Banning nuclear explosions and the quest for nuclear disarmament

BY REBECCA JOHNSON, DIRECTOR OF THE ACRONYM INSTITUTE FOR DISARMAMENT DIPLOMACY

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When governments met in New York for the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), two key developments laid the groundwork for a constructive outcome. These were: Comprehensive Nuclear-Test-Ban Treaty (CTBT) negotiations, which opened in the Conference on Disarmament (CD) in January 1994; and the ending of the Cold War, which shifted geostrategic relations and encouraged deep cuts in nuclear arsenals. Because of these developments, the nuclear-weapon States were able to argue that NPT extension was warranted because progress was finally being made on the treaty’s Article VI disarmament obligations.

The CTBT was promoted for humanitarian and environmental reasons as well as disarmament and non-proliferation. Looking forward to the 2015 NPT Review Conference now, we again see deep concerns being expressed about the lack of progress on disarmament and the Middle East. As a further humanitarian disarmament approach puts the prospect of a broader nuclear ban treaty on the agenda, consideration of the intertwined histories of the NPT and the CTBT can teach us important lessons for the future.

Public and political calls for an international CTBT were made by civil society and various governments from at least 1954. After settling for a Partial Test Ban Treaty (PTBT) in 1963, Washington, Moscow and London diverted further test ban demands into efforts to stem proliferation, resulting in the adoption of the NPT in 1968. While signing up to commitments to “seek to achieve the discontinuance of all test explosions of nuclear weapons” in the NPT’s preamble, they dismissed the CTBT as a long term or “ultimate” objective. They also proclaimed the CTBT “unverifiable” and tried to shift responsibility onto hold-out States, notably China and France, which were not Parties to either the NPT or PTBT during the 1970s and ’80s.

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Together with China, however, they became drawn more closely in as the test ban negotiations progressed. India started constructively, but pulled away during negotiations, especially after the NPT was indefinitely extended.

Prior to May 1995, multilateral negotiations focussed mainly on institutional questions and getting agreement for the verification regime. Meanwhile, minilateral wrangling in private meetings among the P5 nuclear weapon States prioritized their own interests in what they called ‘activities not prohibited’ – from low-yield nuclear tests to ‘safety and reliability’ testing and so-called ‘peaceful nuclear explosions’. Such ‘exemptions’ were not at all what the non-nuclear nations wanted, but they were excluded from the P5 minilaterals and were expected to go along with whatever the nuclear weapon States agreed amongst themselves.

1995: CTBT NEGOTIATIONS ENCOUNTER DIFFICULTIES

Though the CTBT’s timely conclusion was given priority along with the NPT’s extension in the package of decisions adopted by States Parties on 11 May 1995, negotiations ran into serious difficulties. China exploded a further nuclear test just days after the 1995 NPT Review and Extension Conference ended, and then a couple of months later France broke its moratorium in order to conduct six more tests in the Pacific, provoking international condemnation. India’s position hardened as it tried unsuccessfully to insert commitments to time-bound nuclear disarmament into the CTBT.

Working constructively with civil society representatives in Geneva and elsewhere, the non-nuclear delegations sought to keep negotiations on track, with Mexico, Germany, Netherlands, Australia, Iran, Indonesia, Egypt, Japan, Sweden, Canada, and South Africa playing especially important roles. Presidents Clinton and Chirac helped to break the deadlock over scope in August 1995 by announcing that they would accept a “zero yield” understanding as

on the CTBT in the draft final document text, despite agreement by all other NPT States Parties, it acted as a wake-up call. Though Washington and London accused CTBT advocates of undermining the NPT, it was clear to all that the 1995 Review and Extension Conference risked failure unless CTBT negotiations were underway by then.

RENEWED DEBATE ON THE CONSEQUENCES OF NUCLEAR WEAPONS AND TESTING

Doctors and activists, including the Women’s International League for Peace and Freedom, the Greenham Common Women’s Peace Movement, the International Physicians for the Prevention of Nuclear War, and Women Working for a Nuclear Free and Independent Pacific, reinvigorated debate on the health, environmental and humanitarian consequences of nuclear weapons and testing. Encouraging and working with non-nuclear nations to renew pressure for the Treaty, NGOs took forward strategies to get the nuclear-armed States to halt their warhead testing programmes. In addition, parliamentarians and CTBT supporters in the United States, Japan and Europe argued that a CTBT was a necessary measure to strengthen and extend the NPT.

Under pressure from regional and environmental campaigns spearheaded by Greenpeace and the Nevada-Semipalatinsk Movement in Kazakhstan, the Soviet Union declared the first moratorium in 1991. France followed in April 1992, caught in an environmental-political pincer strategy from Greenpeace campaigns with a new Rainbow Warrior boat in the Pacific, and the French Green Party, which was riding high at that time, as well as parliamentarians and advisors who were pushing for France to join the NPT. The U.S. followed in 1992 in a successful legislative strategy taken forward by American NGOs, working closely with Congressional representatives. This committed the U.S. government to a nine-month testing moratorium and the target date of 30 September 1996 for CTBT conclusion.

The moratoria played an important part in ‘pausing’ testing by all except China, creating positive conditions for negotiations to go ahead. Though the CD achieved a negotiating mandate in 1993, it was clear from the beginning that none of the nuclear-armed States saw this as committing them to a genuinely comprehensive treaty. As described in my book “Unfinished Business”[1], Russia and the United States worked very constructively for most of the negotiations, even though they disagreed about some technical, verification and organizational issues. French and British diplomats dragged their heels as much as they could for the first 18 months.

Technology, however, has continued to advance, enabling nuclear warheads to be updated and refined with in-lab testing. Concerns about this have been raised at every NPT meeting since 1995. Added to this is mounting frustration about the rivalries between nuclear-armed States inside and outside the NPT that have stymied CTBT entry into force and continued to block negotiations on interim non-proliferation steps such as a fissile materials treaty. While each NPT conference since 1995 has underlined support for the CTBT and a fissile materials treaty, pressure for a universally-applicable nuclear ban treaty has been growing since the 2010 Review Conference expressed concerns about the grave humanitarian consequences of nuclear weapons and use. As we saw in the final, successful push for the CTBT, partnerships between governments and civil society are necessary. From 2010, the International Campaign to Abolish Nuclear Weapons (ICAN) has undertaken this partnership role to carry forward the objective of a nuclear ban treaty, engaging constructively with international agencies as well as governments.

HIGHLIGHTING THE RISKS AND CONSEQUENCES OF NUCLEAR DETONATIONS

A series of international conferences in Oslo, Norway (March 2013), Nayarit, Mexico (February 2014) and Vienna, Austria (December 2014), have highlighted the risks and consequences of nuclear detonations, whether occurring through intentional use or by accident or miscalculation. These conferences and associated joint statements in NPT meetings and the UN First Committee have underscored that the humanitarian risks are high and the consequences global, making it the business of all governments to ensure that their countries and people are protected.

The Chair of the Nayarit Conference concluded that the “broad-based and comprehensive discussions on the humanitarian impact of nuclear weapons should lead to the commitment of States and civil society to reach new international standards and norms, through a legally binding instrument”. The 2014 Vienna Conference included consideration of nuclear testing, with sessions with downwinders from nuclear test sites as well as “Hibakusha” survivors from Hiroshima and Nagasaki. The powerful testimonies as well as scientific data reminded the 158 participating governments how seriously they should take the health, environmental and human impacts of nuclear weapons.

Building on this, Austria pledged to bring these important issues to the NPT in 2015 and called on governments “to identify and pursue effective measures to fill the legal gap for the prohibition and elimination of nuclear weapons”. ICAN, with a broad network of over 400 humanitarian and disarmament organizations in 95 countries, argues that the time has come to “fill the legal gap” with an international nuclear ban treaty that would provide prohibitions, obligations and requirements on all States, whether or not they are NPT Parties.

Lessons Learned from CTBT Negotiations

Treaties are products of their time and political conditions. Looking at how the world has changed since 1995, it is clear that demands for a universally-applicable, non-discriminatory nuclear ban treaty are going to intensify from now on. The challenge is not whether, but when. Learning lessons from the CTBT and other significant agreements, negotiations need to be initiated by a cross-regional group of States, in accordance with the principles that the forum must be open to all States and blockable by none, with inclusive mechanisms for civil society and international agencies to participate as appropriate.

As with most if not all international processes, some States will be reluctant or opposed, and may try to obstruct negotiations and dismiss the outcome. That is to be expected in multilateral diplomacy, as illustrated by the NPT and the CTBT. That doesn’t mean those processes and treaties are invalid. Even with the CTBT’s Article XIV’s Achilles’ heel blocking entry into force, the CTBT has proved its worth many times, turning nuclear testing from a high status demonstration of nuclear prowess into a pariah activity that responsible States must not pursue.

The CTBT is an important beacon in history. Driven by disarmament, humanitarian and non-proliferation objectives, this Treaty was a vital step towards nuclear abolition, and still contributes greatly to global security through its normative and political establishment.

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[2] Article XIV states that the CTBT ‘shall enter into force 180 days after the date of deposit of the instruments of ratification by all States listed in Annex 2 to this Treaty’. The 44 States listed in Annex 2 formally participated in the 1996 session of the Conference on Disarmament and possessed nuclear power or research reactors at the time.

Biographical Note

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