



## **'Fragmentation and Reconciliation the Non-Proliferation Regime'**

Remarks to the Jeju Process (Seoul, South Korea)

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### **Introduction**

Thank you Chair, and good afternoon everybody.

In my remarks today, I would like to look at the past and future of the Non-Proliferation Treaty regime through the lens of two forces: fragmentation and reconciliation. I'd like to suggest to you that these two forces exist within the regime, in a kind of yin and yang, and that both can play an important role in creating dynamism and ensuring progress.

Nevertheless, they must be carefully monitored and managed, and the best outcomes overall will result from the careful application of these two forces in a balanced and moderated manner.

### **Fragmentation and reconciliation in the last 10 years**

The 2010 Review Conference produced an agreed final document colloquially known as the 64-Point Action Plan. While by no means easy to achieve, I'd suggest that this moment (as well as the year 2000 Rev Con) is one of reconciliation. When I say the word 'reconciliation' I mean it both in its more operational sense of harmonising competing or conflicting regimes or perspectives, but also in its more emotive senses of 'trust-building', 'understanding', 'repair', and perhaps above all, 'healing'.

By contrast, the last two Review Cycles have been characterised, I think, by fragmentation. By this I mean both the political polarisation within the regime with which we are all familiar, but also the fragmentation of international law, and in this regard, I am thinking of course about the emergence of the Treaty on the Prohibition of Nuclear Weapons (TPNW), which now sits alongside the NPT.

Now, as I say, I believe that these two forces can each play a positive role in the achievement of our shared non-proliferation and disarmament goals. Fragmentation is often equated with being a wholly negative thing. But the non-proliferation regime has been fragmented for a long time.

Politically speaking, the grand bargain's very nature reflects the fact that there has always been deep political division among the treaty's signatories. Speaking legally, the NPT has happily co-existed alongside various nuclear-weapon-free zones treaties or bilateral arms control agreements, which impose more specialised obligations on their signatories. The more intense political polarisation we currently see pre-dated the TPNW's negotiation – the TPNW is its expression, not its origin.

And yet, it is clear from talking to officials in nuclear and non-nuclear weapon states, that the TPNW campaign has undoubtedly opened up political space for progress on matters such as risk reduction, both multilaterally and within the P5 Process. Whatever you think about the TPNW, it would be utterly disingenuous to say that its radical agenda has had no effect on the mainstream agenda. Politics is a messy business, and like any negotiation, sometimes you have to pitch wide in order to hit your mark.

With this in mind, one thought I would like to leave you with today is that I think most states should take a smarter, more nuanced approach to the TPNW. I believe that the question of whether you are 'for' or 'against' the TPNW forces a binary response to a much more complex issue. Speaking personally, I think that there are strong security arguments for most nuclear-armed states and many of their allies not to sign the TPNW at present.

Yet, it is perfectly possible for a government to recognise (and perhaps even welcome) positive political effects emanating from the Treaty and its associated movement, and also nevertheless still recommend that your state doesn't sign and ratify the treaty. This relies on states looking at the non-proliferation and disarmament agenda as an ecosystem of actors and instruments that are not in competition, but which can rather have feedback loops – both positive and negative – on one another. Those of us working in this space need to look at how we leverage those positive feedback loops while breaking the negative ones.

In spite of some challenging years, I truly believe when we take a longer perspective, we will come to agree that the political pressure of the TPNW has had a positive overall impact on the health of the NPT regime. Moreover, it has tabled important issues such as humanitarian and environmental concerns, nuclear test victim assistance, education, and diversity within the nuclear policy field. These are all topics that we should care about, and which we have a responsibility to address.

The TPNW has also strengthened the non-proliferation and assistance provisions among its ratifiers. These norms will not break out into customary international law except by the consent of those specially-affected states, so from my perspective, what's the harm? The NWFZ treaties,

themselves fragmented from the NPT, have been doing this for years already, and are overwhelmingly believed to be a positive contribution to the regime.

In other words, fragmentation can generate friction, and from that friction can come sparks that can light new fires.

But having spoken about what I see as some potentially positive aspects of fragmentation, I believe that the season of fragmentation must give way to a season of reconciliation, to allow the regime to repair and outcomes to be produced through more cooperative approaches.

Fragmentation in a regime is usually a response to excessive strain, and above all, the loss of trust in that regime. This is not sustainable. Fundamental to reconciliation is the restoration of a working trust in the effectiveness of the Treaty regime and among its parties, even if they mistrust one another at a deeper level and differ on key values.

Studies of negotiation show that negotiations where there is a cooperative tone of conversation are more likely to achieve workable outcomes. Within the context of the NPT, achieving this kind of reconciliation will therefore require changing the dialogue. And with this in mind, in the time I have remaining, I would like to talk about the Stockholm Initiative.

### **The Stockholm Initiative**

The Stockholm Initiative is a coalition of 16 states – that includes the Republic of Korea – who between them represent the full spectrum of international opinion on the legitimacy and the utility of nuclear weapons. In other words, they disagree fundamentally important subjects such as extended deterrence or the TPNW, yet have worked together successfully over the past two years to stabilise the NPT.

The Stockholm Initiative is therefore a real-life example of bridge-building and coalition-building within this Review Cycle, that demonstrates that cooperation – even when challenging – can serve as the basis for progress. To date there have been four ministerial summits, producing a set of ambitious but achievable recommendations that carry a great deal of legitimacy due to the composition of the group and the inclusive process that they have worked through, and which can be said to represent the priorities of the international community for the RevCon.

The key themes covered by the Stockholm Initiative are declaratory policy, risk reduction, transparency, and NWS-NNWS relations, although their proposals cover a wider remit. These are the benchmarks against which the success of the RevCon can be judged.

Marion Messmer and Gry Thomasen at BASIC, in close collaboration with Paul Ingram at Emergent Change, have supported the Stockholm Initiative by developing the Stepping Stones

Approach to Nuclear Disarmament Diplomacy methodology, as well as helping prepare the groundwork for substantive policy development and training diplomats in the Initiative.

Among the Initiatives' specific successes are the working paper presented by Switzerland on Nuclear Risk Reduction, which has already been endorsed by 20 or more states outside of the Stockholm Initiative itself. Another success is that the Stockholm Initiative has managed to maintain its legitimacy among the NWS.

The Initiative has managed to do this because of the underlying Stepping Stones Approach methodology, which has a five-step process for iterative, inclusive, adaptive, and respectful diplomatic engagement. It has provided the model for interaction, while the member states have provided the substantive dimensions.

Has the TPNW and its campaign made the Stockholm Initiative more effective? I would say almost certainly. It has set the high-level political context for progress at the working level. But only time will tell how far the Stockholm Initiative has been able to influence the course of events at the Review Conference.

Provided that the Stockholm Initiative is judged to have been a success, even a minor one, it is then absolutely vital that it continues its work straight into the eleventh Review Cycle. If we are to continue the trend towards reconciliation, we must not allow the Stockholm Initiative to go the way of the 'building blocks' approach in 2015.

Rather, we must ensure that the wheel does not have to be reinvented in 2025, and that the relationships and the habits of cooperation within the Initiative are instead strengthened over time, and propagate outwards into the rest of the NPT regime. It is the shared responsibility of all 16 states, as well as the wider policy community, to ensure that the Stockholm Initiative lives on and flourishes.

## **Conclusion**

If I had more time I would like to tell you about two more approaches that we have going at BASIC, in order to promote reconciliation within the NPT regime.

The first is the Nuclear Responsibilities Approach. With this approach, we are fostering an inclusive dialogue between states on their responsibilities in relation to nuclear weapons and in relation to one another. This is another modality, like the Stepping Stones Approach, that aims to change the way dialogue is conducted, in order to enable more cooperative discussions and reconciliation.

We have developed this Approach slowly and carefully, with the assistance of numerous nuclear and non-nuclear-weapon states and non-governmental, and we are putting it to use in several

tracks. And while we are not talking about regional issues in this panel, but I believe that it could also have a strong role to play in North East Asia. The High Representative Ms Nakamitsu mentioned the importance and the promise of starting a dialogue on responsible behaviour – this Approach looks to operationalise this.

The second is the Emerging Voices Network, a network of some 140 people in the first seven years of their careers from 40 different countries around the world, with a focus on the inclusion of next generation thinkers from the Global South. This network responds to the relatively-new Youth, Non-Proliferation and Disarmament Agenda, and owes a great deal of thanks to the leadership of the Republic of Korea for bringing this issue to international attention. Alongside UNODA, and with the kind support of the Republic of Korea, we will be hosting several Next Generation Forum side events alongside the Review Conference.

By all means, feel free to ask me about these subjects in the Q&A.

Before I close, I would like to offer my thanks to the Ministry of Foreign Affairs of the Republic of Korea and to UNODA for inviting me to speak on this panel, as well as for pulling off this in-person conference in a challenging global pandemic. I look forward to your comments and questions. Thank you for listening. Mr Chair.