UN on Nuclear Disarmament and the Ban Treaty: An Interview with Izumi Nakamitsu

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ABSTRACT

Izumi Nakamitsu of Japan is Under-Secretary-General of the United Nations and High Representative for Disarmament Affairs. She assumed her position on 1 May 2017 and has provided support to the negotiation process of the Treaty on the Prohibition of Nuclear Weapons (TPNW), which was opened for signature on 20 September 2017. Previously, she served as an assistant administrator for crisis response at the United Nations Development Program (UNDP), a special adviser for the Secretary-General on the follow-up to the summit on large movements of refugees and migrants, and the director of the Asia and the Middle East Division of the United Nations Peacekeeping Department. In her UN career, she principally dealt with issues related to international peace and security from various perspectives. Now, as the United Nations disarmament chief, she emphasized the following in a speech in Nagasaki: “Due to constant advances in military capabilities and in the nature of armed conflict, inaction on nuclear disarmament cannot be equated with maintaining the status quo. Inaction on disarmament will lead to a world that is more insecure and less stable.” In this interview, she expressed her perspectives on the TPNW as well as future visions and challenges on global disarmament, including nuclear disarmament. The following text is an excerpt from the interview, which was conducted at the Nagasaki University with Fumihiko Yoshida and has been edited for this journal.

Fumihiko Yoshida (FY): Today, I would like to ask you some questions mainly about the Treaty on the Prohibition of Nuclear Weapons (TPNW). First of all, how do you evaluate the treaty, Ms. Nakamitsu?

Izumi Nakamitsu (IN): The TPNW is a historical step forward to a world free from nuclear weapons. It is the first multilateral nuclear disarmament treaty adopted at the UN in more than 20 years. In recent decades, there is a widespread perception that progress toward this goal has stalled. The pace of nuclear arms reductions has slowed. Nuclear weapon systems remain on high alert, available for launch within minutes. Nuclear-armed countries are modernizing and upgrading their arsenals. Several of these States are also continuing to build up the overall size and diversity of their warheads and delivery systems. Today, the annual global military expenditure amounts to $1.7
trillion. There are many self-described realists in the world who call disarmament a utopian dream, they consider disarmament can only be realized in ideal circumstances of world peace.

However, from my point of view, this cynical worldview turns our present situation on its head. To paraphrase Dag Hammarskjöld, the goal of disarmament is not to bring us to heaven, but rather it is to spare humanity from ever again suffering from horrors like those experienced by the Hibakusha.

FY: The treaty text was adopted in a negotiation conference even though there was no political will on the part of Nuclear Weapon States (NWSs) to join in the treaty. How do you see this decision made by most of Non-Nuclear Weapon States (NNWSs)?

IN: Even though NNWSs are not monolithic, they have a common understanding that there has been only a little progress in nuclear disarmament. This is how they see the situation – NWSs have committed under the Article 6 of the NPT to pursue multilateral negotiations on nuclear disarmament in good faith, but, for many NWSs, it seems they have forgotten the commitment. As long as we continue to have nothing to complement Article 6, nuclear disarmament will not progress. This is their interpretation.

NNWSs had expected that there would be more tangible progress on nuclear disarmament by the 2015 NPT Review Conference, based on the action plan agreed at the 2010 NPT Review Conference. I cannot say anything on this with certainty since I was not then in charge of disarmament affairs. But it seemed that many NNWSs had a position to wait until 2015 with some expectation that the NPT Review Conference would be able to produce positive results. After the NPT review conference failed to do so, NNWSs chose to rapidly move to the UN General Assembly (UNGA) as a negotiating forum.

The number of countries which voted yes for the TPNW was 122, and a similar number supported the UNGA resolution that mandated a negotiating conference leading to the treaty. This shows that frustration had mounted among many in the international community over the stalled pace of nuclear disarmament. And NWSs have failed to recognize this frustration.

It is said a “grand bargain” is embedded in the NPT related to nuclear disarmament and nonproliferation and the peaceful uses of nuclear energy. Part of this bargain requires NNWSs to undertake verifiable nuclear nonproliferation commitments. In exchange for this, NWSs are required to advance nuclear disarmament. It is because of this bargain that this treaty, though structured in an unequal manner, has survived. Nevertheless, NWSs stay focused mostly on nuclear nonproliferation, while the pace of nuclear disarmament has ground to a halt. This is why frustration has mounted among NNWSs.

FY: Resolution L.41, adopted on 27 October 2016 at the First Committee of the UNGA, requested to convene a conference in 2017 to negotiate a “legally binding instrument to prohibit nuclear weapons and leading towards their total elimination.” Namely, the resolution did not necessarily call for an adoption of a comprehensive ban treaty, instead, it gave some flexibility to a negotiation conference about possible contents of a treaty. But the treaty eventually adopted by the conference was much more demanding as if it looked like a Nuclear Weapons Convention. How and why did advocates of the treaty choose this way?
IN: There were various views among countries which promoted a ban treaty. Initially, some thought of a simple treaty which bans only the use of nuclear weapons. But more and more countries gradually came to support a treaty to comprehensively ban nuclear weapons. This is a result of diplomatic and political dynamism created by a group of core countries in the negotiation. So which country was most influential? I think Austria, Mexico, and South Africa were among them.

Having said that, I must also add there were various differences among these countries. Article 4 of the TPNW, which specifies paths towards the total elimination of nuclear weapons, became very lengthy throughout the negotiation. The advocates of the treaty tried not to make it an obstacle to the participation of NWSs. The final text is a product of such intention. Since a group of core countries, I think, intended to make the treaty more effective in the future, they sought to build in more flexibility in interpretations and implementation of articles.

FY: Abolition of nuclear weapons is a hard work both politically and technically in the first place. We cannot write all the ideal requirements in a treaty. Nevertheless, the advocates of the ban treaty energetically sought more desirable clauses, and they have reached to the point where we are now.

However, I also have to say this. More deliberately a complex process towards the abolition of nuclear weapons is designed, more questions we come up with.

IN: Since this is what UN Member States produced, I cannot make a detailed comment on this as the representative of UN Office for Disarmament Affairs (UNODA). I can only say they struck a delicate balance. By retaining clauses which could bring us to a world without nuclear weapons, they refused to abandon their ambition. At the same time, they tried to make it as practical and effective as possible by leaving the door open to everyone. This is how Article 4 in the final text was made. The emphasis is on getting ready for existing NWSs to join in the treaty sometime in the future.

Therefore, more details have to be worked out. For example, Article 4 stipulates that, if a NWS wishes to accede to the treaty, the country is required to cooperate with the “competent international authority” towards the removal of its nuclear arsenal. But, at this moment, it is impossible to identify such an organization that would be able to verify the destruction of nuclear weapons, or to determine what role the IAEA will be likely to play. As a result, the clause became rather ambiguous. Since it is not expected that any of nuclear armed states will join in the treaty for the time being, how a “competent international authority” is formed would be subject to future negotiations. In this way, the final text has changed substantially from the original draft.

FY: When the resolution L.41 was adopted, did anybody in the UN expect a treaty which would prohibit nuclear weapons in such a comprehensive manner? Or did you expect some other variations?

IN: As part of his 5 Point Plan on nuclear disarmament, former UN Secretary-General Ban Ki-moon promoted a comprehensive ban or a framework of separate, mutually reinforcing instruments as pathways to nuclear disarmament. But it is not likely that NWSs will soon become members of the ban treaty. Ban encouraged possible
opponents of a ban treaty to at least take part in the negotiations. Many officials at the UNODA under the administration of Ban Ki-Moon preferred to think that even countries in the opposition camp should participate in the open-ended working group convened by the General Assembly to address concrete effective legal measures, legal provisions, and norms that will need to be concluded to attain and maintain a world without nuclear weapons.

However, from the convening of the open-ended working group onwards, NWS, along with allied nations, declared that they would not take part in discussions, let alone the negotiations. As far as I can see, such an attitude has backfired on them. Strong opposition from ambassadors of the US and some other countries was a sign of intensified antagonism between NWSs, Nuclear Umbrella States, and NNWSs.

FY: I am just wondering if the TPNW is an international humanitarian instrument or a disarmament treaty. I heard there was a debate in this regard in the negotiation process.

IN: At the first negotiating session in March, I was not in the current post. What I only heard is that, the three conferences convened between 2013 and 2014 on the humanitarian impact of nuclear weapons were a driving factor behind the movement to prohibit the use of the weapons.

The case of chemical weapon is relevant, but gives us a bitter lesson. The 1925 Geneva Protocol banned the use of these weapons but not their stockpiling. Consequently, they continued to be widely possessed until the 1990s. But the comprehensive ban on chemical weapons – the Chemical Weapons Convention – finally opened a path to the total elimination of these weapons.

In order to make a nuclear weapon ban treaty more effective, member states felt the prohibition of use was not enough. A comprehensive ban and the verifiable destruction of all nuclear weapons have to be stipulated in the treaty. I heard South Africa made a very strong case in this direction. South Africa, which actually abandoned its nuclear arsenal, was quite influential in realizing the TPNW.

The influence of non-governmental organizations which have called for a total ban was striking as well. Above all, the message from the survivors of atomic bombings in Hiroshima and Nagasaki could not go unnoticed.

FY: I think some factors worked as a driving force to the TPNW. That is, the frustration over stalled nuclear disarmament in betrayal of many people’s wishes, the indignation at nuclear weapons on humanitarian grounds, and a sense of crisis that nuclear weapons might be used and bring about the extinction of humanity if this problem goes unaddressed.

IN: There was a wide range of views among advocates for a ban treaty. I guess it was tough for them to find common ground, but the three factors you have just mentioned helped bring about a successful outcome.

FY: It seems that neither NWSs nor Nuclear Umbrella States will join in the ban treaty for a foreseeable future. Even under such an unfavorable circumstance, advocates of the treaty are trying to make it carry a normative power. What kind of factors, do you think, will make this happen?
IN: It is not easy to answer your question. What the advocates seem to aim at is to weaken nuclear deterrence theory as a logic of security. In other words, it is a stigmatization of nuclear deterrence.

FY: Do you think the increase of the number of State Parties will add up to a strengthened normative power after the treaty enters into force?

IN: We have had various arguments among UNODA specialists. For example, among the P5, there are a few countries which have achieved deep cuts in the number of their nuclear weapons. Some officials assert that, by persuading more and more countries to join in the treaty, possession or non-possession of nuclear weapons could become far less significant element in some countries’ strategy.

As the representative of UNODA, it is difficult to make a comment on nuclear deterrence. Although it is hard to imagine a situation under which any use of a nuclear weapon is justified as a collective action stipulated in Chapter 7 of the UN Charter, Article 51 allows State Parties to exercise the right of self-defense. It is hard to comment on whether the article justifies nuclear deterrence.

But I can only say that whether the treaty can gain the desired normative power depends on how many countries will ratify the treaty and how fast. The ratification of 50 or more countries is required for the treaty to enter into force. You might get this number within one and half, or two years. Once this happens, it will get impossible to disregard this treaty as if it’s nothing.

FY: I agree with you. But it still remains to be seen whether and how the TPNW can change this nuclear world. The NPT Review Conference in 2020 will be a critical juncture. If the division between proponents and opponents is deteriorated in the conference, it will have a negative impact on the future of nuclear disarmament.

IN: In past NPT Review Conferences, confrontations over such issues as a Middle East zone free of weapons of mass destruction sometimes hampered the adoption of a final document. If the TPNW enters into force by 2020, how will this affect the 2020 review conference? It’s not easy to predict that. Let me just note that the drafters of the TPNW intended it to be compatible with the NPT. Countries in the two camps need to be reconciled in this perspective.

FY: I would also like to point out that the TPNW was negotiated and adopted in a UNGA-mandated conference, and not in the Conference on Disarmament (CD).

IN: One of the reasons why NWSs including the US are opposed to the treaty is that it runs counter to nuclear deterrence and, in their view, does not complement the NPT. But I also need to point out some procedural matters. That is, it seems that NWSs are deeply concerned that a disarmament agreement has been adopted under a majority rule. We have the CD as a forum to exclusively negotiate disarmament affairs. All the decisions in the CD, including procedural ones, are made by consensus, since there is a firm conviction that disarmament affairs must be decided in that way. Nevertheless, the ban treaty was negotiated by majority rule. That is what made NWSs all the more cautious.
FY: But we also have some precedents where agreements are adopted in the UNGA, and not under CD’s consensus rule. The CTBT is a case in point.

IN: Exactly. There are some examples such as the Arms Trade Treaty (ATT), which was negotiated in a UNGA-mandated conference and adopted in the UNGA. The US was at the negotiating table from the outset and found no problem in reaching an agreement by a majority rule. Countries take a different stance on the desirability of majority rule, depending on what kind of agenda they are up to in the negotiation. This time, it became clear that NWSs refused to adopt the majority rule in the field of nuclear disarmament.

FY: The consensus rule in the CD has hampered disarmament negotiations in numerous occasions. A Nonproliferation and Disarmament Initiative (NPDI) statement issued after its foreign ministers’ meeting in 2010 asserted that it could be conceivable to begin disarmament negotiations outside the CD if the forum was unable to produce any outcome. This line of argument seems to have stalled since then, though.

IN: I wonder if it is right to adopt a disarmament treaty in a conference outside the CD. This is called an “outsourcing” problem. The prohibition treaties of anti-personnel landmines or cluster munitions were negotiated outside the CD – even outside the UN. It is ideal to do everything in the CD as a negotiation mechanism of disarmament. But this cannot be achieved so easily. Then can we justify the outsourcing under this circumstance? If not, how can we revitalize the CD? We have to think about this issue in the whole context of disarmament negotiation mechanisms, but I have not reached any conclusion.

At the UN, we believe that disarmament is a historically important mandate for our organization, so it is desirable for State Parties to discuss the issue within the UN framework. But this does not necessarily move negotiations forward. Maybe we don’t need to sort everything out in the UN. Depending on the substance under consideration, we can decide which particular forum to utilize and how we can dovetail the UN in this setting. This might be a way forward for us. Then what kind of role can the CD play? This is a sensitive issue for the CD, but the process of outsourcing is actually ongoing.

FY: Don’t you think we need an outsourcing if the CD keeps on failing to start a negotiation for a Fissile Material Cut-off Treaty (FMCT)? I consider it would be better to start a FMCT negotiation by 2020 in order partly to make the NPT Review Conference that year successful.

IN: I agree with you that a FMCT negotiation has to start. But which do you think is an appropriate forum to make a decision on the commencement of a disarmament negotiation, the UNGA or a framework led by a coalition of willing and set outside the UNGA?

FY: I think both possibilities should be pursued.

By the way, in order to achieve a comprehensive ban on nuclear weapons, there is a need to control fissile materials that can be diverted to nuclear weapons. It is indeed possible to produce nuclear weapons from fissile materials for peaceful use,
but many are still cautious on widening the scope of a FMCT. The NPT allows State Parties to use fissile materials that can be diverted to weapons for peaceful purposes as long as they are under the IAEA inspection and it is verified that the materials are not used for weapons. So how will the ban treaty deal with this? What kind of verification regime will make the ban treaty more effective is likely to be a significant agenda.

IN: Nobody assumes that a multilateral verification of destruction of nuclear weapons will begin immediately. The current strategic intention of a group of core advocates of the ban treaty is to create a norm against nuclear weapons by putting moral pressure on NWSs. I should note that Article 3 of the TPNW stipulates that states parties must, at a minimum, maintain their IAEA safeguards obligations in force at the time of entry into force of this Treaty.

FY: How did North Korea’s nuclear and missile program affect the treaty’s negotiation?

IN: It’s unclear to me because advocates of this treaty have not spoken much about North Korea issues in the context of the TPNW. However, unless we tackle this problem, we cannot advance a real disarmament agenda that will produce a world free of nuclear weapons. Disarmament should be located as part of – a crucial part of – a political framework in which a realistic solution to the North Korea problem is sought.

UNODA considers that we need to make sure all Member States fully implement UNSC sanctions on North Korea. But there is one more thing to figure out. That is how to have North Korea destroy its nuclear arsenals when we begin dialogue with the country. This is exactly where disarmament affairs are related.

FY: Do you think disarmament negotiations are important when tensions among countries are exacerbated?

IN: Disarmament is politically sensitive and challenging. But, disarmament is all about preventing major catastrophes in times of conflict. Everything we do in disarmament negotiations and discussions needs to fuse into the prevention agenda. What we are doing has an enormous preventive effect. Disarmament is also part of a political solution to the conflict. It helps decrease tensions, create space for dialogue, and build trust and confidence. We counter the argument that when the international security environment is deteriorating or tensions are increasing, disarmament is not the right issue to be put on the table. Rather, because the security environment is difficult, we have to talk about disarmament. It has preventive and confidence-building effects. It has to be part of a political solution to any dispute or conflict.

FY: North Korea has already conducted six nuclear tests – a condition which is totally different from some time ago. Even if the process of the destruction of nuclear weapons begins, verification cannot be performed solely by the IAEA. Then a TPNW verification regime for the destruction of nuclear weapons, if properly developed, might well be applied to a denuclearization process of North Korea.
IN: The security issue is what is supposed to be addressed by UN State Parties in the first place. On the other hand, the UN has garnered numerous operational capabilities, which can be utilized not only in denuclearization processes based on the ban treaty, but also in North Korea’s denuclearization process based on an agreement by concerned countries.

FY: You have just made a speech entitled “The Imperatives for Disarmament in the 21st Century” in Nagasaki (Nakamitsu 2017). In the speech, you pointed out that disarmament agenda should be understood not in a narrow scope, but in a wider and integrated framework with security and sustainable development agendas.

IN: This is the conception I share with Secretary-General Antonio Guterres. When he appointed me as the High Representative for Disarmament Affairs, he told me that I did not need to be a specialist in disarmament affairs and that he would rather like to have a non-expert in that position. The largest problem for the UN as I see it is that it pays not so much attention to how each element can be located in a wider whole to carry out our work effectively than to technical details.

That is why the issue of arms is incorporated in Agenda 2030, based on the understanding that disarmament agenda is indispensable in a big picture of sustainable development. Therefore, it is also important to locate the issue of nuclear disarmament in a comprehensive framework. A passage in the preamble of the ban treaty says, “achieving and maintaining a nuclear-weapon-free world” is “a global public good of the highest order” because it serves “both national and collective security interests.” The repositioning of the disarmament agenda is made here.

As long as we get stuck in the antagonism between NWSs and NNWSs, we cannot move disarmament forward. Such an awareness in the preamble should be a basis for future debates.

FY: You noted in the Nagasaki speech that the disarmament agenda is important for the environment agenda as well.

IN: Of course, the humanitarian movement was the driving force behind the TPNW. It is crystal clear. Having said that, environmental imperatives for disarmament have been largely dormant in recent years. And it may have considerable potential for the future.

Environmentalism has proven to be a potent but understated force for arms control. The United Nations recently completed a study on the environmental impact of armed conflict. But, the problem of addressing concerns resulting from particular types or categories of weapon systems remains very much an open question for disarmament bodies.

Agenda 2030 and the Sustainable Development Goals (SDGs), adopted in 2015, is a universal and integrated framework which brings together development, peace and security and environmental objectives comprehensively. We must redouble our efforts to ensure that disarmament actions, which can make enormous contributions to establishing peaceful societies, are fully anchored in the implementation efforts of the SDGs.
Notes

1. A/CONF.229/2017/8, 7 July 2017.
2. A/RES/71/258, 11 January 2017.

Disclosure statement

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