.e., before the indefinite extension of the NPT in 1995, was the 'ritual' enactment of the nuclear order's key bargains. In this view, the G77's blocking of consensus did not signify a deep rupture but rather an intention by the G77 to communicate that it expected disarmament to be given more attention in the future.¹⁰ In contrast to the 1975 NPT review conference and 1978 UN special session on disarmament, at which the very existence of binding disarmament obligations had seemed to be in doubt, the debate at the second review conference revolved around the degree to which the nuclear-weapon states had 'honoured existing contracts'.¹¹

The so-called Second Cold War intensified over the course of 1980 and 1981. The Soviet Union had invaded Afghanistan, the bilateral US–Soviet arms control process broke down, and the United States, West Germany, and several other states boycotted the 1980 Olympic games in Moscow. Promising an end to his predecessor's alleged pusillanimity vis-à-vis the Soviets, Ronald Reagan was sworn into office as president of the United States in January 1981.¹² Reagan's election victory saw the further empowerment of a strain of American conservatism that had previously been relatively fringe in US politics. Fuelled by conservative donors like Richard Scaife, John Olin, and the Bradley brothers, the new American right promoted economic deregulation at home and staunch anti-communist militarism abroad, viewing international organisations such as the United Nations (UN) with intense scepticism.¹³ While previous iterations of the Republican Party had been suspicious of overseas military commitments and high defence spending, by the early 1980s, the GOP had fully committed to being 'the pro-defence party'. Under Caspar 'the ladle' Weinberger's leadership, the Pentagon more than doubled its budget.¹⁴

When the second UN special session on disarmament (UNSSOD-II) convened in 1982 (as stipulated by UNSSOD-I), relations between the superpowers were

arguably at their most tense since the 1962 Cuban Missile Crisis.¹⁵ And in contrast to previous disarmament conferences, where the purported military utility of nuclear weapons had either been rejected (by non-nuclear-weapon states) or left unaddressed (by nuclear-weapon states and their allies), UNSSOD-II saw several high-ranking representatives of nuclear-weapon states unapologetically endorsing nuclear deterrence. Already under the Carter administration, the United States had completed a move from MAD ('mutual assured destruction') to NUTS ('nuclear utilisation target selection'), a more forward-leaning posture centred on limited nuclear strikes, enemy leadership decapitation, and counterforce options (the targeting of the adversary's military infrastructure as opposed to population centres).¹⁶ The Reagan administration doubled down on this shift, with a number of defence experts close to the administration having spoken openly about the winnability of nuclear war.¹⁷

Delivering the United Kingdom's opening statement, Prime Minister Margaret Thatcher opined that 'for thirty-seven years, nuclear weapons have kept the peace between East and West. That is a priceless achievement'.¹⁸ A French representative argued that 'nuclear deterrence has been the arm of peace wherever it comes into play'.¹⁹ Although it would hardly have come as a surprise to the audience that the leaders of the nuclear powers held such views in private, uttering them out loud at the UN was seen almost as profane.²⁰ Just four years earlier, at the first special session, the nuclear-weapon states had agreed that enduring peace and security 'cannot be built on the accumulation of weaponry by military alliances nor be sustained by a precarious balance of deterrence'.²¹ The NPT, similarly, indicated that nuclear deterrence was at best legitimate on a temporary basis pending the achievement of disarmament.²² As argued by Pope John Paul II and the Catholic bishops of the United States at the time, nuclear deterrence could be accepted 'not as an end in itself' but only as 'a step on the way toward progressive disarmament'.²³ Reagan was more conciliatory vis-à-vis the non-nuclear-weapon states than his British and French counterparts. Blaming the continuation of the arms race on the Soviets, Reagan asserted that his country remained 'deeply committed' to arms control and disarmament.²⁴

The nuclear-weapon states' deterrence rhetoric was not well received by the neutral and non-aligned states. Responding directly to the deterrence optimists, and echoing George Orwell's 1945 prediction that the atomic age would usher in a 'peace that is no peace',²⁵ Ireland's prime minister, Charles Haughey, stated that 'peace has no meaning and no value if it is only to be time in which we prepare for further war'.²⁶ According to *The New York Times*' account of the conference, the debate grew increasingly belligerent over the course of the four-week session. In an unofficial panel debate at the UN headquarters, people in the audience – likely a mix of government officials and civil society representatives – 'were shouting at the American' and 'arguing with him'. The US official kept saying 'there's no free speech in Red Square', to which the audience replied, 'what else is new, but is that any reason to blow up the world?'²⁷

The neutral and non-aligned states were strongly supported by a resurgent civil society movement. The so-called nuclear freeze movement had originated in the United States but resonated strongly with peace groups and non-nuclear-weapon states across the world.²⁸ NATO's and the Warsaw Pact's build-up of intermediate-range nuclear missiles in Europe had been vigorously resisted by NGOs and hundreds of thousands of private citizens. On 12 June 1982, during the first week of UNSSOD-II and accompanied by Bruce Springsteen, Jackson Browne, and other popular musicians, an enormous crowd of people, perhaps as many as a million, showed up in New York City's Central Park to show their support for serious action at the disarmament conference taking place in Turtle Bay. The June 12th demonstration was the largest political rally in US history until the 2017 'Women's March on Washington'.²⁹ The UNSSOD-II conference was also presented with the outcome of an Independent Commission on Disarmament and Security Issues chaired by the former (and future) Swedish Prime Minister Olof Palme. The Commission, which was composed of 16 commissioners, largely of social democratic persuasions (former US Secretary of State Cyrus Vance was probably the biggest name), promoted the concept of 'common security', the idea that security would have to be achieved *with* rather than *against* adversaries.³⁰ The commission report received some attention in political and expert circles but ultimately failed to convince the leaders of the most powerful states. Few of the report's many suggestions were taken forward on the diplomatic stage.

The outcome of UNSSOD-II was meagre. The concluding document adopted by the conference reasserted the validity of the UNSSOD-I final document and praised UNSSOD-I as 'an event of historic significance',³¹ but made no significant contributions of its own. Given the UNSSOD-II document's concession that the 'priorities and principles' laid down by UNSSOD-I had 'not been generally observed', and that the programme of action adopted in 1978 remained 'largely unimplemented',³² the non-nuclear-weapon states' willingness to join consensus may seem strange. Presumably, most non-nuclear-weapon states were unwilling to block consensus at two major conferences in a row and were happy to sign on to an agreement that had at least nominally reaffirmed the UNSSOD-I final document.³³ From a recognition theoretical perspective, we might say that the neutral and non-aligned states preferred a weak document that ostensibly confirmed the regime complex' recognition order to the uncertainty of open struggle. Thus, while civil society commentators and pro-disarmament academics labelled the outcome an 'abject failure', 'a sad non-event', and 'a deeply distressing political fiasco',³⁴ most non-nuclear-weapon state officials were more measured in their critique, describing the outcome as 'disappointing' or 'unfortunate'.³⁵ Romania held that the outcome was 'not very satisfactory', but attached 'considerable political significance to the fact that the conclusions adopted by the session unanimously and categorically reaffirmed the value of the Final Document of the first special session'.³⁶ The delegation of Kenya, similarly, opined that the session was 'not encouraging',

but that the affirmation of the UNSSOD-I final document had been of ‘singular importance’.³⁷

A handful of non-aligned states were more critical. Speaking at the United Nations General Assembly (UNGA) session that followed UNSSOD-II, a representative of the Republic of Congo claimed that the major powers had not shown due ‘respect’ towards the interests of many of the world’s states and peoples. UNSSOD-II, he argued, had clearly demonstrated the major powers’ ‘arrogance and indifference’ vis-à-vis the international community.³⁸ The Iranian delegation argued that the non-nuclear-weapon states had ‘been humiliated by the abuse of their trust and confidence’.³⁹ The Indians, for their part, accused the nuclear-weapon states of ‘cynically and contemptuously’ ignoring their commitments.⁴⁰ In an interview with *Alternatives*, the Swedish official Inga Thorsson scorned the United States as an ‘arrogant military power’ and strongly criticised the US delegation’s refusal to even consider the proposal of establishing an international satellite monitoring agency that could help verify a future Comprehensive Nuclear-Test-Ban Treaty (CTBT).⁴¹ Both superpowers, Thorsson maintained, had ‘quite obviously obstructed the proceedings of the Session throughout’.⁴² Thus, while the majority of non-nuclear-weapon states remained happy to maintain the status quo, influential spokespersons of the neutral and non-aligned caucus were beginning to express serious disillusionment. It is important to note, however, that the non-nuclear-weapon states’ criticisms were chiefly directed towards the alleged non-compliant behaviour of specific actors – the superpowers in particular – and not the regime complex as such. In line with Clark et al., who conclude that processes of delegitimation tend to follow a pattern whereby disgruntled stakeholders first assign blame for poor regime performance to non-compliant actors and later towards the regime or social system as such,⁴³ this observation suggests that the normative deterioration was still at an early stage.⁴⁴

The non-nuclear-weapon states’ talk of ‘humiliation’, ‘disrespect’, and ‘arrogance’ is particularly interesting from a recognition theoretical perspective. As Axel Honneth has contended, these terms would not make sense ‘were it not for the implicit reference to a subject’s claim to be granted recognition by others’.⁴⁵ It seems obvious, in this view, that the non-nuclear-weapon states did not just see the nuclear-weapon states’ reluctance to engage in disarmament negotiations as a material security issue – that the continued existence of nuclear weapons posed a danger to their physical safety – but as a slight against their dignity as sovereign states and would-be partners in the nuclear ordering process. Incidentally, ‘humiliation’ has been described as the ‘nuclear bomb of emotions’ due to its capacity to motivate radical behaviour.⁴⁶

An ‘Appearance of Consensus’

Apart from a continued growth in the treaty’s membership (the NPT had 91 parties at the time of the first review conference, 119 at the second, and 130

at the third), there were few positives to report on when the NPT parties convened to assess the health of the regime in August 1985. To the chagrin of the neutral and non-aligned states, US President Ronald Reagan had ordered a break-up of the trilateral US–Soviet–British CTBT talks that had commenced during Jimmy Carter’s tenure as president.⁴⁷ In their place, the United States had engaged the Soviet Union in bilateral negotiations on reductions, first on intermediate-range nuclear forces (in 1981) and then on intercontinental-range forces (in 1982), but so far without any concrete results. Quite the contrary, relations between Moscow and Washington were frigid. In a speech to the National Association of Evangelicals in the spring of 1983, Reagan declared the Soviet Union ‘the center of evil in the modern world’.⁴⁸ A few months earlier, US Secretary of Defense Caspar Weinberger had ominously conceded that ‘yes, I believe the world is going to end – by an act of God, I hope – but every day, I think time is running out. [...] I worry that we will not have enough time to get strong enough to prevent nuclear war’.⁴⁹ While Reagan himself often spoke of his desire for nuclear abolition – particularly during his second term – several members of his administration appeared to work at cross purposes.⁵⁰

The Soviet Union was led by Yuri Andropov, an ailing, reportedly paranoid, former intelligence boss.⁵¹ Much like Reagan, Andropov was surrounded by a posse of bellicose cold warriors. The Soviet military-industrial complex had grown enormously over the course of the tenure of Andropov’s predecessor, Leonid Brezhnev.⁵² It is estimated that, by the mid-1980s, the Kremlin spent an astonishing 15–17 per cent of the Soviet GDP on the military.⁵³ The Soviet Union remained a deeply repressive, authoritarian state, persecuting human rights advocates and dissidents. In 1983, the Soviet Air Force shot down a South Korean airliner, falsely mistaking it for an American spy plane, killing all 269 crew and passengers aboard. The Second Cold War reached its apogee.

As before, disarmament and article VI issues proved the most contentious at the review conference in 1985. Coordinated by Mexico, the full caucus of neutral and non-aligned states submitted a long working paper on article VI. In it, they noted that the programme of action contained in the UNSSOD-I final document had ‘not been realized’ and that the nuclear-weapon states were improving their nuclear armouries rather than dismantling them. The nuclear-weapon states should ‘be reminded of their solemn undertaking under article VI’, they asserted. Highlighting the gravamen of their grievance, the group maintained that security ‘cannot be divided’: All states, ‘nuclear or non-nuclear alike, have an equal right to live in peace without the threat or use of force against their territorial integrity or political independence’.⁵⁴ Note the precise words used by the non-aligned: Agreements were described as ‘solemn undertakings’, and the neutral and non-aligned states were asserted to have an ‘equal right’ to enjoy peace. Agreements were interpreted not just as instruments to effect desirable outcomes, but also as symbols of respect.

Later in the conference, the group of neutral and non-aligned states submitted three draft resolutions, all three concerning article VI issues. Recalling the aspiration enshrined in the Partial Nuclear-Test-Ban Treaty (PTBT) and NPT to accomplish the ‘discontinuance of all test explosions of nuclear weapons for all time and to continue negotiations to this end’, the first resolution demanded a reopening of CTBT negotiations ‘during the year of 1985’.⁵⁵ The second resolution called for an ‘immediate moratorium’ on nuclear testing.⁵⁶ In practice, this call applied only to the United Kingdom and the United States, as the Soviet Union already had a moratorium in place at the time; China and France were still not parties to the NPT. Adopting language from the nuclear freeze movement, the third draft resolution called on the nuclear-weapon states party to the NPT to agree, first, to a ‘complete freeze’ of the ‘production and deployment of all nuclear weapons and their delivery vehicles’ and, second, to ‘begin negotiations for substantial reductions of their existing stockpiles’. A freeze was ‘not an end in itself’, the co-sponsors held, but ‘would constitute the most effective first step for a cessation of the nuclear arms race’.⁵⁷

Introducing the resolutions on behalf of the neutral and non-aligned, the Mexican delegation announced that the group would call a vote on the three resolutions should the conference not be able to adopt them by consensus.⁵⁸ But when the United States threatened to vote against the resolutions and block consensus on a final declaration, the Mexican-led group agreed to the adoption, by consensus, of a declaration that merely gestured towards the three resolutions in watered-down language.⁵⁹ Announcing the NAM’s decision not to press the vote, the Senegalese NAM spokesperson avowed that the non-aligned states were keen to avoid ‘embarking on a collision course’ with the major powers, preferring instead to ‘adopt a conciliatory approach and seek compromise’.⁶⁰ The nuclear-weapon states reaffirmed their commitment to article VI and promised to make ‘greater efforts to ensure effective measures for the cessation of the nuclear arms race at an early date’.⁶¹ On the CTBT – most non-nuclear-weapon states’ primary demand – the final declaration noted that ‘certain states’ dissented from the call for the early conclusion of negotiations. Thus, on the crucial issue of the CTBT, the 1985 final document was at best an agreement to disagree; the text was not fully negotiated. According to one analyst, the final declaration was largely an empty agreement, certainly on the question of disarmament, made possible only by ‘sleight of diplomatic hand’.⁶²

But the agreement was not empty with respect to non-proliferation and the peaceful uses of nuclear technology. For the nuclear-weapon states and others eager to regulate trade in nuclear technology, the final document represented significant progress. In the mid-1970s, many non-aligned states had been highly resistant to the development by nuclear supplier states of ‘trigger lists’ for trade in nuclear technology, that is, lists of items that required particular non-proliferation safeguards to be in place for trade to be greenlighted. Indonesia, for example, an NPT party, had argued in 1977 that the trigger

lists were ‘futile and can only weaken efforts to implement the non-proliferation regime’.⁶³ The chair’s summary contained in the final document of the fractious 1975 NPT review conference had simply noted that certain nuclear suppliers had established requirements for the export of nuclear materials to non-nuclear-weapon states. In 1985, however, when the legitimacy of the regime had improved as a result of the adoption of the UNSSOD-I final document, the NPT parties agreed that the Zangger Committee’s trigger list was not only acceptable but should be continually updated to ‘take account of advances in technology’.⁶⁴

Most delegations expressed satisfaction with the outcome. Despite the continued growth of several of the nuclear-weapon states’ arsenals and the inability of the review conference to do anything about it, the vast majority of NPT parties proclaimed the conference a success for the cause of disarmament. Representatives from both New Zealand and Indonesia described the outcome as ‘heartening’. ‘It provides welcome assurance on the viability of multilateral disarmament discussions and negotiations’, the New Zealand official claimed, adding that it ‘augured well’ for the future.⁶⁵ Choosing to close its eyes to the unwillingness of ‘certain states’ to commit to the CTBT, Sri Lanka extolled that the NPT parties had demonstrated an ‘overriding desire’ to strengthen the regime complex in ‘all’ its aspects.⁶⁶ Kenya was ‘gratified’ by the review conference outcome, asserting that the final declaration was an ‘indication of the wish to work together to halt and reverse both horizontal and vertical proliferation’, i.e., disarmament.⁶⁷ Plainly misrepresenting the final declaration, which on the issue said to be most important to the majority of non-nuclear-weapon states had indicated an agreement to disagree, the delegation of Oman asserted that the conference had displayed a ‘unanimous’ desire to advance the regime complex’ aims.⁶⁸ The review conference had to be ‘registered as a success’, said the Austrians.⁶⁹ Egypt’s Ambassador Mohamed Shaker, the president of the review conference, noted that the ‘valuable’ final declaration was ‘the result of a colossal effort on the part of all the parties to the Treaty’, suggesting that the non-nuclear-weapon states’ roles as partners in the regime had been respected.⁷⁰

From the perspective of the majority of neutral and non-aligned states, the outcome of the 1985 review conference was a slight improvement on UNSSOD-II. The nuclear-weapon states had been more measured and careful in their statements, refraining from describing nuclear weapons as vital and legitimate tools of security as they had done at UNSSOD-II. The parties to the treaty could thus more easily maintain a semblance of agreement and common purpose. In hindsight, it would appear that the quasi-consensus at the 1985 review conference marginally boosted the regime’s legitimacy after the disappointment of UNSSOD-II, staving off a new crisis of legitimacy. But not all were convinced. According to the analysts David Albright and André Carothers, the review conference had demonstrated a ‘nearly unanimous sentiment among the nonweapons states that the United States, United Kingdom, and Soviet Union are not in compliance with their obligations

under article VI. The appearance of consensus indicated by the final declaration was ‘just that – an appearance’.⁷¹ The final document, according to Albright and Carothers, reflected a deliberate attempt at papering over the widening gulf between the aligned and the non-aligned.

At the UNGA First Committee meeting later that year, the Peruvian delegation noted that any ‘consensus’ would ‘remain precarious so long as the nuclear Powers continue to evade their responsibility under article VI’.⁷² The Indian delegation went further. Arguing that the NPT had conferred undue prestige on the nuclear-weapon states, the Indians claimed that the review conference had revealed the ‘fatuity’ of the non-proliferation regime. Recent history, said the Indians, had confirmed New Delhi’s ‘well-founded fears’ that the NPT constituted ‘a charter for unrestrained vertical proliferation of nuclear weapons by the nuclear-weapon States and has conferred upon them special status and even accorded prestige for the maintenance and escalation of their nuclear arsenals’.⁷³ To undermine nuclear weapons as status symbols, India proposed the negotiation of a treaty to prohibit the possession and use of nuclear arms.⁷⁴ The Indian proposal received support from many non-aligned states, but not enough for the initiative to take off. Most non-aligned states were unwilling to embark on a collision course with the world’s most powerful states.

While the fruits of the multilateral process remained questionable, 1985 saw a clear breakthrough on the bilateral US–Soviet diplomatic front: For the first time since the 1970s, the leaders of the Soviet Union and the United States met in person. Moscow’s new premier, Mikhail Gorbachev, had initiated sweeping domestic reforms in the Soviet Union and was pursuing ‘a new approach’ to foreign policy.⁷⁵ The Geneva summit of 1985 ended without tangible results, but the face-to-face ‘sparked mutual trust’ between the two leaders.⁷⁶ Reagan had made an impassioned case for nuclear disarmament. Gorbachev is reported to have been quite sceptical about Reagan’s abolitionism at first, but, having thought it over, proposed in early 1986 that the superpowers should commit to abolition by the year 2000.⁷⁷

At the following summit, in Reykjavik in October 1986, Reagan and Gorbachev met to discuss their ideas for disarmament further. Most historical accounts, supported by newly released archival material and the memoirs of people close to the two leaders, suggest that both parties were genuinely interested in coming to an agreement on total nuclear disarmament.⁷⁸ The spoiler, in the end, was Reagan’s insistence on going ahead with the Strategic Defence Initiative (SDI) – a major missile defence programme objected to by the Soviets. Although an agreement on total disarmament proved impossible to reach due to differences over SDI, the Reykjavik summit was widely seen as the beginning of a new era in US–Soviet relations. Reykjavik was widely discussed at the UNGA, which convened just as the summit was ending. Although many delegations expressed disappointment at the lack of tangible results, virtually all governments expressed optimism and expectations that ‘radical disarmament measures’ were finally within sight.⁷⁹ But the radical

spirit of Reykjavik soon faded. Putting abolition on hold, the superpowers followed up the next year by concluding the Intermediate-Range Nuclear Forces (INF) agreement, a treaty eliminating ground-launched ballistic and cruise missiles with intermediate ranges. The INF Treaty was a considerable achievement – by far the most significant arms reduction treaty to date – but fell short of the lofty visions discussed in Iceland the year before. Both Reagan and Gorbachev found themselves surrounded by advisors and civil servants who were deeply sceptical of abolition.⁸⁰

Another significant development that took place in the mid-1980s was New Zealand's adoption of a staunch anti-nuclear policy. The New Zealand Labour government maintained that nuclear weapons were illegitimate, that disarmament ought to be pursued with far greater urgency, that the Australia, New Zealand, United States Security Treaty (ANZUS) was not a 'nuclear alliance', and that US warships that could not expressly confirm that they were not carrying nuclear warheads were not welcome in New Zealand ports.⁸¹ The issue came to a head in February 1985, when the New Zealand government denied a port call from the American destroyer USS Buchanan. In response, Washington unilaterally suspended its alliance commitments to New Zealand. As confirmed by declassified documents, US officials were eager to draw a line in the sand to deter other allies from undertaking similar actions in the future.⁸² Since the beginning of the Cold War, the US government had been keen to enlist broad backing for key US policies, including America's nuclear strategy.⁸³ The US response may indeed have had the effect of discouraging anti-nuclear moves in other aligned states. However, the scholar Amy Catalinac finds that the US response fostered *increased* support for anti-nuclear policies within New Zealand; the US reaction 'gilded, hardened New Zealanders' attitudes'.⁸⁴ The United States' denial of recognition of New Zealand's 'nuclear free' status, in other words, appeared to prompt increased support for the Labour government's stance.

The 'Crisis of Multilateralism'

In contrast to UNSSOD-II, which took place at the height of the so-called Second Cold War, UNSSOD-III, convened in June 1988, took place as the Cold War was winding down.⁸⁵ The United States and the Soviet Union had agreed to eliminate ground-launched intermediate-range missiles, relations between East and West Germany were greatly improving,⁸⁶ and Moscow had undertaken to slash defence expenditures and scale back its foreign policy aims as a means of funding domestic economic reforms.⁸⁷ For example, in 1986, Gorbachev had disavowed any Soviet ambitions in the Southern African region.⁸⁸ On the one hand, the improvement in the security environment meant that the nuclear-weapon states should be in a good position to engage with the non-nuclear-weapon states in discussions about multilateral disarmament measures. On the other hand, the more favourable security environment meant that the expectations of non-nuclear-weapon

states that transformative disarmament measures were imminent had never been higher.

From the perspective of disarmament advocates, UNSSOD-III was a resounding anti-climax. The nuclear powers were largely unwilling to engage on nuclear disarmament issues, insisting instead on more stringent non-proliferation measures and reductions in conventional armaments. The Indian prime minister, Rajiv Gandhi, presented an elaborate proposal to negotiate a new multilateral instrument to replace the NPT – one that would commit the nuclear powers to a time-bound elimination of their nuclear arsenals – but was snubbed by the UK and US delegations.⁸⁹ Somewhat characteristically, the Soviet delegation was happy to take relatively inconspicuous stances and let the Western nuclear powers take the responsibility – and blame – for opposing radical suggestions.⁹⁰ During the 1950s, the United States had on occasion been able to put the Soviets on the back foot in international disarmament discussions, successfully forcing the Kremlin to rebuff disarmament proposals in the full glare of publicity.⁹¹ From the 1960s onwards, however, the Soviet Union was consistently able – in spite of its militarism and authoritarian politics, resistance to many verification measures, and enormous investments in nuclear weapons⁹² – to manoeuvre in ways that put the onus on the Western nuclear powers to block disarmament proposals that the Soviets would themselves likely have opposed if push came to shove.⁹³

Ending without the adoption of a substantive final document, UNSSOD-III demonstrated what was increasingly obvious – the superpowers did not find the multilateral process particularly useful or worthwhile.⁹⁴ In the words of Dimitris Bourantonis, the session indicated the ‘unspeakable’, namely, that the UN majority had been ‘deluding’ itself for years on end by thinking that the major powers would ever commit to a multilateral disarmament process.⁹⁵ This, of course, undermined the non-nuclear-weapon states’ standing as equal partners in the regime. But not only was the multilateral nuclear disarmament agenda not advanced and the non-nuclear-weapon states relegated to the role of bystanders, the US delegation refused to acknowledge the continuing validity of the UNSSOD-I final document – the agreement that in 1978 had resolved the first crisis of legitimacy.⁹⁶ Without even an ‘appearance of consensus’, there was little opportunity for the non-nuclear-weapon states to spin the conference as a success. By refuting the UNSSOD-I final document, a text sometimes referred to as the disarmament ‘bible’, the United States had enacted a form of diplomatic sacrilege.⁹⁷ In the words of one commentator, members of the US delegation, in particular, ‘obviously resented the UN’s attempts to poke its internationalist finger into what they clearly regarded as their private pie’.⁹⁸

The latter half of the 1980s saw the intensification of what had come to be called ‘the crisis of multilateralism’.⁹⁹ Non-aligned states that since 1978 had been in the business of spinning any development in the most positive way possible so as to maintain the regime complex’ recognition order began

voicing serious dissatisfaction.¹⁰⁰ The Sri Lankan delegation to the 1988/89 UNGA claimed that the nuclear-weapon states – in particular the depositary states to the NPT – had betrayed their responsibility to effect multilateral disarmament measures, making it ‘extremely difficult to ensure the continued credibility of the non-proliferation Treaty, particularly in an environment in which the utility of nuclear weapons and their vertical proliferation continue to be expounded’.¹⁰¹ Togo postulated that the failure of UNSSOD-III had ‘arrested the momentum that had been built up since 1978 and gave rise to doubts as to the ability of this Organization to promote a multilateral approach to disarmament’.¹⁰² Slating the ‘lack of equality in the power structure of today’s world’, one non-aligned representative lamented that the ‘long history of disarmament negotiations’ gave ‘little ground for expecting disarmament by agreement’.¹⁰³ Criticism was increasingly being directed towards the institutional infrastructure.

Many non-nuclear-weapon states also expressed grievances about participation and transparency. Brazil’s novelist-president José Sarney echoed the calls for inclusion that had motivated the regime’s first wave of expansion by asserting that ‘the task of salvation belongs to all of us, with no exclusions. The weakening of multilateralism damages the cause of peace. Disarmament, however powerful the arsenals of the superpowers, cannot be a discussion between the two’.¹⁰⁴ The single most pressing issue on the disarmament agenda, according to the delegation of Yugoslavia, was the ‘breakdown’ of multilateralism.¹⁰⁵ Taking a more confrontational line, the Venezuelan delegation stated that ‘[w]e are aware’ that certain governments insist that UNSSOD-III was not a failure, but ‘prefer instead to be realistic and call things by their proper names’.¹⁰⁶ For the Brazilians, a meaningful dialogue between North and South ‘has not even really begun’. Disarmament could only happen once ‘we all sit at the same table, those that possess weapons of mass destruction and we that do not, to negotiate a world order based on peaceful relations, mutual confidence and the rule of law’.¹⁰⁷

Already before UNSSOD-III, Inga Thorsson, Sweden’s top disarmament official, had published a scathing critique of the superpowers’ policies in the *Bulletin of the Atomic Scientists*. Taking up the mantle from Alva Myrdal, Thorsson was a respected diplomat and unofficial leader among the neutral and non-aligned states.¹⁰⁸

I must register a protest against the trend toward bilateral negotiations [...]. That problems of this [nuclear] kind should be discussed, negotiated, and to some extent decided in meetings between two men, instead of by the instrument of the world community, the United Nations, [...] is an affront to the intention of that body’s creators.

What has been called the crisis of multilateralism is decisively due to the superpowers’ – particularly the United States’ – contemptuous

neglect of the United Nations as a forum for issues of global importance. This attitude represents an arrogance bordering on hubris that is astounding to any reasonable observer. [...] It has taken the superpowers six years of negotiations to reach an agreement that is said to be without real military significance. [...] For the time being, however, the world must be satisfied with the INF Treaty handed down by the two benevolent superpowers.¹⁰⁹

Thorsson's article, which was perhaps not totally fair in its characterisation of the INF Treaty, gives a powerful defence of the intrinsic value of multilateralism. Missing from the analysis, however, is a discussion of how or why a multilateral format might lead to more effective negotiations. The multilateral process had, after all, not delivered particularly meaningful results since the 1960s.

Not unlike the 1985 review conference, the 1990 conference was preceded by the somewhat contradictory co-occurrence of an increase in the NPT's membership and frequent warnings from both the academic community and practitioners that the non-nuclear-weapon states were increasingly fed up with the nuclear powers' unwillingness to move decisively on article VI.¹¹⁰ One answer to this apparent puzzle is that the norm of non-proliferation was growing increasingly entrenched as an unconditional 'standard of civilisation' independent of the nuclear-weapon states' disarmament efforts. It had become difficult, in other words, to cultivate a pro-disarmament stance or identity as a respected member of international society without being party to the NPT. Another answer is that the NPT was increasingly seen as an important means of lessening security competition within the group of non-nuclear-weapon states.¹¹¹ The NPT, in this view, offered security value to non-nuclear-weapon states irrespective of whether the nuclear powers disarmed. The observation that the NPT continued to gain adherents does thus not necessarily contradict the argument that the legitimacy of the NPT as a vehicle of future equality was decreasing.

On top of the challenges described above, the Geneva Conference was still widely criticised for its limited membership and lack of transparency in the accession process.¹¹² Despite the rounds of expansion in 1969, 1975, and 1978, only about a quarter of the UN's member states were represented. A large group of states, some of which had narrowly missed out on membership in 1978, were knocking fervently on the door. It is doubtful, however, whether these states truly believed that their inclusion in the conference would make it more effective with respect to output; the results of the last decade seemed to suggest the opposite, namely that expansion had increased the members' preference heterogeneity and made effective cooperation more difficult to achieve.¹¹³ Their aspiration to join the Conference rather seems to have reflected a desire for inclusion as an end in and of itself. Denial of membership was experienced as a denial of recognition – a signal of inferior rank in the international pecking order.¹¹⁴

Fallout over the 1990 NPT Review Conference and CTBT

The defrosting of the Cold War over the second half of the 1980s was widely seen as an opportunity to reinvigorate the multilateral nuclear disarmament effort.¹¹⁵ Many expressed hope that the nuclear-weapon states would finally agree to move from arms control and deterrence to a wholehearted embrace of disarmament.¹¹⁶ The Soviet delegation to the UNGA in 1990 claimed that the international community found itself on the brink of ‘an entirely new world order’.¹¹⁷ Renowned American statesmen and scholars declared that nuclear weapons had little or no military utility in the new world order, and that the United States should pursue the creation of a world without nuclear weapons as a genuine, albeit long-term, objective.¹¹⁸ According to the president of the 1990 NPT review conference, the Peruvian diplomat Oswaldo de Rivero, the end of the Cold War meant that the ‘traditional view of international security’ had to be replaced by ‘a global and planetary view’.¹¹⁹

But no major paradigm shift came to pass. The bilateral US–Soviet arms reduction accords concluded in the late 1980s and early 1990s were significant, yet did not fulfil the promise of Reykjavik. In contrast to his predecessor, a former actor and in many ways political ‘loose cannon’ with opinions on nuclear policy that were directly at odds with establishment views,¹²⁰ President George H.W. Bush, who succeeded Reagan in January 1989, had been a quintessential foreign policy insider during much of the Cold War. Bush had served as US ambassador to the UN under President Nixon, as CIA director under President Ford, as chair of the Republican National Committee, and as chief of the US Liaison Office in China. In his memoirs, Bush states plainly that he was prepared to undertake nuclear reductions, ‘but not elimination’.¹²¹ The UK Labour Party, which in 1982 had become the only major political party in a nuclear-armed state to back a position of unconditional nuclear relinquishment, reversed its policy in 1989, just as the Cold War was coming to an end.¹²² Defying the trend towards reductions prevailing in the United Kingdom and the two Cold War superpowers, between 1985 and 1995, China, France, and Israel increased their nuclear stockpiles, as measured by warhead count, by about 43, 5, and 50 per cent, respectively (Israel’s nuclear-weapon programme remained officially unacknowledged).¹²³ Nuclear weapons and deterrence were largely de-emphasised, in particular by the United States and NATO, but none of the nuclear powers changed their basic nuclear postures. In 1993, Russia formally reversed the (largely incredible) no-first-use pledge announced by Leonid Brezhnev on behalf of the Soviet Union in 1982.¹²⁴

By the early 1990s, the mixture of grievances that had induced wide-spanning reforms in the 1970s again seemed to be coming to a boil: First, most if not all non-nuclear-weapon states were excluded from relevant decision-making. Preferring to negotiate bilaterally, the United States and Soviet Union/Russia were seen to have hamstrung the United Nations, Geneva Conference, and NPT review process, denying the non-nuclear-weapon states recognition

as genuine partners in the nuclear ordering process. Second, there was little if any credibility to the notion that nuclear disarmament – and thus the diminution of both social inequality and basic material nuclear vulnerabilities – would be forthcoming in the foreseeable future.

In contrast to the period discussed in Chapter 2, the historical period considered in the present chapter (1979–2000) saw a wide-ranging transformation of the structure of the international system.¹²⁵ In the early 1980s, the world was locked in a bipolar standoff between the superpowers. The transition to a comparatively tranquil unipolar structure was remarkably rapid.¹²⁶ Historians typically set the date of the end of the Cold War to the fall of the Berlin Wall in 1989, but the winds of change were already blowing in the area of arms control by the mid-1980s. Fundamentally transforming East–West relations, the four Reagan–Gorbachev summits between 1985 and 1988 – Geneva, Reykjavik, Washington DC, and Moscow – both caused and constituted the end of the Cold War.¹²⁷

The average number of nuclear tests conducted per year declined markedly over the course of the period covered in this chapter (see Figure 1).¹²⁸ China carried out the last-ever atmospheric nuclear test in 1980. In 1990, only 18 tests were carried out (the United Kingdom and the Soviet Union completed only one test each). Yet, despite the decline in testing, the non-nuclear-weapon states’ main diplomatic demand remained the negotiation of a CTBT. After all, the commitment to negotiate a CTBT had formed part of the compensatory package that had justified the codification of the NPT nuclear hierarchy in the first place. The nuclear-weapon states’ unwillingness to heed their end of the bargain was interpreted by the non-nuclear-weapon states as a form of disrespect.

The CTBT issue was by far the most contentious agenda item at the 1990 NPT review conference.¹²⁹ Prior to the review conference, several non-nuclear-weapon states had argued, in the words of a Swedish official, that the initiation of serious negotiations on a CTBT was ‘the very minimum’

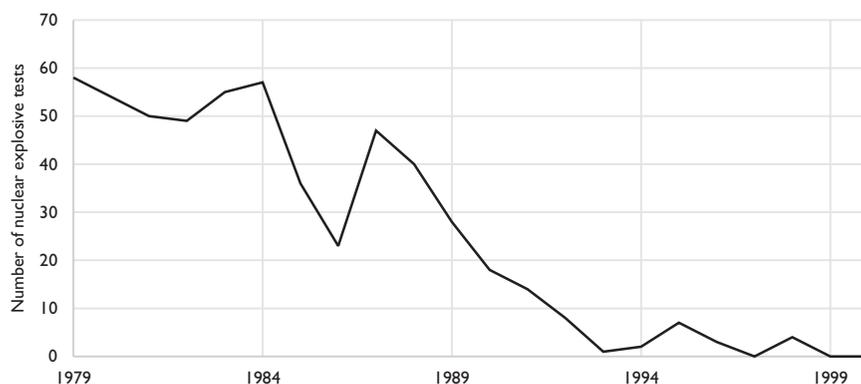


Figure 1 Worldwide Nuclear Tests, 1979–2000.

to be expected.¹³⁰ But meaningful progress remained elusive. After weeks of heated debate, the 1990 NPT review conference broke up without the adoption of a substantive final declaration. Refusing to accept anything less than a clear commitment by the nuclear-weapon states to negotiate a CTBT, a group of non-aligned states led by Mexico blocked consensus to signal their defiance.¹³¹ Alluding to the final declaration of the 1985 review conference, which had glossed over differences between nuclear and non-nuclear powers, Mexico's then disarmament ambassador, Miguel Marín-Bosch, held that it would be pointless to adopt a final declaration that would 'conceal certain basic facts regarding matters of fundamental interest to non-nuclear-weapon States Parties'.¹³²

The Mexicans' strategy of holding out for a clear CTBT commitment was 'widely supported by non-nuclear states', Rebecca Johnson writes.¹³³ But it received considerable criticism from several NGOs and analysts. They alluded that the non-aligned hardliners' uncompromising stance was both irrational and unreasonable, as it had led to hard-won agreements on other important issues – International Atomic Energy Agency (IAEA) safeguards, smuggling of nuclear materials, security assurances, and a general recommitment to article VI – slipping away. For example, by blocking consensus, the non-aligned states forewent an agreement with the nuclear-weapon states to consult on legally binding security assurances for non-nuclear-weapon states prior to the next review conference.¹³⁴ According to Leonard Spector and Jacqueline Smith, 'Mexico sacrificed other concrete gains in the international non-proliferation regime in order to advance its own diplomatic agenda'.¹³⁵ By refusing to compromise, some argued, the non-aligned states had turned clear progress towards greater global security into a 'missed opportunity'.¹³⁶ But for the Mexican and other non-aligned governments, the CTBT took priority over everything else. After decades of what they saw as broken promises, enough was enough: A bursting point had been reached.¹³⁷

In his analysis of the 1990 NPT review conference, John Simpson identifies two main grievances that hindered agreement on a final declaration.¹³⁸ The first was that, for the non-aligned states, 'a deal is a deal'. In a recognition theoretical view, 'when I break a contract I do not act merely as an atomic individual, I violate my contract partner by denying my agreement and my implicit equality with him'.¹³⁹ By refusing to negotiate a test ban, the nuclear-weapon states were seen to be reneging on the entire NPT recognition order. The 'overt bargain' that was struck upon the adoption of the NPT, the non-aligned states held, 'was that article VI of the Treaty, the disarmament article, could only be fulfilled through the completion of a CTBT'. The second grievance concerned the non-aligned states' desire 'to have a meaningful dialogue between the non-nuclear and the nuclear-weapon states on nuclear disarmament'. The trend towards bilateralism 'appears to have been deeply resented'.¹⁴⁰

The non-aligned states' attitudes towards the nuclear-weapon states shifted significantly between the 1980s and 1990s: At the NPT review conference in

1985, the non-aligned states were seemingly desperate to reach consensus on a final declaration, accepting a watered-down agreement which noted that ‘certain states’ disagreed with the provision most neutral and non-aligned states claimed to hold as the most important. The 1982 special session had delivered a similar result. At the special session in 1988, agreement on what was a decidedly feeble draft had been blocked by the United States.¹⁴¹ At the multilateral gatherings in the 1990s, by contrast, the neutral and non-aligned states adopted a less compromising stance. Rather than attempting to remit the fundamental differences between themselves and the nuclear-weapon states, the neutral and non-aligned sought instead to expose and underscore the nuclear-weapon states’ apparent unwillingness to move meaningfully towards nuclear abolition.

The wave of institutional expansion that took place over the course of the 1990s comprised several unique initiatives. Most of these, however, were cast in legalistic language. As scholars researching social movements have argued, waves of protest often coalesce around a ‘master frame’ of meaning.¹⁴² To the extent that the second wave of expansion in the multilateral nuclear disarmament framework had such a master frame, it was one of the international rule of law. Where in the 1970s reforms were promoted in the name of ‘democratising’ the regime complex, the second wave of contestation and change was justified as a concerted effort at further ‘legalising’ multilateral nuclear disarmament.

‘A Last Appeal for Justice’

A Second Crisis of Legitimacy

The 1990s saw a deepening crisis of legitimacy for the nuclear regime complex. As in the case of the first crisis of legitimacy, the second was above all characterised by the occurrence of institutional contestation and change within and vis-à-vis the multilateral disarmament architecture. But the occurrence of a crisis of legitimacy can be corroborated also by other indicators. First, the non-nuclear-weapon states’ criticism of the regime complex grew fiercer. The behaviour of specific nuclear-weapon states had been condemned throughout the 1980s, but by the late 1980s and early 1990s, criticism was increasingly directed towards the regime complex itself.¹⁴³ This is not to say that the nuclear-weapon states escaped reproach. France, in particular, came under enormous criticism for its nuclear testing in the Pacific, which was seen by many non-nuclear-weapon state officials as a ‘remarkable demonstration of arrogance and political insensitivity’.¹⁴⁴ New Zealand’s foreign minister, Don McKinnon, charged the French leaders with ‘Napoleonic arrogance’.¹⁴⁵ The government of the Philippines argued that ‘few instances in history can rival the sheer arrogance, insensitivity and lack of concern of the French government in continuing to pursue a policy as depraved as its nuclear testing programme’.¹⁴⁶ According to the government of Papua New Guinea, the

French testing demonstrated ‘disrespect for the unanimous position of the peoples of the region’.¹⁴⁷

Second, non-nuclear-weapon states used diplomatic signals to communicate their deep disapproval of the status quo. In 1995, for example, Japan froze development aid to China in protest to the continuing Chinese tests. Australia and Chile recalled their envoys from Paris to protest the French tests in the Pacific.¹⁴⁸ New Zealand cut all military cooperation with France. Moreover, the neutral and non-aligned states adopted a more confrontational line at multilateral conferences. While non-nuclear-weapon states blocked consensus at only one of the four major conferences held in the 1980s (the 1980 NPT review conference), non-aligned states blocked consensus at the NPT review conferences in both 1990 and 1995. As discussed below, the non-aligned states also convened a PTBT amendment conference in full knowledge that the conference would fail in its official purpose; in fact, the inevitability of failure was precisely the point. The only consensus decision reached in a multilateral nuclear disarmament forum in the 1990s – the 1995 decision to extend the NPT indefinitely – was reportedly achieved in part through diplomatic arm-twisting by the major powers.

Third, non-nuclear-weapon states demonstrated intense hostility to additional non-proliferation measures. The IAEA’s development of a new ‘gold standard’ for non-proliferation safeguards – the 1997 IAEA Additional Protocol – was met with fierce opposition from many non-nuclear-weapon states. Only 16 states signed the Protocol between its conclusion in the spring of 1997 and the 2000 NPT review conference. Interestingly, many of the Additional Protocol’s greatest critics were fully committed to the norm of non-proliferation – something recent research and archival documents corroborate.¹⁴⁹ Why did states fully committed to nuclear non-proliferation oppose more robust non-proliferation measures? As argued by Andrew Grotto, many states oppose additional non-proliferation measures not necessarily because they want to keep their options open, ‘but because of what accepting those measures would symbolize about the equity of the nonproliferation regime and the international system’.¹⁵⁰

Fourth, India and Pakistan, two long-time nuclear threshold states, openly tested nuclear weapons and declared themselves nuclear powers. And while many non-nuclear-weapon states condemned these actions, a significant number made veiled or explicit excuses for the proliferators, blaming the nuclear-weapon states for their lack of commitment to disarmament. The nuclear-weapon states called for international sanctions against the two states to force them to give up their nuclear-weapon programmes and sign the NPT, but few non-aligned states joined the effort, and the sanctions were dropped after just a few years.

Fifth, the 1990s saw several non-nuclear-weapon states party to the NPT threatening to withdraw. North Korea even announced its withdrawal from the NPT in 1993, but was brought back in the fold by the international system’s unipole (see below). At a diplomatic event in 1995, a representative of

the NPT party Nigeria postulated ‘that “the only reason that Nigeria does not have nuclear weapons is that we cannot afford them now” (with the “now” emphasised)’.¹⁵¹ Deeply frustrated with the regime’s inability to bring about a world without nuclear weapons, Mexico warned in 1996 that, if the nuclear powers did not soon meet their obligations under article VI, ‘we would need to revise our continuation as party to the Treaty’.¹⁵² By the late 1990s, ‘credible’ rumours reportedly circulated that a number of non-aligned states were contemplating exiting the regime in protest to the nuclear-weapon states’ lack of commitment to article VI.¹⁵³ Just how credible these rumours were is difficult to assess. But the fact that the rumours were there in the first place is a testament to the notion that the normative foundations of the NPT were in question.

The North Korean storyline took centre stage in the non-proliferation community in the early 1990s. In 1993, citing threats to its sovereignty, North Korea announced its withdrawal from the NPT. Pyongyang’s ‘nuclear deviancy’ was a product of its concerns with both material and ontological security – concerns combined in the North Korean state ideology of *Juche*, described officially as a ‘philosophy to materialize the independence of the popular masses’.¹⁵⁴ As the scholar Jina Kim points out, the North Korean government was obsessed with the nation’s ‘dignity’ and ‘sovereign right’.

North Korea’s provocative reactions were described as ‘righteous actions against injustice.’ North Korean negotiators often stressed that Pyongyang would agree to seek a solution if the IAEA did not ‘abuse its authority’ and the US demonstrated sensitivity for North Korea’s ‘prestige.’¹⁵⁵

The North Korean crisis was temporarily resolved in 1994. Striking a bilateral agreement with the United States – an example of what Reus-Smit calls ‘material compensation’ for dwindling voluntary compliance with norms¹⁵⁶ – North Korea re-committed to the NPT.¹⁵⁷

Confronted with the nuclear-weapon states’ reluctance to take decisive steps towards abolition, non-nuclear-weapon states with ambitions of climbing in the international status hierarchy were compelled to make a choice: They could either redouble their efforts at effecting disarmament, aiming to pull the nuclear-weapon states ‘down’ from their privileged position in the nuclear hierarchy, or they could build their own nuclear weapons in a bid to elevate themselves to the level of the existing nuclear-weapon states. The sense that the extant nuclear order had contributed to freezing the international prestige hierarchy was strongest among regional and so-called emerging powers. Tellingly, the second half of the 1990s saw most of these states either spearheading bold disarmament initiatives (Brazil, Egypt, Indonesia, Mexico, and South Africa) or acquiring nuclear weapons (India and Pakistan).

The prestige grievance was arguably most intense in India – the world’s second largest state as measured by population. Ever since India gained

independence from the British Empire, Indian governments had seen disarmament negotiations as platforms for furthering India's 'objective of achieving international status'.¹⁵⁸ But as time went on without major breakthroughs on the disarmament agenda, Indian policymakers decided to follow a new path. While many states and civil society organisations interpreted the indefinite extension of the NPT in 1995 as a compromise deal between the nuclear and non-nuclear-weapon states, the Indian government saw the extension as a legitimisation of the nuclear-weapon states' permanent retention of nuclear arms.¹⁵⁹

In the spring of 1998, both India and Pakistan conducted a series of underground nuclear-weapon tests. India's capability had been known since 1974 (see Chapter 2), and Pakistan had been suspected of being in the process of developing nuclear weapons for several years. But the tests nevertheless posed a significant challenge to the non-proliferation regime. India and Pakistan became the first states since China in the mid-1960s to explicitly declare themselves nuclear powers. While both governments cited national security threats to justify their actions, concerns with status and recognition were also on display. Balasaheb Thackeray, an Indian politician, justified India's crossing over from latent to manifest nuclear-weapons capability by stating that '[w]e had to prove that we are not eunuchs'.¹⁶⁰ In an article in *Foreign Affairs*, Jaswant Singh, an Indian MP and senior advisor to the prime minister, argued that the indefinite extension of the NPT had 'legitimized in perpetuity the existing nuclear arsenals and, in effect, an unequal nuclear regime'.¹⁶¹ Maintaining that the extension had forced India's hand, Singh asserted that 'India could have lived with a nuclear option but without overt weaponization in a world where nuclear weapons had not been formally legitimized'.¹⁶² Bharatiya Janata, the ruling party in India, proclaimed 'a day of prestige' after the tests.¹⁶³

For Katherine Young, India's tests were 'only tangentially about security. Their significance is emotional'. To the Indian people, 'it is conclusive evidence that we count'.¹⁶⁴ According to Itty Abraham, the bomb was regarded by Indian elites as 'a sign of India's advancement and equality with the Western developed countries, a negation of stereotypes about the effeminacy and historical weakness of the nation, and an argument against the mimetic and derivative nature of its science and technology'.¹⁶⁵ There was, of course, something deeply ironic about this: By seeking prestige through nuclear armament, India had joined the game it for decades had portrayed as a neo-colonial evil. Himadeep Muppidi puts it succinctly:

The tests were, in many ways, a refusal to quietly accept the position of an object in an emerging global colonial order. But they also signaled an increasing willingness on the part of Indian policymakers to accept full membership in a global order that they themselves had condemned as colonial.¹⁶⁶

Pakistan had similar concerns to India. Although Pakistan arguably did not have the same ambitions as India for recognition as a great power, there

seems to have been a strong sense among Pakistani elites that Pakistan had to match its neighbour, India. As noted in the conceptual framework (Chapter 1), status competition typically follows the formula of ‘similar but upward’.¹⁶⁷ Pakistan’s desire to maintain parity with India appears to have been grounded in both material security concerns and ideas about standing and prestige. After Pakistan’s successful nuclear tests in 1998, Nawaz Sharif, Pakistan’s prime minister, ‘triumphantly declared to have “settled the score” with India’.¹⁶⁸ Cultural forces were clearly involved. Former Pakistani Prime Minister Zulfikar Ali Bhutto, the man who had initiated Pakistan’s nuclear programme, laments in his memoirs that ‘the Christian, Jewish, Hindu civilizations have this [nuclear] capability. The Communist Powers also possess it. Only the Islamic civilization was without it’.¹⁶⁹ In both Pakistani and Indian elite circles, George Perkovich argues, ‘the feeling exists’ that there is a “white man” view that “black and brown” people are peculiarly unfit to have such weapons. [...] That perception affronts the dignity of Indians, Pakistanis, and no doubt others in Asia’.¹⁷⁰

The reception of the tests in the international community was far from universally condemnatory.¹⁷¹ According to Himadeep Muppidi, many in the developing world saw the tests as ‘desirable demonstrations of technical competence and political agency’.¹⁷² The tests, in this view, were interpreted as manifestations of an active resistance to nuclear hierarchy and the political marginalisation of the Global South. Several states offered at least implicit moral support.¹⁷³ The Kenyan delegation to the 1998/99 UNGA, for example, made the following intervention:

The nuclear tests carried out by India and Pakistan will no doubt be remembered as having dealt a serious blow to our aspirations for a world free of nuclear weapons. It is indeed regrettable that the insecurity created as a result of the lack of serious commitment by the nuclear-weapon States to move towards disarmament has provided an excuse for others, who may have felt the need to ensure their own security, to test.¹⁷⁴

Mexico’s Miguel Marín-Bosch pointed out what he saw as clear hypocrisy on the part of the established nuclear powers:

[T]ake their reaction to the Indian and Pakistani tests. It is simply one of repeating the same old refrain of ‘Do as I say, not as I do.’ [...] Finally, take their attitude to the CTBT. The United States, for example, urges India and Pakistan to sign a treaty that the US Congress has no current plans to ratify. As the NPT prepares for its 2000 review conference – a preparation thus far marked by dissent, acrimony and stalemate – it is hard to repress fundamental concerns for the future of the treaty, and with it the international disarmament and non-proliferation regime. Some States are trying to address, rather than repress,

those fundamental concerns. The nuclear-weapon States, however, are not among them.¹⁷⁵

A representative of the United States, for his part, maintained that, although it was ‘natural to want to place the main burden on the biggest guys’, smaller states should not use lacking disarmament to ‘excuse inaction or justify wholly unacceptable action by others’.¹⁷⁶

A pressing question was whether or how to acknowledge or grant recognition of India and Pakistan as nuclear powers. Publishing an official statement, the five original nuclear-weapon states argued that, despite India’s and Pakistan’s undeniable material capabilities, they did ‘not have the status of nuclear-weapon states in accordance with the NPT’.¹⁷⁷ ‘We will not amend the NPT to accommodate India and Pakistan’, added the then US Secretary of State Madeleine Albright.¹⁷⁸ According to a Chinese official, the attempt by India and Pakistan ‘to acquire so called great Power status through such [nuclear] tests will go nowhere’.¹⁷⁹ China and the other nuclear-weapon states were undoubtedly eager to protect the norm of non-proliferation. But it is hard to escape the sense that they were also jealously seeking to prevent an expansion of the great-power club. Replying to these statements, Jaswant Singh argued that ‘India is now a nuclear weapons state, as is Pakistan. That reality can neither be denied nor wished away’.¹⁸⁰ The wider nuclear discourse quickly came to be structured by distinctions between ‘official’/‘unofficial’, ‘recognised’/‘non-recognised’, and ‘legitimate’/‘illegitimate’ nuclear powers.¹⁸¹ And while the term ‘nuclear-weapon state’ became reserved for the legally acknowledged, original nuclear powers (often also referred to as the P5 due to the same states’ permanent seats on the UN Security Council), terms such as ‘nuclear possessor state’ and ‘nuclear-armed state’ entered common usage to refer to the material condition of possessing nuclear weapons.

At the NPT review conference in 2000, Achin Vanaik argues, ‘India and Pakistan were the major diplomatic losers’, as their claims to ‘NWS status’ were firmly rejected by the international community.¹⁸² Ever since, the role of the ‘unofficial’ nuclear powers has been somewhat unsettled. In a March 2000 *New York Times* opinion piece, John Mearsheimer, a self-proclaimed structural realist, in effect uses the logic and vocabulary of recognition theory to further a normative case for recognition of India as a nuclear-weapon state:

Despite its huge population, booming economy and growing nuclear arsenal, President Clinton, like his predecessors, refuses to show India the respect it deserves. He thereby perpetuates a needless estrangement between two natural allies. This disrespect is most apparent on the nuclear front.¹⁸³

Mearsheimer’s article demonstrates the way in which formal status as a nuclear-weapon state is often viewed as a special social entitlement – a sort

of crowning moment for great powers. In the next chapter, I discuss how India was indeed granted partial or *de facto* recognition as a nuclear-weapon state through a bilateral agreement with the United States. In the following, I move to the institutional expressions of the crisis of legitimacy that affected the nuclear regime complex in the 1990s.

The PTBT Amendment Conference

The 1991 Partial Nuclear-Test-Ban Treaty amendment conference was the result of intensive behind-the-scenes lobbying by an NGO called Parliamentarians for Global Action, which had partnered up with Indonesia, Mexico, Peru, Sri Lanka, Venezuela, and other non-aligned states to gather the necessary support to compel the PTBT's depositary states, i.e., the United Kingdom, the Soviet Union, and the United States, to convene a conference to explore the possibility of transforming the PTBT, which banned atmospheric and underwater nuclear testing, into a comprehensive ban on any and all nuclear explosive testing.¹⁸⁴ As discussed elsewhere in this book, a comprehensive ban was seen as an important disarmament measure as it was believed that a prohibition on all explosive testing would make it far more difficult for the nuclear-armed states to test and refine new warhead designs. A total ban, in this view, could help curb nuclear development pressures and, ultimately, slow and reverse the arms race.

As established by article II of the PTBT, the depositary states are obliged to convene an amendment conference if requested by a third of the treaty's parties. To take effect, however, an actual amendment of the treaty would have to be endorsed by all three depositaries. That meant that the two states most openly hostile to a CTBT at the time, the United Kingdom and the United States, would be able to veto any proposed amendment (the Soviet Union claimed to support the negotiation of a CTBT, but opposed inspections). The non-aligned states that supported the convening of the conference were, of course, fully aware of this fact. Indeed, the United Kingdom and the United States had both announced that they would not hesitate to block attempts at broadening the material scope of the PTBT.¹⁸⁵

From a strict rationalist perspective, the non-aligned states' insistence on convening a conference they knew in advance would for sure fail to produce agreement seems strange. From the theoretical perspective advanced in this study, however, the conference would appear to fill two crucial functions – one autotelic and one instrumental: First, by opening an additional space for resistance to the status quo, the amendment conference allowed dissatisfied non-nuclear-weapon states to act out their opposition to the nuclear-weapon states' alleged subversion of the regime complex' disarmament goals. In the words of the Swedish UNGA delegation, for example, the conference was an expression of non-nuclear-weapon states' 'understandable frustration' with the continuing paralysis on the test ban issue.¹⁸⁶ Second, by forcing the test-ban issue higher on the international agenda, the amendment conference could

increase the diplomatic pressure on the nuclear-weapon states to negotiate a CTBT in the future. According to a commentator in the *Bulletin*, a pervasive view among ‘Westerners’ was that the main purpose of an amendment conference would be ‘to embarrass the United States and the United Kingdom’.¹⁸⁷

The conference was chaired by the Indonesian foreign minister. And the proceedings were about as acrimonious as could be expected. While a number of non-aligned states claimed that the United Kingdom, the Soviet Union, and the United States had not lived up to their treaty commitment to end all nuclear testing, the United States’ chief negotiator, Mary Hoinkes, reportedly caused a stir by suggesting that the whole effort of convening the conference was ‘not serious’.¹⁸⁸ According to a *New York Times* editorial, the US representative ‘gratuitously offended states that want a total test ban’.¹⁸⁹ Of the PTBT’s 117 parties, 100 participated. Only two of those 100 were openly opposed to negotiating a comprehensive test ban. But as those states held veto rights, the conference could not agree to anything substantive. Yet, as argued by William Epstein, the ‘Conference sponsors feel they have raised the comprehensive test ban once again to a top place on the international arms control agenda’.¹⁹⁰ To the great pleasure of the Indonesian delegation, the amendment conference provided the first multilateral negotiating forum (as opposed to a deliberative forum) within the nuclear regime complex in which ‘all countries, nuclear and non-nuclear alike’, were able to participate.¹⁹¹ The non-aligned states agreed that they would continue the process of convening amendment conferences until the nuclear-weapon states agreed to initiate serious negotiations.¹⁹² But there would not be a second amendment conference. Coming into power in 1993, US President Bill Clinton reversed his predecessors’ opposition to the CTBT and agreed to initiate multilateral negotiations on a comprehensive test ban in the Geneva Conference.¹⁹³ While public pressure appears to have contributed to the US and, by implication, British about-face (all UK nuclear testing had for a long time been conducted at US test sites),¹⁹⁴ critical analysts pointed out that the major nuclear powers only agreed to initiate negotiations once they had accumulated all the testing data they could ever need to maintain and develop new warheads.¹⁹⁵ That said, a number of influential actors within the nuclear-weapon states’ respective defence establishments continued to oppose the negotiation of a comprehensive ban.¹⁹⁶ The shift in the US position also coincided with a shift towards greater acceptance of verification measures within the Soviet Union.

As had also been the case during the mid-1970s, the early 1990s saw growing differences between nuclear and non-nuclear-weapon states over the meaning of article VI and the legitimacy of nuclear weapons as instruments of policy. While the neutral and non-aligned states argued that the NPT and UNSSOD-I final document made it clear that nuclear weapons were fundamentally illegitimate, some of the nuclear-weapon states openly argued that the NPT gave them the right to possess nuclear weapons more or less indefinitely. France, for example, which joined the NPT in 1992, argued that, as a nuclear-weapon state under the NPT and a permanent member of the

UN Security Council, it had ‘the right to maintain her deterrent at a credible level’.¹⁹⁷ After the 1995 NPT review and extension conference (discussed below), a UK official asserted that the extension had signified a ‘ringing endorsement’ of ‘the right of the nuclear powers to keep their weapons’.¹⁹⁸ Such statements, disarmament advocates argued, made the nuclear-weapon states’ ‘true intentions’ abundantly clear.¹⁹⁹ They also appeared to perpetuate the prestige value of nuclear weapons.²⁰⁰

The ICJ Advisory Opinion on Nuclear Weapons

In May 1993, two years after the PTBT amendment conference, a group of non-aligned states made another confrontational move. Encouraged by NGOs, in particular the International Physicians for the Prevention of Nuclear War (IPPNW), 22 non-aligned states tabled a resolution at the World Health Assembly requesting the World Health Organization (WHO) to authorise the International Court of Justice (ICJ) to deliver an advisory opinion on the following question: ‘In view of the health and environmental effects, would the use of nuclear weapons by a State in war or other armed conflict be a breach of its obligations under international law including the WHO Constitution?’²⁰¹ The intention of the co-sponsors and the NGOs that supported them was clearly to have the Court declare the use of nuclear weapons unlawful through the legal back door of an advisory opinion. If the Court ruled that the use of nuclear weapons would inevitably fail to meet the standards of international humanitarian law, so went the argument, the nuclear powers would have a much harder time legitimising their retention and continuing modernisation of such arms.²⁰²

Despite opposition by the nuclear-weapon states and most of their allies, the resolution was adopted by the World Health Assembly by 73 votes to 40, with ten abstentions. The nuclear-weapon states and their allies did not give up that easily, though. Over the following months, they argued strongly that the World Health Assembly did not have the authority to make such a request. If the non-aligned states wanted an ICJ advisory opinion, they would have to go through the UNGA, not the WHO, the nuclear-weapon states argued. The result was that the NAM tabled an even more ambitious resolution to the UNGA in the fall of 1993. This time, the question asked was the following: ‘Is the threat or use of nuclear weapons in any circumstances permitted under international law?’ By adding the element of ‘threat’ – which both the respective non-aligned states and the Court took to be largely synonymous with the practice of nuclear deterrence – the non-aligned states promoting the initiative took aim not just at the nuclear powers, but also those non-nuclear-weapon states involved in extended nuclear deterrence practices.²⁰³

For Miguel Marín-Bosch, a respected and influential figure in the disarmament community, the rationale behind taking the nuclear question to the ICJ was clear: The standard disarmament framework available to the non-nuclear-weapon states had proved unsatisfactory.

[A]t each of the NPT's five review conferences, two fundamental questions have been raised. First, have the non-nuclear-weapon state lived up to their part of the bargain by remaining non-nuclear-weapon States? And second, have the NWS fulfilled their nuclear disarmament obligations? Invariably, the answer to the first question has been in the affirmative while the second has been in the negative.²⁰⁴

'Our recourse to the court now, with the full support of civil society', postulated a Malaysian diplomat, 'is tantamount to a last appeal for justice'.²⁰⁵ Certain states reportedly also believed that the initiative could have trickle-down effects on ongoing debates about UN Security Council reform.²⁰⁶ Several of the emerging powers that were active in promoting the resolution – Brazil, Indonesia, India, Mexico – were vying for permanent membership or other significant alterations of the UN Security Council's structure. It was also argued that the advisory opinion would provide 'a positive contribution' to the 1995 NPT review and extension conference.²⁰⁷ More immediately, the initiative was a means of expanding the regime's *agentes* or, as supporters put it, 'an attempt by non-nuclear states to bring another international institution [the ICJ] into play'.²⁰⁸ The initiative received energetic backing from a coalition of NGOs called the World Court Project (WCP). Originating in New Zealand in 1986, WCP mobilised NGOs from across the world to promote the idea of an ICJ advisory opinion on nuclear weapons.

Upon learning of the draft UNGA resolution and its contents, the nuclear powers initiated a campaign of counter-resistance. Several of the established major powers reportedly sent delegations to NAM capitals and threatened to withdraw aid or cancel trade deals if the resolution was not withdrawn.²⁰⁹ NAM consensus eventually cracked, and the resolution was withdrawn before it was put to a vote. 'During my 20 years' experience as a UN delegate', said a Swedish official, 'I have never seen such supreme power politics openly being used as during the fall of 1993'. 'Hysteria is not too strong a word to describe the nuclear weapon states' point of view around here', said Canada's ambassador. WCP activists thought the battle was lost.²¹⁰

But the government's championing of the resolution came back stronger. Just a few weeks after the 1993 UNGA First Committee meeting, the NAM meeting of foreign ministers in Cairo decided to reintroduce the resolution in 1994 and to put it to a vote. 'To these countries', Manfred Mohr claims, 'the situation of "nuclear apartheid" was simply intolerable'.²¹¹ The nuclear-weapon states' attempts at derailing the initiative only seemed to confirm the non-aligned states' suspicion that the nuclear-weapon states would not agree to disarmament even now that the Cold War had ended.²¹² According to WCP activists, NAM states were 'infuriated' and doubly determined to push on.²¹³ The resolution was eventually adopted with 78 votes in favour, 43 against, and with 38 states abstaining. The nuclear-weapon states and their allies had revealed 'their real attitude to nuclear weapons', said the Mexican Ambassador Marín-Bosch.²¹⁴ While the United States and the Soviet

Union had signed two major strategic arms reduction treaties – Strategic Arms Reduction Treaty (START) I in 1991 and START II in 1993 – progress towards complete abolition looked uncertain.

It might appear puzzling that the nuclear-weapon states' pushback only seemed to generate greater resistance by the non-aligned states. It is a mantra of much International Relations theory that securing the support of 'critical states' is a prerequisite for any diplomatic initiative to gain momentum.²¹⁵ The literature on social movements offers a different perspective. To wit, Charles Brockett argues that while repression of protest is often successful when the wider social structure is stable, otherwise similar attempts at suppressing protest tend to backfire during times of upheaval, triggering more rather than less resistance.²¹⁶ This fits well with the pattern described above. In the context of an ongoing crisis of legitimacy, the nuclear-weapon states' attempt at suppressing the advisory-opinion initiative aggravated the non-aligned states' grievances against nuclear hierarchy. As one commentator put it, the 'rearguard actions of the Five – the United Kingdom, Russia, France, the United States, and China – seem increasingly like the petulance of a clique that has lost its charisma'.²¹⁷

Endowed by the UN Charter with the authority to settle international legal disputes, the ICJ is the 'principal judicial organ of the United Nations'.²¹⁸ Owing to its formal role as international society's highest court, cross-regional composition, and the professional competence of the 15 judges in its employ, the Court commands significant influence.²¹⁹ And while the Court cannot force a state to do anything against its will – state consent (sovereignty) remains the foundation of international law – the ICJ's decisions and opinions are considered authoritative expressions of *lex lata*.

As a part of the legal process of the ICJ, stakeholders were invited to court hearings. The court hearings on the nuclear question took place in the autumn of 1995. These provided a new arena for engagement, adding another ad hoc *locus* to the regime's existing institutional infrastructure. Measured by the number of states participating, the court hearings for the nuclear advisory opinion were the most popular in the history of the ICJ.²²⁰ France's continued nuclear testing became a hot topic during the oral proceedings, releasing, as the *Washington Post* put it, 'a typhoon of anger' among non-nuclear-weapon states.²²¹

Through their advocacy and expert advice on complex legal issues, civil society actors were instrumental in bringing about the advisory opinion. Through the World Court Project, anti-nuclear governments and NGOs collaborated more closely than ever before.²²² In fact, the World Court Project was one of the first instantiations of what has since been labelled 'new diplomacy' – social-movement-type mobilisation of grand coalitions of states and NGOs that 'draw strength and legitimacy through numbers and the mobilization of "boundary role" players in civil society and nongovernmental organizations'.²²³ Indeed, some of the people and organisations involved in the World Court Project later contributed to launching more famous new-diplomacy initiatives such as the campaigns to ban anti-personnel landmines

and to establish the International Criminal Court.²²⁴ Yet, influential as the World Court Project was in promoting the advisory opinion and inspiring subsequent diplomatic initiatives, its main contribution lay in providing expert advice and encouragement to the already converted neutral and non-aligned states. None of the states in the higher echelons of the nuclear hierarchy proved particularly receptive to direct pressure.

The *Legality of the Threat or Use of Nuclear Weapons* was published by the ICJ in 1996. It did not quite contain the conclusions the champions of the World Court Project had hoped. By split decision, the Court ruled that it could not determine definitively whether the use of nuclear weapons would be illegal in ‘extreme circumstances of self-defence’.²²⁵ This meant that the nuclear-weapon states could maintain that their possession and potential use of nuclear weapons remained lawful. However, the ruling contained a tangential statement of great value to the non-aligned states and others promoting disarmament: By a unanimous decision of all 15 judges, the Court stated that there exists an obligation not just to ‘negotiate’ effective measures for nuclear disarmament, as suggested by the wording of the NPT, but to bring nuclear disarmament negotiations ‘to a conclusion’, i.e., that complete nuclear disarmament was indeed a standing legal obligation.²²⁶ The opinion also concluded that, ‘in view of the unique characteristics of nuclear weapons’, the use of such arms ‘seems scarcely reconcilable’ with the requirements of ‘humanity’.²²⁷ The use of nuclear weapons, the Court concluded, would in most realistic scenarios constitute a violation of international humanitarian law.

Backlash in the United States and Disarmament in the Post-Soviet Space

While the mid-1990s saw several influential US security experts and practitioners planting their flags in the nuclear abolitionist camp, arms control and disarmament sceptics scored important victories in Congress. Many in conservative circles were adamant that the United States should make the most of its unipolar moment and eschew military restraint. In 1995, a Republican faction sceptical of independent scrutiny of weapon programmes secured the dissolution of the Office of Technology Assessments, a body tasked with providing members of Congress with objective information and analysis about scientific and technical issues, including arms development.²²⁸ Two years later, Chairman of the Senate Foreign Relations Committee Jesse Helms and other Republicans ideologically opposed to arms control and disarmament secured a backroom agreement to permanently dissolve the US Arms Control and Disarmament Agency (ACDA), the US government’s hub of disarmament expertise since the 1960s.²²⁹

Another major development of the early-to-mid 1990s was the renunciation of nuclear weapons by Belarus, Kazakhstan, and Ukraine. The dissolution of the Soviet Union had left four new states with nuclear weapons on their territories – Russia and the three states just mentioned. While Moscow was in control of the launch codes necessary to use the weapons – certainly

this applied to all the strategic arms – it was not axiomatically the case that Russia owned or had a right to seize the weapons located in the other post-Soviet states. Launch codes and electronic locks preventing unauthorised use could likely also be broken or circumvented in time; US authorities claimed in 1993 that there were ‘specific programs underway to develop launch codes and triggering mechanisms for nuclear weapons located in Ukraine’.²³⁰ In each case, renunciation was informed by broader movements to rearticulate new national identities distinct from that of the militaristic and ‘nuclear’ Soviet Union.²³¹ The three states’ respective decisions to relinquish nuclear arms were clearly also influenced by diplomatic pressure and international normative expectations, in particular the NPT and attendant norm of nuclear non-proliferation.²³² In the words of a senior Ukrainian official, scrapping nuclear weapons and joining the NPT would help Ukraine gain ‘a kind of passport to the international community of civilized nations’.²³³

The disarmament process was most difficult in Ukraine. Demanding recognition as a lawful successor state to the Soviet Union, many Ukrainian elites saw the question of nuclear ownership as a matter of principle.²³⁴ The Ukrainian leadership also wanted to make sure that the weapons it gave up were dismantled and not merely redeployed by Russia.²³⁵ The eventual removal (to Russia) and dismantlement (partly in Russia and partly in the states wherein the weapons had been based) of the nuclear weapons in Belarus, Kazakhstan, and Ukraine was brought about in large measure through the US Nunn–Lugar Cooperative Threat Reduction programme established in 1991 (many of the weapons were also relevant under the START I agreement). Involving the United States and a number of post-Soviet states, the Nunn–Lugar programme constituted a highly successful regional multilateral disarmament effort aimed at assisting with the safe and secure transportation, storage, and dismantlement of nuclear, chemical, and other weapons in the former Soviet Union.²³⁶ While the three states’ respective decisions to renounce nuclear weapons were national choices subject to domestic politics, the Nunn–Lugar programme played an important role in implementing those decisions.

Beyond the factors described above, renunciation was also facilitated by the 1994 Budapest Memorandum, an agreement through which Russia, the United Kingdom, and the United States, in connection with the respective states’ accession to the NPT, undertook never to use military force against Belarus, Kazakhstan, or Ukraine save in ‘self-defence or otherwise in accordance with the Charter of the United Nations’.²³⁷ The Budapest Memorandum would later be violently cast aside when, in 2014, Russia intervened in Crimea and eastern Ukraine. Eight years later, Russia also launched a full-scale invasion, aiming to force through regime change in Kyiv.

Renewing the NPT

On the horizon throughout the 1980s and early 1990s was a critical event in the history of the nuclear regime complex: the 1995 NPT review and

extension conference.²³⁸ As stipulated by the NPT's article X, the treaty would remain in effect for a 25-year period after its entry into force. After 25 years, a conference would be convened to decide whether the treaty should be extended indefinitely or for another fixed period or periods. Many neutral and non-aligned states viewed the conference as an excellent opportunity to wrest disarmament commitments from the nuclear-weapon states. With the Cold War over, many were hopeful that the extension conference could provide an opportunity to effect transformative change. According to a report in *Strategic Survey*,

the current wave of interest in nuclear abolition is a by-product of the debate over whether and how to extend the Nuclear Non-Proliferation Treaty (NPT) and the diplomacy associated with the NPT Review and Extension Conference of April-May 1995. In advance of the conference, the nuclear powers were subjected to several years of mounting pressure from many quarters, including non-nuclear states as well as groups advocating arms control, to fulfil their obligation to pursue nuclear disarmament, as required by article VI of the NPT.²³⁹

Following the fractious advisory-opinion initiative and acrimonious multi-lateral conferences in 1990 and 1991, the NPT review and extension conference was convened in an atmosphere of diplomatic polarisation between the neutral and non-aligned states, on the one hand, and the nuclear powers and many of their military allies, on the other. US President Bill Clinton had run as an advocate of denuclearisation, but, in June 1994, the US Department of Defense finalised a 'nuclear posture review' that on the whole upheld the fundamentals of US Cold War nuclear policy. This implied, inter alia, the retention of thousands of alert nuclear warheads and a full nuclear triad.²⁴⁰ In a significant rhetorical realignment, the Pentagon had indicated that the primary function of nuclear weapons was no longer to deter a specific adversary from undertaking specific acts, but instead to hedge against threats that might emerge in the future.²⁴¹ As pointed out by the analysts Tanya Ogilvie-White and David Santoro, by the mid-1990s, 'a "second nuclear age" spawned a new generation of deterrence theories that attempted to legitimize nuclear weapons retention as an insurance policy against the rise of new nuclear threats'.²⁴²

The Clinton administration had ceased nuclear testing and engaged constructively in the CTBT negotiations, but took measures to retain expertise in the field of warhead development and maintenance through a 'stockpile stewardship' programme implemented by the US national nuclear laboratories.²⁴³ In anticipation of leaner years ahead for the defence industry, the Clinton administration also sponsored a series of mergers and acquisitions in the US arms sector. According to one analyst, this consolidation process – involving the emergence of corporate giants such as Lockheed Martin, Boeing, and Northrop Grumman – led to a strengthening of the Cold War

‘rentseeking triangles’ of economic, political, and military elites with stakes in the military-industrial complex.²⁴⁴

Passing a UN Security Council resolution on nuclear security assurances for non-nuclear-weapon states in advance of the conference, the nuclear-weapon states had ostensibly endeavoured to make a gesture of good faith. But while China offered a near unconditional pledge that it would not use nuclear weapons against non-nuclear-weapon states, the other four made more ambiguous promises, seemingly reserving the right to use nuclear weapons in self-defence. Several non-nuclear-weapon states remained adamant that security assurances would only have value if codified in a precisely worded and legally binding instrument. Some were sceptical that security assurances would have value at all so long as the weapons remained in place and in a constant state of readiness. As discussed above, non-aligned hardliners had waived consultations on security assurances when blocking consensus at the NPT review conference in 1990.²⁴⁵ Moreover, the primary nuclear threat most non-nuclear-weapon states were faced with was not the relatively remote possibility of being directly targeted with nuclear arms – the major powers would hardly need nuclear weapons to win wars against the majority of non-nuclear-weapon states – but rather the prospect of being battered by the transboundary consequences of somebody else’s nuclear conflict.

As its name suggests, the NPT review and extension conference was really two conferences in one. The NPT parties would first decide on the matter of the NPT’s extension. Then, once the decision on extension had been made, they would take stock of the implementation of the treaty over the foregoing five years. On the first matter, the nuclear-weapon states and most of their allies argued for an indefinite extension without disarmament conditions attached. Most neutral and non-aligned states, for their part, wanted any extension to be conditioned on disarmament actions by the nuclear-weapon states. Yet the neutral and non-aligned states were caught in a difficult position. After all, most non-nuclear-weapon states believed non-proliferation to be in their interest regardless of what the nuclear-weapon states did on the disarmament agenda. As a case in point, a Nigerian representative’s suggestion that their country might consider acquiring nuclear arms should the nuclear-weapon states continue to drag their feet on disarmament was reportedly received with alarm by several West African states.²⁴⁶ At the same time, most neutral and non-aligned states were keen to use the bargaining leverage that flowed from their collective power over the treaty’s future. As ever, disarmament was viewed as an imperative of both security and justice. Many were also wary of the social status implications of perpetuating the NPT indefinitely. The Indonesian delegation, for example, asserted that an indefinite extension without conditions attached would ‘ratify inequality in international relations once and for all, and relegate the non-nuclear countries to second-class status’.²⁴⁷ The Zambian delegation expressed concern that an indefinite and

unconditional extension would mean that the ‘discriminatory features [of the NPT] will be codified and will thus become immutable’.²⁴⁸

After weeks of intense discussions, the NPT parties agreed to a ‘renewed NPT bargain’ brokered by the Canadian and South African delegations.²⁴⁹ Several accounts suggest that the outcome was secured in part through diplomatic arm-twisting and threats of economic consequences by the major powers.²⁵⁰ In exchange for the indefinite extension of the treaty, the nuclear-weapon states and their allies agreed to a so-called package of commitments. The first element of the package was a decision to significantly expand the NPT review process in scope and ambition. From now on, the review process would consist of four major conferences for every five-year cycle – three preparatory committee meetings (in Vienna, Geneva, and New York) and one concluding review conference (in New York). The review process would also be formally mandated to make specific recommendations on implementation, not just to review past work.²⁵¹ The second element was a declaration on ‘Principles and Objectives for Nuclear Non-Proliferation and Disarmament’ that, *inter alia*, called for the negotiation of a treaty prohibiting the production of fissile material for weapons purposes – a proposal that had been discussed at irregular intervals since the 1940s – and the conclusion of CTBT negotiations ‘no later than 1996’.²⁵² The third element was a resolution urging the creation of a zone free of weapons of mass destruction (WMD) in the Middle East. The latter had been a major demand of several states in the Arab League. For them, discussions on a WMD-free zone provided a means of putting diplomatic pressure on Israel, which was universally suspected of having developed nuclear weapons sometime in the late 1960s.²⁵³ The fact that the Western powers seemed to look between their fingers when it came to Israel’s development of nuclear weapons was greatly resented by many non-aligned states, particularly the members of the League.²⁵⁴

The extension question, then, was resolved by a consensus agreement. But, on the review question, no agreement could be found. A group of non-aligned states, deeply critical of the nuclear-weapon states’ track record on article VI, opposed consensus on the draft final declaration. According to the Canadian ambassador, ‘[t]he lack of a review declaration at this Conference can be attributed to some extent to the “bruised feelings” of some of the participants’.²⁵⁵ It is certainly possible or even likely that many non-aligned officials felt steamrollered and slighted; the Venezuelan ambassador, for example, resigned when the nuclear-weapon states’ preferred extension option won the day. But the blocking of consensus on the review might perhaps more fruitfully be interpreted as a rational diplomatic signal: Despite the agreement on an indefinite extension, the nuclear-weapon states should have no illusions that the non-aligned states accepted a permanent nuclear hierarchy.

The 1995 conference saw several influential states participate for the first time. Having finally shed their once principled objections to the non-proliferation project, China and France had both acceded to the NPT in 1992, joining the treaty as nuclear-weapon states. Belarus, Kazakhstan, and Ukraine were

there. South Africa was also a newcomer, having discontinued its nuclear-weapon programme a few years prior. For South Africa, which had developed nuclear weapons in the 1970s, disarmament came about as part of a broader process of dismantling the militaristic apartheid regime. At the 1995 conference, the South African delegation was instrumental in bringing a group of hardline non-aligned states on-board with the extension deal.²⁵⁶ Middle powers Algeria, Argentina, Mozambique, and Tanzania also took part in the NPT process for the first time. Chile was in the process of joining and participated as an observer. Brazil would not formally join the NPT until 1998 but had seemingly committed firmly in favour of non-proliferation.²⁵⁷ In each case, the end of the Cold War and the gradual strengthening of the norm of non-proliferation appear to have played important roles in pushing erstwhile holdouts towards accepting the NPT. Importantly, the breakdown of one of the Cold War power blocs meant that non-aligned holdouts lost their traditional means of eluding superpower pressure, namely their opportunity to threaten to align with the opposing power bloc if pressure from one side grew too bothersome.²⁵⁸ The collapse of the Soviet Union also meant that states formerly in the wider Soviet sphere of influence lost (or were freed from) their patron and, by implication, their diplomatic cover. States in the American sphere of influence, for their part, soon found that anti-communism alone no longer sufficed to stay on good terms with Washington; the Pinochet regime in Chile, for example, had clearly enjoyed a long leash from Washington due to its supposed usefulness as a bulwark against socialism.²⁵⁹ Finally, the end of the Cold War also fundamentally transformed the incentives faced by many of the liberal democracies that during the 1960s had been wary of tying their hands indefinitely. For states such as Italy, Germany, and Switzerland, which had all opposed giving the NPT indefinite duration during the original negotiations, the demise of the Soviet Union undermined the argument for nuclear hedging. In conjunction, the emergence of American unipolarity increased the reputational costs of opposition to US normative leadership.

It is also worth noting that the 1995 conference saw major developments in the organisation of the NGO community. During the conference, a large group of NGOs launched a transnational advocacy network to work for the negotiation of a comprehensive convention to eliminate nuclear weapons by the year 2000.²⁶⁰ The network, called 'Abolition 2000', had been initiated by IPPNW in December 1994. According to one of its early members, the purpose of Abolition 2000 was to challenge the creeping 'status-quoism' in civil society.²⁶¹ The idea of negotiating a comprehensive nuclear weapons convention – an international agreement that would provide for the prohibition and elimination of nuclear weapons in a time-bound manner – was soon picked up by a group of international legal experts organised in the Lawyers' Committee on Nuclear Policy. By 1996, the committee had drafted a 'Model Nuclear Weapons Convention' that the government of Costa Rica, a long-standing proponent of nuclear disarmament, submitted to the UN Secretary General as a 'discussion document'. This innovative manoeuvre provided

a rallying point for NGOs and non-aligned states for several years.²⁶² The 1995 conference also provided for greater integration of NGOs into the regime complex. Taking his cue from a call by the president of the 1995 conference, the chairman of the preparatory committee meeting in 1997 gave NGOs the opportunity to address the floor during an informal session. This arrangement was accepted by the parties and set a clear precedent for future meetings.

The 1995 conference president, Jayantha Dhanapala of Sri Lanka, did his best to spin the outcome of the conference in a positive light. The indefinite extension of the NPT did ‘not represent a permanence of unbalanced obligations’, nor ‘the permanence of nuclear apartheid between nuclear haves and have-nots’, he contended. Rather, the extension simply represented a collective dedication to the norm of non-proliferation ‘so that we can forge ahead in our tasks towards a nuclear-weapon-free world’.²⁶³ But not all were convinced. At the UNGA session immediately following the 1995 conference, the Malaysian prime minister, Mahathir Mohamad, made a strong statement against inequality:

The victors of 1945 have clung tenaciously to the levers of power [...], exercising influence and power as nakedly as when they were colonial Powers. Only the masks have changed. [...] What, may I ask, qualifies some countries to possess the means of mass destruction in perpetuity? It is time that the nuclear-weapon States committed themselves to nuclear disarmament through a programmed reduction of their nuclear arsenals within a specific time-frame, beginning with the immediate cessation of all nuclear tests and culminating in their total elimination.²⁶⁴

Although the package of decisions adopted at the 1995 conference was widely seen as confirming the validity of article VI and the goal of a world without nuclear weapons, the outcome was nevertheless seen as disappointing. Many were worried that the indefinite extension had legitimised the nuclear-weapon states’ indefinite possession of nuclear arms.

In November 1995, a few months after the closing of the NPT review and extension conference, Australian Prime Minister Paul Keating launched the ‘Canberra Commission on the Elimination of Nuclear Weapons’. The Commission brought together a wide selection of experts and former political leaders, including the former French Prime Minister Michel Rocard, former US Secretary of Defense Robert McNamara, former Commander of the US Strategic Command George Butler, and Dr Joseph Rotblat, who had received the Nobel Peace Prize a year earlier along with the Pugwash Conferences on Science and World Affairs, an organisation he had co-founded with the British philosopher and anti-nuclear activist Bertrand Russell in 1957. The Canberra Commission finalised its outcome report in August 1996, and the contents were presented to the UN General Assembly at the end of September

of that year. The central takeaways were that nuclear weapons were militarily impractical, but that any use ‘would be catastrophic’. Nuclear terrorism was identified as a growing threat.

Nuclear weapons are held by a handful of states which insist that these weapons provide unique security benefits, and yet reserve uniquely to themselves the right to own them. This situation is highly discriminatory and thus unstable [...]. The opportunity now exists, perhaps without precedent or recurrence, to make a new and clear choice to enable the world to conduct its affairs without nuclear weapons and in accordance with the principles of the Charter of the United Nations.²⁶⁵

The Geneva Conference, the CTBT, and the NAC

In September 1995, after significant pressure from a large group of states over several years, the Geneva Conference, then at 38 members,²⁶⁶ admitted 23 new members in what was the largest-ever expansion of the Conference’s membership. Among the new members were regional powers such as Turkey and South Africa and smaller states that had shown considerable interest in humanitarian and disarmament issues such as Austria, New Zealand, Norway, and Switzerland.²⁶⁷ In 1999, the membership was expanded by another four states, taking the total membership to 65. A prevailing view had been that ‘the legitimacy of the CD could be called in question by its failure to open its membership to *deserving* states’.²⁶⁸ Yet, as was the case for previous rounds of expansion, the ‘legitimacy’ in question was clearly one of *input* legitimacy. There was little reason to suspect that the inclusion of additional non-nuclear-weapon states would improve the CD’s ability to negotiate disarmament treaties. If anything, history suggested that the opposite was the case. But the dominant motivating factor for those applying for membership was seemingly not to increase the forum’s effectiveness, but more simply to be included. Inclusion functioned here quite clearly as an extension of recognition as ‘deserving’ subjects – as full ‘partners’ in the multilateral nuclear disarmament framework.

The package of decisions that facilitated the indefinite extension of the NPT included a commitment to conclude a CTBT by 1996. And for once in multilateral nuclear disarmament diplomacy, the deadline was met – albeit in an unconventional manner. Promising CTBT negotiations had been underway at the Geneva Conference since 1994 and, by 1996, a draft that most delegations were happy with had been finalised.²⁶⁹ The negotiators had been able to draw on robust work on verification techniques by the Group of Scientific Experts established in 1976. But certain states – India most of all – opposed it (at least officially) because it did not include measures for arms reductions. It was, as Jaswant Singh put it, ‘devoted to ratifying the nuclear status quo’.²⁷⁰ And, given the rule of consensus, India could block the CTBT’s adoption in the CD. This, of course, was totally unacceptable to

many other states, for which the CTBT had been *the* most important agenda item in disarmament diplomacy since the 1950s. Thus, to circumvent the Geneva Conference and its rule of consensus, Australia's ambassador to the UN in New York, Richard Butler, designed a procedural device whereby a draft would be introduced to the UNGA as a resolution without first having attained consensus in Geneva. A special meeting of the UNGA was convened and the draft treaty was adopted on 10 September 1996. Butler's manoeuvre represented a significant break with the rule of consensus.²⁷¹ Despite the lack of consensus in the CD and somewhat slim prospects of bringing the treaty into force – ratification of the states that opposed it in Geneva would be a requirement of its entry into force – the adoption of the CTBT was widely seen as a victory for the cause of disarmament.²⁷²

Above I described how the frozen nuclear hierarchy was perceived by some to have made it difficult for non-nuclear-weapon states to climb in the international pecking order. Non-nuclear-weapon states with ambitions of gaining social parity with the established major powers were in this view compelled to either build their own nuclear weapons, redouble their efforts at effecting disarmament, or undermine the status value of nuclear arms. While India and Pakistan opted for the former alternative, emerging powers such as Brazil, Egypt, Indonesia, Mexico, and South Africa opted for the latter two. In the spring of 1998, before the tests on the Subcontinent had taken place, seven states (Brazil, Egypt, Ireland, Mexico, New Zealand, South Africa, and Sweden) formed a cross-regional ginger group to promote multilateral nuclear disarmament called the 'New Agenda', later dubbed the 'New Agenda Coalition' (NAC).²⁷³ The official purpose of the NAC was to 'galvanize the international community in common action for the purpose of eradicating these [nuclear] weapons once and for all'.²⁷⁴ As one of its founders stated, the years immediately following the 1995 conference had 'engendered the suspicion' that the indefinite extension of the NPT had legitimised the nuclear-weapon states' indefinite possession of nuclear weapons. The purpose of the NAC was to counteract this interpretation.²⁷⁵ In the formulation of South Africa, the NAC's business was to 'call on the States that South Africa recognizes as nuclear weapon states "to demonstrate an unequivocal commitment to the speedy and total elimination of their respective nuclear weapons"'.²⁷⁶ South Africa was thus still prepared to 'recognise' China, France, Russia, the United Kingdom, and the United States as 'nuclear-weapon states', but held that they should do more to deserve that recognition.

The run-up to the 2000 NPT review conference confirmed that the legitimacy of the regime complex remained in question. The various initiatives taken over the course of the 1990s had not been able to re-establish the credibility of the disarmament framework as a vehicle of justice. Many states 'feel that the agreements made at the 1995 Review and Extension Conference, in order to secure the indefinite extension of the NPT, have to a large part not been honoured', said Sweden's ambassador for disarmament.²⁷⁷ If the preparatory committee meetings preceding the review conference were anything to go by, the scholar Manpreet Sethi argued, 'then the review conference can

be expected to be an acrimonious affair that might end up generating more heat than light'.²⁷⁸ According to the Australian ambassador, Richard Butler, '[t]here was credible corridor discussion of the possibility that a whole bloc of non-aligned states might decide to leave the treaty'.²⁷⁹

Euphoria in New York

The Imperative of Abolition

The burst of protest that began with the non-aligned states' blocking of consensus at the 1990 NPT review conference ended in 2000. After intense consultations between the nuclear-weapon states and the NAC over the last few days of the conference, the 2000 NPT review conference adopted what was seen by virtually all observers as a highly progressive outcome. It was, in fact, the first time an NPT review conference had ever been able to adopt a fully negotiated final document.²⁸⁰ For advocates of disarmament, the most notable achievement was the inclusion in the document of 13 'practical steps' to implement article VI. Most crucially, the declaration declared the 'unequivocal undertaking by the nuclear-weapon States to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament'.²⁸¹ The inclusion of the phrase 'unequivocal undertaking' – borrowed from the 1996 advisory opinion – had been a central demand of the NAC.

The 13 steps were as follows:

1. Entry into force of the Comprehensive Nuclear-Test-Ban Treaty (CTBT).
2. A moratorium on nuclear testing pending the entry into force of the CTBT.
3. Negotiation in the Geneva Conference of a treaty banning the production of fissile material for nuclear weapons or explosive devices (a 'fissile material cutoff treaty', FMCT).
4. Establishment of a subsidiary body in the Geneva Conference to deal with nuclear disarmament.
5. Application of the principle of 'irreversibility' to nuclear arms control and disarmament.
6. An 'unequivocal undertaking' by the nuclear-weapon states to accomplish the total elimination of their nuclear arsenals.
7. The entry into force and implementation of START II, the conclusion of START III, and preservation of the ABM Treaty.
8. The completion of the Trilateral Initiative between the United States, Russia, and the IAEA (verification of the civilian status of excess weapons-grade nuclear material).
9. Steps by all the nuclear-weapon states leading to nuclear disarmament, including unilateral reductions of arsenals.
10. Implementation of measures in all nuclear-weapon states to place excess fissile material under international control.

11. A reaffirmation of the goal of general and complete disarmament.
12. Regular reports by all states parties to the NPT on the implementation of article VI.
13. Further development of verification capabilities.

The adoption of the 13 steps was celebrated as a major success by most non-nuclear-weapon states. For Sweden, the 13 steps represented ‘a new beginning in the pursuit of nuclear disarmament’ that ‘fundamentally alters the context in which nuclear disarmament must henceforth be pursued’.²⁸² For Myanmar, ‘we have been able to transform our vision into a reality’.²⁸³ Canada exulted that, following ‘discouraging setbacks, [...] our most important of all treaties, the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), won resounding, sceptic-confounding reaffirmation’.²⁸⁴ After years of deadlock and pessimism, said a Kazakh official, ‘the adoption of the Final Document bears witness to the success of our work’.²⁸⁵ The adoption of the 13 steps was thus represented as a radical break with the inglorious past of the multilateral nuclear disarmament framework. At the same time, non-aligned states drew parallels between the adoption of the 13 steps and the alleged successes of the past – the inclusion in the NPT of article VI and the adoption of the UNSSOD-I final document in 1978. That way, the adoption of the 13 steps was framed as a third iteration of the NPT bargain: Just as the UNSSOD-I final document had reconstituted the original bargain, the 13 steps reconstituted both the original bargain and the UNSSOD-I final document:

We [...] find it necessary to reaffirm the priorities of the international community in the field of disarmament. These were clearly established in the 1978 Final Document of the General Assembly’s special session devoted to disarmament, which accorded absolute priority to efforts for disarmament in the area of nuclear weapons. [...] A number of initiatives have been launched for the elimination of nuclear weapons. They include the initiative of the New Agenda Coalition, of which Egypt is a member. This initiative and subsequent General Assembly resolutions have achieved marked success. The members of the Coalition played a distinctive role in the Sixth NPT review conference, which resulted in the adoption of 13 practical steps for the implementation of article VI of that Treaty, pertaining to the unequivocal undertaking by the nuclear-weapon States to eliminate their nuclear arsenals.²⁸⁶

Douglas Roche, a former Canadian ambassador who was present at the review conference as a civil society observer, described the mood among disarmament advocates after the adoption of the outcome document as ‘euphoric’.²⁸⁷ According to the Norwegian diplomat Steffen Kongstad, the conference was experienced as an unambiguous breakthrough for the disarmers.²⁸⁸ Henrik Salander, the Swedish ambassador, used similar words to

describe the outcome.²⁸⁹ The 2000 NPT review conference was, quite simply, seen as the most positive result ever achieved through the NPT review process. Richard Butler believed the adoption of the 13 steps had averted a major exodus of non-aligned states from the NPT.²⁹⁰

Empowerment through Struggle

I have argued throughout this study that the legitimacy of the nuclear regime complex depends on both substantive and procedural elements. Substantively, the non-nuclear-weapon states have consistently insisted that the nuclear-weapon states commit to effective measures of disarmament. Procedurally, non-nuclear-weapon states have demanded a right to participate meaningfully in nuclear disarmament diplomacy. As discussed above, the very act of contesting the nuclear hierarchy may therefore serve a re-legitimising function, insofar as active resistance allows the non-nuclear-weapon states to act out their self-descriptions as active and audible nuclear order makers. The initiatives undertaken by non-nuclear-weapon states during the 1990s corroborate this finding. Allowing the neutral and non-aligned states to take the offensive and push back against the nuclear-weapon states' alleged subversion of the regime complex' disarmament goals, the ICJ advisory-opinion initiative, PTBT amendment conference, and expansion of the NPT review cycle and Geneva Conference were seen as acts of self-empowerment. Consider, for example, how the Mexican ambassador described the advisory-opinion initiative. Claiming that the initiative had pushed the nuclear-weapon states on the defensive, Marín-Bosch asserted that the nuclear-weapon states were 'scared shitless'. The nuclear-weapon states were desperately attempting to hold on to their 'toys', he maintained, but now, '[t]heir turn is up'.²⁹¹ Contesting the status quo provided Mexico and other neutral and non-aligned states with an opportunity to assert themselves as active participants in the struggle to abolish nuclear weapons.

The various initiatives undertaken during the 1990s also offered individuals and groups of non-nuclear-weapon states opportunities to assume leadership positions within the non-nuclear-weapon state caucus. Leading the charge of the non-aligned states in the years after the 1995 review and extension conference, the NAC gained recognition as the *de facto* negotiating partner of the nuclear-weapon states on disarmament. In 2000, the NAC's successful extraction from the nuclear-weapon states of an 'unequivocal undertaking' to achieve nuclear disarmament 'significantly enhanced its [the NAC's] authority as the single most important unofficial voice for the non-nuclear-weapon states in their struggle against the nuclear-weapon states'.²⁹² According to one of the NAC's key spokespersons, Sweden's Henrik Salander, several non-nuclear-weapon states 'positively begged' to be included as members of the NAC after 2000.²⁹³ None were admitted.

Indonesia also positioned itself within the non-nuclear-weapon state bloc. In 1995, Indonesia took the initiative to establish a permanent NAM

working group on disarmament, which Indonesia would chair for the next two decades.²⁹⁴ The working group would be tasked with coordinating the positions of the governments of the NAM and formulating a common language for relevant conferences and meetings. The working group chair would also be expected to negotiate on behalf of the NAM in smaller gatherings.²⁹⁵

Conclusion

The demise of the political settlement underpinning the 1978 UNSSOD-I outcome document led in the 1990s to a second crisis of legitimacy in the nuclear regime complex. The associated wave of diplomatic contestation and change led to a vertical deepening of the multilateral nuclear disarmament framework through a process of legalisation. In contrast to the first wave of expansion, which primarily targeted procedural and organisational issues, the second wave added substance (*res*) to the regime in the form of the ICJ advisory opinion and the CTBT. The advisory opinion established that, as a matter of international law, the nuclear-weapon states were obligated not just to *engage* in nuclear disarmament negotiations, but to *conclude* such negotiations. The CTBT codified the emerging norm against nuclear testing in all environments. Although the CTBT is not yet in legal force due to outstanding ratifications by a number of states, the norm against nuclear testing has grown strong. Since the adoption of the CTBT, only three states – India, Pakistan, and North Korea – have conducted (a total of 11) nuclear tests. This stands in sharp contrast to the situation of the preceding decades, when nuclear tests were a monthly or even weekly occurrence. The second wave of adaptation also led to a horizontal expansion of the regime. The expansion of the NPT review process and Geneva Conference membership gave non-nuclear-weapon states additional opportunities to engage in nuclear disarmament talks. The ICJ court hearings supplied another ad hoc arena.

Most of the institutional adaptations pursued during the mid-1990s may be seen as efforts at enhancing global security through nuclear disarmament.²⁹⁶ But other motives were also on display. The advisory-opinion initiative, for example, was justified as ‘a last appeal for justice’,²⁹⁷ a means of ‘democratizing’ nuclear disarmament,²⁹⁸ a form of resistance to the ‘intolerable’ exercise of ‘nuclear apartheid’,²⁹⁹ and a means of undermining the link between nuclear weapons and permanent membership of the UN Security Council.³⁰⁰ The nuclear-weapon states – most vocally so France during this period – continued to justify their retention of nuclear weapons by reference to their status as great powers and permanent members of the UN Security Council.³⁰¹ For some, the struggle for recognition as major powers arguably provided a powerful incentive to retain nuclear armouries.³⁰²

The processes that led to the first and second waves of adaptation in the multilateral nuclear disarmament framework were similar. Firstly, both waves were responses to the erosion of the nuclear regime complex’ credibility as a vehicle of meaningful change on the disarmament front. Secondly, both

the first and second waves were mainly instigated and carried out by neutral and non-aligned states. Thirdly, the adaptations pursued by the neutral and non-aligned states were explicitly framed as a struggle of small states with law and justice on their side against ‘arrogant’ great powers. A notable difference between the two waves was the far greater role played by civil society organisations during the second wave. Although their ability to change states’ basic positions on nuclear armament clearly remained limited, civil society organisations were instrumental backers and instigators of the efforts to convene the PTBT amendment conference and authorise the ICJ to produce an advisory opinion on nuclear weapons. Civil society organisations were also instrumental in raising nuclear weapons on the international agenda.

As had been the case also for the first crisis of legitimacy, the second crisis of legitimacy was resolved largely through a rhetorical and future-oriented recommitment to the goal of nuclear disarmament by the nuclear-weapon states. Along with the indefinite extension of the NPT in 1995, the 2000 NPT review conference crystallised a kind of ‘end of history’ moment for the nuclear regime complex: The nuclear-weapon states agreed to a series of concrete disarmament steps and made an ‘unequivocal commitment’ to abolition; the NPT challengers India and Pakistan were diplomatically isolated and denied recognition as nuclear-weapon states; the right to use nuclear technology for peaceful purposes was entrenched; and the non-proliferation norm was confirmed as an eternal, unconditional norm. After the 2000 NPT review conference, threats of defection died down and most non-aligned states demonstrated a greater appetite for heightened IAEA safeguard standards. However, the long-term legitimating value of the 13 steps clearly depended on the extent to which they would be lived up to in practice.

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4 The Road to Prohibition, 2001–2021

Setbacks and Great Expectations

Nuclear Weapons in a New Millennium

The regime complex looked healthy during the fall of 2000 and spring of 2001. Conforming with the first of the 13 steps, Russia ratified the Comprehensive Nuclear-Test-Ban Treaty (CTBT) shortly after the review conference of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) in 2000 (it would de-ratify the agreement in 2023). George W. Bush, who succeeded Bill Clinton as president of the United States in January 2001, had run on a promise to ‘cast off outdated Cold War strategies, and have the United States lead by example in cutting its nuclear arsenal’.¹ At the 2000/01 United Nations General Assembly (UNGA) session, the adoption of the 13 steps was praised far and wide: At ‘the very moment when the future of the Treaty and its non-proliferation regime appeared to be almost in jeopardy’, said Sweden’s Henrik Salander on behalf of the New Agenda Coalition (NAC), the NPT parties had demonstrated ‘a singular and common purposefulness’ by agreeing to pursue disarmament ‘without further procrastination’.² Mexico rejoiced that the 13 steps had ‘re-established balance’ in the regime complex.³ The NAC and its members toned down their praise somewhat the next year, but were still in high spirits, pledging to ‘pursue the complete implementation of the agreements reached’ in 2000.⁴ Yet, it had already become plain that several of the 13 steps would not actually be implemented any time soon. The Bush administration elected not to submit the CTBT for ratification (undercutting step 1), negotiations on a treaty banning the production of fissile material for nuclear explosive devices continued to be blocked (undercutting step 3), the Geneva Conference failed to establish a subsidiary body to deal with nuclear disarmament (undercutting step 4), and the nuclear powers continued to invest heavily in their nuclear forces (undercutting steps 6 and 9).

In December 2001, the Bush administration finalised a new nuclear posture review that was seen by many to expand the role of nuclear weapons in US strategy. While the review committed the US government to drastically reduce the United States’ number of operationally deployed strategic warheads and outlined a series of measures to improve non-nuclear and defensive capabilities that might substitute for nuclear forces, it also explicitly

identified what appeared to be new roles for US nuclear weapons, including ‘dissuading military competition and defeating adversaries’.⁵ It also sought to elevate the nuclear weapons production complex and its supporting defence-industrial infrastructure, arguably suggesting that serious efforts towards abolition would not be forthcoming in the near or medium term. Richard Perle, who allegedly once described nuclear abolition as ‘the worst thing in the world’,⁶ had been installed by the Bush team as the chairman of the US Defense Policy Board.

According to the Malaysian delegation to the 2002/03 UNGA, the new US nuclear posture review was ‘perceived by many as a clear rejection of the 13 steps’. Malaysia was ‘very much disappointed and dismayed’ and indicated that a renegeing on the commitments made at the previous NPT review conference would ‘deal a serious blow to the viability of the Treaty and to the disarmament process in general’.⁷ The NAC maintained that it was high time for the international community to act on the steps agreed in 2000, stating that ‘our continued indecision’ left the world vulnerable to nuclear dangers.⁸ Egypt intimated that a certain ‘laxity’ seemed to have ‘crept into global nuclear disarmament and non-proliferation efforts since May 2000’.⁹ Overall, however, the mood was still reasonably amicable. Denmark expressed its ‘appreciation of the positive atmosphere and spirit of cooperation that have prevailed’.¹⁰ New Zealand said that the UNGA First Committee’s work remained ‘relevant and useful’. That being said, the international community should now take the opportunity to demonstrate ‘commitment to the elimination of nuclear weapons’. The failure to implement decisive steps towards denuclearisation, New Zealand argued, threatened to ‘undermine the credibility of disarmament negotiations’.¹¹

Partly influenced by the dramatic terrorist attack on 11 September 2001, the bilateral US–Russian arms control process went through significant changes over the course of the early 2000s. A first major development was the United States’ withdrawal from the 1972 ABM Treaty, announced by the Bush administration in December 2001. Concluding that the ABM Treaty ‘hinders our government’s ways to protect our people from future terrorist or rouge state missile attacks’, President Bush proceeded to expand the United States’ efforts in the area of missile defence.¹² The withdrawal had serious and predictable consequences for the arms control and disarmament agenda. As the Russian Duma had explicitly tied its acceptance of START II to the continuing application of the ABM Treaty, the US withdrawal put the nail in the START II coffin and, by implication, step 7 of the 13, which had committed Russia and the United States to ratify and implement START II, conclude a START III agreement, and preserve the ABM agreement. In place of START II, Russia and the United States hurriedly concluded the 2002 Strategic Offensive Reductions Treaty (SORT). Containing no verification mechanisms, the SORT agreement was argued by many to represent a hollowing out of the arms control process – and arguably a contravention of the principle of irreversibility enshrined as step

5 of the 13.¹³ Experts mocked SORT as ‘make-believe arms control’ and ‘a parody’.¹⁴

While a number of scholars voiced major criticisms against the Bush administration’s apparent disregard for arms control and the 13 steps,¹⁵ the reactions from non-nuclear-weapon states were comparatively meek. The undoing of the ABM and START II agreements was almost entirely ignored in the multilateral diplomatic debate.¹⁶ Presumably, the non-nuclear-weapon states were unwilling to bring up uncomfortable realities so soon after the successful adoption of the ‘historic’ 13 steps. They were eager, in other words, to maintain the recognition order that had been reconstituted in 2000. But from about 2003 onwards, the honeymoon period gradually came to an end. In 2003, the NAC declared it was ‘deeply concerned’ at the lack of progress. ‘All NPT States parties must be held fully accountable with respect to strict compliance with their obligations under the Treaty’.¹⁷ That year and the next, several states used strong language to criticise the nuclear-weapon states’ inaction. Costa Rica, for example, maintained that the nuclear-weapon states’ commitment to the agreement reached at the NPT review conference in 2000 had not just been ‘weak’ but effectively ‘non-existent’.¹⁸ The Brazilian delegation asserted that the non-proliferation and disarmament regime was facing a ‘credibility crisis’. The reason, the Brazilians argued, was quite clear. There was a lack of political commitment ‘on the part of nuclear-weapon States’.¹⁹ The Geneva Conference had become totally deadlocked, unable to agree even on a programme of work. Operating under strict rules of consensus, the Conference was highly vulnerable to obstructionism by small groupings or even solitary states. The major political movers seemed relatively unperturbed by this. They were happy, by the looks of things, to let the stalemate drag on and, according to the analyst Rebecca Johnson, play ‘the “blame game.”’²⁰

While the United States had emerged as the world’s sole superpower upon the collapse of the Soviet Union, Russia remained a key player in the nuclear regime complex. And contrary to the hopes of nuclear abolitionists, the turn of the millennium saw Russia doubling down on nuclear deterrence.²¹ The early 2000s also saw the rise to power of a new Russian leader, the former KGB intelligence officer Vladimir Putin. While Russia and the United States had been able to work together on a range of issues during the 1990s,²² policymakers in Moscow had reportedly grown increasingly convinced that the United States was trying to ‘isolate Russia economically, politically, and morally’. ‘Humiliated by the West’s unwillingness to accept Russia as an equal partner’, argues the international relations scholar Andrei P. Tsygankov, ‘the Kremlin revised its worldview’.²³ According to Jennifer Mathers, it was becoming increasingly clear that ‘Russia’s continued possession of nuclear weapons – especially strategic nuclear weapons – is one of the few ways in which Moscow can legitimately and indisputably claim to be a major player on the world stage’.²⁴

In 2004, the Bush administration launched the Reliable Replacement Warhead (RRW) programme, increasing funding for the US nuclear weapons

labs. Along with the so-called stockpile stewardship programme established by the Clinton administration, RRW allowed the US nuclear complex to engage in what one set of scholars refers to as a process of ‘sociotechnical repair’, entrenching itself in the post-Cold War world.²⁵ Other nuclear-armed states also took measures to ensure the enduring viability of their nuclear arsenals. Russia retained a large nuclear production complex and invested heavily in the sea-based leg of its nuclear triad in particular. Russia’s nuclear submarine programme had fallen on hard times after the collapse of the Soviet Union but was now being revamped.²⁶ China laid down its first ballistic missile submarine in 2001, with another two following in 2003 and 2004, respectively.²⁷ France also spent heavily on its sea-based nuclear forces, placing an order for the serial production of a new generation of submarine-launched ballistic missiles, the M51, in 2004.²⁸

Taking a countervailing action, the Mexican government seized the initiative in 2004 to bring the members of the world’s various nuclear-weapon-free zones together in a single bloc.²⁹ Nuclear-weapon-free zones were established for Latin America and the Caribbean (1967), the South Pacific (1985), Southeast Asia (1995), and Africa (1996).³⁰ Mongolia was recognised as a state enjoying ‘nuclear-weapon-free status’ by the UN General Assembly in 1998.³¹ The creation of these zones had traditionally been understood, firstly, as regional non-proliferation efforts and, secondly, as vehicles to extract security assurances from the nuclear powers. The Mexican initiative aimed at bringing the respective states together as a pressure group for disarmament. The resulting Conference on Nuclear-Weapon-Free Zones was held in Mexico City in April 2005 and occasioned the adoption of a final declaration that reaffirmed its participants’ conviction that the international community should move swiftly ‘to achieve the total elimination and prohibition of nuclear weapons’ and expressed ‘deep concern over the lack of progress to date’ on the application of the disarmament measures agreed to at the 2000 NPT review conference.³² Follow-up conferences to the meeting held in 2005 would be convened in 2010 and 2015.

Expectations were low when the 2005 NPT review conference opened at the United Nations (UN) headquarters in New York. Citing US President Bush’s axis-of-evil speech and threats to its national ‘dignity’, North Korea declared its withdrawal from the NPT in 2003.³³ Iran had been caught building undeclared nuclear facilities, strengthening long-held suspicions that Teheran wanted the bomb.³⁴ The US government, for its part, had made clear through both words and deeds that it no longer supported all 13 steps adopted in 2000. The NPT preparatory committee meetings in 2002, 2003, and 2004 had all indicated a wide gulf between the nuclear-weapon states – in particular the United States and France – and most neutral and non-aligned states in terms of how they assessed the past and future of article VI implementation.³⁵ On the eve of the 2005 review conference, the head of the US delegation, Stephen Rademaker, claimed that the US disarmament record was ‘excellent’.³⁶ Not all states seemed to agree.

According to a New Zealand diplomat, the conference was ‘a disaster from start to finish’.³⁷ It actually took three weeks of procedural wrangling – primarily between Egypt and the United States – before the substantive sessions could even begin. Although some found the bickering over procedure petty, it reflected deep substantive disagreements between nuclear and non-nuclear powers. The core of the dispute, writes Harald Müller, was the ‘staunch refusal’ of the United States and France to accept the results of the 2000 review conference as the basis for proceedings.³⁸ A former UK secretary of state for foreign affairs, Robin Cook, contended that the ‘acrimonious exchanges’ at the review conference ‘reflect the frustration of the vast majority of states, who believe they have kept their side of the deal by not developing nuclear weapons but have seen no sign that the privileged elite with nuclear weapons have any intention of giving them up’.³⁹ In the words of William Walker, the Bush administration showed ‘disrespect’ for the NPT and, by extension, its partners in contract.⁴⁰

William Potter explains the failure of the 2005 review conference by pointing to a widespread sense of apathy. Whereas in 2000 many governments had been genuinely concerned about the viability of the regime complex as such, the period leading up to the 2005 conference lacked that sense of urgency; few delegations were prepared to make the compromises and do the diplomatic graft that would have been necessary to reach an agreement.⁴¹ But if there was no sense of crisis before the 2005 NPT review conference, there certainly was after. In the months and years after the 2005 conference, a wave of analysis predicting the imminent collapse of the NPT appeared. The non-proliferation regime was ‘failing, weakening and crumbling’, claimed one commentator.⁴² It was ‘under more pressure than ever’, suggested another.⁴³ The regime’s future was ‘uncomfortably uncertain’, warned a third.⁴⁴ The ‘legitimacy of this order has not been sustained’, averred a fourth, asserting that the regime faced an ‘acute legitimacy crisis’.⁴⁵ A fifth argued that the regime was ‘in danger of unravelling because the NPT is not only about nuclear non-proliferation. It is also about the elimination of nuclear weapons’.⁴⁶ Several commentators pointed their fingers at North Korea and Iran for their contravention of non-proliferation norms, but many added that the main cause of the regime’s troubles was the unilateralist policies of the French and especially American governments. According to a popular view, the North Korean and Iranian nuclear programmes were ‘symptoms as much as causes’. The real cause of the crisis was Washington’s attitude ‘that the NPT’s provisions apply to everyone else’.⁴⁷ This latter narrative was powerfully fuelled by the US-led invasion of Iraq in 2003 – an invasion justified as a counter-proliferation exercise – and formation of the controversial Proliferation Security Initiative (PSI), an initiative aimed at facilitating interdiction of illicit transfers of weapons of mass destruction (WMD) at sea.⁴⁸

The years after 2005 delivered even more disappointment for the disarmers. The United States ‘added insult to injury’ by negotiating the US–India Agreement of 2006, effectively recognising India as a quasi-legitimate nuclear

power.⁴⁹ For emerging powers such as Brazil, India's gradual admission into the ranks of recognised great powers sent a deeply troubling message. As Andrew Hurrell points out, India appeared to some to have benefitted from violating the rules: 'India stood outside the club of responsible states, moved in 1998 to nuclear weaponization, and was rewarded by Washington with recognition of its major power status'.⁵⁰ Also in 2006, North Korea conducted its first nuclear explosive test. Iran's President Mahmoud Ahmadinejad reacted to UN sanctions against his country's nuclear programme with threats of withdrawing from the NPT.⁵¹ According to the scholar Sverre Lodgaard, the US-led sanctions against Iran 'did not compensate for the legitimacy deficit, but compounded them to the detriment not only of the NPT, but of the non-proliferation regime in general'.⁵² Progress on the 13 steps was virtually non-existent. At the UNGA First Committee meetings in 2005, 2006, and 2007, the NAC expressed serious concern at the 'series of setbacks' and 'efforts by some States parties to disengage or draw back from agreements already made under the NPT umbrella'.⁵³ Numerous non-nuclear-weapon-state delegations urged the nuclear-weapon states 'to keep their word'.⁵⁴ It was 'paramount', they argued, that the 'sanctity of contracts' be preserved.⁵⁵

Did the regime complex reach a point of crisis in the months and years after the 2005 NPT review conference? To answer this question, we must return to the indicators laid out in Chapter 1. With respect to the voice indicators, several non-nuclear-weapon states used strong language to express dissatisfaction with the lack of progress towards disarmament. However, in contrast to what had been the case for previous crises, the non-nuclear-weapon states' criticism was directed primarily towards the nuclear-weapon states – less so the regime complex itself. With respect to diplomatic signalling, as a collective bloc or caucus, the non-nuclear-weapon states do not appear to have adopted a significantly more confrontational stance in the years after 2005. At the 2010 NPT review conference, the parties agreed to a rollover of the 2000 final document by consensus. The paralysis of the Geneva Conference was tacitly accepted; efforts at establishing rival forums failed to gain traction. With respect to non-proliferation measures and concerns about the balance of rights and duties within the regime complex, the mid-2000s actually saw significant progress on the multilateral non-proliferation agenda. While only 16 states in the neutral and non-aligned bloc signed the International Atomic Energy Agency (IAEA) Additional Protocol between 1997 and 2000, as many as 38 signed during the five-year period following the 2000 NPT review conference. The rate of signature continued into the next review cycle, with another 35 states from the neutral and non-aligned group signing between 2005 and 2010. At the 2010 NPT review conference, the NPT parties agreed to the strongest language on non-proliferation ever achieved in the NPT context. That said, several large non-aligned states continued to oppose the IAEA Additional Protocol. As an Egyptian diplomat put it, '[h]ow are you going to add an obligation on us when the other guy has no obligations?'⁵⁶

On the exit indicators, North Korea withdrew from the NPT in 2003, and Iran explicitly threatened to withdraw in 2006. These were clearly dramatic events. That said, both Iran and North Korea were sharply criticised by the overwhelming majority of the world's states, including the NAM. Over the course of the 2006–2010 NPT review cycle, the UN imposed harsh sanctions against both Teheran (in 2006, 2007, 2008, and 2010) and Pyongyang (in 2006 and 2009). The first round of sanctions against both Iran and North Korea were approved unanimously by the UN Security Council, which at that time included states that had traditionally been sceptical about the lack of balance in the nuclear regime complex, including Argentina, Peru, the Republic of Congo, and Tanzania. In summary, the indicators explored above are not consistent with the occurrence of a full crisis of legitimacy as defined in this study. Most crucially, there were few efforts at seriously contesting or changing the institutional structures of the extant order. Had the regime complex reached a point of crisis in the months and years after the 2005 review conference, we would expect to see non-nuclear-weapon states launching initiatives to adapt the disarmament framework.

One significant initiative was indeed launched, but ultimately failed to attract the necessary support. Just months after the breakup of the 2005 review conference, a group of non-nuclear-weapon states (Brazil, Canada, Kenya, Mexico, New Zealand, and Sweden) introduced a resolution to the UNGA that would establish four 'ad hoc committees' under the UN General Assembly to address the main issues on the gridlocked Geneva Conference's agenda.⁵⁷ The Geneva Conference, after all, had not been able to agree to a programme of work since 1996 (bar a few weeks in 1998), largely due to disagreements over whether a future treaty on fissile material should address existing fissile material stocks or only future production. Many non-nuclear-weapon states were allegedly sympathetic to the group's suggestion of circumventing the Geneva Conference, but the nuclear-armed states and some of their allies were very much against it.⁵⁸ The US delegation promptly circulated a memo to all UN member states arguing that the group's 'divisive proposal' would 'sour' the atmosphere in existing forums and 'retard the very international non-proliferation and disarmament objectives that its sponsors seek to advance'.⁵⁹ After consultations, the co-sponsors of the resolution realised that they did not have sufficient support – most non-nuclear-weapon states were unwilling at the time to challenge the nuclear-weapon states openly. According to a non-nuclear-weapon-state official close to the process, the initiative was 'easy to kill' due to the Non-Aligned Movement's attachment to the disarmament machinery established through the UNSSOD-I outcome document.⁶⁰ Recalling the observation in Chapter 3 that attempts at suppressing contestation are usually successful during 'normal' times but may backfire during times of crisis or upheaval, the failure of the 2005 ad hoc committee initiative suggests that the regime complex had in fact not yet reached a state of crisis.

Experienced practitioners invariably described the mid-2000s as a period of gloom. The policies and rhetoric of George W. Bush and his UN ambassador, John Bolton, were widely seen as uniquely damaging to the cause of non-proliferation and disarmament. This personalisation of the regime complex' predicaments may, however, have had the effect of lessening some of the stress on the regime complex itself. As discussed elsewhere in this book, the erosion of a social arrangement's legitimacy tends to follow a process whereby criticism is first directed towards non-compliant actors and then later towards the broader social arrangement itself. The Bush administration seems to have prolonged the first phase through its unmatched unpopularity in multilateral diplomatic circles. Much of the heat that might have been directed towards the regime complex itself remained focused on the incumbent US administration.⁶¹

That being said, the lack of progress on the 13 steps and failure of the 2005 NPT review conference clearly tore at the existing regime complex' credibility as a vehicle of abolition. According to many non-nuclear-weapon states, the failure to advance disarmament had undercut the disarmament framework's 'credibility and effectiveness', fuelling perceptions of 'blatant selectivity and flagrant injustice' and 'suspicion about the ability of international instruments to maintain their credibility'.⁶² For Egypt, the lack of progress on the 13 steps 'affected the credibility of the Treaty [the NPT] and reinforced the widespread notion that it strengthened the status of the nuclear-weapon States'.⁶³ Hans Blix, chairman of the Weapons of Mass Destruction Commission that operated between 2003 and 2006, argued that the fact that the nuclear-weapon states did not seem to take their disarmament commitments particularly seriously risked 'undermining the credibility and effectiveness of multilateral treaty commitments'.⁶⁴ As a former Swedish foreign minister, director of the IAEA, and executive chairman of the UN Monitoring, Verification, and Inspection Commission during the lead-up to the Iraq War, Blix held significant authority within the nuclear regime complex.

Pressed on their disarmament commitments, key nuclear-armed leaders attempted to push back. UK Prime Minister Tony Blair, for example, openly asserted in 2006 that 'it is clear that those who are the major nuclear powers can remain nuclear powers'.⁶⁵ A year later, he maintained that the NPT 'makes it absolutely clear that the United Kingdom has the right to possess nuclear weapons'.⁶⁶ In the British foreign policy establishment, nuclear weapons were viewed not only or perhaps even primarily as instruments of security, but rather as sources of international prestige.⁶⁷ Of course, the relative importance of security-motivations versus prestige-motivations is difficult to adjudicate methodologically; the various members of the foreign policy elite no doubt held divergent – and in many cases transitory and evolving – views and opinions. But as Paul Beaumont points out, whatever the relative weight or importance of security concerns versus prestige concerns, it was clear that, in practice, UK elites actively used nuclear weapons 'to perform a privileged

identity in relation to various Others', an identity underpinned by notions of great-power status and responsibilities for the maintenance of world order.⁶⁸ The NPT, and the recognition it was seen to have bestowed on the United Kingdom's nuclear programme, played a central role here. There was also a sense that the United Kingdom's status as a nuclear-weapon state under the NPT reinforced London's position as a permanent member of the UN Security Council.⁶⁹ The retention of nuclear weapons 'adds credibility to our position as a member of the P5', opined UK Secretary of State for Defence Liam Fox in 2010.⁷⁰

Like with the Strategic Arms Limitation Talks 30 years earlier, the depletion of the regime complex' legitimacy had a retroactive effect on states' attitudes towards previous initiatives and agreements. The shift in how the Indonesian delegation – arguably the most influential voice on disarmament within the NAM – talked about the SORT agreement between 2002 and 2007 is striking. In 2002, the Indonesian UNGA delegation described the SORT deal in the following terms:

[The Indonesian delegation] welcomes the successful conclusion of negotiations between the Russian Federation and the United States that led to the signing of the Treaty on Strategic Offensive Reductions. As an important milestone in limiting nuclear armaments, it has mandated a reduction of deployed nuclear weapons [...] and has provided a new foundation for strategic relations.⁷¹

Five years later, the Indonesians described the agreement in very different terms. What had changed was of course not the contents of SORT, but the wider political context. By 2007, there was no longer any desire to spin the treaty as an 'important milestone':

[T]he 2002 Moscow Treaty contains no commitment either to destroy or to render unusable weapons that are no longer operationally deployed. Unfortunately, reductions in deployment and operational status cannot substitute for irreversible cuts in, and the total elimination of, nuclear weapons. [...] The nuclear-weapon States, instead of eliminating their nuclear arsenals, are modernizing, promoting and developing new types of nuclear weapons.⁷²

As noted above, the non-nuclear-weapon states' 'accrescent pessimism over the fate of the regime' was echoed by several experts.⁷³ Many blamed the nuclear-weapon states. However, from the mid-2000s onwards, a more radical view was coming to the fore; perhaps the problem was not just the behaviour of specific actors, but the structure of the regime complex itself. In late 2005, the international relations scholar Michael Wesley argued that article VI would never be able to deliver disarmament and that the continuation of the NPT had become 'farcical'.⁷⁴ Following a similar line of thought, the

writer Susan Watkins maintained in 2008 that article VI was ‘designed to shelter these weapons, not get rid of them’. For Watkins, the function of the NPT had always been to protect the ‘nuclear privileges of the haves against the have-nots’, setting up a sham disarmament commitment that crowded out more robust initiatives and undermined the potential for protest.⁷⁵ Ramesh Thakur, a long-time student of nuclear politics, described the NPT’s disarmament bargain in 2009 as ‘history’.⁷⁶ Thomas Doyle maintained that disarmament had been ‘subverted’.⁷⁷ According to Wade Huntley, the enduring ‘paralysis’ within the NPT and established disarmament machinery demonstrated the ‘need for a new initiative, separate from the NPT, to rekindle substantive movement toward global nuclear disarmament’.⁷⁸

Obama in Prague

By 2008, the multilateral nuclear disarmament framework’s credibility as a vehicle of abolition had eroded to a point where a real crisis of legitimacy – a situation wherein major institutional upheaval was inevitable – looked imminent. According to a disarmament official representing an influential non-nuclear-weapon state, ‘we could not have continued like that’.⁷⁹ The atmosphere changed dramatically when, in November 2008, Barack Obama won the US presidential election. On the campaign trail, Obama had promised to pursue negotiations on ‘a verifiable global ban on the production of new nuclear weapons’ and to reverse the Bush administration’s unilateralism.⁸⁰ The debating climate in America was auspicious: A bipartisan group of former high-level policymakers, composed of William Perry, Sam Nunn, Henry Kissinger, and George Shultz, had called for renewed action towards abolition.⁸¹ Global Zero, a civil society group made up of a large number of (mostly retired) military and civilian leaders, including former US President Jimmy Carter, former US Secretary of State Lawrence Eagleburger, former Pakistani Foreign Minister Shaharyar Khan, and former Soviet premier Mikhail Gorbachev, had been initiated in 2005 and was formally launched in 2008 to promote the elimination of nuclear weapons over the next 25 years. In an agenda-setting speech on foreign policy during his campaign, Obama claimed that, in order to shore up the non-proliferation regime, the United States needed to keep its commitments under the NPT.⁸² This, clearly, was music in the ears of non-nuclear-weapon state officials. Had a less disarmament-friendly candidate been elected as president of the United States in 2008, it seems highly likely that the regime would have spiralled into an acute crisis of legitimacy.

The new president’s rhetorical skills were put to good use in pursuit of the goal of healing the regime. Soon after taking office, in April 2009, the president made a major speech on nuclear policy in Prague. In the speech, drafted by the president’s foreign policy and communications advisor Ben Rhodes,⁸³ Obama confirmed ‘clearly and with conviction’ his government’s ‘commitment to seek the peace and security of a world without nuclear weapons’.

‘The basic bargain is sound’, he continued: ‘Countries with nuclear weapons will move towards disarmament, countries without nuclear weapons will not acquire them, and all countries can access peaceful nuclear energy’. In addition, Obama would ‘immediately and aggressively pursue U.S. ratification of the Comprehensive Test Ban Treaty’.⁸⁴ To communicate his recognition of the non-nuclear-weapon states as audible stakeholders in the process of disarmament, the president painted an image of an America returning to the virtues of multilateralism. Using the word ‘together’ 12 times in his relatively short speech, Obama communicated modesty and a will to cooperate: ‘together we will strengthen the Nuclear Non-Proliferation Treaty as a basis for cooperation’, ‘voices for peace and progress must be raised together’, ‘together we can do it’.⁸⁵ Later in 2009, Obama was awarded the Nobel Peace Prize, largely on the back of the Prague speech.

In December 2009, a new International Commission on Nuclear Non-Proliferation and Disarmament, established by the Australian and Japanese prime ministers in July the year before, delivered its report. The commissioners, who counted among them notable figures such as former US Secretary of Defense William Perry and former Mexican President Ernesto Zedillo, concluded that the end of the Cold War had seen ‘a brief but extremely productive period of nuclear disarmament and threat reduction activity’. The task now was to ‘renew’ the lost momentum.⁸⁶ The trouble, of course, was that much if not all of the arms control and disarmament progress that had been achieved over the course of the late 1980s and early 1990s had been accomplished without upsetting what Joseph Rotblat called the ‘basic philosophy about nuclear weapons’ informing the defence establishments of the nuclear-armed states.⁸⁷ How far could the incrementalist formula really go so long as the nuclear-armed powers continued to insist that nuclear weapons were essential for international peace and stability? Central figures in the US defence establishment, and no doubt many of their peers in Moscow,⁸⁸ had seen the nuclear reductions undertaken in the late 1980s and early 1990s not as a step on the road to nuclear abolition, but rather as a ‘step on the road to rationalizing strategic nuclear forces in a new era’.⁸⁹ According to Hans Blix, the reductions undertaken in the years and decades after the end of the Cold War had been ‘in redundancy only’.⁹⁰

Obama’s so-called Prague agenda did much to shore up the regime’s legitimacy, at any rate for the time being. The Prague speech was widely praised at the 2009 UNGA First Committee meeting, including by delegations that had often been critical of US nuclear policy. The Mexican delegation, for example, noted that ‘Obama’s speech in Prague in April heralded the arrival of new hope’.⁹¹ A representative of New Zealand praised the ‘very positive momentum that currently exists and the genuine willingness of many States to explore concrete steps to achieve the Prague vision’.⁹² ‘We have been through a long winter of discontent and have the audacity to hope for springtime’, wrote Jayantha Dhanapala, who had presided over the 1995 NPT review and extension conference.⁹³

As part of an overall effort to revise US nuclear and arms control policy, the Obama administration responded positively in 2009 to a British proposal of instituting a regularised consultation process involving the five NPT nuclear-weapon states. This ‘P5 process’ would be geared towards generating consensus between the established nuclear powers on matters to do with nuclear transparency, arms control, and international security. Also in 2009, the US delegation to the UN Security Council pushed through a resolution calling for negotiations ‘in good faith on effective measures’ for ‘nuclear arms reduction and disarmament’.⁹⁴ The resolution was intended as a reset of the relations between nuclear and non-nuclear-weapon states, a reconfirmation of the grand bargain.⁹⁵ And it worked, at least temporarily. ‘Many diplomats seemed buoyed by US support for multilateralism’, concluded the analyst Deepti Choubey on the basis of interviews with practitioners.⁹⁶ Almost by mere rhetoric, the Obama administration succeeded in halting the erosion of the NPT, claimed Harald Müller.⁹⁷ However, the real test would be whether Obama could live up to his words in practice.

Obama did not limit his agenda to the level of rhetoric or resolutions alone. In April 2010, perfectly timed to precede the start of the eighth NPT review conference by a couple of weeks, the United States and Russia signed a ‘New START’ agreement to reduce their deployed strategic nuclear weapons to 1550 each. In contrast to the SORT agreement, New START included robust verification measures. The international community responded appreciatively. Sweden’s foreign minister, Carl Bildt, hailed the ‘symbolic’ importance of the treaty.⁹⁸ The Austrians lauded the ‘inspirational approach of the President of the United States, which had made possible the signing of a new treaty on the reduction of strategic offensive arms’.⁹⁹ Numerous delegations saluted the treaty as an ‘encouraging’, ‘welcome’, ‘positive’, ‘hopeful’ development,¹⁰⁰ or at least as a ‘step in the right direction’.¹⁰¹ From the point of view of the Russians, the New START negotiations and agreement ‘emerged as an important vehicle for restoring Russia’s status as at least a “quasi-superpower”’.¹⁰² In this view, by engaging in arms control negotiations as a strategic peer of the United States, Russia gained recognition as a pivotal world power. The challenge, of course, was that successive repetitions of this formula would slash Russia’s nuclear arsenal and thus the basis of its claim to quasi-superpower status. Disarmament, clearly, was a finite source of prestige, at least if the principle of irreversibility – step 5 of the 13 steps adopted in 2000 – was to be observed.

The US government’s disarmament offensive continued at the 2010 NPT review conference. The Americans’ opening statement was delivered by then Secretary of State Hillary Clinton, who reiterated the United States’ commitment to a nuclear-weapons-free world.¹⁰³ And after four weeks of negotiations, the conference adopted a fully negotiated substantive final document by consensus, the second in NPT history. Divided into a number of ‘action points’, the section on disarmament enshrined what was effectively an elaboration and rollover of the 13 steps adopted ten years before. According to

Rebecca Johnson, it had been clear quite early on that the parties, including most of the NAM, had wanted a consensus outcome at almost any cost. The disarmament language in the final document was ‘feeble’, she argued, and did not introduce any new substantive commitments of note.¹⁰⁴ But from the point of view of many non-nuclear-weapon states, the crucial point was that the nuclear-weapon states had once again committed, ‘unequivocally’, to ‘accomplish, in accordance with the principle of irreversibility, the total elimination of their nuclear arsenals’.¹⁰⁵ According to a Norwegian government memo, however, many disarmament advocates were deeply disappointed by the outcome behind the scenes.¹⁰⁶ Those championing the goal of nuclear abolition had again failed to attach timelines or enforcement mechanisms to what remained essentially hortatory commitments. ‘The same fucking shit round and round’, one non-nuclear-weapon state representative was reportedly overheard saying to another after the conclusion of the conference.¹⁰⁷

After all, the failure of the 13 steps had illustrated that supposed consensus commitments could easily remain dead letter. The challenge for proponents of disarmament, some argued, was to create a political–normative environment in which nuclear weapons were seen not as legitimate or prestigious instruments of security, but as weapons of mass destruction with unacceptable humanitarian implications. Until such an environment was created, so went the argument, chances were that the pattern of nuclear politics that had repeated itself for decades would continue. Representatives of the Norwegian government had met informally with diplomatic allies from the campaigns to ban landmines and cluster munitions already before the 2010 review conference to discuss a new, ‘humanitarian’ approach to nuclear disarmament.¹⁰⁸ The Norwegian delegation to the Geneva Conference asserted in 2011 that the use of nuclear weapons ‘would be illegal under international humanitarian law’.¹⁰⁹ According to the Norwegian Ministry of Foreign Affairs’ internal summary of the review conference in 2010, ‘Norway’s overarching goal is a world without nuclear weapons. A legally binding instrument codifying a ban on nuclear weapons is a natural anchoring of this goal’.¹¹⁰ The wording used, as well as other statements by Norwegian officials, indicated that the ban in question would not necessarily have to be enshrined in a comprehensive nuclear disarmament convention with detailed provisions for stockpile destruction à la the Model Nuclear Weapons Convention described in Chapter 3; a ban might also be codified in a less ambitious legal instrument that would not require the buy-in of the nuclear-weapon states to be negotiated and adopted.¹¹¹

There can be little doubt that the Obama administration’s disarmament offensive temporarily boosted the legitimacy of the regime complex.¹¹² As one commentator puts it, the United States ‘took great pains to prove that it was negotiating in good faith and was not showing any disrespect toward the regime’.¹¹³ Expectations were high that the process towards zero would kick on.¹¹⁴ At the same time, there were obvious signs of long-term wear. The Brazilian delegation argued in its opening statement at the 2010 review conference that the NPT was ‘an intrinsically unfair Treaty, which divides

the world between “haves” and “have-nots” and ‘an expression of the imbalances of the international system’. The world would only be safe, the Brazilians argued, once ‘all countries feel that they are being treated with fairness and respect’.¹¹⁵

Nuclear Modernisation and Inaction on the Action Plan

Like the 1995 NPT declaration on ‘Principles and Objectives for Nuclear Non-Proliferation and Disarmament’ and the 2000 NPT review conference final document before it, the action plan agreed to at the 2010 NPT review conference established as an ‘urgent necessity’ the need to negotiate and bring into force a treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices – the 1995 and 2000 documents had called for negotiations to be opened ‘immediately’.¹¹⁶ The idea of negotiating a ban on the production of fissile material for nuclear explosive devices had in fact been debated, on and off, since the launch of the Baruch Plan in 1946. But the commencement of negotiations continued to be held back by differences over the prospective treaty’s scope. The major nuclear powers seemed comfortable with this stalemate. None were willing to revise their positions or put meaningful pressure on Pakistan, which was invariably seen as the most intransigent spoiler.¹¹⁷ Perhaps even more troubling for disarmament advocates was the Obama administration’s pledge not only to refurbish America’s nuclear warheads but also to ‘modernize or replace’ all three legs of the US nuclear triad – strategic bombers, ballistic missile submarines, and land-based missile systems – in exchange for a group of pro-nuclear senators’ support for New START.¹¹⁸ Moreover, wary that it would not receive sufficient support, President Obama never submitted the CTBT to the US Senate for acceptance or ratification.

As of spring 2012, all nine nuclear-armed states were in the midst of significant nuclear weapons modernisation projects and no new disarmament negotiations had been launched.¹¹⁹ The arsenals of India, Pakistan, and North Korea were growing.¹²⁰ Having served his four-year period as president of the Russian Federation, the at that point in time more diplomatically inclined Dmitry Medvedev stepped aside to allow Vladimir Putin to return to the presidency in 2012.¹²¹ Mindful that the nuclear domain remained Moscow’s only area of equality with the United States (in numbers if not quality),¹²² the Kremlin rejected American offers of further bilateral negotiations on nuclear reductions.¹²³ As one analyst puts it, nuclear grandstanding remained ‘one of the few options that Russia has left to promote its standing as a global great power’.¹²⁴

For many non-nuclear-weapon states, the apparent collapse of the Prague agenda was read into a long history of failure. As Patchen Markell argues, ‘losing at politics once may leave an actor disappointed but unshaken in his sense of belonging to the community of participants’. However, ‘after months, years, or decades of persistent loss at the game of politics’, actors

‘may rightly wonder whether they’re really being allowed to play in any meaningful way’.¹²⁵ Serious doubts about the viability of the 2010 action plan were raised publically already in 2011. The NAM asserted straightforwardly that ‘improvement and modernization of existing nuclear weapons and the development of new types of nuclear weapons by nuclear-weapon States is in violation of their legal obligations’.¹²⁶ According to the Austrian ambassador for disarmament, Alexander Kmentt, the adoption of the action plan had provided ‘a little respite’, yet as long as meaningful progress on article VI remained stalled, the credibility of the regime complex would remain ‘challenged on all fronts’.¹²⁷ In the words of a civil society representative, there was a noticeable ‘come-down’ after it became clear that the Obama presidency would not generate transformative changes to US nuclear policy.¹²⁸

The regime complex’ third crisis of legitimacy hit in 2012. It was brought on by a sense that the established nuclear order simply would not bring about the elimination of nuclear weapons. The nuclear-armed states’ modernisation programmes, which appeared to be accelerating at a point in time when the conditions for disarmament would otherwise have seemed relatively favourable, had undermined any sense that the existing institutional framework for multilateral nuclear disarmament could deliver abolition. At the heart of this crisis, Nina Tannenwald held, was that ‘what was supposed to be a transformation regime – the transformation to a disarmed world – has become a status quo regime’.¹²⁹ Of course, what the NPT was ‘supposed’ to be was a matter of perspective. For some, the NPT was perhaps first and foremost supposed to function as a legal recognition of nuclear hierarchy.¹³⁰ Brazil, however, agreed with Tannenwald and argued that the ‘regime could not be simply a tool to manage deeply embedded inequalities; it must correct them in order to uphold its credibility and efficacy as a means of achieving a world free of nuclear weapons’.¹³¹

When the regime complex’ legitimacy came into question in the mid-2000s, George W. Bush’s deeply unpopular administration absorbed much of the blame. In the years after 2010, however, no such excuse was available. The White House was occupied by a nominally pro-disarmament, multilateralist president, and the relationship between Russia and the United States seemed comparatively good. The Russian intervention in Georgia in 2008 had soured relations between Moscow and the West to some extent, but the relationship had improved during the Medvedev interregnum of 2008–12 (the invasion of Georgia took place during Medvedev’s period as president, but had ostensibly been planned and prepared for under Putin). Many in the West believed that economic growth would lead to democratic and liberalising reforms in China, diminishing the potential for great power tensions in Asia–Pacific. The governments of the United Kingdom and France faced few if any traditional military threats and were imposing economic austerity measures following the financial crisis of 2007–08; reducing defence expenditures, for example by cancelling or declining to enter into new nuclear

modernisation contracts, seemed at least *prima facie* plausible. By historical standards, the environment for disarmament seemed good. The blame for multilateral nuclear disarmament framework's poor performance was thus increasingly directed towards the regime complex itself.

As indicated above, a first major grievance of the non-nuclear-weapon states related to the existing institutional structure's inability to do anything about the nuclear powers' modernisation programmes. As discussed above, the early to mid-2010s saw a range of ambitious armament programmes launched in each of the nuclear-armed states. Russia, for example, was in the process of building several new missile systems, upgraded Borei ballistic missile submarines, and new strategic bombers.¹³² The United States was in the process of rebuilding much of its arsenal, including the B61 nuclear gravity bombs stored in Belgium, Italy, Germany, the Netherlands, and Turkey.¹³³ According to the NAM, the nuclear-weapon states 'seemed to think that the indefinite extension of the Treaty entailed the indefinite possession of nuclear weapons' and were attempting to dress up their unwillingness to move away from the status quo in 'pseudo-progressive, ambiguous language'.¹³⁴ Addressing the UNGA in September 2011, the president of Kazakhstan argued that the situation that 'some are allowed to possess and upgrade nuclear weapons, while others are strictly forbidden to be engaged even in research and development', was 'unjust, disproportionate and unfair'.¹³⁵ Voicing its concerns over the apparent erosion of *pacta sunt servanda* – the notion that contracts are definitive and must be upheld – the Algerian delegation warned against 'differences in degrees of sovereignty among states'. As the Algerian delegation maintained, the nuclear-weapon states continued to modernise their nuclear arsenals 'in order to preserve what they describe as a nuclear deterrence capability, the stated goal of which is to defend their sovereignty and vital interests. Yet do not States which have no nuclear weapons also have sovereignty and vital interests to protect?' This state of affairs was 'politically, legally and morally unacceptable', claimed the Algerians.¹³⁶

Several states expressed concern that the nuclear-weapon states' inaction on the 2010 action plan perpetuated existential risks to humanity.¹³⁷ Many non-nuclear-weapon states were increasingly using the language of 'risk' and 'luck' to describe the nuclear past and future. Eric Schlosser's 2013 book *Command and Control*, detailing a series of nuclear close calls, received significant attention in diplomatic and NGO milieus. In the words of a Swiss diplomat, 'although no nuclear weapon has been used since 1945, we cannot rely on luck indefinitely'.¹³⁸ Concurrently, a new wave of scholarship on 'nuclear winter' – the climatic effects of nuclear war – reminded representatives of non-nuclear-weapon states of the dramatic transboundary consequences of nuclear conflict. Even 'limited' nuclear wars could have enormous ramifications for third-party states.¹³⁹

As discussed throughout this study, many non-nuclear-weapon states have consistently portrayed the hierarchy codified by the NPT as a temporary indignity; the supposedly shared goal of disarmament, enshrined in article VI,

implied that the non-nuclear-weapon states were not permanently inferior, but equal in waiting. However, the nuclear-weapon states' so-called nuclear modernisation programmes – in some cases aimed at developing weapon systems set to remain operational for well over half a century – made any such interpretation ridiculous. The delegation of Venezuela lambasted the 'perverse process of modernizing nuclear weapons', rejecting 'the undesirable practices that weaken the principle of the legal equality of states'.¹⁴⁰ At the NPT preparatory committee meeting in 2012, the Brazilian delegation claimed that it was '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'. Key concepts of the nuclear order could only be interpreted as 'perpetuating and legitimizing nuclear weapons forever'.¹⁴¹ According to the NAC, the simple fact remained that 'the threat posed by nuclear weapons endures' and 'the objectives of article VI are far from being met'.¹⁴²

A second grievance related to the apparent double standard in the regime complex' enforcement. While the non-nuclear-weapon states' non-proliferation commitments were assiduously policed by the UN Security Council and the IAEA – Iran's non-compliance with IAEA safeguards had led to years of economic sanctions – the nuclear-weapon states' multilateral disarmament commitments were neither enforced nor enforceable. As the Ecuadorian delegation to the UNGA put it, assessments of compliance should be 'carried out on an equal footing for all States without distinction'.¹⁴³ For the Austrian ambassador, the credibility of the entire regime complex was called into question by the nuclear-weapon states' selective approach to implementation and enforcement.¹⁴⁴ The implementation of NPT review conference final documents was of particular concern. If consensus agreements such as the 13 steps or the 2010 action plan could simply be disregarded by the nuclear-weapon states with complete impunity, there was little point for the non-nuclear-weapon states to go through the motions of the review cycle. According to the Norwegian ambassador to the UN in Geneva, many non-nuclear-weapon state officials were wary that they had given up their negotiating leverage by agreeing to the indefinite extension of the NPT in 1995. Several non-nuclear-weapon state diplomats were consequently sceptical about what could be achieved on disarmament within the NPT framework.¹⁴⁵ Scholars Campbell Craig and Jan Ruzicka expressed their view on the NPT process in the following terms in 2012:

These conferences are a bizarre spectacle, involving much fractious debate over minor rewordings in order to produce – if any agreement at all is reached – 'final documents' which are ignored by everyone concerned. Then the review process, which bears more than a passing resemblance to Soviet five-year plans, starts all over again.¹⁴⁶

The NPT review cycle clearly did not function according to its intended purpose of providing an arena for the non-nuclear-weapon states to participate

meaningfully in nuclear order-making. The non-nuclear-weapon states were not given an opportunity to influence the pace or direction of the disarmament effort. Power politics reigned.

A more immediate concern related to the fact that the Geneva Conference and UN Disarmament Commission remained deadlocked. Not since the CTBT process of the mid-1990s had the Geneva Conference – the regime complex’ only standing negotiating forum – held substantive sessions. The UN Disarmament Commission had not conducted substantive deliberations since 1999. Speaking at the UNGA in 2012, the Irish delegation bemoaned the international community’s relegation to the role of ‘bystander rather than participant’.¹⁴⁷ Similar criticisms had, as noted in previous chapters, been voiced during the first and second crises of legitimacy, as well as during the NPT negotiations in the 1960s. While an Algerian official described the disarmament talks in Geneva as a ‘charade’,¹⁴⁸ a diplomat from Liechtenstein called it ‘farical’.¹⁴⁹ The ‘paralysis’ of the Geneva Conference was ‘unacceptable’, argued the Mexicans.¹⁵⁰ For Austria, the standstill was ‘deeply disconcerting’. Rather than seeing progress towards disarmament, Austria saw the application of ‘tactics to maintain the status quo for as long as possible. The consequence is an increasing erosion of the legitimacy of the existing legal frameworks and institutions’.¹⁵¹

At the 2011/12 UNGA session, the Austrian, Mexican, and Norwegian delegations announced that, should the Geneva Conference turn in another barren year in 2012, they would consider tabling a resolution mandating the circumvention of the Conference through the establishment of an open-ended working group (OEWG) on nuclear disarmament under the auspices of the UN General Assembly – with the latter forum’s more liberal rules of procedure.¹⁵² The scene was set for a showdown.

The Humanitarian Initiative for Nuclear Disarmament

After more than a decade of institutional stasis, a third wave of institutional upheaval began in 2013. Through three ad hoc conferences on the humanitarian impact of nuclear weapons, a UN high-level meeting on nuclear disarmament, two UN open-ended working groups, and the issuance of a ‘Humanitarian Pledge’ to ‘stigmatise, prohibit and eliminate nuclear weapons’,¹⁵³ a large coalition of non-nuclear-weapon states and civil society actors sought to reinvigorate the cause of disarmament and strengthen norms of restraint.¹⁵⁴ On 7 July 2017, the so-called humanitarian initiative culminated in the adoption of the Treaty on the Prohibition of Nuclear Weapons (TPNW). How did this come about?

A ‘Severe Crisis’ of Credibility

The non-proliferation expert Emmanuelle Blanc argued in 2014 that the nuclear order was embroiled in a ‘severe crisis’, in large parts due to lacking progress towards disarmament.¹⁵⁵ But how can we know that the ‘crisis’

of the 2010s was not simply an expression of ‘normal’ discord within the regime complex? As discussed above, the regime complex has been argued to be in ‘crisis’ almost continuously since the 1960s. The following paragraphs explore a range of indicators that suggest that the nuclear order was indeed thrown into a crisis of legitimacy in 2012. The proliferation of new multilateral nuclear disarmament forums from that year onwards was just one of several signs. First, as documented throughout this chapter, many non-nuclear-weapon states sharpened their rhetoric; influential neutral and non-aligned states described the status quo as unacceptable and the regime complex itself as an instantiation of ‘nuclear apartheid’.¹⁵⁶ The heightened temperature of the debate was lamented by the nuclear-weapon states and many of their allies. Speaking on behalf of 27 aligned states at the UNGA First Committee in 2015, the German delegation complained that the debate was not ‘constructive, open, inclusive, and genuine’.¹⁵⁷ France, on behalf of the five nuclear-weapon states, lamented a lack of ‘mutually respectful dialogue’.¹⁵⁸

Second, several non-nuclear-weapon states adopted a more confrontational stance vis-à-vis the major powers, sending obvious signals of disapproval. For example, the Egyptian delegation marched out of the 2013 NPT preparatory committee meeting mid-conference to demonstrate against what it viewed as the major powers’ double standards and lack of commitment to long-standing agreements – specifically the 1995 resolution on the creation of a WMD-free zone in the Middle East.¹⁵⁹ The government of the Marshall Islands filed lawsuits against the nuclear-armed states at the International Court of Justice (ICJ) in 2014, asserting that the nuclear powers were in violation of their disarmament obligations. Several pro-disarmament non-aligned states were reportedly also prepared to block consensus at the NPT review conference in 2015 (in the end, though, consensus was blocked by Canada, the United Kingdom, and the United States). This stood in sharp contrast to what had occurred in 2010, when the neutral and non-aligned states had apparently been keen to join a consensus at almost any cost.

Third, resistance to additional non-proliferation measures seemed to grow. While at the 2010 NPT review conference the parties had been able to agree to unprecedentedly strong language on non-proliferation safeguards – the conference ‘encouraged all States parties’ to conclude an IAEA Additional Protocol¹⁶⁰ – the 2015 conference represented a step back. The language on safeguards contained in the last draft of the final declaration (which ultimately was not adopted) was weaker than the equivalent language five years before.¹⁶¹

Fourth, while no new state acquired nuclear weapons, tolerance of non-compliance with non-proliferation norms arguably grew. Between 2006 and 2010, the UN adopted six resolutions requiring Iran to stop enriching uranium. Four of these resolutions (2006, 2007, 2008, and 2010) imposed punitive measures on Teheran. Most of the world’s states supported the sanctions and embargo. After 2010, however, when the perceived legitimacy of the

nuclear regime complex started to plummet, several non-aligned states began expressing opposition, defending Iran's 'right to enrich'. In 2012, when Iran accelerated its nuclear programme, the United States and European Union failed to attract support for additional sanctions within the UN.¹⁶² The convening of the 2012 NAM summit in Teheran was widely seen as an expression of support for Iran's nuclear policy.¹⁶³

Between 2012 and 2013, Iran doubled its operational nuclear centrifuges from just under 10,000 centrifuges to almost 20,000.¹⁶⁴ Before 2012, Iran's nuclear programme had been proceeding in small incremental steps for about a decade. Teheran's nuclear ambitions were clearly motivated at least in part by material considerations – economic and potentially military – but they also appear to have been fuelled by concerns with equality and international prestige. According to David Patrikarakos, Iran's nuclear programme functioned in part as a means of healing the wounds of 'national humiliations'.¹⁶⁵ In the words of Hossein Mousavian, sanctions and covert operations against Iran had 'made the nuclear endeavor Iran's number one issue of national pride'.¹⁶⁶ Intriguingly, a quantitative study found that the sanctions campaign had in fact fostered greater support for the nuclear effort among certain sections of the Iranian population. For a 'small but politically significant portion of the Iranian population [...] economic incentives and disincentives result in a "backfire effect" in which offers of material rewards or punishment lead to increased anger and greater disapproval'.¹⁶⁷

The erosion of the nuclear regime complex' legitimacy appears to have enabled Iran to take a more defiant stance against the major powers. Despite Iran withdrawing from the IAEA Additional Protocol and having been found by the IAEA to have violated its comprehensive safeguards agreement, the NAM and individual non-aligned states increasingly supported Iran's nuclear programme – also during the aggressive centrifuge build-up of 2012. In 2006, the NAM summit adopted a final document encouraging Iran to 'urgently [...] continue to cooperate actively and fully with the IAEA'.¹⁶⁸ By contrast, the NAM summit in 2012 made no urgent calls on Teheran to cooperate with the IAEA and made no comment on Iran's violation of the six UN Security Council resolutions obliging Iran to cease enriching uranium. Instead, the NAM censured the 'politically motivated attempts' to 'politicize the work of the IAEA' – a statement that was clearly directed at the United States and its allies.¹⁶⁹ Non-permanent members of the UN Security Council such as Brazil (a NAM observer) became 'completely opposed to the US sanctions/embargo strategy'.¹⁷⁰

Given Iran's regional rivalries with several members of the NAM, in particular Saudi Arabia and Egypt, the NAM's unanimous support for Iran seems puzzling from a security perspective. But according to Bowen, Moran, and Esfandiary, Iran was able to tap into 'NAM concerns regarding the "grand bargain" perceived to be at the heart of the NPT'.¹⁷¹ Other members of the NAM shared Iran's disquiet about the major powers' alleged nuclear hypocrisy and were thus willing to support Iran in statements to the IAEA

Board of Governors, the UNGA, and NPT meetings.¹⁷² Partly due to NAM support, the major powers were unable to compel Iran to abandon its nuclear programme entirely. To facilitate agreement, the United States ultimately had to abandon its long-standing policy of not allowing Iran to enrich uranium. The 2015 Joint Comprehensive Plan of Action, the so-called Iran Deal, ‘recognise[d] Iran’s right to enrich uranium’.¹⁷³ In exchange, Iran agreed to the IAEA Additional Protocol and a significant rollback of its nuclear programme and materials.¹⁷⁴ Iran’s struggle for recognition, in other words, was at least partially successful. That said, only a few years later, the Trump administration would cease US implementation of the deal, and the agreement eventually collapsed entirely.

The Emergence of the Humanitarian Initiative

At the NPT preparatory committee meeting in the spring of 2012, the Austrian delegation asserted that it was time for ‘the “silent majority” of States committed to multilateralism to make itself heard’.¹⁷⁵ The statement proved predictive. Expanding the regime’s *locus*, the UNGA First Committee session later that year saw three new multilateral nuclear disarmament arenas established or announced. First, adopting a NAM-sponsored resolution with 165 votes in favour, none against, and five abstaining,¹⁷⁶ the UNGA resolved to convene a first-ever UN ‘high-level meeting on nuclear disarmament’ in 2013. All states were encouraged to send representatives at the ‘highest possible level’ to ‘contribute to achieving the goal of nuclear disarmament’.¹⁷⁷ Second, the Norwegian government invited all interested states, NGOs, and international organisations to an ad hoc conference in Oslo on ‘the humanitarian impact of nuclear weapons’ in March 2013. Recalling that the 2010 NPT review conference had expressed ‘deep concern at the catastrophic humanitarian consequences of any use of nuclear weapons’, the Norwegian government wanted to create an arena to discuss nuclear weapons and disarmament from a humanitarian, facts-based angle. Norwegian leaders were convinced that furthering the NPT’s disarmament pillar was vital to holding the non-proliferation regime together.¹⁷⁸ Third, as the Geneva Conference failed to adopt a programme of work also in 2012, Austria, Mexico, and Norway went through with their plan of tabling a resolution authorising the formation of an OEWG to ‘develop proposals to take forward multilateral nuclear disarmament negotiations’ under the auspices of the UNGA.¹⁷⁹

The resolution to establish a United Nations OEWG received considerable pushback from the nuclear-weapon states. Worried that the consensus-based and thus easily controllable Geneva Conference could lose its position as the disarmament framework’s go-to negotiating forum, the major powers argued strongly against the OEWG resolution. The United Kingdom, France, and the United States collectively declared that they saw ‘little value’ in the initiative. They also threatened to walk away from the 2010 NPT final document, warning that the establishment of a new forum might ‘threaten the consensus’ on

the 2010 NPT action plan.¹⁸⁰ The Russian delegation described the initiative as ‘unacceptable’ and threatened that the establishment of an OEWG might lead to results ‘completely contrary to the objectives of the sponsors’.¹⁸¹ The nuclear-weapon states’ strong opposition, which was expressed both formally and informally, made strong impressions on many non-nuclear-weapon state officials.¹⁸² As discussed above, similar pressure tactics had in 2005 dissuaded a group of non-nuclear-weapon states from going ahead with an initiative to circumvent the Geneva Conference through the establishment of ad hoc committees under the General Assembly. In 2012, however, the non-nuclear-weapon states would not be stopped. According to the civil society representative Beatrice Fihn, who would later go on to accept the Nobel Peace Prize on behalf of the International Campaign to Abolish Nuclear Weapons (ICAN), ‘it was obvious that the patience with the existing fora has finally run out for the majority of delegations’.¹⁸³ For Ray Acheson, another NGO leader, the creation of new forums demonstrated that non-nuclear-weapon states were no longer prepared to let the nuclear-armed states dictate the terms of the nuclear debate.¹⁸⁴ The OEWG resolution was adopted by a vote of 133 in favour, 4 against, and 35 abstaining.

The establishment of new forums was justified by supporters as a move to further a new, ‘humanitarian’ approach to nuclear disarmament.¹⁸⁵ The Oslo conference, in particular, presented the diplomatic community with novel scientific findings and analyses about humanitarian preparedness and the potential humanitarian consequences of nuclear war. However, in terms of the underlying ideas it promoted, the movement of states and NGOs that eventually came to be called the ‘humanitarian initiative’ drew on a tradition with roots going back several decades.¹⁸⁶ After all, diplomats, scientists, and activists had warned about the humanitarian consequences of the use of nuclear weapons since Hiroshima. In 1961, the UNGA had adopted a resolution declaring that the use of nuclear weapons would ‘exceed even the scope of war and cause indiscriminate suffering and destruction to mankind and civilization and, as such, is contrary to the rules of international law and to the laws of humanity’.¹⁸⁷ The preamble of the NPT acknowledges ‘the devastation that would be visited upon all mankind by a nuclear war and the consequent need to make every effort to avert the danger of such a war’.¹⁸⁸ In the 1980s, several states had highlighted the scientific discovery of the ‘nuclear winter’ effect, to wit, that the massive clouds of soot engendered by nuclear war could foster a dramatic drop in global surface temperatures and, by implication, undercut food production across the world.¹⁸⁹ What was new about the humanitarian initiative was the deliberate and instrumental way in which humanitarian language, norms, and law were used to challenge the existing security discourse.¹⁹⁰ According to one of the movement’s leading civil society strategists, ‘the humanitarian stuff was pushed in a highly self-conscious way; it was a discourse-control thing. Keep saying it, keep saying it. Everything’s about that, we said to ourselves. We were massively self-conscious in all of that, and so were the key governments’.¹⁹¹ The humanitarian

initiative constituted a deliberate attempt by non-nuclear-weapon states and NGOs to change the wider nuclear discourse. The idea was to foster a political–normative environment more amenable to nuclear disarmament – to disrupt the assumptions and narratives portraying nuclear weapons as abstract and quasi-magical deterrents.¹⁹²

Implicitly relying on the Gramscian assumption that politics is downstream of culture, the architects of the humanitarian initiative sought to influence nuclear politics via transforming the wider social environment in which nuclear politics and diplomacy take place. While for some of the initiative’s instigators there was no clear goal beyond ‘reframing’ the debate and disrupting the established order, for others the initiative was from the beginning seen as a vehicle for promoting a nuclear weapons prohibition treaty. As one non-nuclear-weapon state diplomat put it, ‘the ban idea came first, then we developed the humanitarian initiative as a “why”’.¹⁹³ As discussed above, the Norwegian Ministry of Foreign Affairs had identified the negotiation of a nuclear weapons ban as an aspiration already in 2010. The then Norwegian foreign minister, Jonas Gahr Støre, had publically asserted in February of that year that the non-nuclear-weapon states could conceivably push such an initiative forward even if the nuclear powers objected:

Some maintain that consensus is vital when it comes to nuclear disarmament. I am not fully convinced. I believe it would be possible to develop norms against the use of nuclear weapons, and even to outlaw them, without a consensus decision, and that such norms will eventually be applied globally. We cannot leave it to the nuclear weapon states alone to decide when it is time for them to do away with these weapons. Their destructive power would affect us all if put to use – and their threat continues to affect us all – therefore they are everyone’s business.¹⁹⁴

The ‘Oslo conference on the humanitarian impact of nuclear weapons’ was attended by 128 government delegations. Numerous NGOs participated both in the conference itself and a civil society forum organised by ICAN, a coalition of hundreds of NGOs from around the world, a few days before.¹⁹⁵ Established in Melbourne in 2007 (the headquarters were expanded and moved to Geneva in 2011), ICAN promoted a more confrontational approach to disarmament than comparable campaigns. In contrast, for example, to the US-based Global Zero movement, which was designed to work with and within elite policy circles in the nuclear-armed states, ICAN’s aim was to create political pressure from the outside.

Experts from various international organisations, universities, and think tanks were invited to give testimony at the conference. Several government delegations offered statements in which they called for decisive action towards nuclear disarmament, arguing that any use of nuclear arms would violate international humanitarian law.¹⁹⁶ The five states defined by the NPT

as nuclear-weapon states, however, as well as some of their allies, were conspicuous by their absence. Sending a stern letter of rejection, the nuclear-weapon states collectively boycotted the conference, calling it a ‘distraction’ from more important work.¹⁹⁷ The rejection letter was read out to an audience by a Norwegian official.¹⁹⁸

Presumably, the boycott was undertaken to discourage movement towards a ban. Internal UK government communications suggested that:

At the heart of the ‘humanitarian disarmament movement’ is the thread that any weapons which are indiscriminate in their effect should be outlawed. This is how the Cluster Munitions Convention campaign began. The Oslo meeting will seek to establish as gospel that nuclear weapons have such an indiscriminate effect, and must therefore be banned. So we need to establish a strong counter narrative which reflects our broader disarmament and deterrence strategy.¹⁹⁹

The United Kingdom’s ‘broader disarmament strategy’ was the so-called step-by-step process nominally pursued by the nuclear-weapon states through the NPT review cycle and other established forums. The idea was to pursue disarmament as a technical, incremental process alongside practices of nuclear deterrence. Yet it was this very approach that the majority of non-nuclear-weapon states had lost faith in. Experience seemed to indicate that, in the absence of a stronger norm against nuclear weapons, deterrence would invariably win out against disarmament.

The nuclear-weapon states also boycotted the OEWG, which convened in Geneva a few weeks after the Oslo conference. Many non-nuclear-weapon states made strong calls for the development of new legal instruments to facilitate nuclear disarmament. The nuclear-weapon states’ absence seemed, if anything, to underscore the need for a new approach, at any rate from the perspective of many non-nuclear-weapon states. In the words of the Irish delegation, there was ‘a growing sense of frustration in the international community at the lack of progress’. The creation of the OEWG and convening of the high-level meeting demonstrated ‘a growing momentum to take action’.²⁰⁰ According to the Brazilian ambassador, speaking on behalf of the NAC, the elimination of nuclear weapons had to be a ‘clear and unconditional objective’:

The unsustainable divide between haves and have-nots must end. The narrow national security interests of a few cannot trump the collective security interests of all. It is beyond our understanding that, more than twenty years after the end of the Cold War, nuclear weapons still threaten our world. [...] Non nuclear weapon states have already taken the high moral ground by rejecting nuclear weapons, but frustration is mounting at the lack of action by nuclear weapon states, in particular with respect to the non-fulfilment of their multilateral

commitments. Humanity cannot wait forever, the time for action is now.²⁰¹

For the NAC, concerns with material and ontological security seemed to be entangled. The failure of disarmament was represented as a breach of solemn vows, a denial of sovereign equality, and an enduring security risk. For the NAC, security and *pacta sunt servanda* were two sides of the same coin.

A number of states and groups of states presented the OEWG with elaborate working papers. In a joint contribution, Ireland and Switzerland argued that the non-nuclear-weapon states could aid the process of disarmament by taking ‘actions directed at further stigmatizing nuclear weapons’.²⁰² The most discussed working paper was probably that of the NAC, which made a conceptual distinction between ‘end state’ prohibitions that would be needed to ‘maintain a world free of nuclear weapons’, on the one hand, and ‘interim’ measures that were needed to ‘accelerate progress’ toward the end state, on the other. Crucially, the NAC maintained that these measures didn’t have to be implemented in sequence. Work on the ‘end state’ prohibitions could start ‘immediately’;²⁰³ indeed, the adoption of prohibitions could potentially serve over time to create political will for disarmament via the stigmatisation effect discussed in the working paper by Ireland and Switzerland.

The 2013 OEWG concluded on 3 September 2013 with the approval of a report that acknowledged the various views put forward.²⁰⁴ Then, just a few weeks after the OEWG, a large group of states took part in the one-day high-level meeting on nuclear disarmament in New York. Several foreign ministers and heads of state were present to place their dissatisfaction with the status quo on the record.²⁰⁵

As discussed above, the nuclear-weapon states’ boycotting of the Oslo conference and OEWG was seemingly intended to dissuade the non-nuclear-weapon states from going forward on the disarmament agenda on their own. Major powers such as the United States had traditionally been wary of initiatives that might ‘stigmatize and inhibit possible US use of its nuclear weapons capabilities even for self-defense’.²⁰⁶ This had been one of the central US objections against the CTBT during much of the Cold War. Yet the boycott appears to have backfired.²⁰⁷ In the view of Austrian Ambassador Alexander Kmentt, one of the humanitarian initiative’s architects, the nuclear-weapon states’ snubbing of the initiative illustrated precisely why it was needed:

Nuclear-weapon states have boycotted or rejected the above initiatives with the utterly unconvincing argument that they would distract from the NPT and the implementation of the 2010 action plan. In truth, these initiatives do not distract from anything, but rather focus the attention of governments and the wider public on the importance of achieving a world without nuclear weapons. [...] Instead of resisting and acting to undermine efforts by non-nuclear-weapon states and civil society, nuclear-weapon states should start to embrace a different

discourse on nuclear weapons themselves and move seriously toward their elimination.²⁰⁸

The nuclear-weapon states clearly found it difficult to come up with a good answer to the humanitarian initiative. Countering value-based international advocacy by small states and NGOs is ‘neither easy or costless’, even for the international system’s most powerful state, argues Martha Finnemore:

It requires constant management of the transnational conversation surrounding the unipole’s behavior and continuing demonstrations of the unipole’s commitment to the values or vision that legitimate its power. To simply dismiss or ignore these attacks is dangerous; it smacks of contempt. It says to others, ‘You are not even worth my time and attention.’²⁰⁹

As discussed throughout this study, the original nuclear recognition order compelled the nuclear-weapon states to acknowledge the non-nuclear-weapon states as subjects with legitimate rights and security interests, and to engage them as partners in governing the nuclear world. The boycotts discussed above, however, were interpreted as statements that the non-nuclear-weapon states were not even worth the nuclear-weapon states’ time and attention. The calculations of the Obama administration – previously so keen to communicate recognition of the non-nuclear-weapon states as valued stakeholders in the regime – are difficult to assess. While some held that Obama’s early rhetoric had simply been overstated or disingenuous, others believed Obama to have become disillusioned after receiving opposition to his disarmament agenda from domestic hawks.²¹⁰ The Nobel Peace Prize, which was intended by the awarding committee to boost Obama in his apparent campaign for a world without nuclear weapons, appears if anything to have reinforced an image of the president as a peacenik, undermining his political room for manoeuvre.²¹¹ Another factor was the so-called P5 process and the supposed imperative of solidarity within the group of nuclear-weapon states. It has been speculated that the Brits and Americans were dissuaded from participating in the Oslo conference by other members of the P5.²¹²

Either way, the nuclear-weapon states’ hostile attitude to the humanitarian initiative deepened the crisis of legitimacy. There seems to be agreement among many of the regime complex’ insiders that the nuclear-weapon states’ boycott of the Oslo conference and OEWG fuelled the incipient humanitarian turn.²¹³ The pushback from the nuclear-weapon states was interpreted as a sign that the initiative was working, to wit, that it was disturbing, or at least had the potential to disturb, extant power structures.²¹⁴ In the view of Alexander Kmentt, widely looked to as the leader of the non-nuclear-weapon states’ push for disarmament during this period, the nuclear-weapon states’ boycott had been a ‘fundamental tactical error’; the boycott highlighted the illusion of consensus on the need for disarmament and ‘energised’

the humanitarian initiative.²¹⁵ Daryl Kimball, director of the Arms Control Association, argues that the nuclear-weapon states' 'arrogant and hostile response' only deepened the animosity driving the humanitarian initiative.²¹⁶ According to a former Canadian ambassador, Paul Meyer, the nuclear-weapon states' attempt at 'squashing' the humanitarian initiative constituted 'a blatant act of disrespect' and propelled mobilisation for radical disarmament measures.²¹⁷ The Norwegian ambassador suggested that the nuclear-weapon states' boycott of the Oslo conference strengthened the perception that the current nuclear order could not deliver meaningful disarmament.²¹⁸ In the view of a diplomat from another state closely allied to the United States, the development of the humanitarian initiative after the nuclear-weapon states' boycott demonstrated that 'when states get frustrated, you prompt more extreme and robust responses that perhaps weren't necessarily intended but are then allowed to develop'.²¹⁹ According to ICAN's director, Beatrice Fihn, the nuclear-weapon states' boycott was 'the best thing that could happen', because it pierced the canard that the nuclear-weapon states were in fact dedicated to disarmament and that progress towards zero was merely a matter of technical implementation. The absence of the nuclear-weapon states also allowed the non-nuclear-weapon states to coordinate a common position.²²⁰ For Magnus Løvold, another ICAN strategist, the boycott was 'good news for ICAN. It gave the campaign a boost'.²²¹

From Nayarit to Vienna and New York

In February 2014, Mexico hosted 146 states in Nayarit for a second conference on the humanitarian impact of nuclear weapons. The conference had been scheduled in advance of the Oslo conference but was announced in Norway as a concluding highlight. In the run-up to Nayarit, the Mexican government reportedly received requests from the US government to tweak the conference agenda in a direction that would make US attendance palatable, but the Mexicans were unwilling to budge.²²² According to the analyst William Potter, Mexico had adopted a deliberate strategy of 'attempting to polarise the debate'.²²³ Mexican sources have disputed this claim. But many representatives of neutral and non-aligned states were indeed growing increasingly wary that the public relations strategy of the nuclear-weapon states was to play down diverging interests and insist that, despite differences over process, all states were in harmony concerning the goal of abolition. As discussed in Chapter 2, this strategy of depoliticising nuclear governance had been adopted as a strategy by the United States, the Soviet Union, and the United Kingdom already in advance of the first NPT review conference in 1975. Ever since, the nuclear-weapon states had primarily opposed disarmament on procedural and technical, not substantive, terrain. By the mid-2010s, representatives of non-nuclear-weapon states were unwilling to allow the nuclear-weapon states to gloss over the political conflicts underpinning the global nuclear order.²²⁴ Any successful strategy of disarmament, so the

argument went, would have to open a space for adversarial politics on both domestic and international levels.²²⁵

At the Nayarit conference, Juan Gomez Robledo, chair of the meeting and deputy foreign minister of Mexico, declared that the discussions on the humanitarian impact of nuclear weapons should

lead to the commitment of States and civil society to reach new international standards and norms, through a legally binding instrument. It is the view of the Chair that the Nayarit Conference has shown that the time has come to initiate a diplomatic process conducive to this goal.²²⁶

The parallels to the processes that led to the adoption of treaties prohibiting anti-personnel landmines (1997) and cluster munitions (2008) were, as the UK Foreign Office had pointed out, rather obvious. Those processes had also started out as ‘facts-based discussions’ and evolved into diplomatic processes to institute legal prohibitions against the weapons in question. Alexander Kmentt, who was slated to host a third humanitarian conference in Vienna later in the year, was apparently caught off guard by the Mexicans’ open call for a new ‘legally binding instrument’.

I remember vividly that most participants and especially NGOs cheered loudly in Nayarit when the Mexican chair concluded the Conference. I was plunged into panic, wondering how I could possibly manoeuvre through the political challenge that the organization of the upcoming Vienna Conference had just become.²²⁷

The Mexicans had deliberately cast the die, putting pressure on the Austrians. While Austria was broadly in favour of the course staked out by the Mexicans, there were some disagreements about when and where a diplomatic process towards a prohibition treaty should be initiated. On the one hand, the ‘facts-based’ formula made it easier to attract wide participation, including from aligned states. On the other hand, there was, from the point of view of those in favour of a ban, no need to drag the facts-based discussion out unnecessarily. Part of the point of the humanitarian initiative, after all, was to illuminate the very real political disagreements at the heart of the global nuclear order.

Many non-aligned states supported the political direction envisioned by the Mexicans. But the nuclear-weapon states and most of their allies were, predictably, critical. Over the next few years, US allies such as Australia, Canada, and Germany continued to engage with the humanitarian initiative, but took every opportunity to stress that nuclear disarmament depended on a favourable security environment, and that the adoption of new legal instruments would be ‘premature’.²²⁸ Norway, which had been a strong proponent of the humanitarian initiative in its early phase, disassociated from the initiative following the election of a new government in that country in the fall of

2013.²²⁹ Norway was also subjected to a number of stern demarches from allies, including the United States.²³⁰

The P5 boycott of the humanitarian initiative was a major talking point in nuclear policy debates in the mid-2010s. As in nuclear discourse generally, the NPT-sanctioned distinction between ‘nuclear-weapon state’ and ‘non-nuclear-weapon state’ provided a filter for making sense of what was going on. The general understanding in the disarmament community was that the nuclear powers had snubbed the humanitarian initiative. In material terms, however, this was not strictly speaking correct. While the OEWG and Oslo and Nayarit conferences had indeed been boycotted by Israel, North Korea, and the five states recognised as nuclear-weapon states under the NPT, India and Pakistan had attended all three meetings. Yet, the attendance or non-attendance of the four ‘unofficial’ nuclear powers did not seem to count in quite the same way as that of the five ‘official’ nuclear-weapon states. The reason for this double standard lies precisely in the diplomatic distinctions between official/unofficial and recognised/non-recognised nuclear powers: While the nuclear possession of the five original nuclear powers had been legally ordained in exchange for a commitment to engage in multilateral disarmament negotiations – or at least so the story went – the nuclear possession of the four ‘unofficial’ nuclear powers had never been legally endorsed and was thus beyond the pale of political validation either way.²³¹ While the nuclear status of the five original possessors required justification, the status of the four nuclear revisionists was as it were unjustifiable by default.

The United States and the United Kingdom finally broke ranks with the rest of the P5 and sent delegations to the third humanitarian conference, convened in Vienna in December 2014.²³² Yet their attendance did not dissuade the non-nuclear-weapon states from pushing the agenda forwards – well beyond what the nuclear-weapon states were prepared to accept. At the conclusion of the Vienna conference, the hosts issued an ‘Austrian Pledge’, later to be renamed the ‘Humanitarian Pledge’, to revitalise the disarmament process. The pledge, which urged states to ‘stigmatise, prohibit and eliminate nuclear weapons’,²³³ quickly became the central rallying point for the NGO coalition promoting a legal ban on nuclear weapons. Over the course of 2015, much of ICAN’s work revolved around drawing attention to the pledge and getting states to formally support it. In January 2015, the Community of Latin American and Caribbean States endorsed the pledge *en bloc*.²³⁴ By the end of 2015, well over 100 states had signed up.

Alongside the OEWG and the series of ad hoc conferences on the humanitarian impact of nuclear weapons, the momentum of the humanitarian initiative was kept up in two ways. The first was the presentation of joint statements on the ‘humanitarian dimension’ of nuclear disarmament at various multilateral meetings. A total of six such statements, all similar in content, were read out on behalf of an ever-growing group of states at international conferences between 2012 and 2015. The first joint statement, read out by the Swiss delegation to the 2012 NPT preparatory committee meeting, was supported

by 16 states. The last joint statement, read out by the Austrian delegation to the 2015 NPT review conference in New York, was supported by as many as 159 non-nuclear-weapon states. The delivery of several of these statements was followed by enthusiastic applause from their supporters, a rare occurrence at multilateral disarmament conferences.²³⁵

A second way in which the momentum of the humanitarian initiative was kept up was through the development by the NAC and others of specific proposals for how the ‘effective measures’ referred to in the NPT’s article VI might be implemented. In a working paper submitted to the 2014 NPT preparatory committee meeting, the NAC presented four alternatives: (1) a comprehensive nuclear disarmament convention that would provide for both prohibitions and stockpile destruction (this would be similar to the Model Nuclear Weapons Convention launched in the 1990s), (2) a standalone prohibition treaty that would leave the negotiation of specific disarmament steps and the particularities of verification for a later time, (3) a framework convention that contained a few basic elements but could be added to through a dynamic diplomatic process, and (4) a hybrid arrangement that incorporated elements from the three options outlined above.²³⁶ In subsequent iterations, the list of conceptual alternatives was reduced, in effect, to two options: (A) a treaty that could be negotiated and adopted, if need be, without the nuclear-armed states on board (i.e., either (2), (3), or (4) above) and (B) a comprehensive disarmament convention (number (1) above). Since it was presumed that the negotiation of a detailed disarmament convention with precise provisions for stockpile destruction would require the good-faith participation of the nuclear-armed states, only one viable alternative remained.

Human Security and the Role of Civil Society

The humanitarian initiative spurred careful analysis in the academic community. For many of the contributors to this literature, the humanitarian approach emerged as a natural extension of an expanding ‘human security paradigm’ propelled by NGOs.²³⁷ Yet the binary distinction between NGOs, as supposed catalysts of change, and states, as targets of advocacy, does not hold. After all, most of the key NGOs in the field of nuclear disarmament, including ICAN, received much of their funding from governments.²³⁸ As persuasively argued by Iver Neumann and Ole Jacob Sending, NGOs should not necessarily be seen as external agents acting ‘on’ states. In many cases, NGOs could be more fruitfully understood as agents ‘of’ states.²³⁹ ‘We were on the same team’, said one member of ICAN’s Geneva office staff about the campaign’s relationship with key governments in the humanitarian coalition.²⁴⁰ According to ICAN’s then director, Beatrice Fihn, ‘governments fund us [ICAN] because it helps them, either through us promoting something that is already their policy and that they want other governments to agree with, or by helping them develop their own policy’.²⁴¹ According to a third member of ICAN’s Geneva office staff, ‘we can say things that governments can’t.

We can be a bit pushier'.²⁴² One of the pushiest and arguably most effective organisations within the wider ICAN umbrella was the NGO Wildfire, which hit the scene in 2014 as an anonymous blog and later Twitter account pushing polemical takes on the nuclear status quo. Wildfire's mission statement, the first text published on the blog, was the following:

No more commissions
No more pontificating windbags
No more paper cranes
No more NPT treadmill
No more whining, wishing and waiting
Change the game.²⁴³

The driving figure behind Wildfire was later revealed to be a former Australian diplomat with deep experience in disarmament diplomacy. In the run-up to the TPNW negotiations, Wildfire functioned as the campaign's most unruly and confrontational outrider, using humour and ridicule not first and foremost with the aim of converting non-believers but rather with an aim of energising the converted.²⁴⁴ If the non-nuclear-weapon states wanted to exert power, so the argument went, they would have to abandon their traditional role as 'watchdogs', adopting instead the role of normative 'locomotive' – championing new normative standards that might affect the nuclear powers' behaviour in the future.

Many of the states supporting the humanitarian initiative were clearly motivated by a desire to protect civilians and advance international humanitarian law.²⁴⁵ Some of the initiative's key backers, including Austria, Ireland, Mexico, and New Zealand, had long histories as champions of multilateralism, nuclear disarmament, and humanitarian law. But not all the humanitarian initiative's supporters were paragons of humanitarianism and disarmament in other fields. Egypt, for example, was a vocal supporter of the humanitarian initiative on nuclear disarmament but a holdout on other humanitarian disarmament instruments such as the Ottawa Landmine Treaty and Oslo Convention on Cluster Munitions. Indonesia, Malaysia, Nigeria, and the Philippines also strongly backed the humanitarian initiative, but could not necessarily be listed as standout champions of humanitarianism more generally. Many of the human security agenda's usual suspects – Belgium, Canada, Germany, Japan, Norway – ended up opposing the humanitarian initiative's demand for a ban on nuclear weapons.

Support for previous 'humanitarian disarmament' instruments such as the Ottawa Treaty and Oslo Convention were in fact poor predictors of support for the humanitarian initiative for nuclear disarmament. Indeed, most of the liberal European states that had promoted those earlier conventions were quite unwilling to upset the nuclear hierarchy from which they themselves were presumed to benefit. The opposition of these states to the humanitarian initiative may be seen in part as a product of material national security

considerations – they were disinclined to give up the perceived national security benefit of extended nuclear deterrence, or at any rate to do something their most powerful allies opposed – but also seemed to reflect a more fundamental aspiration to maintain their standing as valued allies in the US Transatlantic or Pacific security communities. Support for the humanitarian initiative thus followed the traditional dividing line in nuclear politics, namely the one between the aligned states, on the one hand, and the neutral and non-aligned states, on the other. Sweden, formerly a principled neutral state but increasingly a member of NATO in all but name, exemplified this dynamic. Seeking to explain to the media why Sweden had not supported the joint statement on the humanitarian dimension of nuclear disarmament at the 2013 NPT preparatory committee meeting, Sweden’s then foreign minister, Carl Bildt, said that the supporters of the humanitarian initiative were ‘not serious states’.²⁴⁶ For Bildt, then, the relevant ‘circle of recognition’ was not the small and medium-sized states that supported the humanitarian initiative, but the ostensibly more serious major powers. Sweden duly withdrew from the NAC, also in 2013, effectively discontinuing its traditional role as a forward-leaning norm entrepreneur in nuclear disarmament diplomacy. Aligned states further away from the geopolitical core, however, supported the humanitarian initiative and ban-treaty movement. US allies Thailand and the Philippines, for example, as well as the Russian ally Kazakhstan, supported the push for a prohibition treaty.

The backers of the Humanitarian Pledge and the idea of a treaty banning nuclear weapons were convinced that the nuclear-weapon states had not lived up to their disarmament obligations under the NPT. At the 2013 NPT preparatory committee meeting, the NAC asserted that it was ‘important to go back to basics; that is the original package of the NPT and its regime, or if you will the Grand Bargain of 1968. [...N]uclear disarmament – a key foundation of the Treaty – remains an ultimate disappointment’.²⁴⁷ Before 2012, none of the working papers submitted by the NAC to the NPT review cycle mentioned the ‘grand bargain’. From 2012 onwards, close to all NAC statements and working papers censured the nuclear-weapon states’ apparent undercutting of the NPT bargain. A huge number of statements, by the NAC and others, maintained that the NPT was now at a ‘crossroads’ or ‘turning point’.²⁴⁸

The sentiment that the nuclear-weapon states had violated the so-called grand bargain was echoed in numerous informal conversations and interviews. According to one diplomat interviewed for this study, the nuclear-weapon states ‘didn’t fulfil their obligations’.²⁴⁹ In the words of another, ‘the NPT was a bargain – it has not been fulfilled’.²⁵⁰ For a third, the nuclear-weapon states had ‘totally disregarded their commitments’.²⁵¹ For her, adhering to the law was ‘an issue of sovereignty’. By refusing to implement their commitments, in this view, the nuclear-weapon states were undermining *pacta sunt servanda* and the very fabric of international society. This same point was explicitly made by the Mexican delegation to the 2015 review

conference.²⁵² There was a widespread sense that the nuclear-weapon states' supposed non-compliance with article VI could not be allowed to stand. The movement to ban nuclear weapons reflected precisely this sentiment. 'It was not the slave owners who struggled for the liberation of the slaves', asserted one diplomat from a non-aligned state, alluding that the nuclear-weapon states were never going to lead on disarmament.²⁵³ 'For a lot of people, the humanitarian initiative became a reaction to the frustrations of about 60 years', held another non-nuclear-weapon state representative.²⁵⁴ The humanitarian initiative was an 'uprising of states that have been side-lined for a long time and wish to participate', claimed ICAN's Daniel Högsta.²⁵⁵

In November 2017, four months after the adoption of the TPNW (described below), Pope Francis became the first pope to explicitly condemn the possession of nuclear weapons. As discussed in Chapter 3, Catholic leaders had typically contented themselves with condemning the *use* of nuclear weapons while acquiescing to the practice of nuclear deterrence on the condition that efforts were made towards disarmament. This, of course, was a similar position to the one informing the traditional NPT recognition order. However, as detailed throughout this chapter, the credibility of the nuclear powers' disarmament promises had eroded to a point where they could no longer justify the pope's, or the majority of the non-nuclear-weapon states', continued support for the status quo order. At a Vatican symposium, the pope expressed concern at the 'catastrophic humanitarian and environmental effects' of any employment of nuclear arms. 'If we also take into account the risk of an accidental detonation as a result of error of any kind, the threat of their use, as well as their very possession, is to be firmly condemned', he maintained.²⁵⁶

Towards a Treaty Banning Nuclear Weapons

Expectations were low as the 2015 NPT review conference approached. Detecting increased tension between nuclear and non-nuclear-weapon states, experts were predicting a rancorous conference.²⁵⁷ In contrast to the situation five years earlier, when Russia and the United States had been able to present the review conference with New START, the nuclear-weapon states went into the 2015 review conference with little to offer the non-nuclear-weapon states in the way of progress towards disarmament. The most tangible outcome of the so-called P5 process was a set of definitions of terms relevant to nuclear diplomacy. This relatively paltry offering was met with scorn by neutral and non-aligned state officials. 'What did we get from the nuclear-weapon states?', jeered one diplomat, 'a glossary!'²⁵⁸

A more notable development was the March 2015 launch of the International Partnership for Nuclear Disarmament Verification (IPNDV), a multilateral forum for the development of strategies and techniques to verify nuclear disarmament. It was widely presumed that, as the number of nuclear weapons crept towards zero, the traditional verification techniques

used under the START agreements would not suffice. Those techniques, after all, had been developed to track and verify the destruction or converting of nuclear means of delivery – bombers, missile silos, submarines, etc. At very low numbers of nuclear weapons, so the argument went, every nuclear warhead would have strategic implications and would have to be accounted for.²⁵⁹ Initiated by the US government in cooperation with the NGO Nuclear Threat Initiative, IPNDV was seemingly aimed at making something happen on the disarmament front, in part to appease disgruntled non-nuclear-weapon states. In the former US official Lewis Dunn's words, the initiative constituted an attempt at finding a way out of 'the NPT disarmament stalemate'.²⁶⁰ Bringing together experts and officials, IPNDV would build on bilateral cooperation on verification between Norway and the United Kingdom dating back to the mid-2000s.

In an Australian diplomatic cable released through a freedom of information request, Australian officials expressed concern about the 'increasingly combative' position taken by the Austrian and other neutral and non-aligned governments. The Australian government was worried that Vienna was trying to develop 'a narrative that a nuclear weapons ban treaty [...] would be the logical next step in disarmament in the event that the NPT was a failure'. Unless the humanitarian concerns of the non-aligned states were sufficiently 'acknowledged', the further radicalisation of the humanitarian initiative would be inevitable, the authors of the Australian cable believed.²⁶¹ Yet, by 2015, it would probably have been too late with an 'acknowledgement'. With the regime complex in the midst of a crisis of legitimacy, the advocates of disarmament were looking for tangible results.

As before, the neutral and non-aligned states attending the 2015 NPT review conference seemed far more concerned with disarmament than nuclear security assurances. While 'security guarantee(s)' and 'security assurance(s)' appear 120 times in the meeting's records, 'disarmament' and 'disarm' appear 855 times. 'Article VI' was mentioned 127 times.²⁶² As expected, the exchanges on disarmament were acrimonious. The negotiations on non-proliferation were also difficult. While the nuclear-weapon states and their allies were pressing for more demanding inspection standards, non-aligned hardliners were opposed to accepting further obligations on 'their' side of the NPT bargain. At the 2010 review conference, when the overall legitimacy of the regime complex had been higher, the language on non-proliferation and safeguards had been strengthened. While the 2010 review conference had stopped short of making the IAEA Additional Protocol legally obligatory for all states – something that would not have been within the review conference's purview anyway – it recommended the universal conclusion of additional protocols. In 2015, after five years of disappointing progress towards disarmament, key non-aligned states were in no mood to advance the non-proliferation agenda. The language on non-proliferation and safeguards that was eventually agreed upon in 2015 was significantly weaker than that of five years earlier.²⁶³ As Harald Müller

writes, many non-aligned states ‘remember colonial humiliation, embrace sovereignty and reject further constraints justified as non-proliferation measures’. The NAM ‘believes the principle of equality is violated by the perpetual asymmetry of nuclear possession and renunciation’.²⁶⁴ For Brazil, Egypt, and others that continued to oppose the IAEA Additional Protocol, ‘resistance is genuinely framed as an issue of equity and protest against further limitations being imposed on non-nuclear weapon states without corresponding “sacrifices” by the recognized nuclear weapon states along with Israel, India, and Pakistan’.²⁶⁵

But any agreement on non-proliferation and civilian nuclear cooperation proved irrelevant. When, on the last night of the conference, delegations were asked to take a position on the final draft declaration, agreement was blocked due to differences over the way forward on the proposed WMD-free zone in the Middle East, an issue that to some extent had gone under the radar in the wider nuclear expert discourse prior to the conference. As discussed in Chapter 3, the indefinite extension of the NPT in 1995 had been enabled in part by the adoption of a resolution recommending the establishment of a zone. Since 1995, several members of the Arab League had grown increasingly annoyed that the resolution had not been implemented due to opposition from Israel and the United States. Indeed, intransigence on the Middle East zone proposal had prompted the Egyptian delegation to walk out of the 2013 preparatory committee meeting in protest. In 2015, the disagreement concerned the inclusion of language authorising the convening of a conference to consider the establishment of a zone even if not all states in the region agreed – a phrase Israel could not accept. However, as a non-party to the NPT, Israel could not itself veto the agreement. The United States, the United Kingdom, and Canada therefore took it upon themselves to block consensus vicariously. It was said, however, that several of the humanitarian initiative’s supporters were deeply unhappy about the final draft’s language on disarmament, and that they would have blocked consensus had the Middle East issue been resolved. Several states allegedly had their ‘blocking statements’ ready.²⁶⁶

The conference had been marked by what pundits referred to as ‘polarisation’ between nuclear and non-nuclear-weapon states,²⁶⁷ a euphemism for the stiffening of disagreements about the pace and direction of nuclear (dis)armament. ‘What some countries are calling polarisation, I call honesty’, noted one interviewee.²⁶⁸ Many non-nuclear-weapon states argued that the credibility of the NPT as an instrument of disarmament had reached a point of zero – a charge the nuclear-weapon states were not able to counter convincingly.²⁶⁹ Several non-nuclear-weapon states reiterated their view that

the status of nuclear-weapon States had been intended as a transitional status, and any assumption that the indefinite extension of the Treaty meant that nuclear-weapon States could continue to possess those weapons indefinitely was contrary to the spirit and letter of the Treaty.²⁷⁰

In a statement that received enthusiastic applause, the South African delegation argued that the nuclear-weapon states had made a mockery of the multilateral nuclear disarmament process by continually backsliding on their promises. The approach of the nuclear-weapon states, Ambassador Samuel Minty argued, ‘makes nonsense of the South African proposal in 1995 to extend the Treaty indefinitely based on the historic bargain that NWS will disarm, whilst others will not proliferate. It makes nonsense of the 2000 review conference, together with many other agreements’. Minty went on:

If we look back [...], we simply see agreements being reached and then soon after, some of the five walk away from these agreements, when the ink is hardly dry. So what are we to do with these kinds of agreements? What has happened to the 1995 agreement? What has happened to the 2000 outcome and other outcomes that we have had? Why do some still talk as if we do not have such agreements? Why do some only refer to certain aspects of the Treaty and not to the NPT regime as a whole.

The question is when will we ever get nuclear disarmament? It is certainly the most neglected pillar of the Treaty where we urgently need forward movement. The NPT is not like a menu at a restaurant where NWS can decide what it is that they are going to eat. They seem to be very allergic to their commitment or addicted to nuclear weapons, since they seemingly cannot do without them. If you approach the NPT like a menu, where you simply select what you want, then what does this mean for the legal obligations that we all entered into together?²⁷¹

The statement brought out clearly the sense among many non-nuclear-weapon-state officials that the nuclear-weapon states’ *à la carte* approach to multilateral agreements had undermined not only the disarmament process and declared interests of a huge number of the world’s states, but, more fundamentally, the integrity of multilateral diplomacy and the non-nuclear-weapon states as partners in contract. The brutal fact, of course, was that, in an anarchic international system, the most powerful states could, indeed, get their way in most instances. In its closing statement on behalf of 50 states, Austria took note of the gulf between the nuclear- and non-nuclear-weapon states with respect to the urgency of disarmament:

The exchanges of views that we have witnessed during this review cycle demonstrate that there is a wide divide that presents itself in many fundamental aspects of what nuclear disarmament should mean. There is a reality gap, a credibility gap, a confidence gap and a moral gap. After the discussions of the past weeks, we are now even more concerned about the existence of nuclear weapons and the apparent attempts to brush aside the facts, impact and risks of nuclear weapons.²⁷²

The failure of the review conference fuelled support for the idea of negotiating a treaty banning nuclear weapons even if the nuclear-armed states refused to cooperate.²⁷³ The idea of a ban had been promoted by a growing number of states, academics, and NGOs since the early 2010s – in particular from 2013 onwards.²⁷⁴ According to the international relations scholar Nick Ritchie, a prohibition treaty could plausibly help facilitate nuclear disarmament in the long term by contributing to delegitimising nuclear weapons and amplifying anti-nuclear norms: ‘A strong case can indeed be made that a new legal instrument is required since the NPT’s built-in discrimination [...] renders it structurally unable to categorically delegitimize nuclear weapons and the practice of nuclear deterrence’.²⁷⁵ The purpose of a ban, in this view, would not be regulatory or managerial in a narrow sense, at least not in the short term, as the proponents of the idea knew full well that the treaty would not be supported by the nuclear powers for the foreseeable future. Instead, as formulated by Ray Acheson and Beatrice Fihn, the purpose of the ban was to ‘support a discourse about nuclear weapons that understands them as weapons of terror, instability and insecurity rather than as “deterrents” or instruments of stability’.²⁷⁶ Changing the discourse, in this view, would help reinforce anti-nuclear norms and give a boost to more practical initiatives such as campaigns for financial divestment from companies involved in the production or maintenance of nuclear-weapon systems.²⁷⁷ Proponents of the humanitarian initiative maintained that the prevailing security discourse normalised and even glorified nuclear weapons. The assumptions and cultural narratives that gave value to nuclear weapons were seen, in turn, to dovetail with a conservative, patriarchal worldview.²⁷⁸ As an illustration of the latter, in 2015, a representative of Russia’s close ally Belarus opposed civil society participation in the Geneva Conference on the grounds that this might lead to ‘topless women’ throwing ‘jars of mayonnaise’ from the gallery.²⁷⁹

The neutral and non-aligned states were undeterred by claims that the adoption of a new treaty would be inconsequential, destabilising, or detrimental to the disarmament agenda. At the UNGA session following the review conference (2015/16), a group of states led by Austria and Mexico tabled a mandate for a second OEWG to be convened in 2016.²⁸⁰ The OEWG, according to its mandate, would address ‘legal measures, legal provisions and norms that will need to be concluded to attain and maintain a world without nuclear weapons’.²⁸¹ It was clear that such a forum would present those keen to advance a ban treaty with an opportunity to lay the groundwork for a new legal instrument. Despite staunch opposition by the nuclear-armed states, the resolution was carried in the UNGA plenary by a vote of 138 in favour, 12 against, and 34 abstaining.

The 2015/16 UNGA session also saw the introduction of a new and much-touted disarmament resolution, tabled by South Africa, on ‘ethical imperatives’ for the elimination of nuclear arms. Framing any use of nuclear weapons as an affront to ‘the laws of humanity’, the resolution was passed by a large majority of non-nuclear-weapon states. According to the resolution,

the long-term nuclear modernisation plans embarked on by the major nuclear powers ‘run contrary to commitments and obligations to nuclear disarmament and engender perceptions of the indefinite possession of these weapons’. In conclusion, so went the resolution, all states share an ‘ethical responsibility to act with urgency and determination, with the support of all relevant stakeholders, to take the effective measures, including legally binding measures, necessary to eliminate and prohibit all nuclear weapons’.²⁸²

Meeting in Geneva over three sessions in 2016 (February, May, and August), the second OEWG saw a large number of states explicitly call for the negotiation of a nuclear weapons prohibition treaty. Many states also presented suggestions for what such a treaty might contain. Since the nuclear-armed states all boycotted the OEWG, the representatives of the aligned non-nuclear-weapon states that attended found themselves in the somewhat unfamiliar position of having to defend the nuclear status quo. They were, however, greatly outnumbered and could not check the momentum of the ban-treaty movement. Concluding in August 2016, the second OEWG recommended that the UNGA should adopt a formal mandate for negotiations on ‘a legally binding instrument to prohibit nuclear weapons’ in 2017.²⁸³ Two months later, at the 2016/17 UNGA session, Austria, Brazil, Ireland, Mexico, Nigeria, and South Africa tabled just such a resolution.²⁸⁴

The UNGA debate about the ban was full of implicit and explicit claims about standing, entitlements, and recognition. According to the Russian delegation to the 2016/17 UNGA, the negotiation of a ban would ‘undermine and erode’ the NPT. In its view, Russia held a legitimate and internationally recognised right to possess nuclear weapons:

The adverse repercussions [of a ban treaty] for the viability and the comprehensive nature of the NPT would be catastrophic. Let us remind those who for some reason wish to close their eyes to this fact that, pursuant to the NPT, five States possess nuclear weapons with absolute legitimacy. All the NPT States parties signed that Treaty and all national Parliaments ratified it.²⁸⁵

From the perspective of many neutral and non-aligned states, however, the five recognised nuclear-weapon states had lost any ‘right’ to possess nuclear weapons by failing to comply with the recognition order underpinning the NPT. No longer willing to tacitly accept the notion that the nuclear-weapon states were actively entitled to possess nuclear weapons pending the completion of the disarmament process, the supporters of the humanitarian initiative described the existing nuclear regime complex’ lack of a universal prohibition against the possession and use of nuclear weapons as a ‘glaring legal gap’ in need of filling.²⁸⁶ Thus, despite the collective ‘dismay’ of France, the United Kingdom, and the United States,²⁸⁷ the ‘serious concern’ of the Chinese,²⁸⁸ and the warnings of the Russians that the adoption of a ban treaty might have ‘catastrophic’ consequences,²⁸⁹ a resolution mandating

formal ban treaty negotiations in 2017 was adopted by a large majority at the 2016/17 UNGA (123 in favour, 38 against, 16 abstaining).

The Nuclear Ban Treaty as Normative Recalibration

The resolution mandating ban-treaty talks provided for four weeks of substantive negotiations over two sessions (in March and from June to July 2017, respectively). On the first day, the then-US ambassador to the UN, Nikki Haley, staged an unorthodox press conference in the lobby outside the negotiating room to demonstrate against the process.²⁹⁰ The result was that the negotiations garnered more attention than they otherwise would have, receiving headlines in major international and American newspapers.²⁹¹ Boycotted by all the nuclear-armed states as well as all NATO members except the Netherlands, which had been forced to attend through a vote in its parliament, the negotiations went relatively smoothly.²⁹² For the most part, the negotiations consisted of states making largely unopposed suggestions for elements to include in the preamble and body text. For example, several states that had previously hosted nuclear testing sites – Pacific island states and Kazakhstan, in particular – demanded an explicit recognition in the treaty of the devastating consequences of nuclear testing. Kazakhstan, for instance, asked that the treaty should ‘recognise victims of nuclear testing’.²⁹³ The conference president and negotiating parties were happy to oblige: The preamble of the resulting treaty notes both the parties’ mindfulness of the ‘unacceptable suffering of [...] those affected by the testing of nuclear weapons’ and recognition of the ‘disproportionate impact of nuclear-weapon activities on indigenous peoples’.²⁹⁴ ‘This is a time for moral justice for victims’, noted the Chilean delegation.²⁹⁵

The treaty was adopted on 7 July 2017. While 122 states voted in favour, one voted against (the Netherlands), and one abstained (Singapore). For the provisions on safeguards and civilian nuclear cooperation, the negotiators were happy to borrow language from the NPT and various nuclear-weapon-free-zone treaties and simply widen the scope of application to all parties rather than just ‘non-nuclear-weapon states’. While a handful of NGOs had been eager for the international community to push back not only against nuclear weapons but also the production and use of nuclear energy, the majority of states, not least many in the Global South, were keen to protect the right to use nuclear technology for peaceful development purposes, something ICAN and the major NGOs accepted.²⁹⁶ Initial disagreements about whether the treaty should call on the nuclear-armed states to first disarm and then join the treaty (the ‘disarm then join’ model) or rather to first join the treaty and then disarm according to a process determined by the treaty (the ‘join then disarm’ model) were overcome by including provisions for both eventualities (article 4). In the second case, an acceding nuclear-armed state was obliged to ‘immediately remove them [their nuclear weapons] from operational status, and destroy them as soon as possible but not later

than a deadline to be determined by the first meeting of States Parties'. The first meeting of states party, held in July 2022, set the deadline for stockpile destruction to ten years.²⁹⁷

The central provision of the treaty, codified in article 1, was a set of comprehensive prohibitions. Recognising that the risks associated with nuclear weapons 'concern the security of all humanity', the TPNW unequivocally prohibits any use, threat of use, development, testing, transfer, production, manufacture, and possession of nuclear weapons, as well as assistance, inducement, or encouragement of these prohibited acts.²⁹⁸ The government of the Philippines applauded the negotiations as 'marked by cooperation, mutual respect and the deep collective desire to achieve a breakthrough in nuclear disarmament'.²⁹⁹ 'We have showed that democracy is possible', asserted the Chilean delegation, adding that 'this Treaty is now part of our common civilisation'.³⁰⁰

The nuclear-armed states were hostile. In public, their opposition to the TPNW was generally couched in technical arguments about the TPNW's verification arrangements and alleged incompatibility with existing legal instruments such as the NPT and CTBT. Hans Blix, a former director of the IAEA, found those arguments largely 'strained'. In his perspective, the 'real objection is that the Treaty bans the production, use, and handling of nuclear weapons without exception. The nuclear weapons states are attached to the Non-Proliferation Treaty because it legitimises the possession of their nuclear weapons'.³⁰¹ The TPNW, in this view, threatened to over time contribute towards delegitimising and stigmatising nuclear weapons, to wit, *delegitimising* in the sense of undermining the established nuclear-weapon states' claim to an internationally sanctioned right to possess nuclear weapons and *stigmatising* in the sense of adding to what the British defence strategist Michael Quinlan referred to as the 'political' and 'moral burdens of nuclear effort'.³⁰² The nuclear-armed states were adamant that nuclear disarmament could only be pursued in combination with practices of nuclear deterrence – and nuclear deterrent threats could in turn only be credible if the use of nuclear weapons was seen, at some level, as politically and morally acceptable in at least some circumstances.³⁰³ Writing in 2019, the chief of staff of the US National Nuclear Security Administration's Office of Counterterrorism and Counterproliferation argued in a personal capacity that legal norms, moral constraints, and other factors that might contribute to the perception that US leaders 'are unwilling to order the use of nuclear weapons' could embolden adversaries and 'in fact *increase* the likelihood of nuclear war'.³⁰⁴ TPNW proponents, for their part, maintained that nuclear disarmament would stand little chance of success, and that unacceptable nuclear vulnerabilities would remain, so long as nuclear weapons were perceived as legitimate and usable.³⁰⁵

In October 2020, as the number of ratifications kept increasing, the Trump administration sent out official missives to the TPNW's then states party, directly urging them to retract their support for the treaty. Observers described the move as 'unprecedented' and 'outrageous'.³⁰⁶ It was, however,

only the latest instantiation of what one set of scholars describe as a ‘frantic intimidation campaign’ aimed at weakening support for the agreement.³⁰⁷ Nevertheless, only a few days later, on 24 October 2020, Honduras became the 50th state to ratify, triggering the agreement’s entry into force 90 days later. In the fall of 2020, 130 non-nuclear-weapon states adopted a UNGA resolution ‘welcoming’ the TPNW and encouraging ‘all States that have not yet done so to sign, ratify, accept, approve or accede to the Treaty at the earliest possible date’.³⁰⁸

A Withdrawal of Recognition

The NPT is commonly seen to have ‘recognized the major powers’ right to possess nuclear weapons as part of their special managerial responsibilities for world order’.³⁰⁹ As theorised by Hedley Bull, great powers are states that have been ‘*recognised* by others to have [...] certain special rights and duties’.³¹⁰ However, the legitimacy of the hierarchy codified by the NPT was always conditional, at least from the perspective of the majority of non-nuclear-weapon states. The nuclear-weapon states were expected to engage in a collaborative process aimed at nuclear disarmament. In the words of William Walker,

the possession of nuclear weapons by the acknowledged nuclear weapon states was a temporary trust, and a trust which could not be extended to other states. Nuclear disarmament remained the eternal norm, which would eventually displace the provisional norm of non-proliferation. Although the injunction to engage in arms control and disarmament in the NPT’s article VI was vaguely expressed, the expectation attached to it was unambiguous.³¹¹

As detailed in this book, however, the multilateral nuclear disarmament project has been mired by setbacks, countervailing forces, and bad faith. The nuclear regime complex was periodically revamped and relegitimised through solemn pledges and commitments to the goal of disarmament, but the trick could only be repeated so many times. Half a century after the adoption of the NPT, with each of the five nuclear-weapon states engaged in large-scale nuclear modernisation programmes, the NPT recognition order collapsed. A large number of states – countries of all shapes and sizes – had decided that the time was up. As the Brazilian delegation to the TPNW negotiations put it, ‘we do not wish to maintain different categories of states’.³¹² ‘We are creating a universal norm’, held Liechtenstein.³¹³ While some scholars have expressed doubts about the viability of the strategy behind the ban treaty – the nuclear-armed states are free, in a legal sense, simply to ignore the treaty – others have maintained that meaningful progress towards abolition is all but unthinkable in the absence of the creation of a new nuclear order centred on the radical rejection of nuclear arms as legitimate instruments of statecraft.³¹⁴

In contrast to the respective architects of the 1978 UNSSOD-I outcome document and 2000 NPT review conference final document, the states championing the TPNW did not seek to revamp or re-legitimise the original NPT recognition order, but rather to transcend and move beyond it. If the 1995 indefinite extension of the NPT and consensus outcome of the NPT review conference in 2000 together signified the ‘end of history’ for the nuclear regime complex, the process that brought about the 2017 adoption of the TPNW marked the end of the end of history.³¹⁵ In the words of former UN High Representative for Disarmament Affairs Angela Kane, approvingly cited by Alexander Kmentt in his book about the negotiation process, the adoption of the TPNW meant that the nuclear-weapon states ‘can no longer claim that their possession of nuclear weapons has international approval and legitimacy’.³¹⁶

The NPT never *explicitly* gave the nuclear-weapon states a right to possess nuclear weapons. In the words of the Egyptian delegation to the UNGA in 2014, the non-nuclear-weapon states had not ‘at any stage’ accepted that the original nuclear powers could retain their arsenals indefinitely. ‘This would have undermined the basic foundations of the principle of equality among States’.³¹⁷ However, as discussed above, the NPT stopped short of prohibiting the original five’s possession of nuclear weapons, allowing the established major powers to argue, as the Russians put it at the 2016/17 UNGA, that ‘in line with the NPT, the nuclear weapons possessed by the five nuclear Powers are absolutely legitimate’.³¹⁸ While the NPT obliged the nuclear powers to eventually disarm, it clearly also functioned as a means through which the nuclear-weapon states legitimated their nuclear deterrence practices and modernisation programmes. In the words of Nick Ritchie, the NPT involved an implicit but unmistakable ‘legal endorsement’ of the established major powers’ possession of nuclear arms.³¹⁹

The adoption of the TPNW was praised by its supporters as a great victory or, at any rate, a ‘fork in the road’ enabling meaningful choice between different nuclear futures.³²⁰ At the 2017/18 UNGA, on behalf of the member states of the Association of Southeast Asian Nations, the government of Thailand called the treaty a ‘vital step towards global nuclear disarmament’, one that would make a ‘significant contribution towards the shared goal of making our region and the world free of nuclear weapons’.³²¹ For Austria, the treaty was a ‘historic achievement which Austria takes pride to have helped come about’.³²² The Caribbean Community group exclaimed that ‘July 7, 2017 is a day that will never be forgotten – the day the majority of member states adopted the Treaty on the prohibition of nuclear weapons’.³²³ The Brazilian government affirmed that it had been honoured to have been the first country to sign the TPNW on 20 September 2017.³²⁴

The adoption of the TPNW marked a commitment to the goal of disarmament but also, of course, to non-proliferation. Nigeria, speaking on behalf of the African Group of Nations, made this point explicitly. Hailing the treaty

as a ‘landmark’ agreement, the Nigerian ambassador said that the adoption of the TPNW had ‘reinforced’ the African Group’s ‘commitment to the Nuclear Non-proliferation Treaty’.³²⁵ The New Agenda Coalition welcomed the adoption of the TPNW and added that it remained fully committed to ‘upholding and preserving’ the NPT – both article VI and the provisions for non-proliferation.³²⁶ For the foreseeable future, the NPT will continue to exist as a widely supported treaty – complemented by the TPNW. While the TPNW clearly functioned as a means of challenging the notion that a select group of states was entitled to possess nuclear weapons in perpetuity, the treaty was hardly incompatible with the NPT in a legal or institutional sense. When negotiated, the NPT had invariably been seen, in the words of the Swedish diplomat Alva Myrdal, as ‘a first stop on the road towards nuclear disarmament, soon to be followed by others’.³²⁷ The NPT does not bind its parties to agree collectively on those next steps.

To the extent that the TPNW manifests an alternative nuclear order that privileges nuclear-free status, the ban treaty may also be described as the expression of a ‘counterculture’ that seeks to elevate the status of non-nuclear-weapon states. For Carlos Umaña, for example, an advisor to the Costa Rican Ministry of Foreign Affairs and leading member of IPPNW, the humanitarian initiative expressed the notion that

the prestige of countries is not measured by their weapons or how rich they are, but by how cultured their people are; how peaceful and educated they are; and how their country participates in negotiations in pursuit of peace and disarmament.³²⁸

The same dynamic was alluded to by the representative of Chile, who suggested that the TPNW was now part of ‘our common civilisation’.³²⁹

The TPNW and its proponents are clearly up against powerful forces, and the extent to which the broader project succeeds remains to be seen. The further deterioration of the international security environment following the full-scale Russian invasion of Ukraine and increased rivalry between China and the United States has hardly helped those eager to convince the nuclear-armed states and their allies to give up the practice of nuclear deterrence. Many of the TPNW’s detractors have argued that the treaty and its supporters are not living in the real world, making ‘pie in the sky’ pronouncements detached from the realities of power politics. Yet the campaign has scored significant successes on the nuclear weapons divestment agenda. The years following the TPNW’s adoption have seen several large banks and pension funds divesting from companies involved in the production and maintenance of nuclear-weapon systems. On several occasions, the new treaty was explicitly highlighted as a motivating factor.³³⁰ The TPNW, in this view, is not an end point, but a political tool for the anti-nuclear movement.

Discursive Space and Sovereignty in Action

The humanitarian initiative provided non-nuclear-weapon states with what was for them a welcome vehicle for amplifying their voices.³³¹ For the Jamaican official Shorna-Kay Richards, the humanitarian movement expressed a ‘new approach’ to disarmament that had ‘equality and justice’ at its core; the OEWGs and conferences on the humanitarian impact of nuclear weapons had ‘proven that the non-nuclear weapons States have a say in nuclear disarmament issues. Our voice matters. We have agency’.³³² In theoretical terms, the dynamic described by Richards may be understood as the creation of ‘discursive space’.³³³ By creating new forums and arenas for diplomatic action, the non-nuclear-weapon states gave themselves the opportunity to speak and act out their sovereignty in practice. As the Mexican delegation to the 2015/16 UNGA put it, the

humanitarian initiative has generated new momentum and has given a voice back to scores of countries that have waited in frustration for 45 years for the nuclear-weapon States to do their part under the arrangement known as the grand bargain.³³⁴

The humanitarian initiative also allowed specific states such as Austria, Ireland, Mexico, New Zealand, and South Africa to take leadership roles and engage in status diplomacy. Costa Rica was also enabled to build its reputation as a competent actor in multilateral negotiations; Laura Chinchilla Miranda, the president of Costa Rica, described the election of Costa Rica to preside over the 2013 OEWG as ‘a recognition of Costa Rica’s moral authority and commitment to disarmament’.³³⁵

Conclusion

The 13 ‘practical steps’ adopted in 2000 to implement article VI of the NPT soon came under pressure. The United States withdrew from the ABM Treaty and Russia refused to ratify START II. At the NPT review conference in 2005, which broke down without a consensus final document, France and the United States caused significant consternation by refusing to accept the 13 steps as valid. The election of Barack Obama and adoption by the United States and Russia of the New START agreement in 2010 did much to improve the regime complex’ faltering legitimacy. Obama eloquently declared his government’s intention to pursue the peace and security of a world without nuclear weapons. This was hardly a radical break with the commitments or rhetoric of previous US leaders – the United States had been legally committed to nuclear disarmament for several decades – yet the Obama administration’s moves in the 2009–2010 period came across to many of the regime complex’ insiders as uniquely promising. The come-down was significant when the Obama administration’s so-called Prague agenda broke down in the years after 2010. Determined to take

resolute normative leadership, a large coalition of non-nuclear-weapon states decided in the mid-2010s to pursue the negotiation of a legally binding instrument prohibiting nuclear weapons. The TPNW was adopted in July 2017.

As the two that came before it, the nuclear regime complex' third crisis of legitimacy led to a significant expansion of the multilateral nuclear disarmament framework. Through the convening the conferences on the humanitarian impact of nuclear weapons, the institution of high-level meetings on nuclear disarmament, the organisation of UN OEWGs on nuclear disarmament, and the mandating of the TPNW negotiating conference, the regime received new (admittedly mostly ad hoc) *loci*. The crisis also led to a change in the regime's *modus*: The Marshall Island's legal case against the nuclear-armed states at the ICJ – which attracted significant attention but was ultimately rejected by the Court on procedural grounds – and the negotiation of the TPNW by majoritarian rules of procedure marked new ways of 'doing' nuclear politics. Lastly, the regime complex' substantive rules were fundamentally transformed – or at any rate challenged – through the adoption of the new nuclear weapons prohibition treaty.

For the foreseeable future, the TPNW and the NPT will exist as parallel legal instruments. While some scholars have recommended that states keen to advance nuclear disarmament withdraw from the NPT as a means of further signalling their non-approval of the nuclear-weapon states' presumed right to possess nuclear weapons,³³⁶ the majority of non-nuclear-weapon states appear to see continuing value in the NPT. For one thing, the NPT remains a central *locus* of cooperation on the civilian uses of nuclear technology and non-proliferation safeguards. For another, for all its faults, the NPT remains the only legally binding framework formally committing at least five of the nuclear-armed states to disarmament. Pro-disarmament non-nuclear-weapon states are likely to continue to engage in the NPT review process to press the nuclear powers on their article VI obligations.

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Findings and Implications

Summary of Findings

The purpose of this study has been to analyse the evolution of the multilateral nuclear disarmament framework up to and including the adoption and entry-into-force of the Treaty on the Prohibition of Nuclear Weapons (TPNW). This chapter presents the main findings, analyses the problem of nuclear disarmament more broadly, and lays out five broad policy recommendations. Taking the goal of eventual nuclear zero as given, I leave aside the question of whether nuclear disarmament is in fact desirable. I begin with the findings.

First, the multilateral nuclear disarmament framework has evolved through a pattern of punctuated equilibrium characterised by bursts of activity followed by periods of institutional stasis. A first burst of activity took place between 1975 and 1978, when the United Nations (UN) disarmament machinery was reformed and expanded. Through a series of institutional adjustments, the reformers managed to temporarily boost the wider nuclear regime complex' input legitimacy. A second burst of activity took place between 1991 and 2000. This period saw the fractious Partial Nuclear-Test-Ban Treaty amendment conference, the request for an advisory opinion from the International Court of Justice (ICJ) on the threat or use of nuclear weapons, the negotiation and adoption of the Comprehensive Nuclear-Test-Ban Treaty (CTBT), the tabling of a 'Model Nuclear Weapons Convention', and the formation of a first standing multilateral nuclear disarmament ginger group, the New Agenda Coalition. A third wave of activity took place between 2012 and 2017. Relying on informal networks and innovative diplomatic tactics, non-nuclear-weapon states formed several new forums and brought about the negotiation and adoption of the TPNW. An international partnership for nuclear disarmament verification (IPNDV) was formed on the initiative of the United States.

Second, the waves of institutional contestation and reform described above may be understood as symptoms of recurring crises of legitimacy in the broader nuclear order. Institutional contestation and change in the multilateral nuclear disarmament context have provided non-nuclear-weapon states with opportunities to signal their opposition to the creeping permanence of

the unequal nuclear order that came into relief in the 1960s and, by extension, to affirm their identities as sovereign equals. Before the onset of a crisis of legitimacy, the non-nuclear-weapon states have typically been keen to make compromises and gloss over differences with the nuclear-weapon states. Once a crisis sets in, however, non-nuclear powers have often been eager to *highlight* differences with the nuclear-weapon states, adopting less flexible negotiating postures.

A third finding, corroborating the work of Clark et al.,¹ is that processes of institutional delegitimation have followed a pattern whereby criticism and frustration with lacking results are first directed towards specific actors and later towards the regime complex itself. That said, my analysis suggests a caveat to this general tendency: When influential actors are seen to be uniquely non-compliant, censure can be 'locked in' on a particular set of actors or individuals, resulting in the process of institutional delegitimation being stalled. Indeed, the deep unpopularity of George W. Bush and his UN ambassador John Bolton within multilateral diplomatic circles seems to have slowed the depletion of the nuclear regime complex' legitimacy by soaking up much of the reproach that might otherwise have been directed towards the regime complex itself. By contrast, when the initially popular Obama administration seemingly swung from an ambitious, multilateralist disarmament posture to a more reluctant one, the regime complex was thrown almost instantly into a crisis of legitimacy.

Fourth, the effectiveness of counter-resistance, i.e., attempts at discouraging disruption and reform, depends on its timing in the cycle of legitimacy.² When the overall legitimacy of the regime complex has been at a low ebb, attempts by the nuclear powers to repress institutional contestation and change have backfired, fuelling greater resistance by the non-nuclear powers. The attempted undercutting of the advisory-opinion initiative in the 1990s and humanitarian initiative in the 2010s seems clearly to have intensified the neutral and non-aligned states' will to press ahead with the initiatives in question. At times when the legitimacy of the regime complex has been higher, however, counter-resistance has successfully dissuaded non-nuclear-weapon states from going ahead with controversial initiatives. This was the case, for example, with the idea of an international satellite monitoring agency in the 1980s and the attempt at establishing United Nations General Assembly ad hoc committees on disarmament in 2005.

Finally, the politics of recognition, involving contests over equality, status, and dignity, has played a crucial role in shaping the nuclear regime complex' institutions and practices. In fact, the entire multilateral nuclear disarmament framework may be read as a structure designed to ameliorate the non-proliferation regime's apparent contravention of the norm of sovereign equality. The original idea, enshrined in the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), was that legalised nuclear inequality – the recognition of certain states as holders of special privileges – would be a temporary indignity for the non-nuclear-weapon states; negotiations towards disarmament

would eventually level the NPT hierarchy. But abolition remained elusive. In fact, the nuclear-weapon states often relied on the NPT to legitimate their retention and modernisation of nuclear arms; in the words of the international relations scholar Marianne Hanson, the nuclear-weapon states used the NPT and its associated regime ‘to ensure that the global nuclear order remains essentially static, always favouring themselves, the “recognized” nuclear states, as the hegemons of this order’.³ Half a century after the adoption of the NPT, none of the official nuclear-weapon states had given up their nuclear armouries. Consequently, in 2017, a large group of non-nuclear-weapon states adopted a universal ban on nuclear arms, derecognising the nuclear-weapon states’ supposed right to possess such weapons.

Whether and how multilateral nuclear disarmament diplomacy ‘works’ is difficult to gauge precisely. While there can be no doubt that the multilateral process has struggled to deliver meaningful and enforceable disarmament agreements, multilateral diplomacy seems to have helped nurture a set of diffuse though consequential ideas, norms, and practices of restraint. One of these is the norm against nuclear testing. While the CTBT remains formally in a state of limbo, with key states unwilling to ratify and thereby bring the agreement into legal force, the decades-long campaign to end nuclear testing, which played out both on the streets and in the corridors of political and diplomatic power, has undoubtedly contributed to increasing the political costs associated with engaging in explosive nuclear testing. Consider, for example, how the Trump administration in 2020 was compelled to walk back its apparent plans to break the 28-year US moratorium on testing. The negative reaction to the Trump administration’s feelers – from media commentators, experts, NGOs, and audiences overseas – proved swift and overwhelming.⁴ Public opinion polling indicated that the move would also be deeply unpopular with citizens.⁵

Another norm that has been buttressed by multilateral nuclear disarmament diplomacy is the norm against nuclear use. Several scholars, including the nuclear policy expert Pavel Podvig, have maintained that the international social more against use has helped dissuade Russia from employing nuclear arms against Ukraine.⁶ The argument, of course, is not that Russia’s President Vladimir Putin is personally swayed by moral or humanitarian arguments, but that norm violation could incur serious reputational and other costs for the Russian leadership, including in the form of greater international isolation.⁷ While Russia has been powerfully censured and sanctioned by many states over its unlawful invasion of Ukraine, a large number of states, particularly in the Global South, have as of fall 2023 refused to decisively pick sides in the conflict. Russian nuclear use could change that.

Multilateral nuclear disarmament diplomacy has likely also contributed to discouraging nuclear arms racing, at any rate of the quantitative kind. Consider, again, how President Trump felt obliged in 2017 to explicitly deny rumours that he wanted to increase the size of the US nuclear arsenal. The rumours had been invented to ‘demean’ him, the president said.⁸ Of

course, this statement would be meaningless in the absence of a norm against nuclear excess. More generally, multilateral nuclear disarmament advocacy has undoubtedly dovetailed with arguments for arms control, disarmament, and restraint within the US, Russian, and other nuclear-armed states' foreign policy establishments.⁹ It is important to remember that nuclear policy is debated not only between states but also within them. Proponents of restraint are up against powerful political and economic forces but have occasionally secured meaningful victories on nuclear policy. Thus, while it is crucial to guard against the Panglossian notion that the nuclear world could not possibly be meaningfully better than it already is,¹⁰ it is equally important to acknowledge that things could have gone far worse. The caveat is that one of the reasons it has not gone worse is plain, dumb luck.¹¹

Multilateral Diplomacy and the Politics of Nuclear Disarmament

The history of the nuclear age is commonly rehearsed with reference to the overall number of nuclear warheads in existence throughout the world (see Figure 1). The story is often divided into three acts.¹² In Act 1, the superpowers are embroiled in a mad arms race, climaxing in the 1962 Cuban Missile Crisis, 'when the USA and the Soviet Union paused at the nuclear precipice'.¹³ From there, the superpowers agree to tame the nuclear beast by negotiating the Partial Nuclear-Test-Ban Treaty, the NPT, and the SALT agreements. Act 2 follows a similar arch. After a return to arms racing dynamics in the late 1970s and early 1980s, US President Ronald Reagan and Soviet Premier

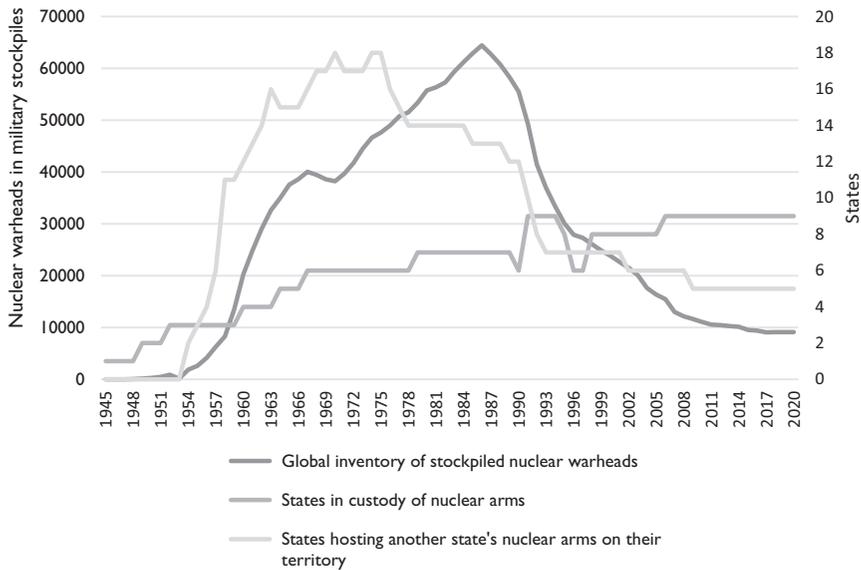


Figure 1 Trends in Nuclear Armament.⁶⁵

Mikhail Gorbachev set in motion a radical nuclear arms reduction process. On a platform of mutual trust, the two men concluded ‘that “a nuclear war cannot be won and must never be fought” and began at Reykjavik to seek nuclear disarmament’.¹⁴ What followed was a ‘golden age’ for nuclear arms control and disarmament.¹⁵ The third and still ongoing act sees the disarmament project stymied by senseless individuals and unforeseen events. As argued by the authors of a 2017 report by the UN Office for Disarmament Affairs, ‘international consensus over a common path for the elimination of nuclear weapons has been strained’.¹⁶ Popular explanations for what is typically presented as a temporary ‘setback’, ‘slowdown’, or ‘impasse’ in progress towards abolition include the Russian annexation of Crimea in 2014,¹⁷ North Korea’s continuing missile and nuclear development,¹⁸ the use of impassioned rhetoric and an attendant ‘polarization of the global debate’ between nuclear and non-nuclear powers,¹⁹ and ‘not simply Trump’ but also ‘rising geopolitical tensions, a resurgent Russia, arms modernization, and a hawkish Republican Congress’.²⁰

The conventional narrative offers an obvious solution to the predicament: Proponents of disarmament must spur a ‘return’ to the international community’s erstwhile consensus on ‘a common path towards the total elimination of nuclear weapons’,²¹ ‘rebuild habits of cooperation’,²² and ‘restore multi-lateral dialogue’.²³ Yet, on closer inspection, the various diplomatic efforts carried out after and towards the end of the Cold War never amounted to a blueprint for the elimination of nuclear weapons. In fact, looking at indicators beyond the sheer number of nuclear warheads in the world – investments, modernisation programmes, actors in possession of nuclear armouries, and the way in which key defence establishments view nuclear arms – it is not clear that the world was significantly closer to nuclear abolition in 2010 than it was in 1985.

First, although the overall number of nuclear warheads in the world declined, the number of arsenals went the other way. While the period in question admittedly did see a sharp reduction in the overall number of states hosting foreign-owned nuclear arms, the list of states in sovereign custody of nuclear weapons grew from seven to nine (see Figure 1). And in contrast to what appeared to be the case during much of the Cold War, when international bloc politics afforded enormous managerial power to the executives of the two leading states, the current, more fragmented, geopolitical situation offers few prospects that the nuclear predicament can be solved by two states, let alone two individuals, alone.

Second, quantitative reductions have in large measure been offset by qualitative improvements in nuclear-weapon systems. Measuring nuclear ‘lethality’ as a product of precision and explosive power, Lynn Eden finds that the US nuclear arsenal was not at its most potent in the 1980s, as the conventional narrative has it, but in the early 2000s.²⁴ Critical scholars have also pointed out that most of the nuclear warheads dismantled since the 1980s were outdated and due for retirement anyway. According to Keith Krause, the

practice of nuclear arms control was always intimately 'linked to deterrence theory and practice, and to the entire functioning of the so-called military-industrial complex, and not something distinct and in opposition to it'²⁵ For David Mutimer, the arms control paradigm 'has produced nuclear weapons as a means to security, a bulwark against what is risky and inconvenient'.²⁶

Third, the overall nuclear plans and postures maintained by the major nuclear powers have been argued to remain 'largely unchanged from the Cold War'.²⁷ That being said, the 1990s saw the entrenchment of a new and arguably more robust justification for the possession of nuclear weapons. While during the Cold War nuclear arsenals were invariably justified as tools to deter a specific enemy from undertaking specific actions, in the 1990s, the justification for nuclear armament was liberated from the constraints of time and geopolitical circumstance, recast as a hedge against unknown threats that might materialise in the future.²⁸ As put by the then US Secretary of Defense Dick Cheney in the 1992 unclassified report 'Defense Strategy for the 1990s', nuclear weapons could provide a 'hedge against the possibility of an unforeseen global threat emerging'.²⁹ 'At no time during the life of the NPT', argues Steven E. Miller, have the defence establishments of the nuclear-weapon states conceived nuclear weapons as anything other than 'central and integral' to their countries' military postures.³⁰

Finally, the quantitative reductions carried out since the mid-1980s are of somewhat limited significance so long as the world continues to hold more than enough nuclear firepower to destroy human civilisation. Recent research indicates that a war between India and Pakistan, involving just 100 nuclear warheads of the Hiroshima-bomb size, could throw enough soot into the atmosphere to trigger a significant reduction of global surface temperatures and, in turn, a major decline in staple food production worldwide.³¹ In one estimation, such a scenario could leave two billion people, almost 30 per cent of the world's population, at risk of starvation.³²

The challenges outlined above have in recent years prompted several scholars to question the mainstream, incrementalist approach to disarmament. Campbell Craig and Jan Ruzicka, for example, have contended that the dominant approach to nuclear arms control and disarmament is bound to fail.³³ 'To deal effectively with nuclear danger, more radical answers are needed, but it is these kinds of answers that have been marginalized by the dominant discourse'.³⁴ The 'only logical means of permanently ending the possibility of interstate nuclear war', they go on, is to create a world in which nuclear technology is strictly controlled by a superior body: 'the advent of a world government'.³⁵

If the inherent instability of anarchy undermines all other attempts to prevent nuclear war, then the obvious conclusion is to eliminate anarchy by developing an entity that can acquire and control all nuclear technologies, an act that would mean the end of sovereign nation-states. This solution, of course, was the natural one envisioned by politicians,

scientists, scholars, and writers at the outset of the atomic age, recognizing that less ambitious projects would invariably fail.³⁶

In the grand scheme of things, the period of sovereign nation-states may turn out to be a short blip in human history. The ‘Westphalian’ system of formally equal political units interacting through common institutions was only globalised in the 1960s, when the process of decolonisation gained momentum. This is not to say that there are no powerful forces working against world integration; there are many obstacles to the emergence of world government, including nationalism, the political ambitions of local leaders, and ideological and cultural conflicts. Robert Jervis has added the ironic observation that nuclear weapons may themselves pose significant obstacles to transcending anarchy. Writing in 2016, Jervis maintained that ‘one may argue that it is only nuclear weapons that stand between the United States and world domination’.³⁷ Another ironic observation, flowing from the pages above, is that diplomatic advocacy for multilateral nuclear disarmament has often functioned as a practice of sovereignty affirmation, to wit, as a countervailing force against the formation of world government.

Craig and Ruzicka’s pessimism is easy to understand. But it is possible to imagine models and scenarios for nuclear disarmament short of world government.³⁸ It is crucial to acknowledge that nuclear desire is neither immutable nor inevitable, even in an anarchic system. 184 of the world’s 193 UN member states do not possess nuclear arms. Only a minority of the world’s states have ever demanded, let alone pursued, nuclear protection.³⁹ South Africa, Belarus, Kazakhstan, and Ukraine have given up nuclear weapons, and many more have abandoned nuclear-weapon programmes. Nuclear roll-back and relinquishment are possible, and so are non-proliferation and disarmament verification.⁴⁰ And while the security environment clearly plays an important role in the politics of arms control and disarmament, the common contention that nuclear choices are epiphenomenal to ‘objective’ international security dynamics does not stand up to scrutiny. It has been irrefutably established that nuclear weapons ‘are more than tools of national security; they are political objects of considerable importance in domestic debates and internal bureaucratic struggles and can also serve as international normative symbols of modernity and identity’.⁴¹ It is also clear that states have found it difficult to give up their nuclear arsenals ‘even if the strategic security threats that motivated their original acquisition have diminished or faded altogether’.⁴² ‘Threats’ and ‘security conditions’ are not altogether objective facts but perceptions shaped partly by political and social factors.⁴³

Short of a major shock that somehow rendered nuclear weapons obsolete, progress towards nuclear abolition would require smart diplomacy, resolute organising on local, national, and international levels, and determined efforts at identifying, illuminating, and unsettling the assumptions, actor-networks, and political-economic incentive-structures that sustain the nuclear status quo.⁴⁴ Multilateral diplomacy can only do so much. Yet global nuclear

disarmament would undoubtedly require the creation of new international institutions and practices – what Nick Ritchie calls ‘inventing nuclear disarmament’⁴⁵ – and the creative leveraging of external events. On the latter point, the War in Ukraine offers a challenge and an opportunity. Will the conflict be remembered as an event that showcased the necessity and utility of nuclear armament – or the opposite? Will the increase in nuclear tension spur action towards arms control and disarmament – or a doubling down on deterrence? The answers to these questions are not preordained. They can be influenced by human actions and leadership.

Bigger global trends that could plausibly reconfigure the prospects for nuclear disarmament include biodiversity loss and global warming. These are truly mammoth challenges that have the potential to fundamentally alter the conditions for life on earth; in the words of UN Special Rapporteur Ian Fry, climate change is ‘the greatest threat the world has ever faced’.⁴⁶ The harms and dislocations these trends are likely to produce or deepen over the next century, as well as the measures that are taken to address them, could conceivably set in motion metamorphic political shifts, institutional disruptions, and technological innovations that in turn generate unpredictable consequences for the practice of nuclear deterrence. It is possible, for example, that future technological advances will reduce the attractiveness of nuclear weapons or that humanity’s capacity to solve collective problems will increase.⁴⁷ Writing in 2003, Alexander Wendt argued that struggles for recognition and the tendency for military technology and war to become increasingly destructive had rendered the emergence of world government ‘inevitable’.⁴⁸ Catastrophic climate change or a breakdown in ecosystem services might hypothetically hasten the process. On the flip side, it is also possible that the crises mentioned above will merely fuel interstate enmities and nuclearism.

According to the long-serving US arms control official Thomas Graham, the ‘basic problem’ of disarmament is not a lack of technical solutions, but that ‘the prestige value of nuclear weapons, made high during the Cold War, remains very high’.⁴⁹ Robbing nuclear weapons of their value as status symbols, in this view, is a *sine qua non* for abolition. As long as nuclear weapons are seen within the nuclear-armed states’ defence establishments as necessary, legitimate, and even prestigious instruments of statecraft, disarmament will not stand much of a chance. Advocates of disarmament, then, would be obliged to further contest the legitimacy and value of nuclear weapons, aiming to shift the nuclear-political Overton window in their direction. Perhaps the most important task for NGOs and non-nuclear-weapon states eager to advance nuclear disarmament, in this perspective, is to push the boundaries of the debate, giving progressive voices within the nuclear-armed states’ defence establishments the opportunity to seize the political middle ground and win debates against their more pro-nuclear colleagues. The underlying theory of change would be that a more forceful anti-nuclear political pole would offer proponents of incremental arms control and disarmament steps

more propitious conditions. Positions that are currently perceived as radical, be it the adoption of no-first-use policies or the renunciation of specific classes of nuclear weapons, might appear more mainstream. Tackling the influence of arms contractors within the major nuclear powers, ‘starving the beast’ as Richard Ned Lebow has called it,⁵⁰ would also be a necessity. Slimming down the wider nuclear weapons enterprise could significantly aid the cause of abolition by reducing the weight and influence of the actor-networks that sustain the status quo.

Some have warned against the strategy outlined above, asserting that normative pressure is likely to affect only the liberal, democratic nuclear-armed states while letting authoritarian powers off the hook.⁵¹ Yet it is far from clear that authoritarian states are immune to political pressure or, indeed, the politics of recognition. It has been persuasively argued that Russia, for example, values nuclear arms in part because it offers Moscow a form of prestige. Further, if the international community is to be serious about abolition, there is likely no way around the creation of a political–normative environment more conducive to change – however difficult it may be. It also appears somewhat implausible that increased pressure for denuclearisation in democratic nuclear-armed states would necessarily lead to unilateral disarmament by the relevant governments. It would appear more likely that such pressure would translate into a greater willingness to engage other nuclear-armed states in negotiations. In the 1960s, for example, anti-nuclear popular mobilisation helped stimulate the negotiation of the Partial Nuclear Test-Ban Treaty (PTBT) and NPT. In the 1980s, the upsurge of public pressure for disarmament found resolution in the Intermediate-Range Nuclear Forces Treaty, the strategic arms reductions process, and, ultimately, the CTBT.

Commentators sceptical of the position articulated above typically argue that the non-nuclear-weapon states should eschew maximalist positions and instead aim to find common ground with the nuclear-weapon states. In the words of the former Australian foreign minister, Julie Bishop, the challenge should be to ‘engage, not enrage’.⁵² The findings of this study suggest that such recommendations are unlikely to yield significant progress. Consider the process that led to the 1996 adoption of the CTBT. At the 1985 NPT review conference, the neutral and non-aligned states consciously sought to avoid ‘polarisation’ by agreeing to a watered-down declaration that acknowledged that ‘certain states’ disagreed with the imperative of prohibiting all nuclear tests. Unsurprisingly, this resulted in stasis and effectively shielded the nuclear powers from diplomatic pressure. By contrast, at the 1990 NPT review conference, non-aligned states caused serious ‘polarisation’ by refusing to accept watered-down compromise language merely for the sake of an appearance of consensus. A year later, they also convened a PTBT amendment conference in protest and indicated that they would continue to convene such conferences until serious CTBT negotiations were underway. The negotiating process that culminated in the adoption of the CTBT was initiated in 1993.⁵³ Admittedly, the mechanism of change was not one of straightforward

persuasion, but rather the fact that a new US administration, that of Bill Clinton, came in and changed the American position. Yet the people who made up that administration, including Clinton himself, had undoubtedly been influenced by the increasingly confrontational diplomatic and popular campaign to end nuclear testing. As Max Planck put it with regards to scientific paradigm shifts, a new paradigm ‘does not triumph by convincing its opponents and making them see the light, but rather because its opponents eventually die’ – or in this case are replaced through political renewal – ‘and a new generation grows up that is familiar with it’.⁵⁴

The global nuclear order *is* polarised. Glossing over this fact will hardly aid the cause of disarmament. While nuclear-armed leaders often, and plausibly quite sincerely, talk about their aspirations for a world free of nuclear weapons, the actions of the states they represent invariably tell a different story. Nuclear-armed leaders’ abolitionist rhetoric has persistently been belied by their governments’ continued investments in nuclear-weapon technology, refusal to implement ‘consensus’ disarmament commitments, and repeated statements about the necessity and legitimacy of nuclear deterrence. In 2022, Russia launched a full-scale invasion of Ukraine, threatening third parties with nuclear violence should they dare to intervene in Kyiv’s favour. In this context, pleas to concentrate on the international community’s supposed shared vision of a world without nuclear weapons risks playing into the hands of those keen to retain, modernise, and politically or economically profit from nuclear arms. Since the 1960s or arguably earlier, most politically literate defenders of nuclear armament have elected to oppose disarmament at the level of process, acquiescing to the long-term vision of a nuclear-weapon-free future while quietly opposing measures that might make such a future a reality.⁵⁵ Pro-nuclear actors have consistently sought to depoliticise nuclear weapons issues by framing the elimination of nuclear arsenals as a technical and, ultimately, boring question of implementation that ordinary citizens, civil society organisations, and non-nuclear-weapon states ought not to worry too much about.⁵⁶ To be sure, some questions *are* technical and should of course be approached in that way, be it seismic test-ban monitoring or dismantlement verification. But disarmament more generally remains intensely political.

The various chapters of this book invite several policy recommendations pertaining to multilateral nuclear disarmament diplomacy. First, in the absence of meaningful political will to relinquish nuclear weapons on the part of the present nuclear powers, those eager to advance the multilateral nuclear disarmament agenda should focus on the big picture. Advocates of nuclear disarmament and restraint should aim to create a strong political pole that might, over time, create the conditions for transformative practical initiatives.⁵⁷ To that end, actors in favour of disarmament should seek to build as broad a base of support as possible.⁵⁸ That being said, for those interested in aiding the cause of abolition, the imperative of building a broad base of support must be balanced against the equally important imperative

of drawing back the ‘veil of good intentions’ and pinpointing the political disagreements at the heart of the global nuclear order.⁵⁹ Perpetuating the narrative that all states agree on the goal of abolition, and that disarmament is first and foremost a matter of technical implementation, plays into the hands of those eager to depoliticise nuclear diplomacy and stay the current course.⁶⁰

Second, in the interest of effecting the move articulated above, those involved in multilateral processes should intensify their efforts to reach out from the diplomatic silo and connect more effectively with media organisations, social movements, and wider society. After all, norms, discourses, and political imaginaries are only effective insofar as they bleed into broader social practices and conversations.⁶¹ As discussed throughout this book, the goings-on in the grand chambers of the Palais des Nations in Geneva and UN headquarters in New York have often been disconnected from the ‘real world’ of national and international politics.

Third, the NPT review cycle has clearly produced more heat than light and should be rethought. As alluded to above, those eager to further the multilateral nuclear disarmament agenda might be well advised to spend less time and energy chasing technocratic consensus declarations and more time and energy creating an environment – material and normative – in which such declarations stand a chance of being implemented. Perhaps the parties would be better off abandoning the pursuit of comprehensive, all-or-nothing final declarations altogether, opting instead for a more flexible approach.⁶² Several non-nuclear-weapon states currently oppose reforms along these lines as they believe the all-or-nothing approach gives them the power to hold consensus on non-proliferation issues hostage to concessions on disarmament or civilian nuclear cooperation. The trouble is that the 1995 indefinite extension of the NPT largely eliminated the non-nuclear-weapon states’ bargaining leverage – and without leverage there can be no meaningful bargaining. At this point, resisting the further strengthening of the non-proliferation framework defeats any broader strategy of delegitimising nuclear weapons and provides political cover for any state that might want to keep its nuclear options open.

Fourth, some of the activity that goes into the multilateral nuclear disarmament framework might sensibly be scaled down to save human and material resources. The Conference on Disarmament, in particular, is not fit for purpose and should be either disbanded or fundamentally reconfigured. The combination of strict, consensus-based rules of procedure and a large though far from universal membership with endlessly recurring fixed sessions is a recipe for unproductive buck-passing. Any future multilateral nuclear arms control and disarmament negotiations could be carried out either under the auspices of the UN General Assembly (like the negotiations that brought about the UN Framework Convention on Climate Change), through ad hoc multilateral negotiating conferences convened outside the UN system (like the negotiations that brought about the Oslo Convention on Cluster Munitions), or via smaller initiatives with limited participation

(like the negotiations that brought about the agreement between Iran and the P5+1 on a Joint Comprehensive Plan of Action).

Fifth, states that support abolition as a long-term goal but are uncomfortable renouncing nuclear deterrence in the near term should resist the temptation to disparage abolitionist initiatives and instead focus their efforts on creating the conditions for moving beyond nuclear deterrence in the future. Such efforts might involve fresh attempts at resolving conflicts and improving the security environment, providing funding for capacity building and relevant knowledge production, or further investments into the development of nuclear disarmament verification techniques. To the extent that they are interested in pursuing disarmament as a long-term objective, the Western nuclear powers should consider adopting less defensive diplomatic postures, placing the onus on the other nuclear-armed states to resist diplomatic overtures. Any opposition by authoritarian nuclear-armed states such as Russia to serious arms control and disarmament proposals should be exposed and brought visibly into the light. The US government could, for example, have made much more of the rejection by Russia in the mid-2010s of the Obama administration's suggestion that the two states reduce their deployed strategic nuclear weapons by another third relative to New START numbers.⁶³

Any successful approach to the elimination of nuclear weapons must be based on a realistic assessment of relevant stakeholders' interests and motives, as well as an accurate understanding of the power structures underpinning the status quo. At the same time, it is crucial to acknowledge that currently held norms, preferences, and assumptions are not immutable but shaped by political, historical, and material processes. The historical record carries many important lessons about how and when progressive change might occur. That said, there exists no lost formula or recipe that can be unlocked by repeating the past; the truth is that, even during the supposed 'golden age' of nuclear disarmament during the 1990s, there was never consensus on a path to abolition within the US or Russian defence establishments, let alone in the international community more broadly. Global nuclear disarmament is an enormously difficult, perhaps unattainable, goal. But so is the perpetual avoidance of disaster in a world filled with nuclear weapons; we have already been obliged to rely on luck. There are no easy options. There is no escape from utopia.⁶⁴

Notes

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