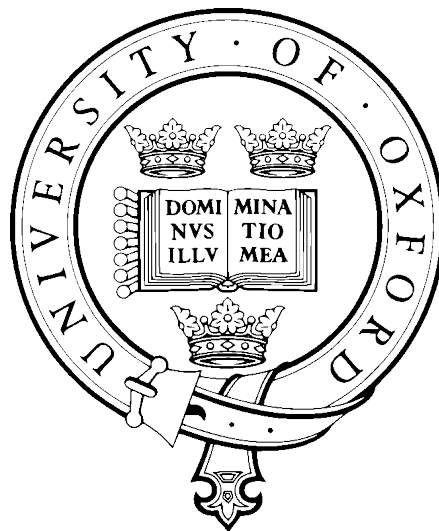


Kjølv Egeland
Wadham College
kjolv.egeland@politics.ox.ac.uk

The Road to Prohibition: Nuclear Hierarchy and Disarmament, 1968–2017



A thesis submitted in partial fulfilment of the requirements for the degree of Doctor of
Philosophy (DPhil) in International Relations

Department of Politics and International Relations
University of Oxford
December 2017

Words: 99,626

Abstract

Year in year out, hundreds of diplomats and civil society representatives partake in a seemingly endless stream of meetings on nuclear disarmament. These meetings seldom produce materially significant agreements. In fact, no nuclear warhead has ever been dismantled as a direct result of multilateral negotiations. And yet the web of institutions that make up the ‘multilateral nuclear disarmament framework’ continues to expand. Why? In this thesis, I identify three waves of institutional expansion in the multilateral nuclear disarmament framework (1975–1978; 1991–1999; 2013–2017), linking them to crises of legitimacy in the nuclear order. Institutional expansion, I argue, has been driven by ‘struggles for recognition’ by non-nuclear powers loath to accept permanent legal subordination. Institutional contestation has allowed non-nuclear powers to exercise symbolic resistance to the frozen nuclear hierarchy enshrined by the Nuclear Non-Proliferation Treaty (NPT) and its distinction between nuclear ‘haves’ and ‘have-nots’. But the re-legitimising function of institutional contestation reveals an irony: By solving recurrent crises of legitimacy in the nuclear order, the expansion of the disarmament framework has served to stabilise nuclear inequality in the long term. However, the 2017 adoption of the Treaty on the Prohibition of Nuclear Weapons (TPNW) may signal an end to this cyclical pattern of de- and re-legitimation. After half a century of contestation *within* the hierarchical NPT framework, the TPNW represents a legal negation of nuclear hierarchy as such.

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Acknowledgements

Numerous people have helped me develop this thesis. Inconsistencies, mistakes, and errors of omission are nonetheless mine alone. The research was made possible by support from the Oxford Norway Scholarship, the Wadham College Eprime Eshag Senior Scholarship, and the Cyril Foster Fund. My supervisor, Professor Kalypso Nicolaïdis, provided the perfect balance of intellectual challenges and encouragement throughout the process. I am also beholden to the participants at the DPhil seminars at the Department of Politics and IR at Oxford for reading, contesting, and commenting on my work several times over. Of my fellow students, I am particularly grateful to James Shires, Josie Lianna Kaye, and Rodrigo Moraes for their thorough feedback and intellectual exchange. I am also indebted to the large number of diplomats, politicians, and civil society representatives who shared their time and thoughts with me in formal and informal conversations. This study would not have been possible without their help. But it would equally not have been possible had I not been inducted into the world of multilateral nuclear diplomacy by colleagues at the International Law and Policy Institute in Oslo between 2013 and 2016. Thank you especially to Gro Nystuen and Torbjørn Graff Hugo for showing me the ropes. I have also been aided by helpful archivists at the ICRC Library in Geneva and the Dag Hammarskjöld Library in New York City. Thank you also to Benoît Pelopidas, Nick Ritchie, Todd Hall, Duncan Snidal, and Iver Neumann for helping me develop my thinking. On a personal note, I would like to record a special note of thanks to my fellow oarsmen (and women) for splendid camaraderie during my time at Oxford. I am also truly grateful to Mari, David, and Daniel, and most of all my parents for their abiding support and pastoral care.

To all readers, I apologise in advance for the alphabet soup of acronyms and contractions that follow.

Abbreviations

ABM	Anti-Ballistic Missile (Treaty)
ASEAN	Association of Southeast Asian Nations
CARICOM	Caribbean Community
CD	Conference on Disarmament (Geneva Conference post-1978)
CCD	Conference of the Committee on Disarmament (Geneva Conference, 1969–78)
CELAC	Community of Latin American and Caribbean States
CSO	Civil society organisation
CSTO	Collective Security Treaty Organization
CTBT	Comprehensive Nuclear Test-Ban Treaty
ENDC	Eighteen Nation Committee on Disarmament (Geneva Conference, 1962–68)
FMCT	Fissile Material Cut-Off Treaty
G77	Group of 77 developing states
HINW	Humanitarian impact of nuclear weapons (conference series)
IAEA	The International Atomic Energy Agency
ICAN	International Campaign to Abolish Nuclear Weapons
ICBM	Intercontinental ballistic missile
ICJ	International Court of Justice
IPNDV	International Partnership for Nuclear Disarmament Verification
INF	Intermediate-Range Nuclear Forces (Treaty)
MERCOSUR	Mercado Común del Sur (South American Economic Organization)
MFA	Ministry of Foreign Affairs
NAC	New Agenda Coalition
NAM	Non-Aligned Movement
NATO	North Atlantic Treaty Organisation
NGO	Non-governmental organisation
NIEO	New International Economic Order
NSS	Nuclear Security Summit
NWS	Nuclear-weapon state (as defined by the NPT)
NNWS	Non-nuclear-weapon state
NPT	Treaty on the Non-Proliferation of Nuclear Weapons
NWFZ	Nuclear-weapon-free zone
P5	Permanent five members of the UN Security Council (China, France, Russia, the United Kingdom, and the United States)
PNET	Peaceful Nuclear Explosions Treaty
PrepCom	Preparatory Committee
PTBT	Partial Nuclear Test-Ban Treaty (also known as the Limited Nuclear Test-Ban Treaty)
RevCon	Review Conference
SALT	Strategic Arms Limitation Talks (I and II)

SLBM	Submarine-launched ballistic missile
START	Strategic Arms Reduction Treaty (I, II, and New)
TNDC	Ten Nation Disarmament Committee (Geneva Conference, 1961)
TPNW	Treaty on the Prohibition of Nuclear Weapons
TTBT	Threshold Nuclear Test-Ban Treaty
UN	United Nations
UNDC	United Nations Disarmament Commission
UNGA	United Nations General Assembly
UNIDIR	United Nations Institute for Disarmament Research
UNSC	United Nations Security Council
UNSSOD	United Nations Special Session on Disarmament (I, II, and III)
WDC	World Disarmament Conference
WHA	World Health Assembly
WHO	World Health Organization
WMD	Weapon of mass destruction

Chapter 1: The Strange Expansion of the Multilateral Nuclear Disarmament Framework

The struggle for recognition can find only one satisfactory solution, and that is a regime of reciprocal recognition among equals.¹

1 Introduction

On 7 July 2017, 122 UN member states adopted the Treaty on the Prohibition of Nuclear Weapons (TPNW). Concluding the negotiations at around noon, the last strike of the conference president's gavel released a surge of applause from the floor and gallery above; seasoned diplomats from across the world cheered and pumped their fists in the air. Some jumped up and down behind their desks. Long-time observers of multilateral diplomacy admitted they had never seen anything like the scenes that unfolded at the UN headquarters in Manhattan that day. Prohibiting the development, possession, and use of nuclear weapons for all states without exception, the TPNW represents a challenge to the hierarchical nuclear order enshrined by the 1968 Nuclear Non-Proliferation Treaty (NPT). Under the latter treaty – the centrepiece of the established ‘nuclear regime’ – five states are permitted, implicitly, to possess nuclear weapons for an unspecified period of time.

Supportive governments have described the adoption of the new treaty as ‘historic’, ‘a watershed’, and ‘a high point of international cooperation’.² But the critics have been numerous. For example, a US government official has described the treaty as a ‘pie in the sky’ that will fail to bind the nuclear-armed states.³ And true enough, the treaty has not secured the adherence of any of the world's nine nuclear-armed states and is not likely to do so any time soon.⁴ The negotiations were boycotted by all the nuclear-armed states and most of their allies. The direct material consequences of the treaty's adoption will therefore be limited, at least in the short term. So why the celebration? To answer that question, I explore the acrimonious history of multilateral nuclear disarmament diplomacy.

¹ Charles Taylor, ‘The Politics of Recognition’, pp. 25–73 in Amy Gutman (ed.), *Multiculturalism*, Princeton, NJ, Princeton University Press, 1993, p. 50.

² Brazil, UNGA First Committee, 3 October 2017; Nigeria for the African Group, UNGA First Committee, 2 October 2017; Ireland, UNGA First Committee, 12 October 2017.

³ Frank Rose, ‘Strategic Stability’, Remarks at the Norwegian Institute for Defence Studies, 23 August 2016.

⁴ As of 2017, the world's nuclear-armed states are China, France, India, Israel, North Korea, Pakistan, Russia, the United Kingdom, and the United States. Five NATO members host American nuclear weapons: Belgium, Germany, Italy, the Netherlands, and Turkey. Some have questioned the analytical and normative value of the concept of a ‘nuclear-armed’ or ‘nuclear-weapon’ state. For example, given its (civilian) nuclear capability, Japan would be able to build a nuclear weapon within a matter of months.

My motivation for writing this thesis is to understand the process that led to the negotiation of the TPNW. To that end, I explore the evolution of the institutional framework for multilateral nuclear disarmament from its establishment in 1968 onwards. The multilateral nuclear disarmament framework is not a standalone set of institutions.⁵ The framework lies one level of aggregation *above* specific institutions such as the UN Disarmament Commission and one level of aggregation *below* what is often referred to as the nuclear regime – the totality of multilateral institutions concerned with (1) nuclear non-proliferation, (2) civilian nuclear cooperation, and (3) nuclear disarmament. The nuclear regime, in turn, forms a central part of what some call the global ‘nuclear order’, defined by William Walker as a configuration of power comprised of ‘a managed system of [nuclear] deterrence and a managed system of [nuclear] abstinence.’⁶

The three areas of cooperation that make up the wider nuclear regime overlap; some of the regime’s constituent institutions, such as the UN General Assembly First Committee and the Zangger Committee on export control, span more than one area. The regime’s foundational institution, the NPT, spans all three, linking them together in a single regime.⁷ The three areas – in NPT vernacular referred to as ‘pillars’ – may nevertheless be distinguished from one another analytically, as indeed they are in diplomatic practice. In the following chapters, I treat all institutions fully or in part concerned with nuclear disarmament (as determined by diplomatic practice) as elements of the multilateral nuclear disarmament framework. The disarmament framework thus includes, for example, the Comprehensive Nuclear Test-Ban Treaty (CTBT), which is simultaneously a disarmament institution and a non-proliferation institution, but excludes the Proliferation Security Initiative, which is commonly understood as a pure non-proliferation institution. The focus on *multilateral* institutions also excludes bilateral instruments such as the US–Soviet START and SALT agreements.

The web of institutions and practices that make up the multilateral nuclear disarmament framework has not evolved through a gradual process, but through bursts of activity followed by periods of stasis. The adoption of the TPNW represents the last, and from a legal point of view most radical, of these institutional developments. In the chapters that follow, I trace the punctuated pattern of the disarmament framework’s evolution over time, identifying three waves of institutional expansion. Each wave, I argue, was triggered by a ‘crisis of legitimacy’ in the nuclear order.⁸ These crises were produced partly by the nuclear-weapon states’ (NWSs’) unwillingness to

⁵ I use the term ‘institutions’ as a short-hand for diplomatic forums, practices, and legal instruments.

⁶ William Walker, ‘Nuclear Order and Disorder’, *International Affairs*, vol. 76, no. 4, 2000, p. 703.

⁷ Krasner defines regimes as ‘sets of implicit or explicit principles, norms, rules, and decision-making procedures around which actors’ expectations converge in a given area of international relations.’ Stephen D. Krasner, ‘Structural Causes and Regime Consequences’, *International Organization*, vol. 36, no. 2, 1982, p. 185.

⁸ See Kjølvi Egelund, ‘Punctuated Equilibrium in Multilateral Nuclear Disarmament’, *Peace Review*, vol. 28, no. 3, 2016.

disarm, but also by perceptions of unequal access to nuclear technology, resistance to military counter-proliferation operations by major powers, and imbalance in the implementation of the provisions contained in the NPT.⁹ The unifying trait of these factors – unwillingness to disarm, uneven access to technology, and unbalanced implementation and enforcement – is that they accentuate or perpetuate the hierarchy between nuclear ‘haves’ and ‘have-nots’. Institutional change in the multilateral nuclear disarmament framework, then, is influenced not just by processes endogenous to the disarmament framework itself, but by politics and processes at the level of the nuclear order – and indeed other areas of international relations. At the same time, activities within the disarmament framework have produced feed-back effects on the wider nuclear order and international relations more generally. For example, I argue that perceived progress on disarmament has contributed to stabilising the wider nuclear order.

The first wave of expansion in the disarmament framework – involving the convening of a first UN ‘special session’ on disarmament and reform of the UN ‘disarmament machinery’ – took place in the second half of the 1970s. The second wave – involving the adoption of the CTBT, expansion of the NPT ‘review cycle’, and request of an International Court of Justice (ICJ) advisory opinion on the ‘threat or use of nuclear weapons’ – took place in the 1990s. The third and (as of now) last wave of expansion – involving the creation of new forums for disarmament negotiations and climaxing with the adoption of the TPNW – took place between 2013 and 2017 (a full list of adaptations is provided in Annex I). Almost all the institutional adaptations in question have been promoted by NNWSs.

The multilateral nuclear disarmament framework is of course just one sub-system of the wider nuclear regime (and, in turn, the nuclear order). The institutional architectures of the other areas of the regime – civilian nuclear cooperation and non-proliferation – have also evolved over time.¹⁰ Yet for the purposes of this thesis – the aim of which is to explain the evolution of the multilateral nuclear *disarmament framework* specifically – developments in these related fields fall outside of the scope of the *explanandum*. However, developments in the governance of civilian nuclear cooperation and non-proliferation may be relevant as *explanans*. For example, the construction of ever-more robust non-proliferation measures, as well as the strengthening of the role of the UN Security Council in non- and counter-proliferation efforts, increased certain states’ sense of hierarchy and injustice.

⁹ The effects of the legitimacy of the wider nuclear order on institutional change in the nuclear regime’s other sub-systems – civilian nuclear cooperation and nuclear non-proliferation – is not investigated in this thesis.

¹⁰ On the evolution of the non-proliferation framework, see Etel Solingen and Wilfred Wan, ‘Critical Junctures, Developmental Pathways, and Incremental Change in Security Institutions’, pp. 553–71 in Orfeo Fioretos, Tulia G. Falletti, and Adam Sheingate (eds), *The Oxford Handbook of Historical Institutionalism*, Oxford, Oxford University Press, 2016.

Today, the multilateral nuclear disarmament framework provides one of the multilateral diplomatic community's most time-consuming portfolios. Every year, diplomats from most of the world's states spend months writing and presenting speeches and working papers on nuclear disarmament, strategizing with civil society representatives and other government officials, and attending conferences and meetings geared towards making the vision of a world without nuclear weapons reality. But despite the increasing volume of diplomatic activity, the material output has been scant. Half a century after the establishment of the nuclear regime, none of the states that possessed nuclear weapons at the time of the regime's formation 'have moved even nominally toward a policy of actual disarmament.'¹¹

Although NNWSs' disarmament advocacy may have contributed to the strengthening of anti-nuclear norms through diffuse discursive processes, not a single nuclear warhead has ever been dismantled as a direct result of multilateral negotiations; all stockpile reductions that have thus far been undertaken have come about through unilateral and bilateral initiatives. Several historians have thus concluded that the disarmament framework's expansion *reduced* its effectiveness.¹² In Ramesh Thakur's view, small states' 'illusion' that they can bind the nuclear powers against their will is 'mesmerising'.¹³ Multilateral nuclear disarmament diplomacy has been described as 'play-acting' and a 'charade'.¹⁴ Against this backdrop, the expansion of the disarmament framework, including the adoption of the TPNW, appears puzzling or even irrational. Yet it would be remiss of the academic community simply to assume that the periodic bursts of contestation and change within the disarmament framework have no significance. The question I seek to answer in this thesis is the following:

What has driven the expansion of the multilateral nuclear disarmament framework up to and including the adoption of the TPNW?

Given the framework's *prima facie* poor performance, its continued expansion looks strange. Why do NNWSs continue to spend time, money, and political capital on perpetuating and even expanding a 'charade'? I argue that the primary driver of institutional contestation and change in

¹¹ Campbell Craig and Jan Ruzicka, 'The Nonproliferation Complex', *Ethics & International Affairs*, vol. 27, no. 3, 2013, p. 341.

¹² Dimitris Bourantonis, *The United Nations and the Quest for Nuclear Disarmament*, Brookfield, VT, Dartmouth, 1993a; Avi Beker, *Disarmament without Order*, Westport, CN, Greenwood Press, 1985; Anton Bebler, 'Yugoslavia's Positions and Policies on Arms Control and Disarmament', *The International Spectator*, vol. 10, no. 2, 1989.

¹³ Ramesh Thakur, *The United Nations, Peace and Security*, Cambridge, Cambridge University Press, 2006, p 163.

¹⁴ E.g. Jorge M. Pedraza, 'How Nuclear-Weapon States Parties to the Non-Proliferation Treaty Understand Nuclear Disarmament', *Public Organization Review*, vol. 17, no. 2, 2017, p. 214; John Simpson, 'The UN's Role in Disarmament', *Contemporary Security Policy*, vol. 15, no. 1, 1994, p. 60.

the multilateral nuclear disarmament framework has not been concerns with material national security or regime effectiveness – as mainstream International Relations (IR) theories might predict – but a fundamental desire for social recognition. NNWSs have continued to invest in the disarmament framework because the alternative – an open admission that the global nuclear order is and will remain fundamentally hierarchical – would undermine their identities as ‘sovereign equals’, rendering them inferior on a permanent basis. Precipitated by sustained and mounting pessimism about the NWSs’ commitment to disarmament, each wave of expansion has been driven by NNWSs eager to recalibrate an acceptable balance of nuclear rights and obligations. By creating an impression of progress towards disarmament and offering NNWSs further opportunities to exercise their agency as sovereign states, the periodic rejuvenation of the multilateral nuclear disarmament framework has provided NNWSs with ‘ontological security’ as active and equal members of international society.¹⁵ The 2017 TPNW represents the culmination of this recognition logic.

As defined in this thesis, institutional ‘adaptation’ (and resultant expansion) in the multilateral nuclear disarmament framework occurs when states or organisations (1) stipulate additional, legally-binding nuclear disarmament obligations, (2) create new multilateral arenas for deliberations or negotiations on nuclear disarmament, (3) empower new actors to operate within the framework, or (4) change or complement the framework’s standard practices and rules of procedure (see Chapter 2). The legal basis of the multilateral nuclear disarmament framework has been the NPT and its review cycle. In addition to the NPT, the framework is made up of the norms and practices of the Geneva Disarmament Conference; various sub-committees of the UN General Assembly (UNGA), notably its First Committee, ‘open-ended working groups’, ‘high-level meetings’, and ‘special sessions’ on disarmament; the UN Disarmament Commission (UNDC); the ICJ’s advisory opinion, *Legality of the Threat or Use of Nuclear Weapons*; the Comprehensive Nuclear Test-Ban Treaty (CTBT) and its attendant organisation (the CTBTO); and now the TPNW. Note that some of these institutions existed before the adoption of the NPT. The adoption of the NPT is nevertheless an appropriate starting point for an analysis of multilateral nuclear disarmament diplomacy. It was only through the negotiation of the NPT that extant institutions could be embedded into a nuclear ‘regime’ formally geared towards the legally codified goal of nuclear abolition.

¹⁵ On ‘ontological security’, see Jennifer Mitzen, ‘Ontological Security in World Politics’, *European Journal of International Relations*, vol. 12, no. 3, 2006.

Note also that the term ‘nuclear disarmament’ is used here to describe both the *goal* of nuclear abolition and the diplomatic *field of practice* concerned with regulating nuclear weapons; the meaning should be evident from the context.

2 Why Care About the Expansion of the Multilateral Nuclear Disarmament Framework?

In this section, I present the rationale of the thesis: Why and how does the topic of investigation matter? I make three main points. First, multilateral nuclear disarmament diplomacy constitutes a well-established, time-consuming field of activity for numerous organisations and most of the world’s foreign ministries. As Robert Keohane puts it, ‘international institutions are worth studying because they are pervasive and important in world politics and because their operation and evolution are difficult to understand.’¹⁶ And although the material output of the multilateral nuclear disarmament framework has been limited, institutions have the potential to facilitate cooperation. Second, institutional contestation and change in multilateral nuclear disarmament diplomacy has played a role in upholding the norm of sovereign equality. The impact and ‘utility’ of this norm is difficult to quantify, but it seems beyond doubt that state sovereignty plays a crucial function in international society. The erosion of the norm of sovereignty in one domain of international relations might well have consequences for international relations in others. Third, I argue that NNWSs’ expansion of the multilateral nuclear disarmament framework has contributed – in part intended and in part unintended – to upholding the norm of nuclear non-proliferation; paradoxically, NNWSs’ contestation of the hierarchical nuclear order may have aided the order’s long-term stability.

This study offers several contributions to scholarship. Empirically, the chapters that follow add to IR literature on institution building and multilateral diplomacy by uncovering how the multilateral nuclear disarmament framework has evolved in dialectic with legitimacy contests and power politics. Drawing on archival sources, participant observation, and semi-structured interviews to provide a detailed account of understudied historical events, the thesis also contributes to Contemporary and Cold War History. Analysing five decades of the multilateral nuclear disarmament process, the thesis makes a substantial contribution to the scholarly literature on the history of multilateral nuclear diplomacy; the great majority of contributions to that field are either spatially or temporally limited. That said, my ‘macro history’ of nuclear politics cannot hope to provide the depth of nuance that a more limited scope would allow.

¹⁶ Robert O. Keohane, ‘International Institutions: Two Approaches’, *International Studies Quarterly*, vol. 32, no. 4, 1988, p. 393.

Theoretically, I aim to advance the nascent literature on social recognition in international affairs. Emerging in contemporary social theory from re-readings of Hegel's Jena philosophy,¹⁷ recognition theory has been employed to good effect in studies of international conflict and global justice.¹⁸ Proceeding from the theoretical premise that 'all people and groups, including nations and states, crave for recognition of self-worth',¹⁹ the present study marks a first book-length attempt at using recognition theory to understand institution building and everyday multilateral diplomacy in the field of international security.²⁰ Investigating the role of mutual recognition in international politics, the study draws links between the literatures on recognition and international status,²¹ legitimacy,²² and international hierarchy.²³ The thesis also heeds the call to 'decentre' IR by exploring the nuclear regime's colonial inflections and the agency of post-colonial states and movements.²⁴

Providing a means for NNWSs of resisting the presumed erosion of sovereign equality implied by a permanently hierarchical regime, institutional contestation may be understood as a 'sovereignty practice'. State sovereignty, constructivists argue, is a 'primary institution' of contemporary international society – a society of formally equal polities that mutually recognise each other's sovereignty and a common set of rules and institutions.²⁵ Sovereignty is not a fact of

¹⁷ Especially Axel Honneth, *The Struggle for Recognition*, Cambridge, Polity, 1995; Charles Taylor, 'The Politics of Recognition', pp. 25–73 in Amy Gutman (ed.), *Multiculturalism*, Princeton, NJ, Princeton University Press, 1993. See G.W.F. Hegel, *Jenaer Realphilosophie*, Hamburg, Verlag von Felix Meiner, 1969; G.W.F. Hegel, *Hegel's Phenomenology of Spirit*, Oxford, Oxford University Press, 1977.

¹⁸ E.g. Erik Ringmar, *Identity, Interest and Action*, Cambridge, Cambridge University Press, 1996; Thomas Lindemann, *Causes of War: The Struggle for Recognition*, Colchester, ECPR Press, 2010; Reinhard Wolf, 'Respect and Disrespect in International Politics', *International Theory*, vol. 3, no. 1, 2011; Tony Burns and Simon Thompson, *Global Justice and the Politics of Recognition*, London, Palgrave Macmillan, 2013; Nicholas, G. Onuf, 'Recognition and the Constitution of Epochal Change', *International Relations*, vol. 27, no. 2, 2013; Thomas Lindemann and Erik Ringmar, *The International Politics of Recognition*, Abingdon, Routledge, 2016.

¹⁹ Jörg Friedrichs, 'An Intercultural Theory of International Relations', *International Theory*, vol. 8, no. 1, 2016, p. 64.

²⁰ Notable article-length contributions include several chapters in Christopher Daase et al., *Recognition in International Relations: Rethinking a Political Concept in Global Context*, London, Palgrave Macmillan, 2015. On mutual recognition in EU affairs, see Claudia Sternberg, Kira Gartzou-Katsouyanni, and Kalypso Nicolaïdis, *The Greco-German Affair in the Euro Crisis*, London, Palgrave, 2018.

²¹ E.g. T.V. Paul, Deborah W. Larson and William C. Wohlforth, *Status in World Politics*, Cambridge, Cambridge University Press, 2014; Benjamin de Carvalho and Iver B. Neumann (eds), *Small State Status Seeking*, London, Routledge, 2015; Deborah W. Larson and Alexei Shevchenko, 'Status Seekers', *International Security*, vol. 34, no. 4, 2010.

²² See, in particular, Thomas Franck, *The Power of Legitimacy Among Nations*, Oxford, Oxford University Press, 1990; Christian Reus-Smit, 'International Crises of Legitimacy', *International Politics*, vol. 44, nos 2–3, 2007; Richard Falk, Mark Juergensmeyer, and Vesselin Popovski, *Legality and Legitimacy in Global Affairs*, Oxford, Oxford University Press, 2012; Nick Ritchie, 'Waiting for Kant', *International Affairs*, vol. 90, no. 3, 2014.

²³ See, in particular, Ian Clark, *The Hierarchy of States*, Cambridge, Cambridge University Press, 1989; David A. Lake, *Hierarchy in International Relations*, Cambridge, Cambridge University Press, 2009; Jack Donnelly, 'Sovereign Inequalities and Hierarchy in Anarchy', *European Journal of International Relations*, vol. 12, no. 2, 2006; Nico Krisch, 'International Law in Times of Hegemony', *European Journal of International Law*, vol. 16, no. 3, 2005.

²⁴ See Nora F. Onar and Kalypso Nicolaïdis, 'The Decentring Agenda', *Cooperation and Conflict*, vol. 48, no. 2, 2013.

²⁵ Christian Reus-Smit, *The Moral Purpose of the State*, Princeton, NJ, Princeton University Press, 1999, p. 22. On 'international society', see Hedley Bull, *The Anarchical Society*, New York, NY, Columbia University Press, 1995.

nature, but rather ‘an ongoing accomplishment of practice’,²⁶ ‘produced and reproduced (and transformed) through changing diplomatic practices’.²⁷ The norm of sovereign equality must be continually propped up, acted out, and reified in diplomatic practice to maintain its potency. NNWSs’ resistance against nuclear hierarchy, in this view, denotes a front-line struggle for the maintenance of international society as a community of formally equal units.

The nuclear regime has always suffered from a shortage of legitimacy.²⁸ Permitting five states, however temporarily, to possess weapons with calamitous, indiscriminate effects, the NPT has often been argued to conflict with humanitarian and environmental principles.²⁹ Also, given the emphasis of post-World War II international law and diplomacy on the norm of equality,³⁰ any regime that sets out different rights and obligations for different groups of states is bound to be questioned. It may be argued on a legalistic basis that a treaty cannot undermine the principle of sovereign equality as long as it has been consented to freely, but in practice the NPT-centred regime is clearly ‘prone to a critique that portrays it as an instrument of hegemonic power, dividing the world into nuclear “haves” and “have-nots” and thus violating the “sovereign equality” of States’.³¹ Inequality is of course especially problematic when perceived benefits go in favour of the actors that are judged to need them the least. In contrast, for example, to the climate change regime, which prompts developed states to shoulder extra responsibility for reducing greenhouse gas emissions,³² the nuclear regime has been argued to provide only for ‘disarmament of the disarmed’, a phrase coined by Argentina’s UN ambassador in 1968.³³

In 2016, the five states defined by the NPT as ‘nuclear-weapon states’ possessed more than 97 per cent of the world’s nuclear warheads,³⁴ occupied all the permanent seats at the UN Security Council, produced approximately 50 per cent of the entire world’s combined GDP, and accounted for about 60 per cent of the world’s total military expenditure.³⁵ Through cultural exports, the five (in particular the United States and to a lesser extent Britain) also benefit from considerable ‘soft’

²⁶ Alexander Wendt, ‘Anarchy is what States Make of It’, *International Organization*, vol. 46, no. 2, 1992, p. 413.

²⁷ Ole J. Sending, Vincent Pouliot, and Iver B. Neumann, *Diplomacy and the Making of World Politics*, Cambridge, Cambridge University Press, 2015, p. 17.

²⁸ See e.g. Patrick M. Cottrell, *The Evolution and Legitimacy of International Security Institutions*, Cambridge, Cambridge University Press, 2016.

²⁹ E.g. Susan Watkins, ‘The Nuclear Non-Protestation Treaty’, *New Left Review*, vol. 54, Nov/Dec 2008.

³⁰ See articles 1 and 2 of the UN Charter, signed 26 June 1945, in force 24 October 1945.

³¹ Jörn Müller and Andreas Paulus, ‘Survival Through Law’, *Finnish Yearbook of International Law*, vol. 18, 2007, p. 87. See also Yoshiko M. Herrera and Jacques E.C. Hymans, ‘The Non-Proliferation Treaty as a Conditional Norm’, PONARS Eurasia, *Policy Memo*, no. 142, May 2011, p. 2.

³² According to the principle of ‘common but differentiated responsibility’ for reducing emissions, developed states are expected to shoulder the brunt of the cuts.

³³ Quoted in Sara Z. Kutchesfahani, *Politics and the Bomb*, London, Routledge, 2014, p. 40.

³⁴ SIPRI, ‘Global Nuclear Weapons’, 3 July 2017. The remaining 3 per cent are held by India, Israel, Pakistan, and North Korea.

³⁵ World Bank, ‘World Development Indicators, GDP (current US\$)’, 2017; Sam Perlo-Freeman et al., *Trends in World Military Expenditure*, Stockholm, SIPRI, 2016.

or ‘productive’ power.³⁶ Given this concentration of power and privilege in the hands of a few states, the nuclear order is often conceptualised as a ‘nuclear hegemony’ of the five established major powers.³⁷ This thesis may be understood as a study of how the institutional aspects of this hegemony – the legal hierarchy implied by the NPT – has been resisted by NNWSs, in particular by non-aligned states.³⁸

‘Time is running out’, wrote Thomas Halsted, the director of the US Arms Control Association, in 1975.³⁹ He argued that unless the NWSs took decisive steps towards redressing the inequalities embedded in the NPT, that is, moved more assertively towards disarmament, there was a significant chance that the treaty, which had entered into force just five years before, would collapse, leading to a wave of nuclear proliferation. The nuclear ‘have-nots’, after all, had signed on to the norm of non-proliferation on the understanding that the ‘haves’ would eliminate their nuclear weapons. Halsted received support from the scholar and UN official William Epstein. Epstein posited that if the NWSs did not make meaningful progress towards a world without nuclear weapons soon, the NPT’s already disputed legitimacy would plummet and the treaty would not live to see its tenth birthday.⁴⁰ Distinguished scholars such as Richard Falk, Hedley Bull, Ian Brownlie, and Lincoln Bloomfield all questioned the viability of an ‘inherently discriminatory global structure’.⁴¹

Half a century peppered with gloomy warnings later,⁴² the nuclear order remains divided between ‘haves’ and ‘have-nots’; the NWSs have not disarmed. And yet the NPT remains intact. How can this be? How has the regime been able to sustain a seemingly endless build-up of frustration with the NWSs’ apparent non-compliance with disarmament norms? Given the frequent warnings of NPT collapse, surprisingly little scholarly attention has been devoted to the

³⁶ See Joseph S. Nye, *Soft Power*, New York, NY, Public Affairs, 2004; Michael Barnett and Raymond Duvall, ‘Power in Global Governance’, pp. 1–32 in Barnett and Duvall (eds), *Power in Global Governance*, Cambridge, Cambridge University Press, 2005.

³⁷ E.g. A.W. Singham and Shirley Hune, *Non-Alignment in an Age of Alignments*, London, Zed, 1986; Martin J. Medhurst, ‘Atoms for Peace and Nuclear Hegemony’, *Armed Forces & Society*, vol. 23, no. 4, 1997.

³⁸ Compare Ian Clark, *The Hierarchy of States*, Cambridge, Cambridge University Press, 1989.

³⁹ Thomas A. Halsted, ‘The Spread of Nuclear Weapons’, *Bulletin of the Atomic Scientists*, vol. 31, no. 5, 1975, p. 11.

⁴⁰ William Epstein, *The Last Chance*, London, The Free Press, 1976, p. 256.

⁴¹ Richard Falk, ‘Nuclear Weapons Proliferation as a World Order Problem’, *International Security*, vol. 1, no. 3, 1977, p. 84; Hedley Bull, ‘Rethinking Non-Proliferation’, *International Affairs*, vol. 51, no. 2, 1975; Ian Brownlie, ‘Nuclear Proliferation’, *International Affairs*, vol. 42, no. 4, 1966; Lincoln P. Bloomfield, ‘Nuclear Spread and World Order’, *Foreign Affairs* vol. 53, no. 4, 1975.

⁴² E.g. Bruce Unger, ‘The Nuclear Non-Proliferation Treaty Review Conference’, *World Affairs*, vol. 139, no. 2, 1976, p. 91; John M. Lamb, ‘Rolling the Arms Control Waters’, *Bulletin of the Atomic Scientists*, vol. 43, no. 8, 1987, p. 18; Jayantha Dhanapala, ‘Indefinite Extension of the Non-Proliferation Treaty’, *Acronym Report*, no. 7, September 1995; Manpreet Sethi, ‘NPT Reviews Conference 2000’, *Strategic Analysis*, vol. 24, no. 1, 2000; Graham Allison, ‘Nuclear Disorder’, *Foreign Affairs*, vol. 89, no. 1, 2010; Nina Tannenwald, ‘Justice and Fairness in the Nuclear Nonproliferation Regime’, *Ethics & International Affairs*, vol. 27, no. 3, 2013.

NPT's resilience.⁴³ One explanation is provided by Liviu Horovitz, who concludes that 'the future of the NPT appears to be much less dependent on the diplomatic process than most observers suggest.'⁴⁴ NNWSs' railings against nuclear hierarchy, in this view, may or may not reflect genuine grievances, but are in either case not politically consequential.

Following from the argument laid out above, I maintain that the limited progress towards a world without nuclear weapons has indeed had consequences – just not the consequences predicted by most experts. Rather than provoking widespread nuclear proliferation or defections from the NPT, the lingering division between 'haves' and 'have-nots' has primarily fostered institutional adaptation and resulting expansion of the multilateral nuclear disarmament framework. Providing an alternative means of enacting resistance to the nuclear hierarchy to the options of going nuclear and/or withdrawing from the NPT, institutional contestation and change has allowed NNWSs to challenge the creeping permanence of legalised nuclear inequality, 'venting' pressure on the non-proliferation regime. As a result, the regime has *not*, as commonly assumed, been subject to a constant build-up of frustration among NNWSs. Instead, recurrent crises of legitimacy have been resolved through partial bestowals of mutual recognition and the cultivation of compensatory forms of respect.⁴⁵ (The specific mechanisms of recognition are discussed in Chapter 2.) It is difficult to know what might have happened were these alternative means of counteracting the presumed erosion of sovereign equality not available; the counterfactual would be a nuclear regime where institutional expansion and resistance were rendered impossible. But the empirical chapters that follow suggest that institutional contestation has indeed provided an alternative to proliferation or withdrawal in certain cases. In this view, institutional expansion has played a key role in stabilising the nuclear order. It is also plausible that the high intensity of disarmament advocacy by non-nuclear states has contributed to the long-term strengthening of anti-nuclear norms, facilitating both the non-use of nuclear weapons since 1945 and the gradual decline of nuclear testing.⁴⁶

Why has the NNWSs' frustration with the NWSs' limited progress towards disarmament led to institutional expansion and not to proliferation? Two reasons stand out. Firstly, the literature on nuclear proliferation suffers from a general overestimation of states' desire to acquire nuclear weapons. According to Benoît Pelopidas, the mainstream 'proliferation paradigm' has stimulated

⁴³ See Ursula Jasper, 'Dysfunctional, but Stable – a Bourdieuan Reading of the Global Nuclear Order', *Critical Studies on Security*, vol. 4, no. 1, 2016; Cottrell, *The Evolution and Legitimacy of International Security Institutions*, Chapter 5; Jan Ruzicka and Nicholas J. Wheeler, 'The Puzzle of Trusting Relationships in the Nuclear Non-Proliferation Treaty', *International Affairs*, vol. 86, no. 1, 2010; T.V. Paul, 'Systemic Conditions and Security Cooperation', *Cambridge Review of International Affairs*, vol. 16, no. 1, 2003.

⁴⁴ Liviu Horovitz, 'Beyond Pessimism', *Journal of Strategic Studies*, vol. 38, nos 1–2, 2015, p. 151.

⁴⁵ See Jan Ruzicka, 'Behind the Veil of Good Intentions', *International Politics*, 2017 (early view).

⁴⁶ See Nina Tannenwald, *The Nuclear Taboo*, Cambridge, Cambridge University Press, 2007.

wildly exaggerated predictions of the rate of nuclear proliferation by falsely portraying the bomb as universally desired and proliferation as an irreversible and self-begetting process. In fact, it appears that most states have never seriously considered acquiring nuclear weapons.⁴⁷ Providing a check on other NNWSs' nuclear ambitions, the NPT serves an important function for NNWSs regardless of whether disarmament is achieved or not.⁴⁸ But a lack of interest in nuclear armament does not imply an acceptance of nuclear inequality.

Another possible reason for the apparent overestimation of the likelihood of the NPT collapse, not mutually exclusive with the first, could be that certain experts have consciously exaggerated the risk of collapse to give the NWSs extra motivation to disarm. Alternatively, disarmament advocacy and proliferation/defection could constitute different stages of resistance, i.e. states will resort to proliferation/defection only once the credibility of disarmament advocacy has been exhausted. This hypothesis is not fully explored in this thesis, but the example of India – which went from spearheading the non-aligned states' demand for disarmament to itself developing nuclear weapons – suggests that the topic is worth attention.

3 Existing Literature on Nuclear Order and Multilateral Nuclear Disarmament

Nuclear policy is a staple topic in the study of IR. Any broad literature review is therefore bound to omit several important studies. The following is an attempt at highlighting *some* of the most important debates within the field of nuclear studies and to suggest how they relate to the present thesis. A popular topic is the history and practice of nuclear deterrence.⁴⁹ Combined with the realist maxim of self-help, the presumed utility of nuclear weapons as deterrents ostensibly goes a long way to explain why the nuclear-armed states have been reluctant to disarm; excluding the post-Soviet states Belarus, Kazakhstan, and the Ukraine, which inherited stockpiles of nuclear weapons from the Soviet Union, South Africa, which developed nuclear weapons in the 1970s but then destroyed them in the late 1980s, provides the only example of 'de-proliferation'.

Another popular topic within the nuclear policy literature is proliferation and counter-proliferation.⁵⁰ Studies of proliferation typically investigate the prospect of some 'rogue state' (Iran,

⁴⁷ Benoît Pelopidas, 'The Oracles of Proliferation', *Nonproliferation Review*, vol. 18, no. 1, 2011. See also Benoît Pelopidas, 'The Nuclear Straitjacket', pp. 73–105 in Stéfanie von Hlatky and Andreas Wenger (eds), *The Future of Extended Deterrence*, Washington DC, Georgetown University Press, 2015.

⁴⁸ See Paul, 'Systemic Conditions and Security Cooperation'.

⁴⁹ Monuments include Bernard Brodie, *Strategy in the Missile Age*, Princeton, NJ, Princeton University Press, 1959; Thomas C. Schelling, *Arms and Influence*, New Haven, CT, Yale University Press, 1966; Lawrence Freedman, *The Evolution of Nuclear Strategy*, London, Macmillan, 1981.

⁵⁰ Monuments include Epstein, *The Last Chance*; Kenneth N. Waltz, 'The Spread of Nuclear Weapons: More May Be Better', London, IISS, 1981; Scott D. Sagan, 'Why Do States Build Nuclear Weapons?', *International Security*, vol. 21, no. 3, 1996/97.

Iraq, Libya, and North Korea being the mainstays) acquiring nuclear weapons and advise what other states, typically the United States, should do about it. A notable contribution to the proliferation literature in recent years, which challenges the mainstream ‘proliferation paradigm’, is Jacques Hymans’ ‘psychological theory’ of nuclear acquisition.⁵¹ Hymans argues that proliferation choices can be explained by reference to national elites’ ‘national identity conceptions’, that is, their sense of what their nation stands for and is ‘entitled to’ in relation to others.⁵² In broad terms, Hymans’ theory is similar to the one advanced in this thesis in that it focuses on the ideational aspects of nuclear politics. A critical difference is that while Hymans places the explanatory burden on domestic factors such as nationalism, I look to dynamics on the international level.

Disarmament politics, and in particular *multilateral* disarmament politics, has received much less attention from scholars. There are exceptions, though. Firstly, policy-oriented scholarship on the conditions for nuclear restraint often touches on multilateral diplomacy, albeit seldom in a systematic fashion. These contributions have advanced our understanding of the forces driving and stalling progress towards nuclear abolition, but have paid little systematic attention to institutional and diplomatic practices in and of themselves.⁵³

Secondly (and similarly), many of the contributors to the growing literature on ‘global nuclear order’ discuss multilateral institutions and norms,⁵⁴ but predominantly takes the perspective of the great powers, exploring how deterrence practices and ‘supply side’ proliferation measures have ordered international politics.⁵⁵ Taking the perspective of the states at the bottom of the nuclear hierarchy, this thesis represents an attempt at looking at the nuclear order from below. A notable exception to the nuclear-order literature’s lack of attention to multilateral diplomacy and

⁵¹ Other notable recent contributions includes Etel Solingen, *Nuclear Logics*, Princeton, NJ, Princeton University Press, 2007; Maria R. Rublee, *Nonproliferation Norms*, Athens, GA, University of Georgia Press, 2009.

⁵² Jacques E.C. Hymans, *The Psychology of Nuclear Proliferation*, Cambridge, Cambridge University Press, 2006.

⁵³ See Sverre Lodgaard (ed.), *Stable Nuclear Zero*, London, Routledge, 2017; Nik Hynek and Michal Smetana (eds), *Global Nuclear Disarmament*, London, Routledge, 2016; George P. Schultz and James E. Goodby (eds), *The War That Must Never Be Fought*, Stanford, CL, Hoover Institution Press, 2015; Emily B. Landau and Azriel Bermant (eds), *The Nuclear Nonproliferation Regime at a Crossroads*, Ramat Aviv, INSS, 2014; Ritchie, ‘Waiting for Kant’; Tanya Ogilvie-White and David Santoro (eds), *Slaying the Nuclear Dragon*, Athens, GA, University of Georgia Press, 2012; Catherine M. Kelleher and Judith Reppy (eds), *Getting to Zero*, Stanford, CL, Stanford University Press, 2011; Sverre Lodgaard, *Nuclear Disarmament and Non-Proliferation*, London, Routledge, 2010; George Perkovich and James M. Acton, ‘Establishing Political Conditions to Enhance the Feasibility of Abolishing Nuclear Weapons’, *Adelphi Papers*, vol. 48, 2008.

⁵⁴ Toby Dalton, Togzhan Kassanova, Lauryn Williams (eds), *Perspectives on the Evolving Nuclear Order*, Washington, DC, Carnegie, 2016; Mlada Bukovansky et al., *Special Responsibilities*, Cambridge, Cambridge University Press, 2012; William Walker, *A Perpetual Menace*, London, Routledge, 2012; William Walker, ‘Nuclear Enlightenment and Counter-Enlightenment’, *International Affairs*, vol. 83, no. 3, 2007.

⁵⁵ The conditions for non-proliferation are often divided into ‘supply side’ measures – exogenous means of preventing non-nuclear powers from acquiring nuclear weapons (e.g. IAEA safeguards or pre-emptive war) – and ‘demand side’ pressures, encompassing endogenous ‘desires’ for nuclear armament.

the perspectives of non-nuclear powers is Müller et al.'s *Nuclear Non-Proliferation and Global Order*.⁵⁶ Published in 1994, however, the book only covers about half the period investigated in this thesis.

Thirdly, there is some literature on the role of justice and legitimacy in the nuclear regime and on the relationship between non-proliferation and disarmament.⁵⁷ Again, this literature is valuable, but has tended to take short historical perspectives, often failing to account for variations in legitimacy over time. More specifically, contributors to the literature on legitimacy in nuclear politics have focused mostly on *delegitimisation*, often neglecting to explore practices of *relegitimisation*.

Fourthly, there is a significant body of literature analysing specific events in the history of multilateral disarmament diplomacy. There exists numerous books, theses, and articles investigating the NPT negotiations, particular conferences, and various attempts at institutional reform. This literature is valuable both for its empirical detail, theoretical insight, and as examples of how nuclear experts have framed specific problems at specific points in time, but necessarily only provides snapshots of the regime's evolution.

Fifthly, there is a body of historical literature on the respective roles of the UN and Non-Aligned Movement (NAM) in multilateral nuclear disarmament processes.⁵⁸ This literature provides a crucial reservoir of descriptive knowledge that this thesis seeks to harness in a theoretical reading of the period from 1968 to 2017.

According to one commentator, '[t]he political dynamics of nuclear disarmament are under-studied and under-theorised. In particular, there is little theoretically-informed analysis of

⁵⁶ Harald Müller, David Fischer, and Wolfgang Kötter, *Nuclear Non-Proliferation and Global Order*, Oxford, Oxford University Press, 1994.

⁵⁷ Christopher Daase, 'Der Anfang vom Ende des Nuclearen Tabus', *Zeitschrift für Internationale Beziehungen*, vol. 10, no. 1, 2003; Nina Rathbun, 'The Role of Legitimacy in Strengthening the Nuclear Non-Proliferation Regime', *Nonproliferation Review*, vol. 13, no. 2, 2006; Harald Müller, 'Between Power and Justice', *Strategic Analysis*, vol. 34, no. 2, 2010; Andrew Grotto, 'Why Do States that Oppose Nuclear Proliferation Resist New Nonproliferation Obligations?', *Cardozo Journal of International and Comparative Law*, vol. 18, no. 1, 2010; Jeffrey W. Knopf, 'Nuclear Disarmament and Nonproliferation', *International Security*, vol. 37, no. 3, 2012; Nick Ritchie, *A Nuclear Weapons-Free World? Britain, Trident and the Challenges Ahead*, Basingstoke, Palgrave Macmillan, 2012; Asli Ü. Bâli, 'Legality and Legitimacy in the Global Order', 229–363 in Richard Falk, Mark Juergensmeyer, and Vesselin Popovski, *Legality and Legitimacy in Global Affairs*, Oxford, Oxford University Press, 2012; Tannenwald, 'Justice and Fairness in the Nuclear Nonproliferation Regime'; Horowitz, 'Beyond Pessimism'; Cottrell, *The Evolution and Legitimacy of International Security Institutions*.

⁵⁸ Beker, *Disarmament without Order*; Singham and Hune, *Non-Alignment in an Age of Alignments*; Bourantonis, *The United Nations and the Quest for Nuclear Disarmament*; Dimitris Bourantonis, 'Democratization, Decentralization, and Disarmament at the United Nations', *The International History Review*, vol. 15, no. 4, 1993; Jozef Goldblat, *Arms Control: A Guide to Negotiations and Agreements*, London, Sage, 1994; Simpson, 'The UN's Role in Disarmament'; Jane Boulden, Ramesh C. Thakur, and Thomas G. Weiss, *The United Nations and Nuclear Orders*, New York, NY, United Nations University Press, 2009; William C. Potter and Gaukhar Mukhatzhanova, *Nuclear Politics and the Non-Aligned Movement*, New York, NY, Routledge, 2012; Harald Müller and Carmen Wunderlich, *Norm Dynamics in Multilateral Arms Control*, Athens, GA, University of Georgia Press, 2013.

the policies, perspectives or role of non-nuclear weapon states regarding nuclear disarmament.⁵⁹ This thesis aims to help fill that void.

4 Theoretical Approaches to Institutional Adaptation

There is a huge body of literature on international regimes and institutions. Encompassing a wide range of theoretical approaches, the regime literature is concerned both with the consequences of cooperative arrangements for international behaviour and with how such arrangements evolve over time.⁶⁰ Not much has been written about the dynamics of regime change in the context of nuclear disarmament, though.⁶¹ Nevertheless, the general findings of the literature on regimes should provide a useful starting point for analysis.

Hasenclever et al. distinguish between three general approaches to institutional change.⁶² Note that this classification is itself an analytical construct; specifying alternative theories and explanations often aids comparison and analysis, but also risks creating strawman theories with few actual subscribers. In practice, most contributions contain elements of more than one approach. The first approach identified by Hasenclever et al. is the neo-liberal or ‘interest-based’ approach. Such explanations take a functionalist perspective. Regimes, in this, are created to solve material cooperation problems in an as *effective* or *functional* manner as possible – be it to regulate trade, check climate change, or facilitate nuclear disarmament. Institutional change or adaptation, in this view, is usually the product of technological development or the surfacing of new information that lead states to alter their cost–benefit calculations. Second, scholars relying on realist or ‘power-based’ explanations view regimes as epiphenomenal to the international distribution of power. For realists, institutional adaptation is the product of power shifts and often takes place after formative events such as wars or financial crises. Third, constructivists and others relying on knowledge-based or ‘cognitive’ explanations view regimes as evolving social structures reflective not just of their creators’ power and interests, but also their identities. While neo-liberals and neo-realists tend to

⁵⁹ Lyndon Burford, ‘National Identity and Nuclear Disarmament Advocacy by Canada and New Zealand’, PhD thesis, University of Auckland, September 2016, p. 1.

⁶⁰ See, in particular, Stephen D. Krasner (ed.), *International Regimes*, Ithaca, NY, Cornell University Press, 1983; Robert O. Keohane, *After Hegemony*, Princeton, NJ, Princeton University Press, 1984; Roger K. Smith, ‘Explaining the Non-Proliferation Regime’, *International Organization*, vol. 41, no. 2, 1987; William J. Drake and Kalypso Nicolaidis, ‘Ideas, Interests, and Institutionalization’, *International Organizations*, vol. 46, no. 1, 1992; Joseph Jupille, James A. Caporaso, Jeffrey T. Checkel, ‘Integrating Institutions’, *Comparative Political Studies*, vol. 36, vols 1–2, 2003, pp. 7–04; Barbara Koremos, Charles Lipson, and Duncan Snidal, *The Rational Design of International Institutions*, Cambridge, Cambridge University Press, 2004.

⁶¹ There is some literature on the evolution of non-proliferation governance. E.g. Trevor M. Tate, ‘Regime-Building in the Non-Proliferation System’, *Journal of Peace Research*, vol. 27, no. 4, 1990.

⁶² Andreas Hasenclever, Peter Mayer, and Volker Rittberger, *Theories of International Regimes*, Cambridge, Cambridge University Press, 1997.

subscribe to rationalist assumptions and materialist ontologies, constructivists are interested in cases where norms and identities make states deviate from the billiard-ball style of interaction predicted by rationalists.⁶³

4.1 Interest-Based Approaches

The bomb is ‘a being of omnipotent power’ wrote Don DeLillo.⁶⁴ The single atomic bomb dropped on Hiroshima in 1945, small compared to many of today’s nuclear warheads, killed approximately 135,000 people – a number that continues to rise as radiation-induced cancer remains disproportionately prevalent among survivors of the blast.⁶⁵ Even a ‘limited’ nuclear war could cause a disastrous ‘nuclear winter’ resulting in famine, displacement, and financial instability worldwide.⁶⁶ Virtually all commentators agree that all states have a strong interest in avoiding all-out war. However, experts disagree about how (nuclear) war is best avoided. On one end of the spectrum, some argue that all states have a strong interest in nuclear abolition. While certain proponents of this view argue that ‘unilateral’ disarmament is the best or only option, others argue that nuclear-armed states have an interest in disarmament only if they can be sure that other nuclear-armed states are also laying down their arms.⁶⁷ On the other end of the spectrum, some scholars have argued that eliminating nuclear weapons would be a universal folly, as all states benefit from the stability fostered by the ‘balance of terror’ maintained by the great powers. Horowitz, for example, argues that ‘[e]ven NNWS not profiting from a nuclear umbrella might consider global stability to be enhanced by nuclear weapons [...] and thus resent nuclear disarmament’.⁶⁸ ‘Those who like peace should love nuclear weapons’, argued Kenneth Waltz.⁶⁹

Disagreements about the end goal of nuclear security cooperation notwithstanding, the area of mutual interest – to avoid (nuclear) war – should provide ample room for interstate collaboration. This is where rationalists would expect cooperation to occur.⁷⁰ From a rationalist point of view, we would expect NNWSs to bracket the question of abolition – which for most of nuclear history has been regarded as a near utopian vision – and instead push for more readily

⁶³ James G. March and Johan P. Olsen, ‘The Institutional Dynamics of International Political Orders’, *International Organization*, vol. 52, no. 4, 1998, p. 957.

⁶⁴ Don DeLillo, *End Zone*, London, Penguin, 1986, p. 80.

⁶⁵ BBC, ‘Hiroshima and Nagasaki’, 15 October 2014.

⁶⁶ Michael J. Mills et al., ‘Multidecadadal Global Cooling and Unprecedented Ozone Loss Following a Regional Nuclear Conflict’, *Earth’s Future*, vol. 2, no. 4, 2014.

⁶⁷ E.g. Bertrand Russell, *Common Sense and Nuclear Weapons*, New York, NY, Simon and Schuster, 1959.

⁶⁸ Horowitz, ‘Beyond Pessimism’, p. 136. See also John G. Ikenberry, ‘Liberalism and Empire’, *Review of International Studies*, vol. 30, no. 4, 2004, pp. 614, 621.

⁶⁹ Scott D. Sagan and Kenneth N. Waltz, ‘Is Nuclear Zero the Best Option?’, *The National Interest*, no. 109, 2010, p. 93.

⁷⁰ Martha Finnemore and Kathryn Sikkink, ‘Taking Stock’, *Annual Review of Political Science*, vol. 4, 2001, p. 393.

achievable arms control measures such as legally binding security assurances, ‘de-alerting’ of nuclear-weapon systems on hair-trigger alert, and the institution of cooperative arrangements to avoid miscommunication.⁷¹ Those NNWSs that have renounced the nuclear option would be expected to promote the strictest possible IAEA safeguards so as to check other NNWSs’ opportunity to develop clandestine nuclear capabilities.

The reality of multilateral nuclear disarmament diplomacy does not square well with these expectations. Although certain NNWSs have at various points in time promoted security assurances, de-alerting, and enhanced safeguard standards, advocacy for these more limited, ‘practical’ measures has not been anywhere near as intense and coordinated as advocacy for abolition. In fact, non-aligned states have on several occasions waived progress on what for a rationalist might look like pareto efficient improvements of the regime for the sake of preserving the symbolic ‘balance’ of rights and obligations between nuclear and non-nuclear powers. Many of the institutional adaptations brought about, moreover, have not led to any noticeable improvement of the regime’s effectiveness as measured by material output.

For the neo-liberal approach to yield analytical leverage, the core independent variable – interests/preferences – must show variation. Yet it is far from clear that the waves of adaptation described above can be correlated to changes in states’ preferences. The *prima facie* most significant technological developments in the realm of nuclear weaponry – the development of thermonuclear weapons and the missile revolution – took place in the 1950s, before the nuclear regime even existed. Scientific findings about ‘nuclear winter’ came to light during the early 1980s – a period of stasis in the multilateral nuclear disarmament framework. The end of the Cold War could potentially be linked to the wave of expansion in the 1990s, but hardly those of the 1970s or 2010s. For Ursula Jasper, ‘it appears difficult to argue that states’ preferences [on nuclear proliferation and disarmament] have changed and adapted much’.⁷²

4.2 Power-Based Approaches

For realists, international regimes reflect global power structures.⁷³ Institutions are not first and foremost created to solve cooperation problems, but to reinforce hegemonic ambitions.

⁷¹ Some neo-liberals might find these theoretical expectations too narrow. For example, in an interest-based perspective, weaker states could speculate in using disarmament advocacy as a means of building their humanitarian credentials and securing benefits in other areas of international cooperation. I concede this point, but retain the theoretical predictions rehearsed above for analytical purposes. A broad interest-based approach that takes ideational forces into account would be difficult to separate from the theory I advance.

⁷² Jasper, ‘Dysfunctional, but Stable’, p. 44.

⁷³ See e.g. Ernst B. Haas, ‘Why Collaborate?’, *World Politics*, vol. 32, no. 3, 1980, p. 387; John J. Mearsheimer, ‘The False Promise of International Institutions’, *International Security*, vol. 19, no. 3, 1994.

Institutional evolution, in this view, is simply an expression of shifts in the international distribution of power. Power, in turn, is usually understood as a function of material assets such as military capabilities and wealth.⁷⁴ International politics is played out in an anarchic international system where might trumps right. Suspicious of each other's intentions, states prefer to rely on themselves: 'In international politics, God helps those who help themselves', John Mearsheimer asserts.⁷⁵

Realist expectations about international cooperation fit neatly with much of the history and politics of nuclear non-proliferation and disarmament. Negotiated in the mid-1960s, the NPT codified the inequalities of the nuclear world, permitting the major powers to retain and even expand their nuclear arsenals while prohibiting other states from ever acquiring the only weapons that might enable them to resist intervention by larger powers. The disarmament commitment assumed by the NWSs in exchange for the NNWSs' renunciation of the nuclear option was vague and easy to disregard.⁷⁶

But do the waves of institutional adaptation in the multilateral nuclear disarmament framework correlate with shifts in the distribution of power between the NWSs and the rest of the world? A look at both economic trends and developments in military spending suggest that this is not the case.⁷⁷ Although the share of the world's total GDP accounted for by Britain, France, and Russia has declined somewhat in recent decades, the relative decline of these states is made up for by the growth of China. The five NWSs' contribution to the global GDP is not much different today from what it was in the 1960s. And while 'emerging powers' such as Brazil, India, Indonesia, Mexico, and South Africa seem to have demanded a greater say in world politics over the last half century,⁷⁸ there have been few sudden shifts in power that could directly explain the waves of adaptation in the multilateral nuclear disarmament framework. The 'declining' powers of Britain and France still have bigger economies than Brazil, the world's largest non-nuclear, non-aligned state.

While realism seems well equipped to explain the major powers' imposition of the norm of non-proliferation and subsequent 'subversion' of the goal of disarmament,⁷⁹ it is less well suited to explain the disarmament advocacy of NNWSs. Realists, after all, typically portray disarmament

⁷⁴ Kenneth N. Waltz, *Theory of International Politics*, London, Addison-Wesley, 1979, pp. 183–4.

⁷⁵ John J. Mearsheimer, *The Tragedy of Great Power Politics*, London, Norton, 2001, p. 33.

⁷⁶ See Zachary S. Davis, 'The Realist Nuclear Regime', *Security Studies*, vol. 2, nos. 3–4, 1993.

⁷⁷ World Bank, 'World Development Indicators, GDP (current US\$)', 2017; Sam Perlo-Freeman et al., *Trends in World Military Expenditure*, Stockholm, SIPRI, 2016.

⁷⁸ E.g. Andrew Hurrell, 'Hegemony, Liberalism and Global Order', *International Affairs*, vol. 82, no. 1, 2006; T.V. Paul, 'Soft Balancing in the Age of US Primacy', *International Security*, vol. 30, no. 1, 2005.

⁷⁹ See Thomas E. Doyle, 'The Moral Implications of the Subversion of the Nonproliferation Treaty Regime', *Ethics & Global Politics*, vol. 2, no. 2, 2009.

as a utopian ‘maze of unrealism’.⁸⁰ States motivated by realist concerns alone would most likely conclude that nuclear abolition is naïve and instead venture to acquire their own nuclear deterrents. But in reality, only a relatively small number of states has actively pursued nuclear armament. Most states have spent considerable time and political capital on championing non-proliferation and disarmament. In Lyndon Burford’s view, nuclear disarmament advocacy by NNWSs cannot be accounted for by realism.⁸¹ For Marianne Hanson, disarmament advocacy has ‘contested traditional realist perceptions of self-interest.’⁸²

Given that the institutional adaptations discussed in this thesis have not forced the nuclear powers to disarm, a realist might counter that the changes in question have been politically insignificant. In this view, the realist claim that meaningful institutional change follows changes to the distribution of power stands. Such an argument would not be without merit. Yet, it seems beyond doubt that that, although the nuclear powers continue to resist abolition, the political environment in which they construct their policies has changed profoundly over the past five decades. Note, for example, that despite his reputation as an amoral (or even immoral) deal-maker, the incumbent US president strongly repudiated rumours that he wanted to significantly vamp up the US nuclear arsenal. According to president Trump, the rumours were planted to ‘demean’ him.⁸³ In the absence of anti-nuclear norms, there would arguably be little reason for the president to deny the rumours. Note also that while certain nuclear-armed states used to boast about the destructive potential of their weapons, they now describe their arsenals in increasingly euphemistic terms, preferring to highlight their credentials on arms control. The British government, for example, has been argued to engage in what amounts to a ‘paradoxical boasting about the smallness of the British nuclear armoury’.⁸⁴ Although abolition remains distant, the creation of institutions broadcasting anti-nuclear norms seems to have limited the major powers room for manoeuvre.⁸⁵

4.3 Cognitive Approaches

A third set of explanations explores the role of norms, values, and knowledge in bringing about change. While rationalists see norms as ‘a superstructure built on a material base’, constructivists

⁸⁰ William R. Frye, ‘Characteristics of Recent Arms-Control Proposals and Agreements’, *Daedalus*, vol. 89, no. 4, 1960, p. 741.

⁸¹ Burford, ‘National Identity and Nuclear Disarmament Advocacy’, p. 17.

⁸² Marianne Hanson, ‘The Advocacy States’, *Nonproliferation Review*, vol. 17, no. 1, 2010, p. 72. See also Solingen, *Nuclear Logics*, pp 17–19.

⁸³ Donald J. Trump (@realDonaldTrump), Twitter, 11 October 2017.

⁸⁴ Claire Duncanson and Catherine Eschle, ‘Gender and the Nuclear Weapons State’, *New Political Science*, vol. 30, no. 4, 2008, p. 550.

⁸⁵ Nina Tannenwald, *The Nuclear Taboo*, Cambridge, Cambridge University Press, 2007, pp. 114–122.

have highlighted the ways in which ideational factors give meaning to material objects.⁸⁶ For example, Alexander Wendt contends that ‘500 British nuclear weapons are less threatening to the United States than 5 North Korean nuclear weapons, because [...] amity or enmity is a function of shared understanding.’⁸⁷ Constructivist scholars have highlighted how ‘norm entrepreneurs’ have been able to influence institution building by subjecting governments to moral pressure.⁸⁸ Relying on strategies of normative censure, transnational advocacy networks were ostensibly key players in the campaigns that led to the adoption of the Ottawa Treaty banning landmines (1997), the statutes of the International Criminal Court (1998), and the Oslo Convention on cluster munitions (2008).

Like rationalists, many constructivists highlight the causal importance of potential ‘regime effectiveness’ and ‘critical state’ engagement.⁸⁹ Others, including critical theorists, have maintained that regime builders are not always just interested in solving material cooperation problems. Instead, many institutions and practices reflect ‘myths and ceremonies’ that serve complex social functions.⁹⁰

My eclectic approach draws on all the three schools laid out above. Power, interests, and ideas are *all* important pieces of the puzzle. However, in line with the constructivist/critical approach, I contend that material interests and power are mediated through intersubjective understandings and discourses. A constructivist lens is necessary to gain the full picture. I also draw on key concepts developed by scholars working within the tradition of historical institutionalism, such as ‘critical junctures’ and ‘institutional stasis’. While some scholars conceptualise constructivism and historical institutionalism as alternative theoretical approaches to institutional development,⁹¹ others view the two as compatible and overlapping.⁹² Presumably, the degree of congruity depends on the theoretical assumptions on which the relevant application of historical institutionalism is based. As both Zürn and Blyth, Helgadottir, and Kring point out, historical institutionalism does not supply a unique theory of action. Instead, historical institutionalism comes

⁸⁶ Jeffrey T. Checkel, ‘The Constructivist Turn in International Relations Theory’, *World Politics*, vol. 50, no. 2, 1998, p. 327.

⁸⁷ Alexander Wendt, ‘Constructing International Politics’, *International Security*, vol. 20, no. 1, 1995, pp. 71–81, p. 73.

⁸⁸ Margaret E. Keck and Kathryn Sikkink, *Activists Beyond Borders*, Ithaca, NY, Cornell University Press, 1998; Sanjeev Khagram, James V. Riker, and Kathryn Sikkink, *Restructuring World Politics*, Minneapolis, MN, University of Minnesota Press, 2002; Richard Price, ‘Transnational Civil Society and Advocacy in World Politics’, *World Politics*, vol. 55, no. 4, 2003.

⁸⁹ E.g. Martha Finnemore and Kathryn Sikkink, ‘International Norm Dynamics and Political Change’, *International Organization*, vol. 52, no. 4, 1998.

⁹⁰ Peter A. Hall and Rosemary C.R. Taylor, ‘Political Science and the Three New Institutionalisms’, *Political Studies*, vol. 44, no. 5, 1996.

⁹¹ Thomas Rixen and Lora A. Viola, ‘Historical Institutionalism and International Relations’, pp. 3–34 in Thomas Rixen, Lora A. Viola, and Michael Zürn (eds), *Historical Institutionalism and International Relations*, Oxford, Oxford University Press, 2016.

⁹² Alexandru Grigorescu, ‘State Participation in the League of Nations Council and UN Security Council’, pp. 120–42 in Thomas Rixen, Lora A. Viola, and Michael Zürn (eds), *Historical Institutionalism and International Relations*, Oxford, Oxford University Press, 2016.

in both rationalist and ideational variants.⁹³ The latter, on which I draw, should be fully compatible with constructivism and recognition theory.

Broadly, this thesis aims to demonstrate how disarmament diplomacy has been shaped by the politics of recognition. The clearest analytical alternative to the one advanced in this thesis is a rationalist theory that conceptualises political behaviour as determined exclusively by physical forces and objects.⁹⁴ I fully concede that many rationalists do not entirely neglect ideational factors (as phenomena to be strategically instrumentalised by international actors, for example). When I in this thesis contrast my account with a ‘materialist rationalism’, I do so not to test the validity of rationalism as such, but rather as a means of illuminating crucial political dynamics.

This thesis relies on the basic constructivist claim that ideational forces are important drivers of international behaviour. However, the specific theory I advance goes against much of the existing constructivist literature on national identity and security regimes. For example, a staple constructivist explanation for disarmament advocacy is that states or non-state actors promoting disarmament have particularly peace-loving or humanitarian identities.⁹⁵ This explanation fits many cases, but not all. After all, some of the international community’s strongest proponents of nuclear disarmament – Brazil, Egypt, India, Sweden, Yugoslavia – have at various points in time gone far (or all the way) towards arming themselves with nuclear weapons. A strong ‘humanitarian identity’ seems incompatible with this fact. It is also the case that several states that have promoted humanitarianism and disarmament in other fields – Australia, Belgium, Canada, Norway – have opposed radical nuclear disarmament initiatives. I propose that the best predictor of disarmament policy is not humanitarian identity, but placement in the nuclear hierarchy: While the former group of states is placed at the bottom of the hierarchy, the latter is situated in the middle (see Chapter 2).

⁹³ Michael Zürn, ‘Historical Institutionalism and International Relations – Strange Bedfellows?’, pp. 199–228 in Thomas Rixen, Lora A. Viola, and Michael Zürn (eds), *Historical Institutionalism and International Relations*, Oxford, Oxford University Press, 2016.

Mark Blyth, Oddny Helgadóttir, and William Kring, ‘Ideas and Historical Institutionalism’, pp. 142–62 in Orfeo Fioretos, Tullia G. Falletti, and Adam Sheingate (eds), *The Oxford Handbook of Historical Institutionalism*, Oxford, Oxford University Press, 2016, p. 143.

⁹⁴ Martha Finnemore and Kathryn Sikkink, ‘Taking Stock’, *Annual Review of Political Science*, vol. 4, 2001, p. 393.

⁹⁵ E.g. Hanson, ‘The Advocacy States’.

5 Crises of Legitimacy and Institutional Adaptation in Disarmament Diplomacy

5.1 Ontological Security in an Unequal Nuclear Order

The idea of negotiating a nuclear non-proliferation treaty gained traction in the mid-1960s. Supporters of the idea – by then including both the Soviet Union and the United States – argued that the spread of nuclear weapons would create global instability and increase the risk of nuclear war. But a number of states remained deeply sceptical. Simply prohibiting the ‘have-nots’ from acquiring nuclear weapons, these states argued, would give legal weight to existing material inequalities and violate the principle of the sovereign equality of states.⁹⁶ As one of the NPT negotiators put it, a ‘non-proliferation treaty which did not faithfully reflect the principle of the sovereign equality of States would be inconceivable.’⁹⁷ A permanent division between ‘haves’ and ‘have-nots’ could not be tolerated.

In exchange for the NNWSs’ legal commitment not to build nuclear weapons, the superpowers thus agreed (1) to negotiate towards nuclear and general disarmament; (2) to allow any party to withdraw from the treaty if ‘extraordinary events’ had jeopardised its ‘supreme interests’; (3) to set up and participate in a multilateral process to review the implementation of the treaty; and (4) to facilitate, along with other nuclear-capable states, the use of nuclear technology for civilian purposes by all states, in particular developing countries. Underscoring the treaty’s ‘stop-gap’ nature, the NPT would (5) only remain in force for 25 years, after which the parties would collectively decide on its future.⁹⁸

As I discuss in the next chapter, the concessions listed above had little value for the NNWSs in terms of material security. Their function, instead, was to protect the NNWSs’ ontological security as sovereign equals (as well as to guarantee the right to peaceful uses of nuclear energy). The legal codification of the nuclear hierarchy, in this view, was justified by a statement that the hierarchy would only be provisional.⁹⁹ *Substantively*, the NWSs’ commitment to negotiate towards disarmament offered ‘the perspective of elimination of inequality within the treaty

⁹⁶ See Chapter 2. See also e.g. Ritu Mathur, ‘Sly Civility and the Paradox of Equality/Inequality in the Nuclear Order’, *Critical Studies on Security*, vol. 4, no. 1, 2016.

⁹⁷ Romania, ENDC, 2 November 1967, p. 17.

⁹⁸ Harald Müller, ‘The Nuclear Non-Proliferation Treaty in Jeopardy?’, *The International Spectator*, vol. 52, no. 1, 2017, p. 15.

⁹⁹ See Caroline Fehl, ‘Understanding the Puzzle of Unequal Recognition’, pp. 104–22 in Christopher Daase et al. (eds), *Recognition in International Relations*, Basingstoke, Palgrave Macmillan, 2015, p. 115; Jack. I. Garvey, ‘A New Architecture for the Non-Proliferation of Nuclear Weapons’, *Journal of Conflict & Security Law*, vol. 12, no. 3, 2007, p. 353; Michael Rühle, ‘Enlightenment in the Second Nuclear Age’, *International Affairs*, vol. 83, no. 3, 2007, p. 514.

community, and of the intuitively unjust order.¹⁰⁰ *Procedurally*, the provision for a review process and future disarmament deliberations in which the NNWSs would enjoy ‘participatory equality’ offered the NNWSs an active role in the governance of the nuclear order.¹⁰¹ Overlooked by many analysts, this procedural aspect was a central concern of many NNWSs during the NPT negotiations and after.

The importance of the NWSs’ rhetorical commitment to disarmament is well illustrated by a paragraph in the former Australian ambassador for disarmament Richard Butler’s *Fatal Choice*:

Imagine the circumstances if the United States or other nuclear-weapon states were to say: ‘We’ve been lying. We have no intention of ending our reliance on nuclear weapons. We will not fulfil our commitment under article VI of the NPT, but we will continue to expect non-nuclear weapon states to fulfil theirs of never acquiring nuclear weapons’. It would be a toss-up between which reaction would come faster or in larger measure – the beginning of nuclear weapons programmes in a number of countries or a major breakdown in global political relations. What is certain is that both would occur.¹⁰²

Notice that the counterfactual Butler presents is not one where the NWSs *secretly* want to hold on to their nuclear weapons for as long as they can; the NWSs have been widely suspected of harbouring such intentions since before the NPT was even adopted.¹⁰³ What Butler envisions is that the NWSs’ would make *explicit* what many have believed to be their real intentions all along. The stability of the nuclear order, in this view, depends not on the alleviation of the NNWSs’ material security concerns, but the public credibility – the symbolic or rhetorical value – of the NWSs’ promise that the NPT hierarchy will eventually be levelled.

5.2 Crises of Legitimacy

It follows from the discussion above that the legitimacy of the nuclear regime rests, in part, on two conditions pertaining to disarmament:

1. *Elimination*: steady progress towards the elimination of nuclear weapons and, by extension, the inequality between nuclear ‘haves’ and ‘have-nots’.
2. *Partnership*: meaningful inclusion of NNWSs in the disarmament process.

¹⁰⁰ Müller, ‘Between Power and Justice’, p. 195. See also Ritchie, *A Nuclear Weapons-Free World?*, p. 129; Rathbun, ‘The Role of Legitimacy in Strengthening the Nuclear Non-Proliferation Regime’, p. 233.

¹⁰¹ See Fehl, ‘Understanding the Puzzle of Unequal Recognition’, p. 117.

¹⁰² Richard Butler, *Fatal Choice*, Boulder, CO, Westview Press, 2001, p. 146.

¹⁰³ See e.g. David Vital, ‘Double-Talk or Double Think?’, *International Affairs*, vol. 44, no. 3, 1968.

Failure to meet these criteria over time denies the NNWSs recognition as equal sovereigns, causing crises of legitimacy. Institutional contestation and change in the disarmament framework has typically aimed at recalibrating the original NPT settlement.¹⁰⁴

5.2.1 What Is a ‘Crisis of Legitimacy’?

In the terminology of this thesis, a social arrangement suffers a ‘crisis of legitimacy’ when it comes to be experienced as ‘morally unacceptable’.¹⁰⁵ A crisis of legitimacy thus takes place when a regime’s legitimacy has deteriorated to the point where adaptation becomes inevitable.¹⁰⁶ Crises of legitimacy are further associated with a drop in voluntary compliance with the regime’s norms. According to Christian Reus-Smit, crisis-induced adaptation may take two forms: ‘normative recalibration’ or ‘material compensation’. While ‘normative recalibration’ involves either an acceptance of failure or the re-establishment of perceived justice, ‘material compensation’ involves the use of material coercion to enforce compliance directly (thus compensating for the drop in voluntary compliance fostered by legitimacy).¹⁰⁷ I argue that the waves of institutional contestation and change brought about by NNWSs should be understood as expressions of the former phenomenon. Institutional adaptation has provided NNWSs with a means of redressing both the substantive (‘elimination’) and procedural (‘partnership’) aspects of the regime’s legitimacy. Substantively, institutional contestation and change has been used as a means of restoring the public credibility of the disarmament process. Procedurally, reform initiatives have supplied NNWSs with opportunities to act out their self-descriptions as active participants in the nuclear order. The history of nuclear politics also offers examples of ‘material compensation’. For example, the 1995 indefinite extension of the NPT seems to have been at least in part secured through the major powers’ arm-twisting of recalcitrant non-aligned states.¹⁰⁸

The main indicator of a crisis of legitimacy, Reus-Smit argues, is precisely the occurrence of adaptation, i.e. the phenomena of ‘normative recalibration’ and ‘material compensation’.¹⁰⁹ In

¹⁰⁴ See Reus-Smit, ‘International Crises of Legitimacy’; Christian Reus-Smit, ‘Struggles for Individual Rights and the Expansion of the International System’, *International Organization*, vol. 65, no. 2, 2011; Christian Reus-Smit, ‘Power, Legitimacy, and Order’, *The Chinese Journal of International Politics*, vol. 7, no. 3, 2014.

¹⁰⁵ Compare Martin Wight, ‘International Legitimacy’, *International Relations*, vol. 4, no. 1, 1972, p. 1.

¹⁰⁶ Reus-Smit, ‘International Crises of Legitimacy’, p. 161.

¹⁰⁷ As Max Weber pointed out, there are three reasons for complying with any social arrangement: (1) a sense that the arrangement is just (legitimacy), fear of punishment for non-compliance (coercion), or a belief that compliance brings added benefits (self-interest). See Ian Hurd, ‘Legitimacy and Authority in International Politics’, *International Organization*, vol. 53, no. 2, 1999, p. 379.

¹⁰⁸ Grotto, ‘Why Do States that Oppose Nuclear Proliferation Resist New Nonproliferation Obligations?’, p. 35.

¹⁰⁹ Christian Reus-Smit, ‘Power, Legitimacy, and Order’, *The Chinese Journal of International Politics*, vol. 7, no. 3, 2014, pp. 346–7.

this view, the occurrence of institutional contestation and change in multilateral nuclear disarmament diplomacy is a symptom of the regime's legitimacy being low. But given that a purpose of this thesis is to explain institutional contestation and change as a response to crises of legitimacy, operationalising crises of legitimacy as the occurrence of institutional contestation and change comes close to circular logic. However, institutional contestation and change is only one (important) symptom of a crisis of legitimacy. Employing a 'pattern matching' technique,¹¹⁰ this thesis identifies the occurrence of crises of legitimacy in the nuclear order also by reference to diplomatic rhetoric and compliance with non-proliferation norms. Specific indicators are further discussed in Chapter 2.

5.2.2 What Are the Specific Factors that Lead to Crises of Legitimacy and How are Such Crises Resolved?

As discussed above, the legitimacy of the nuclear regime depends on continuing recognition of the NNWSs' identities as equal sovereigns. In practice, this implies adherence by all the regime's stakeholders to the original NPT settlement. The two conditions discussed above – progress towards the elimination of nuclear weapons and inclusion of NNWSs in the process of disarmament – have been viewed as crucial components of this settlement by the NNWSs. When stakeholders stray from the original NPT settlement and instead act in ways that may be seen to strengthen or accentuate nuclear hierarchy – e.g. unequal access to technology or unequal enforcement of the NPT's provisions (hard enforcement of non-proliferation obligations and non-enforcement of disarmament obligations) – the regime's legitimacy drops. The specific mechanisms of de- and re-legitimisation are further discussed in the next chapter.

Institutional contestation and change in the multilateral nuclear disarmament framework has followed the wider regime's cycle of legitimacy. But a macro development also seems plausible: Since the resolution of each crisis of legitimacy has involved the NWSs responding to contestation by adding to their existing commitments so as to 'prove' their commitment to the NPT's underlying bargain, the maintenance of the regime's legitimacy has become increasingly demanding. Each wave of expansion has thus been more radical than the last. The 2017 adoption of the TPNW arguably marks a fundamental break with the cyclical pattern of de- and re-legitimisation of the nuclear hierarchy in that it rejects the possibility of a nuclear hierarchy ever being legitimate. Rather than expecting the NWSs to justify the nuclear hierarchy by progressively moving towards

¹¹⁰ Gary King, Robert O. Keohane, and Sidney Verba, *Designing Social Inquiry*, Princeton, NJ, Princeton University Press, 1994, p. 223.

disarmament, the TPNW denies the NWSs' implicit right to possess nuclear weapons in the first place.

6 Research Design, Methods, and Plan of the Thesis

To understand institutional expansion in nuclear diplomacy, we must analyse both periods of expansion and periods of stasis. Only analysing periods of expansion, after all, would amount to 'selecting on the dependent variable'.¹¹¹ Accordingly, this thesis explores the whole history of the multilateral nuclear disarmament framework, i.e. from its emergence in the 1960s to 2017. I devote one empirical chapter to each 'cycle of expansion', i.e. a period of institutional stasis followed by a wave of adaptation. As the conceptual framework calls for fine-grained 'causal process observations', including information about the beliefs and concerns of practitioners, the most recent history will be most attentively studied.¹¹² That is because the availability of relevant data, including people available for conversations and interviews, is greatest for the most recent decades.

The empirical chapters (3–5) consist of a narrative history of the multilateral nuclear disarmament framework. I draw on a wide range of primary sources: the records of the UN General Assembly's Plenary and First Committee, the 'special sessions' on disarmament, the Geneva Conference (i.e. the Ten-Nation Committee on Disarmament and its successors), and the NPT review cycle; resolutions, working papers, and final documents submitted to and/or adopted by various conferences; government documents obtained through freedom of information requests; memoirs and other writings of practitioners; academic literature and media reports; and 22 semi-structured interviews with government and non-governmental representatives that averaged approximately one hour in duration. Accessing archival material brought me to the Geneva archive of the International Committee of the Red Cross and to the UN document archive of the Nobel Institute in Oslo. Interviews were conducted in London, Geneva, Oslo, Stockholm, and New York City.

The analysis is also drawn from my experience as a researcher at a foreign policy think tank – the Oslo-based International Law and Policy Institute (ILPI) – where I delivered consultancy services and research on nuclear non-proliferation and disarmament to the Norwegian Ministry of Foreign Affairs (as well as smaller assignments for other governments, including those of Austria, Mexico, and Ireland). My thesis research and work for ILPI brought me to multilateral nuclear

¹¹¹ Barbara Geddes, 'How the Cases You Choose Affect the Answers You Get', *Political Analysis*, vol. 2, no. 1, 1990.

¹¹² On the difference between 'dataset observations' and 'causal process observations', see David Collier, Henry E. Brady, and Jason Seawright, 'Sources of Leverage in Causal Inference', pp. 161–200 in Henry E. Brady and David Collier (eds), *Rethinking Social Inquiry*, 2nd ed., Lanham, MD, Rowman & Littlefield, 2010.

disarmament conferences in New York (2014 and 2017), Geneva (twice in 2016), and Vienna (2014) and to ‘regional roundtable meetings’ on nuclear disarmament with governmental and non-governmental representatives in the Philippines for Southeast Asia (2014), Zambia for sub-Saharan Africa (2014), and Jamaica for Latin America and the Caribbean (2014). These experiences allowed me to soak in the perspectives of disarmament practitioners from across the world.

As secondary sources, I draw from a large number of books, reports, and articles. Academic literature, in other words, functions both as a primary and a secondary source of information, insofar as research outputs offer both valuable interpretations of events (academic literature as a secondary source) and a window into evolving expert discourse (academic literature as a primary source). In the first instance, academic literature provides insight into historical events and conditions; in the second instance, academic literature is itself a condition to be analysed. In particular, the degree to which the academic and diplomatic communities overlap in their diagnoses of how the regime functions is an important piece of information. When the narratives offered by diplomats differ markedly from those of most independent experts, there is reason to believe that there is something interesting going on.

Nuclear politics is enacted according to the rules of what Nick Ritchie calls the ‘nuclear discourse’. Legitimising certain interests and delegitimising others, nuclear discourse conditions debates on nuclear non-proliferation and disarmament. For example, nuclear deterrence and security are ‘officially sanctioned as legitimate for public debate’. Factors such as national prestige, identity, and humiliation are often muted but ‘nonetheless significant’ drivers of behaviour.¹¹³ This poses obvious methodological challenges for this thesis. If the drivers of the politics of recognition are silenced, how can they be measured empirically? I suggest that the politics of recognition may be teased out in the following ways.

First, I shall argue that some behaviour cannot reasonably be explained by anything but concerns with equality or disrespect. In these cases, the forces of social recognition can be inferred in the same way that rationalist scholars infer interests in material security and wealth. For example, it is evident from the empirical chapters that follow that regime functionality has in some cases been sacrificed for the sake of expanding the membership of the Geneva Conference and thereby extend recognition to new members as full participants in the multilateral disarmament framework. At several conferences, moreover, non-nuclear states have been eager to score symbolic victories that did not directly advance either their own material security or the disarmament agenda.

¹¹³ Nick Ritchie, ‘Valuing and Devaluing Nuclear Weapons’, *Contemporary Security Policy*, vol. 34, no. 1, 2013, p. 154. See also Rebecca Johnson, ‘Arms Control and Disarmament Diplomacy’, pp. 593–609 in Andrew F. Cooper, Jorge Heine, and Ramesh Thakur (eds), *The Oxford Handbook of Modern Diplomacy*, Oxford University Press, 2013, p. 597.

Similarly, non-nuclear states have on other occasions been prepared to forsake pareto improvements to multilateral policy for the sake of proving a point.

Second, although concerns with respect are *usually* not spelled out explicitly, ‘recognition language’ does spill out from time to time, particularly, one might assume, during times of heightened diplomatic conflict.¹¹⁴ This is where the official records of the framework’s various diplomatic sites come in. The official communication of states should offer traces of variations in legitimacy and demands for recognition. As discussed above, the function of the framework’s deliberative forums is in part to provide states with opportunities to voice their views how the disarmament process is unfolding. Emotionally charged diplomatic rhetoric should not necessarily be taken as a symptom that the interlocutor is emotional, but rather that something of profound importance is being signalled.¹¹⁵ In the empirical chapters, I illustrate how the recurrent waves of institutional contestation is usually accompanied by assertive charges of ‘arrogance’, ‘nuclear apartheid’, and the like.

Third, the politics of recognition should be evident ‘behind the scenes’ of official diplomatic communication. To gain access to the underbelly of multilateral diplomacy, I relied on interviews and participant observation. The fundamental purpose of this data gathering was not primarily to access information about specific events, but rather to understand *how* practitioners make decisions and think about the past and future of the regime. Participant observation allows the researcher to collect non-verbal data and to gather information as a process unfolds. For Peter Jarvis, a main purpose of participant observation is to understand the context in which the subjects of analysis operate. Participant observers ‘experience the practice situation in ways similar to how the practitioners themselves experience it, thereby enabling them to record a more accurate understanding of the experience’.¹¹⁶ Interviews allow the researcher to collect information in a more direct way – albeit slightly less ‘natural’. The interviews I conducted were loosely semi-structured, tailored to each individual interviewee. This permitted me to collect some comparable data, but simultaneously to challenge responses and allow interviewees to elaborate on the points that were most important to them. I consciously sought to avoid nudging interviewees into speaking about the concepts and motivations of greatest interest in a recognition-theoretical perspective (e.g. respect, agency, contracts). Each interview built upon earlier ones as my understanding of disarmament politics deepened. This was a deliberate choice informed by ethnographic and interviewing methodology, which generally recommends taking a pragmatic approach.¹¹⁷

¹¹⁴ Compare Sidney Tarrow, ‘Cycles of Collective Action’, *Social Science History*, vol. 17, no. 2, 1993.

¹¹⁵ Todd H. Hall, *Emotional Diplomacy*, Ithaca, NY, Cornell University Press, 2015.

¹¹⁶ Peter Jarvis, *The Practitioner Researcher*, San Francisco, CA, Jossey-Bass, 1998, p. 100.

¹¹⁷ E.g. Hugh Gusterson, ‘Ethnographic Research’, pp. 93–113 in Audie Klotz and Deepa Prakash (eds), *Qualitative Methods in International Relations*, London, Palgrave Macmillan, 2008, p. 104.

Interviewees were selected on an individual basis according to their roles in the regime – I deliberately sought out individuals that were either personally influential or representatives of an influential state or organisation. Making such a selection, of course, requires an understanding of the regime’s power structures and key actors, a type of knowledge that is most easily acquired through participant observation. I was thus able to use interview and participant observation in complementary ways.¹¹⁸ Almost all the individuals I asked to interview were forthcoming.

Explaining institutional adaptation and expansion based on experiences of denied recognition, my account takes the ‘event-event’ pattern of explanation.¹¹⁹ Jon Elster provides the following recipe for how such analyses should proceed: (1) we must establish that the event(s) – the *explanandum* – really exists or took place. (2) We must select the theory or account we believe to have the greatest promise for explaining the event(s). (3) We must specify and investigate a more specific hypothesis that ties the theory to the event. (4) We must specify rival accounts explaining the event, before we, (5) refute those rival accounts by pointing to inconsistencies and contradictions. Lastly, we should (6) attempt to strengthen our account by showing that it has additional testable implications, preferably ‘novel facts’.¹²⁰

Step 1 is addressed in chapters 3–5, where I discuss the history of multilateral nuclear disarmament diplomacy from an institutional perspective. Step 2 is the topic of Chapter 2. There I present the conceptual framework and identify a ‘cycle of legitimacy’. Steps 3, 4, and 5 are repeated in each of the empirical chapters on the three respective cycles (chapters 3–5). Specific hypotheses, tying theory to empirics, are presented and discussed throughout. Lastly, in Chapter 6, the conclusion, I attempt to pull the strings together. I make some reflections on the general findings of the thesis and the future of the nuclear disarmament agenda.

I accept Elster’s six-point recipe as a guide, but remain sceptical about the possibilities of clear-cut refutations (of alternative explanations) and corroborations (of the suggested theory) in the explanation of composite social phenomena. Multilateral institution building is a complex phenomenon that is usually driven by several actors with potentially multifaceted motivational sets (both internally and externally).¹²¹ This implies that multiple theoretical accounts might simultaneously be at least partially accurate. Accordingly, the ‘gladiator’ style of analysis, where ‘one perspective goes forth and slays all others’, is unlikely to succeed.¹²² I do, however, aim to

¹¹⁸ See Paul Atkinson and Amanda Coffey, ‘Revisiting the Relationship between Participant Observation and Interviewing’, pp. 415–28 in James A. Holstein and Jaber F. Gubrium (eds), *Inside Interviewing*, London, Sage, 2003.

¹¹⁹ Jon Elster, *Explaining Social Behaviour*, Cambridge, Cambridge University Press, 2007, p. 9.

¹²⁰ Elster, *Explaining Social Behaviour*, pp. 15–7.

¹²¹ See Bernard Williams, *Moral Luck*, Cambridge, Cambridge University Press, 1981.

¹²² Mathias Koenig-Archibugi, ‘Explaining Government Preferences for Institutional Change in EU Foreign and Security Policy’, *International Organization*, vol. 58, no. 1, 2004, p. 167. See also Jörg Friedrichs and Friedrich Kratochwil, ‘On Acting and Knowing’, *International Organization*, vol. 69, no. 4, 2009.

demonstrate how and where the recognition perspective departs from and improves on materialist accounts.

7 A Note on Terminology

Since its establishment in 1960, the standing negotiating body for disarmament agreements now known as the Conference on Disarmament has had several names. To avoid confusion, I refer to it as the ‘Geneva Conference’ throughout the thesis. Note also that, in this thesis, the term ‘non-aligned state’ refers to any state not formally allied to a nuclear-armed state (in practice the United States or Soviet Union/Russia). The category of ‘non-aligned states’ thus includes ‘neutral’ states such as Austria, Ireland, and Sweden and is not limited to the members or observers of the ‘Non-Aligned Movement’.¹²³

¹²³ As ‘aligned states’, I count Australia, Japan, South Korea, Taiwan, and the members of the Warsaw Pact, the CSTO, and NATO. New Zealand is recorded as an aligned state before 1986 and as a non-aligned state after 1985 (when the United States terminated its ANZUS commitments to New Zealand in opposition to Wellington’s anti-nuclear stance). All other states are conceptualised non-aligned.

Chapter 2: Conceptual Framework

In this chapter, I discuss the thesis' theoretical underpinnings and argument. The chapter is divided into three main parts. In the first part, I discuss the phenomenon to be explained: institutional adaptations in multilateral nuclear disarmament diplomacy (the *explanandum*). I argue that the regime's institutional expansion has taken place in bursts of activity, as opposed to a gradual process of incremental change.

In the second part, I discuss the importance of 'recognition seeking' as an expression of states' behaviour. I also tackle the 'levels-of-analysis problem', defending the notion that collective agents such as states may be conceptualised as unitary actors concerned with individual-level features such as status and respect. I also discuss the regime's establishment, contending that the codification of the material nuclear hierarchy was made possible, in part, by including language in the NPT that allowed the nuclear 'have-nots' to describe themselves as 'partners equal in waiting'.

In the third part, I develop a theoretical account of institutional expansion (the *explanans*). Identifying a 'legitimacy cycle' in multilateral nuclear politics, I maintain that institutional expansion may be read as symptoms of crises of legitimacy in the nuclear order.

1 Punctuated Equilibrium in Multilateral Nuclear Disarmament Diplomacy

The purpose of this thesis is to give an account of the expansion of the multilateral nuclear disarmament framework. But what, precisely, does institutional expansion imply? And what does it look like? In the following paragraphs, I first define the terms 'multilateral nuclear disarmament framework' and 'institutional adaptation' and 'expansion'. Next, I conceptualise the structure of the phenomenon to be explained as a pattern of 'punctuated equilibrium'.

The multilateral nuclear disarmament framework is a structured field of diplomacy officially constructed to facilitate the elimination of nuclear weapons worldwide. The goal of nuclear abolition was adopted by the UNGA in its first ever resolution, on 24 January 1946,¹ but an international legal obligation to negotiate towards that aim was not codified until 1968. The multilateral nuclear disarmament framework, as I understand it, was animated by the NPT. As defined in this thesis, the framework is made up of the diplomatic sites where multilateral nuclear disarmament is discussed and negotiated, the rules and practices associated with these sites, and

¹ UNGA, Resolution 1(I), 'Establishment of a Commission to Deal with the Problems Raised by the Discovery of Atomic Energy', London, 1946.

the actors empowered to operate within them. Thus conceived, the multilateral nuclear disarmament framework is constituted by subject matter or purpose (*res*), a selection of sites or arenas (*locus*), a collection of rules and practices (*modi*), and a set of actors authorised to operate within these structures (*agentes*). Institutional adaptation takes place when either of these constituent parts of the framework is altered or added to. Since most adaptations have added to and not replaced existing structures, institutional adaptation has led to significant institutional expansion. Expansion, in other words, is the outcome of institutional adaptation.

As adaptations to the regime's *res*, I record additions or refinements to the regime's legal norms (i.e. the adoption of legal documents). To record changes to the regime's *locus*, I count the establishment (or significant change of existing) forums authorised to conduct substantive diplomatic work. As changes to the regime's *modus*, I count changes to established rules of procedure and induction of new diplomatic practices, that is, new ways of 'doing' multilateral nuclear diplomacy. Finally, to record changes to the regime's *agentes*, I count, first, extension of membership in standing forums to additional states and, second, acts of authorising non-state actors to operate within the framework's institutions.

The phenomenon I in this thesis refer to as institutional 'change' or 'adaptation' is analogous to Stephen Krasner's concept of 'changes within regimes'.² The phenomenon also resembles what has been called 'contested multilateralism', defined by Julia Morse and Robert Keohane as the 'use, by states and organizations, of formal and informal multilateral practices to challenge established multilateral institutions.'³ Since, as Iver Neumann has pointed out, established structures 'answer to a regularity and inertia which serves to maintain power relations', attempts at change will often be resisted by those benefitting from the status quo.⁴ As a consequence, advocacy for institutional adaptation typically takes the form of protest or contestation. However, conflict is not a *necessary* outcome of institutional adaptation. The phenomenon of institutional adaptation is consequently broader than Morse and Keohane's concept of contested multilateralism.

I argue that institutional adaptation (and resultant expansion) in the field of multilateral nuclear disarmament has followed a pattern of 'punctuated equilibrium'.⁵ A pattern of punctuated equilibrium is 'characterized both by periods of no significant innovation and periods of great innovation, as opposed to a continuous, gradual process of change.'⁶ In other words, institutional

² Stephen D. Krasner, 'Structural Causes and Regime Consequences', *International Organization*, vol. 36, no. 2, 1982, pp. 187–8.

³ Julia C. Morse and Robert O. Keohane, 'Contested Multilateralism', *Review of International Organizations*, vol. 9, no. 4, 2014, p. 387.

⁴ Iver B. Neumann, 'Returning Practice to the Linguistic Turn', *Millennium*, vol. 31, no. 3, 2002, p. 641.

⁵ See Kjølv Egeland, 'Punctuated Equilibrium in Multilateral Nuclear Disarmament', *Peace Review*, vol. 28, no. 3, 2016.

⁶ Jeff Colgan, Robert O. Keohane, and Thijs Van de Graaf, 'Punctuated Equilibrium in the Energy Regime Complex', *Review of International Organizations*, vol. 7, no. 2, 2012, p. 118.

adaptations in the field of multilateral nuclear disarmament diplomacy tend to come in waves or bursts. The theory of punctuated equilibrium was first propounded by Stephen J. Gould and Niles Eldredge in the field of evolutionary biology, contradicting the Darwinian view of continuous change, but has since been applied to a range of other fields, including IR.⁷

An early application of the concept of punctuated equilibrium in the study of political institution was provided by Stephen Krasner in 1984. Krasner argued that governmental powers have usually been expanded through short bursts of activity followed by longer periods of consolidation.⁸ While the concept has long been used by scholars working within the tradition of Historical Institutionalism,⁹ it has been used more sparingly in mainstream IR literature on international regimes. A notable exception is provided by Colgan, Keohane, and Van de Graaf. In 2012, Colgan and colleagues argued that institutional adaptations in the energy regime complex – the set of institutions governing the production and trade of energy (most importantly oil) – have come about not as a result of a continuous process, but in junctures caused by changes in the oil price. In contrast to Krasner, who emphasised the short duration of periods of adaptation relative to periods of stasis, Colgan et al. found that, in the case of the energy regime complex, the phases of change and stasis were comparable in duration. The duration of the period of change simply depends on how long it takes for the pressures that induced the changes to be resolved.

It is tempting to conceptualise punctuated equilibrium as a binary between ‘change’ and ‘stasis’, and to conceive of the transition from one state to the other as taking place, as it were, at the flick of a switch. But this is not necessarily accurate. According to Stephen J. Gould, punctuated equilibrium encompasses the idea that change usually takes place ‘when a stable structure is stressed beyond its buffering capacity to resist and absorb’.¹⁰ Stasis, in this view, is not just defined as ‘non-change’ or ‘stability’. Rather, periods of stasis are usually characterised by a cumulative build-up of ‘stress’ that eventually leads to a bursting point. This means that a crucial variable of the punctuated equilibrium model is *time*: While a structure might absorb a certain amount of stress for a finite period, sustained pressure will eventually explode the structure’s equilibrium.¹¹

The institutional history of the multilateral nuclear disarmament framework may be divided into distinct phases of stasis and expansion. In this thesis, ‘stasis’ describes a period of institutional continuity. During a period of institutional stasis, the regime’s stakeholders operate within the bounds of existing institutional structures, perform their respective roles in existing arenas, and

⁷ See e.g. Gary Goertz, *International Norms and Decision-Making*, Oxford, Rowman & Littlefield, 2003.

⁸ Stephen D. Krasner, ‘Approaches to the State’, *Comparative Politics*, vol. 16, no. 2, 1984.

⁹ E.g. Kathleen Thelen, ‘Historical Institutionalism in Comparative Politics’, *Annual Review of Political Science*, vol. 2, 1999.

¹⁰ Stephen J. Gould, ‘Darwinism and the Expansion of Evolutionary Theory’, *Science*, vol. 216, no. 4544, 1982, p. 385.

¹¹ See Emanuelle Blanc, ‘Wither the International Nuclear Order?’, pp. 97–114 in Emily B. Landau and Azriel Bermant (eds), *The Nuclear Nonproliferation Regime at a Crossroads*, Ramat Aviv, INSS, 2014, p. 109.

draw on existing rules, practices, and allies to pursue their interests. Note, however, that although stasis implies stability in the sense that the ‘rules of the game’ are largely left unaltered, stasis does not imply that the game is not played with high intensity. The game of multilateral disarmament diplomacy has been chronically discordant.¹² Defined in opposition to stasis, ‘expansion’ refers to a period of institutional upheaval. During such periods, institutions are changed and expanded, rules altered, and established practices challenged.

Susan Strange has argued piercingly that the concept of international regimes is too woolly to enable rigorous analysis. The concept is poorly defined and exaggerates the degree of ‘predictability and order in the system’. Scholars should rather focus on specific institutions and the dynamic bargains on which regimes are based, she claims.¹³ This thesis heeds Strange’s call by investigating the history of the disarmament bargain that underpins the nuclear regime, exploring how crises of legitimacy have prompted specific changes to the institutions and practices that make up multilateral nuclear disarmament diplomacy.

2 States as ‘Recognition Seekers’

2.1 Nuclear Diplomacy and the Desire for Recognition

This thesis’ ontological point of departure is that diplomacy takes place in a social milieu. Not only is diplomacy conditioned by existing norms, discourses, and relationships, diplomatic initiatives are often aimed precisely at changing or reinforcing such phenomena. The function of diplomacy, in this view, is not just to facilitate ‘systemic’ interactions such as trade, but also to enable ‘societal’ interactions such as the cultivation of shared values.¹⁴ Diplomacy also generates competitions over status and entitlements. When gauging their own status and that of others, states tend to ‘make comparisons with others that are “similar but upward” – that is, to others that are similar on key dimensions but have higher status.’¹⁵

For scholars following in the tradition of Hegel, subject identities and corresponding demands for status are produced by ‘recognition and its absence’.¹⁶ An actor can only gain a certain identity through interacting with, and gaining recognition from, an Other. Whether directed at

¹² Alva Myrdal, *The Game of Disarmament*, Manchester, Manchester University Press, 1977.

¹³ Susan Strange, ‘Cave! Hic Dragones: A Critique of Regime Analysis’, *International Organization*, vol. 36, no. 2, 1982, p. 487.

¹⁴ Hedley Bull, *The Anarchical Society*, New York, NY, Columbia University Press, 1995, p. 161.

¹⁵ William C. Wohlforth et al., ‘Moral Authority and Status in International Relations’, *Review of International Studies*, 2017 (early view), p. 3.

¹⁶ Charles Taylor, ‘The Politics of Recognition’, pp. 25–73 in Amy Gutman (ed.), *Multiculturalism*, Princeton, NJ, Princeton University Press, 1993, p. 25.

gaining equality (sameness) or prestige (distinction), the demand for recognition 'is a desire unlike all others', Erik Ringmar argues. 'To desire recognition is not to desire an object that provides utility, pleasure or profit, but instead to desire to be a *subject* of a certain kind.'¹⁷

[P]eople act not only in order to win things, but also in order to defend a certain conception of who they are. We act, that is, not only because there are things we want to have, but also because there are persons we want to *be*. In fact, this latter kind of action must be the more fundamental since it is only as a *some-one* that we can have an interest in *some-thing*. Without this 'someone' there would simply not be anyone around for whom something could, or could not, be an interest.¹⁸

In some cases, ideas about national prestige, dignity, and moral fibre have directly influenced crucial decisions about nuclear armament. According to the French president Charles de Gaulle, for example, a France without nuclear weapons would be 'unworthy of herself' as a major power.¹⁹ By contrast, Sweden's prime minister from 1946 to 1969, Tage Erlander, eventually decided against developing a Swedish bomb at least in part because he wanted Sweden to be recognised as 'a good boy'.²⁰

In other cases, struggles for recognition have conditioned nuclear politics more indirectly. The debate about the (dis)utility of nuclear deterrence is a good example. While several commentators are sceptical about the utility of nuclear deterrence as a long-term solution to nuclear dangers,²¹ others have argued that nuclear deterrence is a global public good.²² Thomas Schelling, for example, argued that a world without nuclear weapons would provide the most dangerous of all possible nuclear balances: Since being the first to rearm in a non-nuclear world could be seen to present considerable advantages, a nuclear-free world would see frequent arms races and pre-emptive strikes, Schelling claimed.²³ But such arguments have never held much sway among non-aligned states. Policy proposals recommending a permanent division between nuclear 'haves' and 'have-nots' are *a priori* disqualified as unacceptable. The non-aligned states' interest in disarmament, in this view, is conditioned by an underlying demand for equality.²⁴ This is not to say that their

¹⁷ Erik Ringmar, 'The Recognition Game', *Cooperation and Conflict*, vol. 37, no. 2, 2002, p. 119. Emphasis in original.

¹⁸ Erik Ringmar, *Identity, Interest and Action*, Cambridge, Cambridge University Press, 1996, p. 3. Emphasis in original.

¹⁹ Quoted in Scott D. Sagan, 'Why Do States Build Nuclear Weapons?', *International Security*, vol. 21, no. 3, 1996/97, p. 79.

²⁰ Paul M. Cole, 'Atomic Bombast', *The Washington Quarterly*, vol. 20, no. 2, 1997, p. 243.

²¹ See e.g. Benoît Pelopidas, 'A Bet Portrayed as a Certainty', pp. 5–55 in George P. Schultz and James E. Goodby (eds), *The War That Must Never Be Fought*, Stanford, CL, Hoover Institution Press, 2015.

²² E.g. Kenneth N. Waltz, 'The Spread of Nuclear Weapons: More May Be Better', London, IISS, 1981; John L. Gaddis, 'The Long Peace', *International Security*, vol. 10, no. 4, 1986.

²³ Thomas C. Schelling, 'The Role of Deterrence in Total Disarmament', *Foreign Affairs*, vol. 40, no. 3, 1962.

²⁴ It could of course be argued that some supporters of disarmament are disingenuous – supportive of disarmament only in the belief that disarmament is unlikely to occur.

demands for disarmament are not couched in security interests, but rather that their understanding of their own interests is shaped by their position of subordination in the nuclear hierarchy. The obverse seems to be the case for at least some of the NWSs; abolition is resisted, in part, because it is seen to conflict with their demands for great power status.²⁵

For the purposes of this thesis, ‘recognition’ describes the implicit or explicit avowal of an actor’s self-description, identity, and/or social role. More specifically, social theorists have used the term ‘recognition’ to describe two slightly different things. First, recognition refers to the *constitutive* mechanism ‘through which identities are formed and transformed’.²⁶ Such mechanisms are often ritualised. For example, students are ‘matriculated’, presidents ‘inaugurated’, priests ‘ordained’, and new members of international society ‘recognised’ through diplomatic practices. Second, recognition also implies respectful or appropriate *conduct*. In this sense, recognition means to ‘appropriately respect people as who they already really are’.²⁷ Recognition may be expressed formally (through legal documents or extension of club membership) or informally (through symbolic gestures or statements). Expressed through acts of inclusion, assertions of mutual respect, or the exchange of reciprocal rights and obligations, mutual recognition facilitates ontological security, cooperation, and institutional stability.²⁸ By contrast, denial or withdrawal of recognition – often referred to as ‘negation’, ‘disrespect’, or ‘misrecognition’ – fosters status disequilibrium and conflict.²⁹ Actors denied the social recognition they believe they are entitled are confronted with a ‘recognition dilemma’: They must either accept that they are not who they want to be or fight to prove that they are.³⁰ Recognition theorists claim that many social conflicts and movements reflect precisely such ‘struggles for recognition’.³¹ The receiver of recognition may be an individual human being or a social collective such as a religious community, a state, or a coalition or group of states. Genuine recognition is granted mutually. Coerced recognition, as described by Hegel in his dialectic of lordship and bondage, can never truly satisfy an agent’s demand for recognition in the long term.³²

²⁵ Nick Ritchie, ‘Valuing and Devaluing Nuclear Weapons’, *Contemporary Security Policy*, vol. 34, no. 1, 2013.

²⁶ Patchen Markell, *Bound by Recognition*, Princeton, NJ, Princeton University Press, 2003, p. 58. See also Nicholas, G. Onuf, ‘Recognition and the Constitution of Epochal Change’, *International Relations*, vol. 27, no. 2, 2013, pp. 125–6.

²⁷ Markell, *Bound by Recognition*, p. 59.

²⁸ See, in particular, Axel Honneth, *The Struggle for Recognition*, Cambridge, Polity, 1995.

²⁹ Compare G.W.F. Hegel, *Enzyklopädie der philosophischen Wissenschaften I*, Frankfurt, Suhrkamp, 1970. See also Robert R. Williams, *Hegel’s Ethics of Recognition*, Berkeley, CA, University of California Press, 1997, p. 286.

³⁰ Ringmar, *Identity, Interest and Action*, pp. 13–4.

³¹ Honneth, *The Struggle for Recognition*; Charles Taylor, ‘The Politics of Recognition’, pp. 25–73 in Amy Gutman (ed.), *Multiculturalism*, Princeton, NJ, Princeton University Press, 1993.

³² G.W.F. Hegel, *Hegel’s Phenomenology of Spirit*, Oxford, Oxford University Press, 1977, pp. 111–19. The dialectic has diverging interpretations, ranging from the pessimistic interpretation of Alexandre Kojève, *Introduction to the Reading of Hegel*, London, Cornell University Press, 1980, pp. 7–16 to the more optimistic interpretation of Williams, *Hegel’s Ethics of Recognition*, pp. 63–4.

2.2 Levels of Analysis

The idea of applying recognition theory to the behaviour of states has been criticised for ignoring the so-called ‘multi-body’ or ‘levels-of-analysis’ problem.³³ The levels-of-analysis problem arises from the difficulty of ascribing individual-level properties to collective agents. States, for example, do not have interests, identities, or emotions in the same way individuals do. According to Christian Olsson, ‘the tendency to reduce “the state” or “society” to a representative agent with ideas, emotions, and motivations’ is an ‘obvious pitfall’.³⁴ Along the same lines, Volker Heins posits that the state ‘does not express the identities and feelings of its citizens and is not organized in such a way as to cater primarily to the needs for recognition felt by its own citizens or the citizens of other countries.’³⁵

Collective agents such as states cannot directly experience emotions. That much is clear. It makes little sense to speak of states being ‘proud’, ‘humiliated’, or ‘frustrated’ in a direct psychological way. Yet that does not mean that recognition does not play a role in relations between states. The position I advance here, grounded in the theory of symbolic interactionism,³⁶ is that government officials consistently act *as if* states had human characteristics.³⁷ As Mattias Iser points out, a state ‘does not have to be able to feel disrespect in order to be disrespected.’ States are ‘capable of registering misrecognition exactly the way they can register (and react to) other events – they do not have to *feel* it the way individual persons do.’³⁸ Todd Hall, along similar lines, argues that the anthropomorphisation of state behaviour can produce ‘a form of perceptual hypocatastasis, in which the metaphor of human behaviour becomes the actual frame of understanding, such that no incongruity is perceived when states are described and understood to be displaying an emotion.’³⁹ In fact, the habit of both scholars and laypersons of anthropomorphising states has been claimed to be at least as old as the state system itself. Indeed, at least one scholar has argued that the anthropomorphising of the state was what enabled international society to form in the first place.⁴⁰ In multilateral nuclear disarmament diplomacy, the

³³ Todd H. Hall and Andrew A.G. Ross, ‘Affective Politics after 9/11’, *International Organization*, vol. 69, no. 4, 2015, p. 856.

³⁴ Christian Olsson, ‘Warfare and Recognition in IR’, *Global Discourse*, vol. 4, no. 4, 2014.

³⁵ Volker Heins, ‘The Global Politics of Recognition’, pp. 213–30 in Shane O’Neill and Nicholas H. Smith (eds), *Recognition Theory as Social Research*, Basingstoke, Palgrave Macmillan, 2012, p. 222.

³⁶ See, in particular, Georg H. Mead, *Mind, Self, and Society*, Chicago, IL, University of Chicago Press, 1934; Herbert Blumer, *Symbolic Interactionism*, Berkeley, CA, University of California Press, 1969.

³⁷ Compare Todd H. Hall, *Emotional Diplomacy*, Ithaca, NY, Cornell University Press, 2015, pp. 29–30. See also Jennifer Mitzen, ‘Ontological Security in World Politics’, *European Journal of International Relations*, vol. 12, no. 3, 2006, p. 352.

³⁸ Mattias Iser, ‘Recognition between States?’, pp. 27–45 in Christopher Daase et al. (eds), *Recognition in International Relations*, New York, NY, Palgrave Macmillan, 2015, p. 32.

³⁹ Hall, *Emotional Diplomacy*, pp. 29–30.

⁴⁰ Erik Ringmar, ‘On the Ontological Status of the State’, *European Journal of International Relations*, vol. 2, no. 4, 1996.

anthropomorphisation described by Hall is pervasive. Both in public and private, diplomats and politicians frequently describe their own and other states as ‘big guys’, ‘little guys’, ‘bad guys’, and ‘good guys’ (almost always male). These ‘guys’ are, in turn, regularly given human traits such as feelings and interests.

In international legal theory, the idea of state sovereignty stems from Grotius’ and Vattel’s extrapolation of Hobbes’ conceptualisation of the anarchical ‘state of nature’, ‘where all men are equal’,⁴¹ to the international affairs of the European polities of the seventeenth and eighteenth centuries.⁴² While in an objective sense the ‘state person’ is a fiction, its widespread use has given it what Patchen Markell calls a ‘structural effect’.⁴³ In an ethnographic study of the Norwegian Ministry of Foreign Affairs, Iver Neumann confirms that diplomats regularly see themselves as ‘embodying’ the state.⁴⁴ Hans Morgenthau argues that ‘diplomats are the symbolic representatives of their respective countries. The respect shown them is really shown their countries; the respect shown by them is really shown by their countries; the insult they give or receive is really given or received by their countries.’⁴⁵ Morgenthau’s view links up well with the core theoretical insight of symbolic interactionism, namely that people routinely act in accordance with the symbolic meanings objects and relationships are infused with, not just in accordance with what is objectively ‘true’.⁴⁶

Another way of describing the analytical move I have attempted to make above is with the distinction between ‘subject positions’ and ‘subjectivities’ used in discourse theory. According to discourse theorists, collective agents can ‘possess’ individual-level characteristics such as emotions or desires to the extent that these are assigned to them by their role or position in a discourse. Whether such subject positions correspond to relevant actors’ actual subjectivities, that is, their lived experiences and views, is another question.⁴⁷ When I in this thesis refer to a state’s role, expectations, or feelings, I refer to its subject position, not its subjectivity.

⁴¹ Thomas Hobbes, *Leviathan*, Richard Tuck (ed.), Cambridge, Cambridge University Press, 1991, p. 86. See also Hidemi Suganami, ‘Grotius and International Equality’, pp. 221–40 in Hedley Bull, Benedict Kingsbury, and Adam Roberts (eds), *Hugo Grotius and International Relations*, Oxford, Clarendon, 1990; Iver B. Neumann, ‘Beware of Organicism’, *Review of International Studies*, vol. 30, no. 2, 2004, p. 265.

⁴² William T.S. Stallybrass, *A Society of States*, London, G. Routledge & Sons, 1918, pp. 60–1; Stephen D. Krasner, *Sovereignty: Organized Hypocrisy*, Princeton, NJ, Princeton University Press, 1999, p. 14.

⁴³ Markell, *Bound by Recognition*, pp. 27–30. The view of the state as an analogised person squares with recent findings in cognitive psychology, which has demonstrated that analogies and analogical heuristics contribute to the structuring of human thought. See Arthur B. Markman and Dedre Gentner, ‘Thinking’, *Annual Review of Psychology*, vol. 52, 2001; Shulamit Kapon and Andrea A. diSessa, ‘Reasoning Through Instructional Analogies’, *Cognition and Instruction*, vol. 30, no. 3, 2012.

⁴⁴ Iver B. Neumann, *At Home with the Diplomats*, Ithaca, NY, Cornell University Press, 2012, p. 118. Emphasis added.

⁴⁵ Hans J. Morgenthau, *Politics Among Nations*, New York, NY, McGraw-Hill, 1993, p. 88.

⁴⁶ Herbert Blumer, *Symbolic Interactionism*, Berkeley, CA, University of California Press, 1969.

⁴⁷ Charlotte Epstein, ‘Who Speaks?’, *European Journal of International Relations*, vol. 17, no. 2, 2010.

Olsson and Heins both seem to assume that states can only engage in politics of recognition through channelling the interests of their entire populations. Yet, as I hope to have shown above, this assumption is superfluous. For the recognition model to explain the behaviour of states, it suffices that diplomatic representatives act *as if* they were involved in the politics of recognition. This politics could, but need not, reflect heartfelt normative grievances. Political elites are certainly not exempt from human emotions,⁴⁸ but as Todd Hall has argued, ‘emotional diplomacy’ is often instrumentalised by political elites as a tool of statecraft.⁴⁹ Olsson and Heins are correct that in matters of day-to-day diplomacy, the vast majority of a country’s citizens will be ignorant of the dealings of the ministry that represents them. The multilateral nuclear disarmament framework is no exception. In fact, in the diplomatic community, nuclear diplomacy is sometimes described as a ‘silo’ and major conferences as ‘bubbles’. However, rather than eliminating struggles for recognition, the relatively hermetic system of multilateral diplomacy has been argued to accentuate battles over status and recognition.⁵⁰

The politics of recognition forms, and is formed by, a ‘recognition order’ that justifies norms and practices, determines appropriate behaviour, and provides stakeholders with ‘ontological security’, that is, a stable identity to which values and interests may be anchored.⁵¹ Recognition orders produce and rank specific social roles. In international affairs, such roles must be compatible with relevant states’ ‘national identity conceptions’. Jacques Hymans defines national identity conceptions as ideas about what the nation in question ‘naturally stands for’ and how it ranks in comparison to others.⁵² National identity conceptions, for their part, are constrained by both domestic and international discourses.⁵³ Thus, even if domestic audiences seldom pay close attention to the goings on of day-to-day multilateral diplomacy, they condition those activities by shaping their leaders’ conceptions of themselves and their states.⁵⁴ For example, it is widely believed that the Britain’s retention of nuclear weapons is motivated, at least in part, by a desire among its leaders to preserve Britain’s status as a great power.⁵⁵ In his memoir, former prime minister Tony Blair writes that he opposed giving up Britain’s nuclear-weapons capability on the grounds that it would constitute ‘too big a downgrading of our status as a nation’.⁵⁶ This, of course, was Blair’s

⁴⁸ See e.g. Dominic Johnson, *Overconfidence and War*, Cambridge, Cambridge University Press, 2004, p. 232

⁴⁹ Hall, *Emotional Diplomacy*.

⁵⁰ See Vincent Pouliot, ‘Diplomats as Permanent Representatives’, *International Journal*, vol. 66, no. 3, 2011, p. 547.

⁵¹ Ruth Cox, ‘Recognition and Immigration’, pp. 192–212 in Shane O’Neill and Nicholas H. Smith (eds), *Recognition Theory as Social Research*, Basingstoke, Palgrave Macmillan, 2012, p. 192; Jennifer Mitzen, ‘Ontological Security in World Politics’, *European Journal of International Relations*, vol. 12, no. 3, 2006.

⁵² See Jacques E.C. Hymans, *The Psychology of Nuclear Proliferation*, Cambridge, Cambridge University Press, 2006, p. 13.

⁵³ See William Bloom, *Personal Identity, National Identity and International Relations*, Cambridge, Cambridge University Press, 1990.

⁵⁴ E.g. Alexander Wendt, *Social Theory of International Politics*, Cambridge, Cambridge University Press, 1999.

⁵⁵ E.g. William Walker, *A Perpetual Menace*, London, Routledge, 2012, p. 16.

⁵⁶ Tony Blair, *A Journey*, London, Knopf, 2010, p. 130.

personal opinion. But that opinion cannot be viewed in isolation from the wider British public. As Nick Ritchie posits, the United Kingdom's continued retention of nuclear weapons flows naturally from a set of deeply engrained cultural narratives that frame Britain as a great power and military force for good.⁵⁷ These narratives, which are produced through interaction between elites and the public, have not just made Britain's continued possession of nuclear weapons *possible*, but *legitimate* and *necessary* as an expression of the collective identity of the nation. That said, the identity of any state is constantly subject to an 'ongoing intersubjective and intrasubjective struggle about which of the many possible stories of the Self [of the state] should at any one time be activated.'⁵⁸ This implies that the state is both a participant in, and a product of, the politics of recognition, making the normative application of recognition theory – that mutual recognition is good and denials of recognition wrong – more difficult to apply.⁵⁹

In summary, if the arguments made above have merit, the levels-of-analysis problem may be overcome by conceptualising diplomats as symbolic representatives enacting social roles.⁶⁰ Note, however, that although it may reasonably be argued that states assume roles and identities, one should be wary of treating state identity as monolithic. Conceptualising states as unitary actors seeking recognition, wealth, or security may have analytical utility for explaining international outcomes, but ignores important sub-national conflicts and processes.

3 Justifying Nuclear Inequality: Sovereign Equality and the NPT Negotiations

3.1 Codifying the Nuclear Hierarchy

The diplomatic process that culminated with the adoption of the NPT was initiated by the Irish government at the UNGA in 1958. Reacting to concern that the continued spread of nuclear weapons would increase the risk of nuclear war – Hans Morgenthau believed continued proliferation would 'result in a political anarchy of unimaginable proportions, followed by total nuclear destruction either in piecemeal or in one single catastrophe'⁶¹ – the Irish government

⁵⁷ Ritchie, 'Valuing and Devaluing Nuclear Weapons', p. 155.

⁵⁸ Neumann, 'Beware of Organicism', p. 259.

⁵⁹ See Markell, *Bound by Recognition*, p. 28.

⁶⁰ It should also be noted that in addition to representing their states, individual diplomats also represent themselves. It is reasonable to assume that many diplomats desire recognition from others as being, for example, particularly capable, brave, or eloquent.

⁶¹ Hans J. Morgenthau, 'The Four Paradoxes of Nuclear Strategy', *American Political Science Review*, vol. 58, no. 1, 1964, p. 35.

proposed that the international community should negotiate a nuclear ‘non-dissemination treaty’.⁶² At that time, the United States, the Soviet Union, and Britain had acquired nuclear weapons. France was close, completing its first successful test in February 1960.

The apparent danger of nuclear proliferation was raised by several delegations in the years after 1958, but a significant number of states – both aligned and non-aligned – were reluctant to commit to a formal process. Stockholm, for example, was contemplating building nuclear weapons and instructed its diplomats to stall.⁶³ The superpowers were also indisposed. The United States saw the proposed non-proliferation treaty as an obstacle to the plans for a ‘multilateral nuclear force’ under joint NATO command. As it happened, the creation of such a force was framed, in part, as a means of curbing proliferation, in that such a force might dissuade states such as West Germany and Italy to acquire their own nuclear weapons.⁶⁴ It was not until 1964 – when the People’s Republic of China conducted its first nuclear explosive test – that the superpowers truly came around to the idea of a non-proliferation treaty.⁶⁵ As permanent ‘co-chairs’ of the Geneva Conference, negotiations could not start without their consent. Fearing that that the Chinese test could provoke a wave of proliferation across Asia and beyond, the superpowers initiated formal negotiations in Geneva in 1965. China and France, both of which had assumed strong positions against an NPT during their non-nuclear days, did not participate (China was not a member of the ENDC (or the UN) and France refused to attend).⁶⁶ For the superpowers, the objective was to freeze the status quo.⁶⁷ They were, far and away, successful.

Adopted by the UNGA on 12 June 1968, the NPT ‘sanctified’ the nuclear hierarchy that had emerged over the course of the 1950s and 60s.⁶⁸ The hierarchy – which was in part material, in part ideational, and now also legal – classified states in three groups. The top of the nuclear hierarchy was made up by the five nuclear powers. Four of these five – Britain, France, the Soviet Union, and the United States – occupied four of the five permanent seats at the UN Security Council. The fifth – the People’s Republic of China (mainland China) – was widely expected to unseat the Republic of China (Taiwan) at the United Nations and become the last permanent

⁶² UNGA, UN Document A/C.1/L.206, New York, 17 October 1958. Ireland had no specific suggestions for what a process might look like and did therefore not submit the resolution to the UNGA Plenary. See US Department of State, *Documents on Disarmament 1945–1969*, vol. 2, Washington DC, 1960, p. 1186.

⁶³ Jan Prawitz, ‘Det Svenska Spelet om Nedrustningen’, *Framsyn*, no. 1, 2004.

⁶⁴ Lawrence S. Wittner, *Resisting the Bomb: A History of the World Nuclear Disarmament Movement, 1954–1970*, Stanford, CA, Stanford University Press, 1997, p. 405.

⁶⁵ Francis J. Gavin, *Nuclear Statecraft*, New York, NY, Cornell University Press, 2012, p. 76.

⁶⁶ China’s and France’s opposition to the NPT is arguably well captured by Schimmelfennig’s term ‘rhetorical entrapment’. See Frank Schimmelfennig, ‘The Community Trap’, *International Organization*, vol. 55, no. 1, 2001.

⁶⁷ Francis J. Gavin, ‘Nuclear Proliferation and Non-Proliferation during the Cold War’, pp. 395–416 in Melvin P. Leffler and Odd A. Westad (eds), *The Cambridge History of the Cold War. Volume 2: Crises and Détente*, Cambridge, Cambridge University Press, 2010.

⁶⁸ John Maddox, ‘Prospects for Nuclear Proliferation’, pp. 74–108 in Gregory Trevorton (ed.), *Energy and Security*, Montclair, NJ, Allanheld, Osmund & Co, 1980, p. 77.

member of the Security Council within a matter of years. The swap was eventually completed in 1971.⁶⁹ Apart from Japan and West Germany, which for historical and legal reasons were not in positions to claim special military entitlements, the five NWSs were commonly seen as the world's established great powers.⁷⁰ Permitted (at least temporarily) by the NPT to possess nuclear weapons, the NWSs enjoyed full nuclear rights.

The middle of the hierarchy was made up of the states that did not possess nuclear weapons and were prohibited by the NPT from acquiring them, but were nonetheless able to continue to rely on nuclear deterrence through their military alliances with one or more of the NWSs. These states were clearly in a subordinate position vis-à-vis their nuclear patrons – the NPT confirmed 'an elevated status for some states (the nuclear protectors) and subordination of others (the protected)'⁷¹ – but their acceptance of non-nuclear status and IAEA inspections was considerably softened by the fact that they did not have to forswear the presumed benefit of nuclear defence: Although the NPT prohibited the NWSs from transferring direct control of nuclear weapons to allies, it accepted 'nuclear sharing' and the practice of extended nuclear deterrence. Admittedly, a few allies were initially loath to accept second class status (most vocally so West Germany), but they gradually came to accept their lots. Able to participate in nuclear war planning and even to host nuclear weapons on their territories, the aligned NNWSs were for many purposes nuclear 'haves' – not 'have-nots'.⁷²

The bottom of the hierarchy was made up of the non-aligned states. There had been some talk during the NPT negotiations of establishing some sort of global system of deterrence,⁷³ but this proposal ultimately came to naught. The non-aligned states thus had to forswear the presumed benefit of nuclear deterrence entirely. The distinction between aligned and non-aligned was further strengthened by several reinforcing cleavages: A first obvious cleavage had to do with economic development: While most of the non-aligned states were unindustrialised, 'third world' countries, the aligned states (groups 1 and 2 above) were predominantly industrialised. Many of the aligned states, moreover, were nuclear 'supplier' states with substantial civilian nuclear capabilities. Another cleavage originated from the history of colonialism. Most of the non-aligned states, after all, had recent histories as colonies or dependencies. The former colonisers, in turn, all belonged

⁶⁹ Geoff Simons, *The United Nations: A Chronology of Conflict*, London, Macmillan, 1994, p. 115.

⁷⁰ William Epstein, 'The Proliferation of Nuclear Weapons', *The Scientific American*, vol. 232, no. 4, 1975.

⁷¹ Jan Ruzicka, 'Behind the Veil of Good Intentions', *International Politics*, 2017 (early view).

⁷² As 'aligned states', I count Australia, Japan, South Korea, Taiwan, and the members of the Warsaw Pact, the CSTO, and NATO. New Zealand is recorded as an aligned state before 1986 and as a non-aligned state after 1986 (when the United States terminated its ANZUS commitments to New Zealand in opposition to Wellington's anti-nuclear stance).

⁷³ See e.g. the statements of Nigeria, UNGA First Committee, 8 November 1965, p.109; Burma, ENDC, 22 March 1966, p. 31; United Arab Republic (Egypt), ENDC3 March 1966, p. 15; United Kingdom, ENDC, 9 September 1965, p. 14; Nigeria, ENDC, 2 November 1967, p. 6.

to the aligned bloc. In fact, at the time of the NPT's adoption, several aligned states were still empires. And although the group of non-aligned states included 'white' European states such as Austria, Ireland, Sweden, and Yugoslavia, the division between aligned and non-aligned conjured racial associations.⁷⁴ For these compounding reasons, the most fundamental distinction running through the NPT and the hierarchy it reinforced went between the aligned 'haves' (groups 1 and 2) and the non-aligned 'have-nots' (group 3). Grievance against nuclear hierarchy – demands for recognition as genuine sovereign equals – has therefore been strongest among the non-aligned states.

Efforts at constructing international order have traditionally been couched in hierarchical conceptions of international relations. In the nineteenth century and into the twentieth, hierarchy was visibly on display in the form of colonialism, the Concert of Europe, and the western 'standard of civilisation'.⁷⁵ But the traditional conceptions of hierarchical order did not vanish with decolonisation. After World War II, Andrew Hurrell argues, hierarchy continued in the form of informal 'spheres of influence', summit diplomacy, and informal groupings such as the G7/8. The construction of an 'oligarchical non-proliferation system' in the 1960s provided another hierarchical element of the post-War international order.⁷⁶

Nuclear weapons had long been viewed with some ambivalence. On the one hand, nuclear weapons were morally questionable weapons of mass destruction liable to destroy all human civilisation. On the other hand, nuclear weapons were widely seen as manifestations of awesome power and prestige. The prestige value of nuclear weapons flowed from the cultural links between nuclear weaponry, on the one hand, and military prowess and technological aptitude, on the other, but also from the fact that the major powers seemed to prize them so highly. The NPT's merging of the group of established major powers with the category of 'nuclear-weapon state' appears only to have strengthened the perception that nuclear weapons were symbols of high standing.⁷⁷ In the view of feminist scholars, the symbolic resonance of nuclear weapons was further buttressed, or indeed constituted, by structures of patriarchy. The discursive associations between nuclear deterrence and 'masculine' traits such as rationality, power, and the role of protector served to further entrench the nuclear hierarchy and the distinction between 'haves' and 'have-nots'.⁷⁸

⁷⁴ See Shampa Biswas, "'Nuclear Apartheid' as Political Position", *Alternatives*, vol. 27, no. 4, 2001.

⁷⁵ See Gerrit W. Gong, *The Standard of 'Civilization' in International Society*, Oxford, Clarendon, 1984; Edward Keene, 'A Case Study of the Construction of International Hierarchy', *International Organization*, vol. 61, no. 2, 2007; Kalypso Nicolaïdis et al., 'From Metropolis to Microcosmos', *Millennium*, vol. 42, no. 3, 2014.

⁷⁶ Andrew Hurrell, 'Power, Institutions, and the Production of Inequality', pp. 33–58 in Michael Barnett and Raymond Duvall, *Power in Global Governance*, Cambridge, Cambridge University Press, 2005, p. 54.

⁷⁷ Asli Ü. Bâli, 'Legality and Legitimacy in the Global Order', pp. 229–363 in Richard Falk, Mark Juergensmeyer, and Vesselin Popovski (eds), *Legality and Legitimacy in Global Affairs*, Oxford, Oxford University Press, 2012, p. 322.

⁷⁸ Catherine Eschle, 'Gender and the Subject of (Anti)Nuclear Politics', *International Studies Quarterly*, vol. 57, no. 4, 2013, p. 717.

The literature on nuclear diplomacy often treats the various groupings of states as monolithic. Although I often discuss the views of specific states within each bloc, this thesis is no different. Clearly, the respective groups of states are not homogeneous, just as individual states themselves are not homogeneous. But these simplifications are not simply lazy heuristics – they form an integral part of the discourse that structures the reality of nuclear politics. Just as with the anthropomorphisation of the state, the homogenisation of the various diplomatic caucuses has real-world implications for diplomacy. Acknowledging the variations in policy positions within the diplomatic blocs, I retain their use for analytical purposes.

3.2 The NPT Recognition Order

The principle of sovereign equality is a fundamental international norm. And a regime that permits some states to possess nuclear weapons but not others ‘appears to violate one of the bedrock principles of the international state system, namely, that sovereign states have an equal right to security, self-defense, and self-help, including the possession of nuclear weapons.’⁷⁹ According to the principle of sovereign equality, no state, large or small, may ‘plead privilege of rank or cast’ in their international dealings.⁸⁰ For many states, the idea of bestowing on the major powers a permanent right to possess nuclear weapons was therefore ‘an affront to the principle of sovereign equality under international law and that no “self-respecting” state could accept.’⁸¹ How, then, was the codification of a palpably unequal regime justified?

States asked to give up nuclear weapons naturally want assurances that they, in turn, will not be subject to nuclear attack or blackmail. Denying the NNWSs the opportunity to develop nuclear weapons – a presumed equaliser of superior conventional capabilities – the NPT has traditionally been understood to present the NNWSs with a ‘security dilemma’ vis-à-vis the NWSs.⁸² During the NPT negotiations, non-nuclear powers demanded both ‘negative’ and ‘positive’ security assurances from the nuclear powers (assurances not to be attacked with nuclear

⁷⁹ Nina Tannenwald, ‘Justice and Fairness in the Nuclear Nonproliferation Regime’, *Ethics & International Affairs*, vol. 27, no. 3, 2013, p. 304.

⁸⁰ William T.S. Stallybrass, *A Society of States*, London, G. Routledge & Sons, 1918, pp. 60–1. See also UN Charter, Article 1(2). See also Robert A. Klein, *Sovereign Equality Among States*, Toronto, University of Toronto Press, 1974; David A. Lake, *Hierarchy in International Relations*, Ithaca, NY, Cornell University Press, 2009, p. 39.

⁸¹ Ritu Mathur, ‘Sly Civility and the Paradox of Equality/Inequality in the Nuclear Order’, *Critical Studies on Security*, vol. 4, no. 1, 2016, p. 67. See also Manjani C. Miller, *Wronged by Empire*, Palo Alto, CA, Stanford University Press, 2013, p. 97; Jita Mishra, *The NPT and the Developing Countries*, New Delhi, Concept, 2008, p. 191.

⁸² See Caroline Fehl, ‘Understanding the Puzzle of Unequal Recognition’, pp. 104–22 in Christopher Daase et al. (eds), *Recognition in International Relations*, Basingstoke, Palgrave Macmillan, 2015, p. 106.

weapons and to be aided after the fact, respectively).⁸³ But security assurances were not the non-aligned states' main demand. Updating the US Senate on the proceedings of the negotiations in February 1966, the American secretary of state, Dean Rusk, expressed his wonderment that the non-aligned states had thus far been more interested in disarmament. (Provisions for civilian nuclear cooperation, not discussed here, was another crucial demand.)

I would say, Mr. Chairman, that the interest on the part of the non-nuclear states as registered in the last few months is, surprisingly, not so much aimed at the question of assurances and guarantees as it is aimed at a clear demonstration that those who have nuclear weapons are proceeding on a path of disarmament.⁸⁴

For the Romanian government, which at the time was estranged from Moscow and caucused with the non-aligned bloc, the NPT should lead to 'the ending of the division of the world into nuclear and non-nuclear countries' and a 'strengthening of equality among states'. Strong provisions for disarmament and a possibility to withdraw from the treaty would be necessary to avoid conflict between the NPT and 'the principles of the sovereignty and equality of states'.⁸⁵ According to Brazil, the NNWSs' commitment to 'sign away their right' to develop nuclear weapons had to be coupled with a 'specific and binding commitment on the part of the nuclear-weapon Powers' to 'eliminate the stocks of nuclear weapons and their delivery vehicles'.⁸⁶ The Swedish representative, Alva Myrdal, argued that the NPT should be 'a first stop on the road towards nuclear disarmament, soon to be followed by others'.⁸⁷

Already in 1965, the UNGA had adopted a non-aligned-state-sponsored resolution containing 'five principles' for a non-proliferation treaty. Two of these spoke directly to the relationship between nuclear and non-nuclear powers: First, according to principle (b), the treaty should 'embody an acceptable balance of mutual responsibilities and obligations of the nuclear and non-nuclear Powers'. Second, according to principle (c), the treaty should be 'a step towards the achievement of general and complete disarmament and, more particularly, nuclear disarmament'.⁸⁸

The concept of 'general and complete disarmament', enthused by the League of Nations' call for the 'reduction of national armaments to the lowest point consistent with national safety

⁸³ The aligned states enjoyed positive security assurances by virtue of their alliance membership. For a conceptual discussion, see Jeffrey W. Knopf, 'Security Assurances', pp. 13–38 in Knopf (ed.), *Security Assurances and Nuclear Nonproliferation*, Stanford, CA, Stanford University Press, 2012.

⁸⁴ Quoted in Glenn T. Seaborg, *Stemming the Tide*, Lexington, MA, Lexington Books, 1987, p. 367.

⁸⁵ Romania, ENDC, 8 August 1967, pp. 13–14.

⁸⁶ Brazil, UNGA First Committee, 14 December 1967, p. 27.

⁸⁷ Sweden, ENDC, 31 August 1968, p. 9. See also e.g. Mexico, ENDC, 13 June 1967, p. 6; Chile, UNGA First Committee, 14 December 1967, p. 17; United Arab Republic (Egypt), UNGA First Committee, 8 November 1965, p. 107; Nigeria, UNGA First Committee, 8 November 1965, p.109.

⁸⁸ UNGA, Resolution 2028 (XX), 'Non-Proliferation of Nuclear Weapons', New York, 1965.

and the enforcement by common action of international obligations',⁸⁹ had fallen into disrepute in the run-up to World War II,⁹⁰ but was partially rehabilitated in the late 1950s.⁹¹ In the so-called McCloy–Zorin statement of 1961, the Soviet Union and the United States had called for the development of a programme for general and complete disarmament to provide for the 'disbanding of armed forces', 'elimination of all stockpiles of nuclear, chemical, bacteriological and other weapons of mass destruction', 'cessation of military training', and 'discontinuance of military expenditures'.⁹² The idea of general and complete disarmament was popular among the non-aligned states. Yet, realising that such an ambitious programme would be difficult to execute in practice – or possibly a quixotic fig leaf for inaction – many non-aligned states were eager to stress that nuclear disarmament should be pursued as a matter of special priority.⁹³

The superpowers were reluctant to include provisions for disarmament in the treaty. But realising that a treaty that did not at least pay lip-service to the goal of disarmament would fail to attract the support of many non-aligned states, the superpowers ultimately agreed to compromise. The draft that was eventually adopted by the UNGA incorporated language on disarmament both in the preamble – the parties pledge to 'facilitate the cessation of the manufacture of nuclear weapons, the liquidation of all their existing stockpiles, and the elimination from national arsenals of nuclear weapons and the means of their delivery pursuant to a Treaty on general and complete disarmament' – and in a separate article in the body of the text.⁹⁴ According to the NPT's 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 VI makes three demands: Parties must pursue negotiations (1) on 'effective measures' for the cessation of the nuclear arms race 'at an early date',⁹⁵ (2) on 'effective measures' for nuclear disarmament, and (3) on a treaty on general and complete disarmament.⁹⁶

⁸⁹ Covenant of the League of Nations, signed 28 June 1919, in force 10 January 1920, Article 8. Note that the Covenant does not use the exact term 'general and complete disarmament'.

⁹⁰ See e.g. E.H. Carr, *The Twenty Years' Crisis, 1919–1939*, New York, NY, Harper & Row, 1964, pp. 74, 140.

⁹¹ UNGA, Resolution 1378 (XIV), 'General and Complete Disarmament', New York, 1959.

⁹² Soviet Union and United States, 'Joint Statement of Agreed Principles for Disarmament Negotiations', 20 September 1961.

⁹³ E.g. Mexico, ENDC, 19 September 1967, p. 10; Sweden, ENDC, 3 October 1967, pp. 9–10; Ethiopia, ENDC, 13 February 1968, p. 17.

⁹⁴ Mohammed I. Shaker, *The Nuclear Non-Proliferation Treaty*, London, Oceana, 1980, p. 557.

⁹⁵ For many, a cessation of the nuclear arms race implied the negotiation of a comprehensive ban on nuclear testing.

⁹⁶ Daniel H. Joyner, *Interpreting the Nuclear Non-Proliferation Treaty*, Oxford, Oxford University Press, 2011, p. 97.

If judged as an attempt at tackling the non-aligned states' 'security dilemma' vis-à-vis the NWSs, the NPT's disarmament language looks next to worthless. The parties agree to 'pursue' negotiations, but not to complete them. Given the wording of the disarmament language in the preamble, it is also possible to argue that nuclear disarmament is no more of a priority than, or would have to be included as part of, an unrealistic treaty on general and complete disarmament.⁹⁷ But perhaps the function of the disarmament language was not primarily to enhance the non-aligned states' material security? Instead, it has been argued that the NPT's disarmament language 'represented a statement that the principle of sovereign equality had to be respected'.⁹⁸

In the words of Mohammed Shaker, who represented the United Arab Republic (Egypt) at the negotiations, the NWSs' commitment to disarm 'was looked upon by the non-nuclear-weapon States not only in the context of achieving a more secure world but as a *quid pro quo* for the [... NNWSs'] renunciation of nuclear weapons.'⁹⁹ Disarmament, he holds, was actually 'a question of principle more than a question of security.'¹⁰⁰ In fact, NNWS officials privately admitted that they did not believe article VI would be an effective vehicle of material nuclear disarmament.¹⁰¹ They understood perfectly well that the vague language of article VI would not bind the NWSs. According to an ambassador of a non-aligned state, one would, 'in the spirit of clear-sighted analysis', be obliged to 'acknowledge that very few non-nuclear-weapon states parties actually joined the treaty because it responded to their immediate security concerns.'¹⁰² Admittedly, each of the NWSs offered non-binding 'security assurances' to NNWSs after the conclusion of the negotiations, but these were vaguely worded and added little if anything to the general prohibition on the first use of force contained in the UN Charter.¹⁰³

What the disarmament commitment did do, was to publically and in formal terms counteract the NPT's apparent breach with the principle of the equality of states. By casting the NPT as a step towards disarmament, article VI allowed the NNWSs to describe themselves not simply as 'inferior' or 'unequal', but as 'equal in waiting'; the hierarchy enshrined by the treaty would be temporary. According to one analyst, the nuclear order's legitimacy 'rested upon mutual obligation and reciprocity. And it rested heavily upon the notion that the possession of nuclear

⁹⁷ See e.g. Christopher A. Ford, 'Debating Disarmament', *Nonproliferation Review*, vol. 14, no. 3, 2007.

⁹⁸ Matthew E. Harries, 'The Role of Article VI in Debates About the Nuclear Non-Proliferation Treaty', PhD Thesis, King's College London, 2014, p. 139. See also Jack. I. Garvey, 'A New Architecture for the Non-Proliferation of Nuclear Weapons', *Journal of Conflict & Security Law*, vol. 12, no. 3, 2007, p. 353; Rosemary Righter, *Utopia Lost*, New York, NY, The Twentieth Century Fund Press, 1995, 124.

⁹⁹ Shaker, *The Nuclear Non-Proliferation Treaty*, p. 564.

¹⁰⁰ Shaker, *The Nuclear Non-Proliferation Treaty*, p. 926.

¹⁰¹ See Fehl, 'Understanding the Puzzle of Unequal Recognition', p. 107.

¹⁰² Quoted in Etel Solingen, *Nuclear Logics*, Princeton, NJ, Princeton University Press, 2007, p. 14.

¹⁰³ John Simpson, 'The Role of Security Assurances in the Nuclear Nonproliferation Regime', pp. 57–85 in Jeffrey W. Knopf (ed.), *Security Assurances and Nuclear Nonproliferation*, Stanford, CL, Stanford University Press, 2012, pp. 61–2.

weapons by the five acknowledged powers was a temporary trust'.¹⁰⁴ This crucial statement of temporality was further bolstered by the inclusion of a date stamp; according to the NPT's article X, the treaty would only remain in force for 25 years after its entry into force. After that period, a conference would be convened to decide on the treaty's extension. Crucially, article X also codified the parties' 'sovereign right' to withdraw from the agreement.

Indicating that the discriminatory structure implied by the treaty would be temporary, articles VI and X allowed the NNWSs to describe themselves as 'equal in waiting'. But the non-aligned states were not happy simply to wait idly for the NWSs to disarm. They were eager to be included in the process of disarmament as active, audible stakeholders. Discussing the notion that the NPT had to 'embody an acceptable balance of mutual responsibilities and obligations of the nuclear and non-nuclear powers', the delegation of the United Arab Republic argued that the treaty 'should represent *a new era of partnership*, of obligations and responsibilities.'¹⁰⁵ A Ghanaian official argued that 'in the past, the super Powers have tended to treat the non-nuclear States as if they counted for little and as if they had no interest in this vital question of war and peace.' But no more: the NNWSs had 'a right to insist that our views should at least be heard'.¹⁰⁶ 'Our peoples, the peoples of the developing countries, want to be subjects and not objects of history, actors and not merely spectators of the drama being acted out before our eyes', said the Chileans.¹⁰⁷ There should, the Romanians asserted, be a 'constant participation of all the contracting parties in the operation of verifying the working of the machinery established by the treaty.'¹⁰⁸ The process of disarmament needed to be based on 'a true dialogue' in the 'spirit of, and with rigorous respect for, the principle of the equality of the States'. That, in turn, presupposed 'an understanding of and receptiveness to the arguments of each one'.¹⁰⁹ The Brazilian delegation made the same point with great expressiveness in 1963:

Some may think that, since we do not possess atomic weapons and do not belong to the atomic club, nothing we say on the subject is more than academic speculation. As we take no part in the actual game, we may be regarded as mere 'theoreticians' which in the etymological sense of the Greek word means spectators. [...] Would that be the proper attitude for the non-atomic and non-aligned countries – the attitude of theoreticians or spectators? No. Such an attitude would be contrary to our terms of reference, contrary to the interests of our peoples, which coincide in this case with the common interests of mankind. [...] If we cannot still be spectators tomorrow, it is our right and duty today to

¹⁰⁴ William Walker, 'Nuclear Order and Disorder', *International Affairs*, vol. 76, no. 4, 2000, p. 708.

¹⁰⁵ Shaker, *The Nuclear Non-Proliferation Treaty*, p. 52. Emphasis added.

¹⁰⁶ Ghana, UNGA First Committee, 15 December 1967, p. 2.

¹⁰⁷ Chile, UNGA First Committee, 21 November 1968, p. 10.

¹⁰⁸ Romania, ENDC, 16 November 1967, p. 6

¹⁰⁹ Romania, ENDC, 3 April 1968, p. 24.

pass from spectatorship to action.¹¹⁰

The concerns of the non-aligned states are immediately recognisable through the analytical lenses of recognition theory: For NNWSs to be able to cultivate identities as active and sovereign subjects in international affairs, it was vital that they be allowed to *act out* their sovereignty in practice. States such as India, Mexico, Sweden, and the United Arab Republic also took pride in *leading* the non-aligned states' disarmament advocacy.¹¹¹ In the latter three cases, it appears that the disarmament negotiations, not just of the NPT but also other processes, had a 'second-image-reverse' effect.¹¹² For example, Sweden's eventual decision to abandon its nuclear-weapons programme and join the NPT has been argued to have been powerfully influenced by Sweden's active role in the negotiations. Drawing praise internationally as a champion of peace and international law, disarmament advocacy provided Sweden with an alternative source of prestige.¹¹³

The NNWSs' desire for active inclusion was accommodated in two ways. First, article VI was addressed to 'each of the parties' – not just the NWSs. Second, the superpowers agreed to a provision, contained in article VIII, that was unique for its time: Five years after the treaty's entry into force, a 'review conference' would be convened to assess the implementation of the treaty (review conferences have since become standard for most multilateral disarmament instruments). Additional conferences could be convened at five-year intervals. The non-aligned states would thus not be mere 'spectators' or 'theoreticians'; they would, instead, be 'partners' in the nuclear order. As William Walker puts it, the 'political settlement' that underpinned the nuclear order 'implied that only one of its pillars, the system of abstinence, possessed true and lasting legitimacy. All states should work together, over time, to dissolve the system of deterrence'.¹¹⁴ Although disarmament might be difficult to achieve, the non-aligned states would be able to participate in the multilateral process at the UNGA, the NPT review cycle, and, for those that were members, the Geneva Conference.

Most commentators emphasise that the NPT rested on a wider political 'understanding' or 'settlement'. I conceptualise this 'settlement' as the NPT 'recognition order': While the NWSs were recognised as first among equals and legitimate possessors of nuclear weapons pending the fulfilment of disarmament, and their allies as de facto beneficiaries of nuclear deterrence (they were,

¹¹⁰ Brazil, ENDC, 6 May 1963, p. 8.

¹¹¹ Maria R. Rublee, *Nonproliferation Norms*, Athens, GA, University of Georgia Press, 2009, p. 104; Maj B. Theorin, 'Är en Kärnvapenfri Värld Möjlig?', acceptance speech, The People's Peace Prize, 3 December 2016.

¹¹² Peter Gourevitch, 'The Second Image Reversed', *International Organization*, vol. 32, no. 4, 1979.

¹¹³ See Thomas Jonter, 'The United States and Swedish Plans to Build the Bomb, 1945–68', pp. 219–45 in Jeffrey W. Knopf (ed.), *Security Assurances and Nuclear Nonproliferation*, Stanford, CA, Stanford University Press, 2012, pp. 236, 238.

¹¹⁴ Walker, 'Nuclear Order and Disorder', p. 708.

like their protectors, deterrence ‘subjects’), the non-aligned states were recognised as ‘partners equal in waiting’. The core of the NPT recognition order was what over time became known as the NPT ‘grand bargain’, defined by US president Barack Obama in the following terms: ‘Countries with nuclear weapons will move towards disarmament, countries without nuclear weapons will not acquire them, and all countries can access peaceful nuclear energy.’¹¹⁵

A number of scholars have in recent years questioned the validity of conceptualising the NPT as resting on a grand bargain between ‘haves’ and ‘have-nots’.¹¹⁶ For Roland Popp, for example, the grand bargain is an *ex post facto* idealisation. In reality, Popp maintains, the NPT process was ‘driven and dominated by the two superpowers’ and tied to narrow Cold War imperatives.¹¹⁷ I do not dispute the centrality of superpower collusion or Cold War considerations in the negotiation of the NPT. Contributors to what Popp labels New International Nuclear History – Francis Gavin, Leopold Nuti, Dane Swango, John Kriege, and others – have argued convincingly that, for the major powers, the purpose of the NPT was to freeze the status quo, maintain trade advantages, and/or to stabilise Central Europe.¹¹⁸ From the point of view of the superpowers, Article VI was a footnote.

The non-aligned states’ demand for disarmament was not the driving force behind the crafting of the NPT. The existence of a non-proliferation treaty owes largely to the superpowers’ beliefs that such a treaty would benefit their strategic interests. However, the demand for disarmament clearly influenced the wording and ‘packaging’ of the treaty. Although the NPT may not have looked like a grand bargain between nuclear ‘haves’ and ‘have-nots’ from Moscow or Washington DC, the text of the NPT was deliberately designed to allow non-aligned states and others concerned about hierarchy to read it as such.¹¹⁹ Indeed, leaders of the NWSs repeatedly pledged their commitment to disarmament. For example, in his closing statement in the NPT negotiations, the chief US negotiator, William Foster, noted that ‘there has been at least one theme on which all have been agreed. The non-proliferation treaty should be a step towards achieving

¹¹⁵ Barack Obama, ‘Remarks by President Barack Obama in Prague as Delivered’, *Obama White House Archive*, speech delivered in Prague, 5 April 2009.

¹¹⁶ See, in particular, Roland Popp, ‘Global Order, Cooperation between the Superpowers, and Alliance Politics in the Making of the Nuclear Non-Proliferation Regime’, *The International History Review*, vol. 36, no. 2, 2014, pp. 195–209, p. 199; Joachim Krause, ‘Enlightenment and Nuclear Order’, *International Affairs*, vol. 83, no. 3, 2007, p. 485.

¹¹⁷ Roland Popp, ‘The Long Road to the NPT’, pp. 9–35 in Roland Popp, Liviu Horowitz, and Andreas Wenger (eds), *Negotiating the Nuclear Non-Proliferation Treaty*, London, Routledge, 2016, p. 9.

¹¹⁸ See Gavin, ‘Nuclear Proliferation and Non-Proliferation during the Cold War’; Dane Swango, ‘The United States and the Role of Nuclear Co-operation and Assistance in the Design of the Non-Proliferation Treaty’, *The International History Review*, vol. 36, no. 2, 2014; Andrew J. Coe and Jane Vaynman, ‘Collusion and the Nuclear Nonproliferation Regime’, *The Journal of Politics*, vol. 77, no. 4, 2015; Mlada Bukovansky et al., *Special Responsibilities*, Cambridge, Cambridge University Press, 2012; John Kriege, ‘US Technological Superiority and the Special Nuclear Relationship’, *The International History Review*, vol. 36, no. 2, 2014; Leopoldo Nuti, ‘Negotiating with the Enemy and Having Problems with the Allies’, pp. 89–102 in Basil Germond, Jussi M. Hanhimäki, and Georges-Henri Soutou (eds), *The Routledge Handbook of Transatlantic Security*, Abingdon, Routledge, 2010.

¹¹⁹ Compare Harries, ‘The Role of Article VI in Debates About the Nuclear Non-Proliferation Treaty’, p. 133–4.

further measures of nuclear disarmament'.¹²⁰ At the NPT signing ceremony in Washington DC, US president Johnson maintained that the NPT's three-pronged purpose was 'very simple': First, the NPT committed states without nuclear weapons 'not to produce them or receive them in the future.' Second, the NPT assured the same states that they were free to enjoy 'the full peaceful benefits of the atom'. And third, the NPT committed the nuclear powers 'to move forward toward effective measures of arms control and disarmament.'¹²¹ The grand bargain between NWSs and NNWSs supplied one of several conditions that allowed the NPT to be adopted. Also crucial were superpower collusion, the implicit bargain between non-nuclear powers to limit nuclear competition between themselves, and the numerous bilateral and multilateral understandings between the nuclear powers and their respective allies.¹²²

Admittedly, some non-aligned states were not convinced by the compensatory package offered by the superpowers. Large non-aligned powers such as Algeria, Argentina, Brazil, India, Pakistan, and Spain refused to sign the NPT. Nuclear-armed China and France also declined to join. Yet, as the norm of non-proliferation grew in strength over the following decades, only a handful of states managed to withstand the pressure of adhering to the treaty.¹²³ As of 2018, only India, Israel, Pakistan, North Korea (which withdrew in 2003), and South Sudan (a recently independent state) have not ratified the NPT. The evolution of the non-proliferation norm falls outside the scope of this thesis.

4 Institutional Adaptation and the Cycle of Legitimacy

As discussed above, institutional contestation and change in the multilateral nuclear disarmament framework has followed a pattern of punctuated equilibrium, that is, shifts between periods of institutional stability and upheaval. I argue that these swings are produced by an underlying cycle of regeneration and decay of the wider nuclear regime's legitimacy. I divide this cycle into four phases. The cycle begins with the constitution or reconstitution of a recognition order. This recognition order justifies the regime's fundamental norms and determines roles and appropriate behaviour. In the case of the nuclear regime, the NWSs are expected to engage in an inclusive process aimed at eventual nuclear disarmament. In practice, however, the NWSs have been unwilling to live up to their promises, undermining the recognition order. The resulting process of

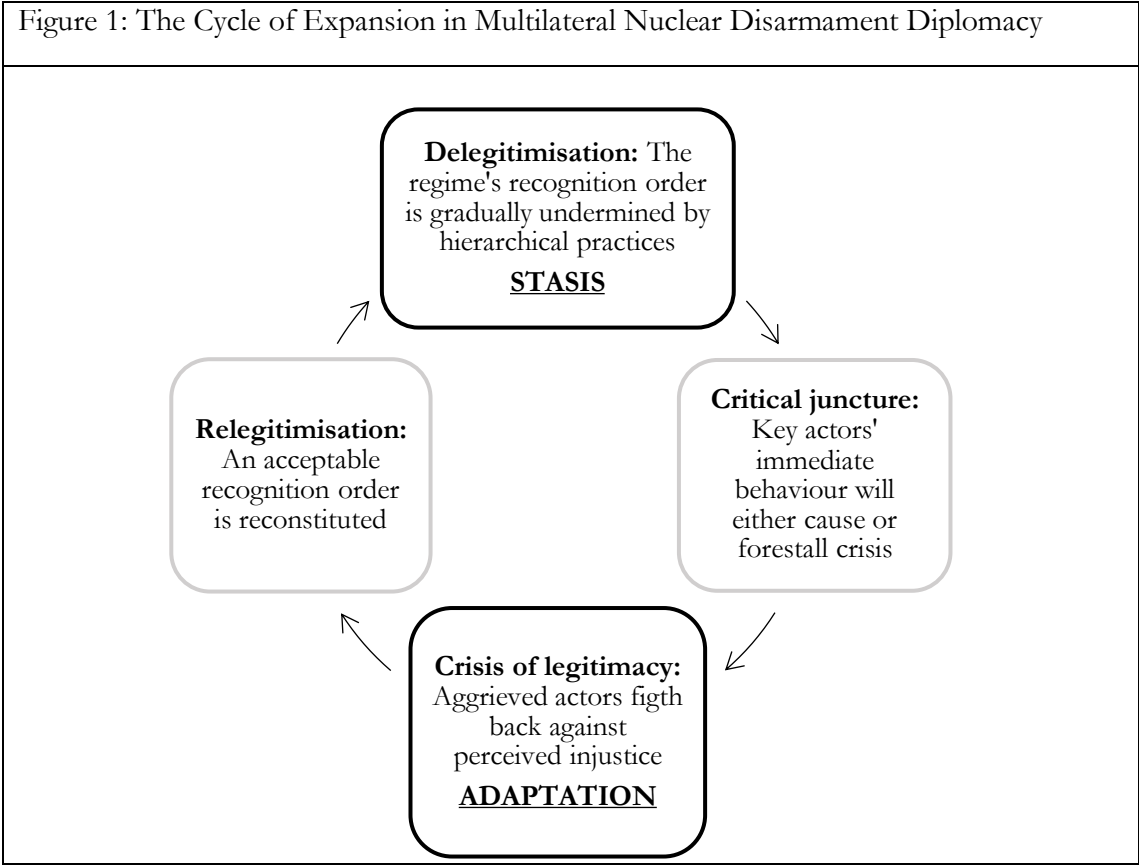
¹²⁰ United States, ENDC, 11 March 1968, p. 14.

¹²¹ Lyndon B. Johnson, 'Remarks at the Signing of the Nuclear Nonproliferation Treaty', The American Presidency Project, Washington DC, 1 July 1968.

¹²² See Hal Brands, 'Non-Proliferation and the Dynamics of the Middle Cold War', *Cold War History*, vol. 7, no. 3, 2007.

¹²³ Christoph Bluth, 'The Irrelevance of "Trusting Relationships" in the Nuclear Non-Proliferation Treaty', *British Journal of Politics and International Relations*, vol. 13, no. 1, 2012.

delegitimation eventually leads to one or more ‘critical junctures’. At such moments – brief in time compared to the preceding process of erosion – the NWSs will either stabilise the regime by returning to the type of behaviour prescribed by the recognition order, or they will continue as before, causing the regime to suffer a crisis of legitimacy. Crises of legitimacy induce aggrieved NNWSs to take radical action to recalibrate the regime’s underlying recognition order.¹²⁴ In practice, such recalibration efforts have come in the form of institutional contestation and adaptation, resulting in periodic institutional expansion. The cycle ends when the crisis is resolved through the reconstitution of an acceptable order, bringing about the start of a new cycle. Each of these phases is explained in further detail below. The empirical chapters will be structured in four parts corresponding to each of these four phases.



International legitimacy has interested scholars of IR for many years. Following Max Weber, there is broad consensus that legitimacy, along with coercion and self-interest, is an important ingredient of norm compliance.¹²⁵ There is also broad consensus that international legitimacy is fostered by

¹²⁴ See Christian Reus-Smit, ‘International Crises of Legitimacy’, *International Politics*, vol. 44, nos 2–3, 2007, p. 161.
¹²⁵ E.g. Ian Hurd, ‘Legitimacy and Authority in International Politics’, *International Organization*, vol. 53, no. 2, 1999; Thomas Franck, *The Power of Legitimacy Among Nations*, Oxford, Oxford University Press, 1990; Christopher Daase, ‘Der Anfang vom Ende des Nuclearen Tabus’, *Zeitschrift für Internationale Beziehungen*, vol. 10, no. 1, 2003.

(state) consent, democratic control, and clear lines of accountability.¹²⁶ Several studies have enquired into the nature of legitimacy and compared the legitimacy of different regimes.¹²⁷ Less attention has been devoted to variations in the legitimacy of specific regimes over time. Analysts of the nuclear regime have been quick to identify crises of legitimacy, typically alluding that ‘their’ crisis is the worst one yet, overlooking the fact that similar crises have been overcome in the past.

Overall, the legitimacy of a regime is a function of its stakeholders’ perception that the regime’s basic principles and operation are ‘desirable, proper, or appropriate within some socially constructed system of norms, values, beliefs, and definitions.’¹²⁸ I thus take a subjective view of legitimacy: Whether a regime is legitimate is decided not by objective criteria, but by the regime’s stakeholders.¹²⁹ This is not to say that legitimacy bears no relation to norms or morality; states and non-state actors’ ideas about a given arrangement’s legitimacy will be strongly informed by their ideas about justice, which in turn are conditioned by the social mores and norms of society at large, what Hegel called *Sittlichkeit*.¹³⁰ Martin Wight captures this idea well by defining legitimacy as ‘moral acceptability’.¹³¹

3.1 Institutional Delegitimation and Stasis

The legitimacy of the nuclear regime depends, to a large extent, on the public credibility of the NNWSs’ self-descriptions as ‘partners equal in waiting’. By extension, the NWSs must engage in an inclusive process of disarmament. Failure to comply with this understanding denies the NNWSs recognition as equal sovereigns. This is so in a double sense: First, a permanent distinction between ‘haves’ and ‘have-nots’ undermines the principle of equality, downgrading the non-aligned states to from ‘equal in waiting’ to ‘inferior’. Second, a refusal by the ‘haves’ to implement their disarmament obligations violates the fundamental norm of *pacta sunt servanda* – the precept that agreements between sovereigns *must* be kept.¹³² The guarantee that other states will honour their

¹²⁶ E.g. Allen Buchanan and Robert O. Keohane, ‘The Legitimacy of Global Governance Institutions’, *Ethics & International Affairs*, vol. 20, no. 4, 2006; Steven Bernstein and Benjamin Cashore, ‘Can Non-State Global Governance Be Legitimate?’, *Regulation & Governance*, vol. 1, no. 4, 2007.

¹²⁷ E.g. Daniel M. Bodansky, ‘The Legitimacy of International Governance’, *The American Journal of International Law*, vol. 93, no. 596, 1999; Michael Zürn, ‘Democratic Governance Beyond the Nation-State’, *European Journal of International Relations*, vol. 6, no. 2, 2000.

¹²⁸ Mark C. Suchman, ‘Managing Legitimacy’, *Academy of Management Review*, vol. 20, no. 3, 1995, p. 574. See also Franck, *The Power of Legitimacy Among Nations*; Ian Hurd, ‘Legitimacy and Authority in International Politics’, *International Organization*, vol. 53, no. 2, 1999.

¹²⁹ The objectivist view, by contrast, would define legitimacy in accordance with philosophical first principles or some other yardstick.

¹³⁰ G.W.F. Hegel, *Grundlinien der Philosophie des Rechts*, G.J.P.J. Bolland (ed.), Leiden, A.H. Adriani, 1902, § 257. It should be noted that Hegel was deeply sceptical about the existence of *Sittlichkeit* at the international level.

¹³¹ Martin Wight, ‘International Legitimacy’, *International Relations*, vol. 4, no. 1, 1972, p. 1.

¹³² Hans Wehberg, ‘Pacta Sunt Servanda’, *American Journal of International Law*, vol. 53, no. 4, 1959, pp. 775–76.

commitments has been argued to constitute a central prerogative of statehood.¹³³ Recognition theorists have argued that while the conclusion of contracts presupposes a basic form of ‘ontological equality’ between the contracting parties, their violation constitutes a serious form of disrespect. In the Hegelian view, ‘when I break a contract I do not act merely as an atomic individual, *I violate my contract partner by denying my agreement and my implicit equality with him.*’¹³⁴

‘Delegitimisation’, as I use it here, refers to the gradual depletion of a social arrangement’s legitimacy. There are two mechanisms that might lead to delegitimisation. First, delegitimisation can result from broader normative change. Practices such as slavery and colonialism, for example, were long viewed as legitimate by influential governments and people, but were then gradually undermined by the emerging norms of human dignity and national self-determination. Second and more important for the purposes of this study, delegitimisation can result from ineptitude or breach of contract. If a social arrangement is not able to meet its stakeholders’ expectations, chances are that its legitimacy will drop.

The stability of the nuclear regime depends on the credibility of ‘inclusive disarmament’. Several factors influence the credibility of this concept. The NWSs’ willingness to engage in negotiations and dialogue is an obvious indicator. NWSs’ spending on nuclear weapons is another. Rhetorical commitment to the goal of a world without nuclear weapons is a third. One of the most important factors influencing the legitimacy of the regime, however, is *time*. As long as the NWSs are not seen to be in the immediate process of getting rid of their weapons, the very passage of time will reduce the regime’s credibility as an agent of change. If enough time passes without meaningful progress towards the elimination of the distinction between ‘haves’ and ‘have-nots’, pressures for institutional adaptation will inevitably surface. As the ‘hydraulic model’ of motivation predicts, actors’ resolve to make changes is animated by a gradual build-up of drive that – as when a water reservoir is slowly filled up and eventually bursts under pressure – sooner or later reaches a breaking point after which action becomes inescapable.¹³⁵

Prior to the onset of a crisis of legitimacy, most non-aligned states will be eager to maintain the regime’s recognition order by engaging in cooperative behaviour. They will thus be willing to overlook tribulations for the sake of maintaining a sense of concord. Once a crisis of legitimacy sets in, however, NNWSs will be less willing to paper over differences with the NWSs, preferring to highlight them instead. Relatedly, Clark et al. argue that processes of delegitimisation tend to follow a pattern by which disgruntled stakeholders first assign blame for poor regime performance to *non-compliant actors* and later towards the *regime as such*; ‘the social condemnation otherwise directed

¹³³ Daniel Philpott, *Revolutions in Sovereignty*, Princeton, NJ, Princeton University Press, p. 27.

¹³⁴ Williams, *Hegel’s Ethics of Recognition*, p. 155. Emphasis added.

¹³⁵ Kent C. Berridge, ‘Motivation Concepts in Behavioral Neuroscience’, *Psychology & Behavior*, vol. 81, no. 2, 2004.

at actors in violation of the regime comes instead to feed back into diminishing expectations about the viability of the regime itself.¹³⁶ The history of the nuclear regime offers an excellent case for assessing this hypothesis.

3.2 Critical Juncture

Judging by the institutional history of the nuclear regime, a moment of re-legitimation will buy the disarmament framework at least five years of institutional stasis before demands for reform again become acute. The speed of the process of delegitimation depends on the behaviour of key actors: While general compliance fosters stability, non-compliance stimulates a more rapid process of erosion. Either way, once the credibility of 'inclusive disarmament' is in serious doubt, the regime encounters a critical juncture. At this point, concessions by the NWSs will avert the need for adaptation. If, for example, the NWSs promise to immediately open multilateral negotiations on a topic deemed to be important, disgruntled NNWSs might be appeased. But if the NWSs continue to act in ways that perpetuate or sharpen the nuclear hierarchy, a crisis of legitimacy and resultant institutional adaptation becomes inevitable.

It should be noted here that the regime's stakeholders will interpret events and developments in somewhat different ways. Different states will thus arrive at the point at which they view the regime as 'morally unacceptable' at slightly different times. This aspect of contingency means that it is difficult give precise estimates about exactly how much stress it takes to produce a critical juncture or crisis.¹³⁷ Yet, states' perceptions of moral acceptability are to a large extent shaped by international debates and shared political narratives. States' assessment of the regime's legitimacy, in other words, is intersubjectively constructed in dialogue with other states. The arrival of a crisis of legitimacy occurs when a politically significant number of states have subscribed to a narrative that the status quo is intolerable. For various reasons, certain states will hold considerably more sway than others in the creation and spread of such narratives. States such as India, Mexico, Sweden, Yugoslavia, and South Africa have at various times been looked to as leaders among the non-aligned states.¹³⁸

Theoretically, a critical juncture may be understood as a 'contingent breakpoint that launches a reactive sequence' – a chain of events that unfold in a near deterministic fashion.¹³⁹ The

¹³⁶ Ian Clark et al., 'Crisis in the Laws of War? Beyond Compliance and Effectiveness', *European Journal of International Relations* 2017 (early view), p. 12.

¹³⁷ Compare Andrew J. Nathan, 'Foreseeing the Unforeseeable', *Journal of Democracy*, vol. 24, no. 1, 2013, p. 20.

¹³⁸ Compare Marianne Hanson, 'The Advocacy States', *Nonproliferation Review*, vol. 17, no. 1, 2010.

¹³⁹ James Mahoney, 'Path Dependence in Historical Sociology', *Theory and Society*, vol. 29, no. 4, 2000, p. 528.

concept of critical juncture is a key concept of historical institutionalism. Giovanni Capoccia and Daniel Kelemen define critical junctures as follows:

We define critical junctures as *relatively* short periods of time during which there is a *substantially* heightened probability that agents' choices will affect the outcome of interest. By '*relatively* short periods of time', we mean that the duration of the juncture must be brief relative to the duration of the path-dependent process it instigates (which leads eventually to the outcome of interest). By '*substantially* heightened probability', we mean that the probability that agents' choices will affect the outcome of interest must be high relative to that probability before and after the juncture.¹⁴⁰

In the field of multilateral nuclear disarmament, critical junctures have corresponded to points in time when the immediate behaviour of the NWSs – whether they act decisively to maintain the regime's legitimacy or continue along a 'non-compliant' path – determines whether the regime is thrown into a crisis of legitimacy or not. An example discussed in Chapter 3 is the NPT review conference in 1975. Taking place at the tail end of a sustained series of failed attempts at disarmament after the adoption of the NPT, the 1975 conference was a make-or-break event. As it turned out, the NWSs met the NNWSs with a 'stonewalling approach' and were reluctant even to reaffirm the binding nature of article VI.¹⁴¹ The effect was that the NNWSs could no longer reasonably describe themselves as 'partners equal in waiting'. This, in turn, challenged their very identities as sovereign members of international society, making radical countermeasures necessary. Had the NWSs been accommodating and cooperative at the 1975 RevCon, however, the first wave of expansion would probably have been held off or at least less ambitious.

The argument above implicitly relies on a counterfactual. Counterfactual thought experiments – imagining what would have happened if a different choice had been made at a certain point in time – are often used to analyse critical junctures.¹⁴² While several methodological criteria and rules for assessing critical junctures are available,¹⁴³ it should be kept in mind that the identification of critical junctures will always be theoretically driven and consequently liable to bias. Nevertheless, counterfactual analysis will be used throughout this thesis as a means of assessing critical junctures. As the literature on the use of counterfactuals in historical research highlights, the main methodological aspiration is to make the counterfactual as 'grounded' as possible. That implies supporting it with generalisations (evidence of how real historical events have unfolded in

¹⁴⁰ Giovanni Capoccia and R. Daniel Kelemen, 'The Study of Critical Junctures', *World Politics*, vol. 59, no. 3, 2007, p. 348. Emphasis in original.

¹⁴¹ See William Epstein, *The Last Chance*, London, The Free Press, 1976, p. 246.

¹⁴² Capoccia and Kelemen, 'The Study of Critical Junctures', p. 343.

¹⁴³ See e.g. Jack S. Levy, 'Counterfactuals, Causal Inference, and Historical Analysis', *Security Studies*, vol. 24, no. 3, 2015; Martin Bunzl, 'Counterfactual History', *American Historical Review*, vol. 109, no. 3, 2004.

a similar way to the imagined one) and to show that the imagined choices that led to the alternative course of history were rational and/or reasonable in the context in which they were made.¹⁴⁴

3.3 Crises of Legitimacy and Institutional Adaptation

A crisis of legitimacy, Reus-Smit theorises, occurs when a social arrangement's legitimacy 'declines to the point where it must either adapt (by reconstituting or recalibrating the social bases of its legitimacy, or by investing more heavily in material practices of coercion or bribery) or face disempowerment.'¹⁴⁵ Crises of legitimacy in the nuclear regime – and, by extension, the nuclear order – have occurred when lack of progress on inclusive nuclear disarmament has so undermined the credibility of the regime as a vehicle of future equality that the NNWSs party to the NPT have experienced an unacceptable mismatch between their self-descriptions and the realities they are faced with – a phenomenon Reinhard Wolf refers to simply as 'disrespect'.¹⁴⁶ Institutional contestation and change may be understood as attempts at countering such disrespect through 'struggling for recognition'. Aimed at resisting nuclear hierarchy, institutional contestation in the multilateral nuclear disarmament framework may also be understood as a 'sovereignty practice', as discussed in the introduction.

Any social arrangement is 'subject to lapses from efficient, rational, law-abiding, virtuous, or otherwise functional behaviour.' In such cases, Albert Hirschman argues, the stakeholders of the social arrangement in question have three options: 'loyalty', 'voice', and 'exit'.¹⁴⁷ If the 'lapses' are thought to be temporary or minor, stakeholders are likely to remain loyal. But if the lapses are more serious, stakeholders might either criticise (voice) and/or defect from (exit) the arrangement. Although Hirschman developed his model for the study of customer loyalty, the logic can be extended to international institutions. If Hirschman's model is correct, we would expect serious 'lapses' from the nuclear recognition order to foster acute criticism and threats of exit from the NPT. A crisis of legitimacy in the nuclear order, in other words, is likely to see states revert from loyalty to voice and/or exit. What would this look like?

'Voice' may be understood as a broad category of behaviours including both verbal and non-verbal communication. Using the term interchangeably with 'protest', Hirschman defines voice as 'any attempt at all to change, rather than to escape from, an objectionable state of affairs'.¹⁴⁸

¹⁴⁴ Martin Bunzl, 'Counterfactual History', *American Historical Review*, vol. 109, no. 3, 2004.

¹⁴⁵ Reus-Smit, 'International Crises of Legitimacy', p. 157.

¹⁴⁶ See Reinhard Wolf, 'Respect and Disrespect in International Politics', *International Theory*, vol. 3, no. 1, 2011, p. 106.

¹⁴⁷ Albert O. Hirschman, *Exit, Voice, and Loyalty*, Cambridge, MA, Harvard University Press, 1974.

¹⁴⁸ Hirschman, *Exit, Voice, and Loyalty*, p. 30.

According to this definition, institutional contestation are sub-phenomena of the broader phenomenon of voice. But the most obvious way of using voice is to articulate opposition verbally. We would expect crises of legitimacy to foster more heated rhetoric than periods of relative stability. As in most diplomatic settings, states' official communication in multilateral nuclear forums is usually cordial. Use of strong language – 'apartheid', 'hegemony', 'arrogance' – should be interpreted as signs of low legitimacy.¹⁴⁹ Not all legitimacy rhetoric should be taken at face value, however.¹⁵⁰ States often do not mean what they say. Sometimes, justice language is used instrumentally to pander to domestic or international audiences or to dress up unspeakable ambitions.¹⁵¹ Rhetoric must be 'pattern matched' with other relevant variables.

Voice may also be communicated non-verbally. Indeed, states have at their disposal a 'repertoire' of *diplomatic signalling*.¹⁵² For example, decisions to call envoys home, pull out of negotiations, or block consensus on conference communiqués are universally recognised in the diplomatic community as means of signalling dissatisfaction. Hirschman defines voice as efforts to 'change' an objectionable state of affairs. To this we might add efforts to prevent the objectionable state of affairs from getting worse. In the nuclear regime, the central legitimacy challenge – the 'objectionable state of affairs' – is the imbalance in the rights and obligations assigned to the nuclear 'haves' and 'have-nots', respectively. We would thus further expect crises of legitimacy to reduce NNWSs' willingness to accept deepening obligations on 'their' side of the NPT bargain, that is, additional non-proliferation obligations.¹⁵³ In a materialist perspective, it would arguably be inconceivable for states committed to non-proliferation to oppose enhanced non-proliferation safeguards. In a recognition perspective, however, it could make sense for states to forego such apparent pareto efficient alterations of the regime for the sake of broader principles.

'Exit' also encompasses a broad category of behaviours. The most obvious way of exercising exit is to withdraw from the NPT. Short of defecting from the regime, however, states might *threaten* to exit. A threat might be argued to sort under the category of voice, but the classification itself is not important here. A threat of exit – whether conceptualised as voice or exit – can only be interpreted as a signal of grave dissatisfaction. In the absence of economic or national security interests to defect, threatening to withdraw from a regime enjoying widespread legitimacy would be unthinkable.

¹⁴⁹ Compare Marco Fey, Aviv Melamud, and Harald Müller, 'The Role of Justice in Compliance Behavior', *International Negotiation*, vol. 19, no. 3, 2014, p. 465.

¹⁵⁰ See Andrew Hurrell, *On Global Order*, Oxford, Oxford University Press, 2007, p. 79.

¹⁵¹ See e.g. Wyn Bowen, Matthew Moran, and Dina Esfandiary, *Living on the Edge*, London, Palgrave Macmillan, 2016, pp. 77, 109–10.

¹⁵² Alisher Faizullaev, 'Diplomacy and Symbolism', *The Hague Journal of Diplomacy*, vol. 8, no. 2, 2013, p. 92.

¹⁵³ See Nina Rathbun, 'The Role of Legitimacy in Strengthening the Nuclear Non-Proliferation Regime', *Nonproliferation Review*, vol. 13, no. 2, 2006.

Arguably the most dramatic way in which NNWSs might exercise exit is to ‘go nuclear’.¹⁵⁴ Any state that openly acquires nuclear weapons or demonstrates nuclear-weapon capability – whether party to the NPT or not – challenges the hierarchy enshrined by the NPT. I do not mean to suggest that low regime legitimacy is necessarily a direct cause of proliferation, but rather that low legitimacy makes deviant behaviour easier to justify (both internally and externally). After all, the implication of reading the NPT as a ‘grand bargain’ between ‘haves’ and ‘have-nots’ is that non-compliance by one side justifies non-compliance by the other (politically if not legally). This leads us to another potential indicator of variations in the nuclear regime’s legitimacy: When the regime’s legitimacy is high, we would expect NNWSs to react firmly to proliferation threats by supporting sanctions or other measures to punish the non-compliant NNWS. Conversely, when the legitimacy of the regime is low, that is, when NNWSs believe the NWSs have reneged on their disarmament commitments, we would expect NNWSs to be more prepared to make excuses for potential or actual proliferators, assigning the blame to the NWSs.

One might also, *prima facie*, think that the rate of accession to the NPT would offer a promising source of data. But on closer inspection, there are several reasons why the rate of accession is not a good indicator of legitimacy. Most importantly, the norm of non-proliferation is a force of its own. The gradual strengthening of the norm of non-proliferation can hardly be taken as evidence that nuclear inequality (as enshrined by the NPT) is more legitimate than before. While refusing to sign the NPT incurred few reputational costs to begin with, failing to join the NPT is today seen as highly questionable. Treaty-accession rates also correlate with variations in the ‘birth-rate’ of states, making it difficult to compare across longer periods. Another problem is that accession to multilateral conventions is often delayed for reasons of bureaucratic capacity. That makes it difficult to link accessions to specific events in the regime’s history.

The non-institutional indicators used in this thesis to identify crises of legitimacy are summarised in Table 1.

¹⁵⁴ See Jeffrey W. Knopf, ‘Nuclear Disarmament and Nonproliferation’, *International Security*, vol. 37, no. 3, 2012, p. 119.

Voice	Exit
<ul style="list-style-type: none"> - <u>Heated rhetoric</u>: NNWSs use strong language to censure the NWSs and the regime as such. - <u>Diplomatic signals of indignation</u>: NNWSs make confrontational moves to signal discontentment (e.g. block consensus on conference communiqués or call envoys home). - <u>Resistance to additional non-proliferation measures</u>: NNWSs resist additional non-proliferation measures (or enforcement) to counteract ‘imbalance’ of implementation. 	<ul style="list-style-type: none"> - <u>Nuclearisation</u>: Nuclear threshold states ‘go nuclear’/demand status as nuclear-weapon states. - <u>Tolerance of non-compliance with non-proliferation norms</u>: NNWSs are less willing to police non-compliance with non-proliferation norms, e.g. breaches of safeguard commitments. - <u>(Threats of) withdrawal</u>: NNWSs withdraw or threaten to withdraw from the NPT.

Institutional contestation has both instrumental and symbolic value for NNWSs. With respect to the instrumental function, institutional contestation is typically aimed at compelling the NWSs to acknowledge the binding nature of their disarmament commitments and the status of NNWSs as equal partners. Actively changing institutions or drawing in external authorities shatters the habitual nature of interstate diplomacy, signalling that the status quo is unacceptable.¹⁵⁵ In this perspective, institutional contestation is aimed at breathing life into the (material) process of disarmament. But contestation also has intrinsic value. Specifically, institutional adaptation manifests symbolic resistance to nuclear hierarchy, countering the erosion of the principle of sovereign equality. By opening ‘discursive space’¹⁵⁶ – both physical (i.e. the creation of new forums) and intellectual (i.e. opening discussions where the NNWSs can contribute) – the very exercise of contestation vents pressure on the regime by providing NNWSs with opportunities to act out their self-descriptions as equal, audible members of international society.

3.4 Institutional Relegitimation

The resolution of a crisis of legitimacy typically involves what Christian Reus-Smit calls ‘communicative clarification’. Crises of legitimacy, he argues, are resolved through reconciliation of the representations of the actor or regime in crisis with wider social norms and expectations.¹⁵⁷

¹⁵⁵ Egeland, ‘Punctuated Equilibrium in Multilateral Nuclear Disarmament’.

¹⁵⁶ See Kevin C. Dunn, ‘Historical Representations’, pp. 78–91 in Audie Klotz and Deepa Prakash (eds), *Qualitative Methods in International Relations*, London, Palgrave Macmillan, 2008, p. 84.

¹⁵⁷ Reus-Smit, ‘International Crises of Legitimacy’, p. 172.

In the multilateral nuclear disarmament framework, crises of legitimacy have been overcome through moments of mutual recognition between nuclear and non-nuclear states. The adoption of the NPT in 1968 codified the original recognition order. The first crisis of legitimacy was resolved through the reformation of the UN ‘disarmament machinery’ and adoption of a disarmament ‘bible’ at the first UN special session on disarmament in 1978. The second crisis was resolved through the adoption of the ‘13 practical steps’ to implement article VI at the 2000 NPT Review Conference. These were moments of presumed mutual recognition taking place after extended periods in which the NWSs’ commitment to disarmament had been in doubt.

Erik Ringmar labels the audience from which recognition is demanded the ‘circle of recognition’.¹⁵⁸ In the case of the nuclear regime, NNWSs have typically demanded recognition from the NWSs and *vice versa*. In some cases, the more abstract ‘international community’ can form a circle of recognition. But sometimes recognition from one’s preferred circle is not forthcoming even if one fights for it. In such cases, Axel Honneth claims, actors might construct ‘countercultures of compensatory respect’ to satisfy their demand for recognition elsewhere.¹⁵⁹ This is a common phenomenon in the multilateral nuclear disarmament framework. Since the NPT negotiations, NNWSs have endeavoured to spin their non-nuclear status as morally superior to retaining nuclear weapons. The NNWSs have a long history of presenting themselves not as inferior but ‘pioneers of peace’, and many disarmament initiatives have been aimed, in part, at bolstering this discourse.¹⁶⁰ Yet other initiatives are aimed, at least partly, at improving the status of those promoting the initiatives *within* the group of NNWSs.¹⁶¹

In the short term, the resolution of a crisis of legitimacy fosters institutional stasis and compliance with non-proliferation norms. By creating a semblance of progress towards disarmament, institutional expansion may have helped to avert the frequently prophesied collapse of the NPT. In the long term, however, the resolution of a crisis of legitimacy makes it even more demanding to maintain the regime’s legitimacy. Both the first and second crises of legitimacy in the nuclear regime were resolved not simply by the NWSs’ recommitment to the original NPT bargain – the crises could only be resolved by the NWSs committing to even more demanding disarmament obligations than before, obligations they were never going to keep. In this perspective, the moments of mutual recognition that resolved the first and second crises represented forced, insincere recognition. This simply added to the NNWSs’ sense of being cheated, making each crisis of legitimacy more serious than the one that preceded it. At the same time, diplomatic memory is

¹⁵⁸ Ringmar, *Identity, Interest and Action*, p. 81.

¹⁵⁹ Honneth, *The Struggle for Recognition*, p. 124.

¹⁶⁰ See Harries, ‘The Role of Article VI in Debates About the Nuclear Non-Proliferation Treaty’, p. 101.

¹⁶¹ Compare Benjamin de Carvalho and Iver B. Neumann (eds), *Small State Status Seeking*, London, Routledge, 2015.

somewhat limited. Diplomats will seldom work on the same portfolio long enough to experience more than one cycle.

In the next Chapter, I analyse the first cycle of legitimacy after the adoption of the NPT.

Chapter 3: Democratisation and Discord: Multilateral Nuclear Disarmament Diplomacy, 1969–1978

Exploring the history of multilateral nuclear disarmament diplomacy from the adoption of the NPT through most of the 1970s, this chapter identifies the nuclear regime's first 'legitimacy cycle'. The recognition order codified by the NPT quickly came under stress. Failing to convince the NNWSs that the discriminatory features of the NPT would be washed away, the bilateral arms control agreements concluded between the superpowers seemed instead to bring the nuclear hierarchy into sharper relief. As permanent 'co-chairs' of the Geneva Conference, the Soviet Union and United States were widely seen to be 'colluding' to maintain their privileges. In addition, many non-nuclear powers were deeply opposed to what they saw as attempts by major powers at restricting access to nuclear materials and technology. By the mid-1970s, the regime arrived at a critical juncture. To maintain the recognition order that legitimised NPT, the NWSs would have to prove their commitment to genuine disarmament at the NPT review conference (RevCon) in 1975. But the conference fell way short of expectations. Frustrated by the lack of progress, Yugoslavia threatened to withdraw from the NPT. But instead, Yugoslavia and other non-aligned states initiated a process to reform the multilateral nuclear disarmament framework. Eager to breathe life into the disarmament project, the non-aligned states convened a 'special session' to reform the so-called UN disarmament machinery and agree on principles for a future disarmament process. The final document adopted at the 1978 special session successfully re-legitimised the regime – albeit temporarily. Noting that 'effective measures' for nuclear disarmament were 'urgently required' and that all states 'have the right to participate on an equal footing in those multilateral disarmament negotiations which have a direct bearing on their national security',¹ the final document buttressed the non-aligned states' identities as sovereign equals.

¹ UNSSOD-I, Final Document, New York, 1978, para. 28. See also Dimitris Bourantonis, 'Democratization, Decentralization, and Disarmament at the United Nations', *The International History Review*, vol. 15, no. 4, 1993, p. 710. Compare the NAM's working paper in UN Doc. A/AC.187/55/Add.1, 1978, pp. 3–4.

1 Stasis: Hegemony and the ‘Freezing of World Power’

1.1 SALT and the Arms Race

The success of the NPT as a break on nuclear proliferation was by no means certain when the treaty was opened for signature in July 1968. Keen to signal that the superpowers were serious about their end of the NPT bargain, US President Lyndon B. Johnson announced on the very day the NPT was opened for signature that the United States and Soviet Union had agreed to initiate bilateral negotiations on the limitation of strategic weapons.² The ‘Strategic Arms Limitation Talks’ that commenced in Helsinki in November 1969 were clearly intended by the superpowers to demonstrate their commitment to the NPT’s article VI. The SALT process was first praised by numerous non-aligned states as an ‘encouraging sign of progress’.³ Even India, one of the regime’s most ardent critics and a non-party to the NPT, applauded the initiative.⁴ However, it did not take long before criticism started to appear. SALT, critics believed, was not really a disarmament effort after all.

Developed by US experts in the 1950s and 1960s, the ‘arms control paradigm’ sought not to abolish nuclear weapons but to *manage* deterrence relations.⁵ Unsurprisingly, proponents of disarmament were deeply sceptical of this approach. Arms control would ‘normalise’ nuclear armaments and freeze the international power structure, they advanced.⁶ The Tanzanian delegation to the UNGA, for example, questioned the sincerity of the superpowers’ line already in 1970:

It is apparent that the [...] major Powers are not wholly committed or sincere in their efforts to achieve complete disarmament and therefore are offering this new concept of arms control and limitations on strategic weapons. One wonders whether this is not a mere charade.⁷

The Swedish delegation, similarly, identified a growing ‘credibility gap’ between the NWSs’ words and deeds.⁸ To the extent that the stability of the nuclear regime rests on the credibility of the

² ‘Strategic’ nuclear weapons are nuclear weapons intended for use against population centres or counterforce targets (enemy nuclear weapons and infrastructure). Strategic nuclear weapons are usually distinguished from ‘tactical’ nuclear weapons, that is, weapons intended for battlefield use.

³ Yugoslavia, UNGA First Committee, 4 November 1970, p. 5. See also e.g. Morocco, UNGA First Committee, 4 November 1970, p. 2; Finland, UNGA First Committee, 11 November 1970, p. 11; Iran, UNGA First Committee, 11 November 1970, p. 12; Turkey, UNGA First Committee, 16 November 1970, p. 2.

⁴ India, UNGA First Committee, 12 November 1970, p. 4.

⁵ See e.g. Hedley Bull, *The Control of the Arms Race*, New York, NY, Praeger, 1965.

⁶ E.g. Marek Thee, ‘The Nuclear Arms Race’, *Instant Research on Peace and Violence*, vol. 6, nos 1/2, 1976, p. 20; Hedley Bull, ‘Arms Control and World Order’, *International Security*, vol. 1, no. 1, 1976, p. 5.

⁷ Tanzania, UNGA First Committee, 12 October 1970, p. 4.

⁸ Sweden, UNGA First Committee, 4 November 1970, pp. 10–11.

concept of inclusive disarmament, this was clearly a bad sign. Defenders of the arms control paradigm countered that the purpose of arms negotiations should be to maximise *security*, not necessarily disarmament.⁹ But the non-aligned states were not receptive to such arguments, claiming that security could only be achieved through abolition.¹⁰

The bilateral US–Soviet talks culminated in the adoption, on 26 May 1972, of two agreements. Together, these made up the ‘Strategic Arms Limitation Talks Agreement’ (SALT I). Both deals noted their parties’ mindfulness ‘of their obligations under Article VI of the Treaty on the Non-Proliferation of Nuclear Weapons’ in their preambles. The first and arguably most significant outcome of SALT was the Anti-Ballistic Missile (ABM) Treaty, which limited the superpowers to two anti-ballistic missile systems each. The somewhat paradoxical idea behind the ABM Treaty was that mutual vulnerability was *good*; if neither party could attack the other without risking unacceptable retaliation, chances were that they would both avoid war at almost any cost. It would also reduce the incentive to build ever more weapons to ensure an ability to get around the opponents’ defences. The second agreement was a five-year interim deal that placed a ceiling on the number of strategic missiles each side could deploy. These limitations, Luther Carter argued, offered a good example of the ‘levelling-up-to-symmetry phenomenon’, the practice of seeking ‘strategic balance’ through allowing one or both parties to scale *up* rather than down.¹¹ Balancing the superpowers capabilities, the interim deal on missiles was grounded in the same theory as the ABM Treaty: if neither party could go to war without risking total disaster, conflict would be improbable. The SALT agreements, William Walker concludes, formalised a ‘managed system of nuclear deterrence’, the second leg of the global nuclear order.¹²

The academic community’s reception of SALT was mixed. According to Franklin Long, the results of the arms control negotiations had been disappointing: ‘The world has, it is true, avoided nuclear war, but that is about all that can be said.’¹³ According to Johan Galtung, the SALT agreement was ‘neither a disarmament agreement, nor an agreement to maintain status quo, *but probably the most significant armament agreement in world history.*’¹⁴ Others were much more positive. In the view of Andrew Pierre, SALT constituted an important first step ‘towards a safer and more

⁹ E.g. United Kingdom, UNGA First Committee, 4 November 1970, p. 5.

¹⁰ E.g. Morocco, UNGA First Committee, 8 November 1972, p. 6.

¹¹ Luther J. Carter, ‘Strategic Arms Limitation (II)’, *Science*, vol. 187, no. 4177, 1975, p. 628. This phenomenon can, in part, be explained by the parties’ use of ‘bargaining chip strategies’. See Robert J. Bresler and Robert C. Gray, ‘The Bargaining Chip and SALT’, *Political Science Quarterly*, vol. 92, no. 1, 1977.

¹² William Walker, ‘Nuclear Order and Disorder’, *International Affairs*, vol. 76, no. 4, 2000, p. 703.

¹³ F.A. Long, ‘Arms Control from the Perspective of the Nineteen-Seventies’, *Daedalus*, vol. 104, no. 3, 1975, p. 5. See also Marek Thee, ‘The Nuclear Arms Race’.

¹⁴ Johan Galtung, ‘The SALT Armament Agreement’, *Security Dialogue*, vol. 3, no. 4, 1972, p. 291. Emphasis in original.

stable world order'.¹⁵ Others argued that SALT provided necessary fuel for the gradual improvement of East–West relations that had been developing since the mid-1960s and 'a *sine qua non* for continued international security'.¹⁶

The reception of SALT in the diplomatic community was cooler. Few if any non-aligned states shared the view that international security could be built on a platform of nuclear deterrence. From a rationalist perspective, this seems puzzling. In a rationalist world where states cared only about maximising their material security, we would expect at least some non-aligned states to be swayed by the arguments of scholars highlighting the potential instability of a non-nuclear world. There were certainly sound material security arguments in favour of disarmament – the status quo left the non-aligned susceptible to blackmail and humanity at risk of extinction – but there were also sound arguments in favour of deterrence. Some argued that, given the strategic advantage of rearmament in a non-nuclear world, the risk of nuclear war might in fact be greater in a non-nuclear world than in a world of stable nuclear deterrence.¹⁷ The non-aligned states' near universal preference for disarmament as the solution to the nuclear predicament, then, seems to have been conditioned by factors beyond material security concerns alone. Those concerns, I contend, were concerns with sovereign equality and justice.

The non-aligned states' criticism of SALT fell into two broad categories, one substantive and one procedural. The chief substantive grievance was that SALT, rather than washing away the distinction between 'haves' and 'have-nots' as foreseen by the NPT, seemed to solidify the nuclear hierarchy. In the words of the historian Francis Gavin, SALT 'recognized the equality of the superpowers' as nuclear sovereigns.¹⁸ But the corollary of this, of course, was that all others were relegated to something less.¹⁹ According to Dimitris Bourantonis, the Non-Aligned Movement (NAM) 'saw SALT as an institution that emerged to perpetuate the status group' and therefore as eroding the 'prestige and competence' of institutions such as the UNGA.²⁰ The adoption of SALT, in other words, did not square with the recognition order established through the NPT negotiations, according to which all states 'should work together, over time, to *dissolve* the system of deterrence'.²¹ In an article entitled 'The United Nations and the Freezing of the International

¹⁵ Andrew J. Pierre, 'The SALT Agreement and Europe', *The World Today*, vol. 28, no. 7, 1972, p. 281.

¹⁶ Benjamin S. Lambeth, 'Deterrence in the Mirv Era', *World Politics*, vol. 24, no. 2, 1972, p. 223.

¹⁷ Thomas C. Schelling, 'The Role of Deterrence in Total Disarmament', *Foreign Affairs*, vol. 40, no. 3, 1962.

¹⁸ See Francis J. Gavin, *Nuclear Statecraft*, New York, NY, Cornell University Press, 2012, p. 104.

¹⁹ Interestingly, Britain, France, and China were widely referred to in this period as the 'lesser nuclear powers'.

²⁰ Dimitris Bourantonis, *The United Nations and the Quest for Nuclear Disarmament*, Brookfield, VT, Dartmouth, 1993, p. 119.

²¹ Walker, 'Nuclear Order and Disorder', p. 708. Emphasis added.

Power Structure’, the Brazilian statesman João de Araújo Castro argued that SALT reflected a deceitful attempt at creating a hegemonic ‘director’ in charge of an unequal world order.²²

Many states welcomed the adoption of SALT I in the UNGA. But at least as many simultaneously expressed considerable disappointment.²³ A representative of Ecuador called out the ‘propaganda on the benefits of the Strategic Arms Limitation Talks’, maintaining that SALT was ‘not’ disarmament.²⁴ According to the Albanian delegation, SALT was ‘designed only to strengthen the nuclear weapons monopoly’.²⁵ Punning on the SALT acronym, the Saudis charged that the agreement had only ‘put salt on wounds’.²⁶ The superpowers simply ‘have not wanted to relinquish any of their enormous accumulation of military power’, argued the highly influential Swedish diplomat Alva Myrdal (Myrdal’s interventions would frequently be cited by other representatives in their official statements).²⁷ A large number of states were adamant that the NWSs were not complying with their disarmament commitments under the NPT.²⁸ According to the Irish delegation, which was seen as an authority on NPT matters due to the fact that it was the Irish who had initiated the NPT process, the continuing arms race weakened the credibility of the NWSs’ commitment ‘to the fulfilment of the obligation to disarmament’.²⁹ For the Indonesian delegation, ‘the results of [... SALT] have in reality been illusory as far as their effect on disarmament is concerned.’³⁰

A grievance about procedure was also evident in the non-aligned states’ critique. Alluding that they had been deprived of their roles as valued ‘partners’ in the regime, many delegations protested that SALT had been negotiated behind closed doors, offering few opportunities for NNWSs to gain insight, let alone engage in the talks. At their meeting in Georgetown in 1972, the members of the NAM agreed that ‘[t]he destiny of the world [...] should not rest with a small syndicate of states’.³¹ The NAM’s choice of the word ‘syndicate’ – commonly associated with organised crime – was undoubtedly not accidental. The Nigerian delegation to the UNGA in 1972

²² João A.A. Castro, ‘The United Nations and the Freezing of the International Power Structure’, *International Organization*, vol. 26, no. 1, 1972, pp. 160–1.

²³ E.g. Ireland, UNGA First Committee, 3 November 1972, pp. 38–9; Nigeria, UNGA First Committee, 26 October 1972, pp. 10–1; Japan, UNGA First Committee, 27 October 1972, p. 5; Brazil, UNGA First Committee, 30 October 1972, p. 9; Kenya, UNGA First Committee, 1 November 1972, p. 6; Cyprus, UNGA First Committee, 2 November 1972, p. 71.

²⁴ Ecuador, UNGA First Committee, 24 October 1974, pp. 3–4.

²⁵ Albania, UNGA First Committee, 1 November 1972, p. 43; India, UNGA First Committee, 9 November 1972, p. 5.

²⁶ Saudi Arabia, UNGA First Committee, 6 November 1974, p. 46.

²⁷ Sweden, UNGA First Committee, 2 November 1972, p. 41.

²⁸ See e.g. Sweden, UNGA First Committee, 30 October 1973, 204; Ireland, UNGA First Committee, 8 November 1973, p. 338; Venezuela, UNGA First Committee, 8 November 1974, p. 47; Yugoslavia, NPT Review Conference, 30 May 1975, p. 140.

²⁹ Ireland, UNGA First Committee, 7 November 1974, p. 47.

³⁰ Indonesia, UNGA First Committee, 8 November 1974, p. 48.

³¹ Bourantonis, *The United Nations and the Quest for Nuclear Disarmament*, p. 119.

‘could not fail to note’ that the importance of SALT ‘would have been greater had the negotiations been carried out in a less restrictive forum.’³² ‘Many countries like mine have not been able to participate’, complained the representative of Uganda.³³ The Albanian delegation argued that the adoption of SALT was simply a means of ‘deluding’ the peoples of the world about the ‘dangerous consequences flowing from this military collusion between the United States and the Soviet Union.’³⁴ According to the Mexican ambassador, Alfonso García Robles, ‘the system which for 10 years has been available to the United Nations to deal with disarmament has proved itself obviously inadequate. This applies primarily to the question of allowing all peoples of the world to make a positive contribution to this matter which is of such interest to them’.³⁵ The NNWSs, in other words, experienced a denial of recognition as genuine partners in the regime.

Despite the criticism, negotiations towards a second bilateral SALT agreement commenced quickly after the finalisation of SALT I. Continuing to resist almost any transparency – the Nixon administration believed strongly in the utility of secrecy³⁶ – the superpowers fuelled the NNWSs’ sense of marginalisation and suspicions of US–Soviet ‘complicity’ and ‘collusion’.³⁷ In striking contrast to the conventional view of the Cold War as a struggle between East and West, US and Soviet disarmament officials – who ‘were old friends and comrades’ – were widely believed to be coordinating their actions to undermine the influence of the NNWSs.³⁸ In Hedley Bull’s words, SALT II was ‘surrounded by humbug’ and would likely have little impact on the level of armaments.³⁹ According to Beth Bloomfield, SALT had ‘diminished the authority and prestige of the multilateral forum.’⁴⁰ The implication, of course, was that the authority and prestige of smaller *states* had declined. The bilateral process was even criticised by influential people in the superpowers’ closest allies. According to the UK Labour peer Wayland Young, ‘[n]ot one of the present disarmament negotiations is of any great use or interest to the United Kingdom, to Europe

³² Nigeria, UNGA First Committee, 26 October 1972, p. 11.

³³ Uganda, UNGA First Committee, 9 November 1972, p. 92. See also the statements by Ireland, UNGA First Committee, 3 November 1972; Sweden, UNGA First Committee, 2 November 1972; Gabon, UNGA First Committee, 28 October 1974, p. 53.

³⁴ Albania, UNGA First Committee, 1 November 1972, p. 42.

³⁵ Mexico, UNGA First Committee, 23 October 1972, p. 1. See also Ireland, UNGA First Committee, 3 November 1972, p. 38.

³⁶ John L. Gaddis, *The Cold War*, London, Penguin, 2005, p. 172.

³⁷ Alva Myrdal, *The Game of Disarmament*, Manchester, Manchester University Press, 1977, p. 271; Beth Bloomfield, ‘Strategic Arms Limitations’, *Proceedings of the Academy of Political Science*, vol. 32, no. 4, 1977, p. 186; Robert L. Pfaltzgraff, Jr, ‘The Rationale for Superpower Arms Control’, pp. 3–20 in William R. Kintner and Robert L. Pfaltzgraff, Jr (eds), *SALT: Implications for Arms Control in the 1970s*, 1973.

³⁸ George H. Quester, ‘Preventing Proliferation’, *International Organization*, vol. 35, no. 1, 1981, p. 228.

³⁹ Hedley Bull, ‘A View from Abroad’, *Foreign Affairs*, vol. 57, no. 3, 1978, p. 445.

⁴⁰ Beth Bloomfield, ‘Strategic Arms Limitations’, *Proceedings of the Academy of Political Science*, vol. 32, no. 4, 1977, p. 188.

or to the world at large. This is because the potentially useful ones are carried on in darkest secrecy, and those carried on openly are pointless.⁴¹

The SALT II negotiations were concluded in 1979. The central agreement was a limit to the number of offensive delivery vehicles each side could deploy at any given time. Aimed at stabilising the ‘balance of terror’, SALT II was similar to its predecessor in aims and scope. But it came to naught. Not long after the conclusion of the negotiations, the Soviet Union invaded Afghanistan to support that country’s failing communist government, which had seized power in Kabul in a *coup d’état* the year before. The Soviet invasion of Afghanistan in late 1979 shattered the détente that had developed between East and West since the mid-1960s. Declaring that the world ‘simply cannot stand by and permit the Soviet Union to commit this act with impunity’, US President Jimmy Carter instructed the US Senate to defer action on SALT II ratification.⁴² The agreement never entered into force.

The non-aligned states clearly seemed to harbour more bitterness towards the three NWSs party to the NPT than they did towards the two that were not. Despite not participating in the Geneva Conference and refusing to ratify the NPT, China and France escaped much of the criticism. For Alva Myrdal, the fact that the three original nuclear possessors had been made ‘depository powers’ of the NPT was a particular source of annoyance.⁴³ I suggest that this apparent double standard relates to the central argument of this thesis: While the three NPT states’ nuclear sovereignty had been legally ordained – subject to specific conditions – that of the other two had not (China and France were defined by the NPT as ‘nuclear-weapon states’, but had not joined the treaty). Thus, while China and France ‘only’ enjoyed *material* superiority over the NNWSs, Britain, the United States, and the Soviet Union also enjoyed *legal* superiority that could only be justified through serious efforts at disarmament.

1.2 The Geneva Conference vs the General Assembly

The NPT negotiations consumed the Geneva Conference for more than three years. After the conclusion of the negotiations in 1968, most states were eager to move on to the issue of a comprehensive prohibition on nuclear testing (CTBT). Such a treaty had been a central demand of NNWSs and peace groups since the 1950s. Both the Partial Test-Ban Treaty (PTBT) and the NPT called explicitly for the negotiation of a CTBT in their preambles. The reference in the NPT’s

⁴¹ Wayland Young, ‘Europe and Arms Control’. Speech made on 1 December 1976. Printed in *Survival*, vol. 19, no. 3, 1977, p. 125.

⁴² Jimmy Carter, ‘Address to the Nation on the Soviet Invasion of Afghanistan’, 4 January 1980, The American Presidency Project.

⁴³ Myrdal, *The Game of Disarmament*, p. 327.

article VI to negotiate ‘effective measures relating to cessation of the nuclear arms race at an early date’, moreover, was widely understood as a reference to the negotiation of a CTBT. Providing a means of undercutting the NWSs’ ability to develop new types of nuclear explosives, a comprehensive test ban was seen as a crucial disarmament measure. Many states were thus disappointed when, after the adoption of the NPT, the superpowers insisted on devoting the Conference’s time to negotiations on a treaty banning the emplacement of nuclear devices on the seabed, another non-proliferation instrument. Although few states were opposed to such a prohibition per se, many thought other issues were a lot more pressing.⁴⁴

For many NNWSs, the superpowers’ decision to ignore the majority’s call for negotiations on a CTBT fell into an emerging pattern of superpower *diktat*.⁴⁵ In fact, the negotiation of the NPT had already brought out considerable dissatisfaction among NNWSs with how the Geneva Conference and the wider ‘disarmament machinery’ operated.⁴⁶ NNWS officials complained that the great powers’ domination of the existing institutions had undermined their ability to contribute to the negotiations in a meaningful way. Pressure for reform of the Geneva Conference came from both outside and inside of the Conference.⁴⁷ From the outside, numerous states demanded a seat at the table. They saw the Conference as an exclusionary and secretive ‘disarmament club’ lacking in both representativeness (‘input legitimacy’) and transparency (‘throughput legitimacy’).⁴⁸ The 18 members of the Conference were in theory meant to act as representatives of their respective diplomatic blocs – Eastern, Western, and non-aligned – but many non-members felt insufficiently represented.

Aiming to appease the critics, the Soviet Union and United States opened a bilateral dialogue on institutional reform in early 1969. The dialogue resulted in the renaming of the Conference from the ‘Eighteen Nation Committee on Disarmament’ (ENDC) to the ‘Conference of the Committee on Disarmament’ (CCD) and the extension of membership to eight additional

⁴⁴ Myrdal, *The Game of Disarmament*, pp. 98–101.

⁴⁵ Michael J. Sullivan III, ‘Conference at the Crossroads’, *International Organization*, vol. 29, no. 2, 1975.

⁴⁶ The ENDC consisted of five states from the Western group, five states from the Eastern group, and eight non-aligned states. The West was represented by Britain, Canada, France (which boycotted the forum), Italy, and the United States. The East was represented by Bulgaria, Czechoslovakia, Poland, Romania, and the Soviet Union. These ten were the original members of the Ten Nation Disarmament Committee, which existed for four months in 1960. In 1961, eight non-aligned states were invited to join the forum and the ENDC created: Brazil, Burma, Ethiopia, India, Mexico, Nigeria, Sweden, and the United Arab Republic/Egypt.

⁴⁷ See e.g. Indonesia, UNGA First Committee, 24 November 1971, pp. 1–4; Ecuador, UNGA First Committee, 24 November 1971, pp. 6–7; Ireland, UNGA First Committee, 24 November 1971, p. 13. See also Alessandro Corradini, ‘Organizing for Peace’, *International Journal*, vol. 35, no. 2, 1980, p. 302; Alan F. Neidle, ‘The Rise and Fall of Multilateral Arms Control’, pp. 7–34 in Edward C. Luck (ed.), *Arms Control*, New York, NY, New York University, 1983, p. 30.

⁴⁸ See Sullivan, ‘Conference at the Crossroads’, p. 397; Manouchehr Fartash, ‘The “Disarmament Club” at Work’, *Bulletin of the Atomic Scientists*, vol. 33, no. 1, 1977, p. 57. On ‘input’, ‘output’, and ‘throughput’ legitimacy, see Vivien A. Schmidt, ‘Democracy and Legitimacy in the European Union Revisited’, *Political Studies*, vol. 61, no. 1, 2012, pp. 2–22.

states (Argentina, Hungary, Japan, Mongolia, Morocco, the Netherlands, Pakistan, and Yugoslavia). This expansion constituted the only change to the multilateral nuclear disarmament framework in the years between 1968 and 1975.⁴⁹ And although the expansion was popular among the non-aligned states represented in Geneva, the expansion seems, indirectly, to have impaired their diplomatic clout. As the number of non-aligned states grew from 8 to 12, it became more difficult for the non-aligned to agree on a common position. From 1962 to 1968, all proposals by non-aligned states (apart from individual statements) had been expressed in so-called ‘memorandums of eight’ that represented the non-aligned states’ common position. But after the 1969 expansion, such memorandums became rare.⁵⁰ Leading to an increase in the non-aligned bloc’s ‘solution preference heterogeneity’,⁵¹ the expansion diminished the non-aligned states’ ability to put pressure on the major powers and influence the negotiations.⁵²

There were also pressures to reform the Conference’s rules of procedure. After all, membership in the Geneva Conference was hardly synonymous with meaningful inclusion in the process of disarmament. On the contrary, what were widely seen as the most important negotiations – those on nuclear testing and strategic arms limitations – were carried out ‘in darkest secrecy’ between the superpowers. Spearheaded by India, Mexico, Sweden, and Yugoslavia, a coordinated reform movement emerged in the early 1970s.⁵³ The reformers’ most central demand was a discontinuation of the Conference’s ‘co-chair practice’, which they reckoned fell afoul of ‘the basic principle of the sovereign equality of states.’⁵⁴ The co-chair was a special arrangement through which the Soviet Union and United States permanently shared the function of chair, giving them a considerable degree of control over the Conference’s proceedings.

The co-chair arrangement had originally been proposed by India as a means of forcing the superpowers to cooperate, but soon became a symbol of their alleged collusion and abuse of power.⁵⁵ For some, the Geneva Conference was the ‘illegitimate child of the unlawful USA–USSR amours.’⁵⁶ Alva Myrdal held that it was high time for the non-aligned states to challenge the institutional privileges of the ‘omnipotent’ superpowers.⁵⁷ Alfonso García Robles thought the co-

⁴⁹ Note that a multilateral conference of non-nuclear states met shortly after the NPT’s adoption in 1968. Given that the intended purpose of the conference had been to coordinate non-nuclear states’ positions in the NPT negotiations – a purpose that was lost when the NPT was adopted earlier than anticipated – I treat it as a part of the wider NPT negotiating process.

⁵⁰ Sullivan, ‘Conference at the Crossroads’, p. 398.

⁵¹ Jeff Colgan, Robert O. Keohane, and Thijs Van de Graaf, ‘Punctuated Equilibrium in the Energy Regime Complex’, *Review of International Organizations*, vol. 7, no. 2, 2012, p. 121.

⁵² Sullivan, ‘Conference at the Crossroads’, p. 398.

⁵³ Bourantonis, ‘Democratization, Decentralization, and Disarmament at the United Nations’, p. 697.

⁵⁴ India, CCD, 29 February 1972, p. 35.

⁵⁵ See also Bourantonis, *The United Nations and the Quest for Nuclear Disarmament*, p. 71.

⁵⁶ Quoted in Avi Beker, *Disarmament without Order*, Westport, CN, Greenwood Press, 1985, pp. 93–4.

⁵⁷ See Myrdal, *The Game of Disarmament*, pp. 327–31.

chair practice ‘unheard of’ and not in keeping with ‘sovereign equality’.⁵⁸ As I argued in Chapter 2, such arguments reflect a fundamental concern with ontological security. Unequal formal arrangements challenge the idea of an international society of states that mutually recognise each other’s identities as sovereign equals.

The relationship between the non-aligned-controlled UNGA and major power-controlled Geneva Conference deteriorated over the course of the first half of the 1970s. Formed in 1960, the Geneva Conference was formally independent of the UN. Yet, the Conference received technical support from UN staff and was located inside UN premises. The non-aligned states thus felt that the Conference owed deference to the UNGA – the international community’s primary deliberative body. The superpowers, for their part, were adamant that the Conference was formally independent, and that they, the co-chairs, had the right to ignore any ‘instructions’ from external bodies. The non-aligned states’ various demands – that the Conference should be formally obliged to report on its proceedings to the UNGA; that the UNGA should have the power to determine, or at least give input to, the Conference’s priorities and agenda; and that negotiation mandates for the Geneva Conference should require a stamp of approval from the UNGA – were simply disregarded by the co-chairs.⁵⁹ The superpowers ‘turned a deaf ear’ to the calls of the non-aligned.⁶⁰

The superpowers’ unwillingness to listen to the UNGA’s increasingly desperate urgings meant that most of the world’s NNWSs were effectively cut off from meaningful participation in the governance of the nuclear order. Speaking in 1972, the delegation of Uruguay objected to the UN being ‘reduced to that of a simple spectator.’⁶¹ Iraq, for its part, complained that the superpowers’ ‘subtle procedural tactics’ had reduced the UN to a ‘toothless forum’.⁶² Brazil, which in contrast to Iraq and Uruguay had not joined the NPT, bemoaned that ‘historical experience disavows any permanent differentiation of States into a small group endowed with, on the one hand, unparalleled power and, on the other, a second category of countries condemned to the role of spectators or *protégés* of power.’⁶³ The NNWSs, in other words, experienced an uncomfortable mismatch between their aspirations for sovereign equality, on the one hand, and their marginalisation in the diplomatic process, on the other.

During the early 1970s, proposals for reform of the ‘disarmament machinery’ coalesced on the idea of convening a ‘world disarmament conference’ (WDC) – a major multilateral summit that would take up the mantle from the World Disarmament Conference hosted by the League of

⁵⁸ Mexico, UNGA First Committee, 23 October 1972, p. 3.

⁵⁹ Sergiu Verona, ‘The Geneva Disarmament Conference’, *Instant Research on Peace and Violence*, vol. 6, no. 1/2, 1976.

⁶⁰ Dimitris Bourantonis, ‘The Role of the United Nations in Disarmament and Arms Control’, *Cambridge Review of International Affairs*, vol. 8, no. 1, 1994, p. 68.

⁶¹ Uruguay, UNGA First Committee, 26 October 1972, p. 2.

⁶² Iraq, UNGA First Committee, 20 November 1970, pp. 2–3.

⁶³ Brazil, UNGA First Committee, 25 October 1971, p. 2.

Nations between 1932 and 1937. The NAM had promoted the convening of a WDC since the mid-1960s, asserting that such a conference would be the optimal place to negotiate radical disarmament measures.⁶⁴ But the major powers were unwilling. Each declaring that they would only support the convening of a WDC if all the others pledged their support, the nuclear powers could blame each other for the impasse.⁶⁵ In a 1974 statement to the Geneva Conference on behalf of the Western bloc, the British delegation argued against reform of the Geneva Conference on pragmatic grounds: 'In a climate of belief in the sovereign equality of states, it may not be congenial to have to acknowledge that some countries are bigger and more powerful than others. But it is a political reality. And the present arrangements of our Committee reflect political realities.'⁶⁶ The NWSs and their allies argued that the unequal practices of the Geneva Conference had a functional justification: Disarmament could only take place if the major powers felt in control of the proceedings. The non-aligned states would simply have to put up with being side-lined; too many cooks would spoil the broth. But this view was of course totally unacceptable to the non-aligned. As formally equal members of international society – as recognised sovereign states – the NNWSs could not accept being brushed aside.

The growing pressure on the Geneva Conference coincided with a deepening rift between the developed and developing worlds across a range of international issue areas. The non-aligned states had originally represented themselves as 'a golden bridge' between East and West,⁶⁷ but as the Cold War proceeded, the structure of the international debate changed. Over the course of the 1960s and early 1970s, the non-aligned bloc increasingly came to define itself not as an intermediary, but as an oppositional force.⁶⁸ According to a commentator writing in the mid-1970s, the NAM had 'been transformed into [...] a joint alignment against all the industrialised countries'; global politics had degenerated into a form of 'class warfare'.⁶⁹ In more positive terminology, the NAM had come to cultivate a 'politics of collective resistance' to what its members saw as neo-colonial political structures.⁷⁰ The most famous expression of this resistance was the effort to create a 'New International Economic Order' (NIEO), launched by a coalition of 77 developing states (the so-called 'Group of 77' or 'G77') at the UNGA in 1974, but the developing states' nuclear disarmament advocacy should also be seen in this light.⁷¹

⁶⁴ Sullivan, 'Conference at the Crossroads', p. 405.

⁶⁵ Sullivan, 'Conference at the Crossroads', p. 412.

⁶⁶ United Kingdom, CCD, 22 August 1974, p. 14.

⁶⁷ Cecil V. Crabb, *The Elephants and the Grass*, London, Praeger, 1965, p. 102.

⁶⁸ See Hedley Bull, 'The Revolt Against the West', pp. 217–28 in Hedley Bull and Adam Watson (eds), *The Expansion of International Society*, Oxford, Oxford University Press, 1984, p. 222. See also Andrew Hurrell, *On Global Order*, Oxford, Oxford University Press, 2007, p. 210.

⁶⁹ Robert L. Rothstein, 'Foreign Policy and Development Policy', *International Affairs*, vol. 52, no. 4, 1976, pp. 614–5.

⁷⁰ A.W. Singham and Shirley Hune, *Non-Alignment in an Age of Alignments*, London, Zed, 1986, p. 77.

⁷¹ E.g. Tariq O. Hyder, 'Inchoate Aspirations for World Order Change', *International Security*, vol. 2, no. 4, 1978.

The campaigns for economic justice, on the one hand, and for reform of the disarmament machinery, on the other, were both explicitly framed as demands for ‘democratisation’ and ‘decolonisation’ of international relations.⁷² The NWSs’ lavish spending on the arms race was cast as an *‘insult* to those peoples who lack urgent necessities’.⁷³ The politics of recognition thus entered the disarmament discourse in two ways: Not only was the NWSs’ unwillingness to engage in genuine disarmament negotiations seen as a breach of contract and denial of recognition of the NNWSs as equal sovereigns, the NWSs’ alleged egoism was portrayed as disrespectful towards poor people worldwide. Lambasting the superpowers’ alleged hegemonism, the non-aligned states frequently appealed to ‘public conscience’ and the interests of ‘humanity’. The struggle for disarmament was thus represented as an element of a broader struggle for global justice and emancipation. This was not only the case for the post-colonial states. Sweden’s disarmament ambassador, Alva Myrdal, for example, ostensibly ‘considered herself an outsider, representing small nonaligned nations, the poor, women, and the grass-roots nuclear disarmament movement.’⁷⁴

Having concluded the Seabed Treaty in 1971, the Geneva Conference moved on to the issue of abolishing chemical and biological weapons. The NNWSs’ demand for a CTBT was thus again pushed back in the queue.⁷⁵ After an initial round of talks, the major powers found that they would be hard pressed to agree on anything related to chemical weapons. They thus separated biological weapons out to be addressed first. After bilateral US–Soviet negotiations and then multilateral negotiations in Geneva, a draft convention on biological weapons was formally adopted on 10 April 1972.

After the conclusion of negotiations on biological weapons, the turn had finally come to the CTBT. Yet, as the negotiations commenced, it almost immediately became clear that the NWSs were not interested in coming to an agreement; the negotiations quickly broke down.⁷⁶ But when criticism against the superpowers’ apparent collusion ‘reached unacceptable proportions’, Bourantonis notes, ‘the United States and the Soviet Union resorted to their favourite diversionary tactic: they introduced [...] a joint draft treaty on environmental-modification warfare.’⁷⁷ A Convention on Environmental Modification of Warfare (ENMOD) had been on the international agenda since 1974, and in August 1975, the United States and Soviet Union tabled identical treaty drafts at the Geneva Conference. The Geneva negotiations lasted for about a year, resulting in a

⁷² Singham and Hune, *Non-Alignment in an Age of Alignments*, p. 346; Evard Kardelj, ‘The Historical Roots of Non-Alignment’, *Bulletin of Peace Proposals*, vol. 7, no. 1, 1976.

⁷³ Argentina, UNGA First Committee, 9 October 1970, p. 20. Emphasis added.

⁷⁴ Sondra R. Herman, ‘The Woman Inside the Negotiations’, *Peace and Change*, vol. 23, no. 4, 1998, pp. 514–30, p. 517.

⁷⁵ Myrdal, *The Game of Disarmament*, p. 209.

⁷⁶ Myrdal, *The Game of Disarmament*, p. 210.

⁷⁷ Bourantonis, ‘Democratization, Decentralization, and Disarmament at the United Nations’, p. 704.

few clarifications to the draft. ENMOD (which had nothing to do with nuclear disarmament) was adopted by the UNGA in December 1976.

There was a sense among NNWS officials that the NWSs were filibustering, introducing relatively insignificant topics for negotiation while continuing the arms race out in the real world.⁷⁸ 'Looking back at the diligent work by many delegates in Geneva and at the UN General Assembly', argued Alva Myrdal, 'the verdict must be that the great powers have kept us preoccupied with trifles.'⁷⁹ However, the NWSs' prioritisation of comparatively insignificant topics did not necessarily reflect a desire to thwart genuine disarmament. Some have understood the superpowers' prioritisation of 'easy' issues as an effort at building the mutual trust that would be necessary for more decisive steps towards disarmament in the future.⁸⁰ From the perspective of many non-aligned states, however, the superpowers' prioritisation of 'trifles' came across as a dishonest ploy.⁸¹

The superpowers also concluded two bilateral treaties on nuclear testing: the 1974 Threshold Nuclear Test-Ban Treaty (TTBT) and 1976 Peaceful Nuclear Explosions Treaty (PNET). The treaties' reception in the international community was almost universally negative.⁸² Allowing underground tests of devices ten times the size of the Hiroshima bomb, the threshold treaties were seen as 'worse than no agreement at all'.⁸³ The US and Canadian branches of the Pugwash Movement labelled the TTBT a 'mockery'.⁸⁴ Alva Myrdal called it a 'disgraceful conspiracy' designed to present the public with an image of restraint when in reality it 'strangles all attempts to reach international agreements on a total ban'.⁸⁵ The Thai delegation to the UNGA claimed in 1974 that the TTBT was a 'backward step which appears to legitimize the very underground tests we want to suspend'.⁸⁶ The Austrians, for their part, said they

would consider it as absolutely essential that the nuclear-weapon States rapidly arrive at an agreement on the cessation of all nuclear weapon tests [...]. This would be at least a small step nuclear-weapon-States could take in the direction of *eliminating some of the more glaringly discriminatory features of the non-proliferation Treaty*. The 150-kiloton threshold agreement between the Soviet Union and the United States cannot in itself be regarded as coming anywhere near that goal.⁸⁷

⁷⁸ See Bourantonis, *The United Nations and the Quest for Nuclear Disarmament*; Alva Myrdal, 'The High Price of Nuclear Arms Monopoly', *Foreign Policy*, vol. 18, Spring, 1975, p. 37.

⁷⁹ Myrdal, 'The High Price of Nuclear Arms Monopoly', pp. 36–37. Emphasis added.

⁸⁰ Emmanuel Adler, 'The Emergence of Cooperation', *International Organization*, vol. 46, no. 1, 1992.

⁸¹ Myrdal, 'The High Price of Nuclear Arms Monopoly'.

⁸² Jozef Goldblat, *Arms Control: A Guide to Negotiations and Agreements*, London, Sage, 1994, p. 45.

⁸³ William Epstein, *The Last Chance*, London, The Free Press, 1976, pp. 29–30.

⁸⁴ US and Canadian Pugwash, 'The Uncontrolled Atom', *Bulletin of the American Academy of Arts and Sciences*, vol. 28, no. 1, 1974, p. 9.

⁸⁵ Myrdal, *The Game of Disarmament*, p. 210.

⁸⁶ Thailand, UNGA First Committee, 31 October 1974, p. 38.

⁸⁷ Austria, UNGA First Committee, 4 November 1974, p. 26. Emphasis added.

As explicitly emphasised by Austria, it was vital for many NNWSs that the ‘discriminatory features’ of the existing nuclear order be progressively dismantled. Indeed, as I argued above, the understanding that the NWSs would gradually deconstruct the nuclear hierarchy was an integral part of the recognition order on which the NPT was based. SALT and the threshold treaties, however, only seemed to codify the NWSs’ hegemony.

As discussed in Chapter 2, the function of the NPT’s article VI was not primarily to solve the NNWSs’ security dilemma vis-à-vis the NWSs. More important was the ability of article VI to solve the NNWSs’ ‘recognition dilemma’, that is, to offer a promise of participation and future equality. But already by the mid-1970s, the ability of article VI to solve this dilemma looked questionable. Nuclear weapons remained symbols of power and prestige. Abolition looked distant. In an unusually candid 1973 statement, the Swedish UNGA delegation explicitly highlighted the ‘status dimension’ of disarmament:

A particular problem lies in the fact that no attempt at all has been made to reduce the prestige of nuclear weapons in international relations. As I have stated before in the CCD [the Geneva Conference], the political status value attached to the possession of these weapons is one main reason for the resentment felt by several non-nuclear-weapon states against nuclear-weapon states for refusing to give up something themselves which they try to keep others from acquiring.⁸⁸

For Sweden and other NNWSs, the problem with nuclear inequality was not just that it made them militarily insecure; few NNWSs would be able to compete militarily with the NWSs even if the latter did not have nuclear weapons. Instead, the problem with legalised nuclear inequality was that it implied a hierarchy of prestige and entitlement that was seen to contradict the principle of equality. In addition, the prestige value of nuclear weapons would make both non-proliferation and disarmament Sisyphean tasks. The arms control measures of the early 1970s might have made the world safer, but they had completely failed to provide the NNWS with recognition as equal sovereigns.

1.3 India’s Peaceful Nuclear Explosion

A momentous development took place in 1974. On 18 May, India became the world’s sixth state to detonate a nuclear device (excluding the possibility of a secret Israeli test having been carried

⁸⁸ Sweden, UNGA First Committee, 3 November 1973, p. 33.

out earlier). The test had been a ‘peaceful nuclear explosion’, said Indian officials, but the blast nevertheless ‘administered a political shock’ to the international community.⁸⁹ The concept of peaceful nuclear explosions – the use of nuclear devices for civil engineering purposes such as fashioning dams and canals – had enjoyed some acceptance in the 1950s and 1960s – indeed, the NPT obliged the NWSs to help NNWSs carry out such explosions should they demand them – but had fallen out of fashion as more information about the harmful environmental and public health consequences of nuclear detonations became available.

The Indian explosion of 1974 was a signal to the NWSs. India never actually proceeded to use nuclear explosions for civilian purposes. According to George Perkovich, the test was not primarily motivated by security calculations – India’s security environment ‘had not worsened’ since 1964 (when China became a nuclear power) – but by concerns with India’s ‘national prowess’.⁹⁰ Domestically, the test led to a significant boost in the approval ratings of prime minister Indira Gandhi.⁹¹ The Indian academic M.S. Rajan argued that the Indian test had ‘challenged the privileged position in the international system of the Big Five as permanent members of the Security Council and as nuclear-weapons powers’, making it necessary to amend the NPT so as to ‘accord a certain privileged status’ to new nuclear powers.⁹² The Indian government highlighted its ‘sovereign equality’ and made it clear that India would ‘not accept any proposition which seeks to limit the right to conduct peaceful nuclear explosions to five states’.⁹³ It seems clear that concerns with recognition as a major power – equity with the ‘Big Five’ – was a major driver of the decision to test. The timing of the test is particularly interesting. In fact, the Indians seem to have had the capability to conduct nuclear tests for several years,⁹⁴ but it was only by the mid-1970s, when the legitimacy of the nuclear regime had dropped, that the Indians announced their nuclear capability to the world.⁹⁵ As discussed in the conceptual framework, a NNWS’ decision to overtly ‘go nuclear’ could be a symptom of a serious depletion of the nuclear regime’s legitimacy.

The Indian explosion received mixed reactions from other states. Many states were critical, seeing the test as a challenge to the norm of non-proliferation. Others expressed understanding. While urging India to place its nuclear activities under the auspices of the IAEA, Swedish officials held that the superpowers ‘will have to take their share of responsibility for developments in this

⁸⁹ Harald Müller, David Fischer, and Wolfgang Kötter, *Nuclear Non-Proliferation and Global Order*, Oxford, Oxford University Press, 1994, p. 24.

⁹⁰ George Perkovich, *India’s Nuclear Bomb*, Berkeley, CA, University of California Press, 1999, p. 177.

⁹¹ Perkovich, *India’s Nuclear Bomb*, p. 180.

⁹² M.S. Rajan, ‘India: A Case of Power without Force’, *International Journal*, vol. 30, no. 2, 1975, pp. 324–5.

⁹³ See India, UNGA First Committee, 25 October 1974, p. 67; India, UNGA First Committee, 28 October 1974, pp. 73–5.

⁹⁴ Perkovich, *India’s Nuclear Bomb*, pp. 135–40.

⁹⁵ See Perkovich, *India’s Nuclear Bomb*, p. 189.

field as long as they do not show convincingly their will to implement Article VI'.⁹⁶ A representative of Sri Lanka argued that it was 'easy to sympathize' with the Indians.⁹⁷ Regionally, the test created a painful 'recognition dilemma' for India's neighbour, Pakistan, which now felt compelled to 'match' India. For Pakistan, Richard Betts argued, 'national status and recognition are part of its security problem.'⁹⁸

2 Critical Juncture: The First NPT Review Conference

The text of the NPT was not specific about the formalities of the RevCon. Over the course of 1973, a conflict emerged between the NPT depositary states (Britain, the United States, and the Soviet Union) and a group of non-aligned states led by Mexico, Sweden, and Yugoslavia over the 'ownership' of the NPT review process. While the NWSs were keen, in the words of the head of the Arms Control and Disarmament Department at the UK Foreign Office, to create a 'manageable' process that could be 'controlled by the depositary powers without unduly alienating significant Non-Nuclear Weapon States such as Sweden and Mexico', the latter wanted to subordinate the review process to the UNGA.⁹⁹ As noted above, influential figures in the non-aligned caucus had expressed regret that they had agreed to make the NPT NWSs depositaries in the first place.¹⁰⁰ As ever, the principle at stake was the perceived 'balance of mutual responsibilities and obligations' between 'haves' and 'have-nots'.¹⁰¹ As the Swedish UNGA delegation put it in 1973: If the organisation of the review process is left to the NWSs, 'we risk strengthening the discriminatory feature inherent in the non-proliferation Treaty'.¹⁰²

As a compromise, Britain suggested that the three depositary states could organise the RevCon in partnership with Mexico, Sweden, and Yugoslavia. But the superpowers were dismissive of this idea. US officials argued that the non-aligned states should not be awarded status as 'senior partners'.¹⁰³ The Brits were thus compelled, as a telegram from London to Washington put it, to 'tactfully to smooth over hurt feelings' among the non-aligned.¹⁰⁴ In the end, the review process (including three brief preparatory meetings) was set up through a 1973 UNGA resolution tabled

⁹⁶ Sweden, UNGA First Committee, 25 October 1974, p. 6.

⁹⁷ Sri Lanka, UNGA First Committee, 11 November 1974, p. 116.

⁹⁸ Richard K. Betts, 'Incentives for Nuclear Weapons', *Asian Survey*, vol. 19, no. 11, November 1979, p. 1062.

⁹⁹ Quoted in Kristine W. Bergan, 'Roles and Rationales in the Negotiations of the First Review Conference of the Treaty of Non-Proliferation of Nuclear Weapons, 1973–1975', University of Bergen, May 2011, p. 44.

¹⁰⁰ Myrdal, *The Game of Disarmament*, p. 327.

¹⁰¹ UNGA Resolution 2028 (XX), 'Non-Proliferation of Nuclear Weapons', New York, 1965.

¹⁰² Sweden, UNGA First Committee, 30 October 1973, p. 204.

¹⁰³ Quoted in Bergan, 'Roles and Rationales in the Negotiations of the First Review Conference', p. 49.

¹⁰⁴ Quoted in Bergan, 'Roles and Rationales in the Negotiations of the First Review Conference', p. 49.

by the United States and Soviet Union. Participation in the preparatory meetings would be restricted to states represented on the IAEA Board of Governors and/or members of the Geneva Conference.¹⁰⁵ The disagreements leading up to the convening of the RevCon offer an interesting window into the politics of recognition in international politics. It seems that, for the practitioners involved, ideas about standing, entitlements, and ‘hurt feelings’ provided important pieces of background knowledge. Recognition theory formed part of the diplomatic ‘practical reason’ or *phronesis*.¹⁰⁶

Two issues were particularly divisive in the preparatory process. The first was the matter of civil society participation. The non-aligned bloc suggested that the RevCon should be open to all UN-registered civil society organisations (CSOs) and that representatives of these organisations should be allowed to address the floor. This was a radical suggestion at the time – few diplomatic arenas opened for meaningful civil society participation at the time. The NWSs and some of their allies forcefully rejected the proposal. Between the second and third preparatory committee meetings, the depositaries made intensive efforts to get the non-aligned states to back down.¹⁰⁷ The compromise outcome was that only state parties and signatories would be allowed to participate actively, but that plenary sessions and sessions of the ‘main committees’ would be open to the public. Meetings of the ‘sub-committees’, where the nitty gritty would be negotiated, would be closed. A second divisive issue during the preparatory process was the question of how the RevCon should make decisions. While most non-aligned states argued that decisions should be reached by majority voting – that way the numerically superior non-aligned states could control the outcome – the depositaries insisted on consensus or unanimity. The outcome, proposed by the Canadian delegation, was that voting could be used (two thirds qualified majority), but only after a two-day interim period during which the delegations were to make ‘every effort’ to reach consensus.¹⁰⁸

Although the RevCon was tasked with assessing the implementation of all the treaty’s provisions, ‘article VI issues’ had taken most of the attention in the run-up to the Conference.¹⁰⁹ In the years and months ahead of the RevCon, some NNWSs had even stipulated ‘red lines’ for what should be expected of the NWSs. (Pre-revolutionary) Iran, for example, had declared that 1975 was an absolute ‘deadline’ for the adoption of a CTBT.¹¹⁰ Mexico had stated that the credibility of article VI depended on the NWSs’ giving ‘convincing proof’ at the RevCon ‘that they

¹⁰⁵ UNGA, Resolution 3184 (XXVIII), ‘General and Complete Disarmament’, 1973.

¹⁰⁶ See Chris Brown, ‘The “Practice Turn”, *Phronesis* and Classical Realism’, *Millennium*, vol. 40, no. 3, 2012, pp. 439–56.

¹⁰⁷ Bergan, ‘Roles and Rationales in the Negotiations of the First Review Conference’, pp. 56–7.

¹⁰⁸ Bruce Unger, ‘The Nuclear Non-Proliferation Treaty Review Conference’, *World Affairs*, vol. 139, no. 2, 1976, p. 102.

¹⁰⁹ Mohammed I. Shaker, *The Nuclear Non-Proliferation Treaty*, London, Oceana, 1980, p. 876.

¹¹⁰ Iran, UNGA First Committee, 9 December 1971, p. 9.

have the necessary political will to ensure that their promises do not remain a dead letter.¹¹¹ Sweden similarly called for ‘concrete evidence’ of the NWSs’ ‘serious intention to pursue negotiations in good faith on effective and early measures on disarmament.’¹¹² The NPT was, as the Australians put it, at ‘a historic cross-roads’.¹¹³

The opening statements revealed a large gulf between the NWSs and many NNWSs in how they judged the disarmament record of the past seven years. The Soviet Union, for example, strongly denied that the NWSs were not fulfilling their obligations under article VI, claiming that ‘appreciable progress had been made’.¹¹⁴ Many NNWSs, however, pointed out that the number of nuclear weapons in the world had in fact *risen* since the NPT’s adoption; they claimed that the NWSs had ‘failed to honour’ their disarmament commitments.¹¹⁵ In the absence of Alva Myrdal, who had just retired, the dominant figure among the non-aligned was Mexico’s Alfonso García Robles.¹¹⁶ In the words of William Epstein, Robles was the one to lead ‘the revolt against the hegemony of the superpowers’ at the RevCon.¹¹⁷ From the point of view of disarmament advocates, the NNWSs were struggling against what they viewed as the NWSs’ subversion of the regime’s disarmament goal.

In the introduction, I argued that a neo-liberal approach to IR would expect the non-aligned states to focus their advocacy on limited arms control goals achievable in the short term, such as improving the non-proliferation architecture and/or extracting binding security assurances from the NWSs. And indeed, the issue of security assurances for NNWSs was raised by several non-aligned states (few if any calls for improved non-proliferation safeguards were made). By the time of the first RevCon, only a small subset of the non-aligned bloc had been offered binding assurances from the NWSs not to be attacked with nuclear weapons. Those security assurances had been offered through the NWSs’ ratification of Protocol II to the 1967 Treaty of Tlatelolco, the treaty establishing Latin America and the Caribbean as a nuclear-weapon-free zone. (Four of the five NWSs had ratified Tlatelolco before the 1975 RevCon. The Soviet Union ratified in 1979.) But as they had during the NPT negotiations, most non-aligned states seemed more interested in the general progress towards disarmament than in more limited measures such as security assurances. While the summary records of the RevCon contain 46 references to ‘security

¹¹¹ Mexico, UNGA First Committee, 29 October 1974, p. 31.

¹¹² Sweden, NPT Review Conference, 6 May 1975, p. 33. Liberia used the phrase ‘concrete evidence’. Liberia, NPT Review Conference, 15 May 1975, p. 180.

¹¹³ Australia, NPT Review Conference, 8 May 1975, p. 79.

¹¹⁴ Soviet Union, NPT Review Conference, 6 May 1975, pp. 17–18.

¹¹⁵ Iran, NPT Review Conference, 7 May 1975, p. 47. See also e.g. Australia, NPT Review Conference, 8 May 1975, p. 78; Nigeria, NPT Review Conference, 8 May 1975, pp. 83–4; Mexico, NPT Review Conference, 15 May 1975, p. 182; Sweden, NPT Review Conference, 6 May 1975, p. 33.

¹¹⁶ Myrdal and Robles were awarded the Nobel Peace Prize in 1982.

¹¹⁷ Epstein, *The Last Chance*, p. 249.

assurance(s)' and 'security guarantee(s)', 'disarm' and 'disarmament' appear 310 times. 'Article VI' appears 164 times.¹¹⁸

Led by Mexico, non-aligned states submitted three 'draft additional protocols' to the NPT.¹¹⁹ While draft 'Additional Protocol III' did indeed contain security assurances for NNWSs – the NWSs would pledge to refrain from 'first use' of nuclear weapons against NNWSs (art. 1) and to aid any NNWS that had 'become victim to an attack with nuclear weapons' (art. 2)¹²⁰ – protocols I and II sought to establish a formal link between specific disarmament actions by the NWSs (limits to nuclear testing and stockpile reductions) and accessions to the treaty by NNWSs.¹²¹ For example, draft Protocol II on nuclear testing proposed that the NWSs should be obliged to institute 10-year moratoria on underground nuclear testing once the number of parties to the NPT reached 100 (the treaty had 91 parties by the time of the RevCon) and that these moratoria should be extended with another three years for every five accessions on top of the first 100.

The non-aligned were met with stark opposition from the superpowers. While Britain ostensibly attempted to extend recognition of the NNWSs by stressing that the NPT's parties 'were *partners* in a Treaty which had already proved its success',¹²² the superpowers, as one delegate recalled, 'steadfastly refused to make even minor gestures', and, in effect, told the non-aligned states that nuclear disarmament issues 'were bilateral matters to be settled between the United States and the Soviet Union.'¹²³ The NWSs' primary negotiating tactic – agreed upon at a meeting in London prior to the RevCon – was to divert discussions away from 'political questions' in favour of 'technical' ones.¹²⁴ To many NNWS officials, the NWSs' 'stonewalling approach' came across as disrespectful.¹²⁵ Yet, the NWSs' rhetoric was not the only thing that upset NNWS officials. One of the most significant events of the RevCon did not take place in Geneva, but underground in Nevada: mid-Conference, in what some believed to be a deliberate attempt at 'humiliating' the NNWSs, the United States exploded a 380-kiloton nuclear bomb (about 25 times the size of the Hiroshima bomb) at one of its test sites.¹²⁶

¹¹⁸ NPT Review Conference, Summary Records, Geneva, 1975.

¹¹⁹ The respective papers were sponsored by slightly different groups of states, but a core group of ten states sponsored all three draft additional protocols: Bolivia, Ecuador, Ghana, Mexico, Nigeria, Peru, Romania, Sudan, Zaire, and Yugoslavia.

¹²⁰ NPT Review Conference, Draft Additional Protocol III to the Treaty on the Non-Proliferation of Nuclear Weapons', Final Document, Part II, Geneva, 12 May 1975.

¹²¹ NPT Review Conference, Draft Additional Protocols I and II to the Treaty on the Non-Proliferation of Nuclear Weapons', Final Document, Part II, Geneva, 12 May 1975.

¹²² United Kingdom, NPT Review Conference, 6 May 1975, p. 32. Emphasis added.

¹²³ Fartash, 'The "Disarmament Club" at Work', p. 61.

¹²⁴ Epstein, *The Last Chance*, p. 246.

¹²⁵ William Epstein, 'Failure at the NPT Review Conference', *Bulletin of the Atomic Scientists*, vol. 31, no. 7, 1975.

¹²⁶ Epstein, 'Failure at the NPT Review Conference', p. 46; Myrdal, *The Game of Disarmament*, p. 174.

The RevCon saw the parties reaching agreement on many questions relating to the civilian uses of nuclear technology and non-proliferation. The talks on disarmament, however, went nowhere. A particularly divisive issue was the relation between disarmament and non-proliferation. While a large number of non-aligned states held that non-proliferation was, or at least should be, dependent on disarmament,¹²⁷ the NWSs and many of their allies argued that the ‘the one should not be made a *sine qua non* condition of the success of the other’.¹²⁸ The Soviet Union’s delegation asserted that the attempt to tie non-proliferation and disarmament ‘into a single bundle’ could only ‘create further barriers in our talks’. The NPT, the Soviets alluded, was a non-proliferation treaty, not an instrument of disarmament.¹²⁹ Arguing along similar lines, the US delegation contended that ‘members should be guided not by any abstract concept concerning a balance of obligations under the Treaty’.¹³⁰ For a rationalist, such arguments might be persuasive. After all, improvements to the non-proliferation architecture – even if not coupled with specific disarmament steps – would constitute pareto efficient improvements of the regime for *all* states committed to non-proliferation. But a large number of states – including states that were seemingly fully committed not to develop nuclear weapons – were more concerned precisely about the ‘abstract concept concerning the balance of obligations’ referred to by the Americans. To avoid conflict with the ‘sovereignty and equality of states’, it was vital that disarmament be effected.¹³¹

Virtually all the scholarly accounts of the RevCon note the superpowers’ ‘negative’, ‘dismissive’, or ‘arrogant’ attitude as a critical factor in the failure of the Conference to reach a negotiated agreement.¹³² According to William Epstein, the ‘actions of the two superpowers seemed almost deliberately calculated to anger the third-world countries’.¹³³ It was ‘almost incredible’ that the NWSs ‘could have been so insensitive to the legitimate demands of the third-world countries that they live up to their treaty obligations.’ The NWSs’ behaviour came across ‘not merely as discriminatory but as a form of nuclear neo-colonialism’.¹³⁴ In the vocabulary of this

¹²⁷ E.g. Austria, NPT Review Conference, 8 May 1975, p. 89; Egypt, NPT Review Conference, 15 May 1975, p. 176; Iran, NPT Review Conference, 7 May 1975, p. 47; Mexico, NPT Review Conference, 15 May 1975, p. 182; Sweden, NPT Review Conference, 6 May 1975, p. 33; Nepal, NPT Review Conference, 12 May 1975, p. 116; Mauritius, NPT Review Conference, 12 May 1975, p. 119; Romania, NPT Review Conference, 14 May 1975, p. 277.

¹²⁸ Belgium, NPT Review Conference, 14 May 1975, p. 164. See also Bulgaria, NPT Review Conference, 13 May 1975, p. 149.

¹²⁹ Unger, ‘The Nuclear Non-Proliferation Treaty Review Conference’, p. 93.

¹³⁰ United States, NPT Review Conference, 20 May 1975, p. 200; United States, NPT Review Conference, 23 May 1975, p. 221.

¹³¹ Romania, ENDC, 19 October 1967, p. 14.

¹³² Thomas A. Halsted, ‘The Spread of Nuclear Weapons’, *Bulletin of the Atomic Scientists*, vol. 31, no. 5, 1975; Unger, ‘The Nuclear Non-Proliferation Treaty Review Conference’; Marek Thee, ‘Arms Control’, *Journal of Peace Research*, vol. 14, no. 2, 1977; John Simpson, ‘Global Non-Proliferation Policies’, *Review of International Studies*, vol. 8, no. 2, 1982; Fartash, ‘The “Disarmament Club” at Work’; Keith D. Suter, ‘The 1975 Review Conference of the Nuclear Non-Proliferation Treaty’, *Australian Outlook*, vol. 30, no. 2, 1976, pp. 322–40.

¹³³ Epstein, *The Last Chance*, p. 253.

¹³⁴ Epstein, ‘Failure at the NPT Review Conference’, p. 46.

thesis, the NWSs' behaviour provided a clear denial of recognition of the NNWSs in their roles as 'partners equal in waiting'.

The Conference broke down without a negotiated agreement. By the courteous standards of diplomatic rhetoric, the closing statement of the Group of 77 developing nations was scolding; the group 'felt a deep sense of disappointment and disillusionment at the deliberations of the Conference. Where commitment had been called for, *members had been served with complete indifference*.¹³⁵ Individual NNWSs went even further than the G77. The Romanian delegation complained that the RevCon had 'failed to treat on an equal basis all the views expressed by all the sovereign States participating in it.'¹³⁶ Yugoslavia's representative argued that

while the non-nuclear-weapon States had fulfilled their obligations under the Treaty in every respect, the nuclear-weapon States had failed to do so. [...] The non-nuclear-weapon States [...] demanded a programme of measures that would strengthen and consolidate the Treaty and enhance equality among nuclear and non-nuclear-weapon States as regards their rights and duties. [...] But] the Conference had failed to reach consensus [...] The Yugoslav Government, having regard to the above-mentioned facts, found itself obliged to re-examine its attitude towards the Treaty and to draw the corresponding conclusions.¹³⁷

Yugoslavia, in other words, openly threatened to withdraw from the NPT over the NWSs' failure, in its view, to 'enhance equality' between NWSs and NNWSs. Nigeria made a similar threat.¹³⁸ As suggested in the conceptual framework, this is precisely the type of behaviour that would be expected to occur when the legitimacy of the regime dwindles. While a 'crisis of legitimacy' had probably occurred in the eyes of the Indian leadership already the year before, the 1975 NPT RevCon marked the advent of wider crisis. (That said, the reactions of certain NNWSs to the Indian test suggests that the legitimacy of the regime was already quite low in 1974.)

Since no negotiated text had been concluded, the president, the Swedish diplomat Inga Thorsson, drafted a summary of the discussions. This summary was then incorporated in a final document accounting for the proceedings. The G77 accepted this arrangement on the condition of having its critical 'interpretative statement' and the three Mexican-drafted protocols annexed to the declaration. In later histories of multilateral nuclear diplomacy, it has sometimes been claimed, erroneously, that the 1975 RevCon succeeded in producing a 'consensus outcome'. But as others

¹³⁵ Nigeria on behalf of the G77, NPT Review Conference, 29 May 1975, p. 147. Emphasis added.

¹³⁶ Romania, NPT Review Conference, 30 May 1975, p. 144.

¹³⁷ Yugoslavia, NPT Review Conference, 29 May 1975, pp. 140–1.

¹³⁸ Nigeria, NPT Review Conference, 8 May 1975, p. 83.

have also pointed out, it did not.¹³⁹ The 1975 final document contains a summary of discussions annexed with critical interpretative statements, *not* a negotiated final declaration.

The RevCon was widely seen as a disaster for the disarmament cause. ‘No single development or event in recent years brought out with such clarity the failure of the arms control accords as the debate at the 1975 NPT Review Conference’, one analyst concluded.¹⁴⁰ The Swiss government claimed that there was urgent need to redress the ‘imbalance of rights and obligations’ between NWSs and NNWSs so as to make the regime ‘consistent with the principle of the sovereign equality of states’.¹⁴¹ Alva Myrdal simply proclaimed article VI ‘dead’.¹⁴² Its only hope of resurrection, she believed, resided in the prospect of the non-aligned states taking action on their own: ‘Up to this very moment we nonaligned powers have been too submissive’, she argued.¹⁴³ The non-aligned states ‘should exert more pressure and be less willing than hitherto to endorse partial, discriminatory, and ineffective treaties.’¹⁴⁴ Myrdal’s language brings out the NNWSs’ ‘recognition dilemma’ clearly: An actor denied recognition can either accept that she is not who she wishes to be – a sovereign equal – or she can ‘fight’ to convince the Other that she is.¹⁴⁵ Overwhelmingly, the NNWSs opted for the second alternative. Over the next few years, NNWSs broke decisively with the established practices and institutions of the multilateral nuclear disarmament framework.

Would the wave of expansion that took place from 1975 to 1978 have taken place if the NWSs had engaged constructively with the NNWSs at the RevCon? It seems highly likely that a more positive attitude by the NWSs in 1975, perhaps agreeing to watered down versions of the draft additional protocols introduced by the non-aligned states, would have reduced the demand for regime change in the years that followed. The Geneva Conference, however, would have been under pressure to reform regardless of what happened at the RevCon.

¹³⁹ Tariq Rauf, ‘Ambassador Abdallah Baali on the 2000 NPT Review Conference’, *Nonproliferation Review*, vol. 7, no. 3, 2000, pp. 1–2.

¹⁴⁰ Marek Thee, ‘Arms Control’, p. 107.

¹⁴¹ Switzerland, NPT Review Conference, 7 May 1975, p. 64.

¹⁴² Myrdal, *The Game of Disarmament*, p. 175.

¹⁴³ Myrdal, *The Game of Disarmament*, p. 326.

¹⁴⁴ Myrdal, *The Game of Disarmament*, p. 331.

¹⁴⁵ Erik Ringmar, *Identity, Interest and Action*, Cambridge, Cambridge University Press, 1996, pp. 13–4. Emphasis original.

3 Expansion: Contestation and Reform of the Disarmament Machinery

3.1 The First Crisis of Legitimacy

The NPT had established an acceptable ‘recognition order’. But many NNWSs soon came to view the compensatory package offered by the NWSs at the NPT negotiations as a sham. More precisely, the symbolic value of the package disappeared once it had lost its public credibility. Between 1975 and 1978, the nuclear regime faced a crisis of legitimacy. The main symptom of this crisis was the wave of institutional contestation and change described below. But other indicators also point to the occurrence of a crisis of legitimacy:

Voice:

- *Heated rhetoric*: The rhetoric of the NNWSs party to the NPT grew increasingly heated. By the mid-1970s, non-aligned states were describing the regime as ‘unacceptable’ and the behaviour of the NWSs as ‘a serious international breach of faith.’¹⁴⁶ (See more below.)
- *Diplomatic signals of indignation*: The 1975 NPT RevCon failed to reach consensus on a substantive final document. Unwilling to agree to what they saw as too weak language on disarmament, the non-aligned states refused to compromise. India’s peaceful nuclear explosion has also been interpreted as a diplomatic signal: if the ‘haves’ did not embark on a serious process of disarmament, the ‘have-nots’ would not support the non-proliferation endeavour.¹⁴⁷
- *Resistance to additional non-proliferation measures*: Two attempts at tightening the non-proliferation framework were made over the second half of the 1970s. First, between 1972 and 1978, overlapping groups of nuclear ‘supplier states’ (the Zangger Committee and the London Nuclear Suppliers Group) developed export guidelines for trade in nuclear materials and technology. Second, in 1977, US president Jimmy Carter proposed to restrict NNWSs’ access to plutonium. But although all committed parties to the NPT would have an interest in minimising the potential for horizontal proliferation, both initiatives were met with intense hostility from NNWSs.¹⁴⁸

¹⁴⁶ E.g. Mexico, NPT Review Conference, 6 May 1975, p. 13; Nigeria, NPT Review Conference, 8 May 1975, p. 85.

¹⁴⁷ Perkovich, *India’s Nuclear Bomb*, p. 177.

¹⁴⁸ E.g. Pierre Lellouche, ‘International Nuclear Politics’, *Foreign Affairs*, vol. 58, no. 2, 1979; Steven J. Warnecke, ‘Non-Proliferation and INFCE: An Interim Assessment’, *Survival*, vol. 21, no. 3, 1979; Müller, Fischer, and Kötter, *Nuclear Non-Proliferation and Global Order*, p. 26; Yugoslavia, UNGA First Committee, 27 October 1977, p. 62; Indonesia, UNGA First Committee, 2 November 1977, p. 26.

Exit:

- *Nuclearisation*: Beyond India's 'peaceful nuclear explosion' in 1974, no additional states declared themselves nuclear powers during the period.
- *Tolerance of non-compliance with non-proliferation norms*: Britain, the Soviet Union, and the United States were eager to put pressure on India to abandon its nuclear programme and join the NPT. But many non-aligned states offered tacit support for India's stance, blaming the NNWSs for their lack of commitment to disarmament.
- *(Threats of) withdrawal*: The mid-1970s saw the norm of non-proliferation questioned by NNWSs party to the NPT. In 1975, Yugoslavia and Nigeria threatened to exit the NPT. To my knowledge, no comparable threats were made in the preceding period.

3.2 The Non-Aligned States Regroup

In the aptly named article 'Disarmament: Thirty Years of Failure', Young maintained that the best way of promoting disarmament would be to streamline the disarmament framework by cutting down on unnecessary 'subsystems'. Young suggested that, rather than creating new forums for endless deliberations, the world's states should focus on 'the practical goals which can in fact be achieved.'¹⁴⁹ A polemicist would state that the world's states did the opposite. A first expansion, provided for in the Geneva Conference's report to the UNGA at the end 1975, came with the extension of Geneva Conference membership to East Germany, West Germany, Iran, Peru, and Zaire.¹⁵⁰ Later in the 1975/76 UNGA session, the non-aligned states pushed through a resolution mandating the establishment of an ad hoc committee composed by all UN member states to discuss the 'role of the UN' in the field of disarmament. Meeting in 1976, the committee produced a report that recommended reforms; obliged the Geneva Conference to provide more documentation of its work to the UNGA; urged a resurrection of the UN Disarmament Commission (which had been dormant for decades); and called for a restructuring and expansion of the administrative UN Secretariat for Disarmament.¹⁵¹

At the 1975 NAM Conference in Lima, convened three months after the failed NPT RevCon, the Yugoslav delegation proposed the convening of a UN 'special session' on disarmament. Such a session, it believed, would be an ideal occasion to make the disarmament

¹⁴⁹ Wayland Young, 'Disarmament: Thirty Years of Failure', *International Security*, vol. 2, no. 3, 1978, pp. 48–9.

¹⁵⁰ Bourantonis, 'Democratization, Decentralization, and Disarmament at the United Nations', p. 698.

¹⁵¹ Report of the Ad Hoc Committee on the Review of the Role of the United Nations in the Field of Disarmament, New York, 1976, pp. 7–8.

machinery more equal and democratic. As discussed above, Yugoslavia had departed the NPT RevCon with a warning that it would ‘re-examine its attitude’ to the treaty.¹⁵² But rather than withdrawing from the NPT, Yugoslavia made an energetic push for ‘normative recalibration’ through institutional reform.¹⁵³ Yugoslavia’s proposal was supported by several influential non-aligned states, including Argentina, Egypt, Mexico, and Sweden.¹⁵⁴ At a NAM conference in Colombo in 1976, the NAM collectively decided to ‘request the holding of a special session of the General Assembly as early as possible and not later than 1978’.¹⁵⁵ A resolution convening the session, co-sponsored by 68 NNWSs (mostly non-aligned states), was duly tabled at the UNGA later that year. Although the superpowers disagreed with the resolution’s content – the United Kingdom was more forthcoming¹⁵⁶ – they realised that it could not be stopped and agreed to its adoption without a vote.¹⁵⁷

According to Abraham Bargman, the convening of UNSSOD-I signalled that, ‘after a long period of acquiescence’, the non-aligned states were now eager ‘to subject the disarmament policies of the superpowers to public and critical scrutiny’.¹⁵⁸ The conference was seen by many non-aligned states as a sort of rematch of the RevCon.¹⁵⁹ The session would provide an arena for the non-aligned states to badger the NWSs about their article VI commitments and a platform for further institutional adaptations. The matter of the disarmament framework’s functionality, however, that is, its ability to produce disarmament agreements, seemed to be of secondary interest. As the analyst Unto Vesa points out, the reformers seemed more interested in ‘input’ than ‘output’. One would assume, he argues, ‘that the basic criterion in any appraisal of the fora for disarmament negotiations would be the expected outcome, i.e. to what degree one framework or another enhances progress towards disarmament’, but there was ‘little evidence to suggest that progress in arms control and disarmament could have been more substantial under a different kind of machinery’. However, ‘for many countries efficiency is not the only criterion in this respect; the equality of states and “democratisation of international relations” gets a prominent place as well.’¹⁶⁰

¹⁵² Unto Vesa, ‘The Special Session on Disarmament’, *Current Research on Peace and Violence*, vol. 1, no. 1, 1978, p. 2.

¹⁵³ Christian Reus-Smit, ‘International Crises of Legitimacy’, *International Politics*, vol. 44, nos 2–3, 2007, p. 161.

¹⁵⁴ Argentina, UNGA First Committee, 30 October 1975, pp. 32–37; Egypt, Ad Hoc Committee on the Review of the Role of the UN in the Field of Disarmament, 1 June 1975, p. 35; Mexico, UNGA First Committee, October 1975, p. 31; Romania, UNGA First Committee, 5 November 1975, p. 26; Sweden, UNGA First Committee, 3 November 1975, p. 43; Yugoslavia, UNGA First Committee, 7 November 1975, p. 11.

¹⁵⁵ Non-Aligned Movement, Final Document, Colombo, 21 August 1976, para. 139. See also US General Accounting Office, ‘United Nations Special Session on Disarmament’, Washington DC, 3 July 1979.

¹⁵⁶ United Kingdom, Ad Hoc Committee on the Review of the Role of the UN in the Field of Disarmament, 1 June 1975, p. 35.

¹⁵⁷ IAEA, ‘A Report on the UN Special Session on Disarmament’, *IAEA Bulletin*, vol. 20, no. 4, 1978, pp. 2–6.

¹⁵⁸ Abraham Bargman, ‘Nuclear Diplomacy’, *Proceedings of the Academy of Political Science*, vol. 32, no. 4, 1977, p. 166.

¹⁵⁹ Bargman, ‘Nuclear Diplomacy’, p. 167; Jane M. O. Sharp, ‘Isaiah Revisited’, *Bulletin of the Atomic Scientists*, vol. 34, no. 2, 1978.

¹⁶⁰ Vesa, ‘The Special Session on Disarmament’, p. 9.

The onset of the first wave of institutional expansion in multilateral nuclear disarmament diplomacy took place during the period known as *détente*. Taking place from the mid-1960s to 1979, *détente* designates the relative improvement in East–West relations during the middle of the Cold War.¹⁶¹ One might, in a realist perspective, contend that the expansion of the multilateral nuclear disarmament framework between 1975 and 1978 should be understood as an expression of the broader, geopolitical shifts associated with *détente*. But there are several problems with such a reading. First, the entirety of the period under consideration in this chapter – which includes periods of both institutional stasis and change – took place during *détente*. *Détente* alone is thus at best one of more conditions needed for institutional adaptation to occur. Second, the expansion of the multilateral nuclear disarmament framework was not enacted by the Eastern and Western blocs – to which *détente* applies – but by non-aligned states frustrated by the NNWSs’ alleged non-compliance with article VI. The major powers could, of course, have done more to dissuade the NNWSs from pursuing institutional reforms, but they were reluctant to do so as blocking institutional adaptation might increase the NNWSs’ resentment and thus increase the stress on the NPT even further. If anything, *détente* was significant in that it exacerbated the perception among NNWSs that the major powers were cooperating to maintain their privileges. A third and more basic problem with using *détente* to explain institutional developments in arms control and disarmament arises from a problem of endogeneity: Since historians have used precisely the occurrence of arms control and disarmament talks to define the period of *détente*, there is a danger of conflating *explanandum* and *explanans*.¹⁶²

3.3 The Special Session on Disarmament

With Yugoslavia’s Lazar Mojsov serving as president of the conference, the first UN special session on disarmament (UNSSOD-I) opened on 23 May 1978. The conference, which had been preceded by three preparatory meetings over the course of 1977, would last six weeks. All UN member states sent delegations. Most were represented at a high political level (heads of state or government or ministers for foreign affairs). Many states and groups of states submitted elaborate working papers. Argentina, Egypt, Ethiopia, Peru, Yugoslavia, and Zaire submitted a ‘Declaration on Disarmament’, in which they postulated that the arms race, ‘which is both the cause and result of

¹⁶¹ Vladimir O. Pechatnov, ‘Soviet–American Relations Through the Cold War’, pp. 107–23 in Richard H. Immerman and Petra Goedde (eds), *The Oxford Handbook of the Cold War*, Oxford, Oxford University Press, 2013, p. 107.

¹⁶² Marc Trachtenberg, ‘The Structure of Great Power Politics, 1963–1975’, pp. 482–502 in Melvin P. Leffler and Odd A. Westad (eds), *The Cambridge History of the Cold War. Volume 2: Crises and Détente*, Cambridge, Cambridge University Press, 2010; Gavin, *Nuclear Statecraft*, pp. 73–7, 104–7.

great Power rivalry, impedes the realization of the objectives of the United Nations Charter, especially those relating to the respect for sovereignty'. Taking aim directly at the arms control paradigm, the group claimed that the effort to 'maintain a strategic balance' provided the 'greatest stimulus to the global arms race'. 'The increase in weapons, especially nuclear ones, far from helping to strengthen international security, weakens and decreases it.'¹⁶³ Without passing judgement on the correctness of their claims, the non-aligned states' stated material security interests seemed to be informed by the basic premise of a demand for future equality.

The conference itself expanded the regime's *agentes*. For the first time, CSOs and research institutes were included as active participants in a central process of the regime. As discussed above, inviting CSOs to sit in on meetings and address the floor had been a preference of some of the non-aligned states in the process leading up to the NPT RevCon in 1975, but their effort to create an inclusive forum was blocked by the NWSs. In the preparatory process to the special session, however, the non-aligned did not budge.¹⁶⁴ UNSSOD-I thus became a central rallying point for both national and international CSOs advocating nuclear disarmament. According to Lawrence Wittner, it was UNSSOD-I that enabled the rise of the 'global anti-nuclear movement', a movement that has maintained its basic structure to this day.¹⁶⁵ The integration of civil society into the regime constituted one of the many institutional adaptations made during the second half of the 1970s.

On 30 June 1978, UNSSOD-I adopted a final document that provided for sweeping reforms of the so-called UN disarmament machinery. First, UNSSOD-I (re-)created the UN Disarmament Commission (UNDC). A UNDC had existed for a brief period in the 1950s, but had not been in use since then. The Commission was now resurrected and given a new mandate. Open to all members of the UN, it would complement the UNGA as a 'deliberative forum' for disarmament. Second, the UNGA First Committee was restructured. Having served as a deliberative forum for all kinds of international security questions – the First Committee had spent much of its allotted time in the 1970s on 'the question of Cyprus', 'the question of Palestine' etc. – the First Committee would now be exclusively devoted to disarmament and attendant security issues. Third, UNSSOD-I provided for the establishment of a UN 'Institute for Disarmament Research' (UNIDIR), an autonomous research establishment under the UN umbrella.¹⁶⁶ Fourth and perhaps most significantly, UNSSOD-I disbanded the CCD and replaced it with a new forum called the Committee on Disarmament (renamed the Conference on Disarmament (CD) in 1984).

¹⁶³ UNSSOD-I, 'Non-Aligned Working Document Containing the Draft Declaration, Programme of Action and Machinery for Implementation', UN doc. A/AC/.187/55/Add.1, New York, 24 January 1978.

¹⁶⁴ Bargman, 'Nuclear Diplomacy', p. 167.

¹⁶⁵ Lawrence S. Wittner, 'The Forgotten Years of the World Nuclear Disarmament Movement, 1975–78', *Journal of Peace Research*, vol. 40, no. 4, 2003.

¹⁶⁶ UNSSOD-I, Final Document, New York, 1978, para. 125.

This updated version of the Geneva Conference – which would serve as a forum for negotiating new treaties – would be made up of the 31 members of the CCD plus an additional nine states. After multilateral consultations, Algeria, Australia, Belgium, China, Cuba, Indonesia, Kenya, Sri Lanka, and Venezuela joined. The new forum would remain formally detached from the UN, but had to report to, and consider the recommendations made by, the UNGA. Unless otherwise decided, plenary meetings would be open to the public (to listen in but not speak).¹⁶⁷ Changing the regime's *modus*, the hated co-chair system was abolished in favour of an egalitarian rotation formula whereby the duties of the chair would rotate alphabetically among all members. The new system, the non-aligned states exulted, would 'reflect the basic principle of the sovereign equality of states'.¹⁶⁸

Regime effectiveness – a regime's ability to produce the results it was formally established to produce – is seen by neo-liberals as the crucial variable for explaining institutional adaptation.¹⁶⁹ On the face of it, this fits the first wave of expansion in the multilateral nuclear disarmament framework. Officially, the reforms of 1975–1978 were all justified as measures to facilitate the abolition of nuclear weapons. But effectiveness was hardly the reformers' only or even primary aim. Indeed, it could have been easily predicted in advance that some of the reforms would have a negative effect on the regime's effectiveness. The reform and expansion of the Geneva Conference, for example, would obviously make the diplomatic process in that forum more cumbersome as well as increase the number of 'veto players'.¹⁷⁰ The damaging effects of expansion had in fact been pointed out already after the limited increase in membership in 1969.¹⁷¹ But this did not appear to dampen the non-aligned states' desire for a further widening of the forum's membership.¹⁷²

The number of nuclear weapons in existence throughout the world continued to grow for almost another decade after the first wave of institutional expansion. Bourantonis argues straightforwardly that the reforms 'damaged' any potential for 'serious negotiations' on nuclear disarmament.¹⁷³ However, as discussed above, 'for many countries efficiency is not the only criterion' for judging institutions. Instead, the 'equality of states' and 'democratisation of international relations' were key aspirations.¹⁷⁴ And while the non-aligned states' attempts at bolstering the regime's effectiveness were mostly unsuccessful – or arguably had a negative effect

¹⁶⁷ UNSSOD-I, Final Document, New York, 1978, para. 120.

¹⁶⁸ Bourantonis, 'Democratization, Decentralization, and Disarmament at the United Nations', p. 697.

¹⁶⁹ Robert O. Keohane, *After Hegemony*, Princeton, NJ, Princeton University Press, 1984; Caroline Fehl, *Living with a Reluctant Hegemon*, Oxford, Oxford University Press, 2012.

¹⁷⁰ See Jon Hovi and Detlef F. Sprinz, 'The Limits of the Law of the Least Ambitious Program', *Global Environmental Politics*, vol. 6, no. 3, 2006, p. 31.

¹⁷¹ Sullivan, 'Conference at the Crossroads'.

¹⁷² Jozef Goldblat, 'The Role of the United Nations in Arms Control', *Arms Control*, vol. 7, no. 2, 1986, p. 129.

¹⁷³ Bourantonis, *The United Nations and the Quest for Nuclear Disarmament*, pp. 65, 122.

¹⁷⁴ Vesa, 'The Special Session on Disarmament', p. 9.

– their quest for ‘democratising’ the regime was triumphant, at least in a legalistic sense. The reforms bolstered the NNWSs’ formal standing within the regime.

I have recorded 11 changes to the multilateral nuclear disarmament framework occurring in the period from 1969 to 1978. Except for the 1969 expansion in the Geneva Conference membership, all changes occurred over the four-year period from 1975 to 1978.

Table 2: Summary of Institutional Adaptations, 1969–1978				
Initiative	<i>Locus</i>	<i>Modus</i>	<i>Agentes</i>	<i>Res</i>
1969: Expansion of the Geneva Conference (8 additional states)			✓	
1975: Expansion of the Geneva Conference (5 additional states)			✓	
1976: Ad hoc committee on the role of the UN in disarmament	✓			
1978: First UN Special Session on Disarmament	✓		✓	
1978: Reform of the Geneva Conference (the CD replacing the CCD)	✓	✓	✓	
1978: (Re-)establishment of the UNDC	✓			
1978: Restructuring of the UNGA First Committee	✓			
1978: Establishment of UNIDIR			✓	

4 Relegitimation: Codifying the NPT Bargain

As discussed in Chapter 2, the legitimacy of the nuclear regime depends, in part, on the ability of the NNWSs’ to credibly describe themselves as ‘partners equal in waiting’. The regime’s legitimacy, in other words, relies on elements of substantive (future equality) and procedural (meaningful participation) justice. The following paragraphs explore how these two elements of justice were satisfied through the wave of institutional expansion between 1975 and 1978.

4.1 Adopting the Disarmament ‘Bible’

At UNSSOD-I, the NWSs agreed to a final document with far-reaching implications for the multilateral nuclear disarmament framework. In pro-disarmament circles, the document was soon dubbed the disarmament ‘bible’.¹⁷⁵ In terms of substance, the core of the final document was a ‘Decalogue’ of priorities in the field of disarmament.¹⁷⁶ Nuclear disarmament ‘in all its aspects’ was established as the first commandment.¹⁷⁷ During the NPT negotiations in the 1960s and at the 1975

¹⁷⁵ See John Simpson, ‘The UN’s Role in Disarmament’, *Contemporary Security Policy*, vol. 15, no. 1, 1994, p. 58.

¹⁷⁶ The description of the document’s hierarchy of priorities as a ‘Decalogue’ was introduced by Alfonso García Robles (Mexico, UNGA First Committee, 1 October 1979, p. 37).

¹⁷⁷ See Alfonso G. Robles, ‘Foreword’ to Jack Homer, *Disarm or Die*, New York, NY, World Conference on Religion and Peace, 1983, p. 11.

RevCon, the NWSs and their allies had been reluctant to acknowledge a link, whether normative or empirical, between non-proliferation and disarmament. The UNSSOD-I final document went far towards codifying the political understanding that had made the NPT's adoption possible, namely that non-proliferation and disarmament were intertwined, involving reciprocal commitments by NWSs and NNWSs – the NPT 'grand bargain':

The goal of nuclear non-proliferation is on the one hand to prevent the emergence of any additional nuclear-weapon States besides the existing five nuclear-weapon States, and on the other progressively to reduce and eventually eliminate nuclear weapons altogether. This involves obligations and responsibilities on the part of both nuclear-weapon States and non-nuclear-weapon States.¹⁷⁸

Harking back to the non-aligned-initiated resolution on 'principles' for a non-proliferation treaty adopted in 1965, the UNSSOD-I final document stipulated that an 'acceptable balance of mutual responsibilities and obligations for nuclear and non-nuclear weapon States should be strictly observed.'¹⁷⁹ Quoting the NPT's article VI, the conference also acknowledged that the implementation of 'effective measures' for nuclear disarmament was urgently required.¹⁸⁰ With respect to the process of disarmament, the final document recognised the NNWSs as legitimate stakeholders and partners in the global nuclear order: All peoples of the world 'have a vital interest in the success of disarmament negotiations' and all states 'have the right to participate on an equal footing in those multilateral disarmament negotiations which have a direct bearing on their national security.'¹⁸¹

The non-aligned states, and indeed most advocates of nuclear disarmament, lauded the special session as a great diplomatic victory.¹⁸² According to a US official, the non-aligned states 'attached a totally disproportionate importance' to the UNSSOD-I final document.¹⁸³ Swedish diplomats asserted that 'new ground has been broken, new approaches have been introduced, and involvement in our efforts has greatly increased. Thus the special session has given new impetus to the disarmament effort.'¹⁸⁴ The disarmament machinery had been 'rendered more democratic

¹⁷⁸ UNSSOD-I, Final Document, New York, 1978, para. 65.

¹⁷⁹ UNSSOD-I, Final Document, New York, 1978, para. 30.

¹⁸⁰ UNSSOD-I, Final Document, New York, 1978, para. 4.

¹⁸¹ UNSSOD-I, Final Document, New York, 1978, para. 28. See also Bourantonis, 'Democratization, Decentralization, and Disarmament at the United Nations', p. 710. Compare the NAM's working paper: UNSSOD-I A/AC.187/55/Add.1, 1978, pp. 3–4.

¹⁸² See e.g. Mexico, UNGA First Committee, 16 October 1978, p. 6; Nigeria, UNGA First Committee, 18 October 1978, p. 8; Burundi, UNGA First Committee, 24 October 1978, p. 12; Costa Rica, UNGA First Committee, 18 October 1978, p. 18; Peru, UNGA First Committee, 23 October 1978, p. 3.

¹⁸³ Rosemary Righter, *Utopia Lost*, New York, NY, The Twentieth Century Fund Press, 1995, p. 223.

¹⁸⁴ Sweden, UNGA First Committee, 20 October 1978, p. 22.

and representative’, said a Yugoslav diplomat, welcoming the dawn of a ‘process of genuine disarmament.’¹⁸⁵ According to the Philippines, the ‘historic’ session had not only been ‘the greatest gathering ever to be seized with the question [of disarmament], but also one of the most important and hopeful.’¹⁸⁶ From the perspective of the many activists and CSOs that attended conference, the final document was ‘excellent’.¹⁸⁷ Philip Noel-Baker, who had been awarded the Nobel Peace Prize for his disarmament activism in 1959, described the UNSSOD-I final document as nothing short of ‘the greatest state paper of all time.’¹⁸⁸

One may wonder why the NWSs accepted a final document with so strong language on disarmament. Bourantonis speculates that the NWSs were wary of non-aligned states withdrawing from the NPT if the former were not more obliging. ‘A negative attitude by the superpowers’, he argues, would ‘have left the non-aligned states feeling that the basic bargain that persuaded them to sign the Non-Proliferation Treaty is being violated’, possibly leading to defections from the non-proliferation regime.¹⁸⁹ For the US administration, the then-US official Joseph Nye explained, engagement in the multilateral disarmament process functioned as a means of securing a more cooperative climate for non-proliferation negotiations and of lessening the ‘prestige motivations that might lead states to acquire nuclear weapons’.¹⁹⁰ Others maintained that the NWSs had not actually agreed to anything radical. Frank Barnaby, for example, argued that, for all its embellishment, the UNSSOD-I final document was short on specific commitments and enforcement mechanisms.¹⁹¹ There was no guarantee that the lofty ideals the document set out would be kept. But from the perspective of the non-aligned states, the important thing was that the symbolic ‘balance of mutual responsibilities and obligations’ between NWSs and NNWSs had been restored within the universe of nuclear multilateral diplomacy.

4.2 Inclusion

The NPT negotiations had revealed a concern among NNWSs about being relegated to the role of mere ‘spectators’ in the process of disarmament. By the mid-1970s, these concerns were back. Mauritius, for example, complained that ‘the assertion of a new democratic spirit in international

¹⁸⁵ Yugoslavia, UNGA First Committee, 18 October 1978, pp. 36, 44.

¹⁸⁶ Philippines, UNGA First Committee, 18 October 1978, p. 2.

¹⁸⁷ Wittner, ‘The Forgotten Years’, p. 443.

¹⁸⁸ Quoted in Alfonso G. Robles, ‘Foreword’ to Jack Homer, *Disarm or Die*, New York, NY, World Conference on Religion and Peace, 1983, p. 11.

¹⁸⁹ Bourantonis, ‘Democratization, Decentralization, and Disarmament at the United Nations’, p. 708.

¹⁹⁰ Joseph S. Nye, ‘Nonproliferation: A Long-Term Strategy’, *Foreign Affairs*, vol. 56, no. 3, 1978, p. 620.

¹⁹¹ Frank Barnaby, ‘Platitudes on Disarmament’, *New Scientist*, 20 July 1978, p. 178.

life requires the [...] contribution of all States, small and large, developed and developing'.¹⁹² Along the same lines, Spain argued that the Geneva Conference's rules of procedure 'arouse a feeling of frustration which should be avoided by amending the rules of procedure so that the clear majority of States Members will no longer be mere spectators of the negotiations'.¹⁹³

Convening UNSSOD-I, the non-aligned wanted to create political space for greater involvement and advocacy by NNWSs. According to one commentator, the session provided an opportunity for the non-aligned to address their 'greatest concerns – the promotion of the United Nations itself and the reform of the disarmament machinery – whereby they would gain equality with the great powers'.¹⁹⁴ The initiative to convene UNSSOD-I was widely praised by NNWSs and various organisations.¹⁹⁵ A large number of states made statements about how the session would give NNWSs an opportunity to engage in the regime's process in a meaningful way.¹⁹⁶ Hailing the initiative of the non-aligned states, the government of Bangladesh expressed appreciation that UNSSOD-I would provide NNWSs with an opportunity to escape their consignment to the spectator box of international politics:

[T]he decision to convene the special session on disarmament, in the wake of the initiative undertaken by the non-aligned nations, holds an overwhelming significance. It offers a vital opportunity to tackle anew the fundamental problems in the field of disarmament within the full glare of international publicity and with the equal participation of all States irrevocably bound together by their common vulnerability to sudden extinction. No longer can smaller States afford to view this question from the peripheries of the process as mere spectators; nor can their role be reduced to that of exhortation.¹⁹⁷

According to Romania, it was about time that the international disarmament machinery should 'meet the requirements of the democratization of international life'.¹⁹⁸ The Philippines expressed its 'gratitude and indebtedness' to the states that had promoted the session.¹⁹⁹ The non-aligned states were clearly pleased with having pulled off the event, and the conference president, Lazar Mojsov of Yugoslavia, received heaps of praise both of his own person and of his country.²⁰⁰

¹⁹² Mauritius, UNGA First Committee, 21 October 1975, p. 57.

¹⁹³ Spain, UNGA First Committee, 31 October 1977, p. 26.

¹⁹⁴ Bourantonis, 'Democratization, Decentralization, and Disarmament at the United Nations', p. 703.

¹⁹⁵ Bargman, 'Nuclear Diplomacy', p. 166.

¹⁹⁶ See e.g. Argentina, UNGA First Committee, 2 November 1976, pp. 60–1; Mauritius, UNGA Plenary, 3 November 1976, p. 21; Iran, UNGA First Committee, 11 November 1976, p. 51; Algeria, UNGA First Committee, 16 November 1976, p. 46.

¹⁹⁷ Bangladesh, UNGA First Committee, 2 November 1977, p. 12.

¹⁹⁸ Romania, UNGA First Committee, 26 October 1978, p. 36.

¹⁹⁹ Philippines, UNGA First Committee, 18 October 1978, p. 11.

²⁰⁰ E.g. Indonesia, UNSSOD-I, PV.11, 31 May 1978, p. 205.

The non-aligned states' contestation of the unequal nuclear order in the second half of the 1970s provided them with opportunities to assert their agency and presence. Based, as a Mojsov put it to the UNGA in 1972, on 'resistance to the policy or imperialism and hegemony', the NAM saw 'the struggle for disarmament' as a fight for their 'sovereign and inalienable rights'.²⁰¹ Giving NNWSs the opportunity to act out their self-descriptions as sovereign 'partners' in the regime, the very act of pursuing institutional adaptations ventilated their frustrations, helping to resolve the crisis of legitimacy. 'Thanks to their activities and initiatives, the non-aligned countries have become *a recognised, indispensable and irreplaceable factor* in the United Nations', Mojsov argued.²⁰² Egypt, which played a leading role at the conference alongside Yugoslavia, ratified the NPT a few years later. A link between these facts seems highly plausible. 'Instead of seeking the glory of an Arab bomb', Maria Rublee argues, 'Egypt sought the glory of leading the nonproliferation effort'. Quoting a diplomat, Rublee notes that '[s]ome say that states pursue nuclear weapons for the glitter factor. For Egypt, the glitter factor was transferred over to using the UN and taking a leadership role diplomatically'.²⁰³ As discussed in Chapter 2, a similar process seems to have taken place in Sweden in the 1960s.

5 Conclusion

The recognition order established through the NPT negotiations quickly came under pressure. Not only were the non-aligned states excluded from participating in the negotiations viewed to be of greatest significance, the arms control measures adopted by the superpowers were seen to further entrench the nuclear hierarchy. Contrary to what one might expect based on rationalist IR theory, the non-aligned states were deeply suspicious of the arms control measures adopted by the superpowers; while the academic community was split on the question of the SALT agreements' contribution to international peace and security – many held that SALT was crucial for the maintenance of peace – the non-aligned caucus was not. The 'colluding' United States and Soviet Union were seen to be engaged in practices of neo-colonial domination to the detriment of both international justice and human safety. To restore the NPT recognition order, the non-aligned states sought to reinvigorate the disarmament process and 'democratise' the multilateral nuclear disarmament framework. While pressure from CSOs and grassroots movements appear to have been quite marginal in the 1970s compared to the preceding and succeeding decades, the

²⁰¹ Yugoslavia, UNGA First Committee, 27 October 1972, p. 8.

²⁰² Lazar Mojsov, *Dimensions of Non-Alignment*, Belgrade, Jugoslavenska Stvarnost, 1981, p. 214. Emphasis added.

²⁰³ Maria R. Rublee, *Nonproliferation Norms*, Athens, GA, University of Georgia Press, 2009, p. 104.

‘invocation of the “third world masses”, whether real or imaginary’, was a central justification for the expansion of the regime.²⁰⁴ The membership of the Geneva Conference was expanded to include more non-aligned states (although at 40, the membership was still quite limited), and the co-chair was abolished in favour of an egalitarian arrangement. The role of the UNGA was strengthened vis-à-vis the negotiating forum in Geneva. A second deliberative forum, the UN Disarmament Commission, was resurrected.

The first wave of institutional adaptation in the multilateral nuclear disarmament framework had at least three significant consequences, two intentional and one unintentional. First, greater ‘democratisation’ of the disarmament machinery temporarily boosted the regime’s ‘input’ and ‘throughput’ legitimacy, temporarily relegitimising the nuclear hierarchy.²⁰⁵ From a liberal perspective, it may be seen as something of an irony that many of the states that promoted increased international ‘democratisation’ were not themselves democracies.²⁰⁶ But in a conservative legal perspective, there is arguably no contradiction between domestic authoritarianism and a demand for ‘democracy’ at the international level. It matters not, in this view, whether the ‘sovereign’ is constituted by the people or monopolised by a tyrant.

A second outcome of the first wave of institutional contestation and change was the reification of what over time became known as the NPT ‘grand bargain’, the idea that the NPT is based on a contractual exchange of pledges of non-proliferation (by the NNWSs) for disarmament and facilitation of peaceful uses of nuclear energy (by the NWSs). Through the UNSSOD-I final document, the NWSs recommitted to the goal of a world free of nuclear weapons and, by implication, the elimination of the legal hierarchy between ‘haves’ and ‘have-nots’ codified by the NPT. It should be pointed out, however, that the nuclear powers’ commitment to disarmament remained rhetorical and, as such, symbolic. If judged as an instrument to guarantee the physical security of the NNWSs from nuclear attack, UNSSOD-I was close to worthless. The updated negative security guarantees pledged by the NWSs at the conference (declarations that they would not attack NNWSs with nuclear weapons) were not legally binding and subject to several exceptions.²⁰⁷ From a material security-maximising perspective, the adaptations had little or no effect.

A third consequence of the first wave of expansion was unintentional: Having lost control of the multilateral institutions for disarmament, most importantly their permanent co-chair of the

²⁰⁴ Balakrishnan Rajagopal, ‘From Resistance to Renewal’, *Harvard International Law Journal*, vol. 41, no. 2, 2000, p. 532.

²⁰⁵ Compare Verona, ‘The Geneva Disarmament Conference’, p. 69.

²⁰⁶ See Hurrell, *On Global Order*, p. 82.

²⁰⁷ George Bunn, ‘The Legal Status of US Negative Security Assurances to Non-Nuclear Weapon States’, *Nonproliferation Review*, vol. 4, no. 3, 1997, p. 6.

Geneva Conference, the United States and the Soviet Union disengaged even more from the multilateral process. The expansion of the multilateral nuclear disarmament framework, in other words, led to a decline in meaningful multilateralism, as the superpowers simply opted to distance themselves from the UN. Anton Bebler puts it succinctly when he points out the following:

The optimism expressed in the final document of the First Special Session [...] was followed by setbacks, deadlocks, and by an almost complete breakdown for several years in meaningful disarmament negotiations. The ill-fated reform of the UN mechanisms did not bring about the results expected by Yugoslavia and other non-aligned states. Deprived of privileges and privacy the two superpowers withdrew almost entirely all meaningful arms control-related activities [...] into bilateral seclusion.²⁰⁸

With that foreshadowing, the next chapter turns to the multilateral nuclear disarmament process of the 1980s and 1990s.

²⁰⁸ Anton Bebler, 'Yugoslavia's Positions and Policies on Arms Control and Disarmament', *The International Spectator*, vol. 10, no. 2, 1989, p. 174.

Chapter 4: Renewing the Bargain: Multilateral Nuclear Disarmament Diplomacy, 1979–2000

The 1978 special session on disarmament was followed by a series of ‘failures’ for the non-aligned. Despite a marked improvement in East–West relations from the mid-1980s onwards, multilateral non-proliferation and disarmament conferences in 1980, 1982, 1985, 1988, 1990, and 1991 all failed to advance the cause of disarmament. At the third UN special session on disarmament, in 1988, the nuclear powers were unwilling even to re-affirm the validity of the UNSSOD-I final document – the agreement that had re-legitimised the regime after the first crisis of legitimacy. And while Moscow and Washington were eventually successful in negotiating significant arms reduction treaties (the INF was adopted in 1987 and START I in 1991), the stockpile reductions did not affect the heart of the non-aligned states’ grievance: the enduring legal distinction between ‘haves’ and ‘have-nots’. The lack of progress towards a CTBT was particularly vexing. For the non-aligned states, the negotiation of such a ban had become a symbol of the entire disarmament project – an unnegotiable moral imperative to which the NWSs had committed when signing the NPT. The NWSs’ continued unwillingness to negotiate a comprehensive test ban at the 1990 NPT RevCon fostered a crisis of legitimacy. Over the next decade, the non-aligned powers launched a series of confrontational initiatives that broke with established diplomatic practice. Perhaps the most notable of these initiatives was the authorisation of the International Court of Justice (ICJ) to publish an ‘advisory opinion’ on the legality of using or threatening to use nuclear weapons. At the NPT review and extension conference in 1995, the NWSs used both coercion and enticements to secure the indefinite extension of the treaty: While particularly bothersome non-aligned states were reportedly subjected to diplomatic strong-arm tactics, the NPT review process was significantly expanded and a series of disarmament measures adopted. But the ‘extension package’ was not enough to resolve the crisis of legitimacy. Several non-nuclear parties to the NPT threatened to withdraw from the treaty and India and Pakistan conducted a series of nuclear tests. The second crisis of legitimacy was finally resolved at the NPT RevCon in 2000. The NWSs committed ‘unequivocally’ to the complete elimination of their nuclear arsenals and agreed to a range of ‘practical steps’ to implement article VI. Codifying a moment of mutual recognition between nuclear and non-nuclear powers, the 2000 NPT RevCon final document recalibrated the regime’s symbolic balance and allowed the regime to revert to ‘normality’.

1 Stasis: The ‘Delusion’ of the Non-Aligned

1.1 Multilateral Disarmament Diplomacy in the ‘Second Cold War’

The first special session on disarmament did much to improve the legitimacy of the regime. Interestingly, the non-aligned states greeted SALT II with much greater enthusiasm than they had SALT I (and indeed what had leaked about the SALT II negotiations in the mid-1970s).¹ As discussed in Chapter 3, SALT I and II were similar in scope and aims. What had changed between the mid-1970s and the late 1970s, of course, was the normative environment in which nuclear diplomacy was enacted. After the ‘historic’ first special session, the non-aligned states were eager to spin the bilateral negotiations on strategic arms as meaningful steps towards disarmament. A representative of Uruguay, for example, stated that ‘we optimistically support and welcome the steps that have been taken towards achieving détente in international relations. We refer specifically to the Strategic Arms Limitation Talks’.² Just three years before, in 1976, the delegation of Uruguay had slammed the arms control effort as ‘useless’.³

The second NPT RevCon was convened in Geneva in the fall of 1980. The parties made significant headway on several contentious issues. To the surprise of many, the participants reached agreement on language advancing civilian nuclear cooperation and non-proliferation safeguards.⁴ However, as five years before, the non-aligned states and the NWSs were stuck on disarmament. The scholars Jozef Goldblat and Sverre Lodgaard argued that the conditions were propitious to work out a ‘uniform formula for negative security assurances’ that would be acceptable to all NWSs,⁵ but the non-aligned states were, on the whole, less interested in pushing for such assurances than in criticising the general lack of progress towards disarmament.⁶ According to John Simpson, the dominant view of the ‘present world political structure’ in the Anglo-Saxon world and the Soviet Union was that the international order was ‘hierarchical and that this gives to it desirable qualities of order, controllability, and predictability.’⁷ It is certainly possible that some non-aligned states shared this view, but if they did, they did not show it in public.

¹ E.g. Venezuela, UNGA First Committee, 17 October 1979, p. 38; Republic of Congo, UNGA First Committee, 17 October 1979, pp. 43–4.

² Uruguay, UNGA First Committee, 31 October 1979, p. 68.

³ Uruguay, UNGA First Committee, 19 November 1976, p. 26.

⁴ Harald Müller, David Fischer, and Wolfgang Kötter, *Nuclear Non-Proliferation and Global Order*, Oxford, Oxford University Press, 1994, p. 27.

⁵ Jozef Goldblat and Sverre Lodgaard, ‘Non-Use of Nuclear Weapons’, *Security Dialogue*, vol. 11, no. 2, 1980, p. 122.

⁶ John Simpson, ‘Global Non-Proliferation Policies’, *Review of International Studies*, vol. 8, no. 2, 1982, p. 80.

⁷ Simpson, ‘Global Non-Proliferation Policies’, p. 82.

Despite the apparent agreement to advance non-proliferation safeguards and nuclear technology collaboration – areas of cooperation many argued would benefit the non-aligned – the Group of 77 collectively opposed consensus on the final draft communiqué. The non-aligned states were not willing to abandon their principled stance on disarmament to advance their interests in other areas of cooperation. According to the G77's spokesperson, the NNWSs 'had faithfully observed the obligations assumed under article II' (i.e. non-proliferation). The obligations regarding disarmament, however, 'had not been respected'.⁸ Certain analysts saw the break-up of the second RevCon without agreement on a final declaration as a significant blow to the regime.⁹ In hindsight, however, the second RevCon's inability to reach consensus has been interpreted not as a sign of institutional decay or ill will, but rather as an expression of the regime's 'natural' dynamic. According to Christopher Daase, the review cycle's main function in this period (i.e. before the indefinite extension of the NPT in 1995) was the 'ritual' enactment of the regime's key bargains. In blocking consensus, the G77 did not intend to communicate a fundamental opposition to the nuclear regime as such, but rather its expectation that the implementation of article VI would improve in the future.¹⁰ In contrast to the 1975 RevCon and the 1978 UNSSOD-I, at which the very *existence* of binding disarmament obligations had seemed to be in doubt, the debate at the second RevCon revolved around the *degree* to which the NWSs had 'honoured existing contracts'.¹¹

The 'Second Cold War' intensified over the course of 1980 and 1981. Promising increased defence spending and an end his predecessor's 'pusillanimity' vis-à-vis the Soviets,¹² Ronald Reagan was sworn into office as president of the United States in January 1981. When the second UN special session on disarmament (UNSSOD-II) convened in 1982 (further special sessions had been provided for already at UNSSOD-I and are therefore not recorded as institutional expansions), relations between the superpowers were arguably at their most tense since the 1962 Cuban Missile Crisis.¹³ And in contrast to previous disarmament conferences, where the purported military utility of nuclear weapons had either been rejected (by NNWSs) or left unaddressed (by NWSs), UNSSOD-II saw several high-ranking policy makers from NWSs unapologetically endorse the deterrence doctrine.

Delivering the United Kingdom's opening statement, prime minister Margaret Thatcher opined that 'for thirty-seven years, nuclear weapons have kept the peace between East and West.

⁸ Nigeria for the G77, NPT Review Conference, 7 September 1980, p. 147.

⁹ Simpson, 'Global Non-Proliferation Policies', p. 69; Müller, Fischer, and Kötter, *Nuclear Non-Proliferation and Global Order*, p. 27.

¹⁰ Christopher Daase, 'Nonproliferation und das Studium Internationaler Legitimität', *Zeitschrift für Internationale Beziehungen*, vol. 19, no. 2, 2003, p. 353.

¹¹ Simpson, 'Global Non-Proliferation Policies', p. 80.

¹² Douglas Brinkley, *The Unfinished Presidency*, London, Penguin, 1998, p. 23.

¹³ R.P. Barston, 'Soviet Foreign Policy in the Brezhnev Years', *The World Today*, vol. 39, no. 3, 1983, p. 88.

That is a priceless achievement.¹⁴ A French representative argued that ‘nuclear deterrence has been the arm of peace wherever it comes into play’.¹⁵ Although it would hardly have come as a surprise to the audience that the leaders of the nuclear powers held such views in private, uttering them out loud at the UN was seen almost as profane.¹⁶ Just four years earlier, at the first special session, the NWSs had agreed that enduring peace and security ‘cannot be built on the accumulation of weaponry by military alliances nor be sustained by a precarious balance of deterrence’.¹⁷ The NPT, similarly, implied that nuclear deterrence was not legitimate as a permanent security strategy.¹⁸ Reagan was more conciliatory vis-à-vis the NNWSs than his British and French counterparts. Blaming the continuation of the arms race on the ‘aggressive’ Soviets, Reagan asserted that his country remained ‘deeply committed’ to arms control and disarmament.¹⁹

The NWSs’ deterrence rhetoric was not well received by the non-aligned states. Responding directly to the deterrence optimists, and echoing George Orwell’s 1945 prediction that the atomic age would usher in a ‘peace that is no peace’,²⁰ Ireland’s Prime Minister, Charles Haughey, asserted that ‘peace has no meaning and no value if it is only to be time in which we prepare for further war.’²¹ The debate reportedly grew increasingly belligerent over the course of the four-week session. In an unofficial panel debate at the UN, people in the audience – likely a mix of government officials and civil society activists – ‘were shouting at the American’ and ‘arguing with him’. The US official kept saying ‘there’s no free speech in Red Square’ to which the audience replied, ‘what else is new, but is that any reason to blow up the world?’²² The non-aligned states were strongly supported by a resurgent civil society movement. The so-called nuclear freeze movement had originated in the United States, but resonated strongly with peace groups and NNWSs across the world.²³ NATO’s and the Warsaw Pact’s build-up of intermediate range nuclear missiles in Europe since the second half of the 1970s had been vigorously resisted by CSOs and private citizens. On 12 June 1982, during the first week of UNSSOD-II, perhaps as many as one million people showed up for a nuclear freeze rally in New York City’s Central Park, making it the largest protest rally in American history.²⁴

¹⁴ Margaret Thatcher, statement to the 1982 UN Special Session on Disarmament, New York, 23 June 1982.

¹⁵ John D. Bandy, ‘Rites of Disarmament’, *Peace & Change*, vol. 18, no. 2, 1993, pp. 136–7.

¹⁶ Bandy, ‘Rites of Disarmament’.

¹⁷ UNSSOD-I Final Document 1978, para. 13.

¹⁸ William Walker, ‘Nuclear Order and Disorder’, *International Affairs*, vol. 76, no. 4, 2000, p. 708.

¹⁹ Ronald Reagan, ‘Transcript of Reagan’s UN Speech on the Nuclear Arms Race’, *New York Times*, 18 June 1982.

²⁰ George Orwell, ‘You and the Atomic Bomb’, *Tribune*, 18 October 1945.

²¹ Bandy, ‘Rites of Disarmament’, p. 137.

²² Philip M. Boffey, ‘Session on Disarmament Has Delegates in a Dither’, *New York Times*, 17 June 1982.

²³ David Cortright and Ron Pagnucco, ‘Transnational Activism in the Nuclear Weapons Freeze Campaign’, pp. 81–94 in Thomas R. Ronchon and David S. Meyer (eds), *Coalitions and Political Movements*, Boulder, CO, Lynne Rienner, 1997.

²⁴ David S. Meyer, ‘How the Cold War Was Really Won’, pp. 182–203 in Marco Giugni, Doug McAdam, and Charles Tilly (eds), *How Social Movements Matter*, Minneapolis, MN, University of Minnesota Press, 1999, p. 194.

The outcome of UNSSOD-II was meagre. The concluding document adopted by the conference reasserted the validity of the UNSSOD-I final document and praised UNSSOD-I as ‘an event of historic significance’,²⁵ but made no contributions of its own. Given the UNSSOD-II document’s concession that the ‘priorities and principles’ laid down by UNSSOD-I had ‘not been generally observed’ and that the programme of action adopted in 1978 remained ‘largely unimplemented’,²⁶ the NNWSs’ willingness to join consensus may seem strange. Presumably, most NNWSs were unwilling to block consensus at two major conferences in a row and were happy to sign on to an agreement that had at least nominally reaffirmed the UNSSOD-I final document.²⁷ In more theoretical language, we might say that the non-aligned states preferred a weak document that nominally confirmed the regime’s recognition order to the uncertainty of diplomatic confrontation. Thus, while civil society commentators and pro-disarmament academics labelled the outcome an ‘abject failure’, ‘a sad non-event’, and ‘a deeply distressing political fiasco’,²⁸ most NNWS officials were more measured in their critique, describing the outcome as ‘disappointing’ or ‘unfortunate’.²⁹ Romania held that the outcome was ‘not very satisfactory’, but attached ‘considerable political significance to the fact that that the conclusions adopted by the session unanimously and categorically reaffirmed the value of the Final Document of the first special session’.³⁰ The delegation of Kenya, similarly, opined that the session was ‘not encouraging’, but that the affirmation of the UNSSOD-I final document had been of ‘singular importance’.³¹

A handful of non-aligned states were more critical. Speaking at the UNGA session that followed UNSSOD-II, a representative of the Republic of Congo claimed that the major powers had not shown due ‘respect’ towards the interests of many the world’s states and peoples. UNSSOD-II, he argued, had clearly demonstrated the major powers’ ‘arrogance and indifference’ towards the international community.³² The Iranian government argued that the NNWSs had ‘been *humiliated* by the abuse of their trust and confidence’.³³ The Indians, for their part, accused the NWSs of ‘cynically and contemptuously’ ignoring their commitments (India remained a non-party to the NPT).³⁴ In an interview with *Alternatives*, the Swedish official Inga Thorsson scorned the United States as an ‘arrogant military power’, strongly criticising the US delegation’s refusal to even

²⁵ UNSSOD-II, Concluding Document, New York, 1982, para. 57.

²⁶ UNSSOD-II, Concluding Document, New York, 1982, para. 59.

²⁷ Homer A. Jack, *Disarm – or Die*, New York, NY, World Conference on Religion and Peace, 1983, p. 206.

²⁸ Quoted in Jack, *Disarm – or Die*, p. 216.

²⁹ E.g. Sri Lanka, UNGA First Committee, 4 November 1982, p. 58; Costa Rica, UNGA First Committee, 4 November 1982, p. 61; Libya, UNGA First Committee, 28 October 1982, p. 73; Madagascar, UNGA First Committee, 1 November 1982, p. 66; the Netherlands, UNGA First Committee, 27 October 1982, p. 52.

³⁰ Romania, UNGA First Committee, 21 October 1982, p. 28.

³¹ Kenya, UNGA First Committee, 29 October 1982, p. 31.

³² Republic of Congo, UNGA First Committee, 4 November 1982, p. 36.

³³ Iran, NPT Review Conference, 4 September 1985, p. 181. Emphasis added.

³⁴ India, UNGA First Committee, 4 November 1982, p. 11.

consider the Swedish proposal of establishing an international satellite monitoring agency that could help verify a CTBT.³⁵ Both superpowers, Thorsson maintained, had ‘quite obviously obstructed the proceedings of the Session throughout.’³⁶ Thus while the majority of NNWSs remained happy to maintain the status quo, influential non-aligned powers including India and Sweden were expressing serious disillusionment. Already a few years after the adoption of the ‘historic’ UNSSOD-I final document, the legitimacy of the regime appeared to be deteriorating. It is important to note, however, that the NNWSs’ criticism was chiefly directed towards the non-compliant behaviour of specific actors (the superpowers in particular) and not the regime as such. Following Clark et al., this observation suggests that the normative deterioration was still at an early stage.³⁷

The NNWSs’ talk of ‘humiliation’, ‘disrespect’, and ‘arrogance’ is particularly interesting in a recognition perspective. As Axel Honneth has contended, these terms would not make sense ‘were it not for the implicit reference to a subject’s claim to be granted recognition by others.’³⁸ It seems obvious, in this perspective, that the NNWSs did not just see the NWSs’ reluctance to engage in disarmament negotiations as a material security issue – that the continued existence of thermonuclear weapons posed a danger to their security – but as a slight against their dignity as partners in the disarmament process. Incidentally, ‘humiliation’ has been described as the ‘nuclear bomb of emotions’ due to its capacity to motivate radical behaviour.³⁹

1.2 An ‘Appearance of Consensus’

Apart from a continued growth in the treaty’s membership (the NPT had 91 parties at the time of the first RevCon, 119 at the second, and 130 at the third), there were few positives to report on when the NPT parties convened to assess the health of the regime in August 1985. To the chagrin of the non-aligned states, Reagan had ordered a breakup of the trilateral US–Soviet–British CTBT negotiations that had commenced during Jimmy Carter’s tenure as US president.⁴⁰ Instead, the United States had engaged the Soviet Union in bilateral negotiations on stockpile reductions, both on ‘intermediate range’ nuclear forces (in 1981) and ‘strategic’, i.e. long-range, weapons (in 1982), but had failed to generate agreement.

³⁵ Inga Thorsson and Stephen Maikowski, ‘Disarmament and Global Security’, *Alternatives*, vol. 8, no. 1982, p. 253.

³⁶ Inga Thorsson and Stephen Maikowski, ‘Disarmament and Global Security’, *Alternatives*, vol. 8, no. 1982, p. 248.

³⁷ Ian Clark et al., ‘Crisis in the Laws of War? Beyond Compliance and Effectiveness’, *European Journal of International Relations* preview 2017, p. 12.

³⁸ Axel Honneth, ‘Integrity and Disrespect’, *Political Theory*, vol. 20, no. 2, 1992, p. 189.

³⁹ Evelin G. Lindner, *Making Enemies*, London, Praeger, 2006, p. 32.

⁴⁰ Rebecca Johnson, *Unfinished Business*, Geneva, UNIDIR, 2009, p. 23.

As before, disarmament and ‘article VI issues’ proved the most contentious at the RevCon. Coordinated by Mexico, the full caucus of ‘non-aligned and neutral states’ submitted a long working paper on article VI. In it, they complained that the programme of action contained in the UNSSOD-I final document had ‘not been realized’ and that the NWSs were improving their nuclear armouries. The NWSs should ‘be reminded of their solemn undertaking under Article VI’, they asserted. Highlighting the core of their grievance, the group maintained that security ‘cannot be divided’: All states, ‘nuclear or non-nuclear alike, have an equal right to live in peace without the threat or use of force against their territorial integrity or political independence.’⁴¹ Note the precise words used by the non-aligned: Agreements were described as ‘solemn undertakings’ and the non-aligned states were asserted to have an ‘equal right’ to enjoy peace. These phrases bring out the normative underpinnings of multilateral diplomacy. Agreements were interpreted not just as instruments to effect desirable outcomes, but as symbols of respect. The use of ‘legitimacy rhetoric’ may well have been instrumental. But the instrumentalisation of such rhetoric would hardly be worthwhile were it not for the resonance of normative demands in the first place.

Later in the conference, the group submitted three draft resolutions. As discussed in Chapter 3, similar documents had been tabled also in 1975. This time, all the draft resolutions concerned article VI. Recalling the aspiration enshrined in the PTBT and NPT to accomplish the ‘discontinuance of all test explosions of nuclear weapons for all time and to continue negotiations to this end’, the first resolution demanded a reopening of CTBT negotiations ‘during the year of 1985’.⁴² The second resolution called for an ‘immediate moratorium’ on nuclear testing as a provisional measure.⁴³ (In practice, this call applied only to Britain and the United States, as the Soviet Union already had a moratorium in place. China and France were still not parties to the NPT.) Adopting language from the nuclear freeze movement, the third draft resolution called on the NWSs party to the NPT to agree, first, on a ‘complete freeze’ of the ‘production and deployment of all nuclear weapons and their delivery vehicles’ and, second, to ‘begin negotiations for substantial reductions of their existing stockpiles’. A freeze was ‘not an end in itself’, the co-sponsors held, but ‘would constitute the most effective first step for a cessation of the nuclear arms race’.⁴⁴

⁴¹ NPT Review Conference, ‘Working Paper on Article VI of the NPT’, Final Document, Part II, Geneva, 2 September 1985, p. 2.

⁴² NPT Review Conference, ‘Draft Resolution on a Comprehensive Nuclear Test Ban’, Final Document, Part II, Geneva, 17 September 1985, p. 1.

⁴³ NPT Review Conference, ‘Draft Resolution on a Nuclear Test Ban Moratorium’, Final Document, Part II, Geneva, 17 September 1985, p. 1.

⁴⁴ NPT Review Conference, ‘Draft Resolution on Nuclear-Arms Race’, Final Document, Part II, Geneva, 17 September 1985, p. 1.

Introducing the resolutions on behalf of the non-aligned, the Mexican delegation announced that the group would call a vote on the three resolutions should the conference not be able to adopt them by consensus.⁴⁵ But when the United States threatened to block consensus on a final declaration as well as to vote against the resolutions, the Mexican-led group agreed to the adoption, by consensus, of a final declaration that gestured towards the three resolutions in watered down language.⁴⁶ Announcing the NAM's decision not to press the vote, the NAM spokesperson avowed that the non-aligned states were keen to avoid 'embarking on a collision course', preferring instead to 'adopt a conciliatory approach and seek compromise.'⁴⁷ The NWSs reaffirmed their commitment to article VI and promised to make 'greater efforts to ensure effective measures for the cessation of the nuclear arms race at an early date.'⁴⁸ On the CTBT – most NNWSs' primary demand – the final declaration noted that 'certain states' (Britain and the United States) dissented from the call for the early conclusion of CTBT negotiations. On the crucial issue of the CTBT, the 1985 final document was thus at best an agreement to disagree; the text was not fully negotiated. According to one analyst, the final declaration was an empty agreement, made possible only by 'sleight of diplomatic hand'.⁴⁹

But the agreement was not entirely empty. For the NWSs and others eager to regulate trade in nuclear technology, the final document represented significant progress. In the mid-1970s, many non-aligned states had been highly resistant to the development by nuclear supplier states of 'trigger lists' for trade in nuclear technology, that is, lists of items that required particular non-proliferation safeguards to allow trade. Indonesia, for example, an NPT party, had argued in 1977 that the trigger lists were 'futile and can only weaken efforts to implement the non-proliferation regime.'⁵⁰ The chair's summary contained in the final document of the fractious 1975 RevCon had simply noted that certain nuclear suppliers had established requirements for export of nuclear materials to NNWSs. In 1985, however, when the legitimacy of the regime was higher, the NPT parties agreed that the Zangger Committee's trigger list was not only acceptable, but should be continually updated to 'take account of advances in technology.'⁵¹

Most delegations expressed satisfaction with the outcome. Despite the continued growth of the NWSs' arsenals and the inability of the RevCon to do much about it, the vast majority of

⁴⁵ Mexico, NPT Review Conference, 18 September 1985.

⁴⁶ See Paul F. Power, 'The Mixed State of Non-Proliferation', *International Affairs*, vol. 62, no. 3, 1986, p. 482.

⁴⁷ Senegal for the 'non-aligned and neutral countries', NPT Review Conference, 18 September 1985, p. 192.

⁴⁸ NPT Review Conference, Final Document, Annex I, Geneva, 25 September 1985, p. 7.

⁴⁹ Matthew E. Harries, 'The Role of Article VI in Debates About the Nuclear Non-Proliferation Treaty', PhD Thesis, King's College London, 2013, p. 197.

⁵⁰ Indonesia, UNGA First Committee, 2 November 1977, p. 26.

⁵¹ NPT Review Conference, Final Document, Annex I, Geneva, 25 September 1985, p. 5. See also James Martin Center for Nonproliferation Studies and King's College London, *NPT Briefing Book*, 2014, p. L 5.

NPT parties proclaimed the conference as a success for the cause of disarmament. In hindsight, the diplomatic community's *post hoc* representation of the document can only be described as a collective exercise in smoke and mirrors: Representatives from both New Zealand and Indonesia described the outcome as 'heartening'. 'It provides welcome assurance on the viability of multilateral disarmament discussions and negotiations', the New Zealand official claimed, adding that it 'augured well' for the future.⁵² Choosing to close its eyes to the unwillingness of 'certain states' to commit to the CTBT, Sri Lanka extolled that the NPT parties had demonstrated an 'overriding desire' to strengthen the regime in 'all' its aspects.⁵³ Kenya was 'gratified' by the RevCon outcome, asserting the final declaration was an 'indication of the wish to work together to halt and reverse both horizontal and vertical proliferation [i.e. disarmament]'.⁵⁴ Seemingly misrepresenting the final declaration, the delegation of Oman asserted that the conference had indicated a 'unanimous' desire to 'stop the proliferation of nuclear weapons, both horizontal and vertical.'⁵⁵ The RevCon had to be 'registered as a success', held the Austrians.⁵⁶ Egypt's ambassador and president of the 1985 RevCon, Mohammed Shaker, noted that the 'valuable' final declaration was 'the result of a colossal effort on the part of all the parties to the Treaty', suggesting that the NNWSs roles as 'partners' had been catered for.⁵⁷

From the perspective of the non-aligned, the outcome of the 1985 RevCon was an improvement on UNSSOD-II. Despite little or no progress towards multilateral disarmament, the NNWSs were happy to score the symbolic victory of having the NWSs recommit to the grand bargain. The NWSs' 'attitude', moreover, appears to have been more forthcoming. The recognition order could thus be maintained. In hindsight, it would appear that the quasi-consensus at the 1985 RevCon boosted the regime's legitimacy after the disappointment of UNSSOD-II, putting off a potential second crisis of legitimacy.

But not all were convinced. According to the scholars David Albright and André Carothers, the RevCon had demonstrated a 'nearly unanimous sentiment among the nonweapons states that the United States, United Kingdom, and Soviet Union are not in compliance with their obligations under Article VI'. The appearance of consensus exhibited by the final declaration was 'just that – an appearance'.⁵⁸ The final document, according to Albright and Carothers, reflected a deliberate

⁵² New Zealand, UNGA First Committee, 16 October 1985, p. 49; Indonesia, UNGA First Committee, 16 October 1985, pp. 37–8. See also e.g. Nepal, UNGA First Committee, 28 October 1985, p. 39.

⁵³ Sri Lanka, UNGA First Committee, 21 October 1985, p. 50.

⁵⁴ Kenya, UNGA First Committee, 18 October 1985, p. 38.

⁵⁵ Oman, UNGA First Committee, 23 October 1985, p. 57.

⁵⁶ Austria, UNGA First Committee, 17 October 1985, p. 12.

⁵⁷ Egypt, UNGA First Committee, 21 October 1985, p. 3.

⁵⁸ David Albright and André Carothers, 'Fragile Consensus on Non-Proliferation Treaty', *Bulletin of the Atomic Scientists*, vol. 41, no. 11, 1985, p. 8.

attempt at papering over the widening gulf between the aligned and the non-aligned. At the UNGA First Committee meeting later that year, the Peruvian delegation noted that any ‘consensus’ would ‘remain precarious so long as the nuclear Powers continue to evade their responsibility under article VI.’⁵⁹ The Indian delegation went further. Arguing that the NPT had conferred undue prestige on the NWSs, the Indians claimed that the RevCon had revealed the ‘fatuity’ of the NPT. Recent history had confirmed the Indians’ ‘well-founded fears’ that the NPT constituted ‘a charter for unrestrained vertical proliferation of nuclear weapons by the nuclear-weapon States and has conferred upon them special status and even accorded prestige for the maintenance and escalation of their nuclear arsenals.’⁶⁰ To undermine nuclear weapons as status symbols, India proposed the urgent negotiation of a treaty to prohibit the possession and use of nuclear arms.⁶¹ The Indian proposal received support from many non-aligned states, but not enough for the initiative to take off. Most non-aligned states were not yet willing to open a diplomatic process without the support of the nuclear powers.

While the fruits of the multilateral process remained questionable, 1985 saw a clear breakthrough on the bilateral US–Soviet diplomatic front: For the first time since the 1970s, the leaders of the Soviet Union and United States met in person. Moscow’s new premier, Mikhail Gorbachev, had initiated sweeping domestic reforms in the Soviet Union and was pursuing ‘a new approach’ to foreign policy.⁶² The Geneva summit of 1985 ended without tangible results, but the face-to-face had ‘sparked mutual trust’ between the two leaders.⁶³ Reagan had allegedly made a persuasive case for nuclear disarmament. Gorbachev is reported to have been quite sceptical about Reagan’s abolitionism at first, but, having thought it over, proposed in early 1986 that the superpowers should commit to abolition by the year 2000.⁶⁴

At the following summit, in Reykjavik in October 1986, Reagan and Gorbachev met to make the disarmament vision reality. Most historical accounts, supported by newly released archival material and the memoirs of people close to the two leaders, suggest that both parties were genuinely interested in coming to an agreement on total nuclear disarmament.⁶⁵ The spoiler, in the end, was Reagan’s insistence on going ahead with the Strategic Defence Initiative for missile defence (‘Star Wars’ among opponents). Reagan himself reportedly could not understand how it

⁵⁹ Peru, UNGA First Committee, 22 October 1985, p. 6.

⁶⁰ India, UNGA First Committee, 21 October 1985, p. 91.

⁶¹ India, UNGA First Committee, 21 October 1985, pp. 92–93.

⁶² Dimitri K. Simes, ‘Gorbachev: A New Foreign Policy’, *Foreign Policy*, vol. 65, no. 4.

⁶³ Jonathan Hunt and David Reynolds, ‘Geneva, Reykjavik, Washington, and Moscow, 1985–8’, pp. 151–79 in Kristina Spohr and David Reynolds (eds), *Transcending the Cold War*, Oxford, Oxford University Press, 2016, p. 155.

⁶⁴ John L. Gaddis, *The Cold War*, London, Penguin, 2005, pp. 226–32.

⁶⁵ See e.g. Hunt and Reynolds, ‘Geneva, Reykjavik, Washington, and Moscow, 1985–8’; Gaddis, *The Cold War*, pp. 230–2; William J. Perry, *My Journey at the Nuclear Brink*, Stanford, Stanford University Press, 2015 p. 179.

was possible for the Soviets to object to ‘defenses against non-existent weapons’.⁶⁶ The Soviets, for their part, will no doubt have asked themselves a version of the same question: Why would Reagan want to spend unprecedented sums of federal money on space defences against non-existent weapons if he did not expect the Soviets (and himself?) to cheat on the agreement?

Although an agreement on total disarmament proved impossible to reach due to differences over SDI, the Reykjavik summit was widely seen as the beginning of a new era in US–Soviet relations. Reykjavik was widely discussed at the UNGA, which convened just as the summit was ending. Although many delegations expressed disappointment at the lack of tangible results, virtually all governments expressed optimism and expectations that ‘radical disarmament measures’ were finally within sight.⁶⁷ But it was not to be. Putting abolition on hold, the superpowers followed up the next year by concluding the Intermediate-Range Nuclear Forces agreement (INF), a treaty eliminating ground-launched ballistic and cruise missiles of medium ranges. INF was a considerable achievement – by far the most significant arms reduction treaty to date – but fell short of the lofty visions discussed in Reykjavik the year before.

Another notable development of the mid-1980s was the negotiation of the Treaty of Rarotonga, the treaty establishing the South Pacific area as a nuclear-weapon-free zone. As the 1967 Treaty of Tlatelolco (Latin America and the Caribbean), the 1986 Treaty of Rarotonga should first and foremost be understood as a non-proliferation instrument. The agreement did include a protocol containing negative security assurances for the zonal states, but in contrast to Tlatelolco, the Rarotonga Treaty was not ratified by all the NWSs. In fact, none of the protocols containing negative security assurances for zonal states adopted since Tlatelolco have been ratified by all the NWSs (the United States has only ratified Tlatelolco. Russia/the Soviet Union has only ratified Tlatelolco and Rarotonga). Nuclear-weapon-free-zone treaties containing such protocols were concluded for Southeast Asia in 1995 (the Bangkok Treaty), Africa in 1996 (the Pelindaba Treaty), and Central Asia in 2006 (the Semei Treaty).

Linked to the development of the Rarotonga Treaty was the New Zealand government’s adoption, in 1984, of a staunchly anti-nuclear stance (New Zealand was the driving force in the negotiation of Rarotonga). The New Zealand Labour government argued that the Australia, New Zealand, United States Security Treaty (ANZUS) was an alliance between two regional states and a nuclear superpower, but not thereby a ‘nuclear alliance’, denying US warships that did not confirm

⁶⁶ Gaddis, *The Cold War*, p. 230.

⁶⁷ Austria, UNGA First Committee, 13 October 1986, p. 28. See also, for example, Canada, UNGA First Committee, 8 October 1986, p. 22; Bangladesh, UNGA First Committee, 14 October 1986, p. 61; Egypt, UNGA First Committee, 14 October 1986, p. 57; India, UNGA First Committee, 14 October 1986, p. 2; Mongolia, UNGA First Committee, 19 October 1987, p. 41; Ghana, UNGA First Committee, 15 October 1987, p. 46; Pakistan, UNGA First Committee, 16 October 1987, p. 31; Sudan, UNGA First Committee, 20 October 1987, p. 52.

that they were not carrying nuclear warheads access to New Zealand ports. The United States reacted to New Zealand's stance with great hostility, unilaterally suspending its alliance commitments to New Zealand in 1985. Intriguingly, Amy Catalinac finds that the US response fostered increased support for the anti-nuclear policies within New Zealand: 'The reaction of the United States 'gilded, hardened New Zealanders' attitudes.'⁶⁸ The United States' denial of recognition of New Zealand's 'nuclear free' status, in other words, prompted increased support for radical policies.

1.3 The 'Crisis of Multilateralism'

In contrast to UNSSOD-II, which took place at the height of the so-called Second Cold War, UNSSOD-III, convened in June 1988, took place as the Cold War was winding down.⁶⁹ On the one hand, this meant that the NWSs should be in a good position to engage with the NNWSs in debates about multilateral disarmament measures. On the other hand, the more favourable security environment meant that the expectations of NNWSs that 'radical disarmament measures' were imminent had never been higher.

From the perspective of disarmament advocates, UNSSOD-III was a resounding anti-climax. The nuclear powers were unwilling even to *discuss* disarmament, insisting instead on more stringent non-proliferation measures and reductions of conventional armaments. The Indian prime minister, Rajiv Gandhi, presented an elaborate proposal to negotiate a new multilateral instrument to replace the NPT – one that would commit the nuclear powers to a time-bound elimination of their nuclear arsenals – but was brusquely snubbed by the delegations of Britain and the United States.⁷⁰ Ending without the adoption of a substantive final document, UNSSOD-III demonstrated the increasingly obvious – the superpowers did not find the multilateral process useful. In the words of Dimitris Bourantonis, the session brought out the 'unspeakable', namely that the UN majority had been 'deluding' itself for years on end by thinking that the major powers would ever commit to a multilateral disarmament process.⁷¹ This, of course, undermined the NNWSs' standing as equal partners in the regime. But not only was the multilateral nuclear disarmament agenda not advanced and the NNWSs relegated to the role of bystanders, the US delegation refused even to acknowledge the continuing validity of the UNSSOD-I final document – the agreement that in

⁶⁸ Amy L. Catalinac, 'Why New Zealand Took Itself out of ANZUS', *Foreign Policy Analysis*, vol. 6, no. 4, 2010, p. 331.

⁶⁹ Dimitris Bourantonis, *The United Nations and the Quest for Nuclear Disarmament*, Brookfield, VT, Dartmouth, 1993, p. 159.

⁷⁰ Metta Spencer, 'UNSSOD III: Setback for Multilateralism', *Peace Magazine*, August–September 1988, p. 16.

⁷¹ Bourantonis, *The United Nations and the Quest for Nuclear Disarmament*, p. 160. Emphasis added.

1978 had resolved the first crisis of legitimacy. Without even an ‘appearance of consensus’, there was little opportunity for the NNWSs to spin the conference as a success. By refuting the UNSSOD-I final document, the United States had not simply indicated that it disagreed with the material provisions enshrined in the document; much more seriously, the United States’ had committed the ultimate act of diplomatic sacrilege. As noted above, the UNSSOD-I final document had literally become known as the ‘disarmament bible’ among pro-disarmament governments and CSOs. Shattering the pretence of ‘inclusive disarmament’, the United States’ refusal to reaffirm the validity of the ‘disarmament bible’ undermined the recognition order that justified the non-proliferation framework’s existence.⁷²

Illustrated by the fiasco of UNSSOD-III, the latter half of the 1980s saw the intensification of what had come to be called ‘the crisis of multilateralism’.⁷³ Non-aligned states that since 1978 had been in the business of spinning any development in the most positive way possible so as to maintain the regime’s recognition order started voicing serious dissatisfaction.⁷⁴ The Sri Lankan delegation to the 1988/89 UNGA claimed that the NWSs – in particular the depositary states to the NPT – had betrayed their responsibility to effect multilateral disarmament measures, making it ‘extremely difficult to ensure the continued credibility of the non-proliferation Treaty, particularly in an environment in which the utility of nuclear weapons and their vertical proliferation continue to be expounded.’⁷⁵ Togo postulated that the failure of UNSSOD-III had ‘arrested the momentum that had been built up since 1978 and gave rise to doubts as to the ability of this Organization to promote a multilateral approach to disarmament.’⁷⁶ Having reviewed the history in question, it is difficult to understand what ‘momentum’ the Togolese were referring to. What had changed, presumably, was that the Togolese and other delegations no longer saw the multilateral disarmament regime as a credible vehicle of change. Slating the ‘lack of equality in the power structure of today’s world’, one non-aligned representative lamented that the ‘long history of disarmament negotiations’ gave ‘little ground for expecting disarmament by agreement.’⁷⁷ Brazil’s novelist-president José Sarney echoed the calls for inclusion that had motivated the regime’s first wave of expansion by asserting that ‘the task of salvation belongs to all of us, with no exclusions. The weakening of multilateralism damages the cause of peace. Disarmament, however powerful the arsenals of the superpowers, cannot be a discussion between the two.’⁷⁸ The single most

⁷² John Simpson, ‘The UN’s Role in Disarmament’, *Contemporary Security Policy*, vol. 15, no. 1, 1994, p. 58.

⁷³ Marc Nerfin, ‘The Future of the United Nations System’, *Development Dialogue*, no. 1, 1985, p. 28.

⁷⁴ E.g. Austria, UNGA First Committee, 28 October 1988, pp. 17–18; Indonesia, UNGA First Committee, 20 October 1988, p. 38–40; Nepal, UNGA First Committee, 26 October 1988, p. 26.

⁷⁵ Sri Lanka, UNGA First Committee, 30 October 1989, p. 44.

⁷⁶ Togo, UNGA First Committee, 21 October 1988, p. 38.

⁷⁷ Bahamas, UNGA First Committee, 1 November 1988, pp. 2–3.

⁷⁸ Brazil, UNGA First Committee, 24 October 1988, p. 64.

pressing issue on the disarmament agenda, according to the delegation of Yugoslavia, was the ‘breakdown’ of multilateralism.⁷⁹ Taking a more confrontational line, the Venezuelan delegation stated that ‘[w]e are aware’ that certain governments insist that UNSSOD-III was not a failure, but ‘prefer instead to be realistic and call things by their proper names.’⁸⁰ For Brazil, a meaningful dialogue between North and South ‘has not even really begun’. Disarmament could only happen once ‘we all sit at the same table, those that possess weapons of mass destruction and we that do not, to negotiate a world order based on peaceful relations, mutual confidence and the rule of law.’

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Already before UNSSOD-III, Inga Thorsson, Sweden’s top disarmament official, had published a scathing critique of the superpowers’ policies in the *Bulletin of the Atomic Scientists*. Taking up the mantle from Alva Myrdal, Thorsson was a highly respected diplomat and an unofficial leader among the non-aligned.⁸²

I must register a protest against the trend toward bilateral negotiations [...]. That problems of this [nuclear] kind should be discussed, negotiated, and to some extent decided in meetings between two men, instead of by the instrument of the world community, the United Nations, [...] is an *affront* to the intention of that body’s creators.

What has been called the crisis of multilateralism is decisively due to the superpowers’ – particularly the United States’ – contemptuous neglect of the United Nations as a forum for issues of global importance. This attitude represents *an arrogance bordering on hubris that is astounding to any reasonable observer*. [...] It has taken the superpowers six years of negotiations to reach an agreement that is said to be without real military significance. [...] For the time being, however, the world must be satisfied with the INF Treaty handed down by the two benevolent superpowers.⁸³

Thorsson’s article gives a powerful defence of the intrinsic value of multilateralism. Missing from the analysis, however, is a discussion of how or why a multilateral format might lead to more effective negotiations. The multilateral process had, after all, not delivered meaningful results since the 1960s.

Not unlike the 1985 RevCon, the 1990 RevCon was preceded by the somewhat contradictory co-occurrence of an increase in the NPT’s membership – indicating the Treaty’s vibrancy – and frequent warnings from both the academic community and practitioners that the

⁷⁹ Yugoslavia, UNGA First Committee, 9 November 1988, p. 21.

⁸⁰ Venezuela, UNGA First Committee, 24 October 1988, p. 12.

⁸¹ Brazil, UNGA First Committee, A/C.1/44/PV.6, New York, 23 October 1989, pp. 45–6.

⁸² See Ulrich Herz, *Nedrustning under Debatt, 1978–1982*, Stockholm, Arbetsgruppen för Svensk Folkriksdag för Nedrustning, 1980, pp. 210–11.

⁸³ Inga Thorsson, ‘Who Needs Summits Anyway’, *Bulletin of the Atomic Scientists*, vol. 44, no. 2, 1988, p. 36. Emphasis added.

NPT was in danger of erosion or collapse due to the NWSs' scanty implementation of article VI.⁸⁴ One answer to this apparent puzzle was that, as more states joined the NPT, the pressure on the holdouts became greater. It became almost impossible to cultivate a pro-disarmament stance without being party to the NPT. Another answer is that the NPT was increasingly seen as an important means of lessening nuclear security competition within the group of NNWSs.⁸⁵ The NPT remained ineffectual as a solution to the NNWSs' security dilemma vis-à-vis NWSs, but had merit as an answer to their security dilemma vis-à-vis other NNWSs. The observation that the NPT continued to gain adherents does thus not necessarily go against the argument that the legitimacy of the NPT as a vehicle of future equality was decreasing.

On top of all the challenges described above, the Geneva Conference was (still) widely criticised for its limited membership and lack of transparency in the accession process.⁸⁶ Despite the rounds of expansion between 1969 and 1978, only about a quarter of the UN's member states were represented. A large group of states, some of which had narrowly missed out on membership in 1978, were knocking fervently on the door. These states can hardly have thought that their inclusion in the Conference would somehow make it more effective; in fact, the results of the last decade seemed to suggest the opposite. Their aspiration to join the Conference rather seem to have reflected an identity-based desire for inclusion on equal footing with other states. Denial of membership was seen as a symbol of inferior rank in the international pecking order, a denial of recognition as important or competent negotiators.⁸⁷

2 Critical Juncture: The 1990 RevCon and the CTBT

The defrosting of the Cold War over the second half of the 1980s was widely seen as an opportunity to reinvigorate the multilateral nuclear disarmament effort. There was a hope that the NWSs would finally agree to move from deterrence to disarmament.⁸⁸ According to the president of the 1990

⁸⁴ See e.g. Benjamin Frankel, 'An Anxious Decade: Nuclear Proliferation in the 1990s', *Journal of Strategic Studies*, vol. 13, no. 3, 1990; John M. Lamb, 'Rolling the Arms Control Waters', *Bulletin of the Atomic Scientists*, vol. 43, no. 8, 1987, p. 18; Glenn T. Seaborg and Benjamin S. Loeb, 'Make the Partial Test Ban Comprehensive', *Bulletin of the Atomic Scientists*, vol. 43, no. 4, 1987, p. 3.

⁸⁵ John Simpson, 'The 1990 Review Conference of the Nuclear Non-Proliferation Treaty', *The Round Table*, vol. 80, no. 318, 1991, p. 152.

⁸⁶ E.g. Austria, UNGA First Committee, 28 October 1988, pp. 17–18; Oman, UNGA First Committee, 20 October 1989, p. 39; Norway, UNGA First Committee, 16 October 1990, p. 22; Belgium, UNGA First Committee, 24 October 1990, p. 32; Chile, 26 October 1990, p. 7.

⁸⁷ Compare Vincent Pouliot, 'Setting Status in Stone', pp. 192–215 in T.V. Paul, Deborah W. Larson, and William C. Wohlforth (eds), *Status in World Politics*, Cambridge, Cambridge University Press, 2014.

⁸⁸ See e.g. Geoffrey Kemp, 'Regional Security, Arms Control, and the End of the Cold War', *The Washington Quarterly*, vol. 13, no. 4, 1990; Douglas Roche, *The Ultimate Evil*, Toronto, James Lorimer & Company, 1997, p. x; Richard K. Betts, 'Systems for Peace or Causes of War?', *International Security*, vol. 17, no. 1, 1992, p. 7. See also e.g. Ireland, 21

NPT RevCon, the Peruvian diplomat Oswaldo de Rivero, the end of the Cold War meant that the ‘traditional view of international security’ had to be replaced by ‘a global and planetary view of security’.⁸⁹ But, of course, no such paradigm shift came to pass. The bilateral US–Soviet arms reduction accords concluded in the late 1980s and early 1990s were significant, but did not fulfil the promise of Reykjavik. By the early 1990s, then, the mixture of grievances that had induced wide-spanning reforms in the 1970s again seemed to be coming to a boil: First, most if not all NNWSs were excluded from relevant decision making. Preferring to negotiate bilaterally, the United States and Soviet Union/Russia had hamstrung the United Nations, denying the NNWSs recognition as ‘partners’. Second, there was little if any credibility to the notion that the nuclear hierarchy would be dismantled in the foreseeable future. By the mid-1990s, ‘a “second nuclear age”’ spawned a new generation of deterrence theories that attempted to legitimize nuclear weapons retention as an insurance policy against the rise of new nuclear threats.⁹⁰

In contrast to the period of détente discussed in Chapter 3, the historical period considered in the present chapter (1979–2000) saw a wide-ranging transformation of the structure of the international system.⁹¹ In the early 1980s, the world was locked in a bipolar standoff between the American and Soviet empires. The transition to a comparatively tranquil unipolar structure was remarkably rapid.⁹² Historians typically set the date of the end of the Cold War to the fall of the Berlin Wall in 1989, but the winds of change were already blowing in the field of arms control by the mid-1980s. Fundamentally transforming East–West relations, the four Reagan–Gorbachev summits between 1985 and 1988 – Geneva, Reykjavik, Washington DC, Moscow – both caused and constituted the end of the Cold War.⁹³ By 1989, world history was already argued to have run its course to the end.⁹⁴

The average number of nuclear tests conducted per year declined markedly over the course of the period covered in this chapter (see Figure 2. The sudden drop and subsequent increase between 1985 and 1987 owed to the Soviet testing moratorium referred to above).⁹⁵ China carried out the last ever atmospheric nuclear test in 1980. In 1990, only 18 tests were carried out (Britain and the Soviet Union completed only one test each). Yet, despite the decline in testing, the NNWSs’

August 1990, p. 19; North Korea, 23 August 1990, p. 100; Sri Lanka, 23 August 1990, p. 111; Australia, 23 August 1990, p. 121; Mexico, 27 August 1990, p. 227. All in NPT/CONF.IV/SR.1.

⁸⁹ Oswaldo de Rivero, NPT Review Conference, 20 August 1990, p. 7.

⁹⁰ Tanya Ogilvie-White and David Santoro, ‘The Nuclear Dragon’, pp. 1–10 in Ogilvie-White and Santoro (eds), *Slaying the Nuclear Dragon*, Athens, GA, University of Georgia Press, 2012, p. 3.

⁹¹ ‘Structure’ is here used in the ‘Waltzian’ sense of the ‘distribution of capabilities’ across states. Kenneth N. Waltz, *Theory of International Politics*, London, Addison-Wesley, 1979.

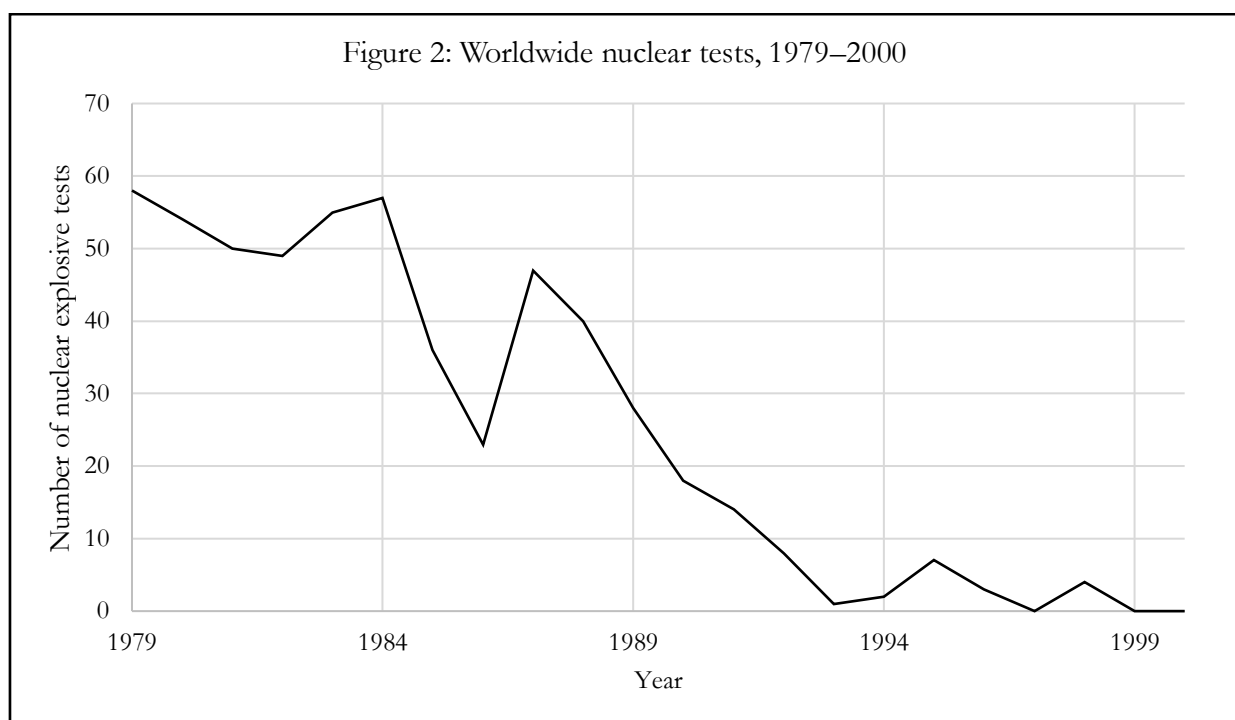
⁹² The end of the Cold War did not result in tranquillity everywhere, of course. Yugoslavia, one of the leaders of the non-aligned world during the 1970s, was devastated by war and secessionism.

⁹³ See Hunt and Reynolds, ‘Geneva, Reykjavik, Washington, and Moscow, 1985–8’.

⁹⁴ Francis Fukuyama, ‘The End of History?’, *The National Interest*, summer 1989.

⁹⁵ Data from Arms Control Association, ‘The Nuclear Test Tally’, September 2017.

main diplomatic demand remained the negotiation of a CTBT. In fact, the non-aligned states' demand for a comprehensive test ban only grew increasingly desperate. From a rationalist perspective, this may seem strange. An instrumentally rational actor, after all, might divert her resources towards a more pressing issue, such as legally binding security assurances, taking nuclear systems off 'hair-trigger' alert, or more rigorous non-proliferation safeguards. Through the lens of recognition theory, however, the non-aligned states' fixation on the CTBT makes perfect sense: The negotiation of a CTBT formed part of the compensatory package that had justified the codification of the nuclear hierarchy. The NWSs' unwillingness to heed their end of the bargain was interpreted by the NNWSs as a form of disrespect.



The possibility of negotiating a CTBT was by far the most contentious agenda item at the 1990 NPT RevCon.⁹⁶ Prior to the RevCon, several NNWSs had argued, in the words of a Swedish official, that the initiation of serious negotiations on a CTBT prior to the conference was 'the very minimum' to be expected.⁹⁷ But nothing had happened. After weeks of heated debate, the 1990 NPT RevCon broke up without the adoption of a substantive final declaration. Refusing to accept anything less than a clear commitment by the NWSs to negotiate a CTBT – which the NWSs

⁹⁶ Simpson, 'The 1990 Review Conference', p. 143.

⁹⁷ Sweden, UNGA First Committee, 17 October 1989, p. 23. See also e.g. Sri Lanka, UNGA First Committee, 30 October 1989, p. 44; Togo, UNGA First Committee, 19 October 1989, pp. 16–17; Malaysia, UNGA First Committee, 20 October 1989, p. 44; Bulgaria, UNGA First Committee, 19 October 1989, pp. 17–18; India, UNGA First Committee, 20 October 1989, pp. 22–23.

(particularly the United States) were not ready to give – a group of non-aligned states led by Mexico blocked consensus to signal their defiance.⁹⁸ Alluding to the final declaration of the 1985 RevCon, which had glossed over differences between nuclear and non-nuclear powers, Mexico's disarmament ambassador, Miguel Marín-Bosch, held that it would be pointless to adopt a final declaration that would 'conceal certain basic facts regarding matters of fundamental interest to non-nuclear-weapon States Parties.'⁹⁹

The Mexicans' strategy of holding out for a CTBT commitment at all costs was 'widely supported by non-nuclear states', Rebecca Johnson claims.¹⁰⁰ But it received considerable criticism from CSOs and independent commentators. They alluded that the non-aligned hardliners' uncompromising stance was both irrational and unreasonable, as it had led to hard-won agreements on other important issues – IAEA safeguards, smuggling of nuclear materials, security assurances, and a general recommitment to article VI – slipping away. In fact, by blocking consensus, the non-aligned states forewent an agreement with the NWSs to consult on legally binding security assurances for NNWSs prior to the next conference.¹⁰¹ According to Leonard Spector and Jacqueline Smith, 'Mexico sacrificed other concrete gains in the international non-proliferation regime in order to advance its own diplomatic agenda.'¹⁰² By refusing to compromise, some argued, the non-aligned states had turned clear progress towards greater global security into a 'missed opportunity'.¹⁰³ But for the Mexican and other non-aligned governments, the CTBT was now non-negotiable. After decades of – in their view – broken promises, enough was enough: A bursting point had been reached.¹⁰⁴

In his analysis of the 1990 RevCon, John Simpson identifies two main grievances that hindered agreement on a final declaration.¹⁰⁵ The first was that, for the non-aligned states, 'a deal is a deal'. Refusing to negotiate a test ban, the NWSs were seen to be renegeing on the entire NPT project, undermining the regime's promise of bringing about equality between nuclear and non-nuclear states. The 'overt bargain' that was struck upon the adoption of the NPT, the non-aligned states held, 'was that Article VI of the Treaty, the disarmament article, could only be fulfilled through the completion of a CTBT.' The second grievance concerned the non-aligned states' desire 'to have a meaningful dialogue between the non-nuclear and the nuclear-weapon states on nuclear

⁹⁸ Simpson, 'The 1990 Review Conference', p. 143.

⁹⁹ Mexico, NPT Review Conference, 11 September 1990, p. 202.

¹⁰⁰ Johnson, *Unfinished Business*, p. 34.

¹⁰¹ John Simpson, 'The Role of Security Assurances in the Nuclear Nonproliferation Regime', pp. 57–85 in Jeffrey W. Knopf (ed.), *Security Assurances and Nuclear Nonproliferation*, Stanford, CA, Stanford University Press, 2012, p. 65.

¹⁰² Leonard S. Spector and Jacqueline R. Smith, 'Deadlock Damages Non-Proliferation', *Bulletin of the Atomic Scientists*, vol. 46, no. 10, 1990, p. 44.

¹⁰³ Simpson, 'The 1990 Review Conference', p. 151.

¹⁰⁴ Johnson, *Unfinished Business*, p. 34.

¹⁰⁵ See Simpson, 'The 1990 Review Conference', pp. 145–6.

disarmament.’ The trend towards bilateralism ‘appears to have been deeply resented.’ Translated into the conceptual framework of this thesis, the two main grievances of the non-aligned states identified by Simpson – (1) that the NWSs were not doing enough to bring about disarmament (in this case a CTBT) and (2) the lack of a meaningful dialogue between nuclear and non-nuclear states – challenged the constitutive elements of the role of ‘non-nuclear-weapon state’: first, that of being ‘equal in waiting’ and, second, that of being a valued ‘partner’. The NNWSs were faced with a recognition dilemma.

The non-aligned states’ attitudes towards the NWSs shifted significantly between the 1980s and 1990s: At the NPT RevCon in 1985, the non-aligned states were seemingly desperate to reach consensus on a final declaration, accepting a watered-down agreement that even noted that ‘certain states’ disagreed with the provision most non-aligned states claimed to hold as the most important. The 1982 special session had delivered a similar result. At the special session in 1988, agreement on a final declaration proved impossible primarily due to the intransigence of the NWSs. At the multilateral gatherings in the 1990s, by contrast, the non-aligned states adopt a much less compromise-willing stance. Rather than attempting to remit the fundamental differences between themselves and the NWSs, the non-aligned states sought instead to *highlight* the NWSs’ unwillingness to move decisively towards nuclear abolition.

The wave of institutional expansion that took place over the course of the 1990s comprised several unique initiatives. Most of these, however, were cast in legalistic language. As scholars researching social movements have argued, waves of protest often coalesce around a ‘master frame’ of meaning.¹⁰⁶ To the extent that the second wave of expansion in the multilateral nuclear disarmament framework had such a master frame, it was one of international law and legal obligation. Where in the 1970s reforms were promoted in the name of ‘democratising’ the regime, the second wave was justified as a concerted effort at ‘legalising’ multilateral nuclear disarmament.

3 Expansion: ‘A Last Appeal for Justice’

3.1 The Second Crisis of Legitimacy

The 1990s saw a deepening crisis of legitimacy. The institutional expressions of this crisis are described at length below. Here, I substantiate the claim that the regime was facing a crisis of legitimacy by exploring other, non-institutional indicators of regime legitimacy. In fact, we find all the ‘crisis indicators’ presented in Chapter 2:

¹⁰⁶ See David A. Snow and Robert D. Benford, ‘Master Frames and Cycles of Protest’, pp. 133–55 in Aldon D. Morris and Carol M. Mueller (eds), *Frontiers in Social Movement Theory*, New Haven, CT, Yale University Press, 1992; Sidney Tarrow, ‘Cycles of Collective Action’, *Social Science History*, vol. 17, no. 2, 1993, p. 284.

Voice:

- *Heated rhetoric:* The NNWSs' criticism of the regime grew fiercer. The behaviour of specific NWSs had been condemned throughout the 1980s, but by the late 1980s and early 1990s, criticism was increasingly directed towards the regime itself.¹⁰⁷ This is not to say that the NWSs escaped reproach. France, in particular, came under enormous criticism for its nuclear testing programme, which was experienced by NNWS officials as a 'remarkable demonstration of arrogance and political insensitivity'.¹⁰⁸ New Zealand's foreign minister, Don McKinnon, charged the French leaders with 'Napoleonic arrogance'.¹⁰⁹ The government of the Philippines argued that 'few instances in history can rival the sheer arrogance, insensitivity and lack of concern of the French government in continuing to pursue a policy as depraved as its nuclear testing programme'.¹¹⁰ According to the government of Papua New Guinea, the French testing demonstrated 'disrespect for the unanimous position of the peoples of the region'.¹¹¹
- *Diplomatic signals of indignation:* In 1995, Japan froze development aid to China in protest to the continuing Chinese tests. Australia and Chile recalled their envoys from Paris to protest the French tests in the Pacific.¹¹² New Zealand cut all military cooperation with France. In addition, the non-aligned states adopted a more confrontational line at multilateral conferences. While NNWSs blocked consensus only at one of the four major conferences held in the 1980s (the 1980 NPT RevCon), non-aligned states blocked consensus at the 1990 RevCon, the 1995 RevCon, and convened the 1991 PTBT Amendment Conference (which also failed to generate a consensus agreement) to highlight their differences with the NWSs. The only consensus decision reached in the 1990s – the 1995 decision to extend the NPT indefinitely – was partly achieved through the NWSs' use of economic coercion and diplomatic arm-twisting (see below).
- *Resistance to additional non-proliferation measures:* The IAEA's development of a new gold standard for non-proliferation safeguards – the 1997 IAEA Additional Protocol – was met with fierce opposition from many NNWSs. Only 16 states signed the Protocol between its

¹⁰⁷ E.g. Austria, UNGA First Committee, 17 October 1985, p. 18; Brazil, UNGA First Committee, 24 October 1988, p. 64; Yugoslavia, UNGA First Committee, 9 November 1988, p. 21; Togo, UNGA First Committee, 21 October 1988, p. 3. Nigeria, UNGA First Committee, 24 October 1989, pp. 48–50; Colombia, UNGA First Committee, 18 October 1989; pp. 13–14; Madagascar, UNGA First Committee, 29 November 1989, p. 7.

¹⁰⁸ Tariq Rauf, 'French Nuclear Testing', *Nonproliferation Review*, vol. 3, no. 1, 1994, p. 51.

¹⁰⁹ *Deseret News*, 'France Stresses that 8 N-Tests Will Be Its Last', 14 June 1995.

¹¹⁰ The Philippines, CD, 1 November 1995, p. 2.

¹¹¹ Papua New Guinea, UNGA Fourth Committee, 18 October 1995, p. 3.

¹¹² Rauf, 'French Nuclear Testing', p. 49.

conclusion in the spring of 1997 and the 2000 NPT RevCon. Curiously, many of the Additional Protocol's greatest critics were rhetorically committed to the norm of non-proliferation and, as recent archival research appears to show, harboured no secret intention of building nuclear weapons.¹¹³ So why did they oppose deepening non-proliferation measures? For Andrew Grotto, some states oppose additional non-proliferation instruments, 'not necessarily because they fear the NWS will use nuclear weapons against them, but because of what accepting those measures would symbolize about the equity of the nonproliferation regime and the international system.'¹¹⁴

Exit:

- *Nuclearisation*: Two threshold states – India and Pakistan – officially declared themselves nuclear powers (see below).
- *Tolerance of non-compliance with non-proliferation norms*: Most states reacted to the Indian and Pakistani tests with disapproval. At the same time, many non-aligned states made veiled or explicit excuses for the tests, blaming the NWSs for their lack of commitment to disarmament. The NWSs called for international sanctions against India and Pakistan to force them to sign the NPT, but few non-aligned states joined the effort, and the sanctions were dropped after just a few years.
- *(Threats of) withdrawal*: The 1990s saw several non-nuclear states party to the NPT threatening to withdraw. To my knowledge, no similar threats had been made since the 1970s. North Korea announced its withdrawal from the NPT in 1993 (albeit not necessarily due to concerns with legitimacy), but was then pressured by the United States to return to the fold (see below). In 1995, a representative of Nigeria – an NPT party – argued at a diplomatic event 'that "the only reason that Nigeria does not have nuclear weapons is that we cannot afford them now" (with the "now" emphasised).'¹¹⁵ Deeply frustrated with the regime's inability to bring about a world without nuclear weapons, Mexico warned in 1996 that, if the nuclear powers did not soon meet their obligations under article VI, 'we would

¹¹³ See Erik Gartzke and Matthew Kroenig, 'A Strategic Approach to Nuclear Proliferation', *Journal of Conflict Resolution*, vol. 53, no. 2, 2009, pp. 151–60.

¹¹⁴ Andrew Grotto, 'Why Do States that Oppose Nuclear Proliferation Resist New Nonproliferation Obligations?', *Cardozo Journal of International and Comparative Law*, vol. 18, no. 1, 2010, p. 6.

¹¹⁵ Thomas Graham Jr, *Disarmament Sketches*, Seattle, WA, University of Washington Press, 2002, p. 282.

need to revise our continuation as party to the Treaty.¹¹⁶ By the late 1990s, ‘credible’ rumours circulated that a number of non-aligned states were contemplating to exit the regime in protest to the NWSs’ lack of commitment to article VI.¹¹⁷ Just how credible these rumours were is difficult to assess. But the fact that the rumours were there in the first place is a testament to the erosion of the normative foundations of the NPT.

In 1993, citing threats to its sovereignty, North Korea announced its withdrawal from the NPT. In immediate terms, the triggers of the withdrawal were, firstly, the US–South Korean nuclear war exercise ‘Team Spirit’ of March 1993, which the North Korean regime said provided a direct threat to its security, and, secondly, a quarrel between North Korea and the IAEA over the former’s non-proliferation safeguards.¹¹⁸ On a more basic level, Pyongyang’s ambiguous nuclear stance was a product of its concern with both material and ontological security – concerns combined in the North Korean state ideology of *Juche*, described officially as a ‘philosophy to materialize the independence of the popular masses.’¹¹⁹ As the scholar Jina Kim points out, the North Korean government was obsessed with the nation’s ‘dignity’ and ‘sovereign right’: ‘North Korea’s provocative reactions were described as “righteous actions against injustice.” North Korean negotiators often stressed that Pyongyang would agree to seek a solution if the IAEA did not “abuse its authority” and the US demonstrated sensitivity for North Korea’s “prestige.”’¹²⁰ The North Korean crisis was temporarily resolved in 1994. Striking a bilateral agreement with the United States – an example of what Reus-Smit calls ‘material compensation’ for dwindling legitimacy¹²¹ – North Korea re-entered the NPT.¹²²

Confronted with the NWSs’ unwillingness to take decisive steps towards genuine disarmament, NNWSs with ambitions of climbing in the international status hierarchy were compelled to make a choice: They could either redouble their efforts at effecting disarmament, aiming to pull the NWSs ‘down’ from their privileged position in the nuclear hierarchy, or they could build nuclear weapons, elevating themselves to the level of the NWSs. Continuing as before, accepting a permanently inferior status, was clearly not a viable alternative. To many states,

¹¹⁶ Roche, *The Ultimate Evil*, p. 37. See also Malaysia, UNGA First Committee, 12 October 1999, p. 16.

¹¹⁷ Richard Butler, *Fatal Choice*, Boulder, CO, Westview Press, 2001, p. 66.

¹¹⁸ David Albright, ‘North Korea Drops Out’, *Bulletin of the Atomic Scientists*, vol. 49, no. 4, 1993, p. 9.

¹¹⁹ North Korea, ‘Juche Ideology’, Democratic People’s Republic of Korea: Official Webpage of the DPR of Korea, 2017.

¹²⁰ Jina Kim, *The North Korean Nuclear Weapons Crisis*, Basingstoke, Palgrave Macmillan, 2014, p. 43.

¹²¹ As Max Weber pointed out, there are three reasons for complying with any social arrangement: (1) a sense that the arrangement is just (legitimacy), fear of punishment for non-compliance (coercion), or a belief that compliance brings added benefits (self-interest). See Ian Hurd, ‘Legitimacy and Authority in International Politics’, *International Organization*, vol. 53, no. 2, 1999, p. 379.

¹²² Kim, *The North Korean Nuclear Weapons Crisis*, p. 16.

particularly so-called ‘emerging’ or ‘rising powers’, the choice between armament and disarmament appears to have been a genuine dilemma. The second half of the 1990s saw most of these emerging powers either spearhead radical disarmament initiatives (Brazil, Egypt, Indonesia, Mexico, and South Africa) or develop nuclear weapons (India and Pakistan).

The ‘disarmament advocacy vs proliferation dilemma’ was arguably most intense in India. Ever since India gained independence from the British Empire, Indian governments had seen disarmament as a means of furthering India’s ‘objective of achieving international status.’¹²³ But as time went on without a breakthrough on the disarmament agenda, Indian policy makers decided to follow a new path. While most states and civil society organisations interpreted the indefinite extension of the NPT in 1995 as a compromise deal between the NWSs and NNWSs, the Indian government interpreted the extension as a legitimisation of the NWSs’ perpetual right to retain nuclear weapons indefinitely (or at least so it claimed).¹²⁴ The recognition dilemma was particularly acute for India due to its size and its ambition as an emerging world power.

In the spring of 1998, both India and Pakistan conducted a series of underground nuclear-weapon tests. India’s capability had been known since 1974 (see Chapter 3) and Pakistan had been suspected of being in the process of developing nuclear weapons for several years. But the tests nevertheless posed a significant challenge to the non-proliferation regime: India and Pakistan became the first states since China to explicitly declare themselves nuclear powers. While both governments gave national security reasons for their decisions to test, neither could avoid ‘recognition talk’. Balasaheb Thackeray, an Indian politician, justified India’s crossing over from latent to manifest nuclear-weapons capability by stating that ‘[w]e had to prove that we are not eunuchs.’¹²⁵ In an article in *Foreign Affairs*, Jaswant Singh, an Indian MP and senior advisor to the prime minister, argued that the indefinite extension of the NPT had ‘legitimized in perpetuity the existing nuclear arsenals and, in effect, an unequal nuclear regime’.¹²⁶ Arguing that the indefinite extension had forced India’s hand, Singh maintained that ‘India could have lived with a nuclear option but without overt weaponization in a world where nuclear weapons had not been formally

¹²³ Ziba Moshaver, *Nuclear Weapons Proliferation in the Indian Subcontinent*, Basingstoke, Macmillan, 1991, p. 109.

¹²⁴ Christopher Daase, ‘Der Anfang vom Ende des Nuclearen Tabus’, *Zeitschrift für Internationale Beziehungen*, vol. 10, no. 1, 2003, pp. 32–3.

¹²⁵ Quoted in Carol Cohn, ‘International Security, Language and Gender’, pp. 33–47 in Birgit Brock-Utne and Gunnar Garbo (eds), *Language and Power*, Dar es Salaam, Mkuki na Nyota, 2009, p. 41.

¹²⁶ Jaswant Singh, ‘Against Nuclear Apartheid’, *Foreign Affairs*, vol. 77, no. 5, 1998. I do not suggest that aspirations for prestige and/or equality with the great powers explain India’s decision to build nuclear weapons alone. Security concerns also played a major part. In fact, these dimensions – equality and security – were, as they often are, interwoven.

legitimized'.¹²⁷ Bharatiya Janata, the ruling party in India, proclaimed 'a day of prestige' after the successful tests.¹²⁸

For Katherine Young, India's tests were 'only tangentially about security. Their significance is emotional.' To the Indian people, 'it is conclusive evidence that we count'.¹²⁹ According to Itty Abraham, the bomb was regarded by Indian elites as 'a sign of India's advancement and equality with the Western developed countries, a negation of stereotypes about the effeminacy and historical weakness of the nation, and an argument against the mimetic and derivative nature of its science and technology.'¹³⁰ There was, of course, something deeply ironic about India's decision to test: By seeking prestige through nuclear armament, India had joined the game it for decades had portrayed as a neo-colonial extravaganza. Himadeep Muppidi puts it succinctly:

The tests were, in many ways, a refusal to quietly accept the position of an object in an emerging global colonial order. But they also signaled an increasing willingness on the part of Indian policymakers to accept full membership in a global order that they themselves had condemned as colonial.¹³¹

Pakistan had similar concerns to India. Although Pakistan arguably did not have the same ambitions as India for recognition as a great power, there seems to have been a strong sense among Pakistani elites that Pakistan had to match its neighbour, India. As noted in the introduction, status competition typically follows the formula of 'similar but upward'.¹³² Pakistan's desire to maintain parity with India appears to have been grounded both in material security concerns and in ideas about standing. After Pakistan's successful nuclear tests in 1998, Nawaz Sharif, Pakistan's prime minister, 'triumphantly declared to have "settled the score"' with India.¹³³ Cultural or 'civilizational' forces were arguably also at play. Former Pakistani prime minister Zulfikar Ali Bhutto, the man who had initiated Pakistan's nuclear programme, laments in his memoirs that 'the Christian, Jewish, Hindu civilizations have this [nuclear] capability. The Communist Powers also possess it. Only the

¹²⁷ Singh, 'Against Nuclear Apartheid', p. 45.

¹²⁸ David Kinsella and Jugdep S. Chima, 'Symbols of Statehood', *Review of International Studies*, vol. 27, no. 3, 2001, p. 353.

¹²⁹ Katherine K. Young, 'Hinduism and the Ethics of Weapons of Mass Destruction', pp. 277–307 in Sohail H. Hashmi and Steven P. Lee (eds), *Ethics and Weapons of Mass Destruction*, Cambridge, Cambridge University Press, 2004, p. 281.

¹³⁰ Sankaran Krishna, 'The Social Life of a Bomb', pp. 68–88 in Itty Abraham (ed.), *South Asian Cultures of the Bomb*, Indianapolis, IN, Indiana University Press, 2009, p. 72.

¹³¹ Himadeep Muppidi, 'Colonial and Postcolonial Global Governance', pp. 273–293 in Michael Barnett and Raymond Duvall (eds), *Power in Global Governance*, Cambridge, Cambridge University Press, 2005, p. 288.

¹³² William C. Wohlforth et al., 'Moral Authority and Status in International Relations', *Review of International Studies*, 2017 (early view), p. 3.

¹³³ Feroz H. Khan, *Eating Grass: The Making of the Pakistani Bomb*, Stanford, CL, Stanford University Press, 2012, p. 287.

Islamic civilization was without it'.¹³⁴ In both Pakistani and Indian elite circles, George Perkovich argues, 'the feeling exists' that there is a "white man" view that "black and brown" people are peculiarly unfit to have such weapons. [...] That perception affronts the dignity of Indians, Pakistanis, and no doubt others in Asia.¹³⁵

The reception of the tests in the international community was far from universally condemnatory.¹³⁶ According to Himadeep Muppidi, many in the 'Third World' – and not just India and Pakistan – saw the tests as 'desirable demonstrations of technical competence and political agency.'¹³⁷ The tests, in this view, were interpreted as manifestations of an active resistance to nuclear hierarchy and the perceived marginalisation of the Global South. Several states offered at least implicit moral support.¹³⁸ The Kenyan delegation to the 1998/99 UNGA, for example, made the following intervention:

The nuclear tests carried out by India and Pakistan will no doubt be remembered as having dealt a serious blow to our aspirations for a world free of nuclear weapons. It is indeed regrettable that the insecurity created *as a result of the lack of serious commitment by the nuclear-weapon States to move towards disarmament has provided an excuse for others, who may have felt the need to ensure their own security*, to test.¹³⁹

Mexico's Miguel Marín-Bosch pointed out the hypocrisy of the established nuclear powers:

[T]ake their reaction to the Indian and Pakistani tests. It is simply one of repeating the same old refrain of "Do as I say, not as I do." [...] Finally, take their attitude to the CTBT. The United States, for example, urges India and Pakistan to sign a treaty that the US Congress has no current plans to ratify. As the NPT prepares for its 2000 Review Conference – a preparation thus far marked by dissent, acrimony and stalemate – it is hard to repress fundamental concerns for the future of the treaty, and with it the international disarmament and non-proliferation regime. Some States are trying to address, rather than repress, those fundamental concerns. The nuclear-weapon States, however, are not among them.¹⁴⁰

A representative of the United States, for his part, maintained that, although it was 'natural to want to place the main burden on the biggest guys' – note, here, the masculine anthropomorphisation

¹³⁴ Z.A. Bhutto, *If I Am Assassinated*, New Delhi, Vikas, 1979, p. 138.

¹³⁵ Perkovich, 'A Nuclear Third Way in South Asia', pp. 94–95.

¹³⁶ Etel Solingen, *Nuclear Logics*, Princeton, NJ, Princeton University Press, 2007, p. 22.

¹³⁷ Muppidi, 'Colonial and Postcolonial Global Governance', p. 285.

¹³⁸ See also e.g. Malaysia, UNGA First Committee, 12 October 1998, p. 23; Venezuela, UNGA First Committee, 16 October 1998, p. 8.

¹³⁹ Kenya, UNGA First Committee, 20 October 1998, p. 22. Emphasis added.

¹⁴⁰ Miguel Marín-Bosch, 'Nuclear Disarmament on the Eve of the Twenty-First Century', *Disarmament Diplomacy*, no. 36, 1999, p. 6.

‘biggest guys’ – smaller states should not use lacking disarmament to ‘excuse inaction or justify wholly unacceptable action by others.’¹⁴¹

A pressing question was whether or how to grant recognition of India and Pakistan as nuclear powers. Publishing an official statement, the five original NWSs argued that, despite India’s and Pakistan’s undeniable material capabilities, they did ‘not have the status of nuclear-weapons states in accordance with the NPT’.¹⁴² ‘We will not amend the NPT to accommodate India and Pakistan’, added US secretary of state Madeleine Albright.¹⁴³ According to a Chinese official, the attempt by India and Pakistan ‘to acquire so called great Power status through such [nuclear] tests will go nowhere.’¹⁴⁴ Replying to these statements, Jaswant Singh argued that ‘India is now a nuclear weapons state, as is Pakistan. That reality can neither be denied nor wished away.’¹⁴⁵ The wider nuclear discourse quickly came to be structured by distinctions between ‘official’/‘unofficial’, ‘recognised’/‘non-recognised’, and ‘legitimate’/‘illegitimate’ nuclear powers.¹⁴⁶ And while the term ‘nuclear-weapon state’ (NWSs) remained reserved for the legally ordained, original nuclear powers (often also referred to as the P5), the term ‘nuclear-armed state’ was adopted to refer to the material condition of possessing nuclear weapons.

At the NPT RevCon in 2000, Achin Vanaik argues, ‘India and Pakistan were the major diplomatic losers’, as their claims to ‘NWS status’ were firmly rejected.¹⁴⁷ Ever since, the role of the ‘unofficial’ nuclear powers has been somewhat unsettled. While some argue that some or all ‘nuclear-armed states’ should be recognised as ‘nuclear-weapon states’, others argue that such a recognition would undermine the norm of non-proliferation. In a March 2000 *New York Times* piece, John Mearsheimer, a self-proclaimed ‘offensive realist’, uses the logic and vocabulary of recognition theory to further a normative case for recognition of India as a nuclear-weapon state:

Despite its huge population, booming economy and growing nuclear arsenal, President Clinton, like his predecessors, refuses to show India *the respect it deserves*. He thereby perpetuates a needless estrangement between two natural allies. This disrespect is most apparent on the nuclear front.¹⁴⁸

Mearsheimer’s piece demonstrates the way which status as a NWS is often viewed as a special

¹⁴¹ United States, UNGA First Committee, 14 October 1998, p. 3.

¹⁴² P5, Joint Communiqué, 5 June 1998.

¹⁴³ Madeleine K. Albright, Statement, 5 June 1998.

¹⁴⁴ China, UNGA First Committee, 14 October 1998, p. 11.

¹⁴⁵ Singh, ‘Against Nuclear Apartheid’, p. 45.

¹⁴⁶ See e.g. Hugh Gusterson, ‘Nuclear Weapons and the Other in the Western Imagination’, *Cultural Anthropology*, vol. 14, no. 1, 1999, p. 113; Michael Quinlan, ‘The Future Deterrent Capability for Medium-Sized Western Powers in the New Environment’, Ifri Security Studies Department, *Proliferation Papers*, Autumn 2001, p. 11.

¹⁴⁷ Achin Vanaik, ‘Sixth NPT Review Conference’, *Economic and Political Weekly*, vol. 35, no. 39, 2000, p. 3469.

¹⁴⁸ John J. Mearsheimer, ‘India Needs the Bomb’, *New York Times*, 24 March 2000. Emphasis added.

entitlement, not for states in any kind of material ‘need’ of nuclear weapons, but as a sort of crowning moment for emerging powers graduating into the ranks of great powers.

In the following, I move to the institutional expressions of the crisis of legitimacy.

3.2 The PTBT Amendment Conference

The 1991 ‘Partial Nuclear Test-Ban Treaty amendment conference’ was the result of intensive behind-the-scenes lobbying by a CSO called Parliamentarians for Global Action, which had partnered up with Indonesia, Mexico, Peru, Sri Lanka, Venezuela, and other non-aligned states to gather the necessary support to compel the PTBT’s depositary states (Britain, the Soviet Union, and the United States) to convene a conference to explore the possibility of transforming the PTBT into a comprehensive ban (that is, to add a prohibition on underground testing to the existing prohibitions on atmospheric and underwater testing).¹⁴⁹ Adding a major conference to the regime’s running cycle of diplomatic events, the PTBT amendment conference constituted a first expansion of the regime since the late 1970s.

As established by article II of the PTBT, the depositary states are obliged to convene an amendment conference if requested by a third of the treaty’s parties. To take effect, however, an actual amendment of the treaty would have to be supported by all three depositaries. That meant that the two states most hostile to a CTBT, Britain and the United States, would be able to veto any proposed amendment. The non-aligned states that supported the convening of the conference were, of course, fully aware of this. In fact, Britain and the United States had both announced that they would not hesitate to block attempts at broadening the material scope of the PTBT far in advance of the conference.¹⁵⁰

In a strictly materialist perspective (particularly a neo-realist one), the non-aligned states’ insistence on convening an amendment conference thus appears mystifying. From the theoretical perspective advanced in this thesis, however, the conference would appear to fill two crucial functions – one autotelic and one instrumental: First, by opening an additional space for resistance, the amendment conference allowed the non-aligned states to *act out* their opposition to the NWSs’ alleged subversion of the regime. In the words of the Swedish UNGA delegation, for example, the conference was an expression of NNWSs’ ‘understandable frustration’ with the continuing paralysis on the test ban issue.¹⁵¹ Second, by forcing the test-ban issue higher on the international

¹⁴⁹ See Müller, Fischer, and Kötter, *Nuclear Non-Proliferation and Global Order*, p. 42; William Epstein, ‘January Meeting Keeps Hope Alive’, *Bulletin of the Atomic Scientists*, vol. 47, no. 3, 1991. p. 10.

¹⁵⁰ Epstein, ‘January Meeting Keeps Hope Alive’, p. 11.

¹⁵¹ Sweden, UNGA First Committee, 15 October 1990, p. 33.

agenda, the amendment conference could increase the moral and diplomatic pressure on the NWSs to negotiate a CTBT in the future. According to a commentator in the *Bulletin*, a pervasive view among ‘Westerners’ was that the main purpose of an amendment conference would be ‘to embarrass the United States and the United Kingdom.’¹⁵² In a neo-realist perspective, there would of course be no reason to suspect that such ‘pressure’ could ever have any effect.

The conference was chaired by the Indonesian foreign minister. And the proceedings were about as acrimonious as could be expected. While a number of non-aligned states claimed that Britain, the Soviet Union, and the United States had not lived up to their treaty commitment to end all nuclear testing, the United States’ chief negotiator, Mary Hoinkes, reportedly caused quite a kerfuffle by suggesting that the whole effort of convening the conference was ‘not serious’.¹⁵³ According to a *New York Times* editorial, the US representative ‘gratuitously offended states that want a total test ban.’¹⁵⁴ Of the PTBT’s 117 parties, 100 participated. Only two of those 100 were opposed to a comprehensive test ban. But as those states held veto rights, the conference could not agree to anything substantive. Yet, to the extent that the purpose of the conference was to open discursive space for resistance and raise public awareness, the conference was successful: ‘Conference sponsors feel they have raised the comprehensive test ban once again to a top place on the international arms control agenda.’¹⁵⁵ To the great pleasure of the Indonesian delegation, the amendment conference had provided ‘the first multilateral negotiating forum on a nuclear-arms treaty in which *all countries, nuclear and non-nuclear alike, participated*’.¹⁵⁶ The non-aligned states agreed that they would continue the process of convening amendment conferences until the NWSs agreed to initiate serious negotiations on a test ban.¹⁵⁷ But there would not be a second amendment conference. Coming into power in 1993, US president Bill Clinton reversed his predecessors’ opposition to the CTBT and agreed to initiate multilateral negotiations on a comprehensive test ban in the Geneva Conference.¹⁵⁸ While public pressure appears to have contributed to the US (and British) about face,¹⁵⁹ critical analysts have argued that some of the NWSs only agreed to initiate negotiations because they had done all the testing they could ever need.¹⁶⁰

As had also been the case during the mid-1970s, the early 1990s saw growing differences between NNWSs and NWSs over the meaning of article VI and the legitimacy of nuclear weapons

¹⁵² Kevin P. Clements, ‘Will Test Ban Conference Self-Destruct’, *Bulletin of the Atomic Scientist*, vol. 45, no. 6, 1989, p. 18.

¹⁵³ Epstein, ‘January Meeting Keeps Hope Alive’, p. 11.

¹⁵⁴ *New York Times* (editorial), ‘Self-Defeating on Nuclear Tests’, 27 January 1991.

¹⁵⁵ Epstein, ‘January Meeting Keeps Hope Alive’, p. 11.

¹⁵⁶ Indonesia, UNGA First Committee, 16 October 1991, p. 26. Emphasis added.

¹⁵⁷ Epstein, ‘January Meeting Keeps Hope Alive’, p. 11.

¹⁵⁸ Johnson, *Unfinished Business*, p. 47.

¹⁵⁹ Johnson, *Unfinished Business*, pp. 23–40.

¹⁶⁰ Sumit Ganguly, ‘India’s Pathway to Pokhran II’, *International Security*, vol. 23, no. 4, 1999, p. 170.

as instruments of statecraft. While the non-aligned states argued that the NPT and UNSSOD-I final document made it clear that nuclear weapons were fundamentally illegitimate, some of the NWSs openly argued that the NPT gave them the ‘right’ to possess nuclear weapons more or less indefinitely. France, for example, which joined the NPT in 1992, argued that, as a NWS under the NPT and permanent member of the UN Security Council, it had ‘the right to maintain her deterrent at a credible level’. Such statements, disarmament advocates argued, made the NWSs’ ‘true intentions’ abundantly clear.¹⁶¹ They also perpetuated the prestige value of nuclear weapons.¹⁶² The nuclear rhetoric of George H.W. Bush, who succeeded Ronald Reagan as president of the United States in 1988, was also noticeably different from the that of the outgoing US administration. While Reagan and his staff had presented a clear vision of a world without nuclear weapons, the Bush administration’s delegations to the UN made no secret of the United States’ intention to maintain a ‘safe and reliable nuclear deterrent’ for the foreseeable future.¹⁶³ Such statements would not have filled NNWS officials with confidence that the NPT would be able to deliver the equality of a world without nuclear weapons any time soon.

3.3 The ICJ Advisory Opinion on Nuclear Weapons

In May 1993, two years after the PTBT amendment conference, a group of non-aligned states made another confrontational move. Encouraged by CSOs, in particular the International Physicians for the Prevention of Nuclear War, 22 non-aligned states tabled a resolution at the World Health Assembly requesting the World Health Organization (WHO) to authorise the ICJ to deliver an advisory opinion on the following question: ‘In view of the health and environmental effects, would the use of nuclear weapons by a State in war or other armed conflict be a breach of its obligations under international law including the WHO Constitution?’¹⁶⁴ The intention of the co-sponsors and the CSOs that supported them was clearly to have the Court declare the use of nuclear weapons illegal. If the Court ruled that the use of nuclear weapons would inevitably fail to meet the standards of international humanitarian law, the nuclear powers would have a much harder time legitimising their retention of such arms.¹⁶⁵

¹⁶¹ Kate Dewes and Robert Green, ‘The World Court Project’, *Canadian Foreign Policy Journal*, vol. 7, no. 1, 1999, p. 68. See also Adam Bartos and Christopher Hitchens, *International Territory*, London, Verso, 1994, p. 22.

¹⁶² See William Walker, *A Perpetual Menace*, London, Routledge, 2011, pp. 16–17.

¹⁶³ United States, UNGA First Committee, 13 October 1992, p. 29; United States, UNGA First Committee, 13 November 1992, pp. 39–40.

¹⁶⁴ World Health Assembly, ‘Health and Environmental Effects of Nuclear Weapons’, WHA46.40, Geneva, 14 May 1993.

¹⁶⁵ Christopher Bellamy, ‘Big Five Nuclear Powers Braced for Move to Ban Bomb’, *The Independent*, 4 January 1994; Manfred Mohr, ‘Advisory Opinion of the International Court of Justice on the Legality of the Use of Nuclear Weapons Under International Law’, *International Review of the Red Cross*, vol. 37, no. 316, 1997, pp. 92–3.

Despite opposition by the NWSs and most of their allies, the resolution was adopted by the World Health Assembly by 73 votes to 40, with 10 abstentions. The NWSs and their allies did not give up that easily, though. Over the following months, they argued strongly that the World Health Assembly did not have the authority to make such a request. If the non-aligned states wanted an ICJ advisory opinion, the non-aligned states would have to go through the UNGA, not the WHO, they argued. The result was that the NAM tabled an even more ambitious resolution to the UNGA in the fall of 1993. This time, the question asked was the following: ‘Is the threat or use of nuclear weapons in any circumstances permitted under international law?’ Adding the element of ‘threat’ – which both the non-aligned and the Court, perhaps unjustifiably, took to be synonymous with the practice of deterrence – the non-aligned took aim not just at the nuclear powers, but also the aligned NNWSs relying on extended nuclear deterrence in their security doctrines.¹⁶⁶

For Miguel Marín-Bosch, a highly respected and influential figure in the disarmament community, the rationale behind taking the nuclear question to the ICJ was clear: The standard framework available to the NNWSs – the NPT review cycle and various UN forums – had not been able to facilitate the abolition of nuclear weapons:

[A]t each of the NPT’s five review conferences, two fundamental questions have been raised. First, have the NNWS lived up to their part of the bargain by remaining non-nuclear-weapon States? And second, have the NWS fulfilled their nuclear disarmament obligations? Invariably, the answer to the first question has been in the affirmative while the second has been in the negative.¹⁶⁷

‘Our recourse to the court now, with the full support of civil society’, postulated a Malaysian diplomat, ‘is tantamount to a last appeal for justice.’¹⁶⁸ Certain states reportedly also believed the initiative could have trickle-down effects on ongoing debates about UN Security Council reform.¹⁶⁹ Several of the emerging powers that were active in promoting the resolution – Brazil, Indonesia, India, Mexico – were vying for permanent membership or other significant alterations of the UN Security Council’s structure. It was also argued that the advisory opinion would provide ‘a positive contribution’ to the 1995 NPT review and extension conference.¹⁷⁰ More immediately, the initiative

¹⁶⁶ See Dewes and Green, ‘The World Court Project’, p. 65.

¹⁶⁷ Miguel Marín-Bosch, ‘The NPT’s Indefinite Extension?’, pp. 33–47 in James Brown (ed.), *Arms Control in a Multi-Polar World*, Amsterdam, VU University Press, 1996.

¹⁶⁸ John Burroughs and Jacqueline Cabasso, ‘Nukes on Trial’, *Bulletin of the Atomic Scientists*, vol. 52, no. 2, 1996, p. 41.

¹⁶⁹ Kate Dewes and Robert Green, ‘The World Court Project: How a Citizen Network Can Influence the United Nations’, *Peace, Security & Global Change*, vol. 7, no. 2, 1995, p. 17.

¹⁷⁰ Martin Lailach, ‘The General Assembly’s Request for an Advisory Opinion from the International Court of Justice on the Legality of the Treat or Use of Nuclear Weapons’, *Leiden Journal of International Law*, vol. 8, no. 2, 1994, p. 404.

was a means of expanding the regime's *agentes* or, as supporters put it, 'an attempt by non-nuclear states to bring another international institution [the ICJ] into play.'¹⁷¹ The initiative received energetic backing from a coalition of CSOs called the World Court Project. Originating in New Zealand in 1986, the World Court Project had mobilised CSOs from across the world to promote the idea of an ICJ advisory opinion.

Upon learning of the draft UNGA resolution and its contents, NWSs initiated a 'counter-resistance' campaign: Several of the NWSs reportedly sent delegations to NAM capitals and threatened to withdraw aid or cancel trade deals if the resolution was not withdrawn. NAM consensus eventually cracked, and the resolution was withdrawn before it was put to a vote. The NWSs, in other words, were forced to resort to the use of material compensation to protect the status quo. 'During my 20 years' experience as a UN delegate', said a Swedish official, 'I have never seen such supreme power politics openly being used as during the fall of 1993.'¹⁷² 'Hysteria is not too strong a word to describe the nuclear weapon states' point of view around here', said Canada's ambassador. The activists of the World Court Project thought the battle was lost.¹⁷³

But the supporters of the resolution came back stronger in 1994. In fact, just a few weeks after the 1993 UNGA First Committee meeting, the NAM meeting of foreign ministers in Cairo decided to reintroduce the resolution in 1994 and to put it to a vote. 'To these countries', Manfred Mohr claims, 'the situation of "nuclear apartheid" was simply intolerable'.¹⁷⁴ The NWSs' attempts at derailing the initiative only seemed to confirm the non-aligned states' suspicion that the NWSs would not agree to disarmament even now that the Cold War had ended.¹⁷⁵ According to World Court Project activists, NAM states were 'infuriated by the behaviour of the NATO nuclear weapon states when opposing their resolution' and were doubly determined push on.¹⁷⁶ The resolution was eventually adopted with 78 votes in favour, 43 against, and with 38 states abstaining. The NWSs and their allies had revealed 'their real attitude to nuclear weapons', said the Mexican ambassador, Miguel Marín-Bosch.¹⁷⁷

From a rationalist perspective, it might appear somewhat puzzling that the NWSs' pushback only seemed to generate greater resistance by the non-aligned states. It is a mantra of much IR theory that securing the support of 'critical states' is a prerequisite for any diplomatic

¹⁷¹ Burroughs and Cabasso, 'Nukes on Trial', p. 41.

¹⁷² Dewes and Green, 'The World Court Project', p. 66.

¹⁷³ Dewes and Green, 'The World Court Project', p. 66.

¹⁷⁴ Mohr, 'Advisory Opinion of the International Court of Justice', p. 94.

¹⁷⁵ See e.g. Mohr, 'Advisory Opinion of the International Court of Justice', p. 94; Dewes and Green, 'The World Court Project', p. 74.

¹⁷⁶ Dewes and Green, 'The World Court Project', p. 74.

¹⁷⁷ Miguel Marín-Bosch, 'Getting Rid of Nuclear Weapons', *Medicine, Conflict, and Survival*, vol. 13, no. 4, 1997, p. 287.

initiative to gain momentum.¹⁷⁸ The literature on social movements offers a different perspective. To wit, Charles Brockett argues that while repression of protest is often ‘successful’ when the wider social structure is stable, otherwise similar attempts at suppressing protest tend to backfire during times of upheaval, triggering *more* rather than less protest.¹⁷⁹ This fits well with the pattern described above. In the context of an ongoing crisis of legitimacy, the NWSs’ attempt at suppressing the advisory-opinion initiative *aggravated* the non-aligned states’ grievances against nuclear hierarchy. As one commentator put it, the ‘rearguard actions of the Five – Britain, Russia, France, the United States and China – seem increasingly like the petulance of a clique that has lost its charisma’.¹⁸⁰

Endowed by the UN Charter with the capacity to settle international legal disputes, the ICJ is the ‘principal judicial organ of the United Nations.’¹⁸¹ Owing to its formal role as the international society’s highest court, cross-regional composition, and the professional competence of the 15 judges in its employ, the Court commands significant authority.¹⁸² And while the Court cannot force a state to do anything against its will – state consent (sovereignty) remains the fundamental building block of international law – the ICJ’s decisions and opinions are considered authoritative expressions of *lex lata*. As a part of the legal process of the ICJ, stakeholders were invited to court hearings. The court hearings on the nuclear question took place in the autumn of 1995. These provided a new arena for engagement, adding an ad hoc *locus* to the regime’s existing institutional infrastructure. Measured by the number of states participating, the court hearings for the nuclear advisory opinion were the most popular in the history of the ICJ.¹⁸³ France’s continued nuclear testing became a hot topic during the oral proceedings, releasing, as the *Washington Post* put it, ‘a typhoon of anger’ among NNWSs.¹⁸⁴

Through their advocacy and expert advice on complex legal issues, civil society actors were instrumental in bringing about the advisory opinion. Through the World Court Project, anti-nuclear governments and CSOs worked more intimately than ever before.¹⁸⁵ In fact, the World Court Project was one of the first instantiations of what has since been labelled ‘new diplomacy’ – social-movement-type mobilisation of grand coalitions of states and CSOs that ‘draw strength and

¹⁷⁸ E.g. Martha Finnemore and Kathryn Sikkink, ‘International Norms Dynamics and Political Change’, *International Organization*, vol. 52, no. 4, 1998.

¹⁷⁹ Charles D. Brockett, ‘The Repression/Popular-Protest Paradox’ pp. 117–44 in Mark Traugott (ed.), *Repertoires and Cycles of Collective Action*, Durham, NC, Duke University Press, 1995, p. 134–5.

¹⁸⁰ Bartos and Hitchens, *International Territory*, p. 23.

¹⁸¹ Charter of the United Nations, adopted 26 June 1945, in force 24 October 1945, Art. 92.

¹⁸² Edvard Hambro, ‘The Authority of the Advisory Opinions of the International Court of Justice’, *The International and Comparative Law Quarterly*, vol. 3, no. 1, 1954.

¹⁸³ 42 states presented written statements. 22 made oral interventions. Mike Moore, ‘World Court Says Mostly No to Nuclear Weapons’, *Bulletin of the Atomic Scientists*, vol. 52, no. 5, 1996, p. 40. See also Dewes and Green, ‘The World Court Project’, p. 69.

¹⁸⁴ William Droziak, ‘France’s Nuclear Storm’, *Washington Post*, 8 July 1995.

¹⁸⁵ Dewes and Green, ‘The World Court Project’, p. 71.

legitimacy through numbers and the mobilization of “boundary role” players in civil society and nongovernmental organizations.¹⁸⁶ Indeed, some of the people and organisations involved in the World Court Project later contributed to launching more famous new-diplomacy initiatives such as the campaigns to ban anti-personnel landmines and to establish the International Criminal Court.¹⁸⁷ Yet, influential as the World Court Project was in promoting the advisory opinion and inspiring subsequent diplomatic initiatives, its main contribution lay in providing expert advice and encouragement to the already converted non-aligned states. None of the states in the higher echelons of the nuclear hierarchy proved receptive to direct pressure; the states that voted in favour of the advisory-opinion resolution in 1994 were all non-aligned states.

The *Legality of the Threat or Use of Nuclear Weapons* was published by the ICJ in 1996. It did not contain the conclusions the proponents of the World Court Project had hoped. By split decision, the Court ruled that it could *not* determine whether the use of nuclear weapons would be illegal in ‘extreme circumstances of self-defence’.¹⁸⁸ This meant that the NWSs could argue that their possession and potential use of nuclear weapons was legitimate. However, the ruling contained a tangential statement of great value to the non-aligned states and others promoting disarmament: By a unanimous decision of all 15 judges, the Court stated that there exists an obligation, not just to ‘negotiate’ effective measures for nuclear disarmament, as suggested by the wording of the NPT, but to bring nuclear disarmament negotiations ‘to a conclusion’, i.e. that complete nuclear disarmament was indeed a standing legal obligation.¹⁸⁹

3.4 Renewing the NPT

On the horizon throughout the 1980s and early 1990s was a critical event in the history of the regime: the 1995 NPT review and extension conference.¹⁹⁰ As provided by the NPT’s article X, the treaty would only remain in effect for a 25-year period after its entry into force. After the 25 years, a conference would be convened to decide on whether the treaty should be extended indefinitely or for another fixed period or periods. Many non-aligned states viewed the conference as an excellent opportunity to wrest specific disarmament commitments from the NWSs, but were

¹⁸⁶ Fen O. Hampson and Holly Reid, ‘Coalition Diversity and Normative Legitimacy in Human Security Negotiations’, *International Negotiation*, vol. 8, no. 1, 2003, p.

¹⁸⁷ Dewes and Green, ‘The World Court Project’, p. 71.

¹⁸⁸ ICJ, *Legality of the Threat or Use of Nuclear Weapons*, Advisory Opinion, 8 July 1996, p. 263.

¹⁸⁹ ICJ, *Legality of the Threat or Use of Nuclear Weapons*, Advisory Opinion, 8 July 1996, p. 267.

¹⁹⁰ See e.g. John Simpson (ed.), *Nuclear Non-Proliferation: An Agenda for the 1990s*, Cambridge, Cambridge University Press, 1987, Part 4; Paul Leventhal, ‘Flaws in the Non-Proliferation Treaty’, *Bulletin of the Atomic Scientists*, vol. 41, no. 8, 1985, pp. 12–15; Australia, NPT Review Conference, 28 August 1985, 22; Switzerland, NPT Review Conference, 29 August 1985, 62; Portugal, NPT Review Conference, 30 August 1985, p. 94; Sri Lanka, NPT Review Conference, 3 September 1985, p. 123.

simultaneously anxious that the ‘discriminatory features [of the NPT] will be codified and will thus become immutable.’¹⁹¹ The crisis of legitimacy of the 1990s was intimately linked to the non-aligned states’ ontological apprehensions associated with the extension. According to a report in *Strategic Survey*,

the current wave of interest in nuclear abolition is a by-product of the debate over whether and how to extend the Nuclear Non-Proliferation Treaty (NPT) and the diplomacy associated with the NPT Review and Extension Conference of April-May 1995. In advance of the conference, the nuclear powers were subjected to several years of mounting pressure from many quarters, including non-nuclear states as well as groups advocating arms control, to fulfil their obligation to pursue nuclear disarmament, as required by Article VI of the NPT.¹⁹²

Following the factious advisory-opinion initiative and conferences in 1990 and 1991, the NPT review and extension conference was convened in an atmosphere of diplomatic polarisation between the non-aligned states and the nuclear powers and their allies. Passing a UN Security Council resolution on nuclear ‘security assurances’ for NNWSs in April 1995, the NWSs had ostensibly endeavoured to make a gesture of good faith. But while China offered a near unconditional pledge that it would not use nuclear weapons against NNWSs, the other four made more ambiguous promises, seemingly reserving the right to use nuclear weapons in self-defence (and thus only reiterating the general prohibition on the first use of force contained in the UN Charter). Several NNWSs states remained adamant that security assurances would only have value once codified in a precisely worded legally binding instrument (the non-aligned hardliners had in any case waived consultations on such an instrument by blocking consensus in 1990).¹⁹³ The *Washington Post*, which ran a six-part series on the conference, picked up on the tension between the two camps. The last story, published a week before the extension decision was to be made, ran with the pictures of the Mexican ambassador Miguel Marín-Bosch, who was portrayed as the leader of the non-aligned, and the US official Thomas Graham, representing the nuclear powers and their allies, on the front page. The caption under Marín-Bosch’s picture was accurate: ‘Mexico’s Miguel Marín-Bosch wants to hold the United States and the other four nuclear powers to the letter of their NPT pledges.’¹⁹⁴

As its name suggests, the NPT review and extension conference was really two conferences in one: The NPT parties would first decide on the matter of the NPT’s extension. Then, once the

¹⁹¹ Zambia, UNGA First Committee, 24 October 1994, p. 22.

¹⁹² *Strategic Survey*, ‘Nuclear Weapons: The Abolitionist Upsurge’, vol. 98, no. 1, 1997, p. 46.

¹⁹³ Simpson, ‘The Role of Security Assurances’, pp. 66–9.

¹⁹⁴ David B. Ottaway and Steve Coll, ‘A Hard Sell for Treaty Renewal’, *The Washington Post*, 14 April 1995.

extension decision had been made, they would move to the conventional ‘review’ of the treaty’s implementation over the preceding five years. The NWSs and most of their allies argued for indefinite extension without conditions. Most non-aligned states, for their part, argued that the extension, whether indefinite or limited in time, should be sweetened with an updated compensatory package or subject to specific conditions. As during the NPT negotiations in the 1960s, the non-aligned states were caught in a difficult position. On the one hand, most non-aligned states believed that the NPT played an important role as a damper on nuclear security competition between NNWSs. A Nigerian representative’s allusion that Nigeria might consider developing nuclear weapons was reportedly received with great alarm by several West African states.¹⁹⁵ On the other hand, the non-aligned states were wary of the status implication of perpetuating the NPT indefinitely. The Indonesian delegation, for example, asserted that indefinite extension without conditions would ‘ratify inequality in international relations once and for all, and relegate the non-nuclear countries to second-class status.’¹⁹⁶ Several non-aligned states expressed similar views.¹⁹⁷

After weeks of intense negotiations, the NPT parties agreed to a ‘renewed NPT bargain’.¹⁹⁸ According to several reports, diplomatic arm twisting and economic coercion of certain non-aligned states by the NWSs – material compensation for lacking legitimacy – played an important role in securing consensus.¹⁹⁹ In exchange for the indefinite extension of the treaty, the NWSs and their allies agreed to a ‘package’ of commitments. The first element of the package was a decision to significantly expand the NPT review process in scope and ambition. From now on, the review process would consist of four (not one) conferences for every five-year cycle (three preparatory committee meetings (PrepComs) and one RevCon). The review process would also be mandated to make specific recommendations for future implementation of the treaty’s provisions, not just to review past work.²⁰⁰ The second element was a declaration on ‘Principles and Objectives for Nuclear Non-Proliferation and Disarmament’ that, among other provisions, called for the negotiation of a treaty prohibiting the production of a fissile material for weapons purposes and to

¹⁹⁵ Graham, *Disarmament Sketches*, pp. 282–3.

¹⁹⁶ Indonesia, NPT Review and Extension Conference, 18 April 1995, p. 35.

¹⁹⁷ E.g. Tanzania, NPT Review and Extension Conference, 19 April 1995, p. 56; Bangladesh, NPT Review and Extension Conference, 21 April 1995, p. 109; Papua New Guinea, NPT Review and Extension Conference, 21 April 1995, p. 111; Zimbabwe, NPT Review and Extension Conference, 20 April 1995, p. 91.

¹⁹⁸ Lewis A. Dunn, ‘The NPT: Assessing the Past, Building the Future’, *Nonproliferation Review*, vol. 16, no. 2, 2009, p. 160.

¹⁹⁹ See Susan B. Welsh, ‘Delegate Perspectives on the 1995 NPT Review and Extension Conference’, *Nonproliferation Review*, vol. 2, no. 3, 1995; Grotto, ‘Why Do States that Oppose Nuclear Proliferation Resist New Nonproliferation Obligations?’.

²⁰⁰ In addition to quinquennial review conferences, the NPT states parties and signatories would from now on also meet for a major conference, a so-called preparatory committee meeting, in the three years prior to each RevCon. See NPT Review and Extension Conference, ‘Strengthening the Review Process of the Treaty’, Decision 1, New York, 1995.

conclude negotiations on a CTBT 'no later than 1996'.²⁰¹ The third element was a resolution urging the creation of a zone free of weapons of mass destruction (WMD) in the Middle East. This latter aspect had been a major demand by several Arab states. For them, discussions of a WMD-free zone provided a means of pressurising Israel, which was universally suspected of having developed nuclear weapons sometime in the late 1960s.²⁰² The fact that the Western powers seemed to look between their fingers when it came to Israel's development of nuclear weapons was greatly resented by a many non-aligned states, particularly the members of the Arab League.²⁰³

The extension question, then, was resolved by a consensus agreement. But on the review question, no agreement could be found. A group of non-aligned states, deeply critical of the NWSs track record on article VI, opposed consensus on the draft final declaration. According to the Canadian ambassador, '[t]he lack of a review declaration at this Conference can be attributed to some extent to the "bruised feelings" of some of the participants.'²⁰⁴ Perhaps the non-aligned officials that opposed consensus were emotional. But their act of blocking should perhaps more usefully be interpreted as a diplomatic signal: Despite the agreement on indefinite extension, the NWSs should have no illusions that the non-aligned states accepted a permanent nuclear hierarchy.

The 1995 conference provided for further expansions of the regime. Paying tribute to the positive role of CSOs and academics in furthering the objectives of the NPT, the president of the conference, the Sri Lankan ambassador Jayantha Dhanapala, suggested that CSOs be given a more active part in future meetings. Taking the cue, the chairperson of the 1997 NPT PrepCom arranged for half a day of 'informal' plenary where CSOs could make formal statements. This arrangement was accepted by the parties. Setting a precedent for active civil society participation in the NPT review cycle, this decision marked the inclusion of CSOs as active participants in the NPT review process.

The Conference also saw several influential states participate for the first time. Having finally shed their once principled objections to the non-proliferation project, China and France both acceded to the NPT in 1992, joining the treaty as NWSs. Argentina and Algeria, the former long suspected of having intentions to develop nuclear weapons, joined the NPT a few months prior to the conference. Brazil would not join the NPT until 1998, but had seemingly shelved any

²⁰¹ NPT Review and Extension Conference, 'Principles and Objectives for Nuclear Non-Proliferation and Disarmament', Decision 2, New York, 1995, p. 2.

²⁰² On Israel's 'opaque proliferation', see Avner Cohen, *Israel and the Bomb*, New York, NY, Columbia University Press, 1998.

²⁰³ Egypt, NPT Review and Extension Conference, 20 April 1995, p. 80; Lebanon, NPT Review and Extension Conference, 11 May 1995, p. 186; Libya, NPT Review and Extension Conference, 11 May 1995, p. 193.

²⁰⁴ Quoted in Welsh, 'Delegate Perspectives on the 1995 NPT Review and Extension Conference', p. 3.

plans of building a bomb by 1988.²⁰⁵ In all cases, the lessening of security competition in their respective regions and strengthening of the non-proliferation norm seem to have been important factors. While both states remained deeply critical of the regime's discriminatory structures, they had decided that they could do more for the cause of disarmament inside the NPT than outside.²⁰⁶ Having recently completed its 'rainbow revolution' and discontinued its nuclear-weapons programme – as the first state ever to develop nuclear weapons and then scrap them – South Africa also participated for the first time. The latter was reportedly instrumental in bringing a group of hard-line non-aligned states on-board with the extension deal.²⁰⁷

It is also worth noting that the 1995 conference saw major developments in the organisation of the NGO community. During the conference, a large group of CSOs launched a transnational advocacy network, the first of its kind, to work for the negotiation of a comprehensive convention to eliminate nuclear weapons by the year 2000.²⁰⁸ The network, called 'Abolition 2000', had been initiated by the International Physicians for the Prevention of Nuclear War in December 1994. According to one of its early members, the purpose of Abolition 2000 was to challenge the creeping 'status-quoism' in civil society.²⁰⁹ The idea of negotiating a comprehensive nuclear weapons convention – an international agreement that would provide for the prohibition and elimination of nuclear weapons in a time-bound manner – was soon picked up by a group of international legal experts organized in the Lawyers' Committee on Nuclear Policy. By 1996, the committee had drafted a 'Model Nuclear Weapons Convention' that the government of Costa Rica, a long-standing proponent of disarmament, submitted to the UN Secretary General as a 'discussion document'. This innovative manoeuvre drew explicitly on the legalisation frame that had given meaning to the advisory opinion initiative, providing a rallying point for CSOs and non-aligned states for several years.²¹⁰ Offering a novel means of practicing nuclear disarmament diplomacy, the introduction of the Model Convention changed the regime's *modus*.²¹¹

The conference president did his best to spin the outcome of the 1995 conference in a positive light. The indefinite extension of the NPT did 'not represent a permanence of unbalanced obligations', nor 'the permanence of nuclear apartheid between nuclear haves and have-nots', he contended. Rather, the extension simply represented a collective dedication to the norm of non-

²⁰⁵ Matias Spektor, 'The Evolution of Brazil's Nuclear Intentions', *Nonproliferation Review*, vol. 23, nos 5–6, 2016, p. 643.

²⁰⁶ See John R. Redick, Julio C. Carasales, and Paulo S. Wrobel, 'Nuclear Rapprochement', *The Washington Quarterly*, vol. 18, no. 1, 1995, pp. 107–122, pp. 117, 120.

²⁰⁷ Jayantha Dhanapala and Randy Rydell, *Multilateral Diplomacy and the NPT*, Geneva, UNIDIR, 2005.

²⁰⁸ Abolition 2000, 'Abolition 2000 Statement', April 1995.

²⁰⁹ Interview with Alice Slater, New York, 3 July 2017.

²¹⁰ Interview with Alice Slater, New York, 3 July 2017.

²¹¹ Lachlan Forrow, Victor W. Sidel, 'Medicine and Nuclear War', *Journal of the American Medical Association*, vol. 280, no. 5, 1998.

proliferation ‘so that we can forge ahead in our tasks towards a nuclear-weapon-free world.’²¹² But not all were convinced. At the UNGA session immediately following the conference, the Malaysian prime minister, Mahathir Mohamad, made a strong statement against inequality:

The victors of 1945 have clung tenaciously to the levers of power [...], exercising influence and power as nakedly as when they were colonial Powers. Only the masks have changed. [...] What, may I ask, qualifies some countries to possess the means of mass destruction in perpetuity? It is time that the nuclear-weapon States committed themselves to nuclear disarmament through a programmed reduction of their nuclear arsenals within a specific time-frame, beginning with the immediate cessation of all nuclear tests and culminating in their total elimination.²¹³

Although the package of decision adopted at the 1995 conference was widely seen as confirming the validity of article VI and the goal of a world without nuclear weapons, the outcome was nevertheless seen as disappointing. As many states were afraid that the indefinite extension had in some way legitimised the NWSs’ indefinite possession of nuclear weapons, the outcome remained inconclusive. The non-aligned states’ struggle for recognition continued.

3.5 The Geneva Conference, the CTBT, and the NAC

In September 1995, after significant pressure from a large group of states over several years, the Geneva Conference – then at 38 members²¹⁴ – admitted 23 new members in what was the largest ever expansion of the Conference’s membership. Among the new members were regional powers such as Turkey and South Africa and small states that had shown considerable engagement in humanitarian and disarmament issues such as Austria, New Zealand, Norway, and Switzerland.²¹⁵ In 1999, the membership was expanded by another four states, taking the total membership up to 65. A prevailing view had been that ‘the legitimacy of the CD could be called in question by its failure to open its membership to *deserving* states.’²¹⁶ Yet, as was the case for previous rounds of expansion, the ‘legitimacy’ in question was clearly one of *input* legitimacy. The nominal participation of NNWSs was apparently viewed as more important than the forum’s effectiveness and, by

²¹² Jayantha Dhanapala (Conference President, Sri Lanka), NPT Review and Extension Conference, 12 May 1995, p. 214.

²¹³ Malaysia, UNGA Plenary, 29 September 1995, p. 23.

²¹⁴ After UNSSOD-I, the CD had 40 members, but by 1995, the unification of Germany and dissolution of Yugoslavia brought the number of members down to 38.

²¹⁵ UN, Press Release, ‘Conference on Disarmament Admits 23 New Members’, 17 June 1996. The CD was expanded again in 1999, that time by a more modest five states.

²¹⁶ Nigeria, CD, 28 July 1994, p. 7. Emphasis added. See also Norway, UNGA First Committee, 19 October 1994, p.

implication, *output* legitimacy. For if the effect of expansion was not clear in 1978, it certainly was in 1995 and 1999.²¹⁷ There could be little doubt that expanding a forum where strict consensus was the prevailing decision-making rule could only reduce the forum's effectiveness, let alone its efficiency. But the dominant motivating factor for those applying for membership was seemingly not to increase the forum's functionality, but more simply to be included. Inclusion functioned here quite clearly as an extension of recognition as 'deserving' subjects – as full 'partners' in the multilateral disarmament regime.

The package of decisions that provided for the indefinite extension of the NPT included a commitment to conclude a CTBT by 1996. And for once in nuclear disarmament diplomacy, the deadline was actually met – albeit in an unconventional manner. Serious CTBT negotiations had been underway in the Geneva Conference since 1993 and, by 1996, a draft that most delegations were happy with had been finalised.²¹⁸ But certain states – India most of all – opposed it (at least officially) because it did not include measures for arms reductions. It was, as Jaswant Singh put it, 'devoted to ratifying the nuclear status quo.'²¹⁹ And since the Geneva Conference operates on the basis of strict rules of consensus, India could block its adoption. This, of course, was totally unacceptable to many other states, for which the CTBT had been *the* most important agenda item since the 1950s. Thus, to circumvent the Geneva Conference and its rule of consensus, Australia's ambassador to the UN in New York, Richard Butler, designed 'a procedural device' whereby a draft would be introduced to the UNGA as a resolution without first having attained consensus in Geneva. A special meeting of the UNGA was convened and the draft treaty adopted on 10 September 1996. Butler's manoeuvre represented a significant break with the rule of consensus, which had been employed for the adoption of all multilateral arms treaties within the nuclear regime thus far.²²⁰ Despite the lack of consensus, and the somewhat slim prospects of bringing the treaty into force (ratification of the states that opposed it in Geneva would be a prerequisite of its entry into force), the adoption of the CTBT was seen as a victory for the cause of disarmament.²²¹

Above I described how the frozen nuclear hierarchy made it difficult for NNWSs to climb in the international hierarchy of prestige. NNWSs with ambitions of gaining parity with the established major powers seemingly felt compelled either to build their own nuclear weapons or to redouble their efforts at effecting disarmament. While India and Pakistan opted for the former alternative, emerging powers such as Brazil, Egypt, Indonesia, Mexico, and South Africa opted for

²¹⁷ Compare Bourantronis, *The United Nations and the Quest for Nuclear Disarmament*, p. 166–76.

²¹⁸ Johnson, *Unfinished Business*, pp. 45, 109.

²¹⁹ Singh, 'Against Nuclear Apartheid', p. 41.

²²⁰ The NPT was adopted by consensus in the ENDC and then by majority in the UNGA. The PTBT was adopted by consensus by Britain, the USA, and the USSR. All NPT review conference final documents and special session documents have been adopted by consensus.

²²¹ Johnson, *Unfinished Business*, p. 231.

the second. In the spring of 1998, before the tests on the Subcontinent had taken place, seven states (Brazil, Egypt, Ireland, Mexico, New Zealand, South Africa, and Sweden) formed a cross-regional ‘ginger group’ to promote multilateral nuclear disarmament called the ‘New Agenda’ (later dubbed the ‘New Agenda Coalition’ (NAC)).²²² Brazil joined the NPT in the same year. The official purpose of the NAC was to ‘galvanize the international community in common action for the purpose of eradicating these [nuclear] weapons once and for all.’²²³ As one of its founders stated, the years immediately following the 1995 conference had ‘engendered the suspicion’ that the indefinite extension of the NPT had legitimised the NWSs’ indefinite possession of nuclear weapons. The purpose of the NAC was to counteract this interpretation.²²⁴ In the formulation of South Africa, the NAC’s business was to ‘call on the States that South Africa recognizes as nuclear weapon states “to demonstrate an unequivocal commitment to the speedy and total elimination of their respective nuclear weapons”’.²²⁵ South Africa was thus still prepared to recognise Britain, China, France, Russia, and the United States as ‘nuclear-weapon states’, but held that they should do more do deserve that recognition.

The run-up to the 2000 NPT RevCon confirmed that the legitimacy of the regime remained in question. The various initiatives taken over the 1990s had not been able to re-establish the credibility of the regime as a vehicle of justice. Many states ‘feel that the agreements made at the 1995 Review and Extension Conference, in order to secure the indefinite extension of the NPT, have to a large part not been honoured’, Sweden’s ambassador for disarmament held.²²⁶ If the PrepComs preceding the RevCon were anything to go by, the scholar Manpreet Sethi argued, ‘then the RevCon can be expected to be an acrimonious affair that might end up generating more heat than light.’²²⁷ According to the then Australian ambassador for disarmament, Richard Butler,

²²² Slovenia was originally a member but withdrew almost instantly after pressure from the United States (Slovenia were, at the time, vying for membership in NATO). See Robert Green, ‘A Fast Track to Zero Nuclear Weapons’, *Medicine, Conflict and Survival*, vol. 16, no. 1, 2000. An important forerunner of the NAC was the so-called Six-Nation Peace Initiative, a loose group of six NNWs advocating disarmament formed in 1984. In contrast to the NAC, however, which engaged actively in the institutions of the multilateral nuclear disarmament framework from the get-go, the Six-Nation Initiative never really engaged in the running political processes or institutions of the multilateral nuclear disarmament framework. The Six-Nation Initiative published a handful of statements calling for disarmament, but never entered the NPT or UNGA as a negotiating bloc. The NAC, by contract, entered the existing forums as an actor. The members of the Six-Nation Initiative were Argentina, Greece, India, Mexico, Sweden, and Tanzania.

²²³ Ireland for 31 states UNGA First Committee, 27 October 1998.

²²⁴ Darach MacFhionnbhairr, ‘How Can We Make Greater Progress Towards Nuclear Disarmament and Prevent Further Proliferation?’, panel discussion, 27 October 1998, transcribed in *Disarmament*, NY, United Nations, 1999, p. 43.

²²⁵ South Africa, UNGA First Committee, 27 October 1998, p. 11.

²²⁶ Henrik Salander, ‘Special Comment’, *Disarmament Forum*, no. 1, 2000, p. 3.

²²⁷ Manpreet Sethi, ‘NPT Reviews Conference 2000’, *Strategic Analysis*, vol. 24, no. 1, 2000, p. 51.

‘[t]here was credible corridor discussion of the possibility that a whole bloc of non-aligned states might decide to leave the treaty.’²²⁸

I have recorded 12 changes made to the multilateral nuclear disarmament framework between 1979 and 2000. Of these, all took place between 1991 and 1999.²²⁹

Table 3: Summary of Institutional Adaptations, 1979–2000				
Initiative	<i>Locus</i>	<i>Modus</i>	<i>Agentes</i>	<i>Res</i>
1991: PTBT amendment conference ²³⁰	✓			
1993–96: ICJ advisory-opinion initiative	✓	✓	✓	✓
1995: Expansion of the NPT review cycle	✓	✓		
1995: Expansion of the Geneva Conference’s membership (23 states)			✓	
1996: Adoption of the Comprehensive Nuclear Test-Ban Treaty				✓
1996: Submission of a ‘Model Nuclear Weapons Convention’ to the UN Secretary General		✓		
1997: CSOs granted speaking rights in the NPT review cycle			✓	
1999: Expansion of the Geneva Conference’s membership (4 states)			✓	

4 Relegitimation: ‘Euphoria’ at the RevCon

4.1 Disarmament as a Pathway to Equality

The wave of protest that began with the non-aligned states’ blocking of consensus at the 1990 NPT RevCon was finally resolved in 2000. After intense negotiations between the NWSs and the NAC over the last few days of the conference, the 2000 NPT RevCon adopted what was seen by virtually all observers as a highly progressive final document. It was, in fact, the first time an NPT RevCon had ever been able to adopt a fully negotiated final document.²³¹ For the advocates of disarmament, the most notable achievement was the inclusion in the document of 13 ‘practical steps’ to implement article VI. Most crucially, the document declared the ‘unequivocal undertaking by the nuclear-weapon States to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament.’²³² The inclusion of the phrase ‘unequivocal undertaking’ – borrowed from

²²⁸ Butler, *Fatal Choice*, p. 66.

²²⁹ In 1986, a UN conference was convened (on the initiative of France) to consider the relationship between development and disarmament. As the conference did not specifically deal with *nuclear* disarmament, I have not recorded it as an addition to the multilateral nuclear disarmament framework.

²³⁰ Note that the decision to convene the PTBT amendment conference was made before the 1990 NPT RevCon, which I

²³¹ Rauf, ‘Ambassador Abdallah Baali on the 2000 NPT Review Conference’, pp. 1–2.

²³² NPT Review Conference, Final Document (Parts I and II), New York, 2000, p. 14.

the 1996 advisory opinion – had been a central demand of the NAC. It is reasonable to assume that, for the NWSs and their allies, agreeing to the 13 steps functioned as a means of stabilising the regime and averting possible defections.

The adoption of the 13 steps was celebrated as a major success by most NNWSs. For Sweden, the 13 steps represented ‘a new beginning in the pursuit of nuclear disarmament’ that ‘fundamentally alters the context in which nuclear disarmament must henceforth be pursued.’²³³ For Myanmar, ‘we have been able to transform our vision into a reality.’²³⁴ Canada exulted that, following ‘discouraging setbacks, [...] our most important off all treaties, the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), won resounding, sceptic-confounding reaffirmation.’²³⁵ After years of deadlock and pessimism, said a Kazakh official, ‘the adoption of the Final Document bears witness to the success of our work.’²³⁶ The adoption of the 13 steps was thus represented as a radical break with the inglorious past of the multilateral nuclear disarmament framework. At the same time, non-aligned states drew parallels between the adoption of the 13 steps and the alleged successes of the past – the inclusion in the NPT of article VI and the adoption of the UNSSOD-I final document. That way, the adoption of the 13 steps was framed as a third iteration of the original NPT bargain: Just as the UNSSOD-I final document had reconstituted the original bargain, the 13 steps reconstituted both the original bargain and the UNSSOD-I final document:

We [...] find it necessary to reaffirm the priorities of the international community in the field of disarmament. These were clearly established in the 1978 Final Document of the General Assembly’s special session devoted to disarmament, which accorded absolute priority to efforts for disarmament in the area of nuclear weapons. [...] A number of initiatives have been launched for the elimination of nuclear weapons. They include the initiative of the New Agenda Coalition, of which Egypt is a member. This initiative and subsequent General Assembly resolutions have achieved marked success. The members of the Coalition played a distinctive role in the Sixth NPT Review Conference, which resulted in the adoption of 13 practical steps for the implementation of article VI of that Treaty, pertaining to the unequivocal undertaking by the nuclear-weapon States to eliminate their nuclear arsenals.²³⁷

Douglas Roche, a former Canadian ambassador who was present at the RevCon as a civil society observer, describes the mood among disarmament advocates after the adoption of the outcome

²³³ Sweden, UNGA First Committee, 23 October 2000, p. 8.

²³⁴ Myanmar, UNGA First Committee, 11 October 2000, p. 4.

²³⁵ Canada, UNGA First Committee, 5 October 2000, p. 1.

²³⁶ Kazakhstan, UNGA First Committee, 12 October 2000, p. 12.

²³⁷ Egypt, UNGA First Committee, 10 October 2001, p. 9.

document as ‘euphoric’.²³⁸ According to Steffen Kongstad, the conference was experienced as an unambiguous breakthrough for the disarmers.²³⁹ Henrik Salander, the Swedish ambassador, used similar words to describe the outcome.²⁴⁰ The 2000 NPT RevCon was, quite simply, seen as the most positive result ever achieved through the NPT review process. Richard Butler believed the adoption of the 13 steps had averted a major exodus of non-aligned states from the NPT.²⁴¹

The ICJ’s advisory opinion also seems to have played a re-legitimising function. Although the advisory opinion was not the prohibition on the threat or use of nuclear weapons its proponents had envisioned, it just about confirmed the non-aligned states’ ‘counter-hegemonic’ representation of nuclear weapons as shameful weapons of mass destruction and disarmament as an urgent and legally binding obligation. For example, the Court concluded that, ‘in view of the unique characteristics of nuclear weapons’, the use of such weapons ‘seems scarcely reconcilable’ with the requirements of ‘humanity’.²⁴² The advisory opinion thus strengthened the narrative that the use of nuclear weapons would be unethical and, by extension, that the states relying on such weapons for their security were transgressing against international norms. Plainly, the opinion provided ammunition for non-aligned states eager to portray themselves as morally superior ‘nuclear free’ states (as opposed to inferior ‘non-nuclear’ states). To the extent that *Legality of the Threat or Use of Nuclear Weapons* contributed to reducing the prestige value of nuclear weapons, it also, *ceteris paribus*, reduced ‘demand side’ proliferation pressures.

4.2 Empowerment through Struggle

I have argued throughout this thesis that the legitimacy of the nuclear regime depends both on substantive and procedural elements. Substantively, the NNWSs have consistently sought to promote greater equality between NWSs and NNWSs by advocating disarmament. Procedurally, NNWSs have demanded a right to *participate* meaningfully in nuclear disarmament diplomacy. As discussed in Chapter 3, the very act of contesting the nuclear hierarchy may therefore serve a re-legitimising function, insofar as active resistance allows the NNWSs to act out their self-descriptions as audible partners in the regime. The initiatives undertaken by NNWSs during the 1990s corroborate the findings in Chapter 3. Allowing the non-aligned states to take the offensive

²³⁸ Interview with Douglas Roche, Skype, 8 September 2016. The New Zealand diplomat Hine-Wai Loose also uses the word ‘euphoric’ to describe the adoption of the 13 Steps. Hine-Wai Loose, ‘2005 – year of the Nuclear Non-Proliferation Treaty – but What Happened to Nuclear Disarmament?’, *New Zealand Yearbook of International Law*, vol. 4, 2007, p. 143.

²³⁹ Interview with Steffen Kongstad, Geneva, 7 December 2015.

²⁴⁰ Interview with Henrik Salander, Stockholm, 27 September 2016.

²⁴¹ Butler, *Fatal Choice*, p. 66.

²⁴² ICJ, *Legality of the Threat or Use of Nuclear Weapons*, Advisory Opinion, 8 July 1996, p. 40.

and push back against the NWSs' alleged subversion of the regime, the ICJ advisory-opinion initiative, PTBT amendment conference, and expansion of the NPT review cycle and Geneva Conference were clearly experienced as empowering – as confirmations that the non-aligned states could not simply be ignored. Consider, for example, how the Mexican ambassador described the advisory-opinion initiative. Claiming that the initiative had pushed the NWSs' on the defensive, Marín-Bosch asserted that the NWSs were 'scared shitless'. The NWSs were desperately attempting to hold on to their 'toys', he maintained, but now: 'Their turn is up.'²⁴³ Contesting the status quo provided Mexico and other non-aligned states with an opportunity to assert themselves as active participants – perhaps 'belligerents' – in the struggle to abolish nuclear weapons. In this sense, struggle operated as a first step to emancipation – 'minimal freedom' – not because struggle necessarily leads to desirable outcomes, but because the act of struggle reconstitutes the actor as a purposeful agent.²⁴⁴

The various initiatives undertaken during the 1990s also offered individual and groups of NNWSs to assume leadership positions within the NNWS caucus. Leading the charge of the non-aligned states in the years after the 1995 review and extension conference, the NAC gained recognition as the *de facto* negotiating partners of the NWSs. In 2000, the NAC's successful extraction from the NWSs of an 'unequivocal undertaking' to achieve nuclear disarmament 'significantly enhanced its [the NAC's] authority as the single most important unofficial voice for the NNWSs in their struggle against the NWSs.'²⁴⁵ According to one of the NAC's key members, Sweden's Henrik Salander, several NNWSs 'positively begged' to be included as members of the NAC after 2000.²⁴⁶ None were admitted.

Indonesia, another rising power, also positioned itself within the NNWS community. In 1995, Indonesia took the initiative to establish a permanent NAM working group on disarmament, which Indonesia would chair for the next two decades.²⁴⁷ The working group would be tasked with coordinating the positions of the governments of the NAM and formulating common language for relevant conferences and meetings. The working group chair would also be expected to negotiate on behalf of the NAM in smaller gatherings.²⁴⁸

²⁴³ Mark Schapiro, 'Mutiny on the Nuclear Bounty', *The Nation*, 27 December 1993.

²⁴⁴ G.W.F. Hegel, *Hegel's Phenomenology of Spirit*, Oxford, Oxford University Press, 1977, pp. 118–9; Robert R. Williams, *Hegel's Ethics of Recognition*, Berkeley, CA, University of California Press, 1997, pp. 78–9.

²⁴⁵ Vanaik, 'Sixth NPT Review Conference', p. 3470.

²⁴⁶ Interview with Henrik Salander, Stockholm, 27 September 2016.

²⁴⁷ During the early history of the multilateral nuclear disarmament framework, the G77 had been preferred vehicle of collective bargaining for the developing states. In advance of the 1990 NPT Review Conference, this role was transferred to the NAM, the membership of which is largely overlapping with that of the G77. On the relationship between the NAM and the G77, see William Potter and Gaukhar Mukhatzhanova, *Nuclear Politics and the Non-Aligned Movement*, Abingdon, New York, 2012.

²⁴⁸ NAM, '11th Summit Conference of Heads of State or Government of the Non-Aligned Movement', Cartagena, 18–20 October 1995, para. 107.

5 Conclusion

In an evolutionary perspective, the second wave of expansion led to a ‘vertical’ deepening of the multilateral nuclear disarmament framework through a process of legalisation. In contrast to the first wave of expansion, which primarily addressed procedural and organizational issues, the second wave added substance (*res*) to the regime in the form of the ICJ advisory opinion and the CTBT. The advisory opinion established that, as a matter of international law, the NWSs were obligated not just to *engage* in nuclear disarmament negotiations, but to *conclude* such negotiations. The CTBT, for its part, codified the emerging norm against nuclear testing in all environments. Although the CTBT is not yet in legal force due to outstanding ratifications from a number of states, the norm against nuclear testing has grown strong. Since the adoption of the CTBT, only three states – India, Pakistan, and North Korea – have conducted (a total of eleven) nuclear tests. This stands in sharp contrast to the situation of the preceding decades, when nuclear tests were a monthly or even weekly occurrence. The second wave of adaptation also led to a ‘horizontal’ expansion of the regime. The expansion of the NPT review process and Geneva Conference membership gave NNWSs additional opportunities to engage in nuclear disarmament talks (in theory if not in practice). The ICJ court hearings supplied another popular arena in which to contest the legal basis of the NWSs’ hegemony.

Most of the adaptations made during the mid-1990s may be seen as efforts at enhancing global security through nuclear disarmament.²⁴⁹ But other motives, only obliquely linked to material security, were at least as prominent. The advisory opinion initiative, for example, was justified as ‘a last appeal for justice’,²⁵⁰ a means of ‘democratizing’ nuclear disarmament,²⁵¹ resistance to the ‘intolerable’ exercise of ‘nuclear apartheid’,²⁵² and a mean of undermining the link between nuclear weapons and permanent membership of the UN Security Council.²⁵³ The NWSs – most vocally so France, for which the description was decreasingly fitting – continued to justify their retention of nuclear weapons by reference to their status as ‘great powers’ and permanent members of the UN Security Council.²⁵⁴ For them, the struggle for recognition as major powers provided a powerful incentive to retain nuclear armouries.²⁵⁵

²⁴⁹ See e.g. Dewes and Green, ‘The World Court Project’.

²⁵⁰ Burroughs and Cabasso, ‘Nukes on Trial’, p. 41.

²⁵¹ Dewes and Green, ‘The World Court Project’, p. 62.

²⁵² Mohr, ‘Advisory Opinion of the International Court of Justice’, p. 94.

²⁵³ Marín-Bosch, ‘The NPT’s Indefinite Extension’.

²⁵⁴ Dewes and Green, ‘The World Court Project’, p. 68..

²⁵⁵ Walker, *A Perpetual Menace*, p. 16.

The processes that lead to the first and second waves of adaptation in the multilateral nuclear disarmament framework were highly analogous. Firstly, they were both responses to the erosion of the nuclear regime's credibility as a vehicle of change. Despite promising signs on the arms control agenda, there were no real indications that any of the NWSs were making serious plans for a nuclear-weapons-free world. Secondly, both the first and second waves were mainly instigated and carried out by non-aligned states. It is also interesting to note that the NWSs' opposition to the non-aligned states' initiatives only fuelled the latter's' demands for reform. Thirdly, the adaptations pursued by neutral and non-aligned states were explicitly framed as a struggle of small states with law and justice on their side against 'arrogant' and 'insensitive' great powers. The frequent charges of 'arrogance' against the NWSs are instructive from a recognition theoretical perspective. After all, being 'arrogant' means to reveal 'an exaggerated sense of one's own importance or abilities.'²⁵⁶ Policy makers and diplomats of NNWSs, in other words, felt that the NWSs were acting 'above their station', i.e. not in accordance with their roles as constituted by the NPT and UNSSOD-I final document. Initiatives such as the authorisation of the advisory opinion provided NNWSs and CSOs with opportunities to exercise their agency, giving meaning to their self-conceptions as partners equal in waiting. A notable difference between the first and second waves was the greater role played by civil society. While civil society groups were marginal players during the first cycle, they were key players during the second. Although their ability to change states' positions arguably remained limited, they were instrumental in supplying ideas and expertise to states eager to change the status quo.

As the first, the second crisis of legitimacy in the nuclear order was resolved through the NWSs redoubling their commitment to disarmament. For a second time, the regime was re-legitimised through promises rather than actual undertakings. The adoption of the 2000 RevCon final document re-justified the nuclear hierarchy as a temporary indignity. After 2000, threats of defection died down and most non-aligned states demonstrated greater willingness to accept deepening IAEA safeguard standards. However, the long-term value of the 13 steps clearly depended on their future implementation.

²⁵⁶ *Oxford English Dictionary Online*, 'Arrogant'.

Chapter 5: Negating the Legal Hierarchy, Multilateral Nuclear Disarmament Diplomacy, 2001–2017

The euphoria of the 2000 NPT RevCon did not last. Within just a few years, a range of developments had combined to put the regime's credibility in doubt. Among the most serious blows were the US government's announcement that it no longer supported all 13 steps or view them as binding – a move that was subsequently supported by the French – and the challenges to the non-proliferation framework posed by the North Korean and Iranian nuclear programmes. Taking the White House in 2009, the Obama administration made a determined effort at halting the erosion. But as Obama's vision of 'global zero' was blurred by the same administration's record-breaking investments in nuclear weapons, the legitimacy of the regime dived. A 'humanitarian initiative' for nuclear disarmament was launched by NNWSs in 2012. Within five years, the initiative had led to the creation of several new diplomatic forums and the adoption of the Treaty on the Prohibition of Nuclear Weapons, formally contradicting the hierarchical NPT order. NNWSs had for years been arguing that the NPT's discriminatory structure could only be accepted for a limited period of time; that period of time expired in 2017.

1 Stasis: Bush, Obama, and the Unfulfilled Promise of Prague

5.1 The Second Nuclear Age

In the fall of 2000, the regime looked healthy. Conforming with the first of the 13 steps, Russia ratified the CTBT shortly after the 2000 RevCon. At the 2000/01 UNGA session, the adoption of the 13 steps was praised far and wide: At 'the very moment when the future of the Treaty and its non-proliferation regime appeared to be almost in jeopardy', mused Sweden's ambassador Henrik Salander on behalf of the NAC, the NPT parties had demonstrated 'a singular and common purposefulness' by agreeing to pursue disarmament 'without further procrastination'.¹ Mexico rejoiced that the 13 steps had 're-established balance' in the regime.² The NAC and its members toned down their praise somewhat the next year, but were still in high spirits, pledging to 'pursue

¹ Sweden for NAC, UNGA First Committee, 2 October 2000, p. 18.

² Mexico, UNGA First Committee, 2 October 2000, p. 9.

the complete implementation of the agreements reached' in 2000.³ Yet, it was plain already by 2001 that the 13 steps would not actually be implemented any time soon. For example, the Bush administration had refused to submit the CTBT for ratification (undercutting Step 1 of 13), and negotiations on a treaty regulating fissile material (Step 3) were blocked by veto-wielding members of the Geneva Conference. At the UNGA session in 2002/03, the NAC maintained that it was time for the international community to act on the steps agreed in 2000, hinting that 'our continued indecision' left the world vulnerable to nuclear dangers.⁴ Egypt intimated that a 'laxity' seemed to have 'crept into global nuclear disarmament and non-proliferation efforts since May 2000'.⁵ Overall, however, the mood was still reasonably amicable. Denmark expressed its 'appreciation of the positive atmosphere and spirit of cooperation that have prevailed'.⁶

In March 2003, a coalition of states led by the United States and Britain invaded Iraq. The official justification for the 'counter-proliferation' invasion was the Iraqi government's alleged possession of chemical and biological agents and intentions to build nuclear weapons. Although a large number of states objected to the coalition's use of force without a Security Council authorisation, John Mueller has argued that the overall legitimacy of the nuclear regime and wider anti-nuclear norms provided a crucial system of justification for the invasion.⁷ According to Campbell Craig and Jan Ruzicka, few prominent members of what they call the 'non-proliferation complex' – the web of governments, organisations, and think tanks nominally working for a world without nuclear weapons – openly opposed the war during the months leading up to the invasion.⁸ It seems reasonable to speculate that a similar 'counter-proliferation' operation would have been met with more opposition in the absence of the injection of optimism provided by the 2000 NPT RevCon.

Partly influenced by the dramatic events of 9/11 2001, the bilateral US–Russian arms control process went through significant changes over the course of the early 2000s. A first major development was the United States' withdrawal from the 1972 ABM Treaty, announced by the Bush administration in December 2001. Concluding that the ABM Treaty 'hinders our government's ways to protect our people from future terrorist or rouge state missile attacks', president Bush proceeded to expand the United States' missile defences.⁹ But the withdrawal had serious consequences for the disarmament regime. First, as the Russian Duma had explicitly tied

³ South Africa for NAC, UNGA First Committee, 8 October 2001, p. 13.

⁴ Ireland for NAC, UNGA First Committee, 30 September 2002, p. 11

⁵ Egypt, UNGA First Committee, 7 October 2002, p. 16.

⁶ Denmark, UNGA First Committee, 29 October 2002, p. 4.

⁷ John Mueller, *Atomic Obsession*, Oxford, Oxford University Press, 2009, chapters 9 and 10.

⁸ Campbell Craig and Jan Ruzicka, 'The Nonproliferation Complex', *Ethics & International Affairs*, vol. 27, no. 3, 2013, p. 338.

⁹ Terence Neilan, 'Bush Pulls Out of ABM Treaty', *New York Times*, 13 December 2001.

its acceptance of START II to the continuing application of the ABM Treaty, the US withdrawal put the final nail in the START II coffin. Second, the withdrawal blatantly undermined the commitments enshrined by the 13 steps to (a) bring START II into force, (b) negotiate START III, and (c) preserve the ABM Treaty. In place of START II, Russia and the United States hurriedly concluded the 2002 Strategic Offensive Reductions Treaty (SORT). Containing no verification mechanisms and only requiring the parties to withdraw weapons from operational status, i.e. not to destroy them, the SORT agreement represented a ‘step back’ for the principle of irreversibility included as step 5 of the 13.¹⁰ Scholars mocked SORT as ‘make-believe arms control’ and ‘a parody’.¹¹

One might think that the Bush administration’s disregard for the 13 steps would be scolded by the non-aligned states – considerable criticism had been voiced by scholars¹² – but the NNWSs’ critique of the new realities was meek. While the undoing of the ABM and START II agreements was almost entirely ignored,¹³ the adoption SORT was in fact widely *praised* by NNWSs.¹⁴ Presumably, the NNWSs were unwilling to bring up uncomfortable realities so soon after the successful adoption of the ‘historic’ 13 steps. They were eager, in other words, to maintain the recognition order reconstituted in 2000. But from about 2003 onwards, the honeymoon period gradually came to an end. In 2003, the NAC declared it was ‘deeply concerned’ at the lack of progress: ‘All NPT States parties must be held fully accountable with respect to strict compliance with their obligations under the Treaty’.¹⁵ That year and the next, several states used strong language to criticise the NWSs’ inaction. Costa Rica, for example, maintained that the NWSs’ commitment to the deal had not just been ‘weak’ but ‘non-existent’.¹⁶ The Brazilian delegation asserted that ‘the multilateral system devoted to disarmament and non-proliferation is facing a credibility crisis.’ The reason, the Brazilians argued, was quite clear: there was a lack of political commitment ‘on the part

¹⁰ David Cliff, Hassan Elbahitmy, and Andreas Persbo, ‘Irreversibility in Nuclear Disarmament’, *Vertic*, September 2011, p. 59.

¹¹ Jack Mendelsohn, ‘America and Russia: Make-Believe Arms Control’, *Current History*, vol. 101, no. 657; Harald Müller, ‘Between Power and Justice’, *Strategic Analysis*, vol. 34, no. 2, 2010, p. 193.

¹² E.g. John Dumbrell, ‘Unilateralism and “America First”?’’, *The Political Quarterly*, vol. 73, no. 3, 2002; Ron Huisken, ‘Missile Defence, the ABM Treaty, and Nuclear Weapons – An Opportunity Missed’, *Pacific Review*, vol. 14, no. 2, 2002; Mendelsohn, ‘America and Russia’, p. 657.

¹³ At the UN, only a handful of delegations even took note of what had happened. Malaysia was most critical: UNGA First Committee, 30 September 2002, p. 22.

¹⁴ E.g. Myanmar for ASEAN, UNGA First Committee, 9 October 2002, p. 8; Mozambique, UNGA First Committee, 1 October 2002, p. 19; Zambia, UNGA First Committee, 2 October 2002, p. 2; Vietnam, UNGA First Committee, 3 October 2002, p. 10.

¹⁵ Brazil for NAC, UNGA First Committee, 6 October 2003, p. 11.

¹⁶ Costa Rica, UNGA First Committee, 7 October 2004, p. 11. See also e.g. Malaysia, UNGA First Committee, 8 October 2004, p. 12; Nepal, UNGA First Committee, 12 October 2004, p. 9; Nigeria, UNGA First Committee, 18 October 2004, p. 9.

of nuclear-weapon States'.¹⁷ The blame for the lack of progress was thus placed squarely on the NWSs, not on the regime itself.

In 2004, the Mexican government took the initiative to bring the members of nuclear-weapon-free zones together in a single bloc.¹⁸ Providing the only recorded example of a regime expansion that occurred in the period between 1999 and 2013, a three-day conference was convened in Mexico City in April 2005 to further the cause of global non-proliferation and disarmament. Adopting a final communiqué, the conference reaffirmed its participants' conviction that the international community should move swiftly 'to achieve the total elimination and prohibition of nuclear weapons' and expressed 'deep concern over the lack of progress to date on the application of disarmament measures agreed to by all States Parties' at the 2000 NPT RevCon.¹⁹ Follow-up conferences to the 2005 conference were held in 2010 and 2015. As of 2005, more than 100 states had signed treaties establishing NWFZs.

While individual zones should first and foremost be understood as instruments of non-proliferation and security assurance – all zone agreements contain annexes with security assurances that the NWSs have been urged to sign (only the security assurances annexed to the Latin American and Caribbean NWFZ has been ratified by all NWSs) – the 2005 conference marked an attempt at creating a bloc of 'nuclear-free' states that together could put pressure on the nuclear-armed states to disarm.

Expectations were low when the 2005 NPT RevCon approached: Citing US president Bush's axis-of-evil speech and threats to its national 'dignity', North Korea had declared its withdrawal from the NPT in 2003 (ten years after it first announced its exit and then was brought back).²⁰ Also in 2003, the revelation of undeclared nuclear sites in Iran aggravated long-held suspicions that Teheran wanted the bomb.²¹ The US government, for its part, had made clear – both through words and deeds – that it no longer supported all 13 steps adopted in 2000. The PrepComs in 2002, 2003, and 2004 had all indicated a wide gulf between the NWSs (in particular the United States and France) and most non-aligned states in how they assessed the past and future of article VI implementation.²² On the eve of the RevCon, the head of the US delegation, Stephen

¹⁷ Brazil, UNGA First Committee, 7 October 2004, p. 6.

¹⁸ Mexico, UNGA First Committee, 4 October 2004, p. 5.

¹⁹ Conference on Nuclear-Weapon-Free Zones, 'Declaration for the Conference of Nuclear-Weapon-Free Zones', CZLAN/CONF/5, April 2015, pp. 2–3.

²⁰ North Korea, S/2003/91, statement of the Government of the Democratic People's Republic of Korea, 10 January 2003.

²¹ Seline Hoiseith, 'Atomic Ayatollahs', *International Politics*, vol. 52, no. 5, 2015.

²² John Simpson and Jenny Nielsen, 'The 2005 NPT Review Conference', *Nonproliferation Review*, vol. 12, no. 2, 2005, p. 274.

Rademaker, claimed that the US disarmament record was ‘excellent’.²³ Not all states seemed to agree.

According to a New Zealand diplomat, the conference was ‘a disaster from start to finish.’²⁴ It actually took three weeks of procedural wrangling – primarily between Egypt and the United States – before the substantive sessions could even begin. Although many found the bickering over procedure petty, it reflected substantive disagreements between the non-aligned states and the nuclear powers. The core of the dispute, writes Harald Müller, was the ‘staunch refusal’ of the United States and France to accept the results of the 2000 RevCon as the basis for proceedings.²⁵ A former UK secretary of state, Robin Cook, contended that the ‘acrimonious exchanges’ at the RevCon ‘reflect the frustration of the vast majority of states, who believe they have kept their side of the deal by not developing nuclear weapons but have seen no sign that the privileged elite with nuclear weapons have any intention of giving them up.’²⁶ In the view of William Walker, the Bush Jr administration showed ‘disrespect’ for the NPT.²⁷

The creation and enactment of international law and diplomacy constitutes a basic ‘sovereignty practice’. Crafting and implementing international commitments on the assumption of *pacta sunt servanda* is arguably a central part of what it means to be a state.²⁸ Thus, to the extent that the United States was disrespecting the NPT, it was disrespecting its partners in contract. For to Walker,

the US Government’s [...] obvious disrespect for the Treaty and the Treaty’s processes, and its neglect of the traditional US role of marshalling support, made failure inevitable. Many non-nuclear weapon States Parties to the Treaty regarded this behaviour as a betrayal of solemn commitments, resulting in a serious loss of trust in the sincerity and reliability of US political and legal undertakings.²⁹

Walker’s assessment was widely shared by the diplomats and civil society representatives interviewed for this thesis. One interviewee, a diplomat of an influential NNWSs, maintained straightforwardly that ‘we were cheated’ on the 13 steps.³⁰ As argued in the previous chapters, the

²³ Wade L. Huntley, ‘Rebels without a Cause’, *International Affairs*, vol. 82, no. 4, 2006, p. 739.

²⁴ Hine-Wai Loose, ‘2005 – year of the Nuclear Non-Proliferation Treaty – but What Happened to Nuclear Disarmament?’, *New Zealand Yearbook of International Law*, vol. 4, 2007, p. 148.

²⁵ Harald Müller, ‘A Treaty in Troubled Waters’, *The International Spectator*, vol. 40, no. 3, 2005, pp. 34–5.

²⁶ Robin Cook, ‘America’s Broken Nuclear Promises Endanger Us All’, *The Guardian*, 27 May 2005.

²⁷ William Walker, ‘President-Elect Obama and Nuclear Disarmament’, *Ifri Security Studies Center, Proliferation Papers*, Winter 2009, p. 15.

²⁸ See Erik Ringmar, ‘The Relevance of International Law’, *Review of International Studies*, vol. 21, no. 1, 1995; Daniel Philpott, *Revolutions in Sovereignty*, Princeton, NJ, Princeton University Press.

²⁹ Walker, ‘President-Elect Obama and Nuclear Disarmament’, p. 15.

³⁰ NNWS official, interview 23 August 2017.

legitimacy of the non-proliferation regime depends to a significant extent on the NNWSs' status as 'partners equal in waiting'. The US delegation's behaviour implied the opposite, namely that the NNWSs were neither equal to, nor partners of, the United States. At the same time, however, several non-aligned states were at pains not to overdramatise the lack of consensus. Many represented the RevCon as a temporary setback, claiming that the 13 steps remained binding.³¹ They were, presumably, attempting to hold the recognition order together. As at previous NPT meetings, the issue of security assurances for NNWSs was raised by a handful of NNWSs. But, even though most non-aligned states had not been offered legally binding security assurances by the major NWSs, the issue was raised with even less enthusiasm than before. Disarmament was far and away the non-aligned states' main demand.³²

William Potter explains the failure of the 2005 RevCon by pointing to a widespread sense of apathy. Whereas in 2000 many governments had been genuinely concerned about the viability of the regime as such, the period leading up to the 2005 conference lacked that sense of urgency; few delegations were prepared to make the compromises and do the diplomatic graft that would have been necessary to reach an agreement.³³ But if there was no sense of crisis before the 2005 RevCon, there certainly was after. In the months and years after the 2005 RevCon, a wave of journal articles predicting the imminent collapse of the NPT appeared. The non-proliferation regime was 'failing, weakening and crumbling', claimed one commentator.³⁴ It was 'under more pressure than ever', suggested another.³⁵ The regime's future was 'uncomfortably uncertain', warned a third.³⁶ The 'legitimacy of this order has not been sustained', postulated a fourth, asserting that the regime faced an 'acute legitimacy crisis'.³⁷ Many commentators pointed their fingers at North Korea and Iran for their violation of non-proliferation norms, but most agreed that the main cause of the regime's troubles was the unilateralist policies of the French and especially American governments. According to a popular view, the North Korean and Iranian nuclear programmes were 'symptoms as much as causes'. The real cause of the crisis was Washington's attitude 'that the NPT's provisions apply to everyone else'.³⁸ This latter narrative was powerfully fuelled by the

³¹ E.g. Argentina for the Rio Group, UNGA First Committee, A/C.1/60/PV.2, New York, 3 October 2005, p. 5; Nigeria for the African Group, UNGA First Committee, A/C.1/60/PV.3, New York, 4 October 2005, p. 6; Bangladesh, UNGA First Committee, A/C.1/60/PV.8, New York, 10 October 2005, p. 10.

³² See John Simpson, 'The Role of Security Assurances in the Nuclear Nonproliferation Regime', pp. 57–85 in Jeffrey W. Knopf (ed.), *Security Assurances and Nuclear Nonproliferation*, Stanford, CA, Stanford University Press, 2012, p. 70.

³³ William C. Potter, 'The NPT Review Conference', *The International Spectator*, vol. 40, no. 3, 2005, p. 20.

³⁴ Chamundeeswari Kuppaswamy, 'Is the Nuclear Non-Proliferation Treaty Shaking at its Foundations?', *Journal of Conflict and Security Law*, vol. 11, no. 1, 2006, p. 154

³⁵ Tom Sauer, 'The Nuclear Nonproliferation Regime in Crisis', *Peace Review*, vol. 18, no. 3, 2005.

³⁶ Daniel W. Drezner, 'The New New World Order', *Foreign Affairs*, vol. 86, no. 2, 2007, p. 34.

³⁷ Andrew O'Neil, 'Nuclear Proliferation and Global Security', *Comparative Strategy*, vol. 24, no. 3, 2005, p. 346.

³⁸ Philip Stephens, 'A Breakdown in the Nuclear Family', *Financial Times*, 13 May 2005.

counter-proliferation invasion of Iraq and the formation of the controversial Proliferation Security Initiative,³⁹ both taking place in 2003.

The years after 2005 delivered even more disappointment for the disarmers. The United States ‘added insult to injury by negotiating the US–India Agreement of 2006 which effectively recognized the legitimacy of India’s nuclear weapon programme without extracting meaningful concessions.’⁴⁰ For emerging powers such as Brazil, India’s gradual admission into the ranks of recognised great powers sent a deeply troubling message. As Andrew Hurrell points out, India appeared to some to have benefitted from violating the rules: ‘India stood outside the club of responsible states, moved in 1998 to nuclear weaponization, and was rewarded by Washington with recognition of its major power status.’⁴¹ Also in 2006, North Korea conducted a first nuclear-weapon test. Iran’s president Mahmoud Ahmadinejad reacted to UN sanctions against his country’s nuclear programme with threats of withdrawing from the NPT.⁴² According to Sverre Lodgaard, the US-led sanctions against Iran ‘did not compensate for the legitimacy deficit, but compounded them to the detriment not only of the NPT, but of the non-proliferation regime in general.’⁴³ Progress on the 13 steps was virtually non-existent. At the 2005, 2006, and 2007 UNGA First Committee meetings, the NAC expressed serious concern at the ‘series of setbacks’ and ‘efforts by some States parties to disengage or draw back from agreements already made under the NPT umbrella’.⁴⁴ Numerous NNWS delegations urged the NWSs ‘to keep their word’.⁴⁵ It was ‘paramount’, they argued, that the ‘sanctity of contracts’ be preserved.⁴⁶ As argued in the conceptual framework, this concern is, at its root, a concern with sovereignty; the guarantee that one’s peers will honour their obligations is a central prerogative of statehood.⁴⁷

Did the regime reach a point of crisis in the years after 2005? To answer this question, we must return to the ‘crisis indicators’ laid out in Chapter 2.

Voice:

³⁹ The Proliferation Security Initiative is a US-led effort to interdict trafficking of weapons of mass destruction. Some states argue the initiative breaches with norms of non-interference and freedom of navigation.

⁴⁰ Walker, ‘President-Elect Obama and Nuclear Disarmament’, p. 15.

⁴¹ Andrew Hurrell, ‘Brazil and the New Global Order’, *Current History*, vol. 109, no. 724, 2010, p. 63.

⁴² Ali A. Dareini, ‘Iran Threatens Pullout From Nuclear Treaty’, *Washington Post*, 8 May 2006.

⁴³ Sverre Lodgaard, *Nuclear Disarmament and Non-Proliferation*, London, Routledge, 2011, p. 78.

⁴⁴ Egypt for NAC, UNGA First Committee, 2 October 2006, pp. 7–8; South Africa for NAC, UNGA First Committee, 3 October 2005, p. 16; Mexico for NAC, UNGA First Committee, 19 October 2007, p. 1.

⁴⁵ Mexico, UNGA First Committee, 2 October 2006, p. 15. See also e.g. Uruguay for MERCOSUR, UNGA First Committee, 18 October 2007, p. 3; Morocco, UNGA First Committee, 15 October 2007, pp. 22–3.

⁴⁶ Singapore, UNGA First Committee, 6 October 2005, p. 8; Eritrea, UNGA First Committee, 3 October 2006, p. 13.

⁴⁷ Philpott, *Revolutions in Sovereignty*, p. 27.

- *Heated Rhetoric*: Several NNWSs used strong language to express dissatisfaction with the lack of progress towards disarmament both before and after 2005. Yet, in contrast to the crises recorded in the mid-1970s and 1990s, criticism was primarily directed towards the NWSs, not so much towards the regime itself.
- *Diplomatic signals of indignation*: The NNWSs do not appear to have adopted a significantly more confrontational stance in the years after 2005. At the 2010 NPT RevCon, the parties agreed to a rollover of the 2000 final document by consensus.
- *Resistance to additional non-proliferation measures*: Finalised in 1997, the IAEA Additional Protocol – an effort at improving the Agency’s ability to detect undeclared (clandestine) nuclear facilities – had been chided by many non-aligned states as a violation of the principle that the regime should ‘embody an acceptable balance of mutual responsibilities and obligations of the nuclear and non-nuclear Powers’.⁴⁸ On 16 non-aligned states signed the Protocol within the first few years after its conclusion. The successful adoption of the 13 disarmament steps at the 2000 NPT RevCon led many non-aligned states to reverse their opposition. Between the RevCons in 2000 and 2005, 38 non-aligned states signed. The rate of signature continued into the next review cycle, with another 35 non-aligned states signing between 2005 and 2010. At the 2010 NPT RevCon, the NPT parties agreed to the strongest-ever language on non-proliferation achieved in the NPT context. That said, several large non-aligned states continued to oppose the Protocol. As an Egyptian diplomat put it, ‘How are you going to add an obligation on us when the other guy has no obligations?’⁴⁹

Exit:

- *(Threats of) withdrawal*: As discussed above, North Korea withdrew from the NPT in 2003. Iran threatened to withdraw in 2006.
- *Tolerance of non-compliance with non-proliferation norms*: The apparent proliferation threats posed by the Iranian and North Korean nuclear programmes challenged to the non-proliferation regime. However, both Iran and North Korea were sharply criticised by the overwhelming majority of the world’s states, including the NAM. During the 2005–2010 NPT review cycle, the UN imposed harsh sanctions against both Teheran (in 2006, 2007, 2008, and 2010) and Pyongyang (in 2006 and 2009). The first round of sanctions against both Iran and North Korea were approved unanimously by the UN Security Council, which at that

⁴⁸ UNGA, Resolution 2028 (XX), ‘Non-Proliferation of Nuclear Weapons’, New York, 1965.

⁴⁹ Quoted in George Perkovich et al., *Universal Compliance*, Washington DC, Carnegie, 2007, p. 229.

time included states that had traditionally been very sceptical about the lack of balance in the nuclear regime, including Argentina, Peru, the Republic of Congo, and Tanzania.

- *Nuclearisation?* North Korea's development of nuclear weapons – a first test was conducted in 2006 – represents the only example of a state 'going nuclear' since 1998. North Korea was, however, universally rebuked, including by the NAM.

The indicators explored above are not consistent with the occurrence of a crisis of legitimacy as defined in this thesis. Also, in the conceptual framework, I drew on the work of Christian Reus-Smit to define crises of legitimacy as periods during which the legitimacy of a social arrangement has dwindled to the point where some form of adaptation becomes inevitable.⁵⁰ Had the regime reached a point of crisis in the months and years after the 2005 RevCon, we would expect to see NNWSs launching initiatives to adapt the disarmament framework.

One initiative was indeed launched, but ultimately failed to attract the necessary support: Just months after the breakup of the 2005 RevCon, a group of NNWSs (Brazil, Canada, Kenya, Mexico, New Zealand, and Sweden) introduced a resolution to the UNGA that would establish four 'ad hoc committees' under the General Assembly to address the main issues on the deadlocked Geneva Conference's agenda (to operate with the UNGA's majoritarian rules of procedure).⁵¹ The Geneva Conference, after all, had not been able to agree to a programme of work since 1996 (and a few weeks in 1998), as some of its members disagreed on whether a future treaty on fissile material should address existing fissile material stocks or only future production. Many NNWSs were allegedly sympathetic with the group's suggestion of circumventing the Geneva Conference, but the nuclear-armed states and some of their allies were very much against it.⁵² The US delegation promptly circulated a memo to all UN member states arguing that the group's 'divisive proposal' would 'sour' the atmosphere in existing forums and 'retard the very international non-proliferation and disarmament objectives that its sponsors seek to advance'.⁵³ After consultations, the co-sponsors of the resolution realised that it did not have sufficient support to go through with the initiative; the majority of NNWSs, in other words, was not prepared to challenge the NWSs openly. Recalling the observation in Chapter 4 that attempts at suppressing protest and reform are usually successful during 'normal' times but may backfire during times of crisis or upheaval, the failure of

⁵⁰ Christian Reus-Smit, 'International Crises of Legitimacy', *International Politics*, vol. 44, nos 2–3, 2007, p. 157.

⁵¹ Brazil et al., 'Draft Elements of an UNGA First Committee Resolution "Initiating work on priority disarmament and non-proliferation issues"', New York, 2005.

⁵² Interview with Beatrice Fihn, Geneva, 7 December 2015; Sarah Estabrook and Lynne Griffiths-Fulton, 'A Report on the UN First Committee on Disarmament and International Security', *The Ploughshares Monitor*, vol. 26, no. 4, 2005.

⁵³ United States, 'UNGA First Committee Draft Resolution on Ad Hoc Committees', memo, New York, October 2005. Capitalisation in original.

the 2005 ad hoc committee initiative suggests that regime had in fact not yet reached a state of ‘crisis’.

Virtually all the practitioners I have spoken to who were involved in nuclear politics during the mid-2000s described the period as a time of gloom and frustration. And they had no problem identifying the US government as a central cause of the regime’s problems. Mentions of George W. Bush and his UN ambassador John Bolton were usually accompanied by shrugs and rolling eyes. This unmistakable personalisation of the regime’s predicaments may, however, have had the effect of lessening some of the stress on the regime. As discussed elsewhere in this thesis, the erosion of a social arrangement’s legitimacy tends to follow a process by which criticism is first directed towards non-compliant *actors* and then later towards *the regime* itself. The Bush administration seems to have prolonged the first phase through its unparalleled unpopularity. Much of the heat that might have been directed towards the regime itself remained focused on the incumbent US administration.⁵⁴

The persistent lack of progress on implementing the 13 steps and failure of the 2005 RevCon tore at the regime’s credibility. According to many NNWSs, the failure to advance disarmament had fostered ‘erosion’ of the regime’s ‘credibility and effectiveness’, perceptions of ‘blatant selectivity and flagrant injustice’, and ‘suspicion about the ability of international instruments to maintain their credibility’.⁵⁵ For Egypt, the lack of progress on the 13 steps ‘affected the credibility of the Treaty and reinforced the widespread notion that it strengthened the status of the nuclear-weapon States’.⁵⁶ As discussed throughout this thesis, the NPT is not just seen as a potential vehicle of material security, but also of ontological security. For Hans Blix, chairman of the ‘Weapons of Mass Destruction Commission’ that operated between 2003 and 2006, the fact that the nuclear-weapon states no longer seemed to take their commitment to nuclear disarmament seriously risked ‘undermining the credibility and effectiveness of multilateral treaty commitments.’⁵⁷ Leaders of the NWSs provided the critical non-aligned states with plenty of rhetorical ammunition. For example, UK prime minister Tony Blair asserted in 2006 that ‘it is clear that those who are the major nuclear powers can remain nuclear powers’ and in 2007 that the NPT ‘makes it absolutely clear that Britain has the right to possess nuclear weapons’.⁵⁸ Blair, it seems, was engaged in a struggle for the United Kingdom’s continuing recognition as a major (nuclear) power.

⁵⁴ See Wade Mansell and Emily Haslam, ‘John Bolton and the United States’ Retreat from International Law’, *Social and Legal Studies*, vol. 14, no. 4, 2005.

⁵⁵ Ghana, UNGA First Committee, 4 October 2005, pp. 6–7; Syria, UNGA First Committee, 6 October 2006, p. 11.

⁵⁶ Egypt, NPT Review Conference, 24 July 2006, p. 151.

⁵⁷ Hans Blix, ‘Foreword’, pp. 11–15, in *Weapons of Terror*, Weapons of Mass Destruction Commission, Stockholm, 2006, to 14.

⁵⁸ Tony Blair, ‘Oral Answers to Questions’, *Hansard*, UK Parliament, 4 December 2007; Tony Blair, ‘Oral Answers to Questions’, *Hansard*, UK Parliament, 21 February 2007.

The depletion of the regime's legitimacy had a retroactive effect on states' attitudes towards longstanding agreements. The shift in how Indonesia, arguably the most influential voice on disarmament within the NAM, talked about the SORT agreement between 2002 and 2007 is striking. In 2002, the Indonesian UNGA delegation described the SORT deal in the following terms:

[The Indonesian delegation] welcomes the successful conclusion of negotiations between the Russian Federation and the United States that led to the signing of the Treaty on Strategic Offensive Reductions. As an important milestone in limiting nuclear armaments, it has mandated a reduction of deployed nuclear weapons [...] and has provided a new foundation for strategic relations.⁵⁹

Five years later, the Indonesians described the agreement in very different terms. What had changed was of course not the contents of SORT (also known as the Moscow Treaty), but the social environment in which nuclear politics took place. By 2007, there was no longer any desire to spin the treaty as an 'important milestone':

[T]he 2002 Moscow Treaty contains no commitment either to destroy or to render unusable weapons that are no longer operationally deployed. Unfortunately, reductions in deployment and operational status cannot substitute for irreversible cuts in, and the total elimination of, nuclear weapons. [...] The nuclear-weapon States, instead of eliminating their nuclear arsenals, are modernizing, promoting and developing new types of nuclear weapons.⁶⁰

As noted above, the NNWSs' 'accrescent pessimism over the fate of the regime' was echoed by many in the academy.⁶¹ Many blamed the NWSs. However, from the mid-2000s onwards, a more radical view was coming to the fore; perhaps the problem wasn't the behaviour of specific actors, but the regime's basic institutions? In late 2005, Michael Wesley argued that article VI would never be able to deliver disarmament and that the continuation of the NPT had become 'farcical'.⁶² Following a similar line of thought, Susan Watkins maintained in 2008 that article VI was 'designed to shelter these weapons, not get rid of them', claiming that the function of the NPT had always been to protect the 'nuclear privileges of the haves against the have-nots' by undermining the potential for protest.⁶³ Ramesh Thakur, a long-time student of nuclear politics, described the NPT's

⁵⁹ Indonesia, UNGA First Committee, 4 October 2002, pp. 6–7.

⁶⁰ Indonesia, UNGA First Committee, 17 October 2007, pp. 9–10.

⁶¹ Ghana, UNGA First Committee, 9 October 2008, p. 14.

⁶² Michael Wesley, 'It's Time to Scrap the NPT', *Australian Journal of International Affairs*, vol. 59, no. 3, 2005, p. 288.

⁶³ Susan Watkins, 'The Nuclear Non-Protostation Treaty', *New Left Review*, vol. 54, Nov/Dec 2008, pp. 25–6.

disarmament bargain in 2009 as ‘history’.⁶⁴ Thomas Doyle claimed the NWSs had ‘subverted’ the regime.⁶⁵

5.2 Obama and the Promise of Prague

By 2008, the regime’s credibility as a vehicle of justice had eroded to a point where a real crisis of legitimacy – a situation where major institutional ‘adaptation’ was inevitable – looked imminent. According to a disarmament official representing an influential non-aligned state, ‘we could not have continued like that’. But the atmosphere changed dramatically when, in November 2008, Barack Obama won the US presidential election.⁶⁶ On the campaign trail, Obama had promised to pursue negotiations on ‘a verifiable global ban on the production of new nuclear weapons’ and to reverse the Bush administration’s unilateralism.⁶⁷ The debating climate in America was precipitous: A group of ‘elder statesmen’, most prominently former (Democrat) secretary of defence William Perry and (Republican) secretary of state George Shultz, had made vigorous calls for a new ‘vision’ of nuclear zero.⁶⁸ In an agenda-setting speech on foreign policy during his campaign, Obama had claimed that, in order to shore up the non-proliferation regime, the United States needed to keep its commitments under the NPT.⁶⁹ This, clearly, was music in the ears of NNWS officials. Had a less disarmament-friendly candidate been elected as president of the United States in 2008, it seems highly likely that the regime would have spiralled into an acute crisis of legitimacy.

The new president’s rhetorical skills were put to good use in pursuit of the goal of healing the regime: Soon after taking office, in April 2009, the president made a speech on nuclear policy in Prague. There, he confirmed ‘clearly and with conviction’ his government’s ‘commitment to seek the peace and security of a world without nuclear weapons’. ‘The basic bargain is sound’, he continued: ‘Countries with nuclear weapons will move towards disarmament, countries without nuclear weapons will not acquire them, and all countries can access peaceful nuclear energy.’ In addition, Obama would ‘immediately and aggressively pursue U.S. ratification of the Comprehensive Test Ban Treaty.’⁷⁰ The president, in other words, recommitted to the regime’s

⁶⁴ Ramesh Thakur, ‘Has the Good Become the Enemy of the Bad?’, pp. 273–97 in Jane Boulden, Ramesh Thakur, and Thomas G. Weiss (eds), *The United Nations and Nuclear Orders*, New York, United Nations University Press, 2009, p. 285.

⁶⁵ Thomas E. Doyle, ‘The Moral Implications of the Subversion of the Nonproliferation Treaty Regime’, *Ethics & Global Politics*, vol. 2, no. 2, 2009.

⁶⁶ Interview with NNWS official, Skype, 23 August 2017.

⁶⁷ Barack Obama, ‘Renewing American Leadership’, *Foreign Affairs*, vol. 86, no. 4, 2007, p. 9.

⁶⁸ See Martin Senn and Christoph Elhardt, ‘Bourdieu and the Bomb’, *European Journal of International Relations*, vol. 20, no. 2, 2013.

⁶⁹ Barack Obama, ‘Fulltext: Obama’s Foreign Policy Speech’, *The Guardian*, 16 July 2008.

⁷⁰ Barack Obama, ‘Remarks by President Barack Obama in Prague as Delivered’, *Obama White House Archive*, speech delivered in Prague, 5 April 2009.

long-term goal of levelling the hierarchy between nuclear ‘haves’ and ‘have-nots’. But the president (or someone on his team) also understood that the NPT recognition order relied on a procedural aspect: Since the nuclear question concerned the whole world, all sovereign states had a legitimate stake in the *process* of disarmament. To communicate his appreciation of the NNWSs as audible stakeholders in the process, the president painted an image of an America returning to the virtues of multilateralism. Using the word ‘together’ twelve times in his relatively short speech, Obama communicated modesty and a will to cooperate: ‘*together* we will strengthen the Nuclear Non-Proliferation Treaty as a basis for cooperation’; ‘voices for peace and progress must be raised *together*’; ‘*together* we can do it’.⁷¹ Obama’s Prague speech was clearly meant as an extension of recognition of the NNWSs as ‘partners equal in waiting’. And as such it was received.

Obama’s so-called Prague agenda did much to improve the regime’s legitimacy. Indeed, the Prague speech was widely praised at the 2009 UNGA First Committee meeting, including by delegations that had often been critical of US nuclear policy. The Mexican delegation, for example, noted that ‘Obama’s speech in Prague in April heralded the arrival of new hope.’⁷² The representative of New Zealand, Dell Higgie, praised the ‘very positive momentum that currently exists and the genuine willingness of many States to explore concrete steps to achieve the Prague vision.’⁷³ ‘We have been through a long winter of discontent and have the audacity to hope for springtime’, wrote Jayantha Dhanapala.⁷⁴ In September 2009, the US delegation to the UN Security Council pushed through a resolution calling for negotiations ‘in good faith on effective measures’ for ‘nuclear arms reduction and disarmament’.⁷⁵ The resolution was clearly intended as a reset of the relation between NWSs and NNWSs, a reconfirmation of the grand bargain.⁷⁶ And it worked – at least temporarily. ‘Many diplomats seemed buoyed by US support for multilateralism’, wrote Deepti Choubey.⁷⁷ Almost by mere rhetoric, the Obama administration succeeded in halting the erosion of the NPT, claimed Harald Müller.⁷⁸ However, the real test would be whether Obama could live up to his words in practice.

Obama did not limit his agenda to the level of rhetoric alone. In April 2010, perfectly timed to precede the start of the eighth NPT RevCon by a couple of weeks, the United States and Russia signed a ‘New START’ agreement to reduce their numbers of nuclear warheads on deployed

⁷¹ Obama, ‘Remarks by President Barack Obama in Prague’. Emphasis added.

⁷² Mexico, UNGA First Committee, 14 October 2009, p. 14.

⁷³ New Zealand, UNGA First Committee, 14 October 2009.

⁷⁴ Jayantha Dhanapala, ‘Current Position and Recommendations in the Field of Disarmament’, Washington DC, Brookings, 1 May 2009.

⁷⁵ UN Security Council, Resolution 1887, New York, 24 September 2009.

⁷⁶ Lodgaard, *Nuclear Disarmament and Non-Proliferation*, pp. 79, 83.

⁷⁷ Deepti Choubey, ‘Restoring the NPT’, *Carnegie*, 2009, p. 5.

⁷⁸ Harald Müller, ‘A Nuclear Nonproliferation Test’, *Nonproliferation Review*, vol. 18, no. 1, 2011, p. 219.

ICBMs to 1550 each. The international community responded appreciatively. Sweden's foreign minister, Carl Bildt, hailed the 'symbolic' importance of the treaty.⁷⁹ The Austrians lauded the 'inspirational approach of the President of the United States, which had made possible the signing of a new treaty on the reduction of strategic offensive arms'.⁸⁰ Numerous delegations saluted the treaty as an 'encouraging', 'welcome', 'positive', 'hopeful' development,⁸¹ or at least as a 'step in the right direction'.⁸²

The US government's charm offensive continued at the 2010 NPT RevCon. The Americans' opening statement was delivered by secretary of state Hilary Clinton, who reiterated the United States' commitment to a nuclear-weapons-free world.⁸³ After four weeks of negotiations, the conference adopted a fully negotiated substantive final document by consensus, the second in NPT history. Divided into 64 'action points', the section on disarmament was to a large extent a rollover of the 13 steps adopted ten years before. According to the scholar Rebecca Johnson, it had been clear quite early on that the parties, including most of the NAM, had wanted a consensus outcome at almost any cost. The disarmament language in the final document was 'feeble' and did not introduce anything new.⁸⁴ But from the point of view of many NNWSs, the crucial point was that the NWSs once again committed – 'unequivocally' – to 'accomplish, in accordance with the principle of irreversibility, the total elimination of their nuclear arsenals'.⁸⁵ Given the sense of progress created by the 'Prague agenda', a consensus outcome that reaffirmed the enduring validity of article VI would fulfil the review process' main function – to conserve the regime's underlying recognition order.

It is difficult to assess whether the Obama administration's amiable rhetoric reflected a cynical effort at shoring up the status quo or a genuine commitment to multilateral disarmament (or both). But there can be little doubt that the Obama administration's charm offensive temporarily boosted the legitimacy of the regime.⁸⁶ The new line communicated recognition of the NWSs as 'partners equal in waiting'. As one commentator puts it, the United States 'took great pains to prove that it was negotiating in good faith and was not showing any disrespect toward the

⁷⁹ Sweden, NPT Review Conference, 8 June 2010, p. 23.

⁸⁰ Austria, NPT Review Conference, 8 June 2010, p. 33.

⁸¹ E.g. Turkmenistan for the Central Asian Group, UNGA First Committee, 4 October 2010, p. 16; Mexico, UNGA First Committee, 4 October 2010, p. 19; Ireland, NPT Review Conference, 4 June 2010, p. 18; Thailand, UNGA First Committee, 15 October 2010, p. 1; Argentina, NPT Review Conference, 8 June 2010, p. 99; Burkina Faso, NPT Review Conference, 8 June 2010, p. 101.

⁸² Lebanon for the Arab Group, NPT Review Conference, 8 June 2010, p. 79.

⁸³ United States, NPT Review Conference, 8 June 2010, p. 26–29.

⁸⁴ Rebecca Johnson, 'Assessing the 2010 NPT Review Conference', *Bulletin of the Atomic Scientists*, vol. 66, no. 4, 2010, pp. 5–6.

⁸⁵ NPT Review Conference Final Document (Vol. I), New York, 2010, p. 12.

⁸⁶ See also Lodgaard, *Nuclear Disarmament and Non-Proliferation*, p. 96.

regime.⁸⁷ Expectations were high that the process towards zero would kick on.⁸⁸ At the same time, there were obvious signs of long-term wear. The Brazilian delegation argued in its opening statement at the 2010 RevCon that the NPT was ‘an intrinsically unfair Treaty, which divides the world between “haves” and “have-nots”’ and ‘an expression of the imbalances of the international system.’ The world would only be safe, the Brazilians argued, once ‘all countries *feel that they are being treated with fairness and respect*.’⁸⁹ Even after the conference, cynicism remained. Many diplomats, no doubt, will have been aware of the fate of the UNSSOD-I final document and the 13 steps. ‘The same fucking shit round and round’, one NNWS representative was overheard saying to another.⁹⁰

2 Critical Juncture: Nuclear Modernisation and Inaction on the Action Plan

Obama’s Prague agenda had aroused great expectations and optimism among NNWSs. But given the long history of setbacks, the Obama administration’s effort at improving the regime’s legitimacy would only be truly successful if it led to decisive steps towards abolition. Obama’s first period in office, I argue, corresponded to a critical juncture in the multilateral nuclear disarmament framework’s history.

The action plan agreed to at the 2010 NPT RevCon committed the NWSs to the complete elimination of their nuclear arsenals and the ‘immediate’ commencement of negotiations on a treaty banning the production of fissile material for nuclear explosive devices.⁹¹ The fissile material ban had been the third of the 13 steps agreed to in 2000 and had been on the international agenda since the Baruch Plan of 1946. But the commencement of negotiations in the Geneva Conference continued to be held back by differences over the question of whether to include existing stocks or only future production. Perhaps even more troubling was the fact that Obama, just weeks after the conclusion of the RevCon, committed an extra \$85 billion to the US nuclear labs and \$125 billion to new nuclear submarines, missiles, and bombers over a ten-year period.⁹² In total, this investment in nuclear weapons amounted to approximately four times the size of the entire Russian military expenditure for 2010.⁹³ As of spring 2012, all nine nuclear-armed states were in the process

⁸⁷ Emily B. Landau, ‘US Counter-Proliferation Policy’, pp. 198–212 in Efraim Inbar and Jonathan Rynhold (eds), *US Foreign Policy and Global Standing in the 21st Century*, London, Routledge, 2016, p. 206.

⁸⁸ Choubey, ‘Restoring the NPT’, p. 40.

⁸⁹ Brazil, NPT Review Conference, 3 May 2010. Emphasis added.

⁹⁰ Campbell Craig and Jan Ruzicka, ‘Who’s In, Who’s Out?’, *London Review of Books*, vol. 34, no. 4, 2012, p. 38.

⁹¹ NPT Review Conference, Final Document (Parts I and II), New York, 2010, p. 23 (action 15).

⁹² *The New York Times* (editorial), ‘The Bloated Nuclear Weapons Budget’, 29 October 2011.

⁹³ Sam Perlo-Freeman et al., ‘Military Expenditure’, pp. 157–80 in *SIPRI Yearbook 2011*, Oxford, Oxford University Press, 2011, p. 163.

of modernising their nuclear arsenals and no disarmament negotiations had been launched.⁹⁴ The arsenals of India, Pakistan, and North Korea were growing.⁹⁵ Obama never submitted the CTBT to the US Senate for possible ratification. For the non-aligned states, the subversion of the Prague agenda was read into a long history of failure. As Patchen Markell argues, ‘losing at politics once may leave an actor disappointed but unshaken in his sense of belonging to the community of participants’. However, ‘after months, years, or decades of *persistent* loss at the game of politics’, actors ‘may rightly wonder whether they’re really being allowed to play in any meaningful way.’⁹⁶

Serious doubts about the viability of the 2010 action plan were raised already in 2011. The NAM asserted straightforwardly that ‘improvement and modernization of existing nuclear weapons and the development of new types of nuclear weapons by nuclear-weapon States is in violation of their legal obligations’.⁹⁷ According to the Austrian ambassador for disarmament, Alexander Kmentt, the action plan had provided ‘a little respite’ for the regime, but as long as meaningful progress on article VI remained stalled, the credibility of the regime would remain ‘challenged on all fronts’.⁹⁸ For another Austrian diplomat, speaking in private, ‘in 2009–2010 there was a sense of optimism after the speech of Obama in Prague, but in the years that followed it became clear to the non-nuclear-weapon states that these words didn’t really... The nuclear-weapon states didn’t fulfil their obligations.’⁹⁹ In the words of a civil society representative, there was a noticeable ‘come-down’ after it became clear that the Obama presidency would not really lead to significant changes in US policy.¹⁰⁰

The regime’s third crisis of legitimacy hit in 2012. The nuclear-armed states’ modernisation programmes and apparent double communication had completely undermined the regime’s credibility. At the heart of this crisis, as Nina Tannenwald put it, was that ‘what was supposed to be a transformation regime – the transformation to a disarmed world – has become a status quo regime.’¹⁰¹ In the alternative formulation of the Brazilian government, the ‘regime could not be simply a tool to manage deeply embedded inequalities; it must correct them in order to uphold its credibility and efficacy as a means of achieving a world free of nuclear weapons.’¹⁰² When the regime’s legitimacy came into question in the mid-2000s, George W. Bush’s unpopular

⁹⁴ Ray Acheson (ed.), *Assuring Destruction Forever*, New York, NY, Reaching Critical Will, 2012.

⁹⁵ Hans M. Kristensen and Robert S. Norris, ‘Global Nuclear Weapons Inventories, 1945–2013’, *Bulletin of the Atomic Scientists*, vol. 69, no. 5, 2013.

⁹⁶ Patchen Markell, *Bound by Recognition*, Princeton, NJ, Princeton University Press, p. 33. Emphasis in original.

⁹⁷ Indonesia for NAM, UNGA First Committee, 3 October 2011, p. 7.

⁹⁸ Austria, UNGA First Committee, 14 October 2011, p. 18.

⁹⁹ Interview with Thomas Zehetner, Geneva, 9 May 2016.

¹⁰⁰ Interview with Thomas Nash, London, 11 September 2016.

¹⁰¹ Nina Tannenwald, ‘Justice and Fairness in the Nuclear Nonproliferation Regime’, *Ethics & International Affairs*, vol. 27, no. 3, 2013, p. 300.

¹⁰² Brazil, NPT Review Conference, 27 May 2015, p. 6.

administration absorbed much of the blame. In the years after 2010, however, no such excuse was available: The White House was occupied by a nominally pro-disarmament, multilateralist administration and the relationship between Russia and the United States seemed comparatively good. The blame for the regime's poor performance was thus increasingly directed towards the regime itself.

A first grievance of the NNWSs related to the regime's inability to prevent the nuclear-armed states from modernising their nuclear armouries and thereby perpetuating the tiered structure of the nuclear order. According to the NAM, the NWSs 'seemed to think that the indefinite extension of the Treaty entailed the indefinite possession of nuclear weapons' and were attempting to dress up their unwillingness to move away from the status quo in 'pseudo-progressive, ambiguous language'.¹⁰³ Addressing the UNGA in September 2011, the president of Kazakhstan argued that the situation that 'some are allowed to possess and upgrade nuclear weapons, while others are strictly forbidden to be engaged even in research and development' was 'unjust, disproportionate and unfair'.¹⁰⁴ Highlighting its concerns over the apparent erosion of sovereignty, the Algerian delegation warned against 'differences in degrees of sovereignty among states':

nuclear-weapon States [...] continue to modernize their nuclear arsenals in order to preserve what they describe as a nuclear deterrence capability, the stated goal of which is to defend their sovereignty and vital interests. Yet do not States which have no nuclear weapons also have sovereignty and vital interests to protect? By virtue of the right to self-defence enshrined in the Charter of the United Nations, it is the duty of every State to deter any external threat or aggression, yet this in no way gives anyone the right to continue to monopolize nuclear weapons. This undermines the non-proliferation regime and could encourage other States to imitate nuclear States on the basis of the same logic. The pretext of nuclear deterrence used by nuclear-weapon States leads to differences in degrees of sovereignty among States, which contradicts both the Charter of the United Nations and the spirit of the NPT, especially article VI thereof. This is politically, legally and morally unacceptable.¹⁰⁵

As discussed throughout this thesis, the NNWSs had always seen the hierarchy codified by the NPT as a temporary indignity; the common goal of disarmament, enshrined in article VI, implied that the NNWSs were not permanently inferior, but 'equal in waiting'. However, the NWSs' extravagant nuclear modernisation programmes made any such interpretation incredible. The

¹⁰³ Indonesia for the NAM, NPT Review Conference, 15 June 2015, p. 6. See also Ecuador for CELAC, UNGA First Committee, 12 October 2015, p. 2.

¹⁰⁴ Kazakhstan, UNGA Plenary, 21 September 2011, p. 21.

¹⁰⁵ Algeria, CD, 6 March 2012, p. 3.

delegation of Venezuela lambasted the ‘perverse process of modernizing nuclear weapons’, rejecting ‘the undesirable practices that weaken the principle of the legal equality of states’.¹⁰⁶ At the NPT PrepCom in 2012, the Brazilian delegation claimed that it was ‘simply not admissible that more than 20 years after the end of the Cold War nuclear weapons still continue to be an integral part of military and security doctrines.’ Key concepts of the nuclear order could only be interpreted as ‘perpetuating and legitimizing nuclear weapons forever’, the Brazilians held.¹⁰⁷

A second grievance related to the apparent double standard in the regime’s enforcement. While the NNWSs’ non-proliferation commitments were assiduously policed by the UN Security Council and the IAEA – Iran’s non-compliance with IAEA safeguards had led to years of economic sanctions – the NWSs’ disarmament commitments were not administered in any meaningful way. As the Ecuadorian delegation to the UNGA put it, assessments of compliance should be ‘carried out on an equal footing for all States without distinction’.¹⁰⁸ For the Austrian ambassador, the credibility of the entire regime was called into question by the NWSs’ selective approach to implementation and enforcement.¹⁰⁹ The implementation of NPT RevCon outcomes was of particular concern. If consensus agreements such as the 13 steps or 2010 action plan could simply be disregarded by the NWSs with complete impunity, there was little point for the NNWSs to go through the motions of the review cycle. According to the Norwegian ambassador to the UN in Geneva, many NNWS officials were wary that they had given up their negotiating leverage by agreeing to the indefinite extension of the NPT in 1995. As the NNWSs could no longer hold the extension of the NPT hostage to concessions on disarmament, the NWSs had no pressure on them to keep their commitments. Many NNWS diplomats were consequently sceptical about what could be achieved on disarmament within the NPT framework.¹¹⁰ Scholars Campbell Craig and Jan Ruzicka expressed their view on the NPT process in the following terms in 2012:

These conferences are a bizarre spectacle, involving much fractious debate over minor rewordings in order to produce – if any agreement at all is reached – ‘final documents’ which are ignored by everyone concerned. Then the review process, which bears more than a passing resemblance to Soviet five-year plans, starts all over again.¹¹¹

¹⁰⁶ Venezuela, UNGA First Committee, 6 October 2011, p. 23.

¹⁰⁷ Brazil, NPT PrepCom, 29 April 2012.

¹⁰⁸ Ecuador, UNGA First Committee, 31 October 2014, p. 14.

¹⁰⁹ Alexander Kmentt, ‘How Divergent Views on Nuclear Disarmament Threaten the NPT’, *Arms Control Today*, vol. 43, no. 10, 2013.

¹¹⁰ Interview with Steffen Kongstad, Geneva, 7 December 2015.

¹¹¹ Campbell Craig and Jan Ruzicka, ‘Who’s In, Who’s Out?’, *London Review of Books*, vol. 34, no. 4, 2012, p. 38.

The NPT review cycle clearly did not function according to its intended purpose of providing an arena for the NNWSs to participate meaningfully in nuclear governance. The NNWSs were not given an opportunity to act out their roles as partners in the regime.

A more immediate concern related to the fact that the Geneva Conference and UN Disarmament Commission were totally deadlocked. Not since the CTBT process of the mid-1990s had the Geneva Conference – the regime’s only standing *negotiating* forum – held substantive sessions. The UN Disarmament Commission had not conducted substantive deliberations since 1999. Speaking at the UNGA in 2012, the Irish delegation bemoaned the international community’s relegation to the role of ‘bystander rather than participant’.¹¹² Similar frustrations had, as noted in previous chapters, been voiced during the first and second crises of legitimacy, as well as during the NPT negotiations in the 1960s. While an Algerian official described the disarmament talks in Geneva as a ‘charade’,¹¹³ a diplomat from Lichtenstein called it ‘farcical’.¹¹⁴ An Iranian representative rebuked the NWSs and their allies for their unwillingness to ‘deal with all core issues on an equal footing’.¹¹⁵ The ‘paralysis’ of the Geneva Conference was ‘unacceptable’, argued the Mexicans.¹¹⁶ For Austria, the standstill was ‘deeply disconcerting’. Rather than seeing progress towards disarmament, Austria saw the application of ‘tactics to maintain the status quo for as long as possible. The consequence is an increasing erosion of the legitimacy of the existing legal frameworks and institutions.’¹¹⁷

Several delegations argued that the Geneva Conference’s still restricted membership of 65 states and limited opportunities for civil society engagement were anachronistic and did not have legitimacy in the 21st century.¹¹⁸ There was, of course, little reason to believe that an expansion in membership would improve the forum’s effectiveness – judging by history, quite the contrary – but there was nevertheless ‘general agreement that it can no longer be business as usual’.¹¹⁹ At the 2011 UNGA First Committee session, the Austrian, Mexican, and Norwegian delegations announced that, should the Geneva Conference turn in another barren year in 2012, they would consider tabling a resolution mandating the circumvention of the Conference through the establishment of an ‘open-ended working group’ (OEWG) on nuclear disarmament under the auspices of the General Assembly (with the latter forum’s more liberal rules of procedure).¹²⁰

¹¹² Ireland, UNGA First Committee, 2 November 2012, p. 5.

¹¹³ Algeria, CD, 10 August 2010, p. 6.

¹¹⁴ Liechtenstein, UNGA First Committee, 5 October 2010, p. 8.

¹¹⁵ Iran, UNGA First Committee, 18 October 2010, p. 25.

¹¹⁶ Mexico, NPT PrepCom, 2 May 2012.

¹¹⁷ Austria, UNGA First Committee, 10 October 2012, p. 3.

¹¹⁸ E.g. the Philippines, UNGA First Committee, 24 October 2011, p. 16; Lithuania, UNGA First Committee, 25 October 2011, p. 9; Norway, UNGA First Committee, 25 October 2011, p. 5.

¹¹⁹ South Africa, UNGA First Committee, 20 October 2011, p. 11.

¹²⁰ UNGA, ‘Taking Forward Multilateral Disarmament Negotiations’, New York, 25 October 2011.

3 Expansion: The Humanitarian Initiative for Nuclear Disarmament

After more than a decade of relative institutional stasis, a third wave of regime expansion began in 2013. Through three ad hoc conferences on the ‘humanitarian impact of nuclear weapons’, a ‘high-level meeting on nuclear disarmament’, two UN ‘open-ended working groups’ on nuclear disarmament, countless statements about the ‘humanitarian dimension’ of nuclear disarmament, and a ‘Humanitarian Pledge’ to ‘stigmatise, prohibit and eliminate nuclear weapons’, a large coalition of NNWSs and civil society actors sought to construct a ‘counter-hegemonic’ humanitarian discourse to delegitimise nuclear weapons and the practice of nuclear deterrence.¹²¹ On 7 July 2017, the so-called humanitarian initiative culminated in the adoption of the Treaty on the Prohibition of Nuclear Weapons (TPNW). How did this come about?

3.1 The Third Crisis of Legitimacy

Emanuelle Blanc argued in 2014 that the nuclear order was embroiled in a ‘severe crisis’, to large parts due to lacking progress towards disarmament.¹²² But how can we know that the ‘crisis’ of the 2010s was not simply an expression of ‘normal’ discord? As discussed throughout this thesis, claims that the regime is in ‘crisis’ had been routinely made over the preceding decade. The following paragraphs explore a range of indicators that suggest that the nuclear order had indeed entered a crisis of legitimacy. The proliferation of new disarmament forums from 2012 was just one of several signs.

Voice:

- *Heated rhetoric.* As documented throughout this chapter, many NNWSs sharpened their rhetoric; influential non-aligned states described the regime as an instantiation of ‘nuclear apartheid’ and a violation of the UN Charter.¹²³ The heightened temperature of the debate was apparently uncomfortable for the states relying on nuclear deterrence. Speaking on behalf of 27 aligned states at the UNGA First Committee in 2015, the German delegation

¹²¹ On hegemony and counter-hegemony in world politics, see Robert Cox, ‘Gramsci, Hegemony and International Relations’, *Millennium*, vol. 12, no. 2, 1983.

¹²² Emanuelle Blanc, ‘Wither the International Nuclear Order?’, pp. 97–114 in Emily B. Landau and Azriel Bermant (eds), *The Nuclear Nonproliferation Regime at a Crossroads*, Ramat Aviv, INSS, 2014, pp. 101, 109–110.

¹²³ Algeria, CD, 6 March 2012; South Africa, NPT Review Conference, 13 May 2015.

complained that the debate was not ‘constructive, open, inclusive, and genuine.’¹²⁴ France, on behalf of the five NWSs, lamented a lack of ‘mutually respectful dialogue’.¹²⁵

- *Diplomatic signals of indignation:* NNWSs adopted a more confrontational stance against the major powers. For example, the Egyptian delegation marched out of the 2013 NPT PrepCom mid-conference to demonstrate against what it viewed as the major powers’ double standards and lack of commitment to longstanding agreements (specifically the 1995 resolution on the creation of a WMD-free zone in the Middle East).¹²⁶ This marked the first time a state left an NPT meeting in ‘anger’. At the RevCon in 2010, the non-aligned states had been eager to come to a consensus agreement at almost any cost. In 2015, by contrast, several non-aligned states reportedly had their ‘blocking statements’ ready (consensus was, however, blocked by Britain, Canada, and the United States before it came to that). The government of the Marshall Islands filed lawsuits against the nuclear-armed states at the ICJ in 2014.
- *Resistance to additional non-proliferation measures:* While at the 2010 NPT RevCon the parties had been able to agree to unprecedentedly strong language on non-proliferation safeguards – the conference ‘encouraged all States parties’ to conclude an IAEA Additional Protocol¹²⁷ – the 2015 conference represented a step back. The language on safeguards contained in the last draft of the final declaration (which ultimately was not adopted) was significantly weaker than the equivalent language five years before.¹²⁸

Exit:

- *(Threats of) withdrawal:* No state explicitly threatened to exit the NPT. The norm of non-proliferation is now widely accepted. Since 2000, only North Korea and Iran have made explicit threats. But Brazil gave a not-so-subtle hint in 2015, asserting that

Brazil considers that the decision to withdraw from the Treaty is a sovereign right. [...] It is my country’s view [...] that discussions on withdrawal from the NPT should focus less on constraints to be applied to those States parties that may potentially leave the regime and more on the incentives for States parties to remain within it. That main incentive would be the implementation of all of the Treaty’s pillars, particularly the nuclear weapons States disarmament obligations.¹²⁹

¹²⁴ Germany for 27 states, UNGA First Committee, 3 November 2015, p. 9.

¹²⁵ France for the NWSs, UNGA First Committee, 5 November 2015, p. 18.

¹²⁶ E.g. Qatar, UNGA First Committee, 6 October 2011, p. 14.

¹²⁷ NPT Review Conference, Final Document, vol. I, New York, 2010, p. 4.

¹²⁸ William C. Potter, ‘The Unfulfilled Promise of the 2016 NPT Review Conference’, *Survival*, vol. 58, no. 1, 2016, p. 160.

¹²⁹ Brazil, NPT Review Conference, New York, 28 April 2015, p. 12.

- *Nuclearisation?* Beyond North Korea in 2006 (discussed above), no additional states declared themselves nuclear powers during the period.
- *Tolerance of non-compliance with non-proliferation norms:* Between 2006 and 2010, the UN adopted six resolutions requiring Iran to stop enriching uranium. Four of these resolutions (2006, 2007, 2008, and 2010) imposed punitive measures on Teheran. Most of the world's states supported the sanctions and embargo. After 2010, however, when the legitimacy of the nuclear regime started dropping, several non-aligned states began expressing opposition, defending Iran's 'right to enrich'. In 2012, when Iran accelerated its nuclear programme, several aligned states were eager to impose harsher sanctions. But the United States and the EU failed to marshal support for additional UN sanctions and were forced to adopt those sanctions outside the UN framework.¹³⁰ The convening of the 2012 NAM summit in Teheran was widely seen as an expression of support for Iran's nuclear policy.¹³¹ The Iran saga is further explored below.

Between 2012 and 2013, Iran *doubled* its nuclear centrifuge capacity from just under 10,000 centrifuges to almost 20,000.¹³² Before 2012, the nuclear programme had been proceeding in small incremental steps for about a decade. Teheran's nuclear ambitions were clearly motivated at least in part by material considerations – economic and potentially military – but they also appear to have been fuelled by concerns with equality and international prestige. According David Patrikarakos, Iran's nuclear programme functioned in part as a means of healing the wounds of 'national humiliations'.¹³³ In the words of Hossein Mousavian, sanctions and covert operations against Iran had 'made the nuclear endeavor Iran's number one issue of national pride.'¹³⁴ Intriguingly, a quantitative study found that the sanctions against Iran's nuclear programme had produced *greater* support for the nuclear programme within Iran: For a 'small but politically significant portion of the Iranian population [...] economic incentives and disincentives result in a "backfire effect" in which offers of material rewards or punishment lead to increased anger and greater disapproval.'¹³⁵ This finding fits perfectly with the expectations of recognition theory: The

¹³⁰ Russia also opposed additional sanctions, albeit not due to the NWSs' track record on disarmament.

¹³¹ E.g. S. Samuel C. Rajiv, 'The Iranian Nuclear Imbroglio and the NAM Summit', Institute for Defence Studies and Analyses, 19 September 2017.

¹³² *The Economist*, 'Iran's Atomic Agreements', 13 July 2015.

¹³³ David Patrikarakos, *Nuclear Iran*, London, I.B. Tauris, 2012, p. 288.

¹³⁴ Hossein Mousavian, 'The Iranian Nuclear Dispute', *Arms Control Today*, vol. 42, no. 6, 2012.

¹³⁵ Morteza Dehghani et al., 'Sacred Values and Conflict over Iran's Nuclear Program', *Judgement and Decision Making*, vol. 5, no. 6, 2010.

major powers' denial of Iran's 'equal right to enrich' prompted Teheran to ferociously struggle for recognition of its presumed rights.

The erosion of the nuclear regime's legitimacy enabled Iran to take a more defiant stance against the major powers. Despite Iran withdrawing from the IAEA Additional Protocol and having been found guilty by the IAEA of violating its comprehensive safeguards agreement (the minimum requirement under the NPT), the NAM and individual non-aligned states increasingly supported Iran's nuclear programme – also during the aggressive centrifuge build-up of 2012. In 2006, the NAM summit adopted a final document encouraging Iran to 'urgently [...] continue to cooperate actively and fully with the IAEA'.¹³⁶ By contrast, the NAM summit in 2012 made no urgent calls on Teheran to cooperate with the IAEA and made no comment on Iran's violation of the six Security Council resolutions obliging Iran to cease enriching uranium. Instead, the NAM censured the 'politically motivated attempts' to 'politicize the work of the IAEA' – a statement that was clearly directed at the United States and its allies.¹³⁷ Non-permanent members of the UN Security Council such as Brazil (a NAM observer) became 'completely opposed the US sanctions/embargo strategy'.¹³⁸

Given Iran's regional rivalries with several members of the NAM (in particular Saudi Arabia and Egypt), the NAM's support for Iran seems puzzling from a security perspective. But according to Bowen, Moran, and Esfandiary, Iran was able to tap into 'NAM concerns regarding the "grand bargain" perceived to be at the heart of the NPT'.¹³⁹ Other members of the NAM shared Iran's disquiets about 'nuclear inequalities' and were thus willing to support Iran against the major powers in statements to the IAEA Board of Governors, the UNGA, and NPT meetings.¹⁴⁰ Partly due to NAM support, the major powers were unable to compel Iran to abandon its nuclear programme entirely. To facilitate agreement, the United States ultimately had to abandon its long-standing policy of not allowing Iran to enrich uranium. The 'Joint Comprehensive Programme of Action' of 2015 – the 'Iran Deal' – 'recognises Iran's right to enrich uranium and eventually industrialize that capacity'.¹⁴¹ Iran's struggle for recognition, in other words, was at least partially successful.

¹³⁶ NAM, '14th Summit of the Heads of State or Government of the Non-Aligned Movement', Havana, 16 September 2006.

¹³⁷ NAM, '16th Summit of the Heads of State or Government of the Non-Aligned Movement', Teheran, 31 August 2012, p. 64.

¹³⁸ Pepe Escobar, 'The Myth of "Isolated" Iran', *Al Jazeera*, 23 January 2012.

¹³⁹ Wyn Bowen, Matthew Moran, and Dina Esfandiary, *Living on the Edge*, London, Palgrave Macmillan, 2016, pp. 77, 109–10.

¹⁴⁰ E.g. Egypt for the NAM, NPT PrepCom, 30 April 2012.

¹⁴¹ Eliot A. Cohen, Eric S. Edelman, and Ray Takeyh, 'Time to Get Tough on Tehran', *Foreign Affairs*, January/February 2016.

3.2 The Emergence of the Humanitarian Initiative

At the NPT PrepCom in the spring of 2012, the Austrian delegation asserted that it was time for ‘the “silent majority” of States committed to multilateralism to make itself heard’.¹⁴² The statement proved prophetic. Expanding the regime’s *locus*, the UNGA First Committee session later that year saw *three* new multilateral nuclear disarmament arenas established or announced. First, adopting a NAM-sponsored resolution by 165 votes in favour, none against, and five abstaining,¹⁴³ the UNGA resolved to convene a first-ever UN ‘high-level meeting on nuclear disarmament’ in 2013 (comparable to the special sessions but shorter in duration). All states were encouraged to send representatives at the ‘highest possible level’ to ‘contribute to achieving the goal of nuclear disarmament’.¹⁴⁴ Second, the Norwegian government invited all interested states, NGOs, and international organisations to a conference on Oslo on ‘the humanitarian impact of nuclear weapons’ in March 2013. Recalling that the 2010 NPT RevCon had expressed ‘deep concern at the catastrophic humanitarian consequences of any use of nuclear weapons’, the Norwegian government wanted to create an arena to discuss disarmament from a humanitarian angle. Norwegian leaders believed that furthering the NPT’s disarmament agenda was vital to holding the non-proliferation regime together.¹⁴⁵ Third, as the Geneva Conference failed to adopt a programme of work also in 2012, Austria, Mexico, and Norway went through with their plan of tabling a resolution authorising the formation of an OEWG to ‘develop proposals to take forward multilateral nuclear disarmament negotiations’ under the auspices of the UNGA.¹⁴⁶

The resolution to establish an OEWG received considerable pushback from the NWSs. Worried that the consensus-based Geneva Conference would lose its position as the regime’s go-to negotiating forum, the major powers argued strongly against the OEWG resolution. Britain, France, and the United States collectively declared that they saw ‘little value’ in the initiative and warned that the establishment of the new body might ‘threaten the consensus’ on the 2010 NPT action plan for disarmament.¹⁴⁷ The Russian delegation described the initiative as ‘unacceptable’ and cautioned that the establishment of an OEWG might lead to results ‘completely contrary to the objectives of the sponsors’.¹⁴⁸ The NWSs’ strong opposition, which was expressed both

¹⁴² Austria, NPT PrepCom, 30 April 2012.

¹⁴³ France, Israel, Ukraine, the United Kingdom, and the United States.

¹⁴⁴ UNGA, ‘High Level Meeting of the General Assembly on Nuclear Disarmament’, A/RES/67/39, New York, 18 October 2012.

¹⁴⁵ Interview with Jonas Gahr Støre, 8 December 2016.

¹⁴⁶ UNGA, ‘Taking Forward Multilateral Nuclear Disarmament Negotiations’, A/RES/67/56, New York, 4 January 2013.

¹⁴⁷ United Kingdom for the United Kingdom, France, and the United States, UNGA First Committee, 6 November 2012. See also France, UNGA First Committee, 2 November 2012, p. 2.

¹⁴⁸ Russia, UNGA First Committee, 6 November 2012, p. 14.

formally and informally, made strong impressions on many NNWS officials.¹⁴⁹ In 2005, similar pressure tactics had dissuaded a group of NNWSs from going ahead with an initiative to circumvent the Geneva Conference. In 2012, however, the NNWSs would not be stopped. As the NGO commentator Beatrice Fihn wrote at the time, ‘it was obvious that the patience with the existing fora has finally run out for the majority of delegations.’¹⁵⁰ For Ray Acheson, the creation of the new forums demonstrated that ‘[f]rustration is turning many governments into action’.¹⁵¹ The OEWG resolution was adopted by a vote of 133 in favour, four against, and 35 abstaining.

The establishment of new forums was justified by supporters as a move to further a ‘humanitarian approach’ to nuclear disarmament.¹⁵² The Oslo conference, in particular, presented the diplomatic community with scientific findings and analyses about humanitarian preparedness and the humanitarian consequences of nuclear war. But in terms of the ideas it promoted, the movement of states and CSOs that eventually came to be called the ‘humanitarian initiative’ was not that innovative.¹⁵³ After all, diplomats, scientists, and activists had warned about the horrific humanitarian consequences of the use of nuclear weapons for decades. In 1961, the first year the non-aligned bloc could muster a majority of the votes in the UNGA, the UN had adopted a resolution declaring that the use of nuclear weapons would ‘exceed even the scope of war and cause indiscriminate suffering and destruction to mankind and civilization and, as such, is contrary to the rules of international law and to the laws of humanity’.¹⁵⁴ The preamble of the NPT acknowledges ‘the devastation that would be visited upon all mankind by a nuclear war and the consequent need to make every effort to avert the danger of such a war’.¹⁵⁵ In the 1980s, several states had raised debates about the scientific findings about ‘nuclear winter’, to wit, that a nuclear war would precipitate a dramatic drop in global temperatures and food production.¹⁵⁶ What was new about the humanitarian initiative was the *instrumental* way in which humanitarian language was used to challenge the existing discourse.¹⁵⁷ According to one of the movement’s leading civil society strategists:

¹⁴⁹ Interview with NNWS official, Skype, 23 August 2017.

¹⁵⁰ Beatrice Fihn, ‘Disarmament Machinery’, *First Committee Monitor*, no. 5, 2012, p. 4.

¹⁵¹ Ray Acheson, ‘Process for Progress’, *First Committee Monitor*, no. 5, 2012, p. 3.

¹⁵² E.g. John Borrie, ‘Humanitarian Reframing of Nuclear Weapons and the Logic of a Ban’, *International Affairs*, vol. 90, no. 3, 2014.

¹⁵³ Laura Considine, ‘The “Standardization of Catastrophe”’, *European Journal of International Relations*, vol. 23, no. 3, 2017.

¹⁵⁴ UNGA, ‘Declaration on the Prohibition of the Use of Nuclear and Thermo-Nuclear Weapons’, Resolution 1653 (XVI), 24 November 1961.

¹⁵⁵ Treaty on the Non-Proliferation of Nuclear Weapons, signed 1 July 1968, in force 5 March 1970, preamble.

¹⁵⁶ See e.g. the statements of India, UNGA First Committee, 23 October 1984, pp. 2–21 and Gabon, UNGA First Committee, 25 October 1985, pp. 48–58.

¹⁵⁷ See Matthew Bolton and Elizabeth Minor, ‘The Discursive Turn Arrives in Turtle Bay’, *Global Policy*, vol. 7, no. 3, 2016; Borrie, ‘Humanitarian Reframing’.

The humanitarian stuff was pushed in a highly self-conscious way; it was a discourse-control thing. ‘Keep saying it, keep saying it. Everything’s about that’, we said to ourselves. We were massively self-conscious in all of that, and so were the key governments. [...] It was a good team effort with good discourse-control, *fuelled by frustration with the nuclear-armed states*.¹⁵⁸

The humanitarian initiative constituted a deliberate attempt by NNWSs and CSOs at changing the wider nuclear discourse. Implicitly relying on the Gramscian assumption that politics is ‘downstream’ from culture, the humanitarian initiative’s supporters sought to influence nuclear politics via challenging the prevailing myths, language, and rituals of the established regime – what Barnett and Duvall refer to as ‘productive power’.¹⁵⁹ According to one of the architects of the humanitarian initiative, the development of a humanitarian discourse was a vehicle for promoting a nuclear weapons prohibition treaty. ‘The ban idea came first, then we developed the humanitarian initiative as a “why.”’¹⁶⁰ It should be pointed out, however, that this view was not shared by all the actors involved in the movement during this early phase. For the Norwegian foreign minister, who played a crucial role in bringing about the humanitarian initiative by hosting the conference on the humanitarian impact of nuclear weapons in March 2013, the purpose of the initiative was not necessarily to pave the way for a new legal instrument, but rather to make ‘something’ happen on the disarmament agenda and thereby re-legitimise the non-proliferation framework.¹⁶¹ According to a Norwegian MFA memo released on the author’s a freedom of information request, the ‘lack of implementation of the legal obligations contained in the NPT has eroded the political understanding on which the NPT is based – that the nuclear-weapon states have committed to disarmament while the non-nuclear-weapon states have committed not to acquire nuclear weapons.’¹⁶²

Attended by as many as 128 government delegations, the ‘Oslo conference on the humanitarian impact of nuclear weapons’ in March 2013 attracted greater government attendance than the NPT PrepCom the same year. Numerous peace groups and NGOs participated both in the conference itself and a ‘civil society forum’ organised by the International Campaign to Abolish Nuclear Weapons (ICAN) a few days before.¹⁶³ Established by the International Physicians for the

¹⁵⁸ Interview with Thomas Nash, London, 11 December 2015.

¹⁵⁹ Michael Barnett and Raymond Duvall, ‘Power in Global Governance’, pp. 1–32 in Barnett and Duvall (eds), *Power in Global Governance*, Cambridge, Cambridge University Press, 2005.

¹⁶⁰ Interview with NNWS official, Skype, 23 August 2017.

¹⁶¹ Interview with Jonas G. Støre, Oslo, 8 December 2015.

¹⁶² Norwegian Ministry of Foreign Affairs, Memo from the Section for Disarmament and Non-Proliferation to Foreign Minister Børge Brende, 25 April 2014, doc. no. 13/04525-6. Translation from Norwegian.

¹⁶³ On ICAN’s strategy, see Magnus Løvold, Beatrice Fihn and Thomas Nash, ‘Humanitarian Perspectives and the Campaign for an International Ban on Nuclear Weapons’, pp. 145–56 in John Borrie and Tim Caughley (eds), *Viewing Nuclear Weapons Through a Humanitarian Lens*, Geneva, UNIDIR, 2013.

Prevention of Nuclear War in Melbourne in 2007 (the headquarters were expanded and moved to Geneva in 2011), ICAN promoted a more radical approach to disarmament than comparable campaigns. In contrast, for example, to the US-based ‘Global Zero’ movement, which was designed to work *with* the nuclear-armed governments and thus went ‘unopposed by the leading powers’,¹⁶⁴ ICAN’s aim was to create political pressure from the ‘outside’. At the Oslo conference, experts from various international organisations, universities, and think tanks were invited to give testimony. A number of states gave statements in which they called for decisive action towards nuclear disarmament, arguing that any use of nuclear weapons would violate international humanitarian law and that the implementation of article VI was long overdue.¹⁶⁵ The five states defined by the NPT as ‘nuclear-weapon states’, however, as well as some of their allies, were conspicuous by their absence. Sending a stern letter of rejection, the NWSs collectively boycotted the conference, calling it a ‘distraction’ from more important work.¹⁶⁶

The NWSs also boycotted the OEWG, which convened in Geneva a few weeks later. But notwithstanding the NWSs’ absence, many NNWSs made strong calls for the development of new legal instruments to facilitate nuclear disarmament. In the words of the Irish delegation, there was ‘a growing sense of frustration in the international community at the lack of progress’. The creation of the OEWG and convening of the high-level meeting demonstrated ‘a growing momentum to take action on nuclear disarmament.’¹⁶⁷ According to the Brazilian ambassador, speaking on behalf of the NAC, the elimination of nuclear weapons had to be a ‘clear and unconditional objective’:

The unsustainable divide between haves and have-nots must end. The narrow national security interests of a few cannot trump the collective security interests of all. It is beyond our understanding that, more than twenty years after the end of the Cold War, nuclear weapons still threaten our world. [...] Non nuclear weapon states have already taken the high moral ground by rejecting nuclear weapons, but frustration is mounting at the lack of action by nuclear weapon states, in particular with respect to the non-fulfilment of their multilateral commitments. Humanity cannot wait forever, the time for action is now.¹⁶⁸

For the NAC, concerns with material and ontological security seemed to be entangled. The failure of disarmament was represented as a breach of solemn vows, a denial of sovereign equality, and an enduring security risk. For the NAC, security and mutual respect were two sides of the same coin. A number of states and groups of states submitted elaborate working papers and discussion

¹⁶⁴ Craig and Ruzicka, ‘The Nonproliferation Complex’, p. 343.

¹⁶⁵ E.g. New Zealand, HINW, 5 March 2013; Austria, HINW, 5 March 2013; Ireland, HINW, 4 March 2013.

¹⁶⁶ P5, Statement to the Oslo Conference, March 2013, p. 5; William C. Potter and Benjamin Pack, ‘Advancing Nuclear Disarmament’, APLN and CNND, *Policy Brief*, no. 10, March 2014, p. 5.

¹⁶⁷ Ireland, OEWG on Nuclear Disarmament, 14 May 2013.

¹⁶⁸ Brazil for the NAC, OEWG on Nuclear Disarmament, 14 May 2013.

documents to the OEWG. In a joint working paper, Ireland and Switzerland argued that the NNWSs could aid the process of disarmament by taking ‘actions directed at further stigmatizing nuclear weapons’.¹⁶⁹ The most discussed working paper was probably that of the NAC, which made a conceptual distinction between ‘end state’ prohibitions that would be needed to ‘maintain a world free of nuclear weapons’, on the one hand, and ‘interim’ measures that were needed to ‘accelerate progress’ toward the end state, on the other. Crucially, the NAC maintained that these measures didn’t have to be implemented in sequence. Work on the ‘end state’ prohibitions could start ‘immediately’.¹⁷⁰ The 2013 OEWG concluded on 3 September 2013 with the adoption of a report that acknowledged the various views put forward.¹⁷¹

Just a few weeks after the OEWG, a large number of states took part in the one-day high-level meeting on nuclear disarmament in New York. Several foreign ministers and heads of state were present to place their dissatisfaction with the status quo on record.¹⁷² Argentina’s minister of foreign affairs and worship, Hector Timerman, put words to the non-aligned states’ lingering aversion to hierarchy:

While [through the NPT] non nuclear weapons states committed not to acquire or develop such weapons, states possessing them committed to negotiate their elimination. Nevertheless, decades after such commitments, the progress achieved in the field of non proliferation is not matched by the results achieved in the area of nuclear disarmament. Such fact is particularly grave since *the failure of the nuclear weapons states to comply with the obligations they assumed in the NPT introduces an element of inequity in the balance of the Treaty* and at the same time provides arguments to those questioning the credibility of the non proliferation regime. From the same perspective of equity, it is also not acceptable that some non nuclear weapons states maintain a role for such weapons in their doctrines, security policies and military strategies or as a prospective approach in conflicts management. [...] The persistent situation of countries possessing nuclear weapons as well as countries benefiting from the protection supposedly provided by such weapons can only generate greater distortions and instability to international peace and security. *It is from such conviction that Argentina supports the efforts of the international community to move towards the negotiation of a universal legally binding instruments banning nuclear weapons.*¹⁷³

¹⁶⁹ Ireland and Switzerland, OEWG on Nuclear Disarmament, Working Paper 8, A/AC.281/WP.8, Geneva, 2013, p. 2.

¹⁷⁰ NAC, OEWG on Nuclear Disarmament, Working Paper 10, Geneva, 2013.

¹⁷¹ OEWG on Nuclear Disarmament, ‘Report of the Open-Ended Working Group to Develop Proposals to Take Forward Multilateral Nuclear Disarmament Negotiations for the Achievement and Maintenance of a World Without Nuclear Weapons’, Geneva, 3 September 2013.

¹⁷² See, in particular, Egypt for the NAC, High-Level Meeting on Nuclear Disarmament, 26 September 2013; Cuba for CELAC, High-Level Meeting on Nuclear Disarmament, 26 September 2013; Indonesia, High-Level Meeting on Nuclear Disarmament, 26 September 2013; Malaysia, High-Level Meeting on Nuclear Disarmament, 26 September 2013.

¹⁷³ Argentina, High-Level Meeting on Nuclear Disarmament, 26 September 2013.

The NWSs' boycotts of the Oslo conference and OEWG were clearly devised to dissuade the NNWSs from going forward on their own. How could a diplomatic process on disarmament be advanced if the weapon-states refused to engage? Yet the effect of the boycott was, as commentators put it at the time, that the NWSs appeared 'arrogant and irresponsible, and instead of weakening the humanitarian discourse, their absence seemed to have strengthened it.'¹⁷⁴ In the view of the Austrian ambassador, Alexander Kmentt, one of the humanitarian initiative's architects, the NWSs' snubbing of the initiative illustrated why it was needed:

Nuclear-weapon states have boycotted or rejected the above initiatives with the utterly unconvincing argument that they would distract from the NPT and the implementation of the 2010 action plan. In truth, these initiatives do not distract from anything, but rather focus the attention of governments and the wider public on the importance of achieving a world without nuclear weapons. [...] Instead of resisting and acting to undermine efforts by non-nuclear-weapon states and civil society, nuclear-weapon states should start to embrace a different discourse on nuclear weapons themselves and move seriously toward their elimination.¹⁷⁵

In Kmentt's perspective, the NWSs' reluctance to engage in good faith represented both a breach of faith and a security risk. Countering value-based international advocacy by small states and CSOs is 'neither easy or costless', even for the international system's most powerful state, argues Martha Finnemore:

It requires constant management of the transnational conversation surrounding the unipole's behavior and continuing demonstrations of the unipole's commitment to the values or vision that legitimate its power. To simply dismiss or ignore these attacks is dangerous; it smacks of contempt. It says to others, 'You are not even worth my time and attention.'¹⁷⁶

As discussed throughout this thesis, the original nuclear recognition order compelled the NWSs to engage with NNWSs as genuine partners in nuclear governance. Saying to the NNWSs that they were not 'even worth my time and attention' went squarely against the regime's normative base. The calculations of the Obama administration – previously so keen to communicate recognition of the NNWSs as valued stakeholders in the regime – are difficult to assess. The most widely held view among practitioners, however, was that the Obama administration's early rhetoric had been

¹⁷⁴ Gro Nystuen and Stein-Ivar L. Eide, 'Wanted: Resolute Normative Leadership', *European Leadership Network*, 5 September 2013.

¹⁷⁵ Kmentt, 'How Divergent Views on Nuclear Disarmament Threaten the NPT'.

¹⁷⁶ Martha Finnemore, 'Legitimacy, Hypocrisy, and the Social Structure of Unipolarity', *World Politics*, vol. 61, no. 1, 2009, p. 67–8.

disingenuous. Alternatively, Obama was believed to have become disillusioned after receiving opposition to his disarmament agenda from domestic hawks.¹⁷⁷

The NWSs' hostile attitude to the humanitarian initiative deepened the crisis of legitimacy. There seems to be near universal agreement among the regime's insiders, including all the representatives interviewed for this thesis, that the NWSs' boycott fuelled the incipient humanitarian movement. It has been argued that 'violence plays in a revolutionary process the same role as worldly wealth plays in the Calvinist logic of predestination: although it has not intrinsic value, it is a sign of the authenticity of the revolutionary process, of the fact that this process is actually disturbing the existing power relations.'¹⁷⁸ A similar logic can arguably be witnessed in the non-aligned states' contestation of the nuclear regime: Although pushback from the NWSs has no 'intrinsic value', it is a sign that the contestation is disturbing power relations.

According to Alexander Kmentt, the NWSs' boycott had been a 'fundamental tactical error' that 'energised' the humanitarian initiative.¹⁷⁹ Daryl Kimball, director of the Arms Control Association, argues that the NWSs' 'arrogant and hostile response' only deepened the animosity driving the humanitarian initiative.¹⁸⁰ According to a former Canadian ambassador, Paul Meyer, the NWSs' attempt at 'squashing' the humanitarian initiative propelled mobilisation for radical disarmament measures.¹⁸¹ The Norwegian ambassador suggested that the NWSs' boycott of the Oslo conference had strengthened the perception that the current institutional architecture could not deliver meaningful disarmament.¹⁸² In the view of a diplomat from a state closely allied to the United States, the development of the humanitarian initiative after the NWSs' boycott demonstrated that 'when states get frustrated, you prompt more extreme and robust responses that perhaps weren't necessarily intended but are then allowed to develop.'¹⁸³ According to Magnus Løvold of ICAN, the boycott was 'good news for ICAN. It gave the campaign a boost.'¹⁸⁴ According to ICAN's director, Beatrice Fihn, the NWSs' boycott was 'the best thing that could happen', because it demonstrated the NWSs' arrogance and allowed the NNWSs to coordinate a common position.¹⁸⁵

¹⁷⁷ See e.g. Micjael Izbiicki, 'What's Wrong with America's Nuclear Hawks?', *Strategic Studies Quarterly*, Winter 2010; Julian Borger, 'Obama Has "Failed to Deliver on Nuclear Disarmament Promises"', *The Guardian*, 27 May 2016.

¹⁷⁸ Slavoj Žižek, *The Parallax View*, Cambridge, MA, MIT Press, 2006, p. 381.

¹⁷⁹ Alexander Kmentt, 'Unprecedented Challenges for Nonproliferation and Disarmament', Arms Control Association May 14 Annual Meeting, Carnegie, New York, 15 May 2015.

¹⁸⁰ Daryl G. Kimball, 'Nuclear Disarmament and Human Survival', *Arms Control Today*, vol. 44, no. 1, 2014.

¹⁸¹ Paul Meyer, Statement to the Humanitarian Impact of Nuclear Weapons Meeting of National Red Cross Societies on Nuclear Weapons, The Hague, 16 June 2014.

¹⁸² Interview with Steffen Kongstad, Geneva, 7 December 2015.

¹⁸³ Interview with anonymous official of a nuclear-allied state, Geneva, 8 January 2016.

¹⁸⁴ Interview with Magnus Løvold, Oslo, 9 September 2015.

¹⁸⁵ Interview with Beatrice Fihn, Geneva, 7 December 2015.

From the perspective of established theories of IR, the development described above seems almost inexplicable: Fierce opposition from the international community's most powerful members *boosted* a diplomatic initiative. Rationalists and constructivists alike have argued that the primary concern of institution builders is regime 'effectiveness' – i.e. the degree to which the regime is able to tackle the cooperation problem at hand – and that hostility from the states with the greatest capacity to address that problem ('critical states') will prove toxic for any diplomatic process.¹⁸⁶ From the perspective of recognition theory, however, the development makes perfect sense: By boycotting the Oslo conference and OEWG, the NWSs patently denied the NNWSs recognition as partners in the regime. As a former diplomat put it, the boycott constituted a 'blatant act of disrespect'.¹⁸⁷ In this situation, the NNWSs had no choice but to either accept their inferiority or 'fight' back. The only way for the non-aligned states to prove their identities as sovereign equals was to push ahead with the initiative even if the NWSs were reluctant to engage.¹⁸⁸

3.3 Nayarit, Vienna, and 'Effective Measures'

In February 2014, Mexico hosted 146 states in Nayarit for a second conference on the humanitarian impact of nuclear weapons. The Mexican government had reportedly received requests from the US government to tweak the conference agenda in a direction that would make US attendance possible, but the Mexicans were unwilling to budge.¹⁸⁹ According to the analyst William Potter, Mexico had adopted a deliberate strategy of 'attempting to polarise the debate'.¹⁹⁰ Indeed, after more than a decade of attempts at bridge-building and seeking common ground between NNWSs and NWSs, several non-aligned states were now keen to *accentuate* disagreements rather than to ignore them.¹⁹¹ This development clearly follows the pattern of previous crises of legitimacy, during which the NNWSs were similarly unwilling to paper over differences. At the Nayarit conference, Juan Gomez Robledo, chair of the meeting and deputy foreign minister of Mexico, declared that the discussions on the humanitarian impact of nuclear weapons should 'lead to the commitment of States and civil society to reach new international standards and norms, through a legally binding instrument'.¹⁹² The parallels to the processes that led to the adoption of treaties prohibiting anti-

¹⁸⁶ Martha Finnemore and Kathryn Sikkink, 'International Norm Dynamics and Political Change', *International Organization*, vol. 52, no. 4, 1998; Caroline Fehl, *Living with a Reluctant Hegemon*, Oxford, Oxford University Press, 2012.

¹⁸⁷ Paul Meyer, 'The Nuclear Nonproliferation Treaty: Fin de Regime?', *Arms Control Today*, April 2017.

¹⁸⁸ Compare Erik Ringmar, *Identity, Interest and Action*, Cambridge, Cambridge University Press, 1996.

¹⁸⁹ William C. Potter and Benjamin Pack, 'Advancing Nuclear Disarmament', APLN and CNND, *Policy Brief*, no. 10, March 2014, p. 6.

¹⁹⁰ William C. Potter, 'Disarmament Diplomacy and the Nuclear Ban Treaty', *Survival*, vol. 59, no. 4, 2017, p. 91.

¹⁹¹ Interview with diplomat, 23 August 2017.

¹⁹² Mexico, 'Chair's summary', HINW, 14 February 2014.

personnel landmines (1997) and cluster munitions (2008) were obvious. Those processes had also started out as ‘facts-based discussions’ and evolved into political processes to institute legal prohibitions against the weapons in question.

Many non-aligned states supported the political direction envisioned by the Mexicans. But the NWSs and most of their allies were critical. As argued in Chapter 2, the most crucial distinction instituted by the NPT was not between NWSs and NNWSs, but between the ‘haves’ that could continue to rely on nuclear deterrence and the ‘have-nots’ that could not. Over the next few years, US allies such as Australia, Canada, and Germany continued to engage with the humanitarian initiative, but took every opportunity to stress that nuclear disarmament depended on a favourable ‘security environment’ and that the adoption of new legal instruments would be ‘premature’.¹⁹³ Even Norway, which had been a strong proponent of the humanitarian initiative in its early phase, eventually disassociated from the initiative. A central motivation for Oslo seems to have been a desire for recognition as a ‘good ally’ from Washington.¹⁹⁴ It is also worth pointing out that the United States and other allies reportedly resorted to ‘material compensation’ by putting pressure on allies to extricate themselves from the initiative and vote against any resolutions furthering its aims.¹⁹⁵

The ‘P5 boycott’ of the humanitarian initiative was a major talking point in nuclear policy debates in the mid-2010s. As in nuclear discourse generally, the NPT-sanctioned distinction between ‘nuclear-weapon state’ and ‘non-nuclear-weapon state’ provided a filter for making sense of what was going on. The general understanding in the disarmament community was thus that ‘the nuclear powers’ had snubbed the humanitarian initiative. In material terms, however, this was not strictly speaking correct. While the OEWG and Oslo and Nayarit conferences had indeed been boycotted by Israel and North Korea as well as the five recognised NWSs, India and Pakistan had attended all three meetings. Yet, the attendance or non-attendance of the four ‘unofficial’ nuclear powers did not seem to count in quite the same way as that of the five ‘official’ nuclear powers. The reason for this double standard lies precisely in the diplomatic distinctions between official/unofficial and recognised/non-recognised nuclear powers: While the nuclear possession of the five original nuclear powers had been legally ordained *in exchange* for a commitment to engage in multilateral disarmament, the nuclear possession of the four ‘unofficial’ nuclear powers had been unilaterally purloined by the states in question and was thus beyond the pale of political validation

¹⁹³ E.g. Germany, UNGA First Committee, 20 October 2014, p. 23; Canada, OEWG on Nuclear Disarmament, Working Paper 20, 2016; Australia, HINW, 9 December 2014.

¹⁹⁴ Kjølvi Egeland, ‘Forvandlingen: Om Atomvåpen, Anerkjennelse og Utenrikspolitiske Linjeskift’, *Nytt Norsk Tidsskrift*, vol. 34, no. 2, 2017.

¹⁹⁵ E.g. Tormod Strand, ‘USA Ga Klar Atomvåpen-Beskjed til Norge’, *NRK*, 17 March 2015.

either way.¹⁹⁶ While the nuclear status of the five original possessors required justification, the status of the four nuclear revisionists was unjustifiable by default.

At the third humanitarian conference, convened in Vienna in December 2014, the United States and United Kingdom broke the ‘P5 boycott’ and sent representatives.¹⁹⁷ This was perhaps meant as an expression of recognition of the NNWSs’ concerns, yet any comity achieved was thoroughly undermined by politically tone-deaf interventions. Content-wise, the US delegation’s first statement resembled the Obama administration’s earlier, Nobel-decorated disarmament rhetoric – the US delegation pledged its abiding commitment to the NPT and CTBT, aligning itself with ‘all those here who seek the peace and security of a world without nuclear weapons’¹⁹⁸ – but the context in which it was made had changed. After record-breaking investments in nuclear weapons and years of unwillingness to submit the CTBT for ratification (no doubt because the Senate would have voted ‘no’), the rhetoric came across as phony.¹⁹⁹ The fact that the US intervention was made directly after the testimony of Michelle Haseldine, a sufferer of multiple cancers caused by nuclear testing, accentuated the appearance of duplicity. At any rate, the US intervention produced shaking heads and a chorus of murmuring from across the conference floor.²⁰⁰ The next day, an NGO representative expressed ‘admiration for the delegate of the United States, who with one insensitive, ill-timed, inappropriate and diplomatically inept intervention yesterday managed to dispel the considerable goodwill the US had garnered by its decision to participate in this conference.’²⁰¹

At the conclusion of the Vienna conference, the hosts issued an ‘Austrian Pledge’ (later renamed the ‘Humanitarian Pledge’) to revitalise the disarmament process. Emphasising that ‘the risks associated with nuclear weapons concern the security of *all humanity* and that *all states* share the responsibility to prevent any use of nuclear weapons’, the pledge sought to buttress the NNWSs’ role as ‘partners’.²⁰² The pledge also called specifically on the NPT parties to recommit to the goal of an egalitarian world without nuclear weapons:

We call on all states parties to the NPT to renew their commitment to the urgent and full implementation of existing obligations under Article VI, and to this end, to identify and pursue effective measures to fill the legal gap for the prohibition and elimination of nuclear

¹⁹⁶ At the same time, India’s and Pakistan’s attendance was clearly intended to further an image of these states as ‘responsible nuclear powers committed to disarmament’. See Elizabeth Minor, ‘Changing the Discourse on Nuclear Weapons’, *International Review of the Red Cross*, vol. 97, no. 899, 2015, p. 717.

¹⁹⁷ The author attended the conference as part of an International Law and Policy Institute’s delegation.

¹⁹⁸ Author’s notes from the conference.

¹⁹⁹ Interview with diplomat, 23 August 2017.

²⁰⁰ See Kjølsv Egeland, ‘Waltzing in Vienna’, *European Leadership Network*, 11 December 2014.

²⁰¹ Wildfire, HINW, 9 December 2014.

²⁰² Humanitarian Pledge, 9 December 2014.

weapons. [...] We pledge to cooperate with all relevant stakeholders, States, international organisations, the International Red Cross and Red Crescent Movements, parliamentarians and civil society to stigmatise, prohibit and eliminate nuclear weapons in light of their unacceptable humanitarian consequences and associated risks.²⁰³

The Humanitarian Pledge quickly became the central rallying point for the CSOs promoting a legal ban on nuclear weapons. Over the course of 2015, much of ICAN's work revolved around creating attention around the pledge and getting states to formally support it. In January of 2015, the Community of Latin American and Caribbean States endorsed the pledge *en bloc*.²⁰⁴ By the end of 2015, well over 100 states had signed up.

Alongside the series of conferences, the momentum of the humanitarian initiative was kept up in two ways. The first was the presentation of 'joint statements' on the 'humanitarian dimension' of nuclear disarmament at various multilateral meetings. A total of six such statements, all similar in content, were read out on behalf of an ever-growing group of states between 2012 and 2015. The first joint statement, read out by the Swiss delegation to the 2012 NPT PrepCom, was co-sponsored by 16 states. The last joint statement, read out by the Austrian delegation to the 2015 RevCon, was co-sponsored by an astonishing 159 NNWSs, making it the most widely supported joint statement in UN history. The delivery of several of these statements was followed by enthusiastic applause from their supporters, a rare occurrence at multilateral disarmament conferences.²⁰⁵ These overt expressions of support fits well with the expectations of recognition theory: The humanitarian narrative gave positive moral status to NNWSs and censured the behaviour of the NWSs.

Another way in which the momentum of the humanitarian initiative was kept up was through the development by the NAC of specific proposals for how the 'effective measures' referred to in the NPT's article VI might be implemented. In a working paper submitted to the 2014 NPT PrepCom, the NAC presented four alternatives: (1) a comprehensive nuclear disarmament convention that would provide for both prohibitions and stockpile destruction; (2) a standalone prohibition treaty that would leave the negotiation of specific disarmament steps for a later time; (3) a framework convention that contained a few basic elements but could be added to through a dynamic diplomatic process; and (4) a hybrid arrangement that incorporated elements from two or all of the above.²⁰⁶ In subsequent iterations, the list of conceptual alternatives was

²⁰³ Humanitarian Pledge, 9 December 2014.

²⁰⁴ CELAC, 'Declaracion Especial 16', Belén, 29 January 2015.

²⁰⁵ William C. Potter, 'On the Road to the 2015 NPT Review Conference', *Nonproliferation Review*, vol. 21, no. 1, 2014, p. 12.

²⁰⁶ NAC, 'Article VI of the Treaty on the Non-Proliferation of Nuclear Weapons', NPT PrepCom, Working Paper 18, 2 April 2014.

reduced, in effect, to two: (A) a treaty that could be negotiated and adopted, if need be, without the nuclear-armed states on board (i.e. either (2), (3), or (4) above) and (B) a comprehensive disarmament convention (number (1) above). Since it was presumed that the negotiation of a detailed disarmament convention with provisions for stockpile destruction would require the good-faith participation of the nuclear-armed states, only one viable alternative remained.

3.4 Human Security and the Role of Civil Society

The humanitarian initiative spurred careful analysis in the academic community. For many of the contributors to this literature, the humanitarian approach emerged as a natural extension of an expanding ‘human security paradigm’ propelled by CSOs.²⁰⁷ In the human security paradigm, what matters most is not territorial integrity of states or the security of governments (‘national security’), but the wellbeing of private citizens (‘human security’).²⁰⁸ Highlighting the role of CSOs and activists in setting the agenda and persuading states to alter their positions, the humanitarian initiative was likened to previous ‘humanitarian disarmament’ initiatives such as the campaigns to ban cluster munitions and landmines. There is no doubt that civil society groups played a crucial role in developing the humanitarian initiative and pressing for the negotiation of a ban. In December 2017, ICAN was awarded the Nobel Peace Prize for its disarmament advocacy. However, there is a tendency in the literature on ‘global civil society’ to conceptualise the relationship between states and CSOs as binary. This may have analytical value in some cases, but fails to capture the entanglement of state and CSO agency. For example, most of the key CSOs in the field of nuclear disarmament – including ICAN – receive most of their funding from governments.²⁰⁹ A simplistic model in which disarmament politics is viewed as a tug-of-war between civil society actors and states accordingly risks confusing the relationship between *explanandum* (the humanitarian initiative/disarmament) and *explanans* (the conditions that produced the humanitarian initiative). For example, Jenny Nielsen and Marianne Hanson explain the emergence of the humanitarian initiative by pointing, first, to the fact that ‘there has been a huge increase in civil society activity’ and, second, to the fact that ‘a much wider group of states has been

²⁰⁷ E.g. Denise Garcia, ‘Humanitarian Security Regimes’, *International Affairs*, vol. 91, no. 1, 2015; Tom Sauer and Joellen Pretorius, ‘Nuclear Weapons and the Humanitarian Approach’, *Global Change, Peace & Security*, vol. 26, no. 3, 2014; Minor, ‘Changing the Discourse on Nuclear Weapons’.

²⁰⁸ See e.g. Roland Paris, ‘Human Security: Paradigm Shift or Hot Air?’, *International Security*, vol. 26, no. 2, 2001.

²⁰⁹ Interview with Beatrice Fihn; interview with Thomas Nash; interview with Ray Acheson; interview with Grethe Østern.

involved in arms control negotiations and decision making than was the case during the cold war'.²¹⁰ On closer inspection, it would appear that both of these developments are expressions or consequences of the humanitarian initiative, not *causes*.

As persuasively argued by Iver Neumann and Ole Sending, NGOs should not necessarily be seen as external actors acting 'on' states; on the contrary, they may in many cases be seen as agents 'of' states.²¹¹ 'We were on the same team', said one ICAN staff member of ICAN's relationship to key governments in the humanitarian coalition.²¹² According to ICAN's director, Beatrice Fihn, 'governments fund us [ICAN] because it helps them, either through us promoting something that is already their policy and that they want other governments to agree with, or by helping them develop their own policy.'²¹³ According to a third member of ICAN's staff, 'we can say things that governments can't. We can be a bit pushier.'²¹⁴

Most academic commentators took the CSOs and NNWSs promoting the humanitarian initiative at their word, arguing that the initiative was motivated by humanitarian values. The humanitarian initiative's supporters, they argued, were driven by 'altruistic imperatives',²¹⁵ 'humanitarian concerns',²¹⁶ or 'concerns about human rights and humanitarianism'.²¹⁷ The humanitarian initiative's supporters were thus implicitly or explicitly assumed to be progressive actors with a 'humanitarian' identity. My interviews give some evidence to this interpretation. Many of the humanitarian initiative's core actors were clearly motivated by a desire to alleviate potential humanitarian suffering (*national* security considerations, by contrast, were almost never raised). But other motivations were at least equally important. It is also pertinent to ask why some states acted on their humanitarian values but not others. In fact, some of the states that supported the humanitarian initiative were not precisely paragons of humanitarianism and human rights in other fields. Egypt, for example, was a vocal supporter of the humanitarian initiative, yet has a poor track record on human rights and has not ratified either the Ottawa Landmine Treaty, the Oslo Convention on Cluster Munitions, or the Chemical Weapons Convention. Brazil, Indonesia, Malaysia, Nigeria, and the Philippines were also important backers of the humanitarian initiative, but cannot necessarily be said to be standout champions of humanitarianism more generally. Also,

²¹⁰ Jenny Nielsen and Marianne Hanson, 'The European Union and the Humanitarian Initiative in the 2015 Non-Proliferation Review Cycle', EU Non-Proliferation Consortium, *Non-Proliferation Papers*, no. 41, December 2014, pp. 2–3.

²¹¹ Iver B. Neumann and Ole J. Sending, *Governing the Global Polity*, Ann Arbor, MI, The University of Michigan Press, 2010.

²¹² Interview with Magnus Løvold, Oslo, 9 September 2015.

²¹³ Interview with Beatrice Fihn, Geneva, 7 December 2015.

²¹⁴ Interview with Daniel Högsta, Geneva, 8 December 2015.

²¹⁵ García, 'Humanitarian Security Regimes', p. 55.

²¹⁶ Heather Williams, Patricia Lewis, and Sasan Aghlani, 'The Humanitarian Impacts of Nuclear Weapons', Chatham House, March 2015, p. 3.

²¹⁷ Nielsen and Hanson, 'The European Union and the Humanitarian Initiative', p. 2.

many of the human security agenda's usual suspects – Belgium, Canada, Germany, Japan, Norway – ended up opposing the humanitarian initiative's demand for a ban on nuclear weapons.

Support for previous 'humanitarian disarmament' instruments such as the Ottawa Treaty and Oslo Convention were in fact poor predictors of support for the humanitarian initiative. Indeed, most of the liberal European states that had promoted those earlier conventions were quite unwilling to upset the nuclear hierarchy from which they themselves were presumed to benefit. The opposition of these states to the humanitarian initiative may be seen in part as a product of material national security considerations – they were disinclined to give up the perceived national security benefit of extended nuclear deterrence – but also seemed to reflect a more fundamental aspiration to maintain their standing as valued allies in the Transatlantic or Pacific security communities. Support for the humanitarian initiative thus followed the traditional dividing line in nuclear politics, namely the one between aligned and non-aligned states.

The trait unifying all the states supporting the Humanitarian Pledge and ban-treaty process was not a humanitarian identity, but their position of structural subordination in the nuclear hierarchy. A conviction that the NWSs had not lived up to their disarmament obligations under the NPT – politically if not legally – was a particularly strong source of motivation. At the 2013 NPT PrepCom, the NAC asserted that it was 'important to go back to basics; that is the original package of the NPT and its regime, or if you will the Grand Bargain of 1968. [...N]uclear disarmament – a key foundation of the Treaty – remains an ultimate disappointment.'²¹⁸ Before 2012, none of the working papers submitted by the NAC to the NPT review cycle mentioned the 'grand bargain'. From 2012 onwards, close to all NAC statements and working papers censured the NWSs' apparent undercutting of the NPT bargain. A huge number of statements, by the NAC and others, maintained that the NPT was now at a 'crossroads' or 'turning point'.²¹⁹ The non-aligned states' petition to go 'back to basics' brings to mind Martin Wight's contention that '[w]hen diplomacy is violent and unscrupulous, international law soars into the regions of natural law; when diplomacy acquires a certain habit of co-operation, international law crawls in the mud of legal positivism.'²²⁰

The sentiment that the NWSs had violated the grand bargain – the core of what I have referred to as the NPT 'recognition order' – was echoed in numerous informal conversations and interviews. According to one diplomat interviewed for this thesis, the NWSs 'didn't fulfil their

²¹⁸ Egypt for the NAC, NPT PrepCom, 23 April 2013.

²¹⁹ E.g. Ireland, NPT Review Conference, New York, 27 April 2015; Jamaica for CARICOM NPT Review Conference, New York, 28 April 2015; Indonesia, NPT Review Conference, New York, 29 April 2015; New Zealand NPT Review Conference New York, 28 April 2015; Brazil, NPT Review Conference, New York, 28 April 2015.

²²⁰ Martin Wight, 'Why Is There No International Theory?', *International Relations*, vol. 2, no. 1, 1960, p. 45.

obligations'.²²¹ In the words of another, 'the NPT was a bargain – it has not been fulfilled'.²²² For a third, the NWSs had 'totally disregarded their commitments'.²²³ For her, adhering to the law was 'an issue of sovereignty'. By refusing to implement their commitments, the NWSs were undermining *pacta sunt servanda* and the very fabric of international society. This same point was explicitly made by the Mexican delegation to the 2015 RevCon.²²⁴ There was a widespread sense that the NWSs' apparent non-compliance with article VI could not be allowed to stand. The movement to ban nuclear weapons reflected precisely this sentiment. 'It was not the slave owners who struggled for the liberation of the slaves', asserted one diplomat from a non-aligned state, alluding that the NWSs were not going to level the nuclear hierarchy unless the NNWSs rose up.²²⁵ 'For a lot of people, the humanitarian initiative became a reaction to the frustrations of about 60 years', held another NNWSs representative.²²⁶ The humanitarian initiative was an 'uprising of states that have been side-lined for a long time and wish to participate', claimed Daniel Högsta.²²⁷ 'We just got fed up [waiting for the NWSs to implement article VI]', explained a non-aligned diplomat when discussing the impetus for a nuclear weapons ban.²²⁸

3.5 Towards a Treaty Banning Nuclear Weapons

Expectations were low as the 2015 NPT RevCon approached. Detecting increased tension between NWSs and NNWSs, experts were predicting a rancorous conference.²²⁹ In contrast to the situation of five years earlier, when Russia and the United States had been able to present the RevCon with New START, the NWSs went into the 2015 RevCon with little to offer the NNWSs in the way of progress towards disarmament. The only outcome of the regularised NWS consultations provided for by the 2010 RevCon final document – the so-called P5 process – was a 'glossary' of key nuclear terms. This relatively paltry offering was met with scorn by non-aligned officials. 'What did we get from the nuclear-weapon states', jeered an official, 'a glossary!'²³⁰

A more notable development was the March 2015 launch of the International Partnership for Nuclear Disarmament Verification (IPNDV), a multilateral forum for the further development

²²¹ Interview with Thomas Zehetner, Geneva, 9 May 2016.

²²² Interview with NNWS official, New York, 7 July 2017.

²²³ Interview with NNWS official, Skype, 23 August 2017.

²²⁴ Mexico, NPT Review Conference, New York, 27 April 2015.

²²⁵ Interview with NNWS official, Skype, 23 August 2017.

²²⁶ Interview with NNWS official, New York, 7 July 2017.

²²⁷ Interview with Daniel Högsta, Geneva, 8 December 2016.

²²⁸ Interview with Fernando Luque, New York, 7 July 2017.

²²⁹ Gaukhar Mukhatzhanova, 'Rough Seas Ahead', *Arms Control Today*, vol. 44, no. 3, 2014; Nielsen and Hanson, 'The European Union and the Humanitarian'.

²³⁰ Interview with NNWS official, New York, 7 July 2017.

of disarmament verification techniques. Initiated by the US government in cooperation with the NGO Nuclear Threat Initiative, the IPNDV was clearly aimed at making ‘something’ happen on the disarmament front, perhaps to appease disgruntled NNWSs. In Lewis Dunn’s words, the initiative constituted an attempt at finding a way out of ‘the NPT’ disarmament stalemate’.²³¹

Among the supporters of the humanitarian initiative, some were secretly hoping that the RevCon would flop, paving the way for a group of NNWSs to authorise negotiations on a treaty banning nuclear weapons even if the nuclear-armed states refused to participate. In an Australian diplomatic cable released through a freedom of information request, Australian officials expressed concern about the ‘increasingly combative’ position taken by the Austrian and other non-aligned governments, fearing Vienna was trying to develop ‘a narrative that a nuclear weapons ban treaty [...] would be the logical next step in disarmament in the event that the NPT was a failure.’ Unless the humanitarian concerns of the non-aligned states were sufficiently ‘acknowledged’, the further radicalisation of the humanitarian initiative would be inevitable, the Australians believed.²³²

As before, the non-aligned states spent more time discussing disarmament than security assurances. While ‘security guarantee(s)’ and ‘security assurance(s)’ appear 120 times in the meeting’s records, ‘disarmament’ and ‘disarm’ appear 855 times. ‘Article VI’ was mentioned 127 times.²³³ And as expected, the exchanges on disarmament were acrimonious. The negotiations on non-proliferation were also difficult. While the NWSs and their allies were pressing for more demanding inspection standards, non-aligned hardliners were resisting. At the 2010 RevCon, taking place at the height of Obama’s charm offensive, the language on non-proliferation and safeguards had been strengthened. After five years of disappointing progress towards disarmament, however, the non-aligned states were in no mood to advance the non-proliferation agenda. The language on non-proliferation and safeguards that was eventually agreed upon in 2015 was significantly weaker than that of five years earlier.²³⁴ As Harald Müller writes, many of the non-aligned states ‘remember colonial humiliation, embrace sovereignty and reject further constraints justified as non-proliferation measures.’ The NAM ‘believes the principle of equality is violated by the perpetual asymmetry of nuclear possession and renunciation.’²³⁵ As ever, the regime’s symbolic ‘balance’ outweighed other concerns. For Brazil, Egypt, and others that continued to oppose the IAEA Additional Protocol, ‘resistance is genuinely framed as an issue of equity and protest against further

²³¹ Lewis A. Dunn, ‘Finding a Way Out of the NPT Disarmament Stalemate’, *Arms Control Today*, vol. 45, no. 3, 2015.

²³² Australian Mission to the UN in Geneva, ‘Austrian Pledge on the Humanitarian Impact of Nuclear Weapons’, Cable to Canberra, 12 February 2015 (on file with author), p. 30.

²³³ NPT Review Conference, Summary Records, New York, 2015.

²³⁴ William C. Potter, ‘The Unfulfilled Promise of the 2016 NPT Review Conference’, *Survival*, vol. 58, no. 1, 2016, p. 160.

²³⁵ Harald Müller, ‘The NPT Review Process and Strengthening the Treaty’, EU Non-Proliferation Consortium, *Non-Proliferation Papers*, no. 10, February 2012, p. 1.

limitations being imposed on non-nuclear weapon states without corresponding “sacrifices” by the recognized nuclear weapon states along with Israel, India, and Pakistan.²³⁶

But any agreement on non-proliferation and civilian nuclear cooperation proved irrelevant. When, on the last night of the conference, delegations were asked to take a position on the last draft, agreement was blocked due to differences over the way forward for the proposed WMD-free zone in the Middle East. As discussed in Chapter 4, the indefinite extension of the NPT in 1995 had been enabled in part by the adoption of a resolution recommending the establishment of such a zone. Since 1995, several Arab states had grown increasingly annoyed that the resolution had still not been implemented. Indeed, intransigence on the Middle East zone had prompted the Egyptian delegation to walk out of the 2013 PrepCom in protest. In 2015, the disagreement concerned the inclusion of language authorising the convening of a conference to consider the establishment of a zone even if not all states in the region agreed – a phrase Israel could not accept. But as a non-party to the NPT, Israel could not itself veto the agreement. The United States, the United Kingdom, and Canada therefore took it upon themselves to block consensus vicariously. It was said, however, that several of the humanitarian initiative’s supporters were deeply unhappy about the final draft’s language on disarmament, feeling it was too weak, and that they would have blocked consensus had the Middle East issue been resolved. Several states allegedly had their ‘blocking statements’ ready.²³⁷

The conference itself had been marked by what pundits referred to as ‘polarisation’ between NWSs and NNWSs,²³⁸ a euphemism for the hostile atmosphere that shrouded the regime. For certain proponents of the humanitarian initiative, ‘polarisation’ was a good thing: ‘What some countries are calling polarisation, I call honesty’, noted one interviewee.²³⁹ In the (accurate) estimation of the Marshallese, ‘the overwhelming majority of States parties had made clear that the status quo on nuclear disarmament was unacceptable’ already in their opening statements.²⁴⁰ Many NNWSs argued that the credibility of the NPT as an instrument of future equality had reached a point of zero – a charge to which the NWSs had few good replies.²⁴¹ Several NNWSs reiterated their view that ‘the status of nuclear-weapon States had been intended as a transitional status, and any assumption that the indefinite extension of the Treaty meant that nuclear-weapon States could

²³⁶ Perkovich et al., *Universal Compliance*, pp. 229–30. See also Togzhan Kassanova, *Brazil’s Nuclear Kaleidoscope*, Washington DC, Carnegie, 2014, p. 61.

²³⁷ Interview with Beatrice Fihn, Geneva, 7 December 2015; interview with Fernando Luque, New York, 7 July 2017.

²³⁸ E.g. Oliver Meier and Elisabeth Suh (eds), *Reviving Nuclear Disarmament*, Berlin, German Institute for International and Security Affairs, 2016.

²³⁹ Interview with NNWS official, Skype, 23 August 2017.

²⁴⁰ Marshall Islands, NPT Review Conference, 15 June 2015, p. 4.

²⁴¹ E.g. Costa Rica, NPT Review Conference, 26 June 2015, p. 2; New Zealand, NPT Review Conference, 26 June 2015, p. 5; Egypt, NPT Review Conference, 25 June 2015, p. 4; Tunisia, NPT Review Conference, 18 June 2015, pp. 13–14.

continue to possess those weapons indefinitely was contrary to the spirit and letter of the Treaty.²⁴² Intervening on behalf of the NAC, New Zealand's ambassador, Dell Higgie, argued that the 'uneven implementation of the Treaty's grand bargain threatened to undermine it.'²⁴³

In a statement that received enthusiastic applause, the South African delegation argued that the NWSs had made a mockery of the multilateral nuclear disarmament process by continually backsliding on their promises. The approach of the NWSs, the South Africans argued, 'makes nonsense of the South African proposal in 1995 to extend the Treaty indefinitely based on the historic bargain that NWS will disarm, whilst others will not proliferate. It makes nonsense of the 2000 Review Conference, together with many other agreements.'²⁴⁴ Hinting that the NWSs had violated the sanctity of contracts and, by extension, the dignity of the NNWSs, the South African government went on to rhetorically ask what the NWSs' unwillingness to disarm meant 'for the legal obligations that we all entered into together?'²⁴⁵ In its closing statement on behalf of 50 states, Austria claimed there existed a 'reality gap, a credibility gap, a confidence gap and a moral gap' between the NWSs and NNWSs.²⁴⁶ 'These overlapping grievances amounted to a situation of moral unacceptability for the non-aligned states. The NWSs' failure to disarm was not (just) interpreted as a material security issue, but an overt denial of recognition.

As some of the humanitarian initiative's supporters had hoped, the failure of the RevCon fuelled support for the idea of negotiating a treaty banning nuclear weapons with or without the nuclear-armed states. The idea of a ban had been promoted by a number of states, academics, and NGO representatives since 2013.²⁴⁷ According to Nick Ritchie, a prohibition treaty could facilitate nuclear disarmament in the long term by amplifying anti-nuclear norms: 'A strong case can indeed be made that a new legal instrument is required since the NPT's built-in discrimination [...] renders it structurally unable to categorically delegitimize nuclear weapons and the practice of nuclear deterrence.'²⁴⁸ The purpose of the ban, in this view, was not to directly regulate nuclear behaviour – the proponents of the idea knew full well that the treaty would not be supported by the nuclear powers. Instead, the purpose of the ban was to 'support a discourse about nuclear weapons that understands them as weapons of terror, instability and insecurity rather than as "deterrents" or instruments of stability.'²⁴⁹ But not all academics were sold. According to Heather Williams, the

²⁴² Egypt, NPT Review Conference, 25 June 2015, p. 4. See also e.g. Indonesia, NPT Review Conference, 15 June 2015, p. 6; Ireland, NPT Review Conference, 25 June 2015, p. 2.

²⁴³ New Zealand for the NAC, NPT Review Conference, 25 June 2015, p. 5.

²⁴⁴ South Africa, NPT Review Conference, 13 May 2015.

²⁴⁵ South Africa, NPT Review Conference, 13 May 2015.

²⁴⁶ Austria on behalf of 50 states, NPT Review Conference, 22 May 2015.

²⁴⁷ E.g. Kenya, UNGA First Committee, 16 October 2013, p. 16; Costa Rica, UNGA First Committee, 20 October 2014, p. 7; Palau, UNGA First Committee, 21 October 2014, p. 21; Borrie, 'Humanitarian Reframing'.

²⁴⁸ Nick Ritchie, 'Waiting for Kant', *International Affairs*, vol. 90, no. 3, 2014, p. 621.

²⁴⁹ Ray Acheson and Beatrice Fihn, *Preventing Collapse*, New York, NY, Reaching Critical Will, October 2013, p. 8.

adoption of a ban would ‘further divide nuclear possessors and non-nuclear weapon states, as well as undermine the credibility of the NPT and other multilateral non-proliferation and disarmament efforts.’²⁵⁰ Exactly how the ban treaty might undermine other disarmament agreements was not mentioned, but Williams was not alone in expressing scepticism. For Bharat Karnad, for example, a treaty banning nuclear weapons would amount to ‘a hollow exercise performed by lesser states that seek, perhaps, to even the world’s strategic playing field.’²⁵¹ This study suggests that, for the proponents of the ban treaty, strategic considerations played a very limited role.

The non-aligned states were undeterred by the claims that the adoption of a new treaty would be inconsequential or destabilising. At the UNGA session following the RevCon (2015/16), a group of states led by Austria and Mexico tabled a mandate for a second OEWG to be convened in 2016.²⁵² The OEWG, according to its mandate, would address ‘legal measures, legal provisions and norms that will need to be concluded to attain and maintain a world without nuclear weapons’.²⁵³ It was clear that such a forum would present those keen to advance a ban treaty with an opportunity to lay the groundwork for a new legal instrument. Despite staunch opposition by the nuclear-armed states, the resolution was carried in the UNGA plenary by a vote of 138 in favour, 12 against, and 34 abstaining.

Meeting in Geneva over three sessions in 2016 (February, May, and August), the second OEWG saw a large number of states explicitly call for the negotiation of a nuclear weapons prohibition treaty and tabling of suggestions for what such a treaty might contain. Since the nuclear-armed states all boycotted the meetings, the aligned NNWSs that attended found themselves in the uncomfortable position of having to defend the nuclear hierarchy. Traditionally, states such as Australia, Canada, and Germany had been eager to cultivate roles as ‘bridge builders’ between the aligned states and the NWSs, but the humanitarian initiative had led to a ‘disappearance of the middle ground’.²⁵⁴ At the OEWG, the aligned NNWSs were forced to defend their continued reliance on nuclear deterrence and opposition to a ban. At the same time, they were unwilling to straightforwardly denounce disarmament. This position came across as dishonest to many of the non-aligned states. Wanting to have it both ways was ‘quite frankly insulting’, held the Mexican ambassador.²⁵⁵ Greatly outnumbered by the non-aligned states, the aligned NNWSs were unable to check the momentum of the ban-treaty movement. Concluding in August 2016, the second

²⁵⁰ Heather Williams, ‘Why a Nuclear Weapons Ban is Unethical (For Now)’, *The RUSI Journal*, vol. 161, no. 2, 2016, p. 44.

²⁵¹ Bharat Karnad, ‘Banning Nuclear Weapons: A Hollow Exercise’, *Bulletin of the Atomic Scientists*, 10 July 2014.

²⁵² Following a change of government coalition in that country in the autumn of 2013, Norway distanced itself from the humanitarian initiative over the next few years, falling in line with the NATO mainstream.

²⁵³ UNGA, ‘Taking Forward Multilateral Nuclear Disarmament Negotiations’, L.13, New York, 29 October 2015.

²⁵⁴ Magnus Løvold, ‘The Splits’, *International Law and Policy Institute*, 5 November 2015.

²⁵⁵ Mexico, May 2016. Author’s notes.

OEWG recommended that the UNGA should adopt a formal mandate for negotiations on ‘a legally binding instrument to prohibit nuclear weapons’ in 2017.²⁵⁶ Two months later, at the 2016/17 UNGA session, Austria, Brazil, Ireland, Mexico, Nigeria, and South Africa tabled just such a resolution.²⁵⁷

The UNGA debate about the ban was full of implicit and explicit claims about standing, entitlements, and recognition. According to the Russian delegation to the 2016 UNGA, the negotiation of a ban would ‘undermine and erode’ the NPT. In its view, Russia had a legitimate right to possess nuclear weapons:

The adverse repercussions [of a ban treaty] for the viability and the comprehensive nature of the NPT would be catastrophic. Let us remind those who for some reason wish to close their eyes to this fact that, pursuant to the NPT, *five States possess nuclear weapons with absolute legitimacy. All the NPT States parties signed that Treaty and all national Parliaments ratified it.*²⁵⁸

From the perspective of many aligned states, however, the five states recognised as ‘nuclear-weapon states’ had lost any ‘right’ to possess nuclear weapons by failing to comply with the recognition order underpinning the NPT. No longer willing to accept the notion that the NWSs were entitled to possess nuclear weapons, the non-aligned states described the existing nuclear regime’s lack of a universal prohibition against the possession and use of nuclear weapons as a ‘glaring legal gap’ in need of filling.²⁵⁹ Thus, despite the collective ‘dismay’ of France, Britain, and the United States,²⁶⁰ the ‘serious concern’ of the Chinese,²⁶¹ and the warnings of the Russians that the adoption of a ban treaty might have ‘catastrophic’ consequences, the resolution mandating ban treaty negotiations in 2017 was adopted by a large majority (123 in favour, 38 against, 16 abstaining). According to Harald Müller, the ban-treaty process gave ‘satisfaction to the non-nuclear and non-governmental actors who have been feeling disrespected by the nuclear armed states.’²⁶²

²⁵⁶ UNGA, ‘General and Complete Disarmament: Taking Forward Multilateral Nuclear Disarmament Negotiations’, A/71/371, Geneva, 1 September 2016, p. 19.

²⁵⁷ UNGA, ‘Taking Forward Multilateral Nuclear Disarmament Negotiations’, New York, 14 October 2016. The states mentioned were the original sponsors. A total of 57 states ended up co-sponsoring the resolution.

²⁵⁸ Russia, UNGA First Committee, 27 October 2016, p. 21. Emphasis added.

²⁵⁹ Jamaica, UNGA First Committee, 9 October 2015, p. 14. See also, for example, Uruguay for UNASUR, UNGA First Committee, 19 October 2015, p. 13; South Africa, UNGA First Committee, 13 October 2015, p. 8; Zambia, UNGA First Committee, 13 October 2015, p. 24; Kenya, UNGA First Committee, 14 October, p. 5; Jamaica for CARICOM, UNGA First Committee, 19 October 2015, p. 15; Austria, UNGA First Committee, 19 October 2015, p. 27; Costa Rica, UNGA First Committee, 21 October 2015, p. 6; Guatemala, UNGA First Committee, 21 October 2015, p. 8.

²⁶⁰ France for France, the United Kingdom, and the United States, 27 October 2016, p. 16.

²⁶¹ China, UNGA First Committee, 27 October 2016, p. 44.

²⁶² Harald Müller, ‘The Impact of the Humanitarian Initiative on Nuclear Arms Control’, pp. 15–17 in Oliver Meier and Elisabeth Suh (eds), *Reviving Nuclear Disarmament*, Berlin, German Institute for International and Security Affairs, December 2016, p. 16.

The resolution mandating ban treaty negotiations provided for four weeks of substantive negotiations over two sessions (March and June–July 2017). Boycotted by all the nuclear-armed states as well as all NATO members except the Netherlands, which had been forced to attend through a vote in its parliament, the negotiations went relatively smoothly.²⁶³ As the states opposed to a ban did not participate – the US ambassador to the UN organised a curious press conference in the lobby outside the negotiating hall on the first day of the conference in which she, flanked by allied governments, claimed that it would be a bad idea to ban nuclear weapons as long as ‘bad actors’ continued to demonstrate bad behaviour²⁶⁴ – there simply was not much to negotiate. For the most part, the ‘negotiations’ consisted of states making suggestions for elements to include in the preamble and body text. For example, several states that had once ‘hosted’ nuclear testing programmes – Pacific island states and Kazakhstan, in particular – demanded an explicit recognition in the treaty of the devastating consequences of nuclear testing. Kazakhstan, for example, asked that the treaty should ‘recognise victims of nuclear testing’.²⁶⁵ The negotiating parties were happy to oblige: The preamble of the resulting treaty notes both the parties’ ‘mindfulness’ of the ‘unacceptable suffering of [...] those affected by the testing of nuclear weapons’ and ‘recognition’ of the ‘disproportionate impact of nuclear-weapon activities on indigenous peoples’.²⁶⁶ ‘This is a time for moral justice for victims’, noted the Chilean delegation.²⁶⁷

The treaty was adopted on 7 July 2017. While 122 states voted in favour, 1 voted against (the Netherlands), and 1 abstained (Singapore). For the provisions on safeguards and civilian nuclear cooperation, the negotiators were happy to borrow language from the NPT and nuclear-weapon-free zone treaties and simply to widen the scope of application to *all* states (rather than just ‘non-nuclear-weapon states’). Initial disagreements about whether the treaty should call on the nuclear-armed states to disarm and then join the treaty (‘disarm then join’), or call on them to first join the treaty and then disarm according to a process determined by the treaty (‘join then destroy’), were overcome simply by including provisions for both eventualities (article 4). In the second case, an acceding nuclear-armed state was obliged to ‘immediately remove them [their nuclear weapons] from operational status, and destroy them as soon as possible but not later than a deadline to be determined by the first meeting of States Parties’.

The central provision of the treaty, codified in article 1, was to unequivocally prohibit the use, threat of use, development, testing, transfer, production, manufacture, and possession of

²⁶³ Spurred on by CSOs such as Pax, a large majority in the Dutch House of Representatives passed a motion instructing the government to participate in the negotiations. The motion was supported by most of the opposition and members of some of the governing parties.

²⁶⁴ Michelle Nichols, ‘U.S., Britain, France, others Skip Nuclear Weapons Ban Treaty Talks’, *Reuters*, 27 March 2017.

²⁶⁵ Author’s notes, 5 July 2017.

²⁶⁶ Treaty on the Prohibition of Nuclear Weapons, signed 20 September 2017, article 1.

²⁶⁷ Author’s notes, 7 July 2017.

nuclear weapons, as well as assistance, inducement, or encouragement of prohibited acts.²⁶⁸ ‘Finally, we have shattered the chronic stalemate in the non-proliferation and disarmament regime’, claimed the delegation of Trinidad and Tobago. The government of the Philippines applauded the negotiations as ‘marked by cooperation, mutual respect and the deep collective desire to achieve a breakthrough in nuclear disarmament’.²⁶⁹ ‘We have showed that democracy is possible’, asserted the Chilean delegation, adding that ‘this Treaty is now part of our common civilisation’.²⁷⁰ This statement may perhaps be read as a hint that the TPNW was understood as a ‘standard of civilisation’ that the nuclear-armed states and their allies – many of which were the enforcers of the original standard – have yet to reach.²⁷¹

I record 11 changes/additions to the multilateral nuclear disarmament framework between 2000 and 2017. All but one were brought about between 2013 and 2017.

Table 4: Summary of Institutional Adaptations, 2001–2017				
Initiative	<i>Locus</i>	<i>Modus</i>	<i>Agentes</i>	<i>Res</i>
2005: First Conference of Parties to Nuclear-Weapon-Free-Zone Treaties	✓			
2013–14: Conferences on the Humanitarian Impact of Nuclear Weapons	✓			
2013: High-level UN summit on nuclear disarmament	✓			
2013–16: Open-ended working group on nuclear disarmament I	✓			
2014: Marshall Islands’ ICJ lawsuits against the nuclear-armed states		✓		
2015: International Partnership for Nuclear Disarmament Verification	✓	✓		
2016: Open-ended working group on nuclear disarmament II	✓			
2017: Negotiation and adoption of the TPNW	✓	✓		✓

4 Relegitimisation? The Nuclear Ban Treaty as Normative Recalibration

It is still too early to tell for sure, but the most recent crisis of legitimacy in the nuclear regime seems to have been settled by the 2017 adoption of the TPNW. As in 1978 and 2000, the process of relegitimisation had both substantive and performative elements: Substantively, prohibiting nuclear weapons for all states negated the legal hierarchy enshrined by the NPT, codifying a counter-hegemonic moral universe in which nuclear weapons are equally unacceptable for all states.

²⁶⁸ Treaty on the Prohibition of Nuclear Weapons, signed 20 September 2017, article 1.

²⁶⁹ Philippines, UNGA First Committee, 3 October 2017.

²⁷⁰ Author’s notes.

²⁷¹ Compare Keith Krause and Andrew Latham, ‘Constructing Non-Proliferation and Arms Control’, *Contemporary Security*, vol. 19, no. 1, 1998.

Procedurally, the very process of bringing about the ban – the humanitarian initiative – allowed NNWSs to act out their sovereignty in practice.

4.1 A Legal Negation of Hierarchy

Several scholars have expressed bafflement at the adoption of the TPNW.²⁷² Why have the non-aligned states invested time and resources in a disarmament process that does not enjoy the support of a single nuclear-armed state? I suggest that the adoption of the TPNW represents the inevitable outcome of the recognition logic discussed throughout this thesis. As discussed in Chapter 2, the legal codification of the nuclear hierarchy in 1968 came with several caveats. From the perspective of the non-aligned states, one of the most crucial conditions for acceptance was that the nuclear hierarchy would be temporary. The justification for the legal nuclear hierarchy, in other words, resided in a nominally shared commitment to dismantle that very hierarchy over time. The waning credibility of this dismantlement project was twice recouped through solemn vows and institutional adaptations. But the hierarchy could only be re-legitimised so many times. After 49 years, the recognition order on which the NPT was based collapsed.

The adoption of the TPNW was explicitly framed as an effort at enhancing international security. The ban-treaty initiative was invariably represented as an attempt at preventing the humanitarian suffering any use of nuclear weapons would involve through stigmatising the possession and use of such weapons. But as discussed elsewhere in this thesis, there are many who argue that disarmament is not the best way of preventing nuclear war. But for the non-aligned states, the formation of interests in relation to nuclear disarmament is premised on a fundamental demand for equality. The slogan ‘there are no right hands for wrong weapons’ was repeated again and again throughout the process leading up to the treaty’s adoption.²⁷³ The desire for equality was asserted by small and large states alike. ‘We do not wish to maintain different categories of states’, claimed Brazil.²⁷⁴ ‘We are creating a universal norm’, held Liechtenstein.²⁷⁵

In contrast to the NPT, which permits a select group of states to practice nuclear deterrence, the TPNW prohibits nuclear weapons indiscriminately. The implication is that the non-

²⁷² E.g Harvard Kennedy School Belfer Center, ‘Reactions to the UN Treaty on the Prohibition of Nuclear Weapons’, 7 July 2017.

²⁷³ South Africa for the NAC, UNGA First Committee, 8 October 2015, p. 17; Austria, UNGA First Committee, 19 October 2015, p. 26; Mexico, UNGA First Committee, 3 October 2016, p. 25; Brazil, UN Security Council, 7 May 2014.

²⁷⁴ Author’s notes from the conference.

²⁷⁵ Author’s notes from the conference.

aligned states have withdrawn recognition of the NWSs' 'right' to possess nuclear weapons.²⁷⁶ In *The Anarchical Society*, Hedley Bull argued that 'great powers are powers *recognised by others to have* [...] certain special rights and duties.'²⁷⁷ Many have seen the creation and maintenance of a 'liberal international order' as a duty of the great powers. William Walker argues that the nuclear regime – a liberal 'enlightenment project' – constitutes an important element of this order.²⁷⁸ At the same time, the nuclear regime has been described as discriminatory, unequal, and unjust. The nuclear regime's underlying values of nuclear restraint, in this view, is only a 'veil of good intentions'; some states are clearly more equal than others.²⁷⁹

Against this background, the adoption of the TPNW carries historical significance. By negotiating a treaty prohibiting nuclear weapons for all states, the supporters of the ban treaty have turned the norms of liberal order against their origins. Not unlike the civil rights activists who demanded that the lofty ideals of the US constitution should apply to all citizens, or the rebellious slaves in Haiti who demanded *liberté, égalité, and fraternité* from their French masters, the supporters of the ban treaty argue that the principles of international humanitarian law must apply to all states and all weapons. The negotiation of the TPNW certainly does not represent the first time the non-aligned or 'third world' has contributed to the construction of the contemporary liberal order and international law. But the TPNW does represent the first instrument of disarmament and humanitarian law that has been negotiated and adopted against the express wishes of all major powers and most Western states.²⁸⁰

In the eyes of its signatories, the TPNW relegates Britain, China, France, Russia, and the United States from legitimate 'nuclear-weapon states' to illegitimate 'nuclear-armed states' along with India, Israel, Pakistan, and North Korea. Although the treaty will have minimal impact on the non-aligned states' material security, at least on the short to medium term, the rejection of the semi-permanent legal hierarchy implied by the NPT significantly enhances the non-aligned states' ontological security as equal members of international society. In contrast to previous regime expansions, the TPNW constitutes a fundamental break with the hierarchical NPT order.

The NPT never *explicitly* offered the NWSs' a right to possess nuclear weapons indefinitely. In the words of the Egyptian delegation to the UNGA in 2014, the NNWSs party to the NPT never accepted 'at any stage' the indefinite possession of nuclear weapons by a few states: 'This

²⁷⁶ Kjølvi Egeland, 'Banning the Bomb: Inconsequential Posturing or Meaningful Stigmatization?', forthcoming in *Global Governance*, vol. 24, no. 1, 2018.

²⁷⁷ Hedley Bull, *The Anarchical Society*, New York, NY, Columbia University Press, 1995, p. 196. Emphasis added.

²⁷⁸ William Walker, 'Nuclear Enlightenment and Counter-Enlightenment', *International Affairs*, vol. 83, no. 3, pp. 2007.

²⁷⁹ Jan Ruzicka, 'Behind the Veil of Good Intentions', *International Politics*, 2017 (early view).

²⁸⁰ Egeland, 'Banning the Bomb'.

would have undermined the basic foundations of the principle of equality among States'.²⁸¹ Yet, the fact remains that the NPT does not prohibit nuclear weapons for the five original possessors, and the disarmament obligations codified by article VI are vague. This allowed the NWSs to argue, as the Russians did at the 2016/17 UNGA, that 'in line with the NPT, the nuclear weapons possessed by the five nuclear Powers are absolutely legitimate'.²⁸² The purpose of the TPNW is to refute this interpretation. The Hegelian concept of 'negation' sheds light on this mechanism:²⁸³ In the Hegelian view, a concept or phenomenon is defined not just by what it *is*, but also by what it is *not*. The NWSs' non-recognition or disrespect of the non-aligned may be understood as a first act of negation. The path to 'freedom', in this situation, is a 'negation of the negation that, by removing inequality, hierarchy, and domination, not only restores freedom but also elevates it to the ethical level and gives it actuality and staying power in the world.'²⁸⁴ The TPNW, in this view, functions precisely as such 'negation of negation'. Less abstractly, the function of the TPNW is to make it clear that the situation of material nuclear inequality is not, or at any rate no longer, *accepted* as a legal axiom. The material phenomenon remains the same – nuclear inequality will endure – but the ban treaty refutes the notion that this situation of inequality is passable.

The adoption of the treaty was represented by the non-aligned states as a great victory at the 2017/18 UNGA. On behalf of the member states of the Association of Southeast Asian Nations, the government of Thailand called the treaty a 'vital step towards global nuclear disarmament' that would make a 'significant contribution towards the shared goal of making our region and the world free of nuclear weapons'.²⁸⁵ For Austria, the treaty was a 'historic achievement which Austria takes pride to have helped come about'.²⁸⁶ Trinidad and Tobago, on behalf of the Caribbean Community, exclaimed that 'July 7, 2017 is a day that will never be forgotten – the day the majority of member states adopted the Treaty on the prohibition of nuclear weapons'.²⁸⁷ The Brazilian government declared it had been 'honoured' to have been the first country to sign the TPNW on 20 September 2017.²⁸⁸ The adoption of the TPNW thus seems to have boosted the legitimacy of the non-proliferation regime and the norm of non-proliferation. Nigeria, speaking on behalf of the African Group of Nations, made this point explicit: Hailing the treaty as a 'landmark' agreement, the Nigerian ambassador claimed the adoption of the TPNW 'reinforced' the African

²⁸¹ Egypt, NPT PrepCom, 2 May 2014.

²⁸² Russia, UNGA First Committee, 4 October 2016, p. 17.

²⁸³ See G.W.F. Hegel, *Enzyklopädie der philosophischen Wissenschaften I*, Frankfurt, Suhrkamp, 1970, § 82.

²⁸⁴ Robert R. Williams, *Hegel's Ethics of Recognition*, Berkeley, CA, University of California Press, 1997, pp. 286–87. See also Žižek, *The Parallax View*, pp. 381–2.

²⁸⁵ Thailand for ASEAN, UNGA First Committee, 2 October 2017.

²⁸⁶ Austria, UNGA First Committee, 3 October 2017.

²⁸⁷ Trinidad and Tobago for CARICOM, UNGA First Committee, 2 October 2017.

²⁸⁸ Brazil, UNGA First Committee, 3 October 2017.

Group's 'commitment to the Nuclear Non-proliferation Treaty'.²⁸⁹ The New Agenda Coalition welcomed the adoption of the TPNW and added that it remained fully committed to 'upholding and preserving' the NPT – both article VI and the non-proliferation provision.²⁹⁰ For the foreseeable future, the NPT will continue to exist as a widely supported treaty – complemented by the TPNW.

To the extent that the TPNW manifests a counter-hegemonic vision of nuclear rights and duties that privileges nuclear-free status, the TPNW may also be described as the expression of a 'counterculture of compensatory respect'.²⁹¹ For Axel Honneth, such countercultures are aimed either at symbolically raising one's own status or at symbolically lowering the status of the Other.²⁹² The humanitarian initiative and ban-treaty movement seeks to do both: By prohibiting nuclear weapons, the status of the ('norm violating') aligned states is lowered and the status of the ('nuclear-free') non-aligned states boosted. This dynamic was highlighted by several of the interviewees. For Carlos Umaña, for example, an advisor to the Costa Rican Ministry of Foreign Affairs and member of the International Physicians for the Prevention of Nuclear War, the humanitarian initiative expressed the notion that 'the prestige of countries is not measured by their weapons or how rich they are, but by how cultured their people are; how peaceful and educated they are; and how their country participates in negotiations in pursuit of peace and disarmament.'²⁹³ The same dynamic was alluded to by the representative of Chile, who suggested that the TPNW was now part of 'our common civilisation'.²⁹⁴ Nevertheless, the fact that the nuclear-armed states have so far refused to engage with, let alone sign, the treaty raises the question of whether the TPNW can truly solve the non-aligned states' recognition dilemma.

4.2 Discursive Space and Symbolic Emancipation

A second way in which the humanitarian initiative seems to have vented pressure on the non-proliferation regime is by providing NNWSs with opportunities to act out their self-descriptions as 'partners' in the regime. This was true in the very direct sense that the new forums and activities allowed specific states to take ownership of particular processes – the Costa Rican president, Laura Chinchilla Miranda, described the election of Costa Rica to preside over the 2013 OEWS as 'a

²⁸⁹ Nigeria for the African Group, UNGA First Committee, 2 October 2017.

²⁹⁰ Mexico for the NAC, UNGA First Committee, 2 October 2017.

²⁹¹ See Axel Honneth, *The Struggle for Recognition*, Cambridge, Polity, p. 124.

²⁹² Axel Honneth, *Disrespect: The Normative Foundations of Critical Theory*, Cambridge, Polity, 2007, p. 94.

²⁹³ Interview with Carlos Umaña, Geneva, 10 May 2016.

²⁹⁴ Chile, TPNW negotiations, New York, 7 July 2017. Author's notes.

recognition of Costa Rica's moral authority and commitment to disarmament²⁹⁵ – but also applies in a more abstract sense. For the Jamaican official Shorna Kay-Richards, for example, a strong supporter of the initiative, the humanitarian movement expressed a 'new approach' to disarmament that had 'equality and justice' at its core; the OEWGs and conferences on the humanitarian impact of nuclear weapons had 'proven that the *non-nuclear weapons States have a say in nuclear disarmament issues. Our voice matters. We have agency.*'²⁹⁶ According to a civil society representative with decades of experience as an observer of disarmament diplomacy, 'the diplomats of NNWSs have long felt poorly treated and disrespected by the NWSs'. The humanitarian initiative gave the NNWSs something positive to rally behind.²⁹⁷ The Mexican delegation to the 2015/16 UNGA argued that the 'Humanitarian Initiative has generated new momentum and has given a voice back to scores of countries that have waited in frustration for 45 years for the nuclear-weapon States to do their part under the arrangement known as the grand bargain.'²⁹⁸

Asked about what they believe explains the popularity and impact of the humanitarian initiative, virtually all the respondents interviewed for this thesis argued that the appeal of the initiative was that it was seen to give power and agency to NNWSs. According to Daniel Högsta of ICAN, the success of the humanitarian initiative lay precisely in the fact that 'it has given agency' to the NNWSs.²⁹⁹ By framing the debate in different terms and taking it out of the established forums, the humanitarian initiative gave more room for the NNWSs to voice their interests. In theoretical terms, this dynamic may be described as the creation of 'discursive space'.³⁰⁰ According to Ray Acheson of the Women's International League for Peace and Freedom, the success of the humanitarian initiative stemmed from the fact that 'for the first time in a long time, states and civil society, but mostly states, feel like they can engage, instead of just being left out of the conversations'. From 'a global justice perspective it is just so unfair that a small handful of states have the capacity to annihilate the whole planet and hold that over you.'³⁰¹

The humanitarian initiative offered a space in which NNWSs could *act out their sovereignty*. This performative aspect was vividly illustrated by the fact that Palestine – a political entity enjoying only partial recognition as a sovereign state – was one of the most active delegations at the TPNW negotiations. Through acting as a sovereign state – negotiating a treaty at the UN – the Palestine

²⁹⁵ Costa Rica, High-Level Meeting on Nuclear Disarmament, 26 September 2013.

²⁹⁶ Shorna-Kay Richards, lecture, 2016 Summer School on Nuclear Disarmament and Non-proliferation, Mexico City, 7 July 2016. Emphasis added.

²⁹⁷ Interview with Grethe Østern, Oslo, 11 September 2015.

²⁹⁸ Mexico, UNGA First Committee, 19 October 2015, p. 19.

²⁹⁹ Interview with Daniel Högsta, Geneva, 8 December 2016.

³⁰⁰ Kevin C. Dunn, 'Historical Representations', pp. 78–91 in Audie Klotz and Deepa Prakash (eds), *Qualitative Methods in International Relations*, London, Palgrave Macmillan, 2008.

³⁰¹ Interview with Ray Acheson, London, 11 December 2015.

sought to bootstrap itself into the ranks of sovereign equals. ‘We are a nation and we are sending a strong signal’, argued the Palestinian delegation: ‘The seats here are filled by those who want to send an unequivocal message to those whose seat are empty; that no state should be allowed to possess nuclear weapons’.³⁰²

At the 2015 NPT RevCon, the Austrian delegation argued on behalf of 50 non-aligned states that the humanitarian initiative had ‘empowered’ NNWSs, shifting the discourse towards their concerns:

At this Conference, we have witnessed a clear shifting of the parameters, the focus, the tone and the balance of the discussion and the engagement of all countries of the treaty on nuclear weapons. Non-nuclear weapon states are today more empowered to demand their security concerns be taken in consideration on an equal basis.³⁰³

The humanitarian initiative’s ability to provide many NNWSs with a sense of purpose has also been highlighted by scholars. John Borrie and Tim Caughley argue that the humanitarian initiative gave agency to states that for a long time had been ‘lamenting their disempowerment and the state of the nuclear weapons control regime’.³⁰⁴ Elizabeth Minor, similarly, asserts that the humanitarian movement ‘empowered and provided a rallying point for non-nuclear-armed States frustrated with the failure of nuclear-armed States to take effective action on their disarmament commitments.’³⁰⁵ According to Heather Williams, herself a critic of the movement to ban nuclear weapons, the humanitarian initiative grew out of a desire of NNWSs to ‘be treated as equal partners in nuclear discussions.’³⁰⁶

Several diplomats interviewed for this thesis echoed these views. Now, whether the humanitarian initiative and ban-treaty movement ‘empowered’ NNWSs in an objective sense is debateable. While the nuclear-armed states’ allergic reaction to the initiative seemed to suggest that the NNWSs were on to something if their aim was indeed to create moral pressure, the nuclear-armed states would be fully within their rights to simply ignore the treaty. International law, after all, is based on the principle of consent: nothing can bind a sovereign state against its will. There can be no doubt, however, that the humanitarian initiative was *experienced* as empowering by the people involved in it. In this sense, the humanitarian initiative empowered NNWSs by transforming their beliefs about what was and was not possible – for example the negotiation of a treaty banning nuclear weapons against the collective opposition of the world’s most powerful states.

³⁰² Author’s notes.

³⁰³ Austria on behalf of 50, NPT Review Conference, 22 May 2015.

³⁰⁴ Borrie and Caughley, ‘After Oslo’, p. 15.

³⁰⁵ Minor, ‘Changing the Discourse on Nuclear Weapons’, p. 716.

³⁰⁶ Williams, ‘Why a Nuclear Weapons Ban Is Unethical (for Now)’, p. 40.

The same may be said about the related claim that the humanitarian initiative had ‘democratised’ nuclear disarmament. This view was eloquently presented by the Costa Rican diplomat Maritza Chan, who at the 2015 NPT RevCon argued that ‘democracy has come to nuclear disarmament’.³⁰⁷ What she meant was presumably not that the international legal principle of consent had been replaced by majority rule, but rather that the humanitarian-impact conferences and OEWGs had left NNWS officials with a sense that their views mattered, and that the concerns of the majority of the world’s states could not simply be muted. The humanitarian initiative’s democratic virtues were reported by most interviewees without encouragement. For the Austrian diplomat Thomas Zehetner, for example, there was a ‘clear democratisation aspect to the humanitarian initiative’.³⁰⁸ ‘Democracy has finally arrived’, noted the Ecuadorian diplomat Fernando Luque.³⁰⁹

Many of the states and organisations promoting the humanitarian initiative have drawn on what we might call a ‘rhetoric of resistance’. While ICAN grounded its campaign in empirical evidence about the humanitarian and climatic impacts of nuclear detonations, the consequences of nuclear testing, and the risks of accidental nuclear use, it simultaneously framed its activities around the themes of ‘resistance’, ‘uprising’, and ‘revolution’.³¹⁰ In its campaign for a ban on nuclear weapons, particularly in its outreach online, ICAN borrowed language and imagery from both historical and fictional resistance movements.³¹¹ For example, ‘memes’ featuring an image of princess Leia (leader of the ‘rebel alliance’ in the fictional *Star Wars* universe) and the caption ‘join the resistance’ were spread on Twitter, Instagram, and Facebook by ICAN and many of its partner organisations. Government officials from NNWSs would occasionally ‘like’ and share such content. Real-world champions of freedom and equality such as Nelson Mandela, Mahatma Gandhi, and Martin Luther King Jr were also enlisted to the cause, both on social media and on ICAN’s own website, the front page of which sports a photo of actor Martin Sheen, a supporter of ICAN, stating that ‘if Gandhi and Martin Luther King Jr were alive today, they would be part of ICAN’.³¹² ‘We are inspired by Nelson Mandela, who viewed the struggle against the nuclear weapon as inextricably intertwined with the struggles to end racism and colonialism’, ICAN Norway proclaims on its website. ‘He fought for ending legislated minority rule in all its manifestations, be it the apartheid regime or the international framework of the nuclear weapons regime.’³¹³ According to Ray Acheson, the humanitarian initiative represented ‘a revolt of the vast

³⁰⁷ Costa Rica, NPT Review Conference, 29 April 2015.

³⁰⁸ Interview with Thomas Zehetner, Geneva, 9 May 2016.

³⁰⁹ Interview with Fernando Luque, 7 July 2017.

³¹⁰ E.g. ICAN, ‘70 Years Since the Bombings of Hiroshima and Nagasaki’, (accessed 27 December 2016).

³¹¹ Rebecca Johnson and Jaine Rose, ‘Guerrilla Woolfare’, *Open Democracy*, 8 August 2014.

³¹² ICAN, official website (<http://www.icanw.org>).

³¹³ ICAN Norway, ‘Next Stop: South Africa’, 2014 undated.

majority of states against the violence, intimidation, and injustice perpetuated by those supporting these weapons of mass destruction.³¹⁴ Quoting Martin Luther King, Beatrice Fihn maintained that ‘freedom is never voluntarily given by the oppressor; it must be demanded by the oppressed’.³¹⁵ It should be emphasised that this type of advocacy was not something ICAN’s staffers did simply to amuse themselves; ICAN’s outreach was carefully tailored to amplify the non-aligned states’ existing grievances and encourage them to push on with the ban despite the nuclear powers’ opposition.³¹⁶

Images of struggle and resistance were also summoned by NNWSs. ‘The time has come to bring a decisive end to what amounts to “nuclear apartheid”’, argued the South African delegation to the Vienna Conference in 2014 and the NPT RevCon in 2015.³¹⁷ For the Kenyan delegation to the UNGA in 2014, the ‘overwhelming support’ for the humanitarian initiative demonstrated ‘the growing opposition to the constant threat that nuclear weapons pose. People are beginning to stand up. Very soon they will say “enough”’.³¹⁸ Writing in the journal *Global Policy*, the Costa Rican diplomat Maritza Chan declared that the Costa Rican people was ‘proud’ to fight ‘on the front lines in the battle for a nuclear-free world’.³¹⁹ Although such metaphors of armed struggle and resistance may also have reflected instinctive and heartfelt views of many individuals involved in nuclear politics, the ‘rhetoric of resistance’ appears to have had at least two instrumental functions: First, by representing the here-and-now as an extraordinary situation, and the humanitarian movement as being in dire need of reinforcement, the resistance rhetoric served to mobilise support for the cause. Second, by alluding to heroic struggles against oppressive powers, the resistance rhetoric called on the humanitarian initiative’s supporters to stand defiant in the face of expected counter-resistance (‘material compensation’) by the major powers and their allies.

5 Conclusion

As the two that came before it, the third crisis of legitimacy in the nuclear order led to a significant expansion of the multilateral nuclear disarmament framework. Through the convening the conferences on the humanitarian impact of nuclear weapons, the high-level meeting on nuclear

³¹⁴ Ray Acheson, ‘Revolt’, *First Committee Monitor*, no 5, 31 October 2016.

³¹⁵ Beatrice Fihn, ‘A Silent Battle for Power’, *Huffington Post*, 11 September 2015.

³¹⁶ See Bolton and Minor, ‘The Discursive Turn Arrives in Turtle Bay’.

³¹⁷ South Africa, NPT Review Conference, 29 April 2015. South Africa, HINW, 9 December 2014. Emphasis in original.

³¹⁸ Kenya, UNGA First Committee, 13 October 2014. Emphasis in original.

³¹⁹ Maritza Chan, ‘Non-Nuclear Weapons States Must Lead in Shaping International Norms on Nuclear Weapons’, *Global Policy* 7, no. 3, 2016.

disarmament, the UN OEWGs on nuclear disarmament, and the ban treaty negotiating conference, the regime received new *loci*. The crisis also led to a change in the regime's *modus*: The Marshall Island's legal case against the nuclear-armed states at the ICJ – which was ultimately rejected by the Court on procedural grounds – and the negotiation of the treaty banning nuclear weapons by majoritarian rules of procedure marked new ways of 'doing' nuclear politics. Lastly, the regime's content – its *res* – was added to, or arguably altered, through the adoption of the Treaty on the Prohibition of Nuclear Weapons.

In terms of its effect on the wider multilateral nuclear disarmament framework, the third crisis of legitimacy was the most serious one yet. A legal instrument banning nuclear weapons communicates a rejection of the hierarchical order set up through the adoption of the NPT in 1968. Of course, the ban treaty will not by itself disarm the nuclear-armed states. Material nuclear inequality will continue for the foreseeable future. But in legal terms, the movement to ban nuclear weapons manifested an unwillingness among NNWSs to continue to acquiesce to a legal order in which some states are entitled to possess nuclear weapons and others are not. The adoption of the TPNW, as well as the very process of bringing it about, seems to have relegitimised the nuclear order by negating the legal hierarchy enshrined by the NPT. The TPNW in many ways explodes the old nuclear order based on the non-aligned states' (temporary) acquiescence of differentiated nuclear rights and duties. Only the future can tell whether the negation of this system will also explode the cyclical pattern of institutional stasis and expansion.

For the foreseeable future, the TPNW and the NPT will exist as parallel legal instruments. In the years leading up to the adoption of the TPNW, sceptics argued that the negotiation of a ban treaty would undermine and divert attention away from the NPT. If anything, the opposite appears to have happened. In fact, the first meeting of the 2015–2020 review cycle, held in 2017 between two of the TPNW negotiating sessions, attracted greater governmental participation than the first meeting of the preceding review cycle. While the 2012 PrepCom attracted 632 delegates from 109 states, the 2017 PrepCom attracted 742 delegates from 114 states. The vast majority of NNWSs appears to see continuing value in the NPT. First, the NPT remains a central *locus* of cooperation on civilian nuclear cooperation and non-proliferation safeguards. To the extent that the adoption of the TPNW has improved the overall nuclear regime's legitimacy, there is reason to hope that cooperation in these fields, particularly on enhanced safeguards standards, will improve in the years ahead. Second, the NPT remains the only legally binding multilateral nuclear disarmament treaty to which at least five of the nuclear powers have acceded. Non-aligned states will no doubt continue to engage in the NPT review process to badger the NWSs about their article VI obligations.

In the immediate future, the state and non-state supporters of the TPNW will encourage holdouts to sign and ratify the treaty. For ICAN, a primary focus is to persuade aligned NNWSs to accede. ICAN's analysis is that the aligned NNWSs are currently providing moral cover for the NWSs' continued retention, modernisation, and deployment of nuclear weapons. Persuading the nuclear 'clients' to join the ban treaty, in this view, will make it more difficult for nuclear-armed leaders to argue that their arsenals are needed for 'alliance solidarity' and 'reassurance'. Events such as the TPNW's entry-into-force and first meeting of states party will provide anti-nuclear activists with opportunities to attract media coverage, lobby parliamentarians to ask questions in parliament, and organise meetings and debates. For aligned NNWSs such as Denmark, Japan, Norway, and the Netherlands, the pressure to acceded to the treaty will be significant.

Chapter 6: Conclusion

6.1 Summary of Findings

The purpose of this thesis has been to explore the evolution of the multilateral nuclear disarmament framework leading up to and including the adoption of the TPNW. This chapter presents the main findings, empirical and theoretical, and speculates on what a future disarmament process might look like. I begin with the findings.

First, the expansion of the multilateral nuclear disarmament framework has not occurred through a gradual process, but through bursts of activity. The evolution of the multilateral nuclear disarmament framework has followed a pattern of punctuated equilibrium. A first burst of activity took place between 1975 and 1978, when the UN disarmament machinery was reformed and expanded. In this phase, institutional adaptations were justified as means of ‘democratising’ the regime. Through the adoption of the UNSSOD-I final document, the non-aligned states managed to improve the regime’s input legitimacy by increasing the opportunities for NNWSs to get involved in nuclear politics. A second and more drawn out burst took place between 1991 and 1999. Some of the initiatives undertaken in the 1990s were also justified as democratising reforms, most notably so the 1995 and 1999 expansions of the membership of the Geneva Conference, but the overarching frame justifying the non-aligned states’ advocacy in this phase was one of ‘legalisation’. The ICJ was drawn into the regime as an authority, the CTBT was finally adopted, a ‘Model Nuclear Weapons Convention’ was proposed, and the NAC lobbied extensively for the implementation of article VI through specific, practical commitments. A third wave of expansion, this time framed around the ‘humanitarian consequences’ of nuclear weapons, occurred between 2012 and 2017. Relying on informal networks and innovative diplomatic tactics, NNWSs formed several new forums and brought about the negotiation and adoption of the TPNW.

Second, the waves of expansion described above may be understood as symptoms of crises of legitimacy in the nuclear order. I argued that the legal codification of the nuclear hierarchy required continuing justification. In practice, the maintenance of the regime’s legitimacy required fidelity, by the NWSs, to the concept of ‘inclusive disarmament’. Enduring hierarchical practices undermine the regime’s credibility as a vehicle of justice, negating the identities of the NNWSs as sovereign equals. Institutional contestation and change in the multilateral nuclear disarmament framework has provided non-aligned states experiencing the ‘status disequilibrium’ associated with denied recognition with opportunities to exercise resistance to nuclear hierarchy and ‘struggle for recognition’ as equal members of international society. As such, institutional contestation provides

a vehicle of ‘normative recalibration’ as theorised by Christian Reus-Smit.¹ Before the onset of crises of legitimacy, non-aligned states have typically been keen to make compromises and gloss over differences with the NWSs for the sake of maintaining the regime’s underlying recognition order. Once a crisis sets in, however, non-aligned states have often been eager to *highlight* differences with the NWSs, adopting more confrontational negotiating postures.

*A third finding, corroborating the work of Clark et al., is that processes of regime delegitimation have followed a pattern whereby criticism is initially directed towards non-compliant actors and later, as the legitimacy drops further, towards the regime itself.*² After a moment of re-legitimation, it has usually not taken long before non-aligned states have voiced serious criticisms of the NWSs’ lack of commitment to implementing their disarmament commitments. Strong criticism of the regime itself usually appears later. However, my analysis of the nuclear regime suggests a paradoxical caveat to this general tendency: When influential actors are viewed to be *extraordinarily* non-compliant, the regime’s troubles may be personalised and the process of regime delegitimation stalled. Indeed, the unparalleled unpopularity of the George W. Bush administration in multilateral diplomatic circles seems to have slowed the depletion of the nuclear regime’s legitimacy by soaking up much of the reproach that might otherwise have been directed towards the regime’s institutions. By contrast, when the (at first) popular Obama administration seemingly swung from an ambitious, multilateralist disarmament posture to a more reluctant one, the regime was thrown almost instantly into a crisis of legitimacy. The Obama administration’s perceived disrespect towards the NNWSs was thus much more damaging to the regime’s overall legitimacy than that of the Bush Jr administration.

As Ringmar argues, actors primarily demand recognition from the actors they in turn respect.³ Donald Trump’s uniquely rambunctious nuclear rhetoric may therefore be less damaging to the regime than one might suspect. Another factor that appears to influence how actors assign blame for a regime’s ineptitude is the regime’s and its institutions’ origin stories. In the nuclear regime, many institutions were crafted, through considerable diplomatic labour, by NNWSs. Criticising the regime will thus often amount to criticising the NNWSs’ own organisational handiwork. For example, many non-aligned states have been very reluctant to criticise the Geneva Conference and UNDC, insisting that the reason for their continued deadlock is not those forums’ composition or rules of procedure, but rather a lack of ‘political will’. I do not suggest that political will is irrelevant, but a negotiating body with 65 veto players is extremely unlikely to function well.

¹ Christian Reus-Smit, ‘International Crises of Legitimacy’, *International Politics*, vol. 44, nos 2–3, 2007.

² See Ian Clark et al., ‘Crisis in the Laws of War? Beyond Compliance and Effectiveness’, *European Journal of International Relations* 2017 (early view), p. 12.

³ Erik Ringmar, *Identity, Interest and Action*, Cambridge, Cambridge University Press, 1996, p. 81.

*Fourth, the effectiveness of counter-resistance, that is, attempts by the nuclear powers at dissuading contestation, depends on the timing of the counter-resistance in the cycle of legitimacy.*⁴ When the overall legitimacy of the regime has been at a low ebb, attempts by the nuclear powers at repressing institutional adaptation have backfired, fuelling greater resistance by the non-aligned. The attempted undercutting of the advisory-opinion initiative in the 1990s and humanitarian initiative in the 2010s intensified the non-aligned states' will to push ahead with the initiatives in question. At times when the legitimacy of the regime has been higher, counter-resistance has successfully dissuaded non-aligned states from going ahead with controversial initiatives, for example the idea of an international satellite monitoring agency in the 1980s or the attempt at establishing UNGA ad hoc committees on disarmament in 2005.

Fifth and most fundamentally, the politics of recognition – contests over equality, status, dignity, and humiliation – has played a crucial role in shaping the nuclear regime's institutions and practices. In fact, the entire multilateral nuclear disarmament framework may be read as a structure designed to ameliorate the non-proliferation regime's apparent breach of the norm of sovereign equality. I have argued that the most crucial division created by the NPT was not between 'nuclear-weapon states' and 'non-nuclear-weapon states', but between the nuclear 'haves' that were permitted to practice nuclear deterrence and the 'have-nots' that were made to forswear nuclear deterrence entirely. The inclusion of disarmament provisions in the NPT were not a direct and legally enforceable *quid pro quo*, but allowed for a dynamic political process that safeguarded, at least temporarily, the non-aligned states' identities as sovereign equals. Admittedly, many (particularly in the NWSs) viewed article VI as hortatory; they assumed that, at least in the context of the NPT, the disarmament question had been settled. Article VI, they may have thought, was a cheque that would never fall due. But as other commentators have also maintained, the NWSs 'would find themselves being beaten by the NNWSs with the stick of article VI at successive NPT Review Conferences.'⁵ In 2017, 122 states voted in favour of a treaty declaring the nuclear-armed states' possession of nuclear weapons illegal under international law. After all, the credibility of the NPT as a vehicle of inclusive disarmament – the symbolic value of VI – depended on the NWSs reducing the role of nuclear weapons in their military strategies, slimming down their arsenals, and including NNWSs in negotiations. But as documented throughout this thesis, the NWSs have not always been willing to act in the way prescribed by the recognition order underpinning the NPT. The unwillingness of the nuclear 'haves' to move decisively towards a world without nuclear weapons 'disrespects' the non-aligned states in a double sense. First, the creeping permanence of the legalised nuclear

⁴ See Charles D. Brockett, 'The Repression/Popular-Protest Paradox' pp. 117–44 in Mark Traugott (ed.), *Repertoires and Cycles of Collective Action*, Durham, NC, Duke University Press, 1995.

⁵ Mlada Bukovansky et al., *Special Responsibilities*, Cambridge, Cambridge University Press, 2012, p. 94.

hierarchy contradicts the non-aligned states' identities as sovereign equals. Second, the presumed violation of the grand bargain communicates a denial of recognition of the non-aligned states' as 'ontologically equal' partners in contract.⁶

Disarmament advocacy by NNWSs may be divided into three broad categories. A first category includes initiatives fully or in part aimed at enacting *symbolic resistance* to the perpetuation of the hierarchy (temporarily) enshrined by the NPT. The PTBT amendment conference in 1991, for example, had zero chance of producing a comprehensive test ban, but allowed the non-aligned states to amplify their principled opposition to what they viewed as a long history of broken promises by key NWSs. At several NPT review conferences, non-aligned states were willing to sacrifice progress in other areas of nuclear cooperation to prove a point on disarmament. The expansion of the Geneva Conference, similarly, cannot reasonably be justified by reference to notions of regime effectiveness. The expansion of that conference's membership has instead functioned as an extension of recognition of additional NNWSs as full partners in the regime, allowing them to act out their sovereignty in practice.

A second nexus of initiatives have been aimed at softening the indignity of nuclear hierarchy by *undermining nuclear weapons as status symbols*. The 1996 advisory opinion on the threat or use of nuclear weapons and 2017 TPNW may be cited as examples of this form of advocacy. The international politics of status, in this view, does not only concern the distribution of prestige, but also what counts as sources of prestige in the first place.⁷

A third category of disarmament advocacy contains initiatives more squarely aimed at engendering *practical steps towards nuclear disarmament*. The NAC's advocacy in the late 1990s constituted precisely such an effort. As one of the interviewees for this thesis was eager to point out, the resulting 13 steps 'was not a "miss universe declaration". It was a very concrete solution'.⁸ But even such instrumental disarmament initiatives may be seen, in part, as expressions of the politics of recognition. Couched in a fundamental opposition to hierarchy, the non-aligned states' very goal of complete nuclear disarmament goes largely unquestioned. For the non-aligned states, the only acceptable solution to nuclear predicament is to level the hierarchy.

In a strictly materialist–rationalist universe, we would expect the non-aligned states to focus their advocacy on demanding achievable measures to enhance their security concerns. In practice, such measures could be stronger non-proliferation safeguards or security assurances from the nuclear-armed states. But ever since the negotiation of the NPT – during which the US secretary

⁶ See Robert R. Williams, *Hegel's Ethics of Recognition*, Berkeley, CA, University of California Press, 1997, p. 155.

⁷ See Vincent Pouliot, 'Setting Status in Stone', pp. 192–215 194 in T.V. Paul, Deborah W. Larson, and William C. Wohlforth (eds), *Status in World Politics*, Cambridge, Cambridge University Press, 2014.

⁸ Interview with NNWS official, Skype, 23 August 2017.

of state expressed his surprise that the non-aligned states were more interested in disarmament⁹ – the non-aligned states have focused their efforts on the total abolition of nuclear weapons, a goal that for most of the nuclear age has seemed a near utopian vision.¹⁰ The non-aligned states have certainly called for more limited measures to enhance their near-term material security concerns. But demands for security assurances and enhanced safeguards – demands that would appear to fall within the functionalist ‘area of mutual interest’¹¹ – have never been made with the same vigour as the repeated and coordinated demands for abolition.

As any complex political process, the institutional adaptations discussed in this thesis were motivated by a range of concerns. Investigating how recurrent crises of legitimacy in the nuclear order have fostered heightened institutional contestation by non-nuclear powers, I have offered a recognition theoretical reading of the evolution of the multilateral nuclear disarmament framework. As documented throughout this thesis, most institutional adaptations of the multilateral nuclear disarmament framework have been explicitly justified as attempts at ‘democratising’ disarmament diplomacy, empowering disadvantaged groups, or forcing ‘arrogant’ powers to ‘honour’ their commitments. The interviews and participant observation undertaken in support of the thesis strongly indicate that government and civil society representatives generally mean what they say in official statements. If anything, concerns with justice and recognition were even more fervently emphasised behind the scenes.

That said, there is little doubt that the politics of recognition can and has been leveraged for instrumental purposes. This thesis does not refute the contention that certain actors use the language of justice and recognition strategically to secure the moral high ground and entrap the major (nuclear) powers in the processes and discourses of institutions. While I have argued that the overwhelming support for nuclear disarmament among non-aligned states is premised by their underlying demand for equality, it is also possible that, for some states (or individuals within states), support for disarmament is premised, fully or in part, on a belief that disarmament is extremely unlikely to occur. On a broad power–interest reading, then, it would not be unreasonable to expect weaker states to ‘play to the gallery’ and boost their humanitarian credentials, secure in their belief that strategic stability between the major powers will be maintained. On the other hand, many states have invested more in disarmament advocacy than might be expected of states purely interested in securing the moral high ground. However, as a ‘birds eye’ narrative of the history of the multilateral nuclear disarmament framework, the present thesis has not been designed to

⁹ Quoted in Glenn T. Seaborg, *Stemming the Tide*, Lexington, MA, Lexington Books, 1987, p. 367.

¹⁰ Tanya Ogilvie-White and David Santoro, ‘The Nuclear Dragon’, pp. 1–10 in Ogilvie-White and Santoro (eds), *Slaying the Nuclear Dragon*, Athens, GA, University of Georgia Press, 2012, pp. 1–2.

¹¹ Martha Finnemore and Kathryn Sikkink, ‘Taking Stock’, *Annual Review of Political Science*, vol. 4, 2001, p. 393.

investigate the degree to which strategic moralistic posturing is common among the coalition of actors advocating for disarmament. For that purpose, comprehensive case studies would be necessary.

The reservation above is not to say that this thesis does not refute any alternative explanations. In broad strokes, the main analytical alternative to the theory advanced in this thesis would, as for any constructivist account, be a rationalist theory that conceptualises political behaviour as ‘determined by the physical world alone.’¹² In a strictly materialist universe, we would not expect the NNWSs to differentiate between the ‘official’ and ‘unofficial’ NWSs in their disarmament advocacy. A nuclear weapon, after all, is just as deadly in the hands of a recognised NWS as a non-recognised NWS. If anything, we would expect the non-aligned states to be even more insistent that the states *not* recognised as legitimate possessors disarm. But the history of multilateral nuclear disarmament diplomacy shows that the opposite is the case; the ‘official’ NWSs have usually received the brunt of the non-aligned states’ moral censure (at least if we look at states’ demand-making vis-à-vis states not in their immediate region). A reason for this puzzling double standard, I suggest, is that the legal inequality implied by the NPT challenges the NNWSs’ ontological security as sovereign equals. While the nuclear inequality between the ‘official’ NWSs and the rest had been legally codified subject to certain conditions, the inequality between the non-official NWSs and the NNWSs was ‘only’ material. Of the ‘unofficial’ nuclear-armed states, Israel and South Africa have been subject to the most heated criticism from non-aligned states (at least over time), particularly from states in their regions of the world. It is, however, striking that the criticism of these states’ nuclear programmes has almost always been accompanied by complaints about certain of the ‘official’ NWSs’ presumed complicity in helping them acquire nuclear weapons. The Israeli and South African nuclear programmes were read into a broader context of the ‘official’ NWSs’ having reneged on their obligations under the NPT (in this case their commitment not to transfer nuclear weapons to other states).

Further, in a strict materialist universe, we would expect the non-aligned states to cut down on diplomatic activities that did not show significant promise of reducing material nuclear dangers or otherwise aiding their champions’ material interests. But instead, non-aligned states have been eager to demonstrate symbolic resistance to the lingering nuclear hierarchy through initiatives that were not believed to stand any realistic chance of producing material policy changes in the NWSs. With respect to non-proliferation measures, we would not expect states committed to non-proliferation to forego progress on the further development of security-enhancing safeguard mechanisms for the sake of preserving an implicit ‘balance’ between the obligations assumed by

¹² Martha Finnemore and Kathryn Sikkink, ‘Taking Stock’, *Annual Review of Political Science*, vol. 4, 2001, p. 393.

nuclear ‘haves’ and ‘have-nots’. But the empirical record suggests that precisely this has been the case. The history of multilateral nuclear disarmament diplomacy, I argue, cannot be fully explained by materialist accounts. The material world of nuclear weapons is mediated through intersubjective understandings about justice and moral entitlements.

What would the nuclear order look like were the politics of recognition less acute? I suggest that, for one thing, the disarmament regime would look very different. The regime would probably be considerably leaner, demanding less time of its stakeholders. It is even conceivable that at least some non-aligned states would have reconsidered their subscription to the goal of a world without nuclear weapons, preferring instead to advocate a great-power managed system of stable deterrence at low numbers of nuclear weapons. It is also conceivable that India – and with it also Pakistan – would not have developed nuclear weapons and that Britain and France would have given up theirs. In a rationalist perspective, there does not appear to be particularly good reasons why Britain and France should require (costly) nuclear-weapon programmes while other NATO members such as Germany, Italy, and Poland should not. Disarmament poses a risk not to Britain’s and France’s material security, but to their ontological security as ‘world powers’.¹³ Of the states currently armed with nuclear weapons, only North Korea and Israel appear to face genuine existential threats.

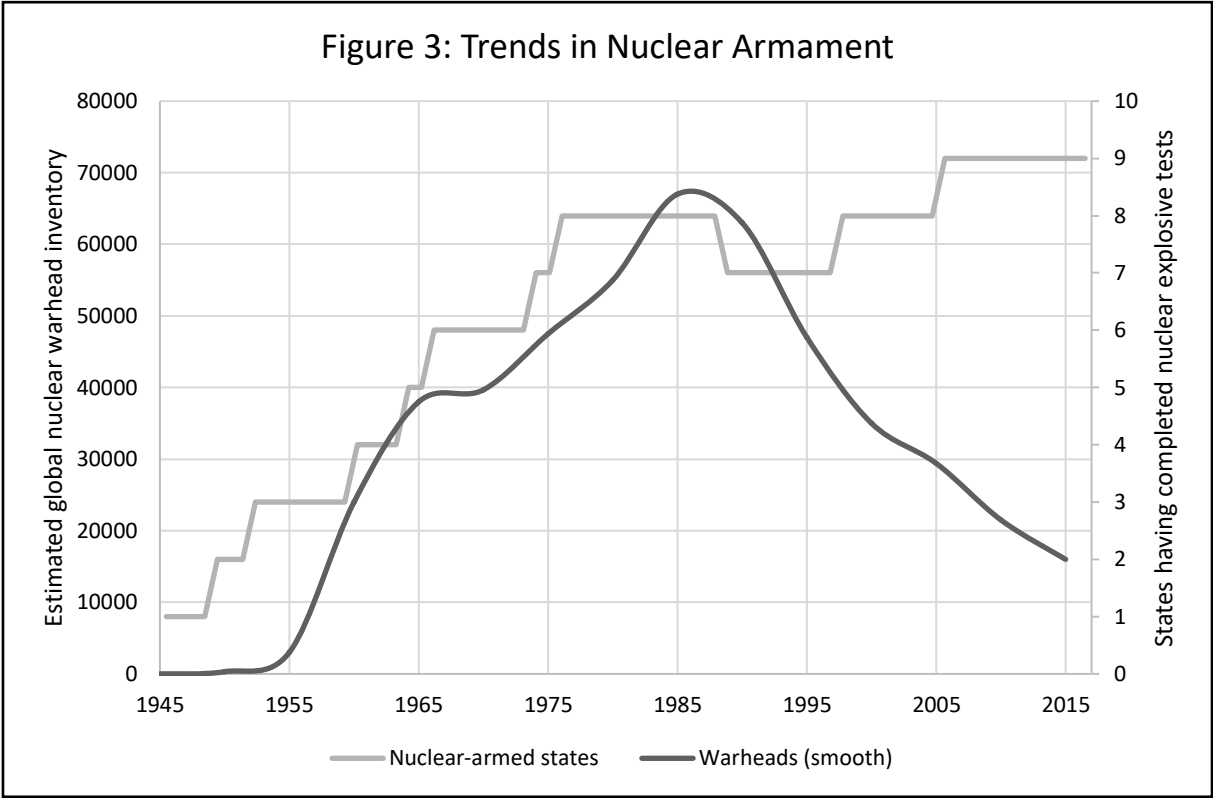
6.2 Reflections

Focusing on the institutional history of multilateral nuclear disarmament diplomacy, this thesis has explored how NNWSs have resisted the nuclear hierarchy codified by the NPT. But as discovered, the goings on in the lavish chambers of the Palais des Nations in Geneva and the UN headquarters in New York have often been extraneous to the policy processes that govern the nuclear powers’ actual decisions about nuclear strategy and force structure. The history of the multilateral nuclear disarmament process is therefore quite different from the history of material arms and disarmament. In the following, I provide some reflections on the ‘real world’ of nuclear disarmament and on how the multilateral process might be better utilised as an instrument of abolition.

As documented throughout this thesis, the history of the disarmament process is one of profound disagreements both between aligned and non-aligned states and between the nuclear powers themselves. The history itself is also subject to very different interpretations and may be told in various ways. The most dominant narrative, subscribed to by most establishment figures in the arms control community, tells the story with reference to the number of nuclear warheads in

¹³ See Nick Ritchie and Benoît Pelopidas, ‘European Nuclear Nationalism’, pp. 225–249 in Nik Hynek and Michal Smetana (eds), *Global Nuclear Disarmament*, London, Routledge, 2016.

existence (see Figure 3¹⁴). The story is often divided into three acts:¹⁵ In Act 1, the superpowers are embroiled in a mad arms race, climaxing in the 1962 Cuban Missile Crisis, ‘when the USA and the Soviet Union paused at the nuclear precipice.’¹⁶ From there, the superpowers agree to tame the nuclear threat by negotiating the PTBT, NPT, and SALT agreements. Act 2 follows a similar arch. After a return to security competition in the late 1970s and early 1980s, two of the story’s (unlikely) heroes, Ronald Reagan and Mikhail Gorbachev, set in motion a radical arms control project that over the next couple of decades fosters major steps towards nuclear disarmament: ‘1986 was the peak year for numbers of nuclear bombs and warheads globally. Today, the numbers are less than a third of what they were then.’¹⁷ ‘We have reversed the nuclear arms race and stepped back from the nuclear precipice.’¹⁸ The third and act sees the disarmament project foiled by particular individuals (Putin; Trump; senators) or unforeseen events (Crimea; election interference); the march towards zero has now ground to a halt.¹⁹



¹⁴ Data prepared by Hans M. Kristensen and Robert S. Norris, ‘Status of World Nuclear Forces’, *Federation of American Scientists*, 2017.

¹⁵ For a lucid example, see Nik Hynek and Michal Smetana, ‘Nuclear Disarmament’, pp. 1–12 in Nik Hynek and Michal Smetana (eds), *Global Nuclear Disarmament*, London, Routledge, 2016.

¹⁶ Graham T. Allison, ‘The Cuban Missile Crisis’, pp. 256–83 in Steve Smith, Amelia Hadenfield, and Timothy Dunne (eds), *Foreign Policy*, Third Edition, Oxford, Oxford University Press, 2016, p. 256.

¹⁷ George P. Shultz, ‘Preface’, pp. ix–xv in George P. Shultz and James E. Goodby (eds), *The War That Must Never Be Fought*, Stanford, CL, Hoover Institution Press, 2015, p. xiii.

¹⁸ United States, UNGA First Committee, 16 October 1996, p. 6.

¹⁹ E.g. *Bulletin of the Atomic Scientists*, ‘Press Release: It Is Now 3 Minutes to Midnight’, 22 January 2015.

The conventional narrative offers an obvious solution to the predicament: The United States and Russia must overcome their differences and return to the arms control scheme that worked so well between 1986 and 2010.²⁰ If only the two would return to the negotiating table, the world could continue its progression towards abolition. But while the dominant narrative is not without merit – the number of nuclear weapons in the world is today indeed much lower than it any point since the 1950s – alternative indicators show much less progress towards abolition. For example, the spread of nuclear weapons to three additional states after the end of the Cold War suggests that the end goal of zero is more distant than at any point before (see Figure 3); there is no longer any prospect that the problem of nuclear weapons may somehow be solved by the enlightened leadership of just two individuals (*à la* Reagan and Gorbachev). And while the sheer number of nuclear weapons in existence throughout the world has shrunk, the destructiveness of the nuclear powers' arsenals continued to grow into the 21st century. Measuring nuclear 'lethality' as a product of existing arsenal's precision and explosive power, Lynn Eden finds that the US nuclear arsenal was not at its most powerful in the mid-1980s, as the conventional narrative has it, but in 2003.²¹ Critical scholars have also argued that most of the nuclear warheads dismantled since the 1980s were outdated and due for retirement anyway. The reductions were brought about not so much out of a sense of obligation or willingness to effect genuine disarmament as by a desire to cut costs and reduce the risk of accidents. According to Keith Krause, arms control was intimately 'linked to deterrence theory and practice, and to the entire functioning of the so-called *military-industrial complex*, and not something distinct and in opposition to it.'²²

None of the nuclear-armed states have altered their nuclear postures significantly since first acquiring nuclear weapons. Russia, the United States, France, Britain, and Pakistan continue to reserve the right to use nuclear weapons in a first strike against non-nuclear threats.²³ China and India have always espoused so-called no-first-use policies, but India may now be in the process of reversing its posture.²⁴ Barack Obama was reportedly eager for NATO to adopt a no-first-use policy during his tenure as president, but decided not to press the issue after pressure from the British, French, and other allies.²⁵ There is still enough nuclear firepower around to destroy human civilisation. Over the last couple of decades, a number of climate scientists have estimated that a

²⁰ E.g. Alexey Arbatov, 'An Unnoticed Crisis', *Carnegie*, 16 June 2015.

²¹ Lynn Eden, 'The U.S. Nuclear Arsenal and Zero', pp. 69–88 in Catherine M. Kelleher and Judith Reppy (eds), *Getting to Zero*, Stanford, CA, Stanford University Press, 2011, p. 72.

²² See Keith Krause, 'Leashing the Dogs of War', *Contemporary Security Policy*, vol. 32, no. 1, 2011, p. 25. Emphasis in original.

²³ See Campbell Craig and Jan Ruzicka, 'The Nonproliferation Complex', *Ethics & International Affairs*, vol. 27, no. 3, 2013, p. 341.

²⁴ Shashank Joshi, 'India's Nuclear Anxieties', *Arms Control Today*, vol. 45, no. 4, 2015.

²⁵ See Harald Müller, 'Flexible Responses', *Nonproliferation Review*, vol. 18, no. 1, 2011; Bruce Blair, 'The Flimsy Case Against No-First-Use of Nuclear Weapons', *Politico*, 28 September 2016.

regional nuclear war between India and Pakistan in which 100 nuclear bombs of the Hiroshima-size (15kt TNT equivalent) were exploded in relatively quick succession (well under 0,5 per cent of the explosive yield of the current global nuclear arsenal) would throw enough soot and debris into the earth's atmosphere to significantly reduce the amount of sunlight that reaches the earth's surface, which, in turn, would lead to a dramatic and protracted decline in staple food production across the globe.²⁶ In one estimation, such a scenario could leave two *billion* people, almost 30 per cent of the world's population, at risk of starvation.²⁷

The dominant school of nuclear disarmament policy advises an incremental, cautious approach to the goal of a world without nuclear weapons. When it comes to specific proposals, the school takes an eclectic view. Sverre Lodgaard, for example, calls for the following measures to accomplish a world without nuclear weapons:

arms control; arms reductions; disarmament dividends for human betterment; doctrinal approaches limiting the role of nuclear weapons in international affairs; humanitarian approaches transcending deterrence doctrines; norms of cooperation, restraint and respect for vital interests and for international law; joint search for win–win solutions; and, not to forget, promoting a security culture where the most destructive and indiscriminate of weapons have no place – all of these have important roles to play. We must recognize them, not as alternatives, but as mutually reinforcing paths to an NFWF [nuclear-weapon-free world].²⁸

Assuming that the goal of zero is the correct one, it is difficult to disagree with any of the measures proposed by Lodgaard on an individual basis. But underpinning the recommendations lies an assumption that the arms control and disarmament community has, with some exceptions, been doing the right things all along, at least since the 1980s. But how reasonable is that assumption? Given the trends described above – continued proliferation, increased destructiveness of arsenals, and the inability of arms control to challenge deeply rooted policies – there is good reason to question the existing paradigm. In particular, there is reason to question whether the practice of arms control – incremental steps to gradually reduce the risk of nuclear war – is compatible with abolition. As discussed in Chapter 3, arms control and disarmament were initially seen as competing solutions to the nuclear predicament. Several scholars and practitioners argued that the superpowers' arms control approach would not pave the way for abolition, but normalise the status

²⁶ Alan Robock et al., 'Climatic Consequences of Regional Nuclear Conflicts', *Atmospheric Chemistry and Physics*, vol. 7, no. 8, 2007; Michael J. Mills et al., 'Multidecadadal Global Cooling and Unprecedented Ozone Loss Following a Regional Nuclear Conflict', *Earth's Future*, vol. 2, no. 4, 2014.

²⁷ Ira Helfand, 'Nuclear Famine: Two Billion People at Risk?', Boston, MA, IPPNW, 2013.

²⁸ Sverre Lodgaard, 'The Vision and Its Implications for Disarmament Policy', 133–55, in Sverre Lodgaard (ed.), *Stable Nuclear Zero*, London, Routledge, 2017, p. 155.

quo and entrench the nuclear deterrence orthodoxy. If arms control really does reduce the risk of nuclear war, it logically also reduces the demand for disarmament.

In recent years, critical voices have again raised the question of whether the incrementalist approach can produce the changes necessary to create a world without nuclear weapons. Campbell Craig and Jan Ruzicka, for example, have contended that the dominant approach to nuclear disarmament will never be able to eliminate the inequalities inherent in the extant nuclear order.²⁹ ‘To deal effectively with nuclear danger, more radical answers are needed, but it is these kinds of answers that have been marginalized by the dominant discourse’, they claim.³⁰ The ‘only logical means of permanently ending the possibility of interstate nuclear war’, they go on, is to create a world in which nuclear technology is strictly controlled by a superior body: ‘the advent of a world government’.³¹ The extreme difficulty of enforcing multilateral disarmament agreements – whatever came of the 13 steps and the UNSSOD-I final document? – give credence to Craig and Ruzicka’s analysis. As discussed in chapters 3 through 5, the NWSs have on many occasions simply ignored their commitments. Consequently:

If the inherent instability of anarchy undermines all other attempts to prevent nuclear war, then the obvious conclusion is to eliminate anarchy by developing an entity that can acquire and control all nuclear technologies, an act that would mean the end of sovereign nation-states. This solution, of course, was the natural one envisioned by politicians, scientists, scholars, and writers at the outset of the atomic age, recognizing that less ambitious projects would invariably fail.³²

World government is not as unrealistic as it is often made out to be. In the grand scheme of things, the period of sovereign nation states may turn out to be a short blip in human history. The Westphalian system of formally equal political units interacting through common institutions was only globalised about half a century ago, when the process of decolonisation gained momentum. This is not to say that there are not powerful forces working against global integration: nationalism, the political ambitions of local leaders, and ideological and cultural conflicts to name but some of the most obvious. Robert Jervis has added the ironic observation that nuclear weapons may themselves pose significant obstacles to the establishment of world government. Indeed, ‘one may argue that it is only nuclear weapons that stand between the United States and world domination’.³³

²⁹ See also Jan Ruzicka, ‘Behind the Veil of Good Intentions’, *International Politics*, 2017 (early view).

³⁰ Craig and Ruzicka, ‘The Nonproliferation Complex’, p. 344.

³¹ Craig and Ruzicka, ‘The Nonproliferation Complex’, p. 345.

³² Craig and Ruzicka, ‘The Nonproliferation Complex’, pp. 345–6.

³³ Robert Jervis, ‘Foreword’, pp. xv–xx in Nik Hynek and Michal Smetana (eds), *Global Nuclear Disarmament*, London, Routledge, 2016., p. xix.

But the world federalists have at least one powerful current working in their favour: the inherent expansionism of capitalism.³⁴

Craig and Ruzicka's pessimism is easy to understand. But their proposed solution of world government may not be the only path to a world without nuclear weapons. After all, 184 of the world's 193 UN member states do not possess nuclear weapons. None of them are suspected of pursuing nuclear armament at present. It is admittedly possible that some of these 184 states might have acquired their own nuclear weapons had they not received strong security guarantees from nuclear-armed allies, but the fact remains that the majority of the world's states have not found nuclear armament to be in their interest.³⁵ And many of these states are confronted with greater security threats than, say, France and the United Kingdom, both of which are located in stable regions and in possession of conventional military capabilities far superior to most states. Much of the challenge, as Craig and Ruzicka allude, is thus to change the discourse that selectively legitimises the possession of nuclear weapons for a certain group of states. In the view of the long-serving US arms control official Thomas Graham, the 'basic problem' of disarmament is not a lack of technical solutions, but that 'the prestige value of nuclear weapons, made high during the Cold War, remains very high.'³⁶ Nick Ritchie, reflecting on Britain's continued retention of nuclear weapons, argues that the 'necessity of continued nuclear possession' has been firmly integrated into powerful cultural narratives that frame Britain as 'a militarily moral "force for good" and a "pivotal power" with special responsibility for upholding international peace and security and maintaining the current international order.'³⁷ Furthermore, 'British nuclear weapons are valued [by the UK government] because it is legal and therefore legitimate to do so under the United Kingdom's formal NPT NWS status.'³⁸

A fundamental task for those seeking both non-proliferation and disarmament, then, is to disrupt the discourse that sustains the prestige value of nuclear weapons. Undermining the prestige value of nuclear weapons is not in itself *sufficient* to achieving and maintaining a world without nuclear weapons, but it may well be *necessary*. To lay the discursive foundations for a world without nuclear weapons, CSOs and NNWSs must create the same moral outrage around the possession and use of nuclear weapons as currently exists for chemical and biological weapons. That means disrupting the links between nuclear weapons and conceptions of responsible statecraft. Undermining the prestige value of nuclear weapons also entails exposing and reconstituting the

³⁴ Martin Shaw, *Theory of the Global State*, Cambridge, Cambridge University Press, 2000.

³⁵ See Benoît Pelopidas, 'The Oracles of Proliferation', *Nonproliferation Review*, vol. 18, no. 1, 2011; Benoît Pelopidas, 'Renunciation: Restraint and Rollback', pp. 337–48 in Joseph F. Pilat and Nathan E. Bush (eds), *Routledge Handbook of Nuclear Proliferation and Policy*, London, Routledge, 2014.

³⁶ Thomas Graham Jr, *Disarmament Sketches*, Seattle, WA, University of Washington Press, 2002, p. 314.

³⁷ Ritchie, 'Valuing and Devaluing Nuclear Weapons', p. 155.

³⁸ Ritchie, 'Valuing and Devaluing Nuclear Weapons', p. 157.

gendered nature of the nuclear discourse. As long as nuclear weapons continue to be viewed as symbols of masculine prowess – UK foreign secretary Boris Johnson exulted in 2015 that, without nuclear weapons, Britain would become ‘a kind of military capon’³⁹ – disarmament is unlikely to succeed.

The TPNW constitutes a noteworthy step in the direction of delegitimising nuclear weapons. As discussed in Chapter 5, the ban treaty should not principally be understood as an effort to regulate arms reductions in a direct way, but rather as an attempt at stimulating a broader shift in the normative environment in which nuclear politics is enacted, that is, to change the prevailing structures of nuclear ‘productive power’. The fact that the only states that have thus far given up nuclear weapons (South Africa, Belarus, Kazakhstan, and the Ukraine⁴⁰) were defined by the NPT as illegitimate possessors of nuclear arms seems consistent with an assumption that legally binding instruments can contribute to creating the conditions for nuclear ‘de-proliferation’. There were no doubt other factors that also contributed to the governments of these states’ deciding to renounce the nuclear option, but the normative environment is likely to have played a role, perhaps a necessary condition. The literature on nuclear proliferation suggests that this also rings true for the large number of states that have refrained from developing nuclear weapons in the first place.⁴¹ The question remains whether the necessary normative shift can take place when it does not have the support of the world’s most powerful states.

Only adopting a legal approach to delegitimising nuclear weapons will in any case not do. Norm entrepreneurs must continue to work both domestically and on the international level to undercut the prestige value of nuclear weapons. This is where the multilateral process can play a role. NNWSs should stop using the NPT review cycle to extract specific (non-binding) commitments from the NWSs; if anything, the lesson of the last half century of multilateral nuclear disarmament discussions is that the nuclear powers will not feel bound by such documents, even when they have consented to them freely. The NPT review cycle, in this view, should no longer be geared towards generating consensus on lowest common denominator language that will in any case not be adhered to. This proposal received (perhaps surprising) support from Robert Einhorn, a former US arms control official, in 2016. He argued that the NPT review process ‘produces high drama and intense diplomatic activity, but rarely contributes to the strengthening of the NPT regime’. The ‘value of producing a consensus final document is overrated’.⁴² This thesis explains

³⁹ Boris Johnson, ‘If We Want to Be Taken Seriously, We Have to Defend Ourselves’, *The Telegraph*, 16 February 2015.

⁴⁰ While South Africa developed nuclear weapons of its own accord, the latter three inherited stocks from the Soviet Union.

⁴¹ See Benoît Pelopidas, ‘Renunciation: Restraint and Rollback’, pp. 340, 343.

⁴² Robert Einhorn, ‘The NPT Review Process’, *CNS Issue Brief*, James Martin Center for Nonproliferation Studies, April 2016, pp. 1–2.

why consensus has been so highly prized by states: It has served a key role in sustaining the NPT recognition order. But the potential of such consensus documents to sustain the recognition order now appears to have been exhausted. In addition, consensus final documents have often belied deep disagreements, perpetuating, not transforming, the status quo. Until a normative environment more conducive to abolition exists, NNWSs should use the multilateral process to cultivate *norms*, not negotiate specific commitments. The NNWSs should primarily pursue initiatives of the second type described above, that is, initiatives to undermine the prestige value of nuclear weapons.

Critics would no doubt argue that a less ‘pragmatic’ and ‘compromise-willing’ strategy of normative censure will produce counterproductive outcomes by generating increased polarisation between nuclear and non-nuclear powers. One of the main criticisms against the TPNW was that it engendered a ‘continued and growing polarization of the global debate on nuclear disarmament’.⁴³ In the words of the Australian foreign minister, Julie Bishop, ‘we must engage, not enrage’ the nuclear-armed states.⁴⁴ According to the Norwegian delegation to the UNGA, ‘polarization’ of the disarmament debate was responsible for a whole raft of problems: (1) that the 2015 NPT RevCon was ‘unable to reach consensus on an outcome document’; (2) that the Geneva Conference had ‘ceased to function as an arena for advancing nuclear disarmament’; (3) that ‘the prospects for the formal entry into force of the Comprehensive Nuclear-Test-Ban Treaty do not look good’; (4) that ‘Russia has not yet responded positively to the US proposal to reduce the number of strategic nuclear warheads’; and (5) that the ‘DPRK is continuing its highly regrettable development of nuclear weapons and missiles’.⁴⁵ The findings of this thesis suggest that such a criticism is unfounded. Not only was the movement to ban nuclear weapons itself a response to the problems identified, but the contention that polarisation between aligned and non-aligned states will make the nuclear powers less disposed to disarm is difficult to accept.

Consider the process that led to the 1996 adoption of the CTBT. Although the CTBT has yet to be ratified by several nuclear-capable states and has therefore not formally entered into force, the CTBT has increased the reputational costs of testing and developing new types of nuclear weapons. At the 1985 NPT RevCon, the non-aligned states consciously sought to avoid ‘polarisation’ on the CTBT issue by agreeing to a watered-down consensus final document that acknowledged that ‘certain states’ disagreed with the imperative of prohibiting all nuclear tests. This, of course, led to nothing. By contrast, at the 1990 NPT RevCon, non-aligned states caused

⁴³ Norway, UNGA First Committee, 20 October 2015, p. 15.

⁴⁴ Julie Bishop, ‘We Must Engage, Not Enrage Nuclear Countries’, *Sydney Morning Herald*, 14 February 2014.

⁴⁵ See Kjølv Egeland, ‘How I Learned to Stop Worrying and Embrace Diplomatic “Polarization”’, *Peace Review*, vol. 29, no. 4, 2017.

serious ‘polarisation’ by refusing to accept compromise language. The negotiating process that culminated in the adoption of the CTBT was initiated in 1993.⁴⁶

To the extent that the term ‘polarisation’ defines the condition of NNWSs and CSOs applying normative pressure on the nuclear-armed states, polarisation is hardly an obstacle to disarmament; it might even be a necessary condition for disarmament to take place. A more serious consequence of ‘polarisation’, however, could be a fragmentation of the international legal order; contested multilateralism may be a threat to ‘global constitutionalism’.⁴⁷ The traditional view of international law holds that the purpose of international treaty law is to *codify* and give binding force to norms that are already held by all or most states.⁴⁸ Some might argue that forcing into existence treaties that are opposed by a significant number of (powerful) states could undermine the authority of international law per se. On the other hand, limiting international treaty law to the codification of unanimity robs it of its potential to act as a catalyst for change.⁴⁹ In the specific case of the TPNW, moreover, the danger of undermining the international legal order seems marginal. From an international legal perspective, the TPNW simply deepens and extends the norms of nuclear restraint already codified by other treaties. In political terms, the TPNW could be seen as an effort to ‘mobilise compliance with the rules of international society’, identified by Hedley Bull as one of the key functions of international law.⁵⁰

Nuclear politics will no doubt remain discordant, as it has been since the dawn of the nuclear age. Eliminating the discord will not eliminate the inequalities of the current nuclear order. Short of instituting a world government, nuclear abolition will only take place once the discourses that justify selective inequality have been thoroughly disrupted.

⁴⁶ See Rebecca Johnson, *Unfinished Business*, Geneva, UNIDIR, 2009.

⁴⁷ See Andreas Føllesdal, ‘Implications of Contested Multilateralism for Global Constitutionalism’, *Global Constitutionalism*, vol. 5, no. 3, 2016.

⁴⁸ Hersch Lauterpacht, *The Function of Law in the International Community*, Oxford, Oxford University Press, 2011, p. 3.

⁴⁹ Yasuaki Onuma, ‘International Law In and With International Politics’, *European Journal of International Law*, vol. 14, no. 1, 2003, p. 130.

⁵⁰ Hedley Bull, *The Anarchical Society*, New York, NY, Columbia University Press, 1995, p. 135.

Annexes

Annex I: List of Recorded Institutional Adaptations, 1969–2017

List of Institutional Adaptations to the Multilateral nuclear disarmament framework since 1968		
Stasis 1	1969	- Expansion of the Geneva Conference's membership
	1970	-
	1971	-
	1972	-
	1973	-
	1974	-
Expansion 1	1975	- Expansion of the Geneva Conference's membership - Formation of a UNGA Ad Hoc Committee on 'the role of the UN in the field of disarmament'
	1976	- Agreement to convene the First UN Special Session on Disarmament
	1977	-
	1978	- Restructuring and expansion of the Geneva Conference (the CD replacing the CCD) - UN Disarmament Commission (re)established - Restructuring of UNGA First Committee on Security and Disarmament - Establishment of UNIDIR
Stasis 2	1979	-
	1980	-
	1981	-
	1982	-
	1983	-
	1984	-
	1985	-
	1986	-
	1987	-
	1988	-
	1989	-
	1990	-
Expansion 2	1991	- PTBT amendment conference
	1992	-
	1993	-
	1994	- Authorisation of the ICJ Advisory Opinion
	1995	- Expansion of the scope and mandate of the NPT review process - Expansion of the Geneva Conference's membership
	1996	- Adoption of the CTBT in the UNGA, without consensus in the Geneva Conference - Submission of a 'Model Nuclear Weapons Convention' to the UN Secretary General
	1997	- CSOs authorised to address the floor in the NPT review cycle
	1998	-

	1999	- Expansion of the Geneva Conference's membership
Stasis 3	2000	-
	2001	-
	2002	-
	2003	-
	2004	-
	2005	- First conference of states party to nuclear-weapon-free-zone treaties
	2006	-
	2007	-
	2008	-
	2009	-
	2010	-
	2011	-
2012	-	
Expansion 3	2013	- First 'high-level' UN conference on nuclear disarmament - First UN 'open-ended working group' on nuclear disarmament convened in Geneva - First ad hoc conference on the humanitarian impact of nuclear weapons
	2014	- Marshall Islands' legal cases against the nuclear-armed states - Second ad hoc conference on the humanitarian impact of nuclear weapons - Third ad hoc conference on the humanitarian impact of nuclear weapons
	2015	- Launch of the International Partnership for Nuclear Disarmament Verification
	2016	- Second UN 'open-ended working group' on nuclear disarmament convened in Geneva
	2017	- First substantive negotiations of a nuclear disarmament treaty under majoritarian rules of procedure - Adoption of the Treaty on the Prohibition of Nuclear Weapons

Annex II: List of Formal Interviews

Acheson, Ray, London, 11 December 2015 (civil society).
Fihn, Beatrice, Geneva, 7 December 2015 (civil society).
Högsta, Daniel, Geneva, 8 January 2016 (civil society).
Hugo, Torbjørn G., Oslo, 10 September 2015 (civil society).
Kongstad, Steffen, Geneva, 7 December 2015 (NNWS official).
Langeland, Knut, Geneva, 9 May 2016 (NNWS official).
Larsen, Gry, Oslo, 7 January 2016 (NNWS official).
Lennane, Richard, Geneva, 10 May 2015 (NNWS official/civil society).
Løvold, Magnus, Oslo, 9 September 2015 (civil society).
Luque, Fernando, New York, 7 July 2017 (NNWS official).
Nash, Thomas, London, 10 December 2015 (civil society).
NNWS official, Geneva, 8 December 2015.
NNWS official, New York, 7 July 2017.
NNWS official, New York, 7 July 2017.
NNWS official, Skype, 23 August 2016.
Østern, Grethe, Oslo, 25 September 2015 (civil society).
Roche, Douglas, Skype, 8 September 2016 (NNWS official/civil society).
Salander, Henrik, Stockholm, 27 September 2016 (NNWS official).
Slater, Alice, New York, 3 July 2017 (civil society).
Støre, Jonas G., Oslo, 8 December 2015 (NNWS official).
Umaña, Carlos, Geneva, 10 May 2016 (civil society).
Zehetner, Thomas, Geneva, 9 May 2016 (NNWS official).

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