

## The Nuclear Ban Treaty is a Fact

**Jorge Hersschens**

### **The Nuclear Ban Treaty and the Non-Proliferation Treaty**

On 24 October, Honduras—a country of almost 10 million people with a gross domestic product less than 5% of Belgium’s—was the 50<sup>th</sup> country to sign and ratify the Treaty on the Prohibition of Nuclear Weapons (TPNW) or the ‘Nuke Ban Treaty’. Under international law, this treaty prohibits, among other things, the use and threat of use of nuclear weapons as well as their development and stationing. This treaty had already been adopted by the General Assembly of the United Nations (UN), yet still needed to meet the threshold of 50 ratifications to enter into force 90 days later. The most recent ratification by Honduras thus entails that the Nuke Ban Treaty will become legally binding, on 22 January 2021 to be precise.

The vast majority of the 50 countries that ratified the treaty are situated geographically below the equator; they are also economically below the global median income, notable exceptions being Austria, Ireland, New Zealand and Vatican City. All of these countries have a large chip on their shoulder with respect to the Non-Proliferation Treaty (NPT) that dates from 1968. At that time, the NPT, which has been signed by 189 of the 193 UN member states, was established primarily to halt the spread of nuclear weapons and related technology. It was also intended to facilitate the ensuing negotiations about eventual nuclear disarmament – an additional pillar of the treaty. However, even though this treaty explicitly recognises the danger a nuclear war would pose to humanity, it does not contain any article that would make nuclear weapons illegal.

The spread of nuclear weapons to other countries has been relatively limited, so that the main objective of the NPT has been achieved. Yet there has been no progress whatsoever on the critical issue of nuclear disarmament by the nuclear-armed states (the ‘haves’) – which are all situated above the equator and are predominantly rich countries, except for Pakistan, North Korea and, arguably, India and China. It is also precisely these rich countries that refuse to negotiate, let alone sign the Nuclear Ban Treaty. Over the years, this lack of progress has been addressed time and time again by the ‘have-nots’ and consequently the NPT’s relevance is increasingly being questioned. As such, the TPNW is both a reaction to the NPT’s failures and a logical extension of its stated objective of nuclear elimination.

### **On the Brink of Destruction**

At the same time, all of the important nuclear arms control treaties that were established since the 1970s have expired. Only the ‘New START’ Treaty between the United States and Russia is still in force, but this is set to expire unless it is extended by 5 February 2021: an uncertain prospect. Moreover, after 70 years, the horrors of total war and the use of nuclear weapons seem to have all but disappeared from our collective memory. The implication of this is that the taboo against the use or threat of nuclear weapons is weaker than ever and therefore the so-called deterrence effect—insofar as it has ever really worked—could easily switch in a conflict and lead to a rapid escalation. Just over a year ago, for instance, at least one fighter jet was downed in a tit-for-tat border conflict escalation between India and Pakistan. Two nuclear-armed states were clearly not deterred from engaging in airstrikes against targets in each other’s territories for the first time in almost four decades. Luckily, both sides appeared to recognise the risks of miscalculation in a war and showed restraint.

Instead of disarming and decommissioning existing nuclear weapons as agreed in accordance with the NPT, all of the nuclear-armed states are modernising their nuclear arsenals. In the absence of arms control treaties, it will be impossible to legally enforce any limitations to those arsenals. Finally, the risk of a terrorist organisation obtaining and using nuclear weapons technologies and materials is real, if not with a fully developed nuclear device, then with a radioactive ‘dirty’ bomb. The combination of these factors means that we are once again living in a world that is extremely dangerous and potentially on the brink of destruction.

### **Belgium and the North Atlantic Treaty Organisation**

The coalition agreement that was signed by the newly formed Belgian government on 30 September 2020 vows to investigate how the Nuclear Ban Treaty ‘can give a new impulse to multilateral nuclear disarmament’. That makes Belgium the only NATO member state to recognise this treaty, even though the federal government’s policy statement that was delivered about a month later failed to repeat the vow. Belgium is a small country and a military minnow, but for a number of reasons it would be wrong to conclude that this country’s actions—or inaction—with respect to the Nuclear Ban Treaty are irrelevant for the Atlantic Alliance.

First, as a founding member state, it has been the host country for NATO's political and military headquarters since 1966, after France decided to withdraw from the organisation's integrated military structure. As such, a fair amount of turbulence could be expected if the Belgian government projected a stance that is fundamentally at odds with that of the alliance it hosts. And since the capital Brussels is also the main political centre of the European Union (EU), the country functions as a coordination and cooperation hub between both institutions. This function has increased significantly over the years, as the EU and NATO currently have 22 member countries in common. This implies that any decision taken by Belgium with regard to the Nuclear Ban Treaty will have a direct impact on both organisations. Consequently, it should not take its decisions lightly either way.

Second, even though it is only one of the alliance's 30 member countries and a small one in terms of both population and territorial extent, it plays an important role in NATO's nuclear posture. After all, American nuclear weapons have been stationed in Belgium since 1963—just over a year after the Cuban missile crisis ended—and there currently remain about 20 of the tactical version B61 with an explosive yield range of 0.3 to 170 kilotons. Such forward deployments started in Europe in 1954 in the United Kingdom, peaking in 1971 at approximately 7,300 nuclear warheads spread across Europe in seven additional countries: Belgium, the Netherlands, Germany, France, Italy, Greece, and Turkey. The deployment in France ended upon its withdrawal from NATO's integrated military command in 1966, and the warheads in Greece were discretely removed in 2001. As reiterated in the 2016 Warsaw Summit, NATO's nuclear posture relies on solidarity between the member countries, the indivisibility of security, and the cohesion of the alliance itself. The relinquishing of forward deployment by any of the *de facto* nuclear-armed states could therefore seriously undermine the alliance. Other NATO members might then feel compelled to place them even further eastward, e.g., in Poland or one of the Baltic states, which would be perceived by Russia as extremely provocative. Most importantly, no NATO member state, least of all those just listed, is currently willing to even consider signing the TPNW, because the stationing of nuclear weapons on their territory would directly contravene it. However, by working constructively with the Nuclear Ban Treaty, Belgium could persuade its peers that it is not necessarily in conflict with the multilateral disarmament clauses of the NPT. Belgium's allies might then be more willing to follow in its footsteps by signing the TPNW and to revitalise nuclear disarmament without undermining NATO as a collective security organisation.

Third, a closer look at the situation within Belgium reveals some interesting details that are mirrored among its neighbouring host states, and perhaps other EU or NATO member states as well. A November 2020 YouGov poll commissioned by the International Campaign to Abolish Nuclear Weapons (ICAN) indicates that a majority of Belgium's population firmly opposes nuclear weapons, with 57% of the public in favour of and only 23% against removing the forward-deployed nuclear weapons from Belgian territory (up from 49% in favour just one year ago), and 77% in favour of signing the Nuclear Ban Treaty (up from 66%). For decades, the country's four major peace movements have condemned the presence of nuclear weapons on its territory, and weapons of mass destruction in general. In what was to become the country's largest demonstration in its history, they were critical actors in mobilising around 400,000 protestors in October 1983 against the extremely risky stationing of ground-launched cruise missiles in Europe. Despite having failed to stop the deployment of these missiles, the protests probably did help to intensify the public debate

about nuclear weapons in Europe, leading to the eventual removal of the missiles five years later. Of course, almost 40 years later the B61 gravity bombs have still not been removed. Very similar events unfolded in other European countries where these bombs were deployed, such as the Netherlands, Germany, and Italy. Tellingly, the earlier 2019 YouGov poll indicated almost identical public opinion ratios with regard to the presence of nuclear weapons on their respective territories and the Nuclear Ban Treaty (except for the Netherlands, where 32% of the public is in favour of forward deployment).

Since only a minority of Belgium's population is in favour of hosting US nuclear weapons, many of the country's political parties are in something of a bind. On the one hand, they have a responsibility to uphold the state's commitments to the Atlantic Alliance; yet on the other, they need to be responsive to public opinion and especially their respective voter bases. A survey undertaken among the major parties of the northern region of Flanders in 2019 by #NoNukes.be, the Belgian coalition against nuclear weapons, shows that the government's position in favour of the status quo stands in stark contrast with national public opinion. In the northern region of Flanders, only the greens, the socialists and the far-left worker's party are in favour of signing the Nuclear Ban Treaty and removing all nuclear weapons from Belgian territory. All of the parties on the right side of the political spectrum, i.e., the liberals, the conservative-nationalists, and the Christian Democrats, are against. One might wonder how the Christian Democrat party can still logically justify its position after the Vatican stated in 2014 that the use of nuclear weapons is absolutely prohibited, and that their very possession was morally problematic – not to mention Pope Francis's explicit support for the TPNW last year. The arguments used by the parties in favour of maintaining the nuclear status quo in Belgium (and, hence, in Europe) broadly echo NATO's stipulations in its Warsaw Summit Communiqué. Essentially, the alliance will retain its nuclear capabilities as long as nuclear weapons exist in the world. At the same time, it emphasises its strong commitment to the full implementation of the NPT. After having dramatically reduced the number of nuclear weapons in Europe since the height of the Cold War, it claims that conditions today are not favourable for additional reductions. Especially in light of the perceived threat posed by Russia's military capabilities and the fact that NATO does not expect any significant reciprocity from Russia, any removal of forward-deployed nuclear weapons would be neither realistic nor pragmatic.

## **A Community of Peace, Human Rights, and Democracy**

The Atlantic Alliance upholds its mission to maintain a community of peace, human rights, and democracy, and reiterated its global role in projecting stability. These last words sound particularly hollow, since either the member states appear woefully ignorant of recent history or they are using Orwellian doublespeak. NATO interventions in Afghanistan and Libya have caused extreme regional instability (with large population displacements and a vicious political backlash in Europe in their wake), and its Eastern extension may have led to a simmering war in the Ukraine. As for the pro-democratic credentials of NATO, the forward deployment of nuclear weapons in Belgium was arranged by a series of secret agreements between the US and Belgian governments without having been preceded by a parliamentary debate, let alone a public one. Almost half a century later, it is still not possible to verify the actual process that led to the nuclear weapons being placed there. This

lack of transparency and accountability is duplicated by the current new Belgian government's 'pending' decision of whether the 34 F-35s, the first of which are expected to be delivered in 2023, will be capable of carrying B61 warheads. It appears that the decision has already been made by the Ministry of Defence or its Air Force without any parliamentary participation whatsoever. It is most unfortunate, therefore, that the Belgian political parties collectively sharing the majority of seats are unable or unwilling to critically assess the country's official position with regard to NATO, the forward deployment of nuclear weapons, and the Nuclear Ban Treaty.

Belgium has had a pioneering role as the first country to ban anti-personnel mines in 1995, cluster munitions in 2006, and weapons containing depleted uranium in 2009. It should take on this role once again and be the first NATO member state to sign the Nuclear Ban Treaty, thus showing its solidarity with the rest of the world – all those *'have-nots'*, those global *'deplorables'*. It should stick its neck out and signal to its neighbours and allies that a new security structure can and must be created. The YouGov polls referred to earlier did not measure how salient the nuclear weapons issue is today, but other reports point towards a revived global anti-nuclear movement. By taking this opportunity to support the TPNW, Belgium can show the non-nuclear armed states that NATO's projections of solidarity and security may reach beyond its borders. By thereby increasing pressure on the nuclear-armed states to uphold their part of the NPT, it could help resolve the current gridlocked condition of that treaty. The persistent Covid-19 pandemic has demonstrated a striking lack of solidarity, in both individuals hoarding toilet paper and disregarding safety measures, and states hijacking face masks from each other. One may be justified in being doubtful about international solidarity once effective vaccines are mass-produced. But there is no question that global nuclear solidarity is of perennial importance for a meaningful survival of our societies. According to the Doomsday Clock, it is 100 seconds to midnight: time to wake up.

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