

# Nuclear Proliferation and Humanitarian Security Regimes in the US & Norway

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## Nuclear Proliferation and Humanitarian Security Regimes in the US & Norway

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ERIN K. NORRIS, FEB 7 2019

Thanks to the work of civil society actors and the international community, International Humanitarian Law (IHL) has changed the way that war is conducted globally. IHL sets norms, creates standards, and has even gone so far as to outlaw weapons that are considered particularly egregious by said standards (Lowe 2015). In particular, the role that IHL plays in disarmament has been influenced by Humanitarian Security Regimes (HSR), which are defined as 'regimes driven by altruistic imperatives' with the goal of regulating behavior on the international stage and motivated by the reduction of unnecessary human suffering (Garcia 2015: 55). Over the past few decades, HSRs have been successful in pushing forward hard legal regulations and creating stigma around weapons that have the potential to cause indiscriminate harm towards civilians (Garcia 2015). Most successfully, IHLs have been able to cultivate legislation regulating the use of anti-personnel mines, cluster munitions, blinding laser weapons, and chemical and biological weapons – and most recently, there has been an international humanitarian push to ban the military use of nuclear technologies once and for all, culminating in the creation of the Treaty on the Prohibition of Nuclear Weapons (TPNW) (Borrie et al 2016). HSRs have been successful largely thanks to the role of champion states which embrace the humanitarian cause; in some of the most important examples of HSRs, these states have been NATO-aligned Western states; Canada, Norway, and the United Kingdom served as champion states to the Mine Trade Treaty, Cluster Munitions Treaty, and Arms Trade Treaty, respectively (Garcia 2015). The role of these states as influential, NATO-aligned powers in creating norms that can impact even the United States, which has not signed on to much of the related legislation, cannot be understated. However, when the NATO alliance appears committed to remaining an alliance characterized by nuclear deterrence, it is important to examine how the widespread reframing of nuclear proliferation as a humanitarian issue might affect nuclear weapons governance and public opinion in NATO member states (Rutherford 2011). This paper will examine the historical anti-nuclear advocacy of Norway and the United States through the lens of humanitarian security regimes and examine to what extent existing HSRs can adapt to further incentivize NATO states, particularly NWSs, to sign onto the TPNW.

### Humanitarian Security Regimes

Humanitarian Security Regimes are defined by Garcia in a few key ways; first, they involve the regulation of security areas that have traditionally been considered to be the domain of the state. HSRs are also largely delineated by their motivation, something that flies in the face of traditional realist perspectives of international security – and helping to incentivize states to act in humanitarian ways. Finally, HSRs generally follow a predefined series of steps. HSRs first require the generation of 'authoritative knowledge' to give credibility to the humanitarian influences of the problem. Second, they need a 'champion state' to advocate for the cause and convince other states to do so as well. Finally, they require a multiregional 'core group' of states, usually working in tandem with the champion state, that is willing to draft UNGA resolutions or even work outside of the framework provided by the UN if necessary in order to properly regulate the use of these weapons (Garcia 2015). The path to creating the Treaty on the Prohibition of Nuclear Weapons provides a sound example of this trajectory – the negative humanitarian effects of the use of nuclear weapons have been well-known since the American use of them at the end of World War II, and such knowledge has grown to be even more damning over the past few decades (Hanson 2018). According to a report released by the International Physicians for the Prevention of Nuclear War in 2013, even a 'limited' nuclear war (defined as utilizing less than 1% of the entire global nuclear arsenal) would have globally devastating economic and environmental

# Nuclear Proliferation and Humanitarian Security Regimes in the US & Norway

Written by Erin K. Norris

consequences, with up to 2 billion people at risk (IPPNW 2013). The newfound effect of humanitarianism in the nuclear debate is hardly unprecedented; however, it is thanks to efforts by various civil society actors that this reframing has successfully moved the nuclear disarmament regime closer to the definition of a HSR (Minor 2015).

The current effort to reframe the issue of nuclear disarmament as a humanitarian issue began with the 2010 Nuclear Nonproliferation Treaty (NPT) review meeting (Borrie et al 2016). This effort followed precedent set by both the International Committee of the Red Cross (ICRC) and the International Court of Justice (ICJ), which released an advisory opinion classifying the use of nuclear weaponry as inherently contrary to the principles of IHL (ICJ 1996). The International Campaign to Abolish Nuclear Weapons (ICAN) and the ICRC served as some of the most influential civil society actors and partnered with states such as Mexico, Ireland, New Zealand, South Africa, and Switzerland – all of whom would come to play vital roles in the TPNW negotiations (Borrie et al 2016). Looking back upon Garcia's framework, this fulfills the general expectation of a group of core states amongst HSRs (Garcia 2015). Frustrations mounted among nonnuclear weapons states (NNWS) due to the both deadlock of the Conference on Disarmament and the discriminatory nature of the NPT's differentiation between nuclear weapons states (NWS) and NNWS (Eide 2014). Furthermore, Global South and Global North states were united in that they felt NWS were failing to enact their duties under the NPT: namely, the necessity of pursuing nuclear disarmament 'in good faith,' something that many nuclear states have yet to prove that they are working towards (Bolton and Minor 2016). The cooperation across states belonging to both the Global North and Global South is considered vital to the creation of lasting norms, particularly in the nuclear disarmament regime (Müller and Wunderlich 2018). Although these like-minded states have so far experienced a major success in the creation of the TPNW and have succeeded in shifting international conversation from the security realm into the humanitarian one, HSRs still have much work to be done in driving the discussion within the NATO security alliance in order to more directly influence the rate at which nuclear disarmament can occur – specifically in important states that have the potential to become champion states, such as Norway, and states whose possession of nuclear weapons allows them to influence the rate of disarmament of the rest of the world – such as the United States.

## The Role of NATO

The North Atlantic Treaty Organization (NATO) is one of the most robust security regimes among global governance actors, something that has not only helped to play a 'pivotal role' in European security but has also helped to streamline the defense of member states (Mansoor 2015). According to NATO's Strategic Concept, nuclear weapons are vital to maintaining the strategic defense of NATO member states and their allies – calling these weapons systems 'the supreme guarantee of the security of the Allies.' (NATO 2012: 9) Despite this, NATO also claims to have the end-goal of 'create[ing] the conditions for a world without nuclear weapons' (NATO 2012: 34). Although only three NATO member states are considered NWS (the United States, France, and the United Kingdom), it is evident that nuclear deterrence still forms a fundamental part of NATO's security regime – and that this is the collective responsibility of all member states (Private Meeting 1 2018). NATO members that are also NNWS have been known to host United States nuclear weapons – US nuclear warheads are estimated to be at six bases among five European countries (Eide 2010). NATO's self-definition as a 'nuclear alliance' is incredibly troubling, especially from the lens of disarmament; however, NATO states' participation in TPNW negotiations have revealed that there may, in fact, be some chinks in the proverbial armor of the military alliance – and these already-existing reservations may be exacerbated by the role that HSRs have begun to play in the realm of nuclear disarmament (Private Meeting 2 2018).

In the past, NATO member states have bent to their domestic constituents in the face of American attempts to modernize the nuclear regime – for example, popular outcry from Dutch and Belgian citizens led those governments to openly oppose American attempts to deploy Pershing missiles and advocated for the American signature of the Intermediate-Range Nuclear Forces Treaty to outlaw these missiles, which was signed only five years later (Wittner 2009). Even earlier, in 1961, Denmark, Norway, and Iceland demanded a positive vote for NATO disarmament due to 'opinion[s] at home' (Wittner 2009). More recently, Denmark, Norway, and Spain have explicitly disallowed the deployment of nuclear weapons on their soil in peacetime – and Iceland and Lithuania have committed further, disallowing the deployment of nuclear weapons on their soil without distinguishing between peacetime and wartime (UNIDIR 2016). Iceland, Denmark, and Norway also disallow port visits by naval units with any nuclear capacity

# Nuclear Proliferation and Humanitarian Security Regimes in the US & Norway

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whatsoever (Eide 2010). All NATO states but the United States are party to the Comprehensive Test Ban Treaty (CTBT) – prompting statements of concern and disappointment from many other members (Eide 2010). Importantly, NATO member states have all attended the Conference on the Humanitarian Impact of Nuclear Weapons in 2013 – with the exception of the US, UK, and France, naturally (Borrie et al 2016). Resulting from the conference's focus on the humanitarian impact of nuclear weapons, NATO member states have begun to address the humanitarian impacts of nuclear weapons, both domestically and internationally using the platform provided by the UNGA (Eide 2010).

## The Norwegian Case

Within the NATO security alliance, there has rarely been a country more at the forefront of peace and disarmament issues than Norway. In 2011, the Norwegian foreign minister stated that he supported a 'complete and total ban' on nuclear weapons, although it was heavily implied that others present in the government did not share this view (Dall 2017). Norway initially played a major role in spearheading this focus – the first Humanitarian Initiative conference was hosted in Oslo in March 2013. Although this move was at first surprising in light of its NATO membership, Norway has long played a major role as a champion state in the issue of disarmament – most notably in spearheading the process towards a ban on cluster munitions in 2006 (Garcia 2015). Furthermore, Norway is one of the key states that pushed the discussion on cluster munitions toward a humanitarian direction – something that is key to the characterization of this process as a humanitarian security regime (Garcia 2015).

Despite Norway's key role in helping to organize one of the first humanitarian conferences on nuclear weapons, its relationship with nuclear disarmament has long been a complicated one. In the 1950s, Norway had a thriving nuclear program, particularly in terms of peaceful uses – although some feared at the time that it was actually hedging in case of a strategic need to create a nuclear program (Forland 1995). Although this never culminated in a Norwegian nuclear weapons program, it is important to note that the export of Norwegian heavy water to both France and Israel helped to allow for the creation of both nuclear weapons programs – something that cannot be understated, given the change in policy that has occurred in Norway towards one that is based upon nonproliferation (Forland 1995). Norway enjoyed mild success with its peaceful nuclear industry, particularly in this export of heavy water, up until the American decision to enact the Atoms for Peace Initiative flooded the market with cheaper heavy water in 1954 (Forland 1995). This coincided with Norway's ascent to NATO, which ensured that Norway had a place under the American nuclear umbrella. Despite this, Norwegian Prime Minister Einar Gerhardsen enacted the decision to disallow nuclear arms and storage of nuclear ammunition in Norwegian territory during peacetime – one of the first steps that would allow Norway to have a level of authority on the disarmament issue during future negotiations (Forland 1995). In 1962, Norway formally gave assurances that it had no intentions of developing a weaponized nuclear force; at the time, NATO was debating the establishment of a multilateral nuclear force, something that Norway spurned in favor of creating a nonproliferation treaty – which Norway ratified upon the conclusion of its debate in 1969 (Forland 1995).

As humanitarian security regimes emerged as a vital part of the system for advocating towards disarmament, Norway became a key player in some of these negotiations both as a member of the core group of states and as a champion state itself (Garcia 2015). Norwegian Ambassador Steffen Kongstad worked extensively as a part of HSRs for both the disarmament of antipersonnel landmines and cluster munitions (Garcia 2015). He also played a key role in the Oslo Process, showing Norway's commitment to the creation of new norms in relation to the field of disarmament (Garcia 2015). As early as 2009, Norwegian foreign affairs minister Jonas Gahr Støre called for the world to move forward with nuclear disarmament, saying that there was 'momentum to move the disarmament process forward,' particularly in relation to then– American President Barack Obama's statement that he wished for a nuclear weapons-free world (Jaura 2009). At the same time, the ICRC's national society in Norway (amongst others) began to more forcefully frame their nuclear disarmament arguments in terms of the potential humanitarian costs (Borrie et al 2016). In 2012, pressure from ICAN and other actors led to the divestment of the Norwegian government from prominent American companies that are key in American nuclear weaponry production (ICAN 2013). The momentum of this period, both in terms of the domestic government and civil society, succeeded in incentivizing Norway to host the first intergovernmental conference on humanitarian consequences in 2013. Prior to this landmark meeting, the ICRC created a resolution, which urged all members of the ICRC movement to engage both the public and their governments on 'the need for concrete action leading to a prohibition on the use of nuclear

# Nuclear Proliferation and Humanitarian Security Regimes in the US & Norway

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weapons' (Slade 2016).

Although none of the five nuclear weapons states were present at the meetings in Oslo, the conference was unprecedentedly successful – and involved not only NGOs such as Reaching Critical Will, the disarmament program of the Women's International League for Peace and Freedom, but also galvanizing developing states such as Mexico to go as far as to hold the next conference (Slade 2016). Unfortunately, Norway soon faded into the background in terms of significance during this initiative despite the state's success (Borrie et al 2016). This caused the state itself to lose momentum to Austria as a potential champion state during this process (Garcia 2015). Unfortunately, the progress made by Norway on the global stage as a supporter of disarmament was stymied by a combination of two things – the unprecedented progress made towards a ban, and domestic politics (Eide 2018). In 2013, the Conservative party of Norway was elected to government, shifting the conversation towards one that was far more critical of a nuclear ban than the labor party before it (Eide 2018). Despite this shift in government, Norwegian parliament has continued to hold discussions about the various perceptions of the necessity of a nuclear weapons ban – and despite overwhelming support in parliament for a motion asking the government to work towards banning nuclear weapons, present a pledge similar to the Austrian Pledge, and work in a core group of states championing nuclear disarmament, the Foreign Minister has stymied the progress of this bill (Heiberg 2015). Civil society members of the HSR continue to pressure Norway to sign onto the Nuclear Weapons Ban Treaty, but the issue remains under debate among Norwegian politicians – including current Foreign Minister Børge Brende, who colors joining the nuclear treaty as something that would '[distance Norway] from a common allied security policy that has given [Norway] security for almost 70 years.' (Veal 2017) Despite this official political stance, 78% of Norwegians surveyed believe that Norway should sign onto the NWBT and approximately 4/5ths of this population voted that Norway should sign on, even if it is the first country to do so (Wijnen 2017).

## The American Case

As the United States is the only country to have used a nuclear weapon in the act of war (and was the first state to obtain nuclear weapons at all), American civil society regarding the use of nuclear weapons is fairly robust (Wittner 2009). Historically, American public opinion has been able to constrain nuclear decision-making under Presidents Eisenhower and Nixon, both of whom cited the necessity to maintain positive public opinion both domestically and internationally as a major motivation behind their changes in policy (Nebel 2012). The anti-nuclear movement in the U.S has gone through cycles of activity and inactivity. For example, the anti-nuclear-weapons movement in the United States faltered in the mid to late 1960s, both as a result of the 1963 approval of the Limited Test Ban Treaty and the shift in attention to the escalation of the Vietnam War (Srouf et al 2015). The next major swell of popular support for nuclear disarmament came in the early 1980s with the Nuclear Weapons Freeze Campaign, during which activists circulated freeze petitions, distributed literature about the effects of the nuclear arms race, and organized demonstrations (Wittner 2009). The Freeze Campaign was endorsed by hundreds of national organizations, major religious bodies, and even became part of the Democratic Party's presidential campaign platform (Wittner 2009). This campaign was so wildly successful that it resulted in the largest single-issue referendum in U.S. history, with about one-third of the American electorate represented in voting – the referendum passed in nine states and all but three of the represented localities (Wittner 2009). It was this movement that caused the about-face of the Reagan administration (Wittner 2009). Unfortunately, this level of success was again episodic – suggesting that there must be some cause for the cyclical nature of antinuclear activism in the United States.

Historically, most Americans have feared the use of nuclear weapons and public opinion has reflected this, particularly as time has gone on and the potential dangers of nuclear technologies have become more apparent to the public (Meyer 1993). As Reagan entered office in 1980, calling the Soviets an 'evil empire' and bragged about potentially winning a nuclear war, fear galvanized the public into acting against the Reagan Administration's hostile rhetoric (Wittner 2009). In other words, Reagan's pro-nuclear attitude is what caused the healthy resurgence of anti-nuclear civil society in the United States (Santese 2017). Although this fear-fueled movement was capable of instigating a short-term change in American policy – helped along by a relatively friendly Soviet counterpart in Mikhail Gorbachev – it was not sustainable (Wittner 2009). As the Berlin Wall fell and the Cold War came to an end, the American public began to feel safer and thus fell into complacency (Wittner 2009). Although the Obama administration gave many anti-nuclear weapons activists hope by publicly endorsing a nuclear-weapon free world in

# Nuclear Proliferation and Humanitarian Security Regimes in the US & Norway

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Prague in 2009, it is this same administration that declined to attend any of the meetings kickstarted by the humanitarian consequences initiative – claiming that it is necessary instead for the nuclear weapons states themselves to be negotiating the ban (Lewis 2017). The Obama administration chose to vote against the convening of the talks, even as its time in office was coming to a close (Sengupta and Gladstone 2017). Overall, although the rhetoric of the Obama administration was at times hopeful for proponents of nuclear disarmament, the actual policy fell flat (Butfoy 2012). This is one of few foreign policy areas that has seen continuity since the election of Donald Trump in 2016; the United States continues to boycott these talks, even as civil society actors such as ICAN and the ICRC condemned its absence (Sengupta and Gladstone 2017). According to ICAN, the Trump Administration's nuclear policy is, terrifyingly, 'a blueprint for war.' (Doherty 2017) Despite the resurgence of public engagement in protesting against government policy in areas such as climate change, women's rights, and gun control, civil society in the United States has yet to focus on the humanitarian reframing of nuclear weapons – despite the best efforts of the HSRs that are making impacts elsewhere around the globe (Mitchell 2018). It is hopeful that a resurgence of popular support may occur as the Trump administration continues to use hostile rhetoric and vows to modernize the USA's nuclear arsenal.

## Case Study Implications

The United States and Norway are deeply similar in that they both have been impacted greatly by the role of civil society in their nuclear disarmament posturing and that they are both members of NATO, arguably one of the most influential security actors on the global stage. However, despite historical successes on issues such as antipersonnel mines and cluster munitions, and despite the success of humanitarian security regimes in Norway on the nuclear issue, humanitarian security regimes have yet to have a positive impact on the American government towards true nuclear disarmament (Private Meeting 1 2018). Since the rise of the Trump regime, the United States has seen a large influx in protests; according to the Washington Post, approximately 20% of the American population has taken part in protests since Trump's election in 2016 (Jordan and Clement 2018). The same poll that collected this data also analyzed the issues on which Americans have been protesting and engaging with civil society with, and nuclear disarmament does not even crack the top ten (Jordan and Clement 2018). In general, anti-war movements shrunk during the Obama administration, with much of the focus shifting to civil rights and a steep pivot of protest culture to American issues rather than issues abroad (Friedersdorf 2017).

Why haven't humanitarian security regimes been successful in the United States thus far? To find the probable answer, we must look to Garcia's 2015 definition of HSRs. The third condition for the emergence – and subsequently the success – of HSRs requires states to care about their reputation– something that, thus far, hasn't exactly been at the forefront of the Trump administration's agenda. Reputational concerns around the context of nuclear weapons in particular are currently difficult to stigmatize to the five governments that have been given the right to be NWSs by the NPT. Here, the HSR is not only tasked with creating a new norm, but with dismantling an already existing one. It is also important to note the United States' carefully calculated role within the NATO alliance: as a key member alongside two other NWSs, the government places the potential traditional security concerns of disarmament far above that of a country like Norway, which conceded its budding nuclear program to peaceful purposes relatively early on and would later strategically posture itself as a champion of human security during the negotiations on the mine ban treaty (Borrie 2014).

However, in the context of the disarmament of NWSs such as the United States, this does not mean that there is no hope. The historical example specifically in reference to attempted expansion of the NATO nuclear umbrella – be it with an increased weapons capability or an increased amount of nuclear weapons – has been influenced by other NATO member states, as referenced above. Even if the American public has yet to be influenced by Humanitarian Security Regimes, it is in fact influenced greatly by the political considerations of other NATO member states – particularly where their own domestic policy is concerned (Private Conversation 2 2018). Despite the status of the United States, it is hardly untouchable when it comes to advocating for larger disarmament on the international scale – and this is, in part, why it is so very disappointing that Norway lost steam during the negotiations on the NWBT. Non-NATO European states such as Austria and Sweden have been exerting due pressure on their NATO allies (including Norway), but there is still much to be done from the perspective of disarmament. Although it is extremely unlikely that the United States – or its allies amongst the NWSs – will sign onto the treaty, what is more important is

# Nuclear Proliferation and Humanitarian Security Regimes in the US & Norway

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the setting of norms by HSRs, something that has been seen thus far in the bans on cluster munitions, anti-personnel mines, and blinding laser weapons (Garcia 2015). HSRs are fighting an uphill battle when it comes to legally outlawing the use of nuclear weapons – however, they are setting the norms that will allow for the use of nuclear weapons to become something that is to be stigmatized, instead of celebrated, for future generations.

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Written by Erin K. Norris

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# **Nuclear Proliferation and Humanitarian Security Regimes in the US & Norway**

Written by Erin K. Norris

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