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**Reshaping the Global Security Order:
*Can the Prohibition Treaty build a framework
for eliminating nuclear weapons?***

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Abstract

This paper considers the various dimensions of the dangerous, and unequal, global nuclear order which has remained largely unchanged over many decades.

It then examines ways in which the creation of the Treaty on the Prohibition of Nuclear Weapons (TPNW) has served to change these dimensions, if not in a substantial way, then certainly in a way which threatens the long-held power of the P5 nuclear weapon states.

Ultimately, the TPNW is likely to be the instrument which, more than any other endeavour to date, might come to dislodge the great powers' domination of global nuclear politics.

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1. Introduction

The existing global nuclear order is one that was created and reinforced by the five nuclear weapon states (NWS) listed in the nuclear Non-Proliferation Treaty (NPT): China, France, Russia, UK and USA. These states are also the permanent five (or P5) members of the United Nations Security Council. Even though this status has nothing to do with their nuclear weapons possession, the P5 members have been able to wield overwhelming power over the global nuclear order and have managed, through the NPT, to consolidate their position as hegemon of this order, resistant to pressure to fulfil their obligations to disarm.

2. Review:

Dimensions of the existing global nuclear order

This section briefly explores the five major dimensions or characteristics of the global nuclear order¹ which have enabled the nuclear weapon states to retain their power over non-nuclear states and ensure that the nuclear order remains beneficial towards them.² These characteristics are inter-related and serve to reinforce each other to create the prevailing nuclear order. That order has enabled the NWS to keep, expand and modernise their nuclear arsenals, and to build a narrative in which they are portrayed as the rightful or 'responsible' states permitted to have nuclear weapons while at the same time condemning or preventing – albeit selectively – the possession of nuclear weapons by other states.

These dimensions are:

- the discourse used to preserve the possession of nuclear weapons;
- the suppression of humanitarian concerns in nuclear war planning;
- an exclusivity which enabled nuclear war planners to exercise their control with little or no oversight;
- the material costs devoted to nuclear weapons programmes which reified the status of these weapons; and
- the use of the NPT regime to ensure that the global nuclear order remains essentially static, always favouring these states as the managers of this order.

The NPT, negotiated in the late 1960s, preserved the nuclear position of those five states which had developed nuclear weapons before 1967, but sought to prevent any other state from developing these weapons. The non-nuclear weapon states that joined the NPT did so not just because they too wished to halt the spread of nuclear weapons, but also because the NPT in Article VI committed the NWS to move to eventual nuclear disarmament.

While preventing the spread of nuclear weapons to others has been largely successful, the nuclear states are clearly not willing to keep their end of the NPT 'bargain' and move to nuclear disarmament. Instead, they retain over 12,000 nuclear weapons (with almost 90% of these held by the US and Russia), many of these vastly more destructive than the Hiroshima bomb, and they continue to modernise and even expand their stocks of nuclear weapons.

Non-nuclear-weapon states have for the past three decades tried to hold the NWS to account, but have become increasingly frustrated that the entrenched dimensions of the global nuclear order serve only to preserve the *status quo*. Non-nuclear states have come to see the NPT as a fixed arrangement rather than the transformational treaty they envisaged when they agreed to sign (and later extend indefinitely) the NPT.

Dominance of security in the discourse

First, the discourse of nuclear weapons over the decades has been focussed almost exclusively on elements of 'security', of the necessity of (these few) states to hold their nuclear weapons as essential requirements for nuclear deterrence. This is so despite the fact that deterrence is not proven to have prevented conflict against these states in the past and that it cannot be relied on to keep the peace in the future.³ Nuclear weapons have come to represent something almost magical and quintessential – but only for the nuclear states – and their national security. This discourse presents nuclear war-fighting

¹ I have expanded on my description of the global nuclear order in Hanson 2022, but there are likely to be other factors that have been important in upholding this order. Relatively little academic attention has been paid to this topic, but key texts include Kutchefahani 2019 and Walker, 2012.

² Four other (non-NPT) nuclear weapons states exist (Israel, India, Pakistan and North Korea), but these states have had far less influence in the global nuclear order; moreover, it is the P5 states which have the primary responsibility to move towards a more equitable nuclear order, which will in turn effect these smaller nuclear states.

³ Pelopidas, 2015.

plans as 'normal', and creates a language, described by one observer as 'techno-strategic'.⁴ The unparalleled potential for destruction by nuclear weapons is seen as a rational response to security concerns.

Suppression of humanitarian principles

Second, together with this discourse has been the active suppression of the fundamentally inhumane nature of nuclear weapons, an avoidance of what nuclear weapons actually do to people and to environments. Strategic discourse has avoided raising the fact that these weapons violate international humanitarian law, and that their use would certainly violate human rights provisions, including inter-generational rights, the planet's ecosystem, and humanity in general.

Exclusivity of decision-making

Third, the global nuclear order is one of exclusivity; it has been developed by a handful of states which nonetheless holds enormous power over every country in the world. And within this small group of states, only a very limited number of voices have been given the power of decision-making regarding possession and use of the bomb. The exclusivity of planning by a small 'national security' team often means that these elites can plan for nuclear war largely free from public oversight, insulating them from meaningful external questioning. This denies democratic deliberation, serves to keep out voices of dissent or morality,⁵ and effectively ignores victims of nuclear attack or nuclear testing.

Glorification of status through massive spending

Fourth, the material costs devoted to nuclear weapon programmes have come to confer a sense of 'awe', 'legitimacy' and 'necessity' onto these programs, creating a pattern of government behaviour which became in time self-reinforcing. The expenditure of enormous sums of money on nuclear projects has served to elevate the status of these weapons almost beyond question. The close association between weapons manufacturing corporations, technical laboratories, and those responsible for national defence, have required the development of a particular strategic culture commanding vast resources. Calls for new thinking about nuclear weapons or for reducing nuclear budgets have mostly failed, regardless of the actual utility of nuclear weapons or the vast opportunity costs incurred by such spending.

Hegemonic control of the nuclear order via the NPT

Fifth, and finally, is the way in which the nuclear Non-Proliferation Treaty has itself been hijacked by the P5 states, serving only to reinforce the original inequalities inherent in its structure. Not only have the P5 states failed to move to any meaningful process of disarmament, they – especially the US and Britain - have also adopted a policy of geopolitical 'management' of the non-proliferation regime, according to themselves the right to deny, forcibly, any nuclear weapons to states even suspected of seeking a nuclear capability.⁶ The NPT was the ideal mechanism for the P5 to push for non-proliferation, but it has no provision to compel these states to uphold their side of the agreement. Over time, non-nuclear states have given up on the NPT as the process by which they could press the P5 to disarm.

All these dimensions of the global nuclear order have become entrenched over the past half-century. As self-reinforcing mechanisms they have permitted no entry-point for effective challenge, leaving non-nuclear states and civil society groups increasingly frustrated.

This stalemate changed when, in 2017, non-nuclear states established the Treaty on the Prohibition of Nuclear Weapons in the United Nations. Today, with the evidence of several failed recent NPT Review Conferences, the deterioration of relations between the P5 states threatening nuclear hostilities, and a growing sense of anger among many non-nuclear states, it is worth exploring whether any of these factors have been affected by the TPNW process, and if so, how this might come to affect the emergence of a new non-nuclear global order.

⁴ Cohn 1987.

⁵ Benedict 2012.

⁶ Falk 2017.

3. Analysis:

The TPNW disrupts the dimensions upholding the global nuclear order

The achievement of the TPNW was a significant win for the non-nuclear states, which were urged on by civil society actors. Although a relatively recent treaty and one which has so far been rejected by all the nuclear weapon states, it has potential to impact the existing global nuclear order. It currently has 92 state signatories, and the hope is that membership will grow over time, leaving the nuclear weapon states as outsiders in a world where the manufacture, possession, use, or even threat of use has been denounced as morally unacceptable and is now proscribed under international humanitarian law. As with the landmines, cluster munitions, chemical and biological weapons treaties, the TPNW is seen as an important step in the campaign to move towards a world free of these inhumane weapons. On its own it will not bring about disarmament, but its normative influence will grow and is likely to affect the calculations of even the largest and most powerful states in the international system.

It is not possible to predict whether this instrument – or any instrument for that matter – will be effective in persuading nuclear weapon states to abolish their nuclear arsenals, even though they have promised to do so under the NPT. Whether their promises are merely lip-service or whether international law and morality can eventually influence the behaviour of states with nuclear weapons will not be clear for some years.

Yet despite this uncertainty, it is possible to argue that the nuclear order established and consolidated by the P5 states has come under pressure and is being challenged in a way that was not possible earlier. This is because of the Humanitarian Initiative (HI) undertaken by non-nuclear states which led to the establishment of the TPNW. I suggest that the way in which the TPNW was achieved, along with the nature of the TPNW itself, fundamentally challenge the various dimensions that underpin the P5's global nuclear order. I therefore examine these in turn, outlining how each of the dimensions listed above can no longer operate in quite the way they did prior to the creation of the TPNW.

First, it is clear that the discourse of nuclear weapons for most states has now shifted from one of 'security' to one of 'humanity'. The HI refocused attention on these weapons as instruments of terror, by speaking of nuclear weapons as *the* quintessential weapon of mass destruction, posing a greater existential threat than any other weapon. This shift was a deliberate strategy, designed to strengthen the foundation for the stigmatization, legal prohibition, and eventual elimination of these weapons. As Ritchie⁷ writes, the HI allowed for a framework which was based on a 'set of rules and norms for international society' rooted in concepts of common security and common humanity, 'rather than a realpolitik set of rules and norms rooted in [individual] state security and balances of military power'. This reframing of nuclear weapons away from a 'political' or 'security' issue and towards disarmament as an urgent 'global imperative' has also helped several mainstream, and even conservative, groups to take up this cause.

Second, concomitant with the above was the deliberate incorporation of a humanitarian and human rights element in discussions. Where official nuclear weapons policy had been cordoned off from humanitarianism, applying this advocacy to these weapons reoriented the conversation. The HI conferences saw numerous studies examining the consequences of nuclear weapons, focused on the impact that the use of nuclear weapons would have on public health and prospects for assistance – the death and destruction that would occur, and the inability of agencies to respond effectively to such destruction and suffering – and also on the consequences of nuclear strikes on national and global economies, on development and food security, on environmental and climate change issues, and on the implications for inter-generational justice. Focusing on humanitarianism also allowed for a greater application of a gender lens to questions of nuclear weapons; these observations allowed important provisions on gender, victim assistance and remediation to be incorporated into the TPNW.

Third, there is now a deliberate inclusion of new and previously unheard voices in the debate on nuclear weapons. These new voices include smaller states which had not had a strong role in formulating international security policy previously, and NGOs from the medical, legal, and scientific professions, in addition to environmental groups, religious bodies and women's groups. The partnership between NGOs and like-minded states allowed for success in establishing a global prohibition treaty, which years of P5 obfuscation had previously prevented. It also enabled a much broader community of states to change 'the international social structure of nuclear legitimacy and illegitimacy.'⁸

Fourth, the HI and the TPNW drew attention to the vast resources spent on nuclear weapons. The Treaty will likely have an increasing effect on finance, boycotts, and divestment policies, enabling citizens to question more effectively the costs

⁷ Ritchie 2014

⁸ Ritchie 2016

associated with nuclear weapons. With the clear illegality of nuclear weapons that the TPNW brings, banks and other financial bodies will become more sensitive to their public images and reputations. The Treaty thus reduces the ‘incentives’ for private companies to invest in manufacturing nuclear weapons.⁹

The fifth factor examined above, namely the P5’s reliance on the NPT to preserve a nuclear order favourable to themselves, has also come under challenge with the establishment of the new TPNW. This is a novel institution, a mechanism dedicated expressly to the elimination of nuclear weapons, which together with its Meetings of States Parties (MSP) represents a fundamental challenge to the primacy of the NPT and to the established nuclear order. Non-nuclear states have not (yet) rejected the NPT, but have forged a new diplomatic forum in which they themselves have agency. What is more, the existence of the new Treaty puts pressure on the nuclear states to justify their military choices and reinforces the norms of international law. It thus poses a challenge for states who claim to support a rules-based international order. The NWS, as well as their allies, will face a choice of adhering to this humanitarian order or continuing to support weapons of mass destruction which have now been discredited under international law. Moreover, given the repeated failed meetings of the NPT in recent years, the activities of the TPNW, its MSP, and its establishment of intersessional working groups to examine progress on numerous nuclear-related issues is the only bright spot on the dark horizon of contemporary nuclear politics.

4. Conclusion:

What might these changes mean for a new global nuclear order?

It is not suggested here that these factors will have a substantial impact on the nuclear order in the short term. But over time, these new ways of looking at nuclear weapons – and the substitution of new discourses, emphases, and practices over the P5-preferred dialogue, voice, and mechanism – can enable the evolution of a new and more equitable global nuclear order, one that becomes instead, a non-nuclear global order.

The challenge will be for states, civil society and individuals to capitalise on each of these changed dimensions. By continuing to reinforce the humanitarian imperative in diplomatic and other meetings, by framing nuclear weapons elimination as a global public good, by increasing voices from all regions and backgrounds to participate in the TPNW and its meetings, by condemning the massive costs of nuclear weapons programmes, and by exercising personal agency through decisions via financial institutions, the non-nuclear norm can be progressively strengthened.

For now, nuclear weapon states retain their material power and weapons, even as they may be losing their legitimacy and reputation in the eyes of much of the global community. But importantly, the TPNW has provided us with a clear and distinct tool which can be applied to pressure the NWS as never before, and with which the world can mobilise political and moral shame, and the spotlight of international law, onto the nuclear weapon states in ways that have not been possible until now.

⁹ Acheson, Nash & Moyes 2014: 14

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