

■ AUGUST 2019

BASIC



Common Security Through Nuclear Responsibilities

Perspectives from Geneva

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BASIC

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Introduction

The ideas contained within this report are the product of a one-day roundtable on 'nuclear responsibilities' held on 22 March 2019, hosted by the Geneva Centre for Security Policy (GCSP) in Geneva, Switzerland. Held under the Chatham House Rule, participants included representatives from the permanent missions of Non-Nuclear Weapon States (NNWS), representing a full spectrum of positions including some 'core' states supporting the Treaty on the Prohibition of Nuclear Weapons (TPNW) and so-called 'umbrella' states that base their security on the system of nuclear deterrence. Civil society members and academics were also involved in the discussion which was facilitated by Sebastian Brixey-Williams (Co-Director, BASIC) and Marc Finaud (Senior Advisor, GCSP).

The purpose was to introduce BASIC and ICCS's Programme on Nuclear Responsibilities (PNR) to a broad spectrum of NNWS and to understand what they see as the opportunities and challenges of the responsibilities framework. Furthermore, the roundtable sought to identify specific responsibilities for Nuclear Weapon States (NWS) and (NNWS) which are presented in full below.

A core principle of the responsibilities framework is that discussions need to include NNWS as well as NWS. Over a multi-year period, the aim is to facilitate conversations around nuclear responsibilities with representatives from all stakeholders (NWS, NNWS, and non-NPT nuclear-armed states). Moving in stages, it was decided to begin by introducing these ideas to a cross-section of NNWS only, who were invited to openly share their varied opinions and suggestions. At later stages of the programme, the stakeholders will be brought together for exchange.

Key Takeaways

- Inclusion of nuclear weapon possessor states, both inside and outside the NPT, is vital for a constructive discussion of nuclear responsibilities and the possibilities for global nuclear risk-reduction.
- Highlighting awareness of nuclear responsibilities should not denigrate the importance of existing treaty commitments, especially the NPT, and the need for all state parties to live up to their promises.
- The nuclear responsibilities framework could make an important contribution by helping to give greater clarity to existing commitments, whilst providing an opportunity for states to find new and cooperative ways to meet these obligations.
- State officials need to cultivate increased empathy and understanding of the security concerns of others, and to develop policies that promote reassurance rather than conflict in situations where states share common interests.

What are Nuclear Responsibilities?

'Nuclear Responsibilities' in this programme are defined as *the responsibilities of states and other actors around nuclear weapons*. The definition is formulated to be deliberately broad to encompass all activities around nuclear weapons – including force structure, declaratory policy, non-proliferation, arms control, disarmament, and the nuclear industrial complex – and in order to invite pluralistic engagement from partners of all philosophical and political beliefs.

The PNR seeks to avoid the dichotomy of labelling states as 'responsible' or 'irresponsible' by using the plural noun 'responsibilities.' Nuclear weapons are a shared global security problem since all states would suffer catastrophically, albeit some worse than others, should nuclear war occur. PNR starts from the

assumption that all actors that have the power, directly or indirectly, to impact nuclear weapons policy have nuclear responsibilities. However, these responsibilities differ between actors (above all, states) depending upon a number of factors, including whether they are nuclear possessors themselves, members of the UN Security Council, umbrella states, members of the NPT, and so on.

As a result, a useful guiding principle for thinking about nuclear responsibilities is 'Common but Differentiated Responsibilities' (CBDR). Borrowed most famously from the climate change regime, the principle of CBDR is a way to manage burden sharing by differentiating responsibilities of states dependent on their relationship to nuclear weapons, expertise, financial and technical capabilities, and regional needs. [1] Within CBDR, the NWS have so-called 'special responsibilities' attributed to them by virtue of their possession of nuclear weapons.[2] They are differentiated responsibilities that can only be fulfilled by the NWS as recognised by the 1968 Treaty on the Non-Proliferation of Nuclear Weapons (NPT). However, NNWS may also be allocated or assume certain national responsibilities that set them apart from others, which are highly context dependent.

Nuclear Responsibilities in Official Diplomatic Documents

Responsibilities language has been used in diplomatic spaces for years and there was acknowledgement at this roundtable that some consideration of responsibility is already built into nuclear weapons policy decision-making. Although the language has not yet been used directly in any official documents, the general principle of 'common but differentiated' responsibilities could already be said to run through the global nuclear order. Three key examples are mentioned here: the Non-Proliferation Treaty (NPT) (1968), the UN General Assembly Special Sessions on Disarmament I (1978) and II (1982), and the International Court of Justice Advisory Opinion on the Legality of the Threat or Use of Nuclear Weapons (1996).

The Non-Proliferation Treaty (1968)

The NPT allocates different responsibilities to those states identified as NWS to those identified as NNWS in specific articles, while committing all states equally to the object and purpose of the treaty.[3] State parties therefore commit to the notion of common and differentiated responsibilities in a fashion. These are identified in the table below. However, the special responsibilities of the NWS remain limited.

It is notable that the responsibility for Article VI is shared and falls on all states, and not only on the NWS as is sometimes imagined. While NNWS do not have the ability to dismantle any weapons directly, they nevertheless each need to find ways to fulfill these Article VI obligations. Such an obligation could be understandably frustrating to those with limited power to affect change. How NNWS should translate this into action is not elaborated in the NPT itself, and so demands imagination, voluntary contributions, and a process of consensus-building on the interpretation of these obligations. The same is true for the other common responsibilities of the NPT.

Common and Differentiated Nuclear Responsibilities in the NPT	
Common Responsibilities	
All the Parties to the Treaty / Each State Party to the Treaty...	
Article III.2	'Each State Party to the Treaty undertakes not to provide special fissionable material or equipment to produce such material to any non-nuclear-weapon State for peaceful purposes, unless subject to the safeguards required by this.'
Article IV	'All the Parties to the Treaty undertake to facilitate, and have the right to participate in, the fullest possible exchange of equipment, materials and scientific and technological information for the peaceful uses of nuclear energy.'
Article V	'Each Party to the Treaty undertakes to take appropriate measures to ensure that, in accordance with this Treaty, under appropriate international observation and through appropriate international procedures, potential benefits from any peaceful applications of nuclear explosions will be made available to non-nuclear-weapon States Party to the Treaty on a non-discriminatory basis and that the charge to such Parties for the explosive devices used will be as low as possible and exclude any charge for research and development.'
Article VI	'Each of the Parties to the Treaty undertakes to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control.'

Article VII	'Nothing in this Treaty affects the right of any group of States to conclude regional treaties in order to assure the total absence of nuclear weapons in their respective territories.'
NWS 'Special' Responsibilities	
Each nuclear-weapon State Party to the Treaty...	
Article I	'Each nuclear-weapon State Party to the Treaty undertakes to not transfer nuclear weapons or encourage development of nuclear weapons.'
NNWS Responsibilities	
Each non-nuclear-weapon State Party to the Treaty...	
Article II	'Each non-nuclear-weapon State Party to the Treaty undertakes not to receive the transfer from any transferor whatsoever of nuclear weapons or other nuclear explosive devices or of control over such weapons or explosive devices directly, or indirectly; not to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices; and not to seek or receive any assistance in the manufacture of nuclear weapons or other nuclear explosive devices.'
Article III.1	'Each non-nuclear-weapon State Party to the Treaty undertakes to accept safeguards, as set forth in an agreement to be negotiated and concluded with the International Atomic Energy Agency.'
Article III.4	'Each non-nuclear-weapon State Party to the Treaty shall conclude agreements with the International Atomic Energy Agency to meet the requirements of this Article either individually or together with other States in accordance with the Statute of the International Atomic Energy Agency.'
*Articles VIII, IX & X provide details on procedural matters	

The Special Sessions to the General Assembly on Disarmament

The general principle of states having differentiated responsibilities around nuclear weapons is again visible in the Outcome Document to the General Assembly's Tenth Special Session, the first to incorporate a Special Session on Disarmament (SSOD-1). In paragraph 14, it states that: '[s]ince the process of disarmament affects the vital security interests of all States, they must all be actively concerned with and contribute to the measures of disarmament and arms limitation, which have an essential part to play in maintaining and strengthening international security.'^[4] It goes on to elaborate in paragraphs 28 and 30 that: '[w]hile disarmament is the responsibility of all States, the nuclear weapon States have the primary responsibility for nuclear disarmament,' but that nevertheless, an 'acceptable balance of mutual responsibilities and obligations for nuclear and non-nuclear weapon States should be strictly observed.'^[5] Responsibility for the broader goal of general and complete disarmament is tied directly to military capability; in paragraph 81, it states that 'States with the largest military arsenals have a special responsibility in pursuing the process of conventional armaments reductions.'^[6] While the outcome document is non-binding, as it is produced by the UN General Assembly, non-NPT nuclear-armed states are thus also allocated responsibilities for disarmament.

The Second Special Session on Disarmament (SSOD-2) in 1982 reaffirms the common responsibility of states to contribute to nuclear disarmament in Principle 13:

While disarmament is the responsibility of all States, all the nuclear-weapon States, in particular those among them which possess the most important nuclear arsenals, have the primary responsibility for

nuclear disarmament and, together with other military significant States, for halting and reversing the arms race. It is therefore important to secure their active participation.[7]

The United States and Russia are awarded greater responsibilities by the use of the word 'primary,' though what this entails in practice is indeterminate. Responsibilities to halt and reverse the arms race, of which nuclear disarmament is one dimension, are differentiated among the NNWS on the basis of whether they are 'military significant.' This would draw in non-NPT nuclear-armed states, states with WMD capabilities other than nuclear weapons, and states with substantial conventional military forces that would include some, or perhaps all, NATO member states.

International Court of Justice (ICJ) Advisory Opinion on the Legality of the Threat or Use of Nuclear Weapons (1996)

While there is no Treaty or customary law prohibiting the threat or use of nuclear weapons, the only plausible legal basis for justifying nuclear threats, or, in the most extreme circumstances, the use of nuclear weapons, is self-defence. This is the only permitted exception to the ban on the use of force in Article 2 (4) of the UN Charter. The ICJ considered this question specifically in 1996, and although the judges were split by seven votes to seven, the casting vote exercised by the President of the judges decided that: 'the Court cannot conclude definitively whether the threat or use of nuclear weapons would be lawful or unlawful in an extreme circumstance of self-defence, in which the very survival of a State would be at stake.'^[8] In other words, while the Court did not find that the use of nuclear weapons for self-defence would be legal, it also did not declare it illegal.

Tempering this opinion, which attracted criticism and profound disappointment from many of the world's states, the ICJ emphasised that there exists nevertheless an 'obligation to achieve [...] nuclear disarmament in all its aspects [...] by adopting a particular course of conduct, namely, the pursuit of negotiations on the matter in good faith.'^[9] While this 'formally concerns the 182 States parties to the Treaty on the Non-Proliferation of Nuclear Weapons,' the opinion's reasoning declared that 'any realistic search for general and complete disarmament, especially nuclear disarmament, necessitates the co-operation of all States.'^[10] The ICJ thereby implies that a common normative responsibility, if not the legal obligation, for nuclear disarmament falls upon all states. Once again, however, it offers little guidance by way of allocating these responsibilities among states.



The UN Palace of Nations in Geneva.

Nuclear Responsibilities in the Western Academic Tradition

There is a growing body of scholarship regarding conceptions of responsibility around nuclear weapons policies, behaviours and cultures. This has helped to inform the core questions of PNR: (i) what are the responsibilities of states and other actors around nuclear weapons and (ii) how can these responsibilities be best discharged among these actors? Nevertheless, while the following section briefly attempts to draw links between some key interventions, there has not been a sustained research agenda on nuclear responsibilities until now. Four recent examples are given below.

In *Shared Responsibilities for Nuclear Disarmament* (2009), part of a dedicated volume of the same name, Scott Sagan argues that disarmament efforts 'must be transformed from a debate among leaders in the NWS to a coordinated global effort of shared responsibilities between NWS and NNWS.'^[11] Sagan reminds us that the NWS are not solely responsible for disarmament, and the NNWS are not solely responsible for non-proliferation, but that these responsibilities are legally shared between all states party to the treaty. Such shared responsibilities, he argues, should include 'designing a future nuclear-fuel-cycle regime, rethinking extended deterrence, and addressing nuclear breakout dangers while simultaneously contributing to the eventual elimination of nuclear weapons.'^[12] To this end, Sagan proposes something akin to a CBDR framework, while stopping short of using the phrase.

Focusing on the credentials of what counts as responsible nuclear behaviour underpinned William Walker's development of the concept of 'responsible nuclear sovereignty,' which he subsequently developed with Nicholas Wheeler ^[13,14]. Walker argues that states belong to an international society, and as such have responsibilities to fellow members, as well as the responsibilities they owe to their own populations. While Walker acknowledges that states can, and do, have very different understandings of responsibilities around nuclear weapons, responsible nuclear sovereignty was developed to capture the idea that it might be

possible to identify common responsibilities of the NWS and NNWS through widely accepted norms of behavior.

The difficulty with the concept of responsible nuclear sovereignty is that it opens the door to particular states claiming to be responsible nuclear states, allowing them to label others as irresponsible. PNR is uncomfortable with this framing for two reasons: first, in focusing on whether a state is responsible/irresponsible, it excludes from consideration that a particular state might display a range of nuclear behaviours that are perceived with varying degrees of legitimacy. By using the language of responsibilities (rather than 'responsible'), the PNR seeks to capture the dynamism that is inherent in the concept, thereby closing down the normative space for states to lay claim to the mantle of being a responsible nuclear state. Second, there is concern that the language of responsible nuclear sovereignty freezes in place the idea that the possession of nuclear weapons is an indefinite attribute of statehood on the part of the nuclear possessors. For these reasons the language of nuclear responsibilities is preferred.

In a 2018 briefing entitled *Nuclear Responsibility*, Amelia Morgan and Heather Williams offer a conceptual framework to evaluate whether a state is demonstrating 'nuclear responsibility,' based on three criteria: a state's observation of legal obligations, such as those mandated by the NPT; adherence to accepted norms; and the pursuit of risk reduction.[15] In other words, the writers start from the position that a composite judgement of nuclear *responsibility* (or presumably, nuclear *irresponsibility*) could be attained by any nuclear-armed state, provided they act in ways that fulfil the requisite, universally-applicable criteria. The criteria they put forward are not intended to be exhaustive, but rather to stimulate discussion.

There is an intuitive sense to the criteria proposed: legal obligations are (in theory) mandatory, norms are norms precisely because they are widely accepted, and reducing nuclear risks appears difficult to argue with. It is important to note that Morgan and Williams's three categories are not apolitical, however, and reflect a persuasion associated with the arms control tradition which recognises a rules-based international order and a certain utility to nuclear deterrence at present, but which also seeks to limit the utility and risks of nuclear weapons. As such, it is not yet clear that the criteria they propose would be accepted as legitimate by all the relevant peace and security actors: both those that are more strongly attached to nuclear weapons, and those who come from a more activist tradition. Nuclear norms, for example, are highly contested (many realist international relations scholars refuse to believe that they even exist), and remain scarce in nuclear diplomacy since the nine nuclear-armed states have diverse doctrines. Similarly, risk reduction is not always viewed positively by those with the perspective that nuclear risk is precisely the basis of effective deterrence. Morgan and Williams's briefing is a useful conversation starter, but it will need to demonstrate its appeal to a multi-stakeholder audience.

In an article in the *Arms Control Wonk* blog in 2019, Michael Krepon calls for greater attention to 'norms of responsible nuclear stewardship,' which can 'transform a dangerous deterrence-based system by championing norms that, over time, make nuclear weapons increasingly peripheral and less valuable.' [16] 'Responsible nuclear stewardship,' for Krepon, appears to mean reducing the salience and risks of nuclear weapons to a minimum, provided that deterrence is maintained at sufficient levels according to the present need (although this does not preclude eventual elimination). To advance this concept, he proposes a number of norms that could act like guidelines to nuclear-armed states (see box). Krepon is hopeful about the power of norms to build a more responsible global nuclear order; while he notes the lack of progress on nuclear disarmament, and the continuing frustration of the NNWS that the NWS have failed to live up to their promises under Article VI, he cautions that this should not distract attention from how far norms have constrained nuclear weapons. Two key norms that he singles out are the non-testing of nuclear weapons since the Indian and Pakistani tests of 1998 (the exception being the Democratic People's Republic of Korea's much-stigmatised nuclear testing), and the norm of non-battlefield use of nuclear weapons. As these norms become more deeply entrenched, he argues, nuclear weapons may become increasingly

marginalised in interstate relations, opening up new spaces for nuclear disarmament. In doing so, Krepon fills out Morgan and Williams' second criterion a little further.

Michael Krepon advocates for adherence to the following six norms, and makes a call for more proposals from the expert community:

- The norm of not using nuclear weapons in warfare.
- The norm of not threatening to use nuclear weapons in warfare.
- The norm of not testing nuclear weapons.
- The norm of nonproliferation.
- The norm of safety and security for nuclear weapons and bomb-making materials.
- The norm of reducing nuclear excess.

All of these writers share a certain pragmatism about the perceived role of nuclear weapons today in reinforcing national and international security. Nevertheless, they are each searching for ways to minimise or eliminate the excessive risks these systems pose or the importance that governments attach to them, with a view to advancing disarmament in the longer term, and to do this they frame such efforts in terms of responsibility. In short, responsibility around nuclear weapons is perhaps about finding every opportunity not to use them.

The challenge going forward is to develop a common language for discussing responsibilities around nuclear weapons, the belief being that this will open up space for a new dialogue that promotes trust-building, nuclear risk reduction and disarmament. Such a dialogue should promote a spirit of inclusiveness and cooperation, while avoiding blame. The BASIC-ICCS Nuclear Responsibilities Roundtables held in Tokyo, Kuala Lumpur, and now Geneva are aimed at just such an endeavour. The vignettes above are by no means exhaustive, and a more detailed literature review will appear in future work by the PNR.

Debating Nuclear Responsibilities in Geneva

The following key themes emerged from the discussion at the Geneva roundtable.

1. The importance of inclusion of all Nuclear Possessors

The most attractive aspect of the responsibilities framework identified by participants related to the opportunity to create a dialogue between parties whose communication channels are currently limited. There was agreement that it is advantageous at present to keep the nuclear responsibilities framing independent of existing frameworks, such as the NPT and the recent US initiative 'Creating the Environment for Nuclear Disarmament' (CEND). [17] It was felt that such distancing would encourage engagement on the part of both NPT and non-NPT nuclear weapon possessors. Bringing in non-NPT nuclear-armed states is essential to achieving the shared goal of nuclear risk reduction, and it was hoped that the PNR could offer a genuinely new and unblemished forum for dialogue across these boundaries. However, as with all previous attempts to bring the non-NPT possessors into a process of dialogue with NPT Member-States, concern was expressed by some that such a move might be seen as legitimising the possession of nuclear weapons by those outside of the NPT. Yet it is difficult to see how the imminent nuclear risks in, say, the Middle East or the Indo-Pacific region can be alleviated without some kind of dialogue on the normative dimensions of nuclear possession that involves the non-NPT nuclear possessor states.

2. Caution about applying CBDR to Nuclear Weapons

When discussing the application of the CBDR framework to nuclear possession, one participant raised a concern about making the linkage to the climate change regime too strongly. A small number of states (especially those heavily dependent on fossil fuel exports) maintain opposition to the CBDR principle in the climate change regime, favouring a less restrictive regime. To avoid an unhelpful spillover effect, a number of participants felt that PNR would do well to maintain its political neutrality and inclusiveness by not making linkages explicit. Further, in the climate change context, one participant raised concerns that the CBDR framework has at times provided states with an excuse to 'go slow,' providing a distraction whilst no real progress is made. The same participant added that progress on climate change has been hindered by states putting conditions on their compliance with their own responsibilities, suggesting that one's own responsibilities do not kick in until someone else has done something. It was stressed, therefore, that nuclear responsibilities need to be promoted without conditions, and that whilst multilateral progress is desired, all states already have unilateral responsibilities. In general, participants appeared to support the principle of CBDR, but suggested caution about relating it too much to the climate regime.

3. Relationship between the Nuclear Responsibilities and existing Treaty Commitments

A common theme articulated by representatives from the NNWS, who were either actively supportive or sympathetic to the TPNW, was the importance of the responsibilities framework not distracting attention away from the legal obligations of the NWS under Article VI to pursue negotiations in 'good faith' towards nuclear disarmament. For this grouping of representatives, the most important responsibilities – because of their legally-binding nature – are to fulfill existing Treaty commitments.

Participants emphasised that encouraging political will was more important than adding to states' lists of commitments and responsibilities. Attention was drawn to the importance of closing the gap between rhetorical promises and concrete political actions, especially as it relates to upholding legal obligations. In this regard, the fragility of existing treaties in relation to non-compliance was emphasised, with participants focusing not only on the NPT but also the failure of the UN Security Council to respond effectively to the use of chemical weapons. The implication was: if the Council is unable to act in the face of clear violations of international law, what prospect is there that it would fare any better when faced with states breaking

cardinal nuclear norms, let alone a nuclear breakout situation in a disarmed world? A useful concept here is what Paul Schulte calls, 'Treaty Regime Fragility Awareness' which refers to the reliability of international regimes in responding to violations of their core norms and rules.[18]

The role of the TPNW was also brought up by participants, who questioned its relationship to existing NPT obligations and the responsibilities framework, and how the NNWS might work to transform NWS negative perceptions of it. For supporters and leaders of the TPNW, this new legal instrument is an attempt to renew and progress the commitment to nuclear disarmament. By contrast with the NPT, the TPNW stigmatises nuclear possession outright (whereas the NPT legally recognises the NWS). However, those who pressed the case for the TPNW did so in the context of arguing that TPNW was complementary and not antagonistic to the goals of the NPT, and that the two treaties can comfortably co-exist. Other participants, representing the 'umbrella states,' challenged the relevance of the TPNW to their security needs given these states' dependence for their security on the practice of nuclear deterrence. In particular, one participant suggested the TPNW was more akin to a global nuclear-weapon-free zone treaty than a roadmap to global zero, because it does not deal with the strategic challenges that would arise as states possess fewer and fewer nuclear weapons.

There is an evident need to balance conflicting conceptions of responsibility within the community of NNWS states. On the one hand, TPNW supporters view continuing possession as irresponsible. On the other hand, umbrella states view nuclear deterrence, or more specifically what it contributes to strategic stability, as paramount to their security. Nevertheless, one encouraging aspect of the debate in Geneva was the willingness of both of these groupings to empathetically recognise the needs and fears of the other, and not start from the assumption that there is no space for constructive dialogue.

4. Security Dilemma Sensibility

The importance of empathising with others, especially between adversaries, became an increasingly prominent aspect of the discussion as the roundtable unfolded. It was recognized that a failure to appreciate the security concerns of others can, in situations where both sides have peaceful intent, lead to an inadvertent spiral of security competition.[19] Participants recognised that actions that one state may view as defensive may all too easily be interpreted by another state as offensive. One participant proposed that it is in the national interest of all states to try and understand how others perceive their behaviour. A key concept in thinking about this challenge, which was explicitly discussed at the roundtable, is the concept of 'security dilemma sensibility' (SDS). Ken Booth and Nicholas Wheeler define this as:

an actor's intention and capacity to perceive the motives behind, and to show responsiveness towards, the potential complexity of the military intentions of others. In particular, it refers to the ability to understand the role that fear might play in their attitudes and behaviour, including, crucially, the role that one's actions may play in provoking that fear.[20]

The exercise of SDS is necessary to promote greater awareness of how nuclear capabilities and doctrine may look to adversaries, and crucially, greater self-awareness as to how one's own actions have created fear and insecurity in others. Essentially, it is putting oneself into the shoes of another and genuinely listening to their concerns. This type of empathising is critical to the development of trust.

5. Transparency and Trust

Transparency around nuclear doctrine was discussed extensively at the roundtable, whereby the general consensus was a call for greater clarity, transparency, and dialogue around nuclear doctrines and state intentions. The issue was raised by a number of participants in the context of efforts to build trust not only between members of the NWS, but also between the NWS and the NNWS. The implicit idea was that greater transparency in doctrine as well as changes in doctrine (such as de-alerting and No First Use) could

promote increased trust. However, an alternative framing puts it the other way round, suggesting that transparency becomes possible when trust exists.

Participants emphasised the need to strike the correct balance between the ambiguity in doctrine seen as necessary for effective deterrence and the pursuit of increased transparency to build trust and confidence. In other words, if transparency and ambiguity exist on a continuum, states have a responsibility to optimise their position to balance their national and international responsibilities. For the NWS and the NNWS umbrella states, ambiguity is integral to their deterrent postures; one participant from the umbrella grouping therefore emphasized the importance of engaging in a conversation that acknowledges the need for some ambiguity but also the benefit of increased transparency for confidence and trust-building. In this regard, a number of participants proposed the following 'minimum' transparency measures that could be taken by the NWS to reassure the NNWS. These included:

- ° A joint statement from the NWS agreeing that a nuclear war should never be fought.
- ° Explicit renunciation of the pursuit of nuclear superiority by the NWS, thereby demonstrating distance from the nuclear warfighting thinking of the Cold War.
- ° Assurances that nuclear weapons are temporarily kept as a means of deterrence and not coercion.
- ° A rejection of 'loose' nuclear talk, such as casual, undirected or vague threats.

Common Responsibilities

Throughout the day, participants were encouraged to propose state responsibilities: for NWS, NNWS, themselves, and others. Common responsibilities are shared by all states around nuclear weapons. This list in the box below, and the others that follow, is by no means extensive, but simply represents the ideas of those present at the roundtable. They are given in full and in no particular order, to promote debate and discussion, without implied support.

Proposed Common Responsibilities of all states:

- Common responsibility to fulfill all treaty obligations and commitments.
- Common responsibility to negotiate actively and in good faith.
- Common responsibility on all states to try everything within their power to reduce distrust and build trust.
- Common responsibility to avoid increasing existing tensions and the escalation of crisis situations.
- Common responsibility to contribute to the development of an effective crisis prevention and management framework.
- Common responsibility to maintain a space for dialogue and to ensure inclusivity in that dialogue, for example through gender equality, regional perspectives, and the participation of youth.
- Common responsibility to learn from the past and apply best practices and lessons to the future.
- Common responsibility to acknowledge the existence of nuclear risks, which lie at the heart of deterrence, and promote their reduction.
- Common responsibility to work towards nuclear disarmament, and to vocally explore multiple framings to sustain and advance the dialogue: for instance, looking beyond only a security-focused or disarmament-focused framing.
- Common responsibility to engage with civil society to elevate discussion on these issues.
- Common responsibility to be constructively engaged in regional policies and arrangements, so as to prevent isolationism (as in the case of nuclear-armed South Africa).
- Common responsibility to ensure maximum nuclear safety and security.

Differentiated responsibilities

Special responsibilities of the NWS

As outlined in the NPT and the SSOD-1, the NWS have a 'special responsibility' for nuclear disarmament. Each of the NWS is also a permanent member of the UNSC and under Article 24 of the UN Charter assumes a special responsibility for the maintenance of international peace and security. The NWS are under a legal obligation to prevent the use of force in their relations with each other, and this creates a unique and unparalleled obligation to avoid confrontations that could spark nuclear war.

Proposed Special Responsibilities of the Nuclear Weapon States

- Special responsibility to maintain only the minimum level of doctrinal ambiguity necessary for stability, and to continuously look for opportunities to move towards greater doctrinal transparency and clarity in order to build trust and assurance.
- Special responsibility to maintain strict levels of nuclear safety and security in nuclear weapons programmes.
- Special responsibility to make realistic plans or fund planning for the transition from nuclear possession to disarmament.
- Special responsibility to exercise restraint and avoid aggravation.
- Special responsibility not to deliberately burn bridges with each other and the rest of the international community.
- Special responsibility to maintain open channels of communication, especially in times of high tension. (In the past these have been cut as a punishment, to the detriment of both sides).
- Special responsibility to negotiate in good faith.
- Special responsibility to explore opportunities for unilateral conciliatory measures and invite others to do the same.
- Special responsibility not to focus on the causes of instability but the effects.
- Special responsibility to publicly discuss the disarmament-deterrence dichotomy, and in doing so elevate public discussion of nuclear weapons.
- Special responsibility to reduce alert levels and extend decision-making times to bolster crisis stability.
- Special responsibility to exercise to politically-responsible signalling, for example by desisting from excessive inflammatory remarks or ill-defined threats.
- Special responsibility to renounce nuclear superiority and to publicly recognise the role such a doctrine would have in driving a nuclear arms race.

Responsibilities of NNWS

The NNWS share common responsibilities with the NWS, but under a CBDR framework, NNWS also have their own responsibilities. These responsibilities can be applicable to all NNWS (i.e. to not develop nuclear weapons), or specific to individual states based on their capabilities, relationships, legacies, or the needs of their region. Whilst some states have indicated that they are less willing to take on 'extra' responsibilities until the NWS begin to fulfill some of their special responsibilities (e.g. stockpile reduction, nuclear disarmament negotiations in good faith etc.), there was agreement among some that the NNWS also have a responsibility to lead by example, fulfilling their own responsibilities and taking on responsibilities as encouragement to the NWS to do the same. As such, NNWS should act as conscious, self-assertive actors, working hard not to exacerbate existing conflict or division lines through consistent, exemplary action.

Proposed Nuclear Responsibilities of Non-Nuclear Weapon States:

- Responsibility to set a good example through consistent, exemplary action around nuclear weapons.
- Responsibility to not stoke existing tensions.
- Responsibility to work with NWS to identify and clarify their responsibilities.
- Responsibility to claim a space, and not be passive in setting expectations.
- Responsibility to be active in finding convergence, and set the agenda to work through key divergences.
- Responsibility to support their national research infrastructures to generate fresh ideas that can contribute to NPT discussions.
- Responsibility to promote transparency.
- Responsibility to promote and implement risk reduction measures.
- Responsibility to act as or host mediators between the NWS.
- Responsibility to decrease the salience of nuclear weapons in defense policies, for those in alliances.
- Responsibility to be fully transparent in situations where a NNWS hosts foreign nuclear weapons on its national soil.
- Responsibility to have conversations with those relying on nuclear deterrence as to how they can reduce that component of their security doctrines.
- Responsibility to ensure fissile materials are used responsibly.
- Responsibility to sign the Additional Protocol, as an important step towards a more rigorous global safeguards regime.

- Responsibility to review how power is being employed at the regional level, promote a rules-based regional order, and constructively engage in regional policies to promote security across the region.
- Responsibility to never to seek to develop or possess nuclear weapons.
- Responsibility to engage with civil society, both nationally and in the nuclear possessor states.
- Responsibility to engage the NWS to make a clear statement to renounce the pursuit of nuclear superiority.
- Responsibility to create an environment for dialogue and progress.

Conclusion

The ideas behind the Programme on Nuclear Responsibilities were generally welcomed by participants in Geneva, and it is fair to say that appreciation of the framing grew as the day progressed. It was agreed that the NPT remains the cornerstone of the non-proliferation regime and that a nuclear responsibilities framing was only beneficial if it contributed to the core purposes of the NPT, crucially the fulfillment of the shared responsibilities of the NWS and the NNWS under Article VI. That said, participants agreed that the responsibilities framework had promise as a way of bridging the differences between the NWS and the NNWS, and in promoting a new dialogue that could increase confidence, and perhaps even trust. There was an appreciation that trust was in very short supply between the NWS and the majority of the NNWS, especially in relation to the TPNW, while there was a recognition that active distrust existed between some members of the NWS.

Greater empathy through the exercise of increased security dilemma sensibility may be a very useful approach for policy-makers seeking to reduce the risk of unintended conflict and facilitate increased cooperation. The concept of security dilemma sensibility is gaining increasing traction amongst academics who recognise its potential within the nuclear sphere to reduce distrust and move the 'dialogue towards actionable steps'.^[21] For constructive dialogue, states need to walk in the shoes of the other, to listen to their security concerns, and remember that the relationship between nuclear disarmament and deterrence need not be mutually exclusive. What needs to follow is the operationalisation of security dilemma sensibility in national security decision-making. In this context, the nuclear responsibilities framing might contribute indirectly to the US proposed CEND initiative, which aims at bridging different conceptions of security in the global nuclear order.^[22] This concept was only briefly discussed in Geneva, but the nuclear responsibilities approach holds out the promise of helping states, whether adversaries, rivals, or friends, to identify new commonalities that could serve to promote nuclear risk reduction and disarmament.

The TPNW rightly attracted a lot of discussion. Many NNWS pointed to the TPNW as an example of a creative attempt to progress the disarmament regime. However, as was pointed out by the representatives present whose states rely on extended nuclear deterrence, the TPNW does not adequately address the security fears of those states that rely on nuclear deterrence. For these participants, progress towards disarmament depends on the inclusion of the NWS and ultimately the non-NPT NWS. From the discussions in Geneva, it remains hard to see how these fundamental – indeed, philosophical differences – can easily be bridged. At the same time, there was agreement between the NNWS representatives present that there was a need for a more responsive and less hostile narrative on the part of the NWS in particular to the TPNW.

Another key area of consensus concerned the importance of devising means to bring the non-NPT possessors into the dialogue on nuclear responsibilities. The nuclear responsibilities framing is not restricted solely to the NPT and it is hoped that the non-NPT possessor states will be able to engage with discussions around their responsibilities without feeling this compromises their position on the NPT. The concern was expressed that reaching out in this way risked legitimising the possession of nuclear weapons on the part of the non-NPT possessors, but this risk probably has to be accepted if progress is to be made here. But as many of our participants stressed, it is vital if the PNR is to secure widespread support that it is not seen to legitimise the indefinite possession of nuclear weapons for any actor.

To safeguard against this, the PNR has proposed that the discussion around responsibilities is framed as 'responsibilities whilst disarming,' falling below the greater 'responsibility to disarm.' The shared goal must be global nuclear disarmament, but to facilitate this, the NNWS need to continuously work to see the security challenges to disarmament from the perspectives of the NWS and so promote more empathic

exchange, while the NWS need to demonstrate a more mindful form of patience with NNWS frustration. The responsibilities framing should be seen as part of a long-term process to encourage improved dialogue between states over these security conditions, and inspire creative and constructive ideas for moving forward.

Endnotes

[1] See, for example, Christopher D. Stone, 'Common but Differentiated Responsibilities in International Law,' *The American Journal of International Law* 98(2), 2004, pp. 278, 283; Robert H. Socolow, 'Facing New Unknowns,' *Bulletin of the Atomic Scientists*, January/February 2007, p. 46; Mlada Bukovansky, Ian Clark, Robyn Eckersley, Richard Price, Christian Reus-Smit and Nicholas J. Wheeler, *Special Responsibilities: Global Problems and American Power* (Cambridge: Cambridge University Press, 2012), p. 114; Hua Han, 'Washington and Moscow Hold the Keys to the Door of Disarmament,' *Bulletin of the Atomic Scientists*, 16 November 2016, <https://thebulletin.org/roundtable_entry/washington-and-moscow-hold-the-keys-to-the-door-of-disarmament/>. BASIC and Nicholas Wheeler also acknowledge the contribution of Tim Street's forthcoming work on CBDR, in part developed during his time as an ESRC Collaborative PhD scholar with BASIC and the University of Warwick.

[2] For a discussion on special responsibilities see Mlada Bukovansky et al, *Special Responsibilities: Global Problems and American Power* (Cambridge: Cambridge University Press, 2012).

[3] Treaty on the Non Proliferation of Nuclear Weapons (1968) <https://www.un.org/disarmament/wmd/nuclear/npt/text>, last accessed 01 May 2019.

[4] 'Resolutions and Decisions adopted by the General Assembly during its Tenth Special session,' United Nations, September 1978, <https://s3.amazonaws.com/unoda-web/wp-content/uploads/2017/05/A-S10-4.pdf>, last accessed 29 April 2019, p.4.

[5] *Ibid*, p.6.

[6] *Ibid*, p.10.

[7] 'Concluding Document of the Twelfth Special Session,' United Nations, July 1982, <https://www.undocs.org/A/S-12/32>, last accessed 9 August 2019, p.7

[8] Legality of the Threat or Use of Nuclear Weapons,' International Court of Justice, 8 July 1996, <https://www.icj-cij.org/files/case-related/95/095-19960708-ADV-01-00-EN.pdf>, last accessed 9 August 2019, p.266.

[9] *Ibid*, p.264.

[10] *Ibid*, p.264.

[11] Scott Sagan, 'Shared Responsibilities for Nuclear Disarmament', *Daedalus* 138:4 (2009), pp.3.

[12] *Ibid*.

[13] William Walker, 'The UK, threshold status and responsible nuclear sovereignty', *International Affairs*, 86:2 (2010), pp.447-464.

[14] William Walker and Nicholas J. Wheeler, 'The Problem of Weak Nuclear States', *The Nonproliferation Review*, 20:3 (2013) pp.411-431.

[15] Amelia Morgan and Heather Williams, 'Nuclear Responsibility: A New Framework to Assess U.S. and Russian Behavior', *Euro-Atlantic Security Policy Brief* (London: European Leadership Network 2018), pp.1-9.

[16] Michael Krepon, 'Norms of Responsible Nuclear Stewardship,' Arms Control Wonk, 25 March 2019, <https://www.armscontrolwonk.com/archive/1206923/norms-of-responsible-nuclear-stewardship/>, last accessed 29 April 2019. and Michael Krepon, 'Norms of Responsible Nuclear Stewardship Continued,' Arms Control Wonk, 1 April 2019. <https://www.armscontrolwonk.com/archive/1206962/norms-of-responsible-nuclear-stewardship-cont/>, last accessed 29 April 2019.

[17] See Chris Ford's statement on CEND to the CD for more details: Christopher Ford, 'Our Visions for a Constructive, Collaborative Disarmament Discourse', Conference on Disarmament Remarks, 26 March 2019, <https://www.state.gov/t/isn/rls/rm/2019/290676.htm#>, last accessed 29 April 2019.

[18] Paul Schulte and Nicholas Wheeler presented this concept in evidence to the House of Lords Select Committee on International Relations' Report on Rising nuclear risk, disarmament and the Nuclear Non-Proliferation Treaty, see: Paul Schulte and Nicholas Wheeler, Written Evidence NPT0030, <http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/international-relations-committee/the-nuclear-nonproliferation-treaty-and-nuclear-disarmament/written/95200.html>, last accessed 29 April 2019.

[19] This is what Robert Jervis refers to as the Spiral Model see: Robert Jervis, Perception and Misperception in International Politics (Princeton, NJ: Princeton University Press, 1976) pp.58-113.

[20] Ken Booth and Nicholas J. Wheeler, The Security Dilemma: Fear, Cooperation and Trust in World Politics (Basingstoke: Palgrave Macmillan, 2008) pp.7.

[21] Lyndon Burford, Oliver Meier, Nick Ritchie, 'Sidetrack or kickstart? How to respond to the US proposal on nuclear disarmament', Bulletin of the Atomic Scientists, 19 April 2019, <https://thebulletin.org/2019/04/sidetrack-or-kickstart-how-to-respond-to-the-us-proposal-on-nuclear-disarmament/>, last accessed 08 May 2019.

[22] Burford, Meier and Ritchie conclude in their paper that CEND could provide 'a serious, honest, and open forum to discuss the responsibilities of all states, including the nuclear weapon states, in helping create the conditions for nuclear disarmament and taking specific steps in that direction.'

Acknowledgements

This report was made possible with funding from the UK Counter Proliferation and Arms Control Centre (CPACC). In Geneva, BASIC and the ICCS are indebted to the Geneva Centre for Security Policy (GCSP) and their hard-working staff that smoothly facilitated this roundtable, in particular Marc Finaud and Jahns Alexander for their part in organising the event and contributing on the day. We would also like to extend many thanks to the United Nations Quaker Office and Florence Foster for providing excellent support in the organisation of the roundtable and continued encouragement for the Programme on Nuclear Responsibilities. Special thanks must go to all the state representatives who attended the roundtable and participated in a lively and highly-engaging day of discussions.

- BASIC is an independent think tank promoting innovative ideas and international dialogue on nuclear disarmament, arms control, and nonproliferation. Since 1987, we've been at the forefront of global efforts to build trust and consensus on some of the world's most progressive global peace and security initiatives.
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