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This document was created by 2022 PSR summer intern Kylie Jones.
Though the final document produced by the 2010 RevCon has been criticized as minimally fruitful in progressing disarmament objectives (with nuclear-weapons states effectively blocking the inclusion of any measures on timelines for disarmament, standards of verification, means of enforcement against severe breaches of the NPT, or negotiations of a nuclear weapons convention), the conference garnered momentum for the ban in two primary ways.

The initial whispers of a comprehensive ban on nuclear weapons began to circulate immediately after the devastating attacks on Hiroshima and Nagasaki. The first resolution ever passed by the United Nations General Assembly (UNGA) concerned addressing the existential threat posed by the novel, ruinous technology. However, the idea’s first significant endorsement came in 2008 when United Nations Secretary-General Ban Ki-Moon presented his five-point proposal for nuclear disarmament to the United Nations. Moon’s proposal offered various measures for states to fulfill one of their primary obligations under the NPT: “undertaking negotiations in good faith on effective measures toward nuclear disarmament.” Moon’s most significant proposal was his suggestion of negotiating a nuclear-weapons convention, backed by a strong system of verification. This proposal would significantly guide the endeavors of the international community, as the drive and determination to conclude a nuclear weapons prohibition flourished for the next decade.

The prohibition idea further gained traction at the 2010 Treaty on the Non-Proliferation of Nuclear Weapons (NPT) Review Conference (RevCon).

Civil society has played an indispensible role in the journey toward a nuclear weapons ban. In 1997, the International Association of Lawyers Against Nuclear Arms, International Physicians for the Prevention of Nuclear War, and the International Network of Engineers and Scientists Against Proliferation created a Model Nuclear Weapons Convention (MNWC), representing the voices of an international body of lawyers, scientists, activists, physicians, and other experts. The MNWC served as a feasible example of a nuclear weapons convention concerning the total and verifiable elimination of nuclear weapons. In 2007, Costa Rica and Malaysia updated and submitted the MNWC to the United Nations.
2010 REVCON IMPACTS

First, the coalition of parties explicitly supporting a nuclear convention grew tremendously. For the first time at a RevCon, several non-nuclear weapon states expressed their support for negotiating a ban treaty. Along with the Non-Aligned Movement, 27 member states each called for a nuclear weapons convention in statements to the UN, including China and Iran. Additionally, several civil society groups became involved in the discourse, including the International Campaign to Abolish Nuclear Weapons (ICAN).

Second, the 2010 RevCon transformed the base ideology of disarmament efforts. For most of the 20th century, disarmament efforts reflected security concerns. But, at the conference, the humanitarian implications of nuclear weapons took center stage. The final document adopted by the conference included a robust preamble, which the UN later coined the Humanitarian Initiative: "The Conference expresses its deep concern at the catastrophic humanitarian consequences of any use of nuclear weapons and reaffirms the need for all States at all times to comply with applicable international law, including international humanitarian law." This language was significant in that, though the preamble of the NPT referenced the humanitarian consequences of nuclear weapons, this was the first time this dimension had been explicitly addressed in the final document of subsequent review conventions.
As a result, several initiatives were adopted to draw attention to this humanitarian dimension of the debate, signaling a shift in the debate’s tone from decades of being dominated by security concerns to a tone centered on humanitarian concerns. The United States mirrored this tonal shift in its foreign policy just a year earlier, as President Obama delivered his famous Prague address on April 5, 2009.

In the historic assertion, Obama signaled a shift in US declaratory policy from a decades-long posture of deterrence to one of disarmament:

"I state clearly and with conviction America’s commitment to seek the peace and security of a world without nuclear weapons."

He named several ways the US planned to reach this milestone, including diminishing nuclear weapons’ role in US foreign policy, supporting the Comprehensive Test Ban Treaty (CTBT), and seeking engagement with Iran and North Korea. The Prague address’ declaration of the US’ new posture toward disarmament wholly emulated the growing attitude worldwide.
Following the 2010 NPT RevCon, three major humanitarian conferences were held over the next two years as part of the humanitarian initiative. Called the Humanitarian Impact of Nuclear Weapons conferences, the international community convened in Oslo, Norway; Nayarit, Mexico; and Vienna, Austria. Global participation increased each time: 127 states attended the Oslo conference, 146 states attended the Nayarit conference, and 158 states—including western nuclear powers for the first time—attended the Vienna conference.\(^11\)

**Oslo, March 2013**

In Oslo, the first conference on the humanitarian impact of nuclear weapons commenced. The role and significance of ICAN in the debate heightened as Norway invited the organization to prepare the conference in Oslo.\(^12\) This conference took less of a political approach, as states did not necessarily offer proposals for action but assessed the threat to humanity posed by nuclear weapons.\(^13\)

**Nayarit, February 2014**

The second conference, hosted in Nayarit, followed its predecessor’s format but widely expanded the scope of the discussion. Namely, the idea of a legal gap—the lack of a prohibition of nuclear weapons, unlike chemical and biological weapons—emerged, and the idea of a comprehensive nuclear weapons ban continued to snowball into more support than ever before. Over 50 states in attendance made explicit calls for the total elimination of nuclear weapons, with states such as Mexico, Iran, Mongolia, and Zambia making statements strongly in support of a ban, as well as the chair of the conference.\(^14\) One of the most consequential outcomes of this conference was the newfound consideration of the risk factor in arms control discussions. The conference in Mexico added the questions of accidents and human or technical error into the discourse, facets that had not been fully considered until this point but would continue to be explored in the subsequent conference.\(^15\)
Austria calls 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 weapons and Austria pledges to cooperate with all stakeholders to achieve this goal...
Treaty Deliberations

In March 2017, deliberation on the Treaty on the Prohibition of Nuclear Weapons (TPNW) officially began with the participation of 132 states. Among the absent states were all states in possession of nuclear weapons and most of the US allies. Yet, despite this apparent protest of negotiations by states under the protection of nuclear weapons, the efforts ensued successfully. After weeks of intense negotiation, chaired by Ambassador Elayne Whyte Gomez of Costa Rica, the UN adopted the TPNW on July 7, 2017, and the treaty opened for signature one month later. The treaty officially entered into force on January 22, 2021, and as of June 2022, over 130 states have expressed support for the TPNW, either through signing, ratifying, or voting in support of the annual UNGA resolution regarding the treaty’s adoption.

The historic treaty is the international community’s most recent—and perhaps most significant—statement against the continued existence of nuclear weapons within the military capabilities of states, reaffirming a global commitment to the actualization of a world free from nuclear weapons.

ICAN Wins the Nobel Peace Prize

The International Campaign to Abolish Nuclear Weapons, or ICAN, played a central role in the formation of the TPNW. Established in 2007, ICAN sought to “stigmatize, prohibit, and eliminate nuclear weapons.” In pursuit of these goals, the organization staged demonstrations, conferences, and other grassroots missions to draw attention to the threat of nuclear war. As ICAN’s role in the humanitarian conferences inflated, it became clear that the organization’s work had a profound impact on ensuring the successful conclusion of a nuclear weapons convention. In 2017, ICAN received the Nobel Peace Prize “for its work to draw attention to the catastrophic humanitarian consequences of any use of nuclear weapons and for its ground-breaking efforts to achieve a treaty-based prohibition of such weapons.”
Beginning on June 21, 2022, over 80 delegations from states parties, observer states, and civil society organizations gathered in Vienna, Austria for the First Meeting of States Parties of the TPNW (1MSP). After facing delays due to the COVID-19 pandemic, the 1MSP marked a significant win for the ban movement, being the first time states willing to prohibit nuclear weapons all gathered at the same table.

Chaired by 1MSP President Alexander Kmentt of Austria, the historic gathering saw a renewed interest in denouncing nuclear deterrence, augmented representation of survivors and affected communities from the global south, and robust civil society participation. After three days of inspired debate, the 1MSP concluded with a powerful Vienna Declaration and Action Plan, the strongest multilateral condemnation of nuclear weapons ever.

Over the course of three days, the 1MSP provided a platform for compelling statements deploiring the dangerous reality of a world ruled by nuclear deterrence. United Nations (UN) Secretary-General Antonio Guterres opened a speech with an impactful proclamation, denouncing nuclear weapons as a “global scourge” and “deadly reminder of countries’ inability to solve problems through dialogue and collaboration.” Especially notable was the emphasis on the health risks associated with nuclear weapons, a theme that has characterized the TPNW as a departure from past non-proliferation efforts since its inception. Ira Helfand, MD, who serves on the Board of Directors of IPPNW, Physicians for Social Responsibility, and the International Steering Group of ICAN, reflected on the relevance of health concerns that he witnessed at the discussions: “The Meeting was grounded in the medical and other scientific data about the catastrophic effects that will result from the use of these weapons and other scientific data about the catastrophic effects that will result from the use of these weapons and a clear understanding that we must end the existential threat they pose.” States Parties complemented their vows to disarmament and non-proliferation by adopting an Action Plan by consensus. The Action Plan includes a road-map of actionable steps toward disarmament, representing the synthesis of proposals by States Parties, nuclear survivors, civil society, and international organizations. “Against the frequently referenced back-drop of Russia’s invasion of Ukraine,” Helfand continues, “the First Meeting of States Parties to the TPNW concluded with both a powerful condemnation of threats to use nuclear weapons, and a strong commitment to continue working until all nuclear weapons are eliminated from the planet.” In addition to the Action Plan, eight countries announced at the IMSP that they were working toward ratifying and implementing the TPNW. Perhaps most interesting was the attendance of several NATO member states as Observers, including Germany, the Netherlands, and Norway. While Germany noted its belief that “supporters and skeptics of the TPNW can work shoulder to shoulder,” other observer states held a more critical position. Norway noted the TPNW’s incompatibility with its NATO obligations, saying it stands “fully behind NATO’s nuclear posture.” Another Observer, Sweden, particularly critiqued the relationship between the treaty and nuclear states. In general, the NATO members in attendance emphasized the role of the NPT and other existing arms control agreements like the Fissile Materials Cut-off Treaty and CTBT as alternatives to supporting the TPNW. Despite the steady criticism of the TPNW from NATO and other nuclear states, the concluding Vienna Declaration remained hopeful. “We have no illusions about the challenges and obstacles that lie before us in realizing the aims of this Treaty,” the Declaration’s final paragraph reads, “But we move ahead with optimism and resolve.”
The NPT has long been regarded as the cornerstone of the global nuclear non-proliferation and disarmament regime. The TPNW specifically acknowledges, and affirms, this fact in its text: “the full and effective implementation of the NPT, which serves as the cornerstone of the nuclear disarmament and non-proliferation regime, has a vital role to play in promoting international peace and security.” The TPNW negotiators held the NPT in high regard, and specifically drafted the TPNW with the complementarity of the two texts in mind. In order to fulfill the three pillars of the NPT (non-proliferation, disarmament, and peaceful uses of nuclear energy), there is a need for the establishment of supplementary legal norms against nuclear weapons, as the TPNW establishes. By both concretizing language in the NPT and fulfilling the legal obligations of NPT Article VI, the TPNW works to strengthen existing non-proliferation and disarmament mechanisms. Ultimately, both the NPT and TPNW emerged from a commitment to the same core objective: achieving a world free from nuclear weapons. Thus, the TPNW should be viewed as a NPT companion, not an alternative.

"The TPNW excludes nuclear-armed states."

Though all nuclear-armed states boycotted the TPNW negotiations and have not acceded to the treaty, the TPNW includes specific provisions to include nuclear-armed states in the disarmament process. A state with nuclear weapons may join once its weapons and weapons program are eliminated, or it may join while still possessing nuclear weapons and proceed to disarm in accordance with a timeline approved by States Parties. Further, nuclear-armed states have been invited and encouraged to participate in the TPNW dialogue, including being invited to observe the 1MSP.

"Current global security conditions are not favorable for a nuclear weapons ban."

There will never be a time favorable for arms control to states in possession of weapons of mass destruction. Nuclear-armed states insist that disarmament progress should have progressed greatly before the world international community will be prepared for a treaty like the TPNW. However, when considering the prohibition of other weapons of mass destruction (chemical and biological weapons), conventions on their prohibition were enacted far before they were near complete eradication. In fact, a majority of said weapons were destroyed after the emergence of a legal norm against their use and possession. The timing of the TPNW is in line with past arms control efforts, underscoring an important truth: the most favorable time for disarmament is now.

"The TPNW undermines existing treaties, like the NPT."

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Though the TPNW faces many critics, the treaty’s contributions to international customs must not be understated. The TPNW is not an establishment of new norms; rather, it is a fortification of existing norms for the non-use of nuclear weapons and against the legitimacy of the weapons themselves. The TPNW adds the legal and political weight that is necessary to generate momentum for the total elimination of nuclear weapons. As the international community approaches flash points for the non-proliferation and disarmament regime, like the 2020 NPT RevCon, the growing TPNW regime serves as an important reminder that a significant faction of the international community is willing to make the political stands necessary to leave deterrence in the past.
Notes


2. Ibid.


4. Ibid., pp. 5–18.


9. Ibid.

10. Ibid.


13. Ibid.


15. Ibid., pp. 436–463.


23. Signature and Ratification Status, ICAN, www.icanw.org/signature_and_ratification_status