

TOWARDS A NUCLEAR WEAPONS FREE WORLD: AN ADVOCACY ROLE FOR THE ELDERS

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October 2018

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TOWARDS A NUCLEAR WEAPONS-FREE WORLD: AN ADVOCACY ROLE FOR THE ELDERS

I. WHY NUCLEAR DISARMAMENT SHOULD BE A PRIORITY ISSUE FOR THE ELDERS

1. There are only two existential threats to life on this planet which international policy failure can make real. One is global warming, and the other is devastation by the most destructive, as well as indiscriminately inhumane, weapons ever invented. And nuclear weapons can kill us a lot faster than CO₂.¹
2. The core nature of the nuclear threat can be very simply defined. So long as any state has nuclear weapons, others will want them. So long as any nuclear weapons remain anywhere, they are bound one day to be used – if not by design, then by human error, system error, miscalculation or misjudgement. And any such use will be catastrophic for life on this planet as we know it.²
3. The world is now closer to nuclear catastrophe than at any time since the height of the Cold War. This is not a fringe but a mainstream view, shared for example by the ‘four horsemen’, George Shultz, Henry Kissinger, Sam Nunn and Bill Perry – hard headed Cold War realists and previous staunch defenders of nuclear weapons – who argue, in their seminal series of Wall Street Journal articles from 2007 to 2013³, that whatever deterrent utility nuclear weapons may previously have had, in the present international environment the risks of any state retaining them far outweigh any possible security rewards. The respected Bulletin of Atomic Scientists this year moved the hands of its Doomsday Clock to 2 minutes to midnight, as they were in 1953, the closest to midnight in the Clock’s history.⁴

¹ The scale of the casualties that would follow any significant nuclear exchange is almost incalculably horrific – not only from immediate blast and longer term irradiation effects, but also the nuclear-winter effect on global agriculture. A war between India and Pakistan, unhappily not unthinkable, would have just that effect if they employed just one-third of their present combined nuclear arsenals. See, e.g., Alan Robock and Owen Brian Toon, “Self-assured destruction: the climate impacts of nuclear war”, *Bulletin of the Atomic Scientists* Vol 68(5) 2012, at <http://climate.envsci.rutgers.edu/pdf/RobockToonSAD.pdf>

² This mantra was first articulated in the report of the Canberra Commission in 1996, and has been repeated subsequently in every major international report addressing these issues, including the Blix Commission in 2006, and the Australia-Japan initiated ICNND in 2009. See *Report of the Canberra Commission on the Elimination of Nuclear Weapons*, Canberra, Department of Foreign Affairs and Trade, 1996, at <http://catalogue.nla.gov.au/Record/1173946>; *Weapons of Terror: Freeing the World of Nuclear, Biological and Chemical Arms*, Report of the Weapons of Mass Destruction Commission, Hans Blix, Chair, 2006, at http://www.blixassociates.com/wp-content/uploads/2011/02/Weapons_of_Terror.pdf; and *Eliminating Nuclear Threats: A Practical Agenda for Global Policymakers*, Report of the International Commission on Nuclear Non-Proliferation and Disarmament (ICNND), Gareth Evans & Yoriko Kawaguchi, Co-Chairs, Canberra, 2009, at www.icnnd.org.

³ ‘A World Free of Nuclear Weapons’ 4 January 2007; ‘Toward a Nuclear-Free World’ 15 January 2008; ‘Deterrence in the Age of Nuclear Proliferation’ 7 March 2011; ‘Next Steps in Reducing Nuclear Risks’ 5 March 2013

⁴ See <https://thebulletin.org/2018-doomsday-clock-statement/>

4. There is no global issue, accordingly, on which it is more important to make progress quickly than the elimination of nuclear weapons. Yet there is no public policy issue on which it seems harder to achieve serious and sustained movement. The issues are complex, the technical detail is often impenetrable to the uninitiated, and by and large both policymakers and publics are – despite occasional anxieties about Iran or North Korea – complacent and indifferent. The Elders’ voice needs to be heard, and can make a difference.

II. NUCLEAR WEAPONS RISKS: REAL

5. There are three kinds of risk associated with nuclear weapons: the use by nuclear armed states⁵ of existing arsenals; the emergence of new nuclear armed states; and the acquisition of nuclear weapons or fissile material by rogue states or non-state terrorist actors. Of these, the first is the most immediate and real, although constantly downplayed by the present nuclear armed states and their allies.

A. Existing Arsenals

6. Despite big reductions which occurred immediately after the end of the Cold War, and the continuing retirement or scheduling for dismantlement since then by Russia and the US of many more, there are some 14,500 nuclear warheads still in existence,⁶ with a combined destructive capability of close to 100,000 Hiroshima or Nagasaki sized bombs.
7. In round figures, some 7,000 nuclear weapons are still in the hands of Russia, 6,500 with the US, and an estimated 1,200 with the other nuclear-armed states combined: France (300), China (280), UK (215), Pakistan (140-50), India (130-40), Israel (80) and North Korea (10-20). A large proportion of the total – nearly 4,000 – remain operationally deployed. And, most extraordinarily of all, nearly 2,000 of the US and Russian weapons remain on dangerously high alert, ready to be launched on warning in the event of a perceived attack, within a decision window for each President of four to eight minutes.
8. While overall nuclear weapons numbers in the US and Russia have dramatically reduced since the height of the Cold War, they remain well in excess of anything conceivably required for any conceivable military contingency. Both countries are dramatically modernising their arsenals; under their current leaders are indicating a greater willingness to use them, including for non-nuclear threat contingencies; have indicated uncertain commitment, or worse, to existing arms control measure like the INF and New START treaties; and are showing no inclination whatsoever to negotiate any new ones. Everywhere in Asia nuclear weapons numbers are increasing, not diminishing. And despite all the recent efforts of global civil society and the humanitarian impact movement – with two thirds of United Nations (UN)

⁵ The expression ‘nuclear armed states’ is used throughout this paper to include all those states possessing nuclear weapons, whether acknowledged or not, viz. US, Russia, UK, France, China, India, Pakistan, Israel and DPRK. ‘Nuclear weapon states’ refers to the five states acknowledged as such under the Nuclear Non-Proliferation Treaty, viz. US, Russia, UK, France and China.

⁶ For the latest – as at January 2018 – detailed estimates of the size of the world’s nuclear arsenals, see SIPRI Yearbook 2018 (Oxford University Press, 2018), Ch 6, accessible at <https://www.sipri.org/yearbook/2018>

members supporting the recently negotiated Nuclear Weapons Prohibition Treaty (NWPT, or Nuclear Ban Treaty for short) – all the present nuclear armed states, and nearly all their partners and allies, are vigorously opposing even tentative first steps toward disarmament.

9. The risk of any present nuclear-armed state taking a deliberate decision to initiate a first-strike nuclear attack is quite small, although opinions differ on this. (See discussion in Section III below). But there is an alarmingly large risk – not seriously contested or contestable, but too often ignored by policymakers – of a nuclear exchange being initiated by human or system error, accident or miscalculation. That risk is compounded by the very large numbers of nuclear weapons still in existence, particularly when so many of them remain actively operationally deployed, with many of these in turn on high-alert launch status.
10. We now know much more than we did at the time about how alarmingly often the supposedly very sophisticated command and control systems of the US and Soviet Union during the Cold War years were strained by mistakes and false alarms, human error and human idiocy. Over the years, communications satellite launches have been mistaken for nuclear missile launches; demonstration tapes of incoming missiles have been confused for the real thing; military exercises have been mistaken for real mobilizations; technical glitches have triggered real-time alerts; live nuclear weapons have been flown by mistake around the US without anyone noticing until the plane returned to base; and one hydrogen bomb-carrying plane actually crashed in the US, with every defensive mechanism preventing an explosion failing, except one cockpit switch.⁷
11. On two occasions in particular we came within a hairbreadth of a nuclear World War III: when the senior officers in a Russian submarine off Cuba in 1962, its communications with Moscow disabled by a US navy depth charge, voted 2-1 not to launch a nuclear torpedo; and in the Able Archer US exercise in 1983, which Moscow misread as presaging a nuclear first strike. Given that record, and given also what we both know, and can guess, about how much more sophisticated and capable cyber offence will be of overcoming cyber defence in the years ahead, the fact that we have survived for over seven decades without a nuclear weapons catastrophe is not a matter of inherent system stability or great statesmanship – just sheer dumb luck. And there is no reason why that luck should continue indefinitely.

B. New Nuclear Armed States

12. As bad as the risks were during most of the Cold War years, when there were just two opposing major nuclear powers, they have become dramatically compounded since the proliferation developments that produced India, Pakistan and Israel as new nuclear armed states, and more recently North Korea – in areas of great regional volatility, a history of violent conflict, and less sophisticated command and control systems. And of course these risks would be compounded even more dramatically were there to be further proliferation breakouts, particularly by Saudi Arabia and perhaps others in the Middle East should Iran be perceived to be not fully back in its box; or by Japan or

⁷ For near misses in the US see Eric Schlosser, *Command and Control: Nuclear Weapons, the Damascus Accident, and the Illusion of Safety* (Penguin, 2013). For the best known other cases see, e.g., Evan Andrews, *Five Cold War Close Calls* (2013), at <https://www.history.com/news/5-cold-war-close-calls>

South Korea in North East Asia in response either to the DPRK or a dramatic increase in Chinese overall military capability, in the context of a US administration perceived to be less committed to the defence of its allies.

13. The whole world would manifestly benefit from a strengthening of the current non-proliferation legal regime, including through tougher safeguards (in particular universal embrace of the International Atomic Energy Agency (IAEA)'s Additional Protocol), meaningful penalties for Non-Proliferation of Nuclear Weapons Treaty (NPT) non-compliance, a cut-off of fissile material production for weapons purposes (the proposed FMCT), securing nuclear weapon free zone protocol ratifications, bringing the Comprehensive Nuclear Test Ban Treaty (CTBT) finally into force and strengthening non-treaty mechanisms like the Proliferation Security Initiative (PSI). But it has been remarkably difficult, not least through the NPT review process, to get delivery on any of these measures.
14. Although the nuclear-weapon states continue to be in denial about this, the basic problem is their perceived lack of serious buy-in to the Article VI nuclear disarmament commitment of the NPT⁸. All the world hates a hypocrite. And so long as the nuclear weapon states – and those which, like my own country, shelter under their umbrella – continue to insist that their security concerns justify retaining a nuclear option, but other countries' concerns do not, that is exactly how the nuclear weapons states will continue to be regarded.

C. Rogue State or Non-State Terrorist Actors.

15. The risk that rogue states or non-state terrorist actors will get their hands on ill-secured nuclear weapons or dangerous nuclear material, or sabotage nuclear power reactors, has generated an enormous amount of worldwide attention in the aftermath of 9/11, fuelled since then by the series of deeply troubling developments in the Middle East, and jihadist-driven terrorist attacks in a number of capitals. In particular there have been a series of four Nuclear Security Summits initiated by President Obama, which have generated some new international regulatory architecture and announced national implementation measures.
16. Of course we cannot be complacent about the risks posed by extremists: should they ever get their hands on the necessary nuclear material, we have to assume they would have no moral compunction whatever about using it. But this debate needs to be conducted a little more rationally than has sometimes tended to be the case. 'Rogue states' so acting could never escape massive retaliation, and know it. Non-state actors – with no similar territory, population, industry or military forces to be targeted – might be less vulnerable to retaliation, but are very unlikely to escape detection and interception
17. While we cannot assume that intelligence and law enforcement institutions will become aware of and be able to intercept every conceivable kind of terrorist conspiracy, there

⁸ The language of Article VI is less precise than ideal, but unmistakeable in its moral direction: '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.'

is a big difference in sophistication and time-line between the kind of coordination necessary to unleash car bombs or simultaneous Kalashnikov attacks, and that needed to manufacture and explode a nuclear weapon. While the engineering know-how required to build a basic fission device like the Hiroshima or Nagasaki bomb is readily available, it is also the case that HEU and weapons-grade plutonium are not at all easily accessible, and to assemble and maintain the team of criminal operatives, scientists and engineers necessary to acquire the components of, build and deliver such a weapon – for a long period, out of sight of the huge intelligence and law enforcement resources that are now being devoted to this threat worldwide – would be a formidably difficult undertaking.

18. **Dirty Bombs.** A manifestly less difficult undertaking – and rather more likely to occur although, somewhat surprisingly, it has not yet – would be to assemble quantities of non-fissile radioactive material like caesium 137, much more readily available in multiple industrial and medical uses, and detonate it with a conventional explosive like TNT as a ‘dirty bomb’ in the middle of a city. The physical damage would be relatively minimal, certainly by comparison with a fission bomb, but the psychological damage unquestionably great – made so largely by the way this threat continues to be so talked-up by policymakers. It is arguable that talking this risk down will make it that much less likely to be perpetrated.

III. NUCLEAR STRATEGIC REWARDS: ILLUSORY

19. The standard answer to any articulation of the risks associated with nuclear weapons possession (and the other – humanitarian, legal and financial – arguments for disarmament summarised in Section IV below) is that these downsides might exist but are outweighed by the strategic rewards. The key arguments are that possession of nuclear weapons has deterred, and continues to deter, war between the major powers; that they will deter large-scale conventional attacks; and that killing off the extended nuclear deterrence on which as many as forty US allies and partners rely is not a good idea in the present geopolitical environment. Even the humanitarian argument has its counter, viz. that while any actual use of nuclear weapons may indeed be an indefensible assault on our common humanity, the sheer awfulness of nuclear weapons is what makes them so effective as a deterrent.
20. Part of the problem with such defences is that if nuclear weapons are such a great stabilizer, why should not more countries have them? How do those who beat the nuclear deterrence drum with such passion and conviction counter, without transparent double standards, those smaller and more vulnerable countries who believe that they need nuclear weapons to deter potential predators? But such responses too often fall on deaf ears. The really critical strategic argument that has to be made to supporters of nuclear weapons is that while possession of such weapons by a potential adversary has always made a formidable case for caution, their deterrent utility has been hugely exaggerated: that in fact they are at best of minimal, and at worst of zero, utility in maintaining stable peace. As the following paragraphs hopefully demonstrate, there are good responses to each of the familiar deterrence justifications.⁹

⁹ See generally ICNND Report, op cit n.2, Chapter 6 ‘Disarmament: Making Zero Thinkable’ ; Gareth Evans, ‘Nuclear Deterrence in Asia and the Pacific’, Asia and the Pacific Policy Studies, vol 1 no 1 2014; Ward Wilson, Five Myths About Nuclear Weapons (Houghton Mifflin Harcourt, New York, 2013)

21. **Deterring war between the major powers?** There is simply no evidence that, at any stage during the Cold War years, either the Soviet Union or the United States ever wanted to cold-bloodedly initiate war, and were only constrained from doing so by the existence of the other's nuclear weapons.¹⁰ We know, moreover, that knowledge of the existence on the other side of supremely destructive weapons (as with chemical and biological weapons before 1939) has not stopped war in the past between major powers. Nor has the experience or prospect of massive damage to cities and killing of civilians caused leaders in the past to back down. In the case of Hiroshima and Nagasaki, the historical evidence is in fact now very strong that it was not the nuclear attacks which were the key factor in driving Japan to sue for peace, but the Soviet declaration of war later that same week.¹¹
22. A plausible *non*-nuclear explanation for the 'Long Peace' since 1945, is that what has stopped, and will continue to stop, the major powers from deliberately starting wars against each other has been more than anything else a realisation – after the experience of World War II and in the light of all the rapid technological advances that followed it – that the damage that would be inflicted by any war would be unbelievably horrific, and far outweigh, in today's economically interdependent world, any conceivable benefit to be derived.¹²
23. **Deterring large-scale conventional nuclear attacks?** There is some weight in the 'strategic equalizer' argument: this is certainly embedded in policymakers' consciousness, including in Russia and China, in the context of their perceptions of U.S. conventional superiority; it was and remains a crucial driver of Pakistan's thinking in relation to India; and will undoubtedly in practice be one of the most powerful inhibitors in achieving the ultimate complete elimination of nuclear weapons.¹³ But on closer examination, there is less reason for confidence that nuclear weapons have in the past, or will in the future, guarantee immunity for their possessors against conventional assault.
24. There are many cases where non-nuclear powers have either directly attacked nuclear powers or have not been deterred by the prospect of their intervention: think of the Korea, Vietnam, Yom Kippur, Falklands, two Afghanistan and first Gulf wars. The calculation evidently made in each case was that a nuclear response from the other side would be inhibited by military commanders' understanding of the formidable practical obstacles involved in the use of these weapons, at both the tactical and strategic level, not least the damage they can cause to one's own side and to any territory being fought over. And there was also evidently a belief that a nuclear response would be inhibited by the prevailing normative taboo on the use of such weapons, at least in circumstances where the very survival of the state was not at stake.¹⁴ There does seem to be general

¹⁰ See, e.g. Doyle, J E (2013) Why Eliminate Nuclear Weapons?, *Survival* 55, 13-15.

¹¹ See Wilson, op cit n.8, pp.21-53. For the Japanese scholarship see especially Hasagawa, T(ed.) *The End of the Pacific War: Reappraisals*, esp Ch 4 (Stanford University Press, 2007)

¹² Steven Pinker, *The Better Angels of our Nature: The Decline of Violence in History and Its Causes*, Chapter 5, especially pp. 288-94 (Penguin, London, 2011)

¹³ See the discussion in para 75 below of what is described there as the 'geopolitical' hurdle to abolition.

¹⁴ Even that quintessential hard-head John Foster Dulles said that if the U.S. had used nuclear weapons in Korea, Vietnam or against China over Taiwan, 'we'd be finished as far as present-day world opinion was concerned' : quoted in Nina Tannenwald, *The Nuclear Taboo* (Cambridge University Press, 2007) p.173.

acceptance of the Reagan-Gorbachev agreed statement in December 1987 that ‘a nuclear war can never be won and must never be fought’.

25. The argument that nuclear weapons deter conventional attacks is vulnerable from another perspective. There are cases where the presence on both sides of nuclear weapons, rather than operating as a constraining factor, has been seen as giving one side the opportunity to launch small military actions without serious fear of nuclear reprisal (because of the extraordinarily high stakes involved in such a response): as with Pakistan in Kargil in 1999, and North Korea in the sinking of the Cheonan and shelling of Yeonpyeong Island in 2010. It may be that – rather than the old line that ‘the absence of nuclear weapons would make the world safe for conventional wars’ – it is the *presence* of nuclear weapons that has made the world safer for such wars. There is substantial quantitative, as well as anecdotal, evidence to support what is known in the literature as the ‘stability/instability paradox’ – the notion that what may appear a stable nuclear balance actually encourages more violence under the shelter of the nuclear overhang.¹⁵
26. **Guarding against nuclear blackmail?** A familiar argument for the strategic utility of nuclear weapons is that they operate as a hedge, or form of insurance, against nuclear blackmail. China, for one, has often articulated this as a key reason for acquiring and maintaining its nuclear arsenal. But, while firmly embedded in policymaker consciousness, this argument appears to be based on a false premise. The belief that nuclear weapon possession (or superiority) means more effective compellant threats – a greater ability to get one’s way in any diplomatic confrontation – is simply not backed by any historical evidence.¹⁶ And it underestimates the force of the real-world taboo that unquestionably inhibits not only the use, but the threat of use, of these weapons.
27. **Protecting weaker states from attack?** The belief that a handful of nuclear weapons is an ultimate guarantor for smaller and weaker against external regime-change-motivated intervention is simply not objectively well-founded, however much a psychological comfort blanket this may be for some states. Whatever the DPRK may continue to assert for both international and domestic consumption, it knows – as have smaller states before it who have been tempted to go nuclear – that the protection they brought was illusory. Weapons that it would be manifestly suicidal to use are simply not a credible deterrent: to be homicidal would indeed be suicidal. Nor are weapons of much if any deterrent use when, as is the case with North Korea and other non-major powers, they are not backed by the additional defence infrastructure (for example, missile submarines) that would give them a reasonable prospect of surviving to mount a retaliatory attack.
28. In the case of North Korea, its strongest military deterrent remains what it has always been: its capacity to mount a devastating conventional artillery and rocket attack on Seoul and its environs. There is not much doubt that South Korea, supported by the U.S., would quickly overwhelm the North in any military conflict, but not without its

¹⁵ Rauchhaus, R (2009) ‘Evaluating the Nuclear Peace Hypothesis: A Quantitative Approach’, *Journal of Conflict Resolution* 53, 258-277.

¹⁶ See Sechser T S, Fuhrmann M (2013) ‘Crisis Bargaining and Nuclear Blackmail’, *International Organization* 67, 173-95. This comprehensive quantitative analysis of over two hundred interstate crisis situations, involving both nuclear and non-nuclear states and military threats both express and implied, found no statistically significant basis for concluding that nuclear weapon possession (or superiority) was associated with more effective compellant threats.

capital first experiencing massive casualties. Pyongyang does not need nuclear weapons to give Seoul and Washington military pause.

29. The familiar argument that Ukraine would not be in the trouble it is now if it had not given up its nuclear weapons in 1994 on the dissolution of the Soviet Union should not go unchallenged. Nuclear weapons do not act as a deterrent to the kind of adventurism we have seen in Ukraine, because both sides understand that the risks associated with their deliberate use are simply too high. Putin knew that even if he drove his tanks close to Kiev, there would be no more prospect of a nuclear-armed Ukraine government nuking Moscow than of Washington doing so. The one thing that Ukrainian nuclear weapons *would* have added to today's mix is another huge layer of potential hazard: from all the risks of system error and human error that are associated with the possession of nuclear weapons by anyone.
30. **Restraining proliferation?** As to the argument that America's willingness to offer extended nuclear deterrence to its allies and partners has restrained, and will continue to restrain, proliferation, it may be true, historically, that this has been an important inhibitor in the case of Japan, Germany and others – and that this continues to be an important consideration today in keeping South Korea (where pro-nuclear weapons talk is more common) on the straight and narrow. But what continues to matter for all of America's allies is extended deterrence, not extended *nuclear* deterrence, i.e. a credible US conventional capability to meet any threat contingency with which they might be confronted that cannot confidently be handled by themselves. There is no compelling necessity for American protection to retain a nuclear dimension: the objective reality is that the United States has and will retain that conventional capability for the indefinitely foreseeable future. While there are now real doubts as to the extent of President Trump's alliance commitment, that must be as true of its nuclear as its non-nuclear capability.
31. A more robust response to the argument that nuclear deterrence has contributed to non-proliferation is that the *contrary* is more likely to be true. Successive international commission reports – the Canberra Commission in 1996, Blix Commission in 2006, and the Australia-Japan International Commission on Nuclear Non-Proliferation and Disarmament (ICNND) in 2009, of which Elders Gro Harlem Brundtland and Ernesto Zedillo were both members – have argued that so long as any state retains nuclear weapons others will want them, and that progress towards elimination is crucial to ensure non-proliferation. Successive NPT Review Conferences have made it clear how strong is the perceived connection between disarmament and non-proliferation, and how difficult it is to strengthen the non-proliferation regime so long as the nuclear-weapon states are reluctant to make significant progress towards elimination. When one's goal is to achieve a world with less rather than more nuclear weapons, bloody-minded resistance to strengthening the non-proliferation regime may hardly be a rational response to disappointment over slow progress on disarmament. But it is the response one gets.

IV. OTHER GROUNDS FOR OPPOSING NUCLEAR WEAPONS

32. If progress is to be made on nuclear disarmament – and, by extension, on the inextricably connected issue of non-proliferation – persuasive, hard-headed cost-benefit arguments for reducing and ultimately eliminating reliance on nuclear weapons must be understood and accepted by policymakers in the nuclear-armed states. Recognising the

force of such arguments may not be a sufficient condition for achieving the elimination of nuclear weapons, but there cannot be much doubt that it is a necessary one. In addition to the strategic arguments discussed above – that dependence on nuclear deterrence is misplaced – there are important humanitarian, legal and financial cases that can be made.

A. Humanitarian

33. The argument for the moral indefensibility of nuclear weapons is familiar, and powerful. When the first atomic bomb exploded over Hiroshima, it made no distinction between combatants and civilians, old and young, or victims and those trying to help them. Virtually all those within a half kilometre radius were incinerated, boiled or crushed to death, and those in surrounding areas died soon after of burns, wounds, or within months of radiation illness, bringing total estimated deaths to as many as 170,000. And these numbers are small compared with the casualties that may be expected from later generation weapons. However concealed by the language of deterrence, doctrine, countervalue and counterforce strategy, warhead reliability and the like, the moral bottom line is the terrible, indiscriminate human suffering, immediate and longer term, these weapons cause.
34. The almost indescribable horror associated with any nuclear weapon use informed the very first resolution of the UN General Assembly in 1946, and has been at the heart of all disarmament advocacy since. Humanitarian arguments gained new momentum with the 2010 NPT Review Conference Final Document expressing ‘deep concern at the catastrophic humanitarian consequences of any use of nuclear weapons’ and reaffirming ‘the need for all states at all times to comply with applicable international law, including international humanitarian law’¹⁷, and have been at the heart of the movement since then – described and discussed in later sections of this paper – to initiate a new prohibition treaty.
35. The humanitarian argument against nuclear weapons use is also based on their environmental impact. As the World Commission on the Environment and Development, chaired by Gro Harlem Brundtland, stated in its report *Our Common Future* in 1987: “The likely consequences of nuclear war make other threats to the environment pale into insignificance...”¹⁸

B. Legal

36. Both the direct human impact and the longer term environmental impact motivated the challenge to the legality of nuclear weapons mounted in the International Court of Justice by the UN General Assembly on the initiative of the World Health Organization, which resulted in the 1996 Advisory Opinion on the Legality of the Threat or Use of Nuclear Weapons. There were many formidable arguments made against legality, including that use of nuclear weapons would be contrary to international humanitarian law because they cannot discriminate between civilians and combatant; would violate the right to life; would in some circumstances amount to genocide; would be contrary

¹⁷ Final Document: 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, p 19. United Nations, New York

¹⁸ Report of the World Commission on Environment and Development (UN, 1987), Ch 11: <http://www.un-documents.net/our-common-future.pdf>

to existing norms relating to the safeguarding and protection of the environment; would be a serious danger to future generations; and would be, even in the case of use in self-defence, disproportionate and therefore unlawful in most cases. Reinforcing arguments included that since nuclear weapons have not been used since 1945 it can be inferred there is a rule of customary international law prohibiting this; and that the UN General Assembly has declared the use of nuclear weapons to be illegal and in violation of the Charter of the United Nations.

37. Having analysed all the arguments, the Court decided unanimously that ‘There is in neither customary nor conventional international law any specific authorization of the threat or use of nuclear weapons’; and by seven votes to seven (with the President’s casting vote) that ‘The threat or use of nuclear weapons would generally be contrary to the rules of international law applicable in armed conflict, and in particular the principles and rules of humanitarian law’. The Court added that it ‘cannot conclude definitively whether the threat or use of nuclear weapons would be lawful or unlawful in an extreme circumstance of self-defence, in which the very survival of a State would be at stake’. While some have seen this as an important qualification, what follows from the Court’s opinion is that there is no circumstance in which a State can be sure that any use it makes of nuclear weapons will be lawful. Their use plainly is unlawful in most circumstances – and may well be unlawful in all circumstances.

C. Financial

38. At the other end of the moral spectrum, perhaps, but no less powerful in practice for that, there is the argument that nuclear weapons are simply indefensibly costly.¹⁹ As estimated by Global Zero researchers Bruce Blair and Mathew Brown in 2011 – from manifestly imperfect but the best available data – the full cost (including mitigating health and environmental consequences) of worldwide spending on nuclear weapons by the nuclear-armed states was then running at \$104.9 billion: in that year the U.S. spent \$61.3 billion, Russia \$14.8 billion, China \$7.6 billion, France \$6 billion, UK \$5.5 billion, India \$4.9 billion, Pakistan \$2.2 billion, Israel \$1.9 billion and North Korea \$0.7 billion. They further estimated, taking into account planned worldwide upgrading of nuclear arsenals, that aggregate spending by these states over the next decade will exceed \$1000 billion, or one trillion dollars.²⁰
39. These figures are now dwarfed by the more than one trillion dollars that the United States alone is planning to spend on modernizing its own nuclear arsenal over the next three decades. The Trump administration in the United States has made it clear in its February 2018 Nuclear Posture Review that it intends to implement the massive nuclear modernization spending plan – initiated, extraordinarily given its initial enthusiasm for disarmament, by the Obama administration. This has been estimated by the Congressional Budget Office, in a report issued in October 2017, to cost \$1.2 trillion in inflation-adjusted dollars between fiscal years 2017 and 2046.²¹

¹⁹ See generally Page J, Thakur R (2013) *Nuclear Weapons -The Opportunity Costs*. APLN/CNND Policy Brief No. 1, June 2013. Australian National University, <http://cnnd.anu.edu.au/policy-briefs/>

²⁰ Blair B, Brown M (2011) World Spending on Nuclear Weapons Surpasses \$1 Trillion per Decade. Global Zero http://www.globalzero.org/files/gz_nuclear_weapons_cost_study.pdf. All figures cited are in U.S. dollars.

²¹ Arms Control Association <https://www.armscontrol.org/factsheets/USNuclearModernization>

40. These almost unbelievably large amounts raise fundamental questions not only about the relative military utility of spending so much on weapons which are acknowledged at the highest levels to be unuseable but also its social opportunity cost.
41. While some of the following figures are no doubt contestable, it has been estimated, for example, that \$1 trillion spent over the next ten years could achieve *all* of these things: feeding all 780 million malnourished people in the world for 10 years (\$280 bn); building up to 100 million houses in developing countries (\$200 bn); building up to 400,000 clinics or hospitals in developing countries (\$100 bn); paying salaries for up to 10 million teachers in developing countries (\$100 bn); preventive health care in Africa reducing infant and maternal mortality by 80 per cent (\$80 bn); meeting the UN budget for 10 years (\$55 bn); 3 million home solar panel systems (\$30 bn); 1 million wind turbines (\$30 bn); 1 million electric cars (\$25 bn); tuition for 200,000 students for 5 years each at top US universities (\$25 bn); 10 years of ART drugs for all 28 million HIV infected people in Africa (\$20 bn); rebuilding Haiti after the earthquake (\$14 bn); 67 million clean biomass stoves saving 4 million lives per year (\$10 bn); planting and growing 20 billion trees in Africa (\$8 bn); eliminating malaria in 10 years saving half a million lives per year (\$8 bn); and 1 million fresh water wells in Africa (\$5 bn).²²

V. CURRENT STATE OF PLAY²³

A. Disarmament

42. In the first years of the Obama administration there was real global optimism that serious movement toward a world without nuclear weapons was at last possible. His April 2009 Prague speech showed a US president both emotionally and intellectually committed to nuclear disarmament – an unprecedented combination – and determined to advance it: by negotiating New START treaty with Russia, securing ratification of the CTBT by Senate, and flagging a significantly reduced role for nuclear weapons in US nuclear doctrine. That year the report of the International Commission on Nuclear Non-Proliferation and Disarmament (ICNND) identified a realistic global agenda for moving towards a nuclear weapon-free world. In 2010, buoyed by the prevailing spirit, the NPT Review Conference agreed on a quite substantial program of action items – not very adventurous when compared with ICNND recommendations, but a big advance on the 2005 Conference which could agree on nothing. And in 2010 the New START treaty was agreed with Russia, and Washington hosted the first Nuclear Security Summit, addressing issue of nuclear material getting into hands of terrorists or other rogue actors.
43. Now, in 2018, that optimism has almost completely disappeared. Arms control negotiations are on hold at all levels; expensive force modernization programs are everywhere proceeding; net weapons numbers are increasing across Asia with Pakistan, India and China all increasing their arsenals and the DPRK on the verge of achieving, if it has not already, intercontinentally-deliverable nuclear weapons; the use of tactical nuclear weapons being openly canvassed by Pakistan; and the

²² Move the Nuclear Weapons Money Campaign: <http://www.nuclearweaponsmoney.org/opportunity-costs/>

²³ This section draws on, and updates Gareth Evans, Tanya Ogilvie-White & Ramesh Thakur, *Nuclear Weapons: The State of Play 2015* (ANU, Centre for Nuclear Non-Proliferation and Disarmament, 2015)

Russian President talking up the useability of nuclear weapons, including tactical weapons, in language not heard since the Cold War years. There has been a depressingly casual re-embracing by policymakers almost everywhere of all the old Cold War language about the utility of nuclear deterrence – the absolute necessity of nuclear weapons to keep the peace, at least between the major powers.

44. The latest United States Nuclear Posture Review (NPR),²⁴ released by the Pentagon in 2018, is a particularly troubling throwback, not only in its explicit reversal of the Obama administration's efforts to reduce reliance on nuclear weapons, and its commitment to not only replace an ageing arsenal but supplement it with two new missiles, but above all in its commitment to expand the nuclear mission to certain 'non-nuclear strategic attacks'. While the NPR states that the use of nuclear weapons will only be considered under 'extreme circumstances' to defend the 'vital interests' of the United States and its allies, it defines 'extreme circumstances,' which the 2010 NPR did not, to include 'significant non-nuclear strategic attacks' against 'U.S., allied or partner civilian population or infrastructure, and attacks on U.S. or allied nuclear forces, their command and control, or warning and attack assessment capabilities.' This is alarmingly wide.²⁵
45. All the present nuclear-armed states – including the five who, as members of the Non-Proliferation Treaty, are committed to ultimate nuclear disarmament – pay at best only lip-service to that objective. None of the nuclear armed states has committed to any specific timetable for the major reduction of stockpiles – let alone their abolition. And on the evidence of the size of their weapons arsenals, their fissile material stocks, their force modernization plans, their stated doctrine and their known deployment practices, we have to conclude that all of them foresee indefinite retention of nuclear weapons, and a continuing role for them in their security policies.
46. **DPRK.** That said, in the case of North Korea, there is some small ground for hope that a properly conducted, seriously committed, step-by-step trust-building negotiation of the kind advocated by South Korean President Moon Jae-in could lead to Pyongyang giving up its present small nuclear armoury. How the US, and to a lesser extent China, play their roles will obviously be crucial. President Trump, whatever his motivations, did the right thing with his circuit-breaking June 2018 Singapore summit with Kim Jong-un. But with his manifestly superficial understanding of the issues, indifference to process, fragility of temperament, track record of total inconsistency, and being surrounded with advisers like John Bolton, it is hard for anyone to be confident that the ultimate outcome, which will necessarily involve protracted multilateral diplomacy, will be one of triumph or disaster.
47. **Humanitarian Consequences and the Nuclear Ban Treaty.** Apart from a possible breakthrough with the DPRK, the one very positive global disarmament development in recent years has been the rebirth of an international movement campaigning against the catastrophic humanitarian impact of any nuclear weapons

²⁴ See <https://dod.defense.gov/News/SpecialReports/2018NuclearPostureReview.aspx>

²⁵ See Adam Mount, 'Trump's Troubling Nuclear Plan: How it Hastens the Rise of a More Dangerous World' :Foreign Affairs 2 February 2018 <https://www.foreignaffairs.com/articles/2018-02-02/trumps-troubling-nuclear-plan>; and Adam Mount and Abigail Stowe-Thurston, 'What is US Nuclear Policy, Exactly?' Bulletin of the Atomic Scientists, 18 April 2018, <https://thebulletin.org/2018/04/what-is-us-nuclear-policy-exactly/>

use. The ‘humanitarian consequences’ theme articulated in the 2010 NPT Review Conference Final Document was picked up in a subsequent series of major conferences (in which a number of other governments including Switzerland and New Zealand played a major role) hosted by Norway in March 2013, Mexico in February 2014, and Austria in December 2014, culminating in wide endorsement of a ‘Humanitarian Pledge’, initiated by the Austrian Government, to ‘fill the legal gap for the prohibition and elimination of nuclear weapons.’

48. That in turn led, through a resolution of the General Assembly’s First Committee, to the establishment of a special UN conference to ‘negotiate a legally-binding instrument to prohibit nuclear weapons’, which – although boycotted by all the nuclear armed states, and nearly all their partners and allies – produced the draft Nuclear Weapons Prohibition Treaty (NWPT, or ‘Nuclear Ban Treaty’) adopted by 122 states on 7 July 2017, the effect and utility of which is discussed in paras 64-70 below. The role played by civil society organizations in mobilizing support for this enterprise was recognized in the award of the 2017 Nobel Peace Prize to the International Campaign against Nuclear Weapons (ICAN).
49. But while a big normative advance, it is not clear that the Treaty – at least in its present form – is going to have much practical effect. So far it has had much less traction not only with the governments that matter most, but broader publics, than might have been hoped. When it comes to visceral, emotional appeal, in the context of old fears resurfacing about Russia and new ones emerging about China, reliance on nuclear deterrence seems to trump the appeal of nuclear disarmament every time. And therein lies the challenge for The Elders and everyone else who understands the gravity of the existential risk that will continue so long as nuclear weapons exist: a more nuanced approach than full-blooded campaigning for the Nuclear Ban Treaty may be required. (See further Section V below)

B. Non-Proliferation

50. The 2015 NPT Review Conference failed to reach agreement about anything. Notionally this was because of the foot-dragging by key players on any kind of progress towards a Weapons of Mass Destruction Free Zone in the Middle East. But the underlying negative dynamic was, as always, the absolute unwillingness of the existing nuclear armed states to make any substantive moves toward disarmament. It proved impossible in this context to get any buy-in from the wider international community for a stronger non-proliferation regime, in terms of stronger safeguards measures, penalties for walking away from the Treaty, or anything else.
51. The lead-up to the 2020 NPT conference – marking the 50th year of the treaty coming into force, and the 25th anniversary of its indefinite extension – gives no ground for confidence so far that the outcome will be any better, with the nuclear weapon states as likely as ever to ‘attempt to buy as much non-proliferation for as little disarmament as possible’²⁶ and many non-nuclear-weapon states likely to be as determined as ever – irrational though this may be – to refuse reinforcement of the non-proliferation regime in the absence of concessions on disarmament. But predictions of the Treaty’s collapse if no agreement is again reached are probably unwarranted: muddle through stasis is

²⁶ Kjelv Egelund, ‘Kill the NPT Collapse Thesis’, European Leadership Network (ELN) 20 July 2018: <https://www.europeanleadershipnetwork.org/commentary/kill-the-npt-collapse-thesis/>

the most likely outcome.²⁷

52. There has also been a depressing immobility on the two crucial building blocks for both non-proliferation and disarmament. On the Fissile Material Cut-off Treaty (FMCT), the proposed ban on the future production of any fissile material for nuclear weapons, despite years of trying in Geneva, serious negotiations have yet to even commence. And the Comprehensive Test Ban Treaty (CTBT) remains to be finally ratified into effect: there is no good reason why countries like China, India and Pakistan should make their own ratification dependent on the United States moving first, but they have chosen to shelter behind the obduracy of the US Senate.
53. **Iran.** The one piece of unequivocally good news about non-proliferation in recent times – at least until the advent of the Trump administration – was the Joint Comprehensive Plan of Action (JCPOA) deal concluded with Iran by the P5 plus Germany and the EU in 2016 (albeit ten years later than it could have been reached had the Western powers been more flexible). As The Elders have made clear in their own statements, there is nothing to dislike in an agreement which is intended to deliver a complete end to a plutonium path to a bomb; very significant limitations, and inbuilt delays, into any enriched-uranium path to a bomb; an extension of any possible breakout timeline from the presently assessed 2-3 months to at least a year; all with highly intrusive international monitoring and verification to ensure that these strictures are observed. Particularly when the only alternatives the critics have ever been able to offer are either sanctions continuing to be applied, with no likely result other than Iran's nuclear progress proceeding completely unhindered, or military action, which is almost universally acknowledged as not likely to delay any nuclear program by more than three years or so, and which is certain to unleash a storm of retaliatory action by Iran in the region and beyond.
54. Notwithstanding the strength of the case, and overwhelming international support, for the JCPO, the United States has now walked away from it, and re-imposed heavy financial sanctions which no compensatory measures by the EU are likely to mitigate. The result, inevitably, has been no sign of capitulation by Iran to US demands for a renegotiated, even more demanding, agreement; rather, on the contrary, a strengthening of more extreme, and a weakening of more moderate voices, within the country

C. Nuclear Security

55. Getting the international community serious about measures to improve nuclear security – to ensure that nuclear weapons and fissile material do not get into the wrong hands – should be the easiest of all nuclear policy issues to advance, because no state is actually against this, either in principle or in practice. But less than might have been hoped was achieved by the series of Nuclear Security Summits initiated by President Obama in Washington in 2010, and followed through with later sessions in Seoul in 2012, The Hague in 2014, and Washington again in 2016. There is now plenty of international regulatory architecture, and many announced national implementation measures. But

²⁷ See Egeland, op cit, and Tariq Rauf, Fiftieth Anniversary of the Nuclear Non-Proliferation Treaty: Preparing for a Successful Outcome', APLN/CNND Policy Brief No.48, November 2017: www.a-pln.org/briefings/briefings/

there is still not enough transparency or accountability for anyone to be really confident that enough is actually changing on the ground.

56. In particular, none of the new or expanded nuclear security instruments address sensitive nuclear material (HEU and plutonium) under military control, which represents 85 per cent of the world's total; there is much more that needs to be done in setting overarching international standards; and to the extent that the new or expanded measures create obligations or commitments, there is practically no provision anywhere for international accountability.

VI. NUCLEAR ARMS CONTROL: A REALISTIC AGENDA

A. General Approach

57. The first order issue for any serious nuclear campaigner must be, and remain, *disarmament*. The nuclear threat will continue to hang over the world until the last nuclear-armed state destroys its last weapon, and the world has to get serious, now, about serious movement toward that objective. That means the five original nuclear weapon state members of the NPT getting serious, in a way that they have never been in the past, about their explicit commitment under Article VI of that Treaty to go down that path. And it also means the four nuclear-armed elephants outside the NPT room – India, Pakistan and Israel, now being rapidly joined by the DPRK – seriously accepting the need for them, too, to become part of that global movement.
58. Reducing and ultimately eliminating the stockpiles of the nuclear armed states is critical in its own right – because of the catastrophic impact of those weapons being used, and the very high probability of that happening, whether by design or, more likely, accident or miscalculation. Getting serious about nuclear disarmament is also a critical precondition for non-proliferation: so long as any states have nuclear weapons, others will want them; and in the absence of visible movement toward disarmament by the nuclear weapons states, no strengthening of the NPT regime will be possible, and indeed its very survival will be at risk.
59. As to nuclear non-proliferation, which all the nuclear armed states find easy to support to the extent it maintains the status quo, this is – for all its obvious importance – a second-order issue to the extent that it depends for its achievement on serious movement on the central issue of disarmament. And in this context nuclear security – which everybody except would-be terrorists supports – is a third order issue. Again, it obviously matters that efforts continue to improve global and national protection regimes. But disarmament must be the central focus for those worried about the existential risk to life on this planet as we know it which is posed by nuclear weapons.
60. In campaigning for disarmament the most fundamental task – key to movement on almost everything else – is to challenge head-on the Cold War mindset which is still so extraordinarily evident among so many policymakers. Old habits of thought about nuclear weapons, and the strategic rewards of nuclear deterrence in particular, die hard. Too often the only focus is on capability, not the much more positive story about intent – the extreme unlikelihood that any state will deliberately initiate a nuclear war. Too often the only scenarios that matter are the absolute worst-case ones, not those bearing

any relationship to real world probability. Too often the only language of analysis is arithmetical, and not remotely ethical. Too often the lazy and complacent point is made, as if it were a knockout argument, that nuclear weapons will always be with us because they ‘can never be uninvented’, when the obvious response is ‘of course they can never be uninvented, but they can be *outlawed*, just as chemical and biological weapons have been.’

61. The critical need in this context is for respected and influential global opinion leaders to make not just the emotional but intellectual case for abolition, deploying all the arguments spelled out in Sections II, III and IV of this paper. As discussed in Section VII below, this may be the dimension in which The Elders can add most value.
62. There is one very important cautionary note in all of this. If progress is to be made on disarmament, it is crucial that those who are passionate about achieving a nuclear weapon free world bring some clear-eyed realism to the project, and not make the best the enemy of the good. The argument for nuclear disarmament, and for a timeline in getting there, has to be made in a way that is seen as credible, not hopelessly *incredible*, by policymakers. And that means being very careful about how the ‘global zero’ objective is articulated, and about putting all campaign eggs in the basket of the newly minted Nuclear Ban Treaty, which is manifestly not going to get buy-in from the nuclear armed and umbrella states, now or perhaps ever (as further discussed below, paras 64-70). The reality is that nuclear weapons elimination is only ever going to be achievable on an incremental basis
63. The nuclear-armed states, and those who travel with them, are in fact right to say, as they do, that only a step-by-step approach can ever produce results. But they lose all credibility when they extol that approach and then do absolutely nothing to indicate that they are even contemplating taking any steps at all – which is the current reality. There is a way forward on all this: a credible and achievable step-by-step agenda, involving two clear stages – first minimization, then elimination – was in fact mapped with some precision by the Australia-Japan initiated International Commission on Nuclear Non-Proliferation and Disarmament in 2009. Its elements are described below, paras 71-8.

B. Responding to the Nuclear Ban Treaty

64. The NWPT (referred to hereafter as the Nuclear Ban Treaty) negotiated to conclusion and opened for signature in 2017 and now on its way to ratification into effect, has not been a waste of time, nor has it been counter-productive. The treaty-making enterprise – and the humanitarian consequences movement from which it was born – has already generated real normative momentum, and will continue to do so. Global stigmatization, delegitimization, and the political will to prohibit nuclear weapons may not be sufficient conditions for their elimination, but they are necessary conditions. And whether the nuclear armed states like it or not – and whether others believing they are sheltering under their nuclear umbrella like it or not – that is the mood that is out there in the rest of the world. But the Nuclear Ban Treaty is not going to directly produce any practical, operational arms control results any time soon, or maybe ever.
65. The Treaty is not modest in its scope, seeking to ban outright the development, possession, use, threat of use, stationing or transfer of all nuclear weapons; and weapons states joining the treaty commit to their to immediate removal from operational use and

time-bound destruction. But it becomes quickly obvious, on even a superficial reading, that its aspirations are normative rather than practical. It has more preambular paragraphs describing the principles which have energised it than there are substantive operational paragraphs. It has been designed, above all else, to make clear that the great majority of UN member states regard nuclear weapons as morally unconscionable and want to see them completely prohibited. It was drafted and negotiated much more speedily than has been normal for arms control treaties of any significance, without any real attention at all to it being a practically implementable blueprint for change.

66. The Treaty in its present form has a number of obvious weaknesses which will inhibit buy-in from the countries it needs to attract if it is to make any direct impact on reducing the world's nuclear stockpiles. First, in its safeguards provisions: weapons states are not likely to be encouraged to relinquish their weapons when by doing so they will be held to a higher standard than non-weapons states (including potential proliferators like Egypt and Saudi Arabia who have not committed to the strongest form of safeguards, the IAEA Additional Protocol). Second, it is very light on the crucial question of verification – that's for a competent international authority to be designated in due course by the States Parties. Third, it is silent on the even more crucial question of enforcement: understandably enough, because the issue of how to respond to a rogue state breakout in a nuclear weapons free world is one to which no-one has at the moment a credible solution. And fourth, the provision that nuclear armed states joining the treaty must submit to a time-bound program for the complete and irreversible elimination of their stockpiles is not likely to be very attractive to those states nervous about going to zero while others still have nuclear weapons.
67. The reality is that none of the existing nuclear armed states, or their allies or treaty partners, have endorsed the draft treaty or will join it any time soon – or indeed for the indefinitely foreseeable future. With the sole exceptions of the Netherlands, which voted against it, and Singapore, which abstained, none even participated in the negotiations, as they should have if they wanted to get the best possible text, or even just get their concerns into the debate.
68. In this context, a judgment has to be made by those passionately in favour of nuclear disarmament as to how much time and effort should be put into campaigning to raise the profile of the NWPT and to secure the maximum number of adherents to it. That approach may be working well with the Ottawa and Oslo treaties on land mines and cluster bombs, where – despite a number of significant states holding out against their abolition – the normative consensus against them continues to consolidate and grow, to the extent now that it is possible to imagine achieving in the not too distant future a world in which these weapons are simply no longer used. But the stakes are much higher with nuclear weapons – given their existential destructive power, the psychological commitment to their retention by so many of the nuclear armed states, and the fear that each of them have that even if they go collectively to zero they will be vulnerable to rogue state breakout in the absence of effective verification and enforcement machinery. It just not credible to think that the present treaty, by itself, can get us to where we want to go.
69. The more productive course would be to argue for a process which has as its very clear *ultimate* destination a treaty with all the prohibition contained in the present Nuclear Ban Treaty – together with a very detailed set of verification and enforcement provisions that would make those prohibitions deliverable – but which at the same time

acknowledges the reality that nuclear weapons elimination is only ever going to be achievable on a step-by-step basis, and builds into its present all-or-nothing fabric a series of way-stations.

70. It is not suggested that states be actively *dissuaded* from signing and ratifying the Nuclear Ban Treaty: having it come into force would give disarmament further normative momentum. But if they are determined to go down the international law route, they should be encouraged to focus more on creating the conditions for another treaty regime – sitting alongside and complementing the Ban Treaty, or eventually replacing it – that would more readily facilitate buy-in to the process by those states who now will have nothing to do with it. A new, more complicated, and more nuanced treaty – or sequenced set of treaties or agreements, bilateral or multilateral – might not have the visceral, emotional appeal of the simple outright bans embodied in the present treaty. But this approach might help us get rather faster to where most want to go.

C. A Credible Two-Phase Disarmament Agenda

71. The 2009 report of the International Commission on Nuclear Non-Proliferation and Disarmament (ICNND), *Eliminating Nuclear Threats: A Practical Agenda for Global Policymakers* argued that progress toward disarmament could only be made by recognising that two distinct stages would have to be involved: first, ‘minimization’ (for which a credible medium-term target date could be set), then ‘elimination’ (for which no credible target date could be set until the whole process was much more advanced). No straight-line continuity could be assumed between the two stages, not only because there will inevitably be psychological and geopolitical barriers to moving from low numbers to zero in the world as we can envisage it for the foreseeable future, but also because there are formidable technical barriers of verification, and especially enforcement, that will have to be surmounted as well.
72. The ‘*minimization*’ objective has four key components, which might be referred to as the ‘4 Ds’:
- 1) *Doctrine*: Every nuclear armed state should make an unequivocal ‘No First Use’ (NFU) declaration, committing itself not to use nuclear weapons either preventively or preemptively against any adversary, keeping them available only for use or threat of use by way of retaliation following a nuclear strike against itself or its allies. The more such a state also acts on the other three ‘Ds’ below, viz. de-alerting, reducing deployments, and decreasing stockpiles, the greater will be the practical credibility of its NFU declaration.

If not prepared now to make such a declaration, every such state should at least accept the principle that the *sole purpose* of possessing nuclear weapons – until such time as they can be eliminated completely – is to deter others from using such weapons against that state or its allies (as President Obama was in 2010 until, unhappily, dissuaded by some of his NATO and Asia Pacific allies).

Of the nuclear armed states, only China and India currently claim to be committed to NFU. The US, in the 2018 Nuclear Posture Review stated clearly that it does not maintain a NFU policy on the grounds that U.S. response options must remain flexible to deter nuclear and non-nuclear attacks; Russia formally abandoned an earlier pledge in the 1990s; France has long maintained a first-use posture, and the UK, Pakistan and

North Korea have not ruled it out; and Israel, as ever, continues to refuse to confirm that it even has nuclear weapons. Moving down the path to NFU will not be easy, but is essential.²⁸

- 2) *De-alerting*: With nearly 2,000 US and Russian weapons remaining on dangerously high launch alert status – ready to be launched within minutes of receiving information (or misinformation) about an opponent’s attack, the risk remains very high of nuclear war being triggered by accidental, mistaken or unauthorized launches as a result of human or system failure. The highest priority must be given to taking as many weapons as possible off that status and generally lengthening the decision-making fuse.

As difficult as this has proved, even during the less fraught Obama years, making bilateral negotiating progress will be crucial in developing a global norm against retaining or adopting prompt launch postures. While this is an inherently complex process, with it generally being acknowledged, e.g., that de-alerting will more difficult to verifiably achieve with submarine than land-based forces, blueprints abound for how this might be done on an incremental basis.²⁹

- 3) *Deployment*. With some 4,000 of the world’s stockpile of 14,500 nuclear weapons operationally deployed (the rest being held in reserve or, in the case of around 5,000 US and Russian weapons, notionally retired and earmarked for dismantlement), an important minimization way-station must be to drastically reduce that number. Extension of the US-Russia New START treaty, which reduces the number of each side’s deployed strategic weapons and is due to expire in 2021, is a crucial next step in this enterprise.

It is probably unavoidable, so long as nuclear weapons exist, that states will want to retain demonstrably survivable retaliatory forces, with some weapons – especially those on missiles on submarines at sea – kept intact and useable at short notice. It is also the case that nuclear force postures will be influenced by other factors like the perceived effectiveness of missile defence systems, major disparities in conventional force deployments, and the potential deployment of weapons in space. But in a world serious about moving, however cautiously, to nuclear disarmament, it ought to be possible for the great majority of nuclear weapons – particularly those of the US and Russia – to be not only taken out of active deployment, but at least partially dismantled as well, significantly lengthening the time between decision-to-use and actual use.³⁰

- 4) *Decreased numbers*. The ICNND report set as the minimization target a global total of no more than 2000 nuclear warheads, with the US and Russia reducing to a total of 500 nuclear weapons each, with no increase (and desirably significant reductions) in the arsenals of the other nuclear armed states. With the non-US/Russian stockpiles now

²⁸ See generally on NFU the ICNND report, op cit n.2, pp.172-8, Evans et al, State of Play 2015, op cit n.23, pp. 47-8, and the symposium in *Journal for Peace and Nuclear Disarmament*, vol 1 no 1, May 2018, pp. 102-68.

²⁹ See , e.g., ‘US Nuclear Policy and Posture: Increasing Warning and Decision Time’ , NTI, 1 February 2018: <https://www.nti.org/analysis/articles/us-nuclear-policy-and-posture-increasing-warning-and-decision-time/> The issue is fully discussed in ICNND report, op cit n.2, pp.178-9 and Evans et al, State of Play 2015, op cit n.23, pp.56-62

³⁰ On the ‘minimization agenda’ relevance of deployment, and associated transparency issues, see ICNND report, op cit n.2, pp. 75-6 and 178-81. On current nuclear force postures, see SIPRI Yearbook 2018, op cit n. 6, Chapter 6, World Nuclear Forces.

approaching 1,200 weapons, that target will have to be adjusted accordingly, but it still remains a broadly credible objective for the medium term.

The crucial ingredient here is US and Russian leadership: holding 92 per cent of the world's arsenal as they do, there is little prospect that others will show restraint in the absence of massive cuts from the big two. As implausible as such movement seems with Trump and Putin in office, it is important to continue strongly making the argument that, even if one believes in nuclear deterrence, it can be maintained with much very much lower numbers.³¹

73. The ICNND's minimization target date was set fifteen years ahead: while achievement of this objective by around 2025 seemed possible in the international environment of 2009, it unhappily looks much more elusive now. But going back to the hard grind of step-by-step arms control negotiations, both bilateral and multilateral, is the only path to a safer and saner nuclear world. A world with very low numbers of nuclear weapons, with very few of them physically deployed, with practically none of them on high-alert launch status, and with every nuclear armed state visibly committed to never being the first to use nuclear weapons, would still be very far from being perfect, and no-one should even think of settling for that as the end-point. But a world that achieved these objectives would be a very much safer and saner one than we live in now.
74. As to the *elimination* target, as difficult as it will be to reach the minimization target within any reasonable time-frame, it has to be acknowledged that getting to global zero will be much tougher still. It will be perceived by all the relevant players as not just further steps in the same game, but a different game, and one for which it is not remotely possible at this stage to set a credible concluding date.
75. Geopolitical factors will be very much in play: states in dangerous neighbourhoods, like South Asia, North East Asia and the Middle East are going to be very hard to persuade to give up their nuclear weapons unless and until the underlying tensions in those regions are basically resolved, however unuseable those weapons might be by any rational calculation. So will psychological (or what might be called 'testosterone') factors: states like France, and perhaps Britain as well – for whom nuclear weapons have long seemed to be more a matter of national status and prestige than anything very evidently advancing their security – will have to be persuaded that their standing won't decline.
76. Every nuclear armed state is going to have to be persuaded that verification and – above all – enforcement arrangements are in place that will ensure absolutely that no state will be able to rearm without being detected in ample time, and that it will be able to be stopped from going further, without the kind of inhibition created by present Security Council veto rights. The verification issue is a big challenge for safeguards specialists, and for the IAEA as well as the obviously best qualified institutional candidate for this role, but the UK and Norway are working hard now with the US on shaping a verification regime that will work in a global zero world, and real progress seems

³¹ A 2012 US study led by former Vice-Chairman of the Joint Chiefs of Staff, General James Cartwright, and then Senator Chuck Hagel set an initial target of 900 weapons each, of which only half would be in reserve; and another study in 2010 by the Strategic Plan and Policy Division of the US Air Force set the minimum necessary US total as low as 311: discussed in Evans et al, *State of Play 2015*, op cit n. xxx, paras 127-130.

possible on this front. Enforcement is, however, a much tougher nut to crack, with not even a conceptual solution presently in sight.

77. The point is not to be spooked by these realities, but to regard them as challenges that can and will, over time, be overcome. Just as pessimism can feed on itself, so too are positive developments self-reinforcing. What seems unthinkable now is likely to seem much more achievable ten years from now if ‘minimization agenda’ momentum develops.
78. The approach taken by the ICNND to the idea of a nuclear ban treaty – described in its report as a ‘Nuclear Weapons Convention’ – bears emulating now. Negotiating a ‘campaign treaty’ like Oslo and Ottawa was not thought likely to be productive in the nuclear context, involving as this does much more complex issues than land mines or cluster bombs. But it was proposed that work commence on drafting and building political support for a comprehensive Convention, with provisions as workable – and enforceable – as possible, with the object of having, after as many years as it took, a fully worked-through draft available to inform and guide multilateral disarmament negotiations as they gained momentum.³²

D. Other Items on the Nuclear Agenda

79. The ICNND report did not, of course, concern itself only with disarmament: it had a number of specific recommendations to make on non-proliferation and what were described as ‘building blocks for both disarmament and non-proliferation’, all of which still remain pertinent today, and all of which need continuing strong advocacy. But how many of them can, realistically, be effectively addressed by The Elders, is a question addressed in Section VII below.
80. On non-proliferation the detailed recommendations made by ICNND included those with respect to:
 - 1) *Safeguards*. Supplementing the traditional focus on accountancy – tracking the flow of materials inside civil reactors and ensuring there is no diversion to military purposes – with a proper, disciplined detection system, as embodied in the voluntary ‘Additional Protocol’ which has not yet been universally embraced.
 - 2) *Withdrawal*. Ensuring that a state purporting to walk away from the NPT – perhaps after spending years sheltering under it building weapons capacity in the guise of a peaceful program – does not do so without suffering some pain.
 - 3) *IAEA capacity building*. As well documented in particular by the Zedillo Commission report on the *Role of the IAEA to 2020 and Beyond*³³, the IAEA badly needs more personnel, expanded and updated laboratories and general budgetary support if it is to be able to do its monitoring and inspection job, and a hopefully expanded such job in the future, with maximum efficiency. But its member states have again, so far anyway, shied away from delivering much more than purely rhetorical support, with not even much of that evident in the NPT Review Conference outcome.

³² See ICNND report, paras 20.38-47 and Rec

³³ Op cit, n.2 above

- 4) *Proliferation risks associated with peaceful uses of nuclear energy.* The most immediate need is to ensure that no new ‘bomb starter kits’ – uranium enrichment facilities – are built by countries developing civil nuclear energy: this means more progress on assurances of supply of the fuel they need, through fuel banks or other arrangements. More proliferation resistant technology – new reactor designs which don’t require or produce sensitive material – may be part of the answer in the longer run
- 5) *Nuclear Weapon Free Zones.* For the five in force around the world – varying in strength and specificity – outstanding business remains signature and ratification of the protocols for all of them by all the NPT nuclear weapon states, and the issuing of stand-alone negative security assurances by the other nuclear armed states.³⁴
- 6) *Parallel Security Issues: Missiles, Space, Biological, Conventional Weapons* ³⁵
81. The key building blocks for both disarmament and non-proliferation were identified by the ICNND as including:
- (1) *CTBT.* Concluded in 1996, the treaty is still not in force – and the only thing stopping testing is a fragile voluntary moratorium. Entry into force specifically depends on ratification by eight states who have not done so – five who have at least signed it (US, China, Egypt, Iran and Israel) and three who have not (India, Pakistan and North Korea). The crucial holdout is the US: if Washington moves this will be a real circuit-breaker, certainly with China and India.
- (2) *FMCT.* Negotiations to verifiably ban the production of further quantities of highly enriched uranium or plutonium for weapons purposes, remain completely stalled in the UN Conference on Disarmament in Geneva, with Pakistan the main visible blocker but India and China sheltering behind it.
- (3) *Nuclear Security.* Nuclear Security. Despite four Summits, measures to effectively and transparently put ‘loose nukes’, i.e. insufficiently guarded nuclear weapons and fissile material, out of the reach of rogue states and non-state terrorist actors, remain incomplete, especially fissile material in military possession

E. Responding to Iran and the DPRK

82. The need not to make the best the enemy of the good – not to demand absolutely optimal outcomes when reasonable ones are on the table, and to know when to take yes for an answer— applies very much to the two particular nuclear arms control problem cases with which the world is currently preoccupied, Iran and North Korea. Half way houses are very often the way forward. The Elders are already well seized of these issues, and this paper will, in what follows, address them only briefly.
83. **Iran.** In the non-proliferation case of Iran, it is the case, looking back, that a deal was there for the taking a decade earlier if only the West had not been so absolutist in refusing for so long to make any concessions at all on the enrichment issue. And,

³⁴ See ICNND report, op cit n.2, pp.156-60; and Evans et al, State of Play 2015, op cit n.23, pp. 121-8.

³⁵ Multiple complex issues are involved here: see ICNND report, op cit n.2, pp. 195-9, and Evans et al, State of Play 2015, op cit n.23, pp.63-78

looking forward, it is even more obviously the case that the absolutist approach now embraced by the Trump Administration looks like being totally, and dangerously, counterproductive.

84. It should not be assumed that Iran is hell-bent on becoming a nuclear armed state if the JCPOA falls apart. It has always been strongly arguable that Iran has only ever wanted to demonstrate its technical capability, assert its 'right to enrich' under the NPT³⁶, and in the process make some amends for past humiliations by the international community; that it well knows its Sunni neighbours would not accept a Shia bomb and any regional nuclear hegemony would accordingly be short-lived; and well understands that the risks of actually acquiring weapons capability outweigh any benefits.³⁷ But the situation will become much more fragile and volatile if the US persists in wrecking the 2016 deal, and every possible effort must continue to be made by the rest of the international community to stop it doing so.
85. **DPRK.** In the disarmament case of the DPRK, while complete elimination of its weapons and weapon-making capacity of course remains the Holy Grail, it would be very unwise to rule out a verifiable deep freeze half-way house if that proved achievable. The West did get North Korea signed up to denuclearisation in the 'Agreed Framework' exercise of the mid-1990s, before it had any demonstrated nuclear-weapon making capacity, and again in 2005-6 when that capacity was not North Korean side, but the West has to accept at least as much of the blame for not delivering its side of the bargain – including dragging its feet on normalising diplomatic relations and helping meet the country's energy needs – in a sufficiently timely and good faith way.
86. No-one wants to make premature concessions in any complex negotiation, but with trust by the North in such obviously short supply, an early concession at least on the issue of declaring an end to the state of war between the two Koreas (if not at this stage the negotiation of a full peace treaty) would seem not to be over-rash. ROK President Moon and his advisers appear to have a much more acute understanding of what is necessary to defuse and reach a sustainable solution to the Korean peninsula problem than anyone in the Trump administration, and should be given maximum international support.
87. If serious talks can be started there are a number of scenarios as to how all the necessary pieces might ultimately be brought together. One of the most ambitious, and attractive, is that proposed by former senior US officials Morton Halperin and Tom Pickering, Peter Hayes and others, which involves a new Treaty on Peace and Security in North East Asia with the following elements: termination of the state of war in Korea; a permanent monitoring council; mutual declaration of no hostile intent; provisions of assistance for nuclear and other energy; and, most ambitiously, establishment of a North East Asia Nuclear Weapons Free Zone, embracing both Koreas and Japan, which all the NPT nuclear-weapon states, including the US, China and Russia, while not being required by this treaty to relinquish their own nuclear weapons, would agree to abide by (and in the process effectively protect a disarmed North Korea). Protection would be

³⁶ While the NPT does not explicitly refer to enrichment at all, Iran relies on Art IV: "Nothing in this Treaty shall be interpreted as affecting the inalienable right of all the Parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with Articles I and II of this Treaty."

³⁷ See International Crisis Group, 'Iran: Is there a Way Out of the Nuclear Impasse', Middle East Report No 51, 23 February 2006; and Gareth Evans 'Iran's Nuclear Reasoning' 20 September 2010 and 'An Iran Deal Ten Years Late', 21 July 2015, Project Syndicate columns at www.project-syndicate.org

given to South Korea and Japan by their having the right within a certain period to withdraw from the Treaty if its denuclearization provisions were not being effectively implemented.³⁸

VII. WHAT THE ELDERS CAN DO

A. The Challenge

88. Every program and sub-program on which The Elders have so far embarked has its challenges, but making a difference on nuclear non-proliferation and disarmament may well prove to be the most difficult enterprise of all, for a number of reasons.
89. **Political leadership.** This has been on offer from a number of middle powers – Switzerland, Norway, Austria, Mexico, New Zealand and others – who have pursued with such vigour the humanitarian consequences movement and conclusion of the Nuclear Ban Treaty. But since President Obama, political leadership where it matters most, viz. from the nuclear armed states and their allies, has gone almost completely missing. Getting the attention, and commitment to movement, of key policymakers in these states will be The Elders’ most important single task, and this will not be easy.
90. **Advocacy organizations.** There are many NGOs, think tanks and research institutes working on different aspects of nuclear non-proliferation and disarmament.³⁹ But for all these organizations in the field, there has been depressingly little cut-through from any of them in terms of policy impact on the major nuclear players: whether because they have been too radical, too cautious, too scatter-gun or too technical in their focus, or for some other reason, is a matter on which opinions will differ. Their challenge is also The Elders’ challenge.
91. **Complexity.** The inherent complexity, and enormously wide range of issues embraced under the subject ‘nuclear non-proliferation and disarmament’ – most of them itemised, if not fully discussed, in Section VI of this paper – is itself a major advocacy challenge. Even trying to focus on a single concept rather than the whole field involves a whole laundry-list of issues: in the case of the popular theme of ‘nuclear risk reduction’, for example, any serious approach to this would have to involve consideration, at the very least, of de-alerting and deployment from the disarmament agenda (para 72 above); safeguards and the management of peaceful-uses risk from the non-proliferation agenda (para 80); and the CTBT, FMCT and nuclear security measures from the overarching

³⁸ See Morton Halperin, Peter Hayes, Chung-in Moon, Thomas Pickering, Lee Sigal, ‘Ending the North Korean Nuclear Threat by a Comprehensive Security Settlement In Northeast Asia’, Nautilus Institute, 26 June 2017, <https://nautilus.org/napsnet/napsnet-policy-forum/ending-the-north-korean-nuclear-threat-by-a-comprehensive-security-settlement-in-northeast-asia/>

³⁹ Among them, starting at the more radical end of the spectrum, Global Zero, ICAN, Ploughshares, Campaign for Nuclear Disarmament, International Physicians for the Prevention of War, Pugwash, Parliamentarians for Nuclear Non-Proliferation and Disarmament, and Mayors for Peace; moving from there through those like the Stimson Centre, Asia Pacific Leadership Network (APLN), Nautilus Institute, Carnegie Endowment, SIPRI, Monterey Centre, Hiroshima Prefecture, Luxembourg Forum, Bulletin of the Atomic Scientists and UNIDIR; to then, at the more cautious end, the European Leadership Network (ELN), Nuclear Threat Initiative (NTI) and UN Office for Disarmament Affairs.

‘building blocks’ agenda (para 81), as well as managing Iran and North Korea. The challenge is to find a story-line which prioritises the really key objectives, and communicates key messages in a way which is simple without being simplistic.

92. **Resources.** The Elders have to be realistic about the necessarily limited resources they will be able to bring to this project, given the demands of other programs to which they are committed and the limited specialist in-house expertise readily to hand. This is an often-arcane policy area, difficult for even full-time specialists to fully keep up with.

B. The Opportunity

93. All that acknowledged, The Elders, with their individual and collective stature and experience, do have a voice – or set of voices – which *can* cut through with key leaders and policymakers, via direct engagement, and with the general public, via both traditional and contemporary media. But it has to be a voice which is not over-ambitious in the range of issues addressed, is carefully focused on key messages, and is relentlessly consistent rather than scatter-gun in its delivery.
94. The most useful model for The Elders to emulate may be that of the ‘four statesmen’ (also known as the ‘four horsemen’ or ‘gang of four’) – Henry Kissinger, George Shultz, William Perry and Sam Nunn – who, as noted earlier in this paper,⁴⁰ published an influential series of op eds in the Wall Street Journal between 2007 and 2013, which had at the time real agenda-setting relevance, arguing that the risks of nuclear weapons possession far outweighed any possible rewards in today’s world. As age takes its natural toll (Kissinger is now 95, Shultz 97, Perry 90 and Nunn 80) the group has become less visible and active, and this is a gap The Elders could very naturally fill.
95. While the current group of Elders do not have the same Cold-War-warrior/realist credentials that contributed so much to the impact made by the ‘gang of four’, they do have a great deal of moral, intellectual and policy stature, and experience, in their own right. Moreover, if the argument in this paper is accepted, they would bring to their advocacy something distinctive, possibly unexpected, and arguably quite influential with the key nuclear players, viz. a pragmatic, moderate focus on that which is realistically achievable in the medium term, rather than focusing primarily on the idealistic endgame (as would be seen to be the case if their advocacy emphasis was to be mainly on increasing take-up of the Nuclear Ban Treaty).
96. While the resource constraint emphasised above is real, if The Elders concentrated their efforts, and messaging, on a relatively limited range of nuclear themes and issues, it should not prove difficult to find, in the organizations listed under para 90 above and others like, them collaborative partners on which to draw in crafting written and oral presentations, and setting up advocacy opportunities.

C. The Message

97. In broad summary, the kind of advocacy required now to seriously advance the objective of a world free of nuclear weapons, to which The Elders can add real value,

⁴⁰ See text at n.3 above.

has five key elements, all inter-related, and none of them impossibly complex to communicate:

98. First, embed once in for all in the minds of policymakers that the central, first order, issue in the nuclear weapons debate is that *it is time to get serious about disarmament*. Insist in that context on the truth of the mantra first articulated by the Canberra Commission in 1996 and repeated since by every blue ribbon commission or panel which has looked at this issue:

So long as any state has nuclear weapons, others will want them; so long as any state retains nuclear weapons they are bound one day to be used, if not by design, then by human error, system error, miscalculation or misjudgement; and any such use would be catastrophic for life on this planet as we know it.

99. Second, in this context challenge the assumption, still so comforting to so many governments, that nuclear deterrence is somehow incredibly strategically valuable, and that its rewards outweigh all the terrible risks that might be involved in nuclear weapons possession. Articulate the risks described in Section II and make clear the illusory nature of the claimed strategic rewards, as argued in Section III above. Re-emphasise at every opportunity in this context the normative taboo against any use of nuclear weapons, including as articulated in the Reagan-Gorbachev agreement in 1987 that ‘a nuclear war cannot be won and must never be fought’.⁴¹

100. Third, challenge head on the familiar assertion that because nuclear weapons cannot be uninvented, they are destined always to exist: of course they cannot be uninvented, but they can be *outlawed*, as chemical and biological weapons have been. Make clear that the end-point for global campaigning must be nothing less than comprehensive outlawing of the kind that the Nuclear Ban Treaty now seeks to introduce – the banning outright of the development, possession, use, threat of use, stationing or transfer of all nuclear weapons.

101. Fourth, at the same time make very clear that what is required now is a realistic step by step agenda, which focuses on getting buy-in not just from those governments already wedded to the disarmament goal but from *all* governments – including all the nuclear armed states and those travelling with them. That means, for the medium term, focusing on *minimization* rather than elimination. In particular, target the key components of the minimization agenda, what are described in para 72 above as the ‘4 Ds’:

- getting universal commitment to No First Use (Doctrine)
- taking weapons off high-alert (Dealerting)
- drastically reducing the number of those actively deployed (Deployment); and
- reducing overall numbers to around 2,000, as compared with the 14,500 now in existence (Decreased numbers)

The core message running through this ‘minimization agenda’ advocacy, as stated in para 73 above, is – to repeat:

⁴¹ The central importance of the Reagan-Gorbachev maxim is a recurring theme in *Securing our Common Future: An Agenda for Disarmament* (UN Office for Disarmament Affairs, New York, 2018) launched by Secretary-General Guterres on 24 May 2018.

A world with very low numbers of nuclear weapons, with very few of them physically deployed, with practically none of them on high-alert launch status, and with every nuclear armed state visibly committed to never being the first to use nuclear weapons, would still be very far from being perfect, and no-one should even think of settling for that as the end-point. But a world that achieved these objectives would be a very much safer and saner one than we live in now.

102. Fifth, stay engaged, as opportunity arises, with the evolving situations in Iran and the DPRK – the two crucial cutting-edge cases currently testing the international community’s capacity and resolve on non-proliferation and disarmament respectively – in which The Elders are already invested. As argued in paras 82-7, focus on solutions which are realistically achievable: do not, here as elsewhere, commit the error of making the best the enemy of the good.

D. The Methodology

103. As argued in the ICNND report chapter⁴² on mobilizing and sustaining political will, effective advocacy in favour of any major international public good – and minimising reliance on, and ultimately eliminating, nuclear weapons is no exception – almost invariably involves three dimensions:
- top down – here, generating commitment from leaders and key policy makers, and those who influence them, in the nuclear armed states;
 - sideways – here, generating commitment from ‘peer group’ players , including both ‘umbrella state’ actor, allies and partners of the weapon states, and other active state players; and
 - bottom up – mobilising the civil society actors who so often play crucial roles in energising political decision makers.
104. While it may be that, through opinion pieces and interviews in the media, both traditional and the new social, The Elders can have some impact on ‘bottom up’ campaigning, the main-value adding role the group can play would seem to be mainly through direct engagement with ‘top down’ and ‘peer group’ actors .
105. That means in practice a campaign strategy built around the following three main institutional channels, all of them very familiar to The Elders in other contexts and requiring no detailed elaboration here.

(1) Direct engagement in the form of communications and meetings:

(a) with key leaders and policymakers in the nuclear armed states: with the US and Russia being the two indispensable actors, but manifestly unreceptive under current administrations, initial outreach might more usefully concentrate on China (looking for a global leadership role, and more genuine than most in its distaste for nuclear weapons), India (with a similar long track record of at least

⁴² ICNND Report, op cit n.2, Ch. 20, pp.213-31.

rhetorical hostility), the UK and (for the minimisation, if not elimination, agenda) France;

(b) with key leaders and policymakers in the ‘umbrella’ states: most importantly Japan, South Korea, Australia, Germany and the Central and East European NATO allies; and

(c) with those directly engaged in the ongoing Iran and DPRK situations.

(2) Participation in international conferences and forums – of which there are many annually – organized by, inter alia, most of the NGOs, think tanks and research institutes identified above, others as well like the Davos World Economic Forum, and by a number of national governments. [See Appendix]

(3) Engagement with the media, both traditional and contemporary, especially through collectively signed opinion articles (distributed internationally, for example, through Project Syndicate), occasional formal statements, and interviews with individual Elders.

106. With the UN Secretary General and Office of Disarmament Affairs (ODA) now committed, in the recently released *Agenda for Disarmament*, to:

*facilitate dialogue between Member States, through engagement in formal and informal settings, in order to help Member States to return to a common vision and path leading to the total elimination of nuclear weapons*⁴³

much of The Elders activity could be cast as advancing this objective, with the reasonable expectation, accordingly, of assistance from the ODA in facilitating these meetings. In terms of timing, it is obviously important that as much of this kind of advocacy as possible be conducted before, and in the context of, the 2020 NPT Review Conference.

107. There is little point in setting formal ‘impact’ targets for this kind of advocacy. Progress will be slow and difficult to measure, as will be any causal relationship between what The Elders advocate, and any particular policy progress that is made. But in the present moral and intellectual global leadership vacuum, on one of the great existential issues of our time, it is hard to argue against the effort at least being made to turn the global debate on nuclear weapons in a more constructive direction. The Elders are as well placed as any group in the world to make that effort, and have a rather better chance than most to make a difference.

Melbourne

October 2018

⁴³ *Agenda for Disarmament*, op cit n. 40, p.19.

Appendix

POSSIBLE CONFERENCE ADVOCACY OPPORTUNITIES 2019

World Economic Forum (WEF), Davos, 22-25 January 2019, www.weforum.org

Munich Security Conference, Munich, 15-17 February 2019,
www.securityconference.de/en

Carnegie International Nuclear Policy Conference, Washington DC, 11-12 March 2019,
<https://carnegieendowment.org>

Institute for Defence Studies and Analyses (IDSA), New Delhi, Asian Security Conference,
19 March 2019, <https://idsa.in/conferences>

Trilateral Commission Annual Conference, Various locations, usually March,
<http://trilateral.org/meeting.viewall>

Arms Control Association Annual Meeting, Washington DC, usually April-June,
www.armscontrol.org

NPT PrepCom, New York, 29 April-10 May 2019,
www.un.org/disarmament/wmd/nuclear/npt-review-conferences/

Jeju Forum for Peace and Prosperity, ROK, 29-31 May 2019, www.jejuforum.or.kr/

Institute of Strategic and International Studies (ISIS) Malaysia, Asia Pacific Roundtable,
Kuala Lumpur, usually May, <http://isis.org.my/events/>

Luxembourg Forum, location varies, usually May-June, www.luxembourgforum.org/en

International Institute of Strategic Studies (IISS) Shangri-la Dialogue, Singapore, usually
June, www.iiiss.org/events

Tsinghua World Peace Forum, Beijing, usually mid-July, www.tuef.tsinghua.edu.cn

Pugwash Conferences on Science and World Affairs, location and dates vary,
<https://pugwash.org>

UN General Assembly First Committee (Disarmament and International Security), New
York, October-November, www.un.org/en/ga/first/

Wilton Park Annual Non-proliferation and Disarmament Conference, UK, usually
December,
www.wiltonpark.org.uk/