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Transcript

SMALL STEPS OR A GIANT LEAP FOR DISARMAMENT? NPT ARTICLE VI

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MARJOLIJN VAN DEELEN

All right then, maybe we should get started. You should be ready to take your seats for this last panel of this wonderful conference. I'm very grateful for all of you to still be here, and to still be focused on today's topics. I have been asked to remind you that immediately after this session, we'll have a reception. We'll have drinks, and we're all very much aware that it's never a good moment to stand between the audience and their final drinks, but we'll try and make it entertaining for you, so that you'll bear with us.

We'll have, as in other sessions, we'll have a panel discussion and some questions and answers, and then after a while we open up for the audience to ask questions by the microphones. I think everybody, by now, knows the drill quite well. Please queue up and ask quite a few questions. Probably it would be wise for the panel to answer, but that will be in a short while.

Just as a brief introduction to this panel, it's about the negotiations on the Nuclear Ban Treaty, and this is a relatively new topic on our horizon. We've been debating it for a couple of years now, since the discussions on the humanitarian consequences of use of nuclear weapons came to be. It has been a debate that has caused quite some emotional reactions, both by the staunch supporters of the debate, but as well, with the fervent opponents of a nuclear ban.

In this panel, it is my ambition not to repeat those emotions, but rather look forward, in a constructive way, and to see how a possible ban, and how the ban negotiations can relate to the step by step approach, how it can relate to the NPT, and how it might contribute to a nuclear weapon free world.

The big question mark, of course, is for us, if and how it can be assured that the existing processes that we have, mutually strengthen each other, and my aim is to explore these options together with you, in the hour or fifty minutes that we have.

I'd like to introduce the panel. First on my left, Ambassador Dell Higgie. She is serving as ambassador for disarmament for New Zealand, and also serving as ambassador to the Conference on Disarmament for New Zealand, but not based in Geneva, in Wellington. Ambassador Susan Burk. Next to her, a special representative of the president for Nuclear Nonproliferation, from 2009 to 2012, and you led the U.S. preparations for, and participation in the 2010 Nuclear Conference. Next to her is Beatrice Fihn, executive director of ICAN, that works to achieve a treaty prohibiting nuclear weapons. And at the very end, Dr. George Perkovich. I'm sure you all know, vice president for studies at Carnegie Endowment for International Peace. Welcome all of you.

I'd like to ask the first question to Dell. What do you think will be the impact of a treaty banning nuclear weapons on the existing disarmament and nonproliferation regime? It's impact?

DELL HIGGIE

Any of you who know New Zealand's policy, the government that I work for, won't be surprised when I give you a very straight answer, and it will be to say that I believe the impact of the ban will be very positive. Positive for disarmament, and for nonproliferation, the two sides of the coin, as I've so often heard it said, but I'm well aware that there are about 40 countries, at the UN, that if you ask them if they thought it was going to be positive, and maybe some of you might be here, the answer would be different. So, I'd like to tell our moderator, and you all, why I think that it will be positive.

We have to remember, as a starting point, that the regime is not, at present, the NPT regime is not in great health, certainly not in a long term and durable way. There are two principle reasons for this. There's the very wide spread dissatisfaction about the amount of progress, under the disarmament pillar, implementation of Article VI.

There's pretty widespread dissatisfaction on the part of non-nuclear weapons states, about implementation, and basically, there's widespread question now, about the credibility, the reality, of the grand bargain, as we've always called it. The absence of significant movement, on disarmament, in the period since 2010, is undermining the credibility of the regime.

Second stress point, there's a lot of tension around now, about the lack of progress on the Middle East zone. We've heard about [unclear] in the last day, but all of you know that it was such a pivotal reason for the extinction of the NPT, beyond its original expiry in 1995.

That's the second stress point, and in addition to those two stress points, let's not forget that the NPT is not universal, and that there are some pretty significant outliers outside of it. India and Pakistan and Israel have made it clear that they are never going to join, and then there, of course, is North Korea, which has withdrawn from it, and is certainly not looking like it wants to re-join, or to relinquish the nuclear weapons that it has since developed.

What then do we need to do? Well, there's a range of things that should have desirably be done, most of them quite obviously not the gift of non-nuclear weapons states, but one thing that states like mine can do is the norm of the NPT.

The NPT norm, I believe, is fundamentally run, based on the importance of eliminating nuclear weapons, both via disarmament and nonproliferation, horizontal and vertical nonproliferation.

I believe that the ban treaty will give strong normative support and reinforcement for that. It will bolster the legal basis and the legitimacy [?] of nonproliferation, and it will reinforce fundamental norms of international humanitarian law. It does meet the expectations of a significant number of international community, about the need to move forward with the legal framing for a nuclear free world.

Clearly, it's not anything like a keen fit, in terms of actual elimination of nuclear weapons, but it's a good step forward, I believe, on the journey. It's a step that tracks the standard root followed for elimination of other weapons of mass destruction, whereby prohibition came first, and then elimination. It's a good step forward, not a giant leap, like our title might suggest. It's a good step, but one that is more conducive to progress on Article VI, than the small steps that we've been all calling for, for so long now, and which don't actually get taken.

A ban treaty will not, I believe, undermine the NPT, but will compliment it, and that's the impact I see it having.

MARJOLIYN VAN DEELEN

Thank you very much, Dell, for that kick off. Susan, the second question for you is, how do you see the implementation of Article VI of the NPT, and how does it relate to the ban?

SUSAN BURK

Great question, I feel like the reservist who was called up to drill with the platoon that's already been out in the field, and I found that my BDUs are a little tight, and it may be because of all the food we're eating. Anyway, I've been off active duty for a while, but it's a pleasure to be here.

In looking at this question, I wanted to first start at looking at what NPT Article VI calls for. The treaty, the language in the treaty commits the parties to pursue negotiations, in good faith, on effective measures to halt the arms race, pursue nuclear disarmament, and that's really what we're talking about. The debate has been over what are these effective measures.

In the past, the measures that had been brought to the table, as implementing Article VI, have been, negotiation of bilateral U.S.-Soviet and U.S.-Russian arms control, with induction agreements, multi-lateral nuclear agreements, things like the Comprehensive Nuclear-Test-Ban Treaty, Nuclear Weapon Free Zones treaties, and also unilateral measures that states have taken, either to remove nuclear weapons from certain platforms, from certain countries, and all designed to draw down stock piles.

I take issue with the characterization of these measures as small steps, and I think that's really unfair, and it diminishes the significance of the agreements that have been reached, sometimes with rigorous verification, that reduce and physically eliminate existing nuclear weapons from stock piles. These measures include intrusive verification, which is important, and when weapons are physically removed from certain locations, that's important too, and I just don't think that these are small steps.

The P5 still have a lot of nuclear weapons, but there are far, far fewer today than there were in the early days of the NPT. A factor that I think people appreciate, but don't really appreciate. Nevertheless, the methodical, I would say, yet slow pace towards disarmament, and the frequent pauses, the pause that refreshes. We're in one now. As well as the humanitarian consequences movement, have stoked, what Dell called, the long simmering frustration on the part of the NPT non-nuclear weapon states, about implementation of Article VI.

This is the perennial issue at review conferences, and in addition to 2010, I was at 1985 and 1995. I've seen this movie a few times. All three of those review conferences had positive outcomes, I might say. This is exacerbated the polarization between the weapon states and the non-weapon states, which long-time observers of the NPT are saying is the worst they have ever seen.

The measures I've just mentioned, all contribute to fulfilment of Article VI, and I believe they do contribute to the goal of disarmament, and the elimination of nuclear weapons. But we still

haven't got to the world without nuclear weapons, after nearly fifty years, and I guess we have to watch this space to see whether the U.S., at least, is going to be committed to that goal in the future.

The ban, for those of us who have spent careers working to reduce nuclear weapons and prevent nuclear proliferation, I understand where this motivation comes from, but it's seen as a way, I think, to cut to the chase. Let's prohibit possession use of nuclear weapons, and deal legitimized nuclear deterrents policies, and from what I'm reading, many of the proponents of the ban assert that this is designed to complement the NPT, not detract from it.

I'm not here to criticize the ban. Chris Ford did a pretty good job of that today, and I look back over my notes, and it pains me to say, but I do agree with him on a number of points. But whether you believe a progressive or a building block approach is the best way to pursue nuclear disarmament, I personally do. In my personal capacity, I continue to believe that, even though I no longer have to advocate for this, as a government official, thank God. This approach is the best way to reduce the risk of nuclear use, or you support or negotiate a ban treaty as the means to those ends.

My first key message is, all the parties to the NPT and all the parties who believe the NPT is critical, need to be united in their commitment to do no harm. The Hippocratic Oath for the nonproliferation regime, and I think that's really important, as both sides go forward. The NPT is the only treaty that obligates the P5 nuclear weapon states, and they are obligated, to pursue nuclear disarmament, and it's an irreplaceable element of the global nuclear nonproliferation regime. Those who have heard me say this before; know that I believe that you can't come up with a better deal today, that would include the 190 parties that we have in the NPT.

Moreover, all of the P5 have made very clear that they don't support the ban treaty. Doing no harm to the NPT, means that all of the parties on both sides of the issue, must agree to disagree on the merits of a ban treaty. I just don't see a way forward on this, in the foreseeable future, or the not-foreseeable future. I think it's incumbent upon all the states who believe that it's important to reduce nuclear dangers, reduce nuclear weapons, strengthen the nonproliferation regime, not let the disagreement over the ban, undermine their support for this essential critical treaty.

I also would just point out that the steps that have been taken, whether it's step by step or building blocks, I kind of like the building blocks concept, progressive approach. Maybe that's not politically correct these days, but the progress has been made when the conditions were right, and those were geopolitical conditions, security conditions and technical conditions. I don't think there's anybody in the room today, that would argue that the conditions right now look very conducive to near or maybe in term, progress on further disarmament. I wish that were not the case, but as I read the newspaper and read my emails, I don't feel that way.

I think that the P5 need to reaffirm their unequivocal commitment to the treaty's disarmament objective at the first Prepcom. I think they need to assure the other parties that they're still with the program, and they're still committed to the ultimate goal. I don't know whether that's going to happen, but I think that's what they should do, and I think they should also be using the

current pause to refresh their discussion on ways to reduce the risk of nuclear use, on the way to future nuclear negotiations.

At the P5 Processes Meeting, that's good, the P5 should continue to meet. They have a very big stake in trying to find a way to move this forward, and assure the non-parties that they are serious about the NPT and committed to their obligations.

I think finally, NPT parties on both sides of the ban debate, have a very great stake in finding a way to bridge the divide, identify common ground and ensure that the NPT process focusses on real world security problems. Again, do no harm and agree to disagree.

MARJOLIYN VAN DEELEN

Thank you very much Susan for that. Beatrice, the negotiations will be taking place next week, first round, what are your expectations for the upcoming negotiations?

BEATRICE FIHN

Thank you very much for inviting me here. It's really great to be here. I was quite surprised, before lunch, when we had this prediction session, and I saw that over thirty percent of the people here think that there's between zero and ten percent chance that the treaty will be adopted within two years. Obviously, the panel, I think, disagreed on that, but it was just quite interesting. I don't know if people misunderstood the question, perhaps, or maybe we learnt from recent [unclear] is off, but I think that there's quite a high likelihood. Nothing is guaranteed, nothing will be final until it's adopted, but I think there's quite a high likelihood that treaty will be adopted sometime soon.

We hope that the treaty will be negotiated quite quickly. The negotiations are scheduled in March, and the last session will end on July 7. We would like to see the treaty adopted by then. It's possible that it will need more time, and if that is needed, I think that is fine too.

We get a lot of questions on what the treaty will look like, and I think people say, it could be anything, we have no idea what the treaty can look like, but I think we need to look at the other prohibitions of weapons that have been included to be indiscriminate and harmful to civilians.

There's quite a strong pattern of how treaties look like. The chemical weapons convention, the biological weapons convention, the treaty to prohibit landmines and cluster munitions. Obviously, there's differences in them, but the core prohibitions and what is prohibited under the treaty, look very similar in all this. We obviously think that this is going to be very similar to those kinds of treaties, in terms of what the treaty will prohibit, the use and possession of nuclear weapon assistance [?], manufacturing and those kinds of things.

I don't perceive that any nuclear arms states will participate, and therefore I don't think that it will be up to non-nuclear weapon states to negotiate the details of elimination. I think, in terms of that question, it will be enough to have a requirement to eliminate your nuclear weapons, if you sign up to this treaty.

I think we all agree that the actual negotiations of eliminations of stock piles, will be done by the nuclear arms states. In that kind of context, I don't see that as worth spending time and energy on at this point.

MARJOLIJN VAN DEELEN

All right, thank you for that initial comment. George, from your point of view, will a ban on nuclear weapons contribute to global zero, and under what conditions, if any, would it?

GEORGE PERKOVICH

First of all, thank you, and thank my colleagues on the panel for doing this. In the weapon states, I'm seen as a disarmament guy, and so I also have a great deal of sympathy for the argument that the nuclear weapon states haven't done enough, that the disarmament process has stalled. I could do a commercial that had a picture of Vladimir Putin [unclear] and Donald Trump with a finger on the button, and put an X through it and say, take the button away from these guys.

I also think that when weapon states say, but we've reduced by ten percent or fifteen or ninety percent, they miss the point that for much of the world, the issue is a distinction of the difference between zero and one. Above one, you don't get a whole lot of credit, and so I think there's a lot there that's motivating many states that feel themselves hostage to leaders of just a few states, with these incredibly destructive weapons, to try to do something about it. I think that's understandable, and that it's a consequence, in a sense, of inadequate address of this issue, by a number of governments.

I would say there, as I start to pivot to the concerns I have, the U.S., for example was led by a president, the prior eight years, who actually wanted to move in this direction. I think a lot of the attention that's directed now, to the U.S. and the UK, where it's easy to travel and to get access to people, is misguided. Much of this discussion should be directed at the leadership in Russia, in North Korea, in Pakistan, in China. Because it's, in many cases, those leaderships that are, A, building up now, or resisting negotiating steps, like [unclear] material cut off, and that are challenging the security of states that live under nuclear deterrents umbrellas, in ways that we can enumerate here.

I think this is the greatest challenge of nuclear disarmament is to really achieve the elimination of nuclear weapons beyond having a short document piece of paper that says you should do this. To make it happen, you're going to have to address the security interest that motivates states and their populations to feel like they need these weapons. That means addressing the security issues surrounding North Korea and in the South China Sea, on the periphery of Russia, on the border between India and Pakistan, and in Afghanistan and Pakistan, now. We can go into the Middle East.

If you don't address those issues, seems to be it's very difficult for political leaders to then go to their populations and say, oh yes, we've agreed to prohibit nuclear weapons, and then in any town hall, in a democracy, people are going to say, okay, but how are we going to make sure the other people aren't cheating? And say, well, there's no verification. Okay, well what happens if somebody does cheat? Well, there's no enforcement. Well, what happens if one of our

adversaries attacks us, not with nuclear weapons, but with conventional weapons, and it's defeating us, what are we supposed to do then, if we can't defend ourselves? Well, you have to surrender.

That's a hard conversation for a leadership, and a lot of countries to have, and yet rightly or wrongly, that's the perception that a lot of countries have. It's fine for me to go to Pakistan, and there's great Pakistani diplomats here who are my friends, saying, you know what? India does not want any more of your territory. You don't have to worry about India coming into your territory, and they will rightly tell me, yes, but they're already messing around in Baluchistan. It's easy for you to say. Look, they just appointed this crazy Hindu fundamentalist chief minister, Andhra Pradesh, who's anti-Muslim to the core, and so what are you talking about?

Or for me to go to Israel and say the same thing, or for me to Russia, and I've done this, and tried this, and say, NATO's not a treat, and like Alexei said, the funny thing is, NATO moved to Russia's border, not vice-versa. From a Russian point of view, these things all have to be addressed, and so I find that the lack of address of those issues, in the Prohibition Treaty, to be fundamentally important, and therefore... [Unclear] will talk about it later, it could actually undermine long term progress towards disarmament.

MARJOLIJN VAN DEELEN

Thank you George. I'd like to pick up on that point of addressing security issues in a ban treaty. The question for both Dell and Beatrice, what your view is on this, and also picking up on Beatrice's comment about the P5 not being really necessary in order to negotiate such a treaty. Dell, could you react to that? See if that's your view as well, and also to the security issues, and then Beatrice.

DELL HIGGIE

First, could I pick up on something that Susan said about building blocks, and just to make it clear, that New Zealand and a whole lot of other non-nuclear weapon states, have been calling for building blocks for years and years and years. But we're not actually getting anywhere, because those building blocks, prime amongst them are, CTBT, never going to happen. FMCT, doesn't seem it's going to happen. De-alerting, not happening. I'd just like to say that I don't want you all to think that I'm a dangerous radical, or a needless idealist. It's just the other possibilities just aren't happening.

Susan says, do no harm, but we've already said. Well, I thought we said, that the NPT is already endangered, already in peril. If we want to retain it, and certainly I do, then we need to shore it up. That's what I'm talking about when I say, we have to do something more than simply mark time and retain the status quo.

In terms of the security issue, well, I can see George, you've put it very tellingly, persuasively, but it must be possible to move on a prohibition, and still meet those security concerns, if the reaffirmation in 2010, of an undertaking given in 2000, of the unequivocal undertaking.

Unequivocal, to eliminate nuclear weapons. If that meant something, and I believe it did, then it is obviously possible to eliminate nuclear weapons, and I don't think it's unreasonable for us to

push for better progress towards that, given that undertaking that we've all believe in for so long. I hope I sort of answered that.

MARJOLIJN VAN DEELEN

It didn't. How is this ban treaty going to provide security, in the sense that George mentioned, if countries were to sign up, and ratify how do they explain to their constituencies, if they are democracies, how to [overtalking] their security.

DELL HIGGIE

I can only speak for New Zealand. How would we be explaining to our populations? Well, very clearly, because we're not under a nuclear alliance. We're not under a nuclear umbrella. I'm not sure I should be working out, for nuclear alliance states, what they would tell their population.

What I would be telling my population is that we are doing our best to provide international global security, on a sustainable durable basis, which works to evolve and improve the international rules based border, and prohibits all weapons of mass destruction. We don't rely, we don't want to rely on a weapon of mass destruction, to achieve our security. Again, this probably sounds like dangerous idealism, but that's the New Zealand public's view. I'd be interested in a NATO member's view.

MARJOLIJN VAN DEELEN

You would be.

GEORGE PERKOVICH

You might not it.

MARJOLIJN VAN DEELEN

Beatrice, on security.

BEATRICE FIHN

Yes, we get this question a lot, and sometimes I feel like people put it on us to solve all the problems in the world before we can move on anything. You can see it in other issues as well. Iran [unclear] that we had a debate about yesterday, you pile on all of these other issues, and very complex things. You have to fix all those things first. Solve world peace first.

I think that's also one of the differences between this treaty is that it's a humanitarian treaty, and I guess that people are very used to the reduction treaties and nonproliferation treaties. It's more of a humanitarian law treaty in a way. It's normative, and I think you also have to base your response to nuclear weapons, not on theories. We can debate deterrence theory endlessly, pros and cons, it works in these cases, it doesn't work in those cases. We want to base our response to nuclear weapons on facts. What the humanitarian consequences are? What happens when you use nuclear weapons? Detonation of a nuclear weapon would indiscriminately slaughter hundreds of thousands of civilians, in a populated area, for example.

GEORGE PERKOVICH

But it depends. Keep going, I don't need to know. I'm sorry.

BEATRICE FIHN

Yes, and of course, not only would a huge amount of people die very quickly, the survivors would also be poisoned for long term and short term impact. Emergency relief agencies, like ICRC or OCHA has concluded that there will be no meaningful humanitarian response possible. They could not help. They would leave people to die, and I think that is what we need to base our response on nuclear weapons, not theories in that way. Our response is that weapons that do this to people should not be legal, under international law.

MARJOLIJN VAN DEELEN: George, you're dying to respond.

GEORGE PERKOVICH

No, I'm sorry. I have three brothers and a sister, and so we always interrupted each other. [Overtalking]. It's been inverted. Now I know what my sister felt like. I think it depends, and I don't want to sound like I'm defending nuclear weapons, but as a matter of, if not fact, at least it's not a not fact.

There are some uses of nuclear weapons that might not result in casualties or large numbers of casualties. You can imagine demonstration blasts at sea, or a nuclear detonation on a ship at sea, that would kill the soldiers who are legitimate combatants, but not have the kind of effect you're talking about.

The counter argument is that can lead to escalation and everything else, but now we're talking about could rather than would, and so to pin something as substantial as a legally binding instrument on what is an assertion, and not necessarily a fact, it seems to me is problematic.

Just as to say that nuclear weapons, we shouldn't move to eliminate nuclear weapons ever, because of such wonderful deterrents, I agree you, relies on a theory that could be quite disproved in fact, but I think in both instances, it's a little hard to be absolute in what the premise is on this, and it depends.

By the way, on the issue of mass casualty weapons, one of the things that happens is, people in our labs and other labs say, well we can design some smaller ones if you would just let us, that won't actually have that kind of effect, and so we ought to move in that direction. We'll need to do some testing, and some other things.

I think we have to be careful on the assertions that any use will lead to massive humanitarian catastrophe. I don't think we need to say it. I think there's other ways to say it, but that's part of what produces opposition. If you think I'm bad, my French colleagues here, and Russian colleagues and so on. I hear it from [unclear] my Pakistani friends, so that's part of the challenge to move forward.

BEATRICE FIHN

But I agree with you, that we shouldn't exaggerate the consequences. I think that sometimes a habit for NGOs to do when we built in this, it will be the end of the planet, and I don't think that is helpful. I think if you have a big populated area, it will be a huge number. You can have small, but the fact is that they are indiscriminate.

MARJOLIYN VAN DEELEN

I'd like to go back to the panel and ask Susan a question. You've stated it's important to do no harm. We've heard there might be some sort of treaty by July, which would be not very short, not very long, but would have some paragraphs, if I understand it correctly. What, in your view, would be the effects on the NPT review process that we're currently in?

SUSAN BURK

That's a great question, and I know that there have been draft texts around, of treaties. There have been various things over the last several years of treaties. I'm glad George is making these comments, because I thought I was three against one, and now I realize I'm right in the middle. But I think, again, we have to agree to disagree, and if the ban supporters are going to negotiate a short treaty that says, thou shalt not... And see that as an effective measure, then so be it.

I don't think, if the goal is to delegitimize nuclear weapons, and establish an international norm, I am doubtful you can do that. A norm against a possession of nuclear weapons, or reduce their perceived value, if you don't have the states, who possess them, involved in it. I understand the theory, but I don't think it works.

What I was concerned about in the run up to the 2015 Review Conference, and I was not involved with it, I'm just an observer. I have to confess, I streamed the final night of the 2015 on my computer.

GEORGE PERKOVICH

That's sad.

SUSAN BURK

Telling my husband when... saying what are you doing in the kitchen? Oh, nothing. I'm sitting there, streaming the final thing. It's a sickness. The NPT is a sickness.

But I do think that something short and sweet, if that's what it does, but let's not have any expectations that it's going to, all of a sudden, produce the elimination of nuclear weapons. Chris said this morning, I hate to repeat this, but it won't eliminate any weapons, and if it doesn't have the buy in of the states who have them, I just don't know where we go. It makes a statement that I think has already been very eloquently made, by the international community, through the humanitarian consequences process.

Michael Krepon just left, but an article that he wrote a while ago, which I have constantly referred to.

GEORGE PERKOVICH

He's already in line. He wanted to beat Bill Potter to it, so there he is.

SUSAN BURK

Okay, then maybe I shouldn't make this point, because you may be wanting to ask the question, but you wrote an article called, "Bombs, Bans and Norms", which I thought made a lot of sense. Is that what you were going to ask? No.

The whole issue of norms, if you look at the NPT, it's creating an international norm of nonproliferation, and I'm not a lawyer, but with 190 parties probably reflects customary international law, and Michael, in his article, concluded that the norms that will lead to disarmament are those that are created by an extended period of non-use of nuclear weapons and non-testing of such weapons, and we're in that period. That's not a pause, but nuclear weapons haven't been used since the first time, and no weapons have been tested by other than North Korea. He argues, and I support this, that sustaining both of these norms is really critical, because if those norms erode, I think everything else becomes very difficult to proceed.

So, to your question, a long treaty that has a lot of protocols that talk about safeguards and peaceful uses and export controls, that begins to look like an alternative to the NPT, and provides, as Andrew Mount and Richard [unclear] referred to the idea of forum shopping. I think begins to seriously undermine the treaty, if states believe that they have another option, other than the central treaty, under which all the P5 nuclear weapon states are obligated to comply.

MARJOLIJN VAN DEELEN

Forum shopping, Dell, how do you think that could be avoided? What could we do? Imagine there is a ban treaty up there, what can we do to make sure that there are no options for forum shopping?

DELL HIGGIE

I think that the forum shopping concern is a little bit illusory, frankly. You have got to have some confidence that the people negotiating the treaty in New York, will make sure that the treaty has some consequences to it, some dispute settlement regime. If you're thinking about the North Korea option, let's face it, I wish I thought that North Korea was looking to join a prohibition, was looking to even nominally renounce its weapons, but it's not. It seems to love them. I don't think it's looking for a forum, so in so far as the forum shopping argument, is focused on the fact that North Korea might join the prohibition treaty, as I say, I think that's fanciful.

If there were to be a country that joined the prohibition treaty that wasn't a party to the NPT. If it was a party to the NPT, the NPT provision still continued, understand international law, the unconventional [?] law treaty [unclear] still prevails. But if you've got a country that did join the prohibition treaty, that wasn't a party to the NPT, then the dispute settlement provisions, the consultations. If that treaty were to move to abandon the treaty, I don't for a minute think that there wouldn't be a follow up, both in terms of the provisions of the treaty, but also in terms of Security Council consideration, as routinely happens, for instance, on North Korea.

I don't see forum shopping as a real concern, but if it is indeed a real concern, and I know some commentators have suggested that it is, I think we can rely on the drafters in New York to do their best to eliminate it.

MARJOLIJN VAN DEELEN

Could you be a little bit more concrete on that, because what I was alluding to is forum shopping by those that are inside the NPT, and that might not like all of the provisions of the NPT, but would like the ban.

DELL HIGGIE

I thought I'd covered both scenarios, where a country was party to the NPT, was also party to the prohibition treaty, and if it withdrew from the NPT, the NPT provisions on withdrawal, with all the consequences we know would happen, in terms of security council consideration and so on. That would still come into being, just as the consequences of withdrawing from the prohibition treaty would. I thought I'd addressed the scenario of a country withdrawing from the prohibition treaty that was also a party to the NPT, and then the [unclear] scenario, when you've got a country who withdraws...

MARJOLIJN VAN DEELEN

Yes, no need to repeat. You mentioned that in the draft there could be provisions that would prohibit or make it unattractive to leave the NPT, because of a preference for the ban treaty. Do you have any specific suggestion for that?

DELL HIGGIE

It's a standard provision, in treaties, that build on an earlier legal framework. For instance, if you look at the Biological Weapons Convention, you'll find a savings provision for the 1925 Geneva Protocol. If you look at the Chemical Weapons Convention, you'll find the savings provision for the Biological Weapons Convention and the 1925 Protocol.

There are established rules under the Vienna Convention on the Law of the Treaties, that deal with the area when you have successive treaties on the same subject matter. In legal theory, it's not a problem, but I would expect that, just like the BWC and the CWC did, that there would certainly be a specific savings provision of the NPT norms, in the prohibition treaty.

MARJOLIJN VAN DEELEN

Beatrice, you also asked [unclear].

BEATRICE FIHN

Yes, I hear this a lot. Do no harm to the NPT, and I think that anyone who's committed to nonproliferation should really celebrate this treaty. You have maybe 120 governments about to make a really strong commitment, never use or possess or develop nuclear weapons, under any circumstances. Not as a part of a bargain that, we do this in exchange for that. The NPT was

temporary from the beginning, and you have all of these arguments that we will only do this if you do that.

This would be a very clear cut prohibition, that in some ways will be stronger than NPT. I think that we should celebrate that. We don't really want 120 countries to not want to prohibit nuclear weapons, right. I think we want that, and in terms of what is the threat to the NPT, you have countries engaging in huge modernization programs, and over \$1 trillion, that will run over the next six review conferences, these investments.

You have a president who tweets about engaging in a new nuclear arms race. You have comments and suggestions that there should be a European nuclear weapons program. You have complete lack of implementation of the agreement in '95, 2000, 2010. Maybe not complete, but on the disarmament parts at least. You have blocking of outcome documents of the NPT, and you have blocking of negotiations on further treaties in the Conference on Disarmament. So really, what is the threat to the NPT here?

MARJOLIJN VAN DEELEN

Well, if I listen to you, the impression I get is, correct me if I'm wrong, that you think the NPT has lost its value. That it can be replaced by something else.

BEATRICE FIHN

Absolutely not. I hope I didn't come across saying that. What I'm saying is that there are threats to the NPT. I think that there's a lack of implementation on the disarmament part. I think we should celebrate the fact that a lot of countries are ready to commit even stronger to never using nuclear weapons, never possessing nuclear weapons.

MARJOLIJN VAN DEELEN

I think Susan wanted to come in?

SUSAN BURK

Yes, I'm a little troubled by the comment that they could make a serious commitment not to possess nuclear weapons, because I grew up thinking that the NPT states made a serious commitment not to possess nuclear weapons. Again, that's the one treaty where you've got the weapons states and the non-weapon states, together in this NPT framework.

If you're talking about use, that's a different issue. Non-use, I'm not sure you need a ban treaty to address that issue, and I know that the United States, in the past, and probably in the future, hasn't been keen on pursuing a legally binding idea of security assurance. But that would be something, if the issue was use, then look at dealing with that in the CD or somewhere else, and trying to get some sort of a binding agreement on non-use with certain caveats.

Now, I don't know what's possible today on that. I know it's been hard to do in the past, but I would focus on that, instead of a treaty that is now a serious commitment not to possess nuclear weapons, as opposed to the NPT. Because I think, even just that comparison, casts doubt on the value of the NPT as a serious international instrument to both prevent acquisition of nuclear

weapons, and to provide a framework under which the P5 five committed to pursue disarmament.

MARJOLIJN VAN DEELEN

One more question for George and then we will open up the floor for questions, it's high time. George, how do you see concurrent existence of the NPT and the nuclear weapons ban? Could they exist at the same time?

GEORGE PERKOVICH

I think they're going to have to, because I think there's going to be a prohibition, and there's going to be the NPT. The issue is, over time, does the NPT part get eroded, because there's not much to erode on the prohibition part. And I think there's one step, and Dell kind of alluded to it, and Beatrice could say more, being closely involved to the negotiations. I can imagine, for example, and this is something that Adam Mount and Richard Nephew suggested. You could have a clause in the prohibition that a state found in non-compliance with its safeguards obligations, by the IAEA, would lose its standing under a prohibition treaty. A state couldn't say, yes, I'm problematic in the NPT, but I'm still committed to all of this through the prohibition treaty. It'd be a simple clause to add. It would reassure a lot of people. It would take away the forum shopping argument, for example. It'd be a straightforward thing to do.

I think the other worry I would have is how it plays out going forward politically. In states like yours, and I don't want to put you and our Dutch colleagues on the spot, or German colleagues, or Japanese colleagues, or other that I talk to. States that are in alliance relationships, and that have potential adversaries or are conventionally more powerful than most of the individual states, in those alliances, and so they're relying on extended nuclear deterrence. They also have populations that, at the moment, in some some cases strongly favor nuclear disarmament, and so the extent that the prohibition treaty makes that issue acute and domestic politics, I think there's a real possibility for damage.

One kind of damage has been widely remarked upon, which is the disarmament part of the population is prevailing, and the government which wants to maintain an alliance, like NATO or the U.S.-Japan, or the U.S.-South Korea alliance, comes under severe pressure, and you have that kind of...

I think there is a greater threat to nuclear disarmament over the long term, which is if you have that political context, over time, I'm not sure, but my instinct is that, for example, [unclear] could mobilize a campaign in favor of retaining a nuclear element of the alliance relationship, and he'd win. I think over time, after an election in September, a German government, if Russia keeps behaving the same way, could mount a campaign over a year [?].

So far, these governments don't really resist, they duck, but in this political environment, with Kim Jong Un doing what he's doing, and the concerns in Japan and South Korea and some European states, I can imagine you'd get a mobilization, if it's really going to be a fight, where you affirm deterrence. At that moment, it's going to be much harder to then go back to step by step nuclear disarmament, because some of our nuclear armed friends are going to say, wait a

minute, the pressure's off. There was this prohibition treaty. Fine that takes care of it. Doesn't bind us in any way. We've now cemented the role of nuclear weapons in our alliance relationships, what are we worried about?

As a disarmament advocate, I worry about... This is what happened with Obama, and then I'll shut up. The Prague speech, which I applauded, actually produced a very powerful backlash from the U.S. nuclear establishment. Some of the defense establishment in the Republican Party. Obama's supporters, for the most part, applauded the speech and said, we've got a president who wants to do this, let's go on and do other things. That resistance is now running the country, in a sense. A similar thing happened in Russia, and so I worry about backlash and what happens next.

DELL HIGGIE

Can I have a postscript?

MARJOLIJN VAN DEELEN

An extremely brief one, because there's a bit of a queue.

DELL HIGGIE

Extremely brief postscript to the early part of George's statement, regarding forum shopping, and I think there was a suggestion that the treaty could make sure forum shopping wasn't possible, by building in a provision that, a party to the prohibition treaty, had to be a party in good standing to the NPT. No drafters of the new treaty, and keen to be, ultimately, hopefully a global regime, are going to build into it, the impossibility of it every including those countries that you won't join the NPT.

GEORGE PERKOVICH

Right, which is why I didn't say that, yes.

MARJOLIJN VAN DEELEN

I should stop this one here, and go to the queue. We'll take a few questions.

UNIDENTIFIED QUESTIONER

How about this? Does this work? Yes, so I have a question for Dell and Beatrice, and I have a question for Susan and George. Dell, Beatrice, is there a need for, is there contemplation of an entry into forced provision in this treaty? Susan and George, would you at least acknowledge that the two most important norms we've got, testing, battlefield use, would not be adversely affected by this treaty?

MARJOLIJN VAN DEELEN

We'll take another question, because this counts as two questions.

HOWARD MOYLAN

Howard Moylan [?]. I would like to comment on the idea that are useful uses for nuclear weapons. I've been challenging people for a couple of decades now, to explain to me a scenario in which the detonation of a U.S. nuclear weapon will improve the situation that caused the detonation to happen. I don't think there is one. I don't think our nuclear weapons, particularly the U.S. nuclear weapons, have a mission.

We've got pre-emption against Russian missiles silos, which is suicidal. We've got destroying a dozen cities at once, which we're not going to do, unless we're crazy, and every other military target can be destroyed with precision weapons that don't poison the landscape, don't cross the nuclear threshold. We don't have a military need for nuclear weapons. We have them for domestic, political reason that are based on misinformation and other things, but I don't think we have a military use.

MARJOLIJN VAN DEELEN

What's your question please?

HOWARD MOYLAN

My question is, tell me, in detail, exactly when the use of a U.S. nuclear weapon will improve the situation which caused that weapon to be used?

MARJOLIJN VAN DEELEN

I think this is a good moment to go back to the panel, but I see a lot of questions, so I would ask you to keep your answers brief. Maybe Dell first, on the entry into forced provision, and if you'd like to comment on the second question.

DELL HIGGIE

Well, the second one would be way beyond my skillset about when the U.S....

GEORGE PERKOVICH

I'll try to answer.

DELL HIGGIE

Okay, you'll take that one.

MARJOLIJN VAN DEELEN

Just entry into force.

DELL HIGGIE

Entry into force, every treaty has an entry into force provision, so there definitely will be one in the prohibition treaty. I can say that with one hundred percent confidence. What it will be, I can't [unclear], but I think that if you look at recent treaties, they try to sit some sort of threshold, normally between 30 to 50 states. I think what lay behind that question was maybe the CTBT one, which is like a lesson in not ever putting in place an entry into force provision that

can't ever enter into force, because the standard setting is so impossibly high. Yes, there will be an entry into force provision. Yes, it will be readily attainable. I assume it to be simply a fairly low numerical threshold.

MARJOLIJN VAN DEELEN

Beatrice, the same?

BEATRICE FIHN

Yes, I agree, treaties need to enter into force, so obviously, as civil society we are going to advocate for as low as possible. I can see the governments will want it higher, we'll get a number some time, and I don't think it's very complicated. I'm also looking forward to hearing the explanation of the other question that [overtalking]. Government could have come to Oslo and [unclear], and made that clear. I know we can debate that forever, but I wish they would have been there and said these things.

GEORGE PERKOVICH

I'm thinking.

MARJOLIJN VAN DEELEN

Susan, about the norms that are in existence?

SUSAN BURK

You want to acknowledge that they would not be affected by a ban. The non-use and non-testing? I don't have any idea today, what will be affected by anything. If the idea was the ban would somehow cause behavioral changes or attitude changes on the part of the weapons possessors, I don't believe that's the case. But I'm a firm believer in the thesis you put forward, that we need to maintain non-use and non-testing, and then continue to march down the road. I just don't know, and I wouldn't even hazard a guess in today's environment, to tell you the truth.

GEORGE PERKOVICH

I agree. I don't think it would affect the norm on use and testing, but Howard.

MARJOLIJN VAN DEELEN

Very briefly George.

GEORGE PERKOVICH

Yes, let's say that the U.S. doesn't have a military need for nuclear weapons, because I think you could make that argument, and I'd made that argument, and that's precisely a reason why the Russian military establishment and President Putin say they need nuclear weapons, and it's also an argument that the Chinese military makes about why they need nuclear weapons.

It's how they reacted to the Prague speech. The Prague speech was this brilliant president setting a trap for everybody else, precisely because the U.S. doesn't need nuclear weapons, he was then

trying to argue that we should move to a world without nuclear weapons, because the U.S. wins, in a world without nuclear weapons.

MARJOLIJN VAN DEELEN

We'll go to the other microphone.

HEATHER WILLIAMS

Yes, thanks, my name's Heather Williams, from Kings' College, London. My question is for Ambassador Higgin. Now that we understand how entry into force will happen, my question is, what comes after entering into force with the ban treaty? I just put forward three very brief possible options, will one be, pursuing expanded membership to include nuclear possessors or states under a nuclear umbrella? Would the second option be trying to turn the ban into some sort of a convention, with verification? Or the third option, is the idea that the existence of the ban itself is enough to strengthen the norm, and have an impact on disarmament? What comes after entry into force?

01:12:58

MARJOLIJN VAN DELLEN

Thank you for that, and we'll take a second question also on that side.

JACKIE KEMPFER

Hi, my name is Jackie Kempfer, with the Stimson Center, and kind of building on that question actually, going back to a few of the comments from the panel. In the discussion of how negotiations on disarmament will still be left to the P5 who are currently not interested in becoming part of this treaty, and then also discussing the value of the treaty. I'd like to hear more, especially from Dell maybe and Beatrice, on specifics of what you're hoping that the treaty is going to accomplish, aside from strengthening a pre-existing norm, what specifically are the aims, and where is the value in it?

MARJOLIJN VAN DELLEN

I think we can take a third question from that side as well, and then next round we'll be there, promise.

REBECCA DAVIES-GIBBONS

My name is Rebecca Davies-Gibbons. I'm from Bowdoin College. It strikes me that there's been so much energy that's been expended for the ban, with the humanitarian consequences movement. A lot of young people have learned about nuclear weapons because of this effort, that might not have otherwise, and yet the P5 largely has ignored this effort. I'm wondering, is there anywhere to find common ground between the P5 and this ban effort, and all this energy that has come in favor of this treaty. It strikes me that we all care about reducing nuclear risks, so is that a place to find common ground between these two groups? Do you see any hope of that common ground progressing in the future?

MARJOLIJN VAN DELLEN

Thank you, Dell, do you want to answer first, the question about what happens? The three questions, basically, what happens after enter into force, the common ground, and accomplishments accept [?] the norms.

DELL HIGGIE

What happens after entry into force depends, in a little way, on specific terms of the treaty, and we can't, of course, as yet, project what those are. Is there going to be a reporting requirement? Will there be annual meetings of states parties or so on?

If we look at the most recent treaty adopted by the UN, the Arms Trade Treaty, after entry into force comes this annual meeting of states parties, implementation support unit and so on. We can't say what will come after the ban treaty, until we know its actual provisions, but if underlying that question is a concern, maybe from whichever side of the spectrum, a concern that it will have no impact.

I take the point that Susan made before, at the outset, and also Chris Ford said this morning, about it can't make a *opinio juris* [?], because of the variety of existing positions that wouldn't... By stakes [?] it wouldn't be ready to sign to it. You can have a ground swell, and you can have the enhancement of the norm, without requiring it to have *penio juris* and be *ius cogens* or whatever. It can still have impact and influence without having to become part of customary international law. Insofar as that under laid the question about what happens after entry into force, I'd just like to put that down.

Common ground and its risk of common ground. Well, risk is an interesting one, because most people would agree that the risk of nuclear weapon detonation, whether accident, miscalculation, design, whatever, has to be something more than zero. But of course, we all recall those rather [unclear] statements by France and the previous review conference process, that there was absolutely no risk to the French nuclear deterrent. I'm not sure that risk is necessarily going to be the common ground.

Just a question about common ground. If you're genuinely interested in common ground, you have to be prepared to move off your position to find common ground. I have been irritated during much of the review conference processes, by people who keep saying, no, you other people, abandon your position, come find common ground. Reads, my position is to be joined. I am a little bit dubious about the false lure of common ground.

MARJOLIJN VAN DEELEN

Susan, do you want to react as well, to the questions?

SUSAN BURK

On common ground? Well, that was one of my talking points when I was doing 2010, was we need find common ground, find a sweet spot in the consensus, and I agree with Dell. I think it's hard. I think there are some areas, and they're not the kind of stuff, if you're looking for instant

gratification, this is not where you'll go, but I think work on verification. I think that's one of the difficulties in trying to establish the norm for a convention or a ban or something like that, that really requires verification.

The United States and others at NTI, launched a verification initiative, and I never participated, but I read the statements at the end. They never provided nearly enough information for this public, but I think these are areas where serious work needs to be done, because if we ever are to get to that world, without nuclear weapons, the standard of verification has to be something which doesn't exist right now. I don't know that that produces results right away, but it's an area where I think weapons states and non-weapon states can work together.

I think common ground and building blocks, and I know this was an area that New Zealand and others pushed, but FMCT, these are things, I know it's old news. It was in the plan in 1968. It's ancient history, but I do understand that there've been some developments recently on FMCT, taking it up a little notch. This, to my mind, is a nuclear agreement, a nonproliferation arms control agreement that is the best opportunity that we have right now, that would bring the NPT weapon states together with the states outside the NPT, who possess nuclear weapons.

I know that this is hard, and I don't know what the U.S. administration will say about it. I know what they said in the Bush administration, but I think that these are areas that we ought not let them roll of the screen, because they would have a significant impact on reducing nuclear dangers. There are other initiatives like that too, but I think when we get tired of beating our head against the cinder blocks, we want to get something fresh, and a new idea, but just don't ignore the old ideas that we haven't been successful at. The time may come when there'll be an opportunity to move forward.

MARJOLIJN VAN DEELEN

Beatrice, on the three questions that were asked.

BEATRICE FIHN

Yes, in terms of finding common ground, again, I think we have common ground. It's the outcome document from 2010. That was a compromise that was negotiated for four weeks in New York, and there was a lot of countries that wanted much more ambitious actions there, and there were nuclear weapons states that wanted less. It is the common ground, and I think there's no one... The non-nuclear states, but especially those that are supportive of the ban treaty, they're ready.

Do it, it's not, the non-nuclear states are holding the implementation of the those actions, especially on disarmament, so I think, yes [unclear] ratify it. We're waiting. FMCT, people have been waiting for twenty to thirty years for that. Come on, let's do it. All of those things, it's just to start doing it. I think that that is the common ground. We don't need to renegotiate that. We don't need to focus a whole other [unclear] cycle of just agreeing to that again. We've already agreed to it. It still stands.

In terms of the impact of the ban treaty and what will happen afterwards, I'm just going to speak from ICAN's perspective, and we also want to do from civil society. We haven't even started the

negotiations yet, and already has an impact, this treaty. It already changes the way we talk about nuclear weapons in some forums. Perhaps not this so much. It has put uncomfortable questions to some states that have been very happy to portray themselves as supporters of disarmament, but when it comes down to it, actually quite like nuclear weapons, and want to keep them for a while.

I think this polarization has always been there. I think, just now, people are in some ways telling the truth. It's raised awareness levels around the world, on it, so I think it has a lot of positive impact already. There would be a lot of practical things, as Dell said. The ratification, we will work to bring attention to any country that signs on to the treaty, ratifies the treaty. Talk about nuclear weapons as unacceptable, as illegal as much as possible, in our community, in national context, in media, trying for us to strengthen that norm as much as possible.

We will identify what kind of behavior is now illegal, under this treaty, and start criticizing governments for doing those actions, even if they haven't signed on to the treaty. I heard this morning, Chris Ward said, customary law and how it works, we don't think that this is going to be customary law, until it is customary law, but it's going to require a lot, but we will work to strengthen that kind of norm, and to build this norm. It's a long-term perspective.

I think we will work to rally the public in countries. We have people in Scotland who are very upset that they are not represented at these negotiations, trying to give energy to movement in nuclear arms case, but are working on this, and try to start stigmatizing that kind of behavior. Planning for nuclear war, excising [unclear] things, investment in nuclear weapons production, the [unclear] programs. All of those things try to push this idea that this is now unacceptable behavior.

MARJOLIJN VAN DEELEN

George?

GEORGE PERKOVICH

I'd like to take some more questions I think.

MARJOLIJN VAN DEELEN

Okay, yes.

EDWARD

Edward [unclear], State Department. The ban movement has been very clear that nuclear deterrents as immoral and must be eliminated, but the movement has said virtually nothing about deterrents in general. It would be useful to hear whether the ban movement believes that in a world without nuclear weapons, deterrents using conventional weapons would be acceptable and moral.

I need to push back on another point. I've been hearing for a couple of years, the claim that the two-stage process that is being proposed will ban nuclear weapons. Then we'll come back at

some later time and figure out how to get rid of them, is how we always do it. I'm sorry, not only is that not how we always do it. We have never done it that way.

The Chemical Weapons Convention, the Biological Weapons Convention, the Ottawa Treaty on Landmines, the INF Treaty, all of those, in a single document, we ban something, and then we provided for the elimination procedures, timelines, verification etc. I'm not saying that the two-stage process isn't logical or that it can't work, but it definitely is not how we always do it. Thank you.

MARJOLIJN VAN DEELEN

I can see the clock ticking here. We can take two more questions, and then we'll have to wrap up.

ALEX LEIBOWITZ

Thank you, Alex Leibowitz, formally with the State Department. I want to question one of the basic assumption, especially as raised by Ambassador Higgle, that the NPT is in peril. I would like to know why she sees the NPT in peril. I haven't seen states breaking out of the NPT, other than Iran, and it seems to me we kind of dealt with that, hopefully for some time, hopefully permanently. Or North Korea and if this ban is going to help do something with North Korea, I would be both surprised... Grateful, but also rather surprised. I don't see where in the real world, the NPT is really in peril, and if it is in peril, how this ban is going to stop the problems there. Thank you.

MARJOLIJN VAN DEELEN

Last question.

LEAH MATCHETT

Good afternoon. My name is Leah Matchett. I'm at the University of Oxford. My question is, a lot of your discussion is focused on whether or not this proposed ban will influence the NPT, and one of the things I'd like to hear especially the people who oppose the ban talk about, is a little bit more of how we can adjust the legitimate concerns of non-nuclear weapon states, who feel frustrated and unable to participate in a nonproliferation regime or disarmament regime, which they haven't been actively included in, which is mostly focused on bipolar nuclear arms reductions. Thank you.

MARJOLIJN VAN DEELEN

Thank you, can we give each of the panelists an opportunity to respond to those questions just now, and maybe in the seating order that we have here. Dell, you're up first.

DELL HIGGIE

I think that lady who just spoke then provided some of the answer to the previous question. To say it's in peril is over stating it, and I didn't say it's in peril. I said it was in some jeopardy, and I do believe that it's in some jeopardy, having attended two RevCons now, and a lot of Precons.

The extent of the frustration is very palpable, so yes, it's true that hasn't been massive withdrawals, or any withdrawals beyond North Korea, but we don't talk about that, because we'd be terrified if it happened. But nonetheless, in the academic commentary, you will see widely referenced, that possibility. I hope it never comes to pass, but I think that to suggest that the NPT is just tickety-boo, and let's carry on as we carry on, I think that that's not going to possible.

What were the other questions?

MARJOLIJN VAN DEELEN

About the NPT in peril, deterrents, how to address the concerns of non-nuclear weapon states, and then maybe the relationship... Or maybe, how it's always done, and relationship to other treaties.

DELL HIGGIE

In North Korea, I don't think any... And I thought I'd made this clear in my initial comments, that not for one moment am I expecting North Korea to join the prohibition treaty. There was not to be a suggestion. One of our questioners said, how will it help North Korea? I don't think North Korea will join the treaty. It's an outlier. It's a maverick or whatever. I don't see that the prohibition treaty is something that's going to appeal to it, but I do think the norm enforcement, reinforcements [unclear], I think that that will undermine North Korea's repeated assertion that having withdrawn from the NPT, it's perfectly entitled to develop nuclear weapons.

In terms of the two-stage process, well I guess I'm thinking very much of the 1925 Geneva Protocol which was simply a statement against chemical and bacteriological weapons, without any sort of consequence, and without any sort of dispute settlement verification. Then later that got developed in those two treaties, but those two treaties also provided for any chemical weapon [unclear]. Provided for destruction processes within them. That's what I mean about prohibition being ahead, often, of actual elimination. You could, as we know, ratify the Chemical Weapons Convention and retain chemical weapons, but you have to commit to proceed to destroy them.

MARJOLIJN VAN DEELEN

Thanks Dell. Susan?

SUSAN BURK

On the NPT in peril. In recent years, I think every review conference the NPT is in peril, and if you've been to a review conference, it's a high stakes poker game, and it goes till three in the morning, except in 2010, when it finished at 6 o'clock. There is this air of urgency, and its multi-lateral diplomacy. That's the way it is.

At the same time, the world today is different than it was in 1985, and so we are facing an area where in South Asia you have two countries that are in a nuclear arms race. We heard yesterday. We've got a country that's withdrawn from the treaty that is provocatively carrying out activities

that are completely inconsistent. I don't think we need to say, it's the end of the world, but I think we ignore these developments and the impact on this treaty and on the regime, at our peril. I think we cannot take this agreement or the regime for granted.

On areas of cooperation, I go back again. I think the P5 and the NPT context, they have a special responsibility, because they're the ones that have the nuclear weapons. To be paying attention and taking seriously the concerns that have led to the humanitarian consequences movement, and this movement to negotiate a ban treaty. This is not crazy stuff. These are concerns that are legitimate concerns, and concerns about the ability to respond to a nuclear incident, and I think, if you look at our ability to respond to natural disasters, that's a concern I would have too.

I think we need to take that seriously. It's not aimed at being mean to the P5, but the P5 need to step up, and the United States needs to step up, and they need to be moving forward, looking at risk reduction measures and other kinds of things, and then I believe that they also need to be more open and transparent in terms of briefing the others on what they are doing. The verification exercise is a really good one. I hope it continues.

I think more efforts should be made to bring in non-alliance states. A lot of non-alliance states have had very sophisticated infrastructures. They should be a more representative group that begins to really tackle the tough issues of verification in a world with lower and lower nuclear weapons, and where nuclear weapons need to be secured and so forth, and there are other areas.

I think that there are areas to work there, but it's two to tango and four to square dance. We need more people to be involved. The P5 have a special responsibility, and those who want a faster progress, need to be as patient as they can be, because it's not going to happen before the conditions are right to happen.

MARJOLIYN VAN DEELEN

Beatrice, deterrents with conventional weapons.

BEATRICE FIHN

Yes, I just wanted to pick up first on the elimination and provision first. I think that the treaty needs to have an obligation to eliminate nuclear weapons, and it can also have a timeline, not just for the elimination of nuclear weapons, but also for all the other provisions, deployment of nuclear weapons on your soil, for example, or assistance. That kind of stuff. Hopefully there will be in, say, ten years or something. Like in the landmines and cluster munitions case.

It's more that I don't suggest that we negotiate the entire verification part and [unclear] I assume the nuclear arms states would want in such an agreement, but obviously there would need to be an obligation to eliminate in the treaty, and hopefully with a timeline as well.

In terms of deterrents in general, I think, again, the anti-nuclear weapons movement is very closely connected to a bigger peace movement, but the ban treaty is not that. It's a treaty based

on humanitarian concerns. I think war and armed conflicts is not going to be eliminated any time soon. This is not intended to fix those kinds of problems. This is intended to regulate what kind of weapons are acceptable to use or not.

At some point, if we agree that we will have a world free of nuclear weapons, if we want to have zero nuclear weapons in the world, at some point governments have to be prepared to give that up. And that is, I think, always going to be a painful decision, and there's always going to be people in countries that are disagreeing with it. In the United States, there's people disagreeing that we shouldn't do nuclear testing.

This ban treaty is meant to help. It's meant to empower those that don't think that nuclear weapons should be around. It helps to make it harder to justify to keep nuclear weapons around, and this will be painful for countries and for some people that believe in this, but at some point, down the line, if we're going to do this, if we're going to have a world free of nuclear weapons, that decision has to come.

MAARJOLIYN VAN DEELEN

George.

GEORGE PERKOVICH

Just very briefly, a couple of things. I think that's the objective, then a lot more effort's going to have to be put in to defining terms. Even though there's not an effort to define verification, and it's going to be left for later, I can tell you, if it's vague and short and sweet, you're going to have a twenty year negotiation at some point over what elimination means. You can't avoid the hard issues, and I think there's an effort here to avoid them and say let them decide. It's not going to work that way. Would be one point.

Second point, the BW Convention's been mentioned as a model in a lot of ways, and without going into a lot of details, there's a problem with that model, which is the BW Convention doesn't really have verification. Many states believe that it is being violated today, and that one of the reasons that can be managed is they've retained nuclear weapons to deter that kind of view, and to reassure themselves in a sense that if a state or more that were violating it, actually use those weapons, there would be a response.

If you try to have a similar prohibition on nuclear weapons that a number of states will go, isn't there viable [unclear] could be cheated upon, in addition to biological weapons. The international security consequences of that can't be ignored.

Third quick point, we talk a lot about the P5. It's very important, in my view, to realize that this is a conversation of at least nine states, the nuclear armed states, and talking about just the P5 ducks, not intentionally, it inadvertently ducks very distinct issues related to Pakistan, India, Israel and North Korea, without which you can't get this done. I think that should be addressed.

Lastly, I really appreciate the question about, is the NPT in peril, and the answer is, no, and we can talk about it, but it's hard, right now, to name the next state that is a likely state to try to break out of the nonproliferation regime. That's all good news. If the NPT's not in peril, I would

argue, international security is, and we can have lots of places we can point around the world where international security is jeopardized. So that, I think brings back the argument about the role of nuclear weapons, and how to achieve international security, that goes beyond the confines of the NPT.

MARJOLIJN VAN DEELEN

Thanks. I'm afraid we've run out of time. I'm sure we could carry on about this topic for hours, and I am sure we will, but not today. I'd like to thank you all for being patient, for bearing with us, for participating actively, and before I turn to George, because I've been told [unclear] wrap up, I'd just like you to join me in thanking our panel.

GEORGE PERKOVICH

Thank you Marjolijn. I am now, on behalf of Carnegie and my colleagues, all at Carnegie, but especially Toby Dalton and James Acton who led this effort. To thank you all, and people were quite... What's the right word? Diligent, perseverant, you stuck around, and that's quite impressive.

You are asked to please fill out the feedback form, either on the app, and some of you know what the app is, or by email, which will send to you, which even I know what that is. I want to thank again our funders, whom we've mentioned, and then especially I want to thank our colleagues, Erin McLaughlin and Lauren Dueck. Erin's back there. I'm not sure where Lauren is. There's Lauren. They were heroic. They were absolutely heroic in making all of this happen, and you've seen it, and it's been seamless. It was actually seamless in the backroom for the last couple of months too, so I really want to thank them for that.

Tim Martin set up afore mentioned app, and so tell him if you think it's great. Jess Margolis, Bert Thompson, Chelsea Greene, and Liz Dovell, our communications team, again. Many of the people who've helped you out in various ways, checking you in, guiding you to places and so on, are from other programs at Carnegie, so the institution basically dedicated a lot of personnel here.

There are the younger ones, and so I want to thank all our colleagues from Carnegie, and then finally, Katie Beddow and her team from Linder and Associates. If anybody's organizing a big conference and you want to hire somebody to do a lot of that, we highly commend Linder and Associates. They've been wonderful. There is a reception right out that door, like thirty steps out that door, and we'll see you again in spring, two from now, to see how your predictions did.