

Harmonizing the NPT and the Nuclear Ban Treaty

Seoul, Republic of Korea

22-23 March 2018

Summary

APLN in collaboration with the European Leadership Network, and the Toda Peace Institute, and with support from the Nuclear Threat Initiative, convened a workshop in Seoul, ROK, 22-23 March under the title of 'Closing the Gap: Harmonizing the NPT and the Nuclear Ban Treaty'. The aim of this initiative was to work to enhance convergence between the NPT and Ban Treaty, to positively influence the 2020 NPT Review Conference and strengthen the global disarmament and non-proliferation regime.

In preparation for the workshop APLN and the Toda Institute commissioned several background Policy Briefs which have been published at <http://www.apln.org/briefings/briefings/>.

Products of the meeting included:

- Framing papers prepared by APLN and ELN research staff covering the main developments and challenges in their respective regions.
- Rapporteurs reports of three sessions
 - o Assessing the Gaps between the NPT and the Ban Treaty
 - o Key elements of Convergence
 - o Objectives for the 2020 NPT Review Conference.

These documents are attached to the full meeting report.

Key takeaway:

For the APLN, the key product of the meeting was a document entitled

- ***“The NPT and the Prohibition Treaty: Towards Convergence: Outreach Themes for 2020”***

The initial draft of this document was prepared by APLN and finalised by the Facilitator of the final session of the workshop, APLN Co-Convenor Ramesh Thakur, taking account of the intensive discussion at the workshop. The paper provides concise background to the issues facing global nuclear disarmament and non-proliferation efforts against the background of the opening for signature last year of the Nuclear Weapons Prohibition Treaty, and the preparations underway for the 50th Anniversary of the Nuclear Non-Proliferation Treaty in 2020.

Report prepared by APLN Director of Research John Tilemann.



Full Report

APLN in collaboration with the European Leadership Network, and the Toda Peace Institute, and with support from the Nuclear Threat Initiative, convened a workshop in Seoul, ROK, 22-23 March under the title of 'Closing the Gap: Harmonizing the NPT and the Nuclear Ban Treaty'. The aim of this initiative was to work to enhance convergence between the NPT and Ban Treaty, to positively influence the 2020 NPT Review Conference and strengthen the global disarmament and non-proliferation regime. The program, agenda and list of attendees is at Attachment 1 below.

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For the APLN, the key product of the meeting was a document entitled

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Other products of the meeting included:

- Framing papers prepared by APLN and ELN research staff covering the main developments and challenges in their respective regions.
- Rapporteurs reports of three sessions
 - o Assessing the Gaps between the NPT and the Ban Treaty
 - o Key elements of Convergence
 - o Objectives for the 2020 NPT Review Conference.

These documents are at Attachments 3 (the framing papers) and 4 (the Rapporteurs reports).

In preparation for the workshop APLN and the Toda Institute commissioned several background Policy Briefs which have been published at <http://www.apln.org/briefings/briefings/>. Following is a list of the Policy Briefs:

- Policy Brief No 61 - Harmonizing the NPT and Ban Treaty in Nuclear Risk Reduction Measures by Possessor States; March 23, 2018• Rakesh Sood
- Policy Brief No 60 - Towards a Nuclear Restraint Regime: From a Normative Ban Treaty to a Substantive Agenda: March 22, 2018• Manpreet Sethi
- Policy Brief No 59 - Cooperation or Conflict? Walking the Tightrope of NPT and Ban Treaty Supporters; March 20, 2018• Angela Kane
- Policy Brief No 58 - Folding the Umbrella: Nuclear Allies, the NPT and the Ban Treaty: February 26, 2018• Paul Meyer
- Policy Brief No 57 - Verifying the Elimination of Nuclear Weapons and Providing Assurance against Breakout; February 2, 2018• John Carlson

- Brief Policy Brief No 54 - Nuclear Disarmament, the NPT and the Ban Treaty: Proven Ineffectiveness versus Unproven Normative Potential, January 10, 2018• Ramesh Thakur
- Policy Brief No 55 - Non-NPT Nuclear-Armed States and the NPT: Closing the Gap; January 10, 2018• Sadia TASLEEM.

The project envisages that after the workshop an outreach programme to promote recommendations which, subject to funding, would include:

- Representations to Governments based on the recommendations of the Outreach Themes paper resulting from the Seoul Workshop
- Outreach activities conducted by selected 'Ambassadors' utilizing the eminent members of the respective leadership networks
- Regular APLN meetings used to garner support for the recommendations; and to coordinate the advocacy work with other partner networks, in key capitals, and in relevant key UN hubs: New York, Geneva and Vienna.

ATTACHMENTS

Attachments 1

Bridging the Gap: Harmonizing the NPT and the Nuclear Ban Treaty Program

**Seoul, Republic of Korea
Thursday 22nd and Friday 23rd March 2018
Venue: The Plaza Hotel**

Program and Agenda

PROJECT OVERVIEW

The aim of this initiative is to work to enhance convergence between the NPT and Ban Treaty to positively influence the 2020 NPT Review Conference and strengthen the global disarmament and non-proliferation regime. In preparation for the “Bridging the Gap” workshop in Seoul on 22 and 23 March, partners will do the following:

- The APLN and the Toda Institute have commissioned Policy Briefs, which will serve as background papers
- Partner institutions are invited to present one-page framing papers covering the main developments and challenges in their respective regions.

After the workshop, an outreach programme to promote recommendations will include:

- o Representations to Governments based on the recommendations of the Outreach Themes paper resulting from the Seoul Workshop
- o Outreach activities conducted by selected ‘Ambassadors’ utilizing the eminent members of the respective leadership networks
- o Regular APLN meetings used to garner support for the recommendations; and to coordinate the advocacy work with other partner networks, in key capitals, and in relevant key UN hubs: New York, Geneva and Vienna.

AGENDA

THURSDAY 22 MARCH 2018

Arrival in Seoul

19:30 Welcome dinner and organising session
(Venue: “Hanmiri” Korean restaurant)

Welcoming remarks by the hosts of the meeting
Final review of meeting arrangements

FRIDAY 23 MARCH 2018 (Venue: Maple Hall, 4th Floor)

08:30-10:00 Session 1: Assessing the gaps between the NPT and the Ban Treaty

- What are the main points of tension between the NPT and Ban Treaty?
- What are the primary issues of disagreement between ban treaty supporters and opponents (nuclear armed states, nuclear umbrella states, non-nuclear weapon states, and non-NPT states)?

Facilitator: Shata Shetty (facilitators will frame the issues to be resolved)

Rapporteur: Sverre Lodgaard

10:00-10:30 *Coffee break*

10:30-12:00 Session 2: Key elements of convergence

- What are the shared, overlapping and/or mutually reinforcing areas of convergence between the step-by-step and prohibitionist approaches to disarmament?
 - Shared commitments under the NPT?
 - Outcomes of the previous Review Conferences?
- Which steps can address destabilizing nuclear risks and help strengthen the NPT?
 - o Minimising nuclear stockpiles, doctrines and postures (numbers, role, and visibility)?
 - o Risk reduction measures (e.g. de-alerting, improved nuclear security)?
 - o Effective verification and further transparency?
- Can more be done to make progress on CTBT and FMCT?

Facilitator: Chung-in Moon

Rapporteur: John Carlson

12:00-13:30 *Lunch* (Venue: Orchid Hall, 4th Floor)

13:30-15:00 Session 3: Objectives for the 2020 NPT Review Conference

What activities should NPT states parties do in the period between now and the 2020 Review Conference to ensure its success?

- o NWS and NNWS
- o Non-NPT parties (India, Pakistan, Israel and DPRK)
- o Ban Treaty states parties.

Facilitator: Kevin Clements

Rapporteur: Denitsa Raynova

15:00-15:30 *Coffee break*

15:30-17:00 Session 4: Conveying the Message

- o Talking points and background (the ‘Outreach themes’)
- o Standardized reporting format after each outreach activity
- o Engaging governments: in key capitals; and relevant UN disarmament centres: New York, Geneva and Vienna
- o Outreach resources: funding; deploying ‘champions’
- o Reporting results and stocktaking (virtual meeting in November 2018 to share notes on progress; follow up regional meetings etc.)

Facilitator: Ramesh Thakur

Rapporteur: John Carlson

18:30-20:30 Dinner (Venue: *Chamsookgol*, Korean barbecue restaurant)

SATURDAY 24 MARCH 2018

Departure from Seoul

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List of Participants

Authors

1. **Andy Weber:** Independent Consultant/ Former Assistant Secretary of Defense for Nuclear, Chemical and Biological Defense Programs under the Obama Administration
2. **Steven Miller:** Director, Belfer Center’s International Security Program, Harvard University
3. **Paul Meyer:** Former Canadian Ambassador for Disarmament/ Adjunct Professor, Simon Fraser University
4. **Rakesh Sood:** Former Indian Ambassador to the Conference on Disarmament, Geneva/ Special Envoy of the Prime Minister for Nuclear Non-Proliferation and Disarmament

Experts

1. **Tariq Rauf:** Consultant for Comprehensive Nuclear-Test-Ban Treaty
2. **Nobuyasu Abe:** Former Commissioner of the Japan Atomic Energy Commission/ Former UN Under-Secretary-General for Disarmament Affairs
3. **Libran Cabactulan:** Chair of the 2010 NPT Review Conference, Philippines/ Special Lecturer, Lyceum of the Philippines University
4. **George Perkovich:** Vice President, Carnegie Endowment for International Peace
5. **Tatsujiro Suzuki:** Director and Professor, Research Center for Nuclear Weapons Abolition, Nagasaki University

APLN

1. **Gareth Evans:** Patron and Emeritus Convenor, APLN / Chancellor, The Australian National University

2. **Chung-in Moon:** Co-Convenor, APLN / Special Advisor to the ROK President for Unification, Foreign and Security Affairs
3. **Ramesh Thakur:** Co-Convenor, APLN / Professor, Crawford School of Public Policy, The Australian National University
4. **Riaz Md. Khan:** Former Foreign Secretary of Pakistan / Retired Diplomat
5. **Zhao Tong:** Fellow, Carnegie-Tsinghua Center
6. **Carlos Sorreta:** Ambassador of the Philippine Embassy, Moscow
7. **Peter Hayes:** Director, Nautilus Institute
8. **John Carlson:** Nonresident Fellow, Lowy Institute

Toda Peace Institute

1. **Kevin Clements:** Director, Toda Peace Institute
2. **Sverre Lodgaard:** Senior Research Fellow, Toda Peace Institute / Norwegian Institute of International Affairs

ELN

1. **Nikolai Sokov:** Senior Fellow, James Martin Center for Nonproliferation Studies
2. **Angela Kane:** Former UN High Representative for Disarmament Affairs and Under-Secretary-General
3. **Carlo Trezza:** Former Ambassador for Disarmament and Non-Proliferation / Former Chairman of the Missile Technology Control Regime
4. **Bernard Norlain:** Former Air Defense Commander and Air Combat Commander of the French Air Force/ Vice President for Initiatives for Nuclear Disarmament
5. **Shata Shetty:** Deputy Director, European Leadership Network
6. **Denitsa Raynova:** Policy Fellow and Project Manager at European Leadership Network

Other Invitees

1. **Thomas Countryman:** Former Assistant Secretary of State for International Security & Nonproliferation
2. **Thomas Hajnoczi:** Ambassador/ Director for Disarmament, Arms Control and Non- Proliferation, BMEIA, Austria
3. **Lars-Erik Lundin:** Distinguished Associate Fellow, Stockholm International Peace Research Institute (SIPRI)
4. **Isabelle Williams:** Senior Advisor, Global Nuclear Policy Program, NTI

APLN Secretariat

1. **Hyung Taek Hong:** Head of APLN Secretariat / Secretary General, East Asia Foundation
2. **Jamie Cho:** Program Officer, APLN Secretariat

The NPT and the Prohibition Treaty: Towards Convergence

Outreach themes for 2020

- The Nuclear Non-Proliferation Treaty (NPT) is the cornerstone of the global non-proliferation and disarmament regime. The Nuclear Weapon Prohibition Treaty (Prohibition Treaty) is an effort to implement Article VI of the NPT. Consequently there is no necessary conceptual gap between the NPT and the Prohibition Treaty on the need and requirement for the elimination of nuclear weapons. However the two treaties approach this objective differently. In particular the actions of the five nuclear-weapon states, in maintaining stockpiles of nuclear weapons and employing doctrines of deterrence premised on credible threat of use, are not proscribed by the NPT.
- The NPT in Article VI calls for negotiations leading to disarmament. The Prohibition Treaty, reflecting international frustration at the lack of progress in such negotiations, calls for the near-term prohibition of nuclear weapons. All the nuclear-armed states have rejected the Prohibition Treaty's approach in view of prevailing unresolved international security challenges. There is a need, therefore, to address how existential security concerns can be met: (a) in ways that reduce reliance on nuclear weapons; and (b) prospectively, in a world free of nuclear weapons.
- The Prohibition Treaty has been adopted and opened for signature and forms part of the international institutional reality alongside the NPT. It is imperative that the two treaties operate in a complementary way and non-proliferation and disarmament obligations are protected. The upsurge in geopolitical tensions makes it even more urgent to uphold all existing treaty obligations and build on these.
- Significant gaps exist between different groups of states, particularly:
 - Those arguing for the utility of deterrence and others who point to its inherent dangers and instability;
 - The absolute prohibitionists who demand abolition in the near term and the incrementalists who favour a step-by-step progressive approach.
- Current nuclear weapon "modernization" plans, and development of new nuclear weapons and use scenarios, are contrary to the obligation under the NPT to end the nuclear arms race and pursue nuclear disarmament. They also open up a divergence between where we are now, where we are heading towards, and where we want to go. Nuclear arms reductions have seemingly run their course, highlighting the need for new approaches.
- There are moral, legal and existential imperatives to reduce and eventually eliminate nuclear weapons, and the NPT obliges the Parties to do so. The International Court of Justice (ICJ), in its 1996 Advisory Opinion, was unable to find circumstances in which the use of nuclear weapons could be compatible with international humanitarian law, due to their indiscriminatory nature and destructive force, and the environmental

consequences of their use. The ICJ also found that the obligation in the NPT to pursue negotiations for ending the nuclear arms race and for nuclear disarmament is an obligation to bring these negotiations to a conclusion.

- The Prohibition Treaty builds on the ICJ's findings. Through this treaty almost two-thirds of the international community have declared that *any* use of nuclear weapons would be contrary to the rules of international humanitarian law, and also abhorrent to the principles of humanity and the dictates of public conscience.
- The Prohibition Treaty is an important step towards the establishment of an international norm against nuclear weapons, a norm that is the logical consequence of the NPT Article VI obligation to pursue disarmament. In doing so, however, the Prohibition Treaty goes well beyond the NPT to directly challenge nuclear deterrence by proscribing the possession, use and threat of use of nuclear weapons, under any circumstances. The nuclear-armed states and their allies insist that under current circumstances of an unfavourable international security environment, nuclear deterrence remains essential. If the two treaties are to co-exist, therefore, the deterrence-disarmament relationship needs to be explored and any tension between them has to be resolved.
- The two treaties can converge in a framework approach that pursues minimisation in the near term; reductions of numbers, roles and salience of nuclear weapons in the medium term; followed by complete, verifiable and irreversible elimination.
- Nuclear weapon states and their allies must heed the concerns of the majority of states. Constructive actions are needed to restart the agenda on nuclear weapon reductions and disarmament. The agenda needs to be reinvigorated and broadened from predominately bilateral actions by the United States and Russia to a multiparty process involving all the nuclear-armed states, including those outside the NPT.
- In addition to specific actions to reduce nuclear risks and establish confidence-building measures, all states that possess nuclear weapons must start acting consistently with the legal and moral imperative that these must never again be used. They must make every effort to prevent nuclear weapons use and promote deep reductions and the eventual elimination of all nuclear weapons. This requires a reduction of the role of nuclear weapons in security doctrines. A commitment by the nuclear-armed states to a policy of *no first use*, or sole purpose – that the sole purpose of nuclear weapons is to deter their use by others – would be a significant step.
- No First Use is already the policy position of China and India. A commitment to No First Use by the other nuclear-armed states would be a powerful statement that they respect the concerns of the international community, as expressed through the Prohibition Treaty. No First Use does not correspond to prohibition (as in the Prohibition Treaty). Nonetheless, it would change the dynamics of nuclear weapons policy, enhancing international confidence and providing an impetus towards elimination.
- NPT parties must ensure there is a continuing political recognition that the non-proliferation regime, which rests on the NPT and its IAEA safeguards system, is vital

to disarmament. Disarmament is unlikely to proceed without a high degree of confidence in the effectiveness of the eventual verification regime.

Action Items

All states

- All states are asked to recognize the seriousness with which the international community views growing global nuclear threats. All states should avoid destabilising policies and actions that could increase the risk of nuclear war or impede the objective of disarmament. States that are not prepared to join the Prohibition Treaty at this time are asked to take all the steps they can to help avoid the risk of nuclear war and to work towards the elimination of nuclear weapons.
- All states are asked to work to strengthen and increase the scope of nuclear weapon free zones.

All NPT parties must:

- Uphold the NPT as being necessary to global non-proliferation and disarmament efforts, including acknowledgement of the obligations all Parties have under all provisions of the NPT, including Article VI.
- Re-commit to the final documents of prior NPT Review Conferences.

All non-nuclear weapon states should:

- Continue to urge all nuclear armed states to demonstrate commitments to disarmament through practical measures to reduce their reliance on nuclear weapons – in doctrine and in tangible disarmament measures.
- Commit to adhere to all applicable best-practice non-proliferation standards including continuing to work for universal application of the most rigorous form of safeguards, as called for by successive NPT Review Conferences.

All nuclear weapon states are urged:

- To take urgent measures individually and collectively to reaffirm their commitment to Article VI of the NPT and to demonstrate this by tangible steps towards nuclear disarmament. In particular, they should take steps in:
 - doctrine, such as no first use/sole purpose commitments;
 - risk reductions, such as de-alerting;
 - deployment reductions;
 - dismantlement of weapons withdrawn from deployment.
- For the United States and Russia to commence serious negotiations to maintain the INF treaty and extend New START.

- To review individually and collectively, the **transparency** of their nuclear stocks and strategic policies.
- To move to strengthen **negative security assurance commitments** and to commit to No First Use.
- To accede to the Comprehensive Nuclear Test Ban Treaty; engage in fissile material cut-off negotiations; and ratify all relevant protocols to nuclear weapon free zones.
- To support international work designed to ensure that the technologies and procedures required to verify nuclear disarmament will be available when needed.

All parties to the Prohibition Treaty should:

- Ensure that there is no weakening of non-proliferation standards.
- Work for the success of the 2020 NPT Review Conference.
- Support tangible disarmament measures pending the complete elimination of nuclear weapons.

All non-NPT states must:

- Commit to support the NPT as a contribution to global security and, as applicable, to act as if they were parties to the NPT with regard to its disarmament, non-proliferation and peaceful uses commitments.

The NPT and the Prohibition Treaty: An Asia Pacific Perspectives Framing Paper

Background

- The nuclear landscape in the Asia Pacific must be viewed through the prism of global-cum-regional economic and geopolitical rebalancing between the US, China and India in particular.
- Asia Pacific is today the epicentre of global nuclear threats, having 6 of the 9 nuclear armed states, and the location of two of the most dangerous nuclear stand-offs: the Korean Peninsula and South Asia.
- Three of the four non-NPT states are in the region.
- However the great majority of states are NNWS parties to the NPT; of these three are covered by the US nuclear umbrella.
- CTBT: the region has 3 hold-outs; efforts to engage India and Pakistan in the IMS have to date failed, but would also be important as a regional CBM.
- FMCT: the key hold-out is Pakistan, on the issue of existing stocks.
- NFU: This is China's and currently India's doctrine; Asia Pacific could take a lead as has been argued in APLN PB 47 (M Sethi).
- The countries of the region are marked by vast disparities of size and wealth, and unique degrees of cultural and political diversity.
- Five countries in the region have nuclear power; but only one other is seriously moving to establish nuclear power: several countries have research reactors; but most have negligible to no nuclear research infrastructure.
- Public awareness of nuclear threats is generally low, and political interest varies sharply between those directly engaged and those less immediately involved.
- The region suffers from poorly developed regional consultation and governance structures, which scarcely begin to address nuclear issues, the ARF ISM on Non-Proliferation and Disarmament being the one very modest forum for exchange of views.
- Frameworks for strategic dialogues are equally poorly developed: the US manages relations with its allies on the basis of a hub and spokes (there being no Asia Pacific equivalent of NATO); and the Shanghai Cooperation Organisation is narrowly directed to managing relations between China and Russia and their continental neighbours.
- There is negligible experience with arms control or other confidence building measures and no structures for preventive diplomacy.
- APLN as a Track 2 mechanism therefore makes a unique contribution to regional nuclear dialogue: allowing regional voices to be heard and seeking to raise regional awareness of nuclear threats and their elimination.

Actors

- **China** has been a strong supporter of the NPT and its nuclear posture has been forward leaning, offering hope that it might provide regional leadership on disarmament.
- The **nuclear armed states of South Asia** though critical of the NPT in the past, have every national security interest in maintaining the strength of the non-proliferation regime: this is evidenced by their applications to join the Nuclear Suppliers' Group. They have not supported the Ban Treaty.
- The **NNWS of South Asia** have traditionally been both strong supporters of the NPT and advocates of disarmament; and have supported the Ban Treaty in principle.
- **ASEAN** countries are generally associated with the NAM; and as such most have articulated support for the NPT and for nuclear disarmament: Indonesia has traditionally been a leader in this arena; others far less active but generally sympathetic to the Ban Treaty; Singapore abstained on the Ban Treaty vote in UNGA; only one (Thailand) has ratified the treaty.
- ASEAN countries have been traditionally firm supporters of the NPT recognising that it has played an important part in keeping the region free of nuclear weapons: that status has been reinforced by the South East Asia Nuclear Weapons Free Zone and its Protocols (though the latter are still to be ratified); and have contributed strongly to successive NPT Review processes (Philippines Ambassador Cabactulan was the President of the (successful) 2010 NPT RevCon).
- ASEAN countries can be expected to seek to preserve the security benefits of the NPT while continuing to promote nuclear disarmament and modestly supporting the Ban Treaty.
- The umbrella states, **Australia, Japan and ROK** have traditionally been strong supporters of the NPT and solid advocates of niche nuclear disarmament measures that did not adversely impact extended nuclear deterrence. Australia and Japan played a leading role for example in the negotiation of the CTBT, and sponsoring three international commissions –Canberra Commission, Tokyo Forum and the International Commission on Nuclear Non-Proliferation and Disarmament.

The NPT and the Prohibition Treaty:

A European Perspective Framing Paper

Background

- The wider Europe region is home to three of the world's nine nuclear-armed states (Russia, the United Kingdom and France).
- 29 European countries are members of NATO and covered by the NATO nuclear umbrella (two are the nuclear weapon states France and the UK).
- Five European NATO member states host US non-strategic nuclear weapons on their territory (Germany, the Netherlands, Italy, Turkey and Belgium).

- Austria was the informal leader of a group of countries - which included Cyprus, Finland, Ireland, Malta and Sweden - that supported the Humanitarian Initiative, prompting the Treaty on the Prohibition of Nuclear Weapons. Other, including Norway, supported discussion on humanitarian consequences of nuclear use but not the Treaty itself. In other European countries, attitude towards the ban treaty remains an issue of public and political debate.
- **Russia** has the largest nuclear arsenal in the world, with just over 7,000 warheads, of which 4,300 are operational. It is undergoing an extensive modernization programme on all three legs of its nuclear triad.
- The **United Kingdom** maintains an arsenal of 215 nuclear warheads. It has reduced its deployed strategic warheads to 120 and by the mid-2020s, plans to reduce its stockpile to no more than 180 nuclear weapons. It is replacing all four of its current ballistic missile submarines with a newer class. It is the only recognised nuclear weapon state that has reduced to a single delivery system and argues that it maintains a “minimum credible deterrent”.
- **France** possesses the arsenal with approximately 300 nuclear warheads, of which 290 are deployed or operationally available for deployment on short notice. As with the other nuclear-armed states France is modernising its nuclear forces, although it eliminated one leg of its triad, the land-based ICBMs in the mid 1990s. France adheres to a principle of “strict sufficiency” where its nuclear arsenal is kept at the lowest possible level in accordance with the strategic context.

Treaties, Groupings, Nuclear Disarmament Verification

- All EU member states and non-EU countries in wider Europe have signed and ratified the NPT.
- All 28 EU member states have ratified the CTBT and remain strongly committed to its entry into force and universalisation. Contributions from EU Member States comprise roughly 40% of the CTBTO’s total annual budget, which means that the EU is the largest financial contributor to the organization. They also firmly support resumption of negotiations in the CD, including on FMCT.
- All EU member states, plus Switzerland, are members of the European Atomic Energy Community (Euratom), which, along with the IAEA helps implement a system of safeguards to control the use of nuclear materials.
- Although the EU is not a member of the NPT and cannot act on behalf of its members, it works to find common ground between its members at NPT Review Conferences (if possible, formalized in form of Common Positions) and regularly submits working papers. The EU’s High Representatives, formerly Catherine Ashton and now Federica Mogherini have both attended Review Conferences and the EU’s “diplomatic corps”, the European External Action Service (EEAS), has a dedicated Special Envoy for Non- proliferation and Disarmament.
- Different European countries are part of different NPT groupings depending on the strength of their positions on disarmament. Ireland is part of the New Agenda Coalition (NAC); Germany, the Netherlands and Poland are all part of the Non-Proliferation and Disarmament Initiative (NPDI), a group that attempts to establish itself as bridge-builders between nuclear weapon states and non nuclear weapon states;

- In recent years several European countries (nuclear and non nuclear weapon states) have participated in nuclear disarmament verification initiatives including the International Partnership for Nuclear Disarmament Verification (IPNDV), and the Quad Nuclear Verification Partnership, where Sweden, Norway and the UK have been engaged on a multi-year arms control simulation initiative together with the United States.

Russia and the US, Arms Control

- As the two countries that possess over 90% of the world's stockpile of nuclear weapons, progress by Russia and the US are vital to global disarmament. In February 2018, both Russia and the US announced that they had met their New START limits on strategic nuclear weapons. However, the prospect of New START being extended beyond 2021 or renewed remains uncertain.
- There have also been a number of setbacks over the past several years on arms control and nuclear security. In 2014, the US accused Russia of producing and testing a missile in violation of the 1987 Intermediate Nuclear Forces (INF) Treaty a landmark agreement eliminating an entire category of nuclear weapons from both the US and Russia. The US also alleges that Russia is not complying with the Open Skies treaty and from 1 January 2018, imposed restrictions on Russian inspection flights. In 2014, Russia announced that it was boycotting the Nuclear Security Summit process and in early 2015, it ended the Nunn-Lugar Cooperative Threat Reduction Programme which secured and dismantled Russian nuclear materials, a programme that had been running for over two decades with the US. When it invaded Ukraine and annexed Crimea, Russia also violated the Budapest Memorandum, the security guarantee that led to Ukraine renouncing its Soviet nuclear weapons stockpile and acceding to the NPT in 1994.

The NPT, the Ban Treaty, NATO and extended deterrence

- Among deterioration of European security environment in 2014, renewed focus on deterrence and collective security has increased the role of nuclear arsenals in security and military decision-making processes of the nuclear weapon states in Europe and many European NATO umbrella states.
- NATO and its member highlight that signing or ratifying the Ban Treaty would not be consistent with their current deterrence and defence posture, which includes a nuclear component and nuclear-related consultations. They also explicitly reject the notion that Treaty establishes customary law norms on outlawing nuclear weapons. Russia remains equally critical of the Ban Treaty.
- Several key non-nuclear NATO states including Germany, the Netherlands and Norway are caught between their commitment to NATO and their domestic aspirations for nuclear disarmament. While these governments oppose the treaty on paper, it is important to acknowledge internal domestic debates, and the fact that many non-nuclear NATO states have interacted differently with the treaty over time and still have some room for manoeuvre. This might have implications for the wider Alliance, which will need to rethink how it will interact with the nuclear ban treaty in the longer term.

- Another challenge for the Alliance is how it engages with non-NATO states that support the ban treaty and yet maintain close defence and security cooperation with NATO. Sweden is a prime example. The country is closely integrated with NATO and its operations, yet has embarked on an inquiry to determine what the consequences are of it signing up to the nuclear ban treaty.

Session 1 Report: Assessing the gaps between the NPT and the Ban Treaty

- *What are the main points of tension between the NPT and the Ban Treaty?*
- *What are the primary issues of disagreement between ban treaty supporters and opponents (nuclear armed states, nuclear umbrella states, non-nuclear weapon states, and non-NPT states)?*

Facilitator: Shata Shetty
Rapporteur: Sverre Lodgaard

The NPT and the Ban Treaty have a number of important elements in common: non-proliferation; no testing; safety and security concerns; and the vision of a nuclear weapon-free world. They differ sharply on the legitimacy and legality of possession, stationing and use, and on the role of deterrence.

The session heard a wide range of views about the value of the Ban Treaty. On the one hand, the Treaty was seen as little more than a public statement, not possible to implement. Others emphasized its normative impact: it tries to change the norms, rules and standards that shape the way we think about nuclear weapons. There was broad agreement that the Treaty has come to stay.

By prohibiting all weapons regardless of who possesses them, the Ban Treaty challenges the status that the NPT confers on five NWS. It was emphasized, however, that the Treaty sets out to stigmatize the weapons and not their possessors.

References were made to the 1996 Advisory Opinion of the ICJ, which said that there is an obligation to negotiate in good faith and bring those negotiations to a conclusion, and to the 2000 NPT Review Conference, which made explicit that there is “an unequivocal undertaking by the nuclear-weapon States to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament to which all States parties are committed under Article VI”. However, neither the Review Conference documents nor the Advisory Opinion enjoy the same legal status as the NPT itself, and the view still exists that when compared with the stringent non-proliferation requirements, the vague wording of Art. VI shows that the NPT is primarily a non-proliferation treaty and that Art. VI does not require any particular outcome.

On the relationship between deterrence and disarmament, ban proponents do not challenge deterrence on its own premises, in reference to the risk of technical failure, human misunderstanding or irrational leaders, but out of humanitarian concerns about the horrendous consequences of use. The NWS, on the other hand, are guided by

international strategic logic phrased in deterrence terms. In this connection, it was suggested that the risk of nuclear winter – largely absent from these discussions so far – ought to be a common concern across the divide.

Under present circumstances, it is difficult to conduct joint in-depth discussions about deterrence doctrines. What NWS consider fundamental to their security the Ban Treaty prohibits. The positions and their underlying logic are so different and sharply divergent that debate about them can hardly be conducive to bridge-building. How to limit the *scope* of deterrence has, on the other hand, been a bona fide subject for long and still is. In that connection, there was much support - but no unanimity - for policies of NFU, which would have to be reflected in the force postures of NWS.

Umbrella states are in a squeeze between strong public opposition to nuclear weapons and strong support for the alliances. Governments stick to their alliance commitments – there have been no cracks in any of the alliances – while considering how to accommodate to public demands for disarmament.

All participants emphasized the significance of the NPT, and that the Treaty is not self-implementing. While expectations for the 2020 Review Conference are low, it was argued that a consensus final document should remain the ambition.

A plea was made for multilateral approaches to international problems to supplement and complement ongoing bilateral tendencies.

For the time being, indications are that the two camps – proponents and opponents of the ban – are consolidating and, may be, drifting further apart. The participants took exception to the abusive language that has been applied in discussions about the Ban Treaty and called for informed dialogue about the strength and weaknesses of both treaties. Bridge-building – the topic of the meeting - was considered both appropriate and urgent.

Session 2 Report:

Key elements of Convergence

- *What are the shared, overlapping and/or mutually reinforcing areas of convergence between the step-by-step and prohibitionist approaches to disarmament?*
 - *Shared commitments under the NPT?*
 - *Outcomes of the previous Review Conferences?*
- *Which steps can address destabilizing nuclear risks and help strengthen the NPT?*
 - *Minimising nuclear stockpiles, doctrines and postures (numbers, role, and visibility)?*

- Risk reduction measures (e.g. de-alerting, improved nuclear security)?
- Effective verification and further transparency?
- Can more be done to make progress on CTBT and FMCT?

Facilitator: Chung-in Moon

Rapporteur: John Carlson

1. While “gaps” are spoken of in terms of differences between the two treaties, the real gaps are those between different groups of states:
 - Most importantly, between those arguing for the utility of deterrence and others who point to its inherent dangers and instability;
 - Also, between the near-term prohibitionists and the incrementalists.
 - Other significant differences are between those who look to the past (grievances) and those who look to the future (solutions); and between the “shoulds” and the “coulds” (looking for what’s possible or achievable).
2. There’s a need to seek out mutual interests that could close these gaps.
 - The most common issue is concern about existential security.
 - Nuclear-armed states will not give up nuclear weapons while they believe these are essential to their security. And a number of their allies, beneficiaries of extended nuclear deterrence, are a source of pressure not to disarm – although many European allies would rather be on the disarmament side, supporting measures in that direction, or at least to try to put a brake on the rearmament inclinations of others.
 - So there’s a need to develop:
 - critical analysis on the real utility of nuclear deterrence
 - ways of diminishing reliance on and the role of nuclear weapons
 - ways of assuring the security of allies and partners without nuclear weapons
 - in the longer term, how to ensure security in a world free of nuclear weapons.
3. Those who advocate a step-by-step approach need to demonstrate steps are in fact being taken. Neither the NPT nor the Prohibition Treaty is self-executing, both are dependent on separate agreements, steps and measures:
 - The development of these steps presents scope for convergence.
4. Areas to be addressed by specific steps can be summed up as the “4 Ds”:
 - Doctrine – particularly looking at no first use or sole purpose
 - It will be challenging to promote NFU to all the nuclear-armed states together. Instead pairs or trios of states could be looked at, it may be possible to achieve 2-way or 3-way NFU commitments.
 - De-alerting – used as shorthand, other risk reduction measures should also be pursued.

- Reduced deployments.
- Destruction (elimination) of weapons removed from deployment.

Other steps include:

- CTBT entry into force.
- FMCT – commence negotiations.
- Middle East WMD-free zone – commence negotiations.

Especially important are steps by the US and Russia to maintain the INF treaty and extend NewSTART.

5. A key issue is the deterrence/disarmament relationship
 - This is an area where allies and partners have an important role in influencing the nuclear-weapon states.
6. Another key issue is the need to strengthen the nuclear taboo. This has less public and political attention compared with in the past – the appreciation of risks is diminished.
 - There needs to be greater promotion of the humanitarian approach, and awareness of the dangers of nuclear winter.
7. Participants suggested that major topics to develop further include:
 - What are the conditions needed to support global zero?
 - What is the vision of security in a world free of nuclear weapons?
 - How to ensure high transparency of states (to ensure any effort towards breakout would be detected)?
 - Is a world without nuclear weapons an unstable world? How to address the risk of breakout (reconstitution of nuclear weapon programs)? In particular, what are the mechanisms for treaty enforcement? Will virtual deterrence remain a permanent necessity?

Session 3 Report:

Objectives for the 2020 NPT Review Conference

What activities should NPT states parties do in the period between now and the 2020 Review Conference to ensure its success?

- *NWS and NNWS*
- *Non-NPT parties (India, Pakistan, Israel and DPRK)*
- *Ban Treaty states parties.*

Facilitator: Kevin Clements

Rapporteur: Denitsa Raynova

Several key questions should be addressed in preparation for the NPT 2020 RevCon to ensure that states remain invested in the survival of the Treaty:

1. What constitutes success in the eyes of non-NWS and how is that success to be defined in the short and medium term (i.e. through the PrepCon in 2018 and 2019)?
2. What are the criteria for holding NWSs to their obligations under Article VI – while in their eyes the security environment is not conducive to disarmament, what actions are they taking to change the security environment?
3. How is security envisaged in a post-nuclear weapons world?
4. If indeed there is an aversion to multilateral arrangements in the present circumstances, what would an alternative system look like?
5. Are there signs of hopefulness for the future of the NPT and the disarmament community and if so, what are they?

Participants in the workshop shared a hopeful vision of disarmament. There was complete agreement that the achievements of the NPT should be celebrated as the Treaty remains the single most successful international non-proliferation tool to date. This view was also expressed by participants from countries that are yet to sign the Treaty, who however acknowledge its contribution to global security and stability.

However, the deliberations were permeated by scepticism over what will happen given the enormous rift in relations between NWS and NNWS and among the NWS themselves. The overarching sense is of the need for damage limitation and crisis management.

A key take-away from this session is the need to revisit old assumptions, reassess priorities and consider arrangements that have been taken for granted in the NPT processes. While challenging intellectual underpinning does not necessarily translate into a rejection of established norms and principles, the aim would be to stress-test conventional thinking and stimulate new ideas. Among the main suggestions put forward by the group were:

- First and foremost, the fundamental problems and challenges of the review processes were not the result of the adoption of the Ban Treaty. The political divisions that characterised the negotiations over the past two decades are only exacerbated and further exploited.
- An outcome document should not be taken as the only measure of success at the 2020 RevCon. Groups of like-minded states might opt for adopting a document with separate issues, noting their differences but expressing a shared commitment in sustaining the NPT.
- A reaffirmation of the past NPT outcome documents' commitments and objectives may not produce the sought results. The obligations that states took on in 1995 and 2010 should be built upon and updated, not revisited. There is a risk that NWS and NNWS alike may not wish to endorse the same principles and obligations.
- Instead of raising expectations for the PrepComs, the Chairs should use them as opportunities for calibrated political discussions and negotiation.

- A further point in that regard is the relationship between the NPT review process and the Ban Treaty. Some of the experts in the room cautioned against inserting Ban Treaty discussions into the NPT formal processes in an effort to focus the formal deliberations on consensus issues. Instead, it was mentioned that Ban Treaty supporters should channel their efforts into better engaging with the existing disarmament structures and institutions.
- One expert pointed to the persistent difficulty of reaching consensus on WMD-free zone in the Middle East and advised against including language on it in any future outcome document(s).
- Going forward the disarmament community may wish to tailor its approach and advocacy work towards the key stakeholders and more specifically the different NWS, taking into account their priorities and threat assessments. While some countries may be more receptive to numerical reductions and others could potentially engage in discussions on change of declaratory policy or strategic stability, the net effect of all separate activities would significantly contribute to the wider disarmament agenda.
- The Non-aligned Movement and the umbrella states could have an instrumental role in brokering the discussions and negotiations between the various factions.
- Moreover, initiatives such as the NPDI have been informally treated as parts of NPT process but have not been as effective as hoped in furthering its agenda.

Finally, the deliberations pointed to the need to give content (even if rather pragmatic and technocratic) to the obligations of both NPT and non-NPT states. In practice, this could be captured by transparent and demonstrable policies on disarmament verification, risk reduction and nuclear security.

APLN, ELN and Toda

The **Asia Pacific Leadership Network (APLN)** comprises of more than ninety former senior political, diplomatic, military and other opinion leaders from sixteen countries around the region, including nuclear-weapons possessing states China, India and Pakistan. The objective of the group, founded by former Australian Foreign Minister and President Emeritus of the International Crisis Group Gareth Evans, is to inform and energize public opinion, and especially high level policy-makers, to take seriously the very real threats posed by nuclear weapons, and do everything possible to achieve a world in which they are contained, diminished and ultimately eliminated. The Co-Convenors are Professors Chung-in Moon and Ramesh Thakur. The Secretariat is located at the East Asia Foundation in Seoul, Republic of Korea. See further www.a-pln.org.

The **European Leadership Network (ELN)** works to advance the idea of a cooperative and cohesive Europe and to develop collaborative European capacity to address the pressing foreign, defence and security policy challenges of our time. It does this through its active network of former and emerging European political, military, and diplomatic leaders, through its high-quality research, publications and events, and through its institutional partnerships across Europe, North America, Latin America and the Asia-Pacific region. See further <https://www.europeanleadershipnetwork.org/>

The **Toda Peace Institute** (formerly called the Toda Institute for Global Peace and Policy Research) is an

independent, nonpartisan institute committed to advancing a more just and peaceful world through policy-oriented peace research and practice. The institute commissions evidence-based research, convenes multi-track and multi-disciplinary problem-solving workshops and seminars, and promotes dialogue across ethnic, cultural, religious and political divides. It catalyses practical, policy-oriented conversations between theoretical experts, practitioners, policymakers and civil society leaders in order to discern innovative and creative solutions to the major problems confronting the world in the twenty-first century.

The Toda Peace Institute's current research and practice foci are: Human Security and Global Governance; Nonviolence and Peacebuilding; Arms Control and Disarmament; Mediation, Conflict Resolution and Reconciliation; Religion and Peacebuilding. See further <http://toda.org/index.html>

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