

THE NUCLEAR BAN TREATY: WHAT WOULD FOLLOW?

GEORGE PERKOVICH

In May 2017, negotiators at the United Nations introduced a draft convention to prohibit the possession of nuclear weapons, as a way to hasten progress toward eventual nuclear disarmament, as called for in the Nuclear Non-Proliferation Treaty (NPT). All the nuclear-armed states except North Korea have boycotted the negotiations, along with many U.S. allies. Unfortunately, the good motives behind the treaty do not mean it will enhance international security, prevent nuclear proliferation, or facilitate actual nuclear disarmament. It may even have unintended consequences that make these goals harder to achieve. Yet there are steps that nuclear-armed states could take, perhaps nudged along by their allies, to help heal rifts that the proposed ban treaty has highlighted.

Rationale and Potential Pitfalls

- International support for a nuclear prohibition treaty became nearly inevitable, largely due to nuclear-armed states' failure to demonstrate "good faith" in pursuing nuclear disarmament under the NPT.
- Non-nuclear-weapon states are in the majority; most of them do not accept this lack of progress toward disarmament and are reluctant to be held hostage to the potentially nuclear war-triggering decisionmaking of leaders such as Kim Jong-un, Vladimir Putin, and Donald Trump.
- Despite the legitimate concerns that prompted it, the ban treaty's simplicity and corresponding lack of rigorous verification and enforcement provisions are cause for concern. By driving wedges between democratic allies, a nuclear ban treaty may inadvertently weaken deterrence of nondemocratic governments that would be less constrained by public opinion and the norms reflected in the treaty. This, in turn, would make actual nuclear disarmament less likely.

Bridging the Ban Treaty Divide

- Nuclear-armed states could individually or with other actors take nuclear disarmament obligations more seriously by specifying—theoretically, for now—how they would design a verifiable, enforceable nuclear disarmament regime.
- The process of designing a prototype disarmament regime would address vital questions that the ban treaty avoids: which activities, materials, and facilities useful for developing and producing nuclear weapons must be prohibited, and how will dual-use activities be managed and monitored? What national and international transparency and verification protocols would disarming states require, and what organization(s) should and could enforce such a regime?
- An international debate is needed on the conditions, if any, under which the first use of nuclear weapons could be necessary and legitimate. States could stimulate such a debate by seeking to bring the use of nuclear weapons under the jurisdiction of the International Criminal Court.

ABOUT THE AUTHOR

George Perkovich is the Ken Olivier and Angela Nomellini Chair and a vice president for studies at the Carnegie Endowment for International Peace.

CONTACT

Tara Medeiros
Deputy Director of Communications
+1 202 939 2372
tmedeiros@ceip.org

CARNEGIE ENDOWMENT FOR INTERNATIONAL PEACE

The Carnegie Endowment for International Peace is a unique global network of policy research centers in Russia, China, Europe, the Middle East, India, and the United States. Our mission, dating back more than a century, is to advance the cause of peace through analysis and development of fresh policy ideas and direct engagement and collaboration with decisionmakers in government, business, and civil society. Working together, our centers bring the inestimable benefit of multiple national viewpoints to bilateral, regional, and global issues.

© 2017 Carnegie Endowment for International Peace. All rights reserved.

The Carnegie Endowment does not take institutional positions on public policy issues; the views represented here are the author's own and do not necessarily reflect the views of Carnegie, its staff, or its trustees.

CarnegieEndowment.org

 [@CarnegieEndow](https://twitter.com/CarnegieEndow)

 [facebook.com/
CarnegieEndowment](https://facebook.com/CarnegieEndowment)