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June 9, 2015

Bulletin 206: Desultory NPT conference ends in division, a good thing; 108 countries pledge to help ban nuclear weapons

Dear friends and colleagues:

Alas we can only really address this one important topic in this long-delayed Bulletin, and that only partially.

On May 22, the ninth five-year, month-long Review Conference (“RevCon”) of 191 states parties to the Treaty on the Nonproliferation of Nuclear Weapons (NPT) came to an end, on an upbeat note in our view. In fact we think the conference outcome was about the best that could be hoped for. This bulletin explains why.

It is important to note that this conference’s “lost opportunity” ([New York Times](#)) occurred in the context of heightened tensions between the US and Russia (see Bob Rigg’s [analysis](#)) and increasing tension between [the US and China](#) (see also Mike Whitney [here](#), and [this](#) historical review by Alfred McCoy). These tensions, which are rapidly increasing and almost entirely the result of US-supported aggression many thousands of miles from the US “homeland” in both cases, are deeply rooted in material competition for the world’s resources, markets, and productivity. As such these tensions present grave dangers, not just to the millions already uprooted in proxy wars or under fire right now. The lack of independence among US journalists and NGOs and the hardening of ideological arteries in both political parties, as well as the increasing use of new forms of hybrid war that don’t seem like war and aren’t reported as war, are greasing the skids to greater conflicts ahead. We are really at war with Russia already. [Our broad-spectrum nuclear weapons modernization](#) is designed to maintain and where possible increase nuclear forms of leverage.

These rapid developments, and others relating to (for example) the environment, resource depletion, and demographics, compel us to say that with this conference, an era of stability has come to an end. Most of all, unipolar US geopolitical power is waning, in substantial part because it has been (and is being) misused – as it was at this RevCon. In its domestic affairs as well, the US is no longer able to present itself to the world as a democracy, or a model for other states. In [Bob Rigg’s words](#):

In the absence of the cold war the international community has increasingly come to see the US as it is – a deeply flawed former democracy controlled by family dynasties and the super rich, an unrepresentative and corrupt political system, a gridlocked judiciary often serving politics, not justice, third world income distribution, endemic racism, and an all-powerful military/industrial complex. Barack Obama and John Kerry are now pied pipers who are being seen by the world for what they really represent. The emperors have lost their clothes.

Thanks especially to US and UK actions at this RevCon, the Cold War-based, nuclear-apartheid NPT regime, long dominated by the US more than any other country, lost even more credibility. No one believes the disarmament piece of the NPT bargain any more. Operatively speaking, [Article VI](#) is dead.

We are thus in a brave new era, in which any impetus for nuclear disarmament – which is important for the prevention of nuclear war, not just for nuclear disarmament per se – must come from new directions. The 2020 NPT Review Conference, assuming one occurs, will certainly have a very different political and material context.

Meanwhile, the world can’t afford to wait for another disarmament disappointment – which is all the NPT, with its inherent consensus structure among 191 states (plus the problem of the four nuclear weapon states not in the treaty), can ever

provide.

[Bulletin 203](#) provided background on this RevCon as well as our pre-conference interpretation of what we thought would be (and would not be) important. You can check to see if we were right. (We were.)

For more background on NPT review conferences in general, starting with the first in 1975 and including all major documents since 1995, see Reaching Critical Will's (RCW's) superb [NPT web page](#).

RCW's unequalled integrative daily coverage and splendid analysis of the [2015 RevCon](#) includes its widely-referenced [NPT News in Review](#) newsletter, each one with a concise editorial by RCW Director (and Study Group board member) Ray Acheson. There is no better summary of the RevCon than these editorials.

Another indispensable commentary is that of [wildfire>](#), headed up by former diplomat and now "Chief Inflammatory Officer" Richard Lenanne. Wildfire cuts through official cant and hypocrisy brilliantly (see for example "[Weasels Run Wild](#)" and "[Schrodinger's Weapon](#)" to get the idea), and during this conference did so on a daily basis.

Since the conference, there have been many excellent NGO essays on the process and outcome with more appearing every day. It was my intention to provide the best of them for you but I find it is impossible for me to do them justice here. Two more excellent pieces just came in this evening ([here](#) by Cesar Jaramillo, with my comments, and [here](#) by Kjølv Egeland, a very good piece that anticipates and complements some of what is below but with better historical background).

The only positive accomplishment at the conference – but it is a redeeming, upbeat note that more than compensates for the expected (indeed, [planned](#)) failure – was what the *Washington Post* called an "uprising among civil society groups and the coalition of 107 states, which are seeking to reframe the disarmament debate as an urgent matter of safety, morality and humanitarian law."

These [107 states](#) (now 108) want to do more than to "reframe the...debate." They pledge to help stigmatize and *prohibit* the possession of nuclear weapons, i.e. to *ban* them, with or without the consent of the nuclear weapon states (NWSs). This is the upbeat note. It's in a new key, as it has to be – or at least a key not much heard since the 1950s.

None of these 108 states or the NGOs working with them has any illusions about the direct, overt coercive effect of a ban on the policies of the NWSs, a frequent misunderstanding. The influence of a nuclear weapons ban doesn't come from a binding treaty negotiated and signed by NWSs. It's a different process, about which a little more below (and in the references [here](#)).

Before the RevCon, the number of states endorsing the humanitarian perspective and a ban stood at 70. To convince the foreign ministries of 37 more states to join the movement to prohibit nuclear weapons *even during the distractive RevCon* is a testament to the quality, energy, and strength of the civil society movement embodied in the [International Campaign to Abolish Nuclear Weapons](#) (ICAN), which now represents 424 organizations in 95 countries.

It is also a testament to the widespread and deep frustration of most non-nuclear weapon states (NNWSs) with the lack of progress on and commitments to nuclear disarmament.

All these NNWSs joined an NPT regime which requires the five original NWSs (the "P5," so-called because they are also the permanent members of the UN Security Council) to disarm. They haven't, they aren't, and they won't even *discuss* substantive disarmament steps with each other, let alone in the NPT context, although they drone endlessly about a "step-by-step" or "building blocks" approach to disarmament. But as to actually taking one of these steps – well, that's something else, isn't it? (See for example "[US Policies Belie Claims of Article VI Compliance](#);" here's a slightly [longer version](#) of the same article. For the larger picture, documented in detail for all the nuclear weapon states, see [Assuring Destruction Forever: 2015 Edition](#)).

For our members and donors we should say that the Study Group was well represented at this RevCon. As mentioned in [Bulletin 204](#), we wrote the chapter on [modernization of US nuclear weapons](#) in [Assuring Destruction Forever](#) and co-wrote the book's introduction. Our "[Ban the Bomb, Save the Planet: a Perspective from within a Nuclear-Armed State](#)," was in the conference-opening issue of [NPT News in Review](#). "[US Policies Belie Claims of Article VI Compliance](#)" rebutted the specious State Department claim that the US is disarming. Thank you for the opportunity to provide these materials.

We really got about the best outcome from the RevCon we could have hoped for

We think the outcome of this conference was not just upbeat, *but about the best anyone could have reasonably hoped for*. Why?

First, there was no final consensus document. That's very good, because these negotiated consensus documents (sometimes produced, sometimes not) have been a waste of time for anyone seeking nuclear disarmament. Harsh words?

Well, look at [the record](#). What has been their effect? None.

It was always a given that no *worthwhile* document would emerge in 2015 given a) the consensus process required, b) the complete intransigence of the nuclear weapon states regarding nuclear disarmament, and c) the unwillingness of the U.S. and some of its allies to even *discuss* the Israeli nuclear arsenal, let alone convene a conference under conditions which any single state (i.e. Israel) could not veto, to talk about a possible nuclear weapons free zone in the Middle East, a consensus commitment of 2010 and a major concern running back to 1995 at least. The enormous contrast between how Israel's advanced nuclear arsenal is treated by the US and its allies and how the [Article IV](#) right to peaceful nuclear technologies is treated in the case of Iran would be hardly credible as fiction, were it written before the state of Israel and its supporters gained such a powerful hold on US foreign policy and elections.

Essentially *none* of the many disarmament promises wrung out of the P5 at successive RevCons have been kept. Why bother with a new set? (See the un-actioned 1995 "[Resolution on the Middle East](#)," the un-implemented "[Thirteen Practical Steps](#)" of 2000, and the 64-point "[Action Plan](#)" of 2010, the general lack of implementation of which has been [reviewed in detail by year and topic](#) by RCW.) The P5, led by the US and its allies, have by this point so damaged the credibility of the NPT regime that a new set of empty promises can hardly repair it. Something more is needed. [The lack of a consensus outcome makes this reality quite clear, which we must deem a very positive event.](#)

Rebecca Johnson of the [Acronym Institute](#), an astute longtime diplomatic observer and participant, sums up the P5-created NPT crisis in an [analysis of this RevCon](#).

The five nuclear armed states within the treaty have taken it [the NPT] for granted as their political fiefdom, acting as if its extension in 1995 has legitimized them to possess and deploy nuclear weapons indefinitely as long as they engage in diplomatic rituals of public criticism every five years. Meanwhile, the four nuclear-armed states outside the NPT continue to benefit [by NPT-based scrutiny of geopolitical adversaries and NPT-based nuclear abstention by 186 countries] without paying any membership dues. An egregious example was set by the US nuclear deals brokered by the Bush administration with India a few years after that non-NPT state conducted nuclear tests and declared itself a "nuclear weapon state". And now comes this week's decision by the US, UK and Canada to sacrifice the chance of a consensus 2015 NPT outcome for the sake of Israel, another nuclear-armed non-NPT state.

Second, the way the consensus collapsed was revealing – and revolting. A nuclear weapon state *not even party to the treaty* was able to spike *five years* of preparatory diplomacy and a month-long negotiating conference? The US and UK cared so little about this conference they were ready to throw its negotiations away at the last second to show their support for Israel and its nuclear arsenal? Really? And this, while the nuclear nonproliferation regime in the Middle East is poised to collapse further, not because of Iran but rather because of Saudi Arabia, which is [hinting](#) that it might want to buy nuclear weapons from Pakistan with or without Pakistani forces to deliver them? The sudden exertion of domineering power by the US and its allies in support of nuclear double standards was particularly shocking – and hopefully clarifying – for all who seek a Middle East nuclear weapons free zone.

Such hopes are vain as long as the basic question of the legitimacy and legality of nuclear remains unsettled. The P5, no doubt with variations that need not concern us, claim the NPT gives their nuclear arsenals special legitimacy. This is an aspect, and not the only one, of the so-called "legal gap" that allows certain states to *legitimately*, they think, threaten the whole world with nuclear weapons.

That legal gap will remain open to the extent it is not closed – by treaty. The nuclear weapon states will certainly not close it. The only process that will close that gap is the negotiation of, and gradual accession by more and more states to, [a nuclear weapons ban treaty](#), which prohibits and stigmatizes the possession and use of nuclear weapons. It is a ban-shaped gap. Of course a ban treaty cannot force states to disarm their nuclear arsenals, but it can outlaw the failure to do so, with significant implications internationally and domestically.

It is probably also the only way to save the NPT nonproliferation regime, based as it is on the norm of nuclear non-possession, which the nuclear weapon states continue to erode both in practice and in rhetoric.

In the final analysis diplomats, like the rest of us, are personally responsible for what they say and do. Rose Gottemoeller, the Under Secretary of State for Arms Control and International Security, works in an administration that has [disarmed less](#) and is [modernizing more](#) than any prior post-Cold War administration. She is also personally responsible for spiking consensus at this RevCon. Like Obama, Ms. Gottemoeller had a liberal arms control reputation before this job. Like Obama, she is now implementing an opposite agenda.

Third, and most important as already noted, [a majority of world's states](#) have now formally associated themselves with efforts to prohibit the possession and use of nuclear weapons based on their fundamental immorality, their incompatibility with humanitarian law and the principles underlying it, and the risk nuclear weapons pose for "the very survival of humanity,"

as expressed in the [Humanitarian Pledge](#). This movement is growing, intelligent, well-organized, young, less male-dominated than usual, has a clear and achievable objective, and it is not based in the US or hostage to US funders, all of which are strong points.

To sum up, for these three reasons we think this “failed” conference is an excellent milestone or coming-of-age in what could be a new disarmament era, with new structures, organizations, people, and a new framing of the issues. Above all what is different is that the US – neither the US government nor the largely-captive nonprofit-academic complex through which it frequently acts – does not control this movement.

What is new and upbeat will not be understood in Washington, but that’s fine.

The upbeat note of the Humanitarian Pledge is unlikely to be heard or understood in Washington, DC. That is because this note comes in a new key, a frequency inaudible in official Washington and likely to remain that way for the foreseeable future, precisely because it threatens the nuclear status quo. And not just that, but through that, it threatens to some extent the identity, prestige and therefore the power of the US government internationally and even, *nota bene*, domestically. All of these are at present deeply associated with nuclear weapons. Nuclear weapons, unchallenged, remain potent status markers in the world system and key elements of national identity. The humanitarian frame of reference threatens all that. It attempts to re-place *respect for the human person* as a hallmark of legitimate power. It discredits threatened mass destruction as an instrument of statecraft. Overt threats of mass destruction emanating from the “legal gap” mentioned legitimate lesser forms of violence for political and business leaders and in societies, including forms of structural violence. Such structural violence, conveyed economically and amplified by political corruption, resource exhaustion, and environmental collapse, is a terrible reality that affects billions already. It is war by other means.

The fact that this new note is “inaudible” in Washington does not mean it is ineffectual. At present, official Washington is ignoring quite a few important new realities external to itself and its self-conception of power, the very definition of hubris. New realities in international relations, in the environment, in resources and economics, in society – to pick a few – are not less real and powerful just because official Washington cannot as yet understand them or act responsibly. There are any number of things Washington doesn’t understand and won’t, until change is forced from the outside, in a new key, magisterially. That is just how it is for this country now.

It appears to us at the Study Group (as it does to most other Americans) that the capital of this country is functionally bewildered, trapped on a fundraising treadmill no one knows how to stop, and lost in its own propaganda, ideologies, and power games. It is obviously extremely corrupt. Many congresspersons could be diagnosed as sociopaths, as one experienced criminal psychologist we know confidently assures us. Washington is always hard of hearing where self-interest is not the dominant note. But it *will* respond, in some lame way, when there are no other options. We say this even though we spend a fair amount of time in Washington and do really treasure our professional and personal friendships there.

Official Washington will probably never consciously realize or admit that nuclear weapons cannot be used in war without unacceptable risks, have no military value whatsoever, and are inherently immoral. Neither does Washington recognize that these facts – and that’s what they are, facts – and others that follow from them create a cascade of military, management, and political implications that no legislation or policy can ever fully mitigate. Those implications are however very real and they must be faced in practical terms, with or without understanding. Why there are so many problems in maintaining and modernizing nuclear forces? The US government has commissioned hundreds of studies addressing aspects of that problem and is no closer to answers. All the real answers, the rational ones that could work, are off the table before the studies even begin.

The notion that the nuclear weapons enterprise, taken as a whole and in its several parts, is incompatible with human aspirations and with the mores of the society in which it is embedded –with those of any society or civilization – does not occur to official Washington except in whispers. In Washington the “warheads” reign, proclaiming in a hundred ways at breakfast speeches, in learned think-tanks and in congressional hearings, “L’etat, c’est moi.”^[i] Saying so does not however make it true. Neither does it pay the bills. To paraphrase Shakespeare’s *Henry V*, “Canst thou, when thou command’st [the economy],/ Command the health of it?” On that, all depends.

The inability of official Washington and some of its captive NGOs to process the import of a ban treaty comes down to something very simple: Washington policymakers cannot conceive of not being in charge, not just of the US but of the world. Such thoughts kill careers and must be kept at bay.^[ii]

All this is to say that the ban process is not just about nuclear weapons. It’s also about power and initiative in world affairs – who has it, and who does not. The ban process, as opposed to other hypothetical disarmament paths (steps, building blocks, comprehensive binding disarmament treaties, and all other processes which nuclear weapon states can veto) is about *who decides* whether nuclear weapons are legitimate.

The NPT supposedly makes nuclear weapons illegitimate. But unlike the enforcement provisions imposed on non-nuclear

signatories, there are no enforcement provisions for NWSs, and so the NPT divides the world into two classes of states as far as nuclear weapons and technologies are concerned. This structure provides potent reasons for the US in particular to nuclearize international discourse whenever possible in any of several ways, casting diplomacy into channels comfortable for the exertion of US power. So the NPT, instead of being a disarmament treaty that sooner or later applies equally to all states, has become in many ways a geopolitical hammer permanently available to those very few NPT NWSs with the means and motive to use it, i.e. the US and its allies. That is, the existing NPT regime is also very much about power. It was the misuse and inequitable distortion of the world's nonproliferation regime in favor of one or two states, including one – Israel – that perennially contravenes international law and has refused to even acknowledge its nuclear arsenal, that was the reef on which this RevCon wrecked.

Washington will never *decide* to disarm its nuclear forces. Trim – yes; disarm, no. What Washington cannot conceive are decisions forced upon it by intransigent circumstances or independent sovereignties. But these exist. Great natural disasters, economic disasters, defeats in war, ecological disasters – these are not subject to the vanity of this or any Congress. Neither can the US control the world. That sounds obvious but it's not, not in Washington, where Wolfowitz's disastrous 1992 Draft [Defense Planning Guidance \(whole text here\)](#) has been the more or less the guiding policy, more evidently in some periods than in others. It's a failing policy of course, and accordingly this a very dangerous moment for the world. In the years since 1992 American wars and proxy wars have already been fatal to millions.

The military and Congress cannot make nuclear weapons moral by any amount of legislation, rah-rah pep talks, or medals. Government cannot dictate *morale*, or costs, or risks, in the nuclear weapons complex, in the ICBM silos and submarines, in the military, or on the dockyards. Government, even with all its powerful adjuncts, cannot ultimately succeed in controlling individual conscience.

The Ban treaty process is of a piece with decline in post-Cold War American hegemony. It is resisted for that reason, despite its harmony with the civilizational values America supposedly champions. It does not as much *cause* loss of hegemonic power as it is an expression of it, but it would help make that loss of power manifest and demonstrable.

The Ban is about greater equality among nations. It says “nonproliferation” and “nuclear security” are not subjects inherently owned and defined by the P5 alone. It says to the nuclear weapon states inside and outside the NPT, “We cannot force you to disarm. But if you do not you will pay a price, a real price in legitimacy, prestige, power, and in certain business arrangements, which some of us may decide to sanction. If you want to squander your resources you can, but you may or may not be able to operate your nuclear weapons industry. We'll see. Meanwhile we are standing for civilization, and for humanitarian law and the moral principles expressed in them. We are standing for human solidarity and survival. The “values” expressed in your nuclear deterrence are unspeakably barbarous. Your policies are outlawed by the civilized world. We do not accept the legitimacy of your so-called “deterrence,” which is nothing but a suicide pact for civilization and quite possibly all of humanity.”

For the Study Group,

Greg Mello

[i] This insight into the unacknowledged political power of nuclear weapons, by definition absolute in their broad sphere unless challenged, is that of Joel Kovel, *Against the State of Nuclear Terror*, 1983, South End Press.

[ii] Not coincidentally, images of mass destruction are one way such thoughts are kept at bay. Coetzee (*Waiting for the Barbarians*):

One thought alone preoccupies the submerged mind of Empire: how not to end, how not to die, how to prolong its era. By day it pursues its enemies. It is cunning and ruthless, it sends its bloodhounds everywhere. By night it feeds on images of disaster: the sack of cities, the rape of populations, pyramids of bones, acres of desolation.

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