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How will NATO's non-nuclear members handle the UN's ban on nuclear weapons?

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Abstract

The start of multilateral negotiations for a nuclear ban treaty will lead to renewed discussions about the role of nuclear weapons in NATO. It is an opportunity to review the alliance's nuclear weapons policy in light of this new international dynamic. NATO's non-nuclear members should help denuclearize the organization or at least push nuclear weapons back to the national realm.

Keywords

NATO, nuclear ban treaty, nuclear weapons

After a historic UN vote in October, a majority of states in the world are planning to start multilateral negotiations for a treaty to ban nuclear weapons. As nations that do not possess nuclear arms, these countries argue that the use of such weapons is inhumane and that their very existence is a danger to their security. Not surprisingly, the nine nuclear-armed states—namely, the United States, Russia, Great Britain, France, China, Israel, India, Pakistan, and North Korea—are very much afraid of this so-called Humanitarian Initiative. Yet their non-nuclear allies, especially those who are NATO members, find themselves in a tight spot. If they support the ban, they also call into question NATO's nuclear policy, from which some believe that they have greatly benefitted in the past, and if they oppose it they weaken the pressure on nuclear states to eliminate their doomsday weaponry. While public opinion in individual countries might ultimately dictate how they come down on this question, their history with the issue can also shed light on the

interests and arguments involved, and suggests that the most feasible approach will be one in which non-nuclear states work within the alliance to adjust its policies so that it might itself support the ban treaty at some point in the future.

Understanding the Humanitarian Initiative

The Humanitarian Initiative focuses on the question of whether and how societies, and individuals within societies, can cope with the existence and use of nuclear weapons. Even one nuclear weapon dropped on a city would have catastrophic consequences that could result in tens or hundreds of thousands of deaths (US Congress 1979). Because nuclear weapons by their very nature cannot make a distinction between civilians and military targets, their use is generally recognized, except by the nuclear states and their allies, as contrary to international humanitarian law (Granoff and Granoff 2011). The Humanitarian Initiative therefore proposes that nuclear weapons should be prohibited—just as biological weapons were in 1972, chemical weapons in 1993, landmines in 1997, and cluster munitions in 2008.

In 2010, Switzerland took an important step, with the help of the International Red Cross, by introducing a reference to the humanitarian cause in the final document of the 2010 Review Conference for the Nuclear Non-Proliferation Treaty. Among those who approved of this document were the United States, Russia, Great Britain, France, China—the five countries recognized as nuclear states by the treaty. The reference speaks of “deep concern at the catastrophic humanitarian consequences of any use of nuclear weapons” and “reaffirms the need for all states at all times to comply with applicable international law, including international humanitarian law” (United Nations 2010). The same language has been repeated in all other humanitarian statements ever since.

There is also a Humanitarian Pledge, previously called the Austrian Pledge, after the government that first put it forward in late 2014. Signed by 127 nations, it goes further than any other humanitarian statement, asking the world “to pursue effective measures to fill the legal gap for the prohibition and elimination of nuclear weapons.” It also encourages interim measures on force structure, operational policy, and declaratory policy, and it calls upon states and civil society “to stigmatize” nuclear weapons. A similar resolution, passed by the First Committee of the UN General Assembly in 2015, got the support of 139 countries, meaning that 146 nations—three-

quarters of all states—have either signed the Humanitarian Pledge or supported a like-minded measure.

That same year at the First Committee, 138 nations supported a UN Open-Ended Working Group to study the “legal measures, legal provisions and norms” that could help make a nuclear-free world a reality. The group held three meetings in 2016, none of them attended by the nine nuclear powers, and in August recommended that negotiations on a ban treaty should begin the following year. When it came to a vote in October, 123 states were in favor, 38 against. In a sign of the difficulties that lie ahead, all 28 members of NATO voted against the resolution, except the Netherlands, which abstained.

Apart from nuclear states and their NATO allies, the biggest opposition to the Humanitarian Initiative comes from other allies of the United States (South Korea, Australia, Japan), potential candidate NATO member states (Bosnia, Serbia, Finland, Georgia, Montenegro, Moldova, Ukraine), and a few microstates like Monaco, Micronesia and Andorra. Clearly a line has been drawn between a majority of nations, who want to see nuclear weapons eliminated, and a powerful collective, assembled around the United States and NATO, which holds a historic security investment in nuclear arsenals. It is this line that non-nuclear NATO states find themselves straddling. On one side, their obligation, under the nonproliferation treaty, to strive for a world without nuclear weapons, an idea that they have always supported, at least rhetorically; on the other, their membership in a longstanding nuclear alliance.

Past preferences

This ambivalence often shows up in voting behavior. Ahead of a meeting for the nonproliferation treaty in 2015, NATO members held internal deliberations on the Austrian Pledge (Kubiak 2015, 7), as it was then called, and undoubtedly did the same before the UN vote last fall. Yet despite these effort, alliance members have not always spoken with one voice.

NATO member states Norway and Denmark abstained on Switzerland’s humanitarian statement in 2012, and were joined by Iceland that same year on similar Swiss language at the UN’s First Committee. Luxembourg, too, showed sympathies in 2013. Then came the committee’s 2015 resolution on the Humanitarian Pledge, from which five NATO members abstained—Norway, Iceland, Greece, Portugal, and Albania—and a resolution at the same meeting on “humanitarian consequences,” which 11 members voted against but from

which 14 abstained. When it came to the vote on the UN working group, most members abstained and only six voted against—the Czech Republic, Estonia, Hungary, Latvia, Lithuania, and Poland. When the working group wrapped up in 2016, Australia blocked consensus on the final document and received the support of 12 NATO members in doing so. Four members then abstained on the group's final document—Norway, Iceland, Portugal, and the Netherlands—although only the Netherlands abstained on the culminating resolution to start ban talks. The declaration that accompanied this final vote by the Dutch government included a lot of conditions for signing a ban treaty.

There is, therefore, a range of interest among NATO members when it comes to the Humanitarian Initiative. A review of 13 votes on this issue from 2012 until 2016 further illuminates this. At one end are the Baltic states of Estonia, Latvia, and Lithuania, together with Hungary and Poland. They have expressed the least interest. Nearby are the Czech Republic, Turkey, and Romania, while Spain and Italy are not very supportive either. Of the moderates, Belgium, Bulgaria, Croatia, and Slovenia look less interested than Albania, Canada, Germany, and Slovakia. Then come those who have regularly abstained on humanitarian votes, countries like the Netherlands, Portugal, Greece, and Luxembourg, and beyond them Denmark, Iceland, and finally Norway.

On the crucial vote to start ban talks, only the Netherlands actually abstained. This might make it the most progressive of the bunch, even more progressive than Norway, yet that vote should also be understood in terms of domestic Dutch politics. Pax, the main peace organization in the Netherlands, succeeded in raising 40,000 signatures, which automatically triggers a parliamentary debate. Just such a debate took place for four hours last April, with the foreign minister present, and led to motions in favor of the Humanitarian Initiative that were supported by both the opposition and government parties.

Another thing to consider is that none of the non-nuclear NATO members have broken rank and actually voted in favor of a pro-humanitarian measure, meaning that while they don't oppose the humanitarian principles their stances still hew closer to those of their nuclear allies.

Points of contention

This is not a simple matter, though. In 2013 and 2014, when Australia tried to put forward a more moderate UN text on the

consequences of nuclear weapons, it got 13 votes from NATO members the first year and 17 the next. This Australian proposal is a useful illustration of what concerns alliance members about humanitarian efforts. Among other things, the text makes a distinction between the use of nuclear weapons and nuclear war, implying that nuclear weapons use can be legitimate; it emphasizes the nonproliferation treaty, rather than a ban treaty, as the main framework for nuclear disarmament; it stresses balance between the humanitarian and security dimensions; and it proposes a different timeframe for disarmament. In all likelihood, these are the same issues that will come up when non-nuclear NATO members consider whether or not to support a ban treaty.

First and foremost is the old conflict between security needs and humanitarian demands. While the nuclear camp worries that that one might overshadow the other, their opponents counter that they're actually inseparable. Their main point is that nuclear weapons overall do not provide security, but insecurity, and that talk of "security" derived from Cold War thinking really just means the security of states, and really just nuclear states and their allies. The interests of non-allies, let alone the interests of individual human beings around the globe, have been disregarded. Those on the nuclear side, however, worry about instability resulting from disarmament and a loss of deterrence among nuclear powers. While non-nuclear NATO members agree that nuclear war should be prevented, they do not rule out the use of nuclear weapons to defend themselves as a last resort. The Humanitarian Initiative, by contrast, will not support any policy that approves of using nuclear weapons in any scenario.

Opponents of the humanitarian approach also argue that a ban treaty would be superfluous, or at the very least that the legal gap it purports to close does not really exist, because the Nuclear Non-Proliferation Treaty already obliges its members to rid the world of nuclear weapons. Furthermore, they see a step-by-step approach under the nonproliferation treaty as the only realistic and feasible avenue for disarmament. (Lists of disarmament steps have been agreed to at the treaty's Review Conferences in 2000 and 2010.) They also worry about stigmatizing nuclear weapons and the nations that possess them, fearing that it could threaten any existing progress, which must necessarily involve those powerful countries.

To this the humanitarian camp would say the nonproliferation treaty, for all of its good work, has begun to show its age. A lot of the treaty's Review Conferences, including the last one in 2015, have failed in the sense that the parties could not agree on a final document. The treaty is discriminatory in the sense

that it makes a distinction between “haves” and “have-nots,” and is harder to justify the longer its members refuse to eliminate their arsenals, which is a legal obligation under the pact. Even the disarmament steps promised during successful conferences have not been implemented, or have only been implemented in a very limited way. Four of the world’s nuclear-armed states—India, Pakistan, Israel, and North Korea—are not even members of the treaty. Hence the Humanitarian Initiative wants to complement the nonproliferation treaty with a ban treaty, and later a convention against nuclear weapons. The hope is to stimulate debate within nuclear powers by stigmatizing them from without. And with the nonproliferation treaty showing fatigue, the humanitarians say, a ban treaty is the best way forward right now.

Finally, there’s the question of timing. Non-nuclear NATO members posit that nuclear states are not ready to sign a ban treaty, and that a treaty without them makes no sense. Their opponents point to the 123 nations that have explicitly said it’s time to move on forward, and argue that waiting until nuclear powers agree is a recipe for inertia, as the history of the last four decades clearly demonstrates.

The humanitarians further argue, perhaps counterintuitively, that a ban treaty is only a relatively minor step in the direction of nuclear elimination. They agree that nuclear powers should be on board eventually, but they make a distinction between a ban treaty in the short term and a convention later on. The latter would be a multilateral pact, similar to the Chemical Weapons Convention or the Biological Weapons Convention. It would be negotiated by all states, nuclear and non, and would need to specify how nuclear arsenals would be eliminated. There would be deadlines and an intrusive verification mechanism. This would all require the support of nuclear states in order to work, the humanitarians argue, but a ban treaty would not. They also point out that things like chemical weapons and landmines needed to be outlawed first before they could be eliminated.

Furthermore, a ban could facilitate a convention by building pressure on nuclear powers. Advocates could name and shame governments while they worked to strengthen the nuclear taboo—the norm against using nuclear weapons—and stimulate domestic debates where possible. In Great Britain, for example, a ban treaty may significantly help those trying to do away with the Trident program. The strengthened norm might also push banks and other private sector entities to divest from nuclear production and modernization. None of this would require waiting for nuclear states themselves to get on board.

What comes next?

The non-nuclear members of NATO will not make or break the ban treaty. Two negotiation sessions are planned for this year, one in March and another in June and July, and the final treaty will most likely attract a good 120 signatures initially—almost certainly none of them from alliance members. Still, the issue will finally force those non-nuclear countries to choose whether or not they want to help the world get rid of nuclear weapons by putting pressure on nuclear-armed states, including their NATO partners, and their decisions could have serious consequences for the alliance and its nuclear policies.

The deciding factor will most likely be domestic public opinion, as can already be seen in the case of the Netherlands, where the Parliament not only gave serious attention to the issue due to public outcry but then demanded that the government participate in this year's ban talks at the UN, which the government has confirmed it will do. In some states, such as those in Eastern Europe and maybe Turkey, opinion might line up against the treaty; but in others it could certainly run in its favor. Anti-nuclear sentiment is strong in many places, including Germany, the Netherlands, Belgium, Luxembourg, Norway, Denmark, Iceland, Portugal, Greece, Canada, and occasionally even in some Eastern European states like Slovakia. Nations who host US tactical nukes in particular—Germany, the Netherlands, Belgium, Italy, and Turkey—will come under greater pressure to get rid of those weapons once a ban treaty exists, regardless of whether they themselves have signed up, which could certainly make debates in those countries more pointed.

In addition to public opinion, of course, non-nuclear states will also come under pressure from their NATO peers. Just before the UN vote in October, the United States circulated an informal paper asking non-nuclear alliance members to reject the resolution, and if negotiations started to refrain from joining them. The letter said “efforts to negotiate an immediate ban on nuclear weapons” were “fundamentally at odds with NATO's basic policies on deterrence and our shared security interests” (US Mission to NATO 2016). Only the Netherlands did not fall in line. This kind of pressure is expected to continue.

Although there's nothing in international law that says ratification is incompatible with NATO membership (Eide 2014), it is unlikely that NATO members will be among the first to sign a ban treaty. That said, they should at least try to make conditions ripe within the alliance to be able to sign later on. A ban would force NATO to clarify what a nuclear alliance is, exactly, and non-nuclear members should have an important

say on this within the organization. It will also put NATO under more pressure to switch to non-nuclear defense, or at least pull back nuclear weapons to within the borders of its three nuclear members—namely, the United States, Britain, France—although this would also depend on significant improvements in US-Russian relations to give Eastern Europe confidence in non-nuclear deterrence. The latter scenario is likely to happen under President Trump.

As in the 1980s, the risk of a renewed division within the alliance because of nuclear weapons is very real. If NATO remains united against the ban treaty, domestic pressure in Western, Southern, and Northern Europe will become more intense (Erasto 2015). If the non-nuclear members remain united and do not join the treaty, the pressure on nuclear states outside the alliance will be substantially less, as they can easily point to NATO's behavior as an excuse for keeping their own arsenals.

For these and other reasons, the choices made by NATO's non-nuclear members on the question of a ban treaty could have significant ramifications for nuclear policies and practices around the world, even if those nations have little direct control over the ban itself. At the very least they should seize this moment as a time to start a new debate inside NATO about the future role of nuclear weapons in the alliance, with an eye toward significantly reducing their importance and paving the way for the organization to eventually support a ban itself.

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