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Impacts of the nuclear ban: how outlawing nuclear weapons is changing the world

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ABSTRACT

The process to negotiate and adopt the Treaty on the Prohibition of Nuclear Weapons has already had significant impacts on nuclear weapon law, politics, economics, and social and academic discourse. While the full range of effects of the nuclear ban is not yet known, economic divestment and changes to nuclear weapon discourse are well underway. This article examines how some of the expectations and hopes of the Treaty's advocates are being fulfilled, and what else might be possible.

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The adoption of the Treaty on the Prohibition of Nuclear Weapons (TPNW) on 7 July 2017 was not an end, but a beginning. The nuclear ban was conceived as part of a set of tools that could help change the political, legal, social and economic landscape related to nuclear weapons.[1] Knowing full well that the nuclear-armed states were unlikely to support such an instrument, let alone engage in its negotiation, those advocating for the ban aimed to create new law that would disrupt dominant narratives, shake up the status quo, and create new opportunities and incentives for nuclear disarmament.

Doing something against the wishes and commands of the most militarily and economically powerful countries in the world was a difficult prospect for some governments. But the logic of the nuclear ban was compelling enough for most of them. Nuclear weapons have catastrophic humanitarian and environmental consequences and must never be used again. The only way to ensure that they are never used again is to eliminate them. This core belief motivated the majority of countries to support the negotiation of the TPNW.

Given the vested interests of a few powerful countries in favour of retaining nuclear weapons, a key goal of those pursuing the Treaty was to delegitimize and stigmatize these weapons. Making them illegal, for everyone, is a key part of this process. This has been true for biological and chemical weapons, antipersonnel landmines, and cluster bombs. These weapons have not magically disappeared, but their prohibition has led to their stigmatization, to elimination processes, and to condemnation of their use. Those

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[1]See for example Ray Acheson et al., *A Treaty Banning Nuclear Weapons: Developing a Legal Framework for the Prohibition and Elimination of Nuclear Weapons* (New York: Women's International League for Peace and Freedom and Article 36, April 2014), http://www.reachingcriticalwill.org/images/documents/Publications/a-treaty-banning-nuclear-weapons.pdf.

supporting the nuclear ban expect that the prohibition of nuclear weapons could have similar effects.

The nuclear ban also promised a departure from the past practice of allowing the nuclear-armed states to dictate the terms of nuclear disarmament initiatives. Over the last 70 years, attempts to convince or cajole the nuclear-armed states to comply with their nuclear disarmament obligations have been unsuccessful. While the United States and Russia dismantled thousands of warheads after the Cold War, and have reached a number of nuclear arms limitation agreements with each other, all of the nuclear-armed states have continued to invest billions in modernizing and extending the lives of their nuclear arsenals. They have broken disarmament commitments, backtracked on previous rhetoric for nuclear abolition, and been dismissive of the views of those governments and peoples that reject nuclear weapons – even while they react with sanctions and even violence when faced with the threat (or perceived threats) of nuclear proliferation.

This situation has been untenable for years, but those without nuclear weapons felt unable to change it. Until the nuclear ban. Understanding that the alternative to the ban was to merely continue 70 years of inaction on disarmament and confronted with a new nuclear arms race, the vast majority of countries determined that together they could make a difference.

They were not disappointed. Not only did they manage to negotiate and adopt a strong new treaty, but it is already starting to have some of the impacts that its earliest proponents hoped it could.

Achieving entry into force

One hundred and twenty-two governments voted for the Treaty's adoption on 7 July 2017. When the instrument opened for signature on 20 September 2017, over 50 countries signed immediately. Since then, governments around the world have initiated their internal processes to sign and ratify the Treaty. Fifty ratifications are necessary for the Treaty's entry into force. In the meantime, parliamentarians and other political figures in countries around the world – including those countries whose governments have not necessarily been supportive of the nuclear ban – have been pledging to work to achieve their government's ratification of the Treaty. About 600 parliamentarians have so far signed the Parliamentary Pledge,[2] which is coordinated by the International Campaign to Abolish Nuclear Weapons (ICAN).

ICAN is also actively encouraging supportive countries to undertake their ratification processes, and is working in countries that have so far not supported the ban to shift positions. This requires educating governments about the Treaty's benefits, its consistency with their rhetoric and commitments to nuclear disarmament, and on what changes are necessary (or not necessary) to be in compliance with this new instrument.

Generating cognitive dissonance

These conversations themselves have an impact on the status quo. The process to ban the bomb has, more than any other disarmament initiative before it, exposed the cognitive

[2]See http://www.icanw.org/projects/pledge for current signatories.

dissonance of 'nuclear deterrence', illuminating its corrupt self-serving rationale and its influence over international affairs. Those engaged in banning nuclear weapons took away the veil of legitimacy and authority of the nuclear-armed states – dismantling their arguments, disrupting their narratives, and ultimately standing up to their projection of power.[3]

With the TPNW now firmly on the table, debates about the ban and about nuclear weapons are only increasing. This means new opportunities for public discussion about the nature of nuclear weapons, about the policies and practices that sustain them and put the world at risk, and about alternatives for global security.

In this context, the tension between many governments' stated commitment to achieving a nuclear weapon free world and their actual policies that support the maintenance of these weapons is becoming clearer and more public. Several countries, such as Norway, Italy, Sweden, and Switzerland, are undertaking investigations into the legal and political implications of joining the TPNW. Some government officials already seem to be struggling with the dissonance between their current policies and their own rhetoric. The Norwegian prime minister, for example, said in an interview with Norwegian Broadcasting Service (NRK Dagsrevyen) that while Norway supports the North Atlantic Treaty Organization (NATO)'s strategic doctrine, which includes nuclear weapons, Norway itself does not have a policy of being under a nuclear umbrella. Attempting to dissociate Norway from the use of nuclear weapons, she nevertheless admitted that Norway supported NATO having and being willing to use nuclear weapons, including in 'defence' of Norway.[4]

This kind of intellectual wrestling with the reality of being complicit within the system of nuclear 'deterrence' – the practice and policies which put the world at risk of annihilation – is a product of the stigmatization process. Stigmatizing nuclear weapons is proving to be essential – and rather straightforward. There is already a baseline from which to further undermine the justifications for these weapons. Even the countries that declare nuclear weapons essential for their security already respond with righteous indignation and economic sanctions against any new country that is suspected of developing a nuclear weapon capacity. If a North Korean or Iranian bomb is so awful that anything is justified to stop it, how is an American or Russian bomb any different? If we are afraid of nuclear weapons in Trump's hands, aren't we really afraid of nuclear weapons altogether? Regardless of which country or leader uses these weapons, the results will be the same. This is what it means to stigmatize the weapons, rather than those that wield them.

Facilitating economic divestment

Another product of the stigmatization process is economic divestment. One of the key aspirations for the nuclear ban was that it could prohibit the financial investment in nuclear weapon production and maintenance. While this does not appear as a specific

[3]See for example Alexander Kmentt, 'The Development of the International Initiative on the Humanitarian Impact of Nuclear Weapons and Its Effect on the Nuclear Weapons Debate', *International Review of the Red Cross* 97, no. 899 (2015): 681–709; Nick Ritchie, 'Valuing and Devaluing Nuclear Weapons', *Contemporary Security Policy* 34, no. 1 (2013): 146–73; and Matthew Bolton and Elizabeth Minor, 'The Discursive Turn Arrives in Turtle Bay: The International Campaign to Abolish Nuclear Weapons' Operationalization of Critical IR Theories', *Global Policy* 7, no. 3 (2016): 385–95.

[4]Transcript from NRK Dagsrevyen interview with Norway's Prime Minister Erna Solberg, December 19, 2017, https://tv.nrk.no/serie/dagsrevyen.

prohibition in the TPNW, it is included in the prohibition on assisting, encouraging or inducing anyone to engage in any activity prohibited by the Treaty.

In practical terms, this means that states parties to the TPNW would need to withdraw any government money (such as pension funds) from companies that produce nuclear weapons. It also means that banks, pension funds and other financial institutions will face pressure to withdraw their money from such companies. In this way, the nuclear ban is likely to have a significant impact on nuclear weapon modernization programmes and financial investments in nuclear weapons, delivery systems, and related infrastructure.

Companies get and stay involved in the nuclear weapons business because it brings them significant income with low financial risk or investment. The work and relationships with governments involved in nuclear weapons facilitate other profitable activities, e.g. in the development and marketing of nuclear power stations, in physical security, or in surveillance, intelligence, and counter-proliferation. The prohibition on 'assistance' with prohibited acts has a material impact on the corporations involved in the production of nuclear weapons. It helps to undermine these companies' rationale for being involved with the nuclear weapons business. For nuclear warheads per se, only a fairly small number of companies are involved, but many of these companies greatly value their wider international business.

The divestment campaign accompanying the treaty banning cluster munitions has been successful in affecting the financial interests of corporations producing these weapon systems and related components. Even within countries that have not joined the Convention on Cluster Munitions, companies have ceased production on these illegal weapons. For example, the last company producing cluster munitions in the United States, Textron, announced in August 2016 that it would no longer produce these weapons. The US government has not allotted funds for cluster munition production since 2007, even though it did not join the Convention adopted in 2006.[5]

Many investment firms and pension funds are already divesting from nuclear weapons – including in those countries that have not yet joined the TPNW. The Norwegian government announced it will exclude investments in BAE Systems, AECOM, Fluror Corp, Huntington Ingalls Industries and Honeywell because of these companies' involvement in the production of key components for nuclear weapons.[6] The largest Dutch pension fund, the civil servants fund Stichting Pensioenfonds (ABP), has decided to end its investments in producers of nuclear weapons. The pension fund recognizes that the TPNW was decisive in its decision.[7]

As of 2016, about 390 financial institutions around the world invested 498 billion USD in 27 companies involved in the production, maintenance and modernization of nuclear weapons.[8] However, a number of institutions have already excluded nuclear weapon production from their investment portfolios, or are in the process of making this change. Don't

[5]Thomas Gibbons-Neff, 'Why the Last U.S. Company Making Cluster Bombs Won't Produce them Anymore', *The Washington Post*, September 2, 2016, https://www.washingtonpost.com/news/checkpoint/wp/2016/09/02/why-the-last-u-s-company-making-cluster-bombs-wont-produce-them-anymore.

[6]Alan Tovey, 'BAE Ditched by Norway's $1 Trillion Investment Fund over Nuclear Weapon Concerns', *The Telegraph*, January 16, 2018, http://www.telegraph.co.uk/business/2018/01/16/bae-ditched-norways-1-trillion-investment-fund-nuclear-weapon.

[7]Maaike Beenes, 'Largest Dutch Pension Fund to Divest from Nuclear Weapons', *Don't Bank on the Bomb*, January 11, 2018, https://www.dontbankonthebomb.com/largest-dutch-pension-fund-to-divest-from-nuclear-weapons.

[8]See the latest figures from Don't Bank on the Bomb, https://www.dontbankonthebomb.com/who-invests.

Bank on the Bomb, a report issued by the Dutch civil society organization Pax Christi Netherlands (PAX), keeps track of the companies involved in nuclear weapons as well as the banks and other institutions investing in them, and promotes actions that everyone can undertake as part of a nuclear weapon divestment campaign.

Challenging 'realism' and smashing the patriarchy

As well as economic divestment, the nuclear ban has also enabled ideological divestment from 'deterrence' and other arguments used to justify the maintenance and possession of nuclear weapons. It has also exposed and challenged patriarchal tactics used to suppress the perspectives and agency of anyone who might challenge those in a dominant position.

Outlawing nuclear weapons in an international agreement that the nuclear-armed states did not negotiate has created much consternation in the political, diplomatic and academic spheres. Scepticism about the utility of the TPNW has been greatly encouraged by the nine countries that possess nuclear weapons: China, France, India, Israel, Pakistan, North Korea, Russia, United Kingdom and United States. Some US allies – those that claim security from US nuclear weapons and rely on the myth of 'extended nuclear deterrence' for their perceived protection – have also contributed to the embittered naysaying about the ban.

Their arguments are generally that the proponents of the ban do not understand the security concerns of countries with nuclear weapons – that they are naive, irrational, irresponsible, impractical and even emotional.

The governments supporting the ban were largely those of the global south. Almost all countries in Africa, Latin America, the Caribbean and Southeast Asia supported the initiative. A cross-regional 'core group' of countries, consisting of Austria, Brazil, Ireland, Mexico, Nigeria and South Africa, together with a number of others such as Costa Rica, Jamaica, Malaysia, New Zealand and Thailand, drove the process forward despite the opposition to it. These governments were encouraged and supported by ICAN, representing almost 500 organizations in over 100 countries, as well as the International Committee of the Red Cross and the global Red Cross and Red Crescent movement.

When the governments possessing or supporting nuclear weapons accuse these countries and civil society groups of being naive, irrational, irresponsible and emotional, it comes across both as racist and patriarchal. These accusations assert that the dominant countries' perspective on security and nuclear weapons is the only acceptable option. That the 'security interests' of countries with nuclear weapons are more important than the rest of the world's concerns with the catastrophic humanitarian and environmental consequences of the use and possession of nuclear weapons.

The basis upon which these assertions are made is usually unjustified, misinformed, and rooted in a material or political commitment to the status quo. These claims bear some scrutiny. What is 'practical'? What is 'rational'? How do we measure these concepts and who determines the measurements? In the dominant discourse, those who are the most negatively affected by nuclear weapons development, testing, stockpiling and threatened use – women, indigenous peoples, the poor, inhabitants of the areas in which the weapons and stored – are not considered reliable sources for these determinations.

Instead, critiques coming from those affected, or from anyone who wants to elevate the voices and perspectives of those affected, are dismissed as 'emotional'. This dismissal is

highly gendered. When those flexing their 'masculinity' want to demonstrate or reinforce their power and dominance, they try to make others seem small and marginalized by accusing them of being emotional, overwrought, irrational or impractical. Women have experienced this technique of dismissal and denigration for as long as gender hierarchies have existed. The denial of reason in one's 'opponent' is destabilizing. It is an attempt to take away the ground on which the other stands, projecting illusions about what is real, what makes sense, or what is rational. It means putting self as subject and the other as object, eliminating their sense of and capacity for agency.

In the case of the nuclear ban, it is not just the reason or rationality of those supporting the prohibition and elimination of nuclear weapons that is denied by the nuclear-armed states. It is also the lived experience of everyone who has ever suffered from a nuclear explosion, or mining of nuclear material, or dumping of nuclear waste.

Objectification of others and control of 'reality' are integral to patriarchy, as they are to concepts like 'nuclear deterrence' and 'geostrategic stability' as a mechanism to maintain the current global hierarchy. The nuclear-armed states resisted the development of the humanitarian discourse because it focuses on what nuclear weapons actually do to human bodies, to societies, to the planet. Such evidence undermines the abstraction of nuclear weapons as deterrents or protectors, and refocuses attention on the fact that they are tools of genocide, slaughter, extinction.

Within this patriarchal construct of the world order, disarmament seems impossible – like a utopian vision of a world that cannot exist because, the argument goes, there will always be those who want to retain or develop the capacity to wield massive, unfathomable levels of violence over others, and therefore the 'rational' actors need to retain the weapons for protection against the irrational others. The refusal by the nuclear-armed states to constructively engage with the humanitarian discourse represents an acceptance of human beings intentionally put in harm's way – as objects, viewed within an abstract calculus of casualty figures. It stands in stark contrast to the concepts and laws of human rights and dignity and poses a serious challenge to global justice.

This approach also insists upon the notion that states, as coherent units, must always be at odds with one another, seeking an 'accommodation' of their differences rather than collectively pursuing a world in which mutual interdependence and cooperation could guide behaviour through an integrated set of common interests, needs, and obligations, considerations that characterize human security, distinguishing it from state centred notions of security. Policy decisions are based on conceptions of power imbued with mistrust, threat, fear and violence. Such policies do not allow for other types of inter-state engagement or relationship between citizens and states; they dismiss such alternatives, characteristic of feminist and human security-based approaches, as utopian and unrealistic.

This practice of clinging to the established theory of 'realism' limits the range of acceptable responses to the nuclear ban treaty and accurate analyses of its potential or actual impacts. It also limits the ability of the theory's advocates and adherents from confronting the challenges that nuclear weapons pose to security and stability, at national and international levels.

In his history of scientific revolutions, Thomas Kuhn argues that each shift in science is hard come by, due to resistance of scientists to let go of existing theories.[9] Students study

[9]Thomas S. Kuhn, *The Structure of Scientific Revolution* (Chicago, IL: University of Chicago Press, 1962).

the precepts of paradigms to prepare for membership in the community with which they will later practice. Each person whose research is based on these shared paradigms is committed to the same rules and standards. When scientists, as a community, are confronted with information that is inconsistent with the collective understanding of how the world works, there is generally broad resistance to these challenges. Even when confronted with 'severe and prolonged anomalies', they are unlikely to renounce the paradigm that has led them into crisis until they have a new theory ready to take its place.[10]

We are in a paradigm shift around nuclear weapon theory now. It took courage for states negotiating and signing the TPNW to stand up to the nuclear-armed states – courage that was denied them repeatedly by those entrenched in the dominant discourse of realism and international relations theory. A handful of governments have thus far controlled the narrative and even much of the scholarship on nuclear weapons for so long that most of the world believes they have the legitimate right to do so. But they do not. The adoption of the nuclear ban makes this very clear. Undertaken by a collective partnership of civil society and diplomatic actors in the face of strong opposition by the nuclear-armed states and some of their nuclear-supportive allies, the process to ban the bomb has confronted structures of power within international relations. Academics and others engaged in the production of knowledge will need to contend with this new reality moving forward, which in turn will have an impact on what are considered legitimate actions and processes in the future.

Supporting and sustaining the resistance

The story of the nuclear ban – and why it could be achieved now – must be seen in the much larger context of broad global resistance to injustice and oppression. Nuclear weapons are part of bigger systems of patriarchy, racism, militarism and capitalism – systems that have been challenged throughout history, and that are being challenged now in new ways, from new collectives of people around the world.

Women and LGBTQIA people are leaders in the current anti-nuclear movement, challenging the normative discourses that traditionally allow certain perspectives to be heard. Women also played a leading role amongst the diplomats in the process to ban nuclear weapons, with some delegations to the negotiations even being comprised solely of women. People of colour also played a leading role in the nuclear ban. The process was galvanized and led by the nonwhite world, both in terms of governments and civil society. ICAN campaigners from Brazil to Kenya to the Philippines were instrumental in advocacy while most of the governments involved in the process are also from the global south. Indigenous nuclear weapon test survivors from Australia and the Marshall Islands gave testimony during negotiations alongside Japanese atomic bomb survivors. Nuclear weapon policy has long been recognized as racist and colonial.[11] Banning nuclear weapons meant taking a stand against these policies, working together at the United Nations where all countries are supposed to have an equal say.

[10]Ibid., 77.

[11]See for example Vincent J. Intondi, *African Americans Against the Bomb: Nuclear Weapon, Colonialism, and the Black Freedom Movement* (Stanford, CA: Stanford University Press, 2015); and Kjølv Egeland, 'UK Nukes: Why the World Is Asking Britain to Disarm', *New Internationalist*, October 26, 2016, https://newint.org/contributors/kjolv-egeland.

As with all other social justice issues, laws will not fix everything straight away – and whatever gains are made are assaulted by push back from those who fear loss of their privilege and power. But things do change. The nuclear ban must be seen in this context: in the context of resistance to injustice, inequality and oppression; and in the context of making meaningful change through acts of courage. This is something that the nuclear ban has offered to the world: an act of resistance and hope; an example of creating change in the face of powerful opposition. Regardless of whatever else the nuclear ban brings from here, this in itself has incredible significance.

Disclosure statement

No potential conflict of interest was reported by the author.

Notes on contributor

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