

Nuclear Weapons After Bush: Prospects for Abolition
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Notes for Presentation on
The Challenges of Security in a World without Nuclear Weapons
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From technical and institutional points of view, achieving a world in which nuclear weapons have been abolished in a verified and enforceable way is very challenging. This is true regardless of whether an agreement on abolition is achieved in the near term or the far term. Given the huge numbers of warheads and huge amounts of fissile materials, even assuming determination it will take decades to be confident that all has been accounted for.

Should the mission therefore be abandoned as hopeless? No, but the difficulty of the task should inform the way it is approached.

First, it is necessary to entrench the norm that the threat or use of nuclear weapons is unacceptable, just as slavery or genocide by gas chambers is unacceptable – taboo. Possible techniques:

a) add nuclear weapons to the list of banned weapons in the Rome Statute of the International Criminal Court. Presently, the named weapons are poison and poisonous gases, expanding bullets. There is an amendment procedure specifically envisaging adding weapons to this list. Major states now not party to the ICC – Russia, China, India, Pakistan, United States, and others – would also have to join the regime.

b) UN Security Council resolution

c) global framework agreement, banning threat or use of nuclear weapons and setting out phases of negotiation on their elimination

Success in this endeavor will make meeting other challenges less pressing and less difficult.

Second, the multilateral machinery for enforcement of international norms on war and peace, law of war, and use of banned weapons must be dramatically improved.

Presently, e.g. in the biological and chemical weapons conventions, enforcement involves withdrawal of treaty privileges, collective economic sanctions by states parties, and reference to UN Security Council (UNSC), which can require sanctions and authorize or direct military action. The UNSC is the key mechanism, but reliance on it would be perceived as inadequate for banning nuclear weapons, due to inconsistencies in UNSC practice, possible use of veto to protect permanent members and their allies and clients, and generally its domination by selected powerful states.

The most straightforward path to strengthen multilateral machinery would be to reform the UNSC. This is an entire subject of its own. Some of the means proposed: expand the number of permanent members; expand the number of elected members; give some of the elected members longer terms; limit or renounce veto; establish a UNSC special body, with its own rules of procedure and limitation or elimination of veto, to deal with violations involving nuclear, biological, and chemical weapons. In any reform, particular states will have an eye out for their own interests. Thus regarding adding permanent members, Pakistan would not want India on; China and the Republic of Korea would not want Japan on; some European states would oppose adding Germany. Regardless of the specifics, it is absolutely clear that for the UNSC to be more effective it must become much more representative, transparent, accountable, and legitimate.

As Perkovich and Acton emphasize in their recent study, *Abolishing Nuclear Weapons*, effective multilateral machinery in this sphere also requires improvement of the techniques and agencies for the reliable and impartial detection and determination of violations. As both the Iraq and Iran cases illustrate, this is a difficult mission.

Other proposed methods for enforcing a nuclear weapons-free world

Third, Reliance on reconstitution of nuclear capability, as a response to breakout. Tends to be favored by current expert discussion (a more extreme version is to say that some nuclear weapons would be retained under multilateral control).

- but if reconstitution is permitted, it complicates monitoring/verification
- recognizing the possibility undermines norm against threat or use of nuclear weapons

So reconstitution should not be explicitly recognized. But it will be a factor affecting how states approach design of regime. The stronger the norm is, the less “deterrence” by capability to reconstitute will play a role.

Fourth, reliance on non-nuclear military power, in hands of US above all; also missile defenses. However, a paradox here: US conventional superiority will make nations less inclined to give up nuclear weapons. Insight of Global Action to Prevent War: to achieve abolition of nuclear weapons, there will need to be scaling back of offensive military capabilities generally, and gradual strengthening of multilateral institutions, perhaps even with military capability.

Conclusion: In the nuclear, biological, and chemical weapons field, and more generally, “global governance” has been the approach: regimes centered on norms, implementing agencies, review procedures, ultimately backed up by a problematic authority, the UNSC. Given the specter of breakout, and difficulty of confidently verifying that the last warheads and fissile materials have been disposed of, for nuclear weapons this is likely to be insufficient. It’s one thing for a nuclear test to take place in a world where states still have the weapons; or for a small or middle power to acquire chemical weapons; it’s another for a state to reveal or acquire nuclear weapons in a world in which other states have relinquished them.

Answers: One as I begin with is the importance of entrenching the norm. Another, though, is to admit that institutionalizing a nuclear weapons-free world will require movement toward what was once called “world government” – a fusty old phrase never heard anymore. But a ban on nuclear weapon threat or use as criminal, coupled with adequate multilateral enforcement machinery, will go well beyond the state-centered system we now have. After all, most of the current nuclear possessor states are not parties to the Rome Statute of the ICC, and the very countries that have nuclear weapons control the UNSC. In a nuclear weapons-free world, they would have to allow UNSC and probably the ICC to have authority with respect to banning of weapons they now consider central to their sovereignty.