TREATY ON THE PROHIBITION OF NUCLEAR WEAPONS (TPNW): STIGMATISATION, NORMATIVE IMPACT AND DISCURSIVE APPROACH

Dr Syed Adnan Athar Bukhari*

Abstract

This paper explores the underlying efforts of the international anti-nuclear movement, specifically the Humanitarian Initiative led by Non-Nuclear Weapon States and supported by the International Campaign to Abolish Nuclear Weapons (ICAN), seeking to further the cause of nuclear disarmament. The movement was successful in finalising the Treaty on the Prohibition of Nuclear Weapons (TPNW) in 2017 at the UN General Assembly with a vote of 122 in favour. Remarkably, the treaty entered into force in 2021 comprehensively outlaws the development, testing, transferring, receiving, keeping, using or threatening the use of nuclear weapons. The advocates of the treaty urge that nuclear weapons are the most inhumane and indiscriminate weapons that inflict damage on a mass scale. Their potential use violates international humanitarian and human rights laws and may cause significant environmental damage. Based on these assumptions, they argue that nuclear weapons must be eliminated urgently. The paper underscores the discussions of 'stigmatisation' and 'devaluing' of nuclear weapons, 'normative impact' of the treaty, and 'discursive approach' through reframing of the debates. The research uses qualitative methodology and utilises content analysis of open-source data for analysis.

Keywords: *TPNW, ICAN, Nuclear Disarmament, Humanitarian Initiative, Stigmatization*

Introduction

The 2017 UN *Treaty on the Prohibition of Nuclear Weapons (TPNW)* is a landmark nuclear disarmament agreement aimed at eliminating nuclear weapons from the face of the Earth. The agreement was

* Assistant Professor at the Department of Defence and Strategic Studies, Quaid-i-Azam University, Islamabad, Pakistan. Email: syedadnanathar@qau.edu.pk.

reached after concerted efforts of the non-nuclear-weapon states (NNWS) such as Norway, Sweden, Ireland, Austria, Switzerland, Mexico, and Brazil as a result of a campaign of the *Humanitarian Initiative* and also by the efforts of the *International Campaign to Abolish Nuclear Weapons (ICAN),* an international non-governmental organisation.[1] The supporters of the treaty are convinced of the idea that nuclear weapons constitute a fundamental threat to international peace and stability, and may cause unnecessary humanitarian loss and damage to the environment. The proponents of the treaty, mainly non-nuclear weapon states, belonging to Nuclear Weapon Free Zones and many international non-governmental organisations such as ICAN, believe that nuclear weapons are the most lethal and indiscriminate weapons; therefore, they should be eliminated.

This paper tries to address key fundamental questions such as, what are the reasons and arguments of the nuclear ban advocates to push for their case, given the utility and significance of nuclear weapons for deterrence purposes and the opposition of nuclear weapon states (NWS); mainly the nine nuclear-equipped states (P-5: the US, the UK, France, Russia and China + India, Pakistan, Israel and North Korea) and their allied or umbrella non-nuclear states); how can the idea of nuclear disarmament be achieved through a treaty-based approach under the nuclear ban treaty, invoking the discussions of stigmatisation, normative effect and discursive approach; How does the TPNW differ from the Nuclear Non-proliferation Treaty (NPT) and what are the key challenges to the existing ban treaty.

The research uses qualitative research methodology and utilises content analysis of open-source data for analysis. It relies on primary and secondary data to identify why the Humanitarian Initiative has been initiated by the non-nuclear weapon states, supported by the ICAN to analyse the discussion of stigmatisation, normative impact and discursive approach to grant credence to the idea of nuclear disarmament. Analysing the TPNW and NPT, the article draws comparisons of the two treaties, highlighting the significance of and challenges to the TPNW.

The paper is divided into the following four sections. Section one deals with the origins of the *Humanitarian Initiative*. Section two sheds light on the key provisions and obligations of the TPNW and its key challenges. Section three critically underscores three frameworks, i.e. stigmatisation, normative impact and discursive approach to understand the significance and utility of the TPNW in three sub-sections. Section four highlights the relationship and difference between the TPNW and NPT.

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1 Tom Sauer, "The Impact of the Treaty on the Prohibition of Nuclear Weapons: The Crucial Role of the European NATO Allies," *Peace Review,* Vol. 36, No. 2 (2024): 359-369, https://www.tandfonline.com/action/showCitFormats?doi=10.1080/10402659.2024.2337881.

The paper summarises the discussion and highlights key challenges for the treaty implementation.

Humanitarian Initiative: Breaking the Existing Non-proliferation Regime

The efforts for the nuclear ban movement started in the late 20th and early 21st century after the slow progress on disarmament since the mid-1990s and the failed NPT Review Conference in 2005, which failed to produce a consensus document.[2] The 1996 International Court of Justice (ICJ) Advisory Opinion on threat and use of nuclear weapons was significant in the journey of the TPNW as "it was the first disarmament-focused uprising in the UNGA."[3]

The move was influenced by the successful finalisation of the 1997 Ottawa Treaty to ban landmines and the 2008 Convention on Cluster Munitions. Also, worldwide support for the *Humanitarian Initiative* to ban nuclear weapons sprang from the like-minded campaigner NGOs (as Track two channels) along with support from 'middle power' states[4] (as Track one channels)[5] which Futter and Samuel called as Positive Neutral States or (disarmament-minded countries) such as Norway, Sweden, Ireland, Austria, Switzerland, Mexico, and Brazil.. Global South states and some Western NNWS agreed to cooperate on nuclear disarmament through the New Agenda Coalition (NAC).[6]

The drive for nuclear disarmament further got impetus when former President Obama envisioned for a world without nuclear weapons in his Prague speech in 2009,[7] yet no practical steps had been taken by the US administration. In 2010, the advocates of the nuclear ban treaty

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2 Ibid. Also see: Harald Müller, "The 2005 NPT Review Conference: Reasons and Consequences of Failure and Options for Repair," Report No 31, Weapons of Mass Destruction Commission (WMDC), Sweden, 2005.

3 Andrew Futter and Olamide Samuel, "Accommodating Nutopia: The Nuclear Ban Treaty and the Developmental Interests of Global South Countries," *Review of International Studies*, Vol. 50, No. 5, (2024), 799–820. Doi:10.1017/S0260210523000396; also see: Tom Sauer, "The Impact of the Treaty on the Prohibition of Nuclear Weapons."

4 Rebecca Davis Gibbons, "The Humanitarian Turn in Nuclear Disarmament and the Treaty on the Prohibition of Nuclear Weapons," *Nonproliferation Review,* Vol. 25, Nos. 1–2, (2018), 11–36, https://doi.org/10.1080/10736700.2018.1486960.

5 William C. Potter, "Disarmament Diplomacy and the Nuclear Ban Treaty," *Survival*, Vol 59, No. 4 (2017), 75-108, DOI: 10.1080/00396338.2017.1349786.

6 Futter and Samuel, "Accommodating Nutopia."

7 Also, Obama's Prague Speech, April 5, 2009: https://obamawhitehouse.archives.gov/the-press-office/remarks-president-barack-obama-prague-delivered.

pushed for reframing the possession and possible use of nuclear weapons as a humanitarian rather than a state security issue.[8]

Three dedicated international conferences on the *Humanitarian Impact of Nuclear Weapons* were held in Oslo, Norway (March 2013), Nayarit, Mexico (February 2014), and Vienna, Austria (December 2014), where the idea of a nuclear ban was vigorously promoted.[9] In these conferences, representatives from Algeria, Kazakhstan, and the Pacific Island states, with a history of nuclear testing and use (Retributive-Seeking States), were able to articulate their voices for retributive justice.[10] The supporters of the *Humanitarian Initiative* invoked the humanitarian agenda by sensitising the consequences of nuclear war to further the agenda of nuclear disarmament.[11] The humanitarian agenda proved to be 'the magnetic pull' for the champions of the nuclear-free world.[12]

These conferences developed an understanding of the humanitarian, health, socioeconomic and environmental impacts of the detonation of nuclear weapons. During the conferences, the participation from states (ranging between 127 and 158 states) included people from civil society, doctors, *hibakusha* (victims of the nuclear weapons use in Hiroshima and Nagasaki) and international organisations such as "UNHCR, OCHA, UNDP, WFP, ICRC and the International Federation of Red Cross and Red Crescent Societies (IFRC)"[13]

The advocates of the nuclear ban treaty urged that the possession and use of nuclear weapons was inconsistent under the obligations of the international humanitarian law. For instance, Jakob Kellenberger, the former president of the International Committee of the Red Cross (ICRC) invoked such a debate in 2010.[14] The former Foreign Minister of Norway,

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8 Gibbons, "The humanitarian turn in nuclear disarmament." Also see: Sauer, "The Impact of the TPNW."

9 Tom Sauer, "Whether you like it or not, the Nuclear Ban Treaty is here to stay: a reply to Brad Roberts," *ELN.org,* March 29, 2018, accessed October 24, 2024, https://europeanleadershipnetwork.org/commentary/whether-you-like-it-or-not-the-nuclear-ban-treaty-is-here-to-stay-a-reply-to-brad-roberts/.

10 Futter and Samuel, "Accommodating Nutopia."

11 "TPNW," *NTI.org,* n.d., accessed October 15, 2024, https://www.nti.org/education-center/treaties-and-regimes/treaty-on-the-prohibition-of-nuclear-weapons/.

12 Jean Krasno and Elisabeth Szeli, *Banning the Bomb: The Treaty on the Prohibition of Nuclear Weapons* (Boulder Colorado, USA: Lynne Rienner Publishers, 2021).

13 Ibid.

14 Alexander Kmentt "The Development of the International Initiative on the Humanitarian Impact of Nuclear Weapons and its Effect on the Nuclear Weapons Debate," *The International Review of the Red Cross*, International Committee of the Red Cross, (2015), 681–709.

Jonas Gahr Støre argued that the "experiences of humanitarian disarmament initiatives on anti-personnel landmines and cluster munitions could be applied to nuclear weapons."[15] Likewise, a study published in 2012 by the International Physicians for the Prevention of Nuclear War (IPPNW) on the impact of the possible use of nuclear weapons on climate change revealed the declining food production and fears of starvation.[16]

ICAN helped convince the governments of the non-nuclear weapon states through civil society engagement and public awareness campaigns to table a treaty to ban nuclear weapons at the UNGA. It carried out a herculean task for which it also received the Nobel Peace Prize in 2017 to convince a large number of states (mainly non-nuclear states) to push for a ban treaty. ICAN now comprises 650 NGOs from 110 states, encompassing anti-nuclear organisations, such as the IPPNW, ICRC and other civil society organisations.[17]

The 2013 Oslo conference highlighted the immediate and long-term effects of the use and testing of nuclear weapons beyond national borders. The nuclear weapon states boycotted the conference as 'P-5 Solidarity.' Their indifference gave impetus to the non-nuclear weapon states to push for a ban. The 2014 Nayarit conference further amplified the extended discussion to include the testimonies of the *Hibakusha*, the survivors of the Hiroshima and Nagasaki bombings. It also highlighted the short and long-term health hazards, impact on climate, food supply chains and inadequacy of the response capabilities. The Mexican chair of the conference posited that the risks of the use of nuclear weapons increased exponentially due to accidental, mistaken, unauthorised or intentional authorised use of nuclear weapons. The only path to achieve nuclear disarmament is to outlaw these weapons that are inconsistent with the NPT and Common Article 1 of the Geneva Conventions.[18]

The 2014 Vienna conference was important as two NPTnuclearweapon states, including the US and UK, participated in the discussions. Importantly, India and Pakistan attended all meetings of the *Humanitarian Initiative*. The Vienna conference reiterated the agenda of the last two conferences but also highlighted the effects of nuclear tests through the testimonies of the victims of nuclear testing from Australia, the Marshall Islands and the United States (Utah). The conference chair summarised the adverse, catastrophic and irreversible human and

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15 Elizabeth Minor, "Changing the Discourse on Nuclear Weapons: The Humanitarian Initiative," *International Committee of the Red Cross,* (2015) 711–730.

16 Kmentt "The Development of the International Initiative."

17 Sauer, "The Impact of the TPNW."

18 Kmentt "The Development of the International Initiative."

environmental impacts of the nuclear weapons detonations (due to radioactive contamination) beyond borders.[19]

Over the lack of progress at the NPT RevCons, the non-nuclear weapon states took the agenda at an UN Open-Ended Working Group (OEWG) on nuclear disarmament within the UN General Assembly, established in 2013 as a preferable negotiating forum. Their preference resulted from the fact that the UNGA makes decisions by a majority vote of member states rather than consensus. Many states, including Algeria, Brazil, Indonesia, and South Africa, favoured the initiation of negotiations on a nuclear ban treaty as a fast-track approach to disarmament.[20] Recommendations from the 2016 UN OEWG further pushed the agenda for a nuclear ban treaty.[21]

A UNGA resolution A/C.1/71/L.41, forwarded by Austria, Brazil, Chile, Costa Rica and other like-minded states, was adopted in October 2016, which decided to hold a conference under the auspices of the UN to negotiate a treaty to prohibit nuclear weapons next year.[22] All 123 non-nuclear-weapon states voted in favour, and 38 states (including all nuclear-weapon-states except North Korea; NATO states and the US allies such as Japan, South Korea and Australia opposed the 2016 resolution. This resolution paved the way for voting on the final text of the *Treaty on the Prohibition of Nuclear Weapons (TPNW)* at the UNGA in New York on July 7, 2017. The 123 states (all non-nuclear weapon states, including 110 states belonging to regional nuclear-weapon-free zones) voted in favour, one against (the Netherlands) and one abstention (Singapore). Notably, the Netherlands, being the only NATO non-nuclear weapon state that also hosts the NATO nuclear weapons on its land, participated in the negotiations but opposed the final draft of the treaty. All nine nuclear-armed states (P-5 + 4) and their allies boycotted the negotiations.[23]

What convinced the 121 states to negotiate and establish the ban treaty can be construed in two explanations. First, the Nuclear Non-proliferation Treaty is discriminatory, creating a bifurcation of "*haves*" by the few and "*have not's*" by the remaining; legitimising the right of the few to possess nuclear weapons but prohibiting all others from acquiring them. The nuclear-weapon states pledged under Article 6 of the NPT in 1970 to negotiate in good faith a treaty on general and complete disarmament. Ironically, this obligation was not time-bound and lacked any verification mechanism. Fifty-five years on, the NWS still keep

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19 Ibid.

20 "TPNW," *NTI.org,* n.d., accessed October 15, 2024.

21 "TPNW," *Unfoldzero.Org, n.d.,* accessed October 16, 2024. https://www.unfoldzero.org/treaty-on-the-prohibition-of-nuclear-weapons/#.

22 UNGA Resolution A/C.1/71/L.41, *Reachingcriticalwill.Org,* October 14, 2016, accessed October 17, 2024, https://reachingcriticalwill.org/

23 Sauer, "The Impact of the TPNW."

around12,000 nuclear weapons (as of 2025)[24] with many states upgrading and modernising their nuclear systems with billions of US dollars. The actions of the nuclear states "make a mockery of that article (6) and the NPT."[25]

Discriminatory non-proliferation regime that legitimize the possession of nuclear weapons by a few states is not sustainable as the non-proliferation regime is centered on a grand bargain: i.e. the non-nuclear weapon states will not develop nuclear weapons (Article II of the NPT) but aquire access to peaceful nuclear technology (Article IV of the NPT) with the commitment that the nuclear weapon states will ultimately abolish their nuclear weapons one day (Article VI).[26] The NNWS reminded and reiterated the NWS of their commitment to Article VI at each of the five-yearly NPT Review Conferences, but to no avail. Even at the 2015 Review Conference of NPT, where 160 states endorsed the *Humanitarian Initiative*, the conference failed to reach a consensus on the final document.[27] The unwillingness of the NWS to fulfil their obligations further grew frustration and anger. The quest for the nuclear ban treaty was their "constructive common response…to fully delegitimise and devalue nuclear weapons."[28]

Second, the demand of the NNWS for nuclear elimination also stems from their threat perception and "security-related dangers that go hand-in-hand with the practice of nuclear deterrence." They argued if the use of "nuclear weapons will be restricted only to the territories of the NWS and their allies."[29] Such thinking led the NNWS to find an alternative other than the NPT that can outlaw the possession and use of nuclear weapons.

The ban treaty was a result of the frustration of the NNWS over the failure of the NWS and allied states to initiate negotiations on a nuclear disarmament treaty, also referred to as a Nuclear Weapons Convention (conceived in 1997 by the Lawyers Committee on Nuclear Policy and then by International Physicians for the Prevention of Nuclear War (IPPNW) in

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24 Hans Kristensen, Matt Korda, Eliana Johns, Mackenzie Knight and Kate Kohn, "Status of World Nuclear Forces," *FAS.Org,* March 26, 2025, accessed April 2025, https://fas.org/initiative/

25 Tom Sauer and Mathias Reveraert, "The Potential Stigmatizing Effect of the Treaty on the Prohibition of Nuclear Weapons," *The Nonproliferation Review,* Vol. 25, Nos 5–6, (2018): 437–455.

26 Treaty on the Non-Proliferation of Nuclear Weapons, April 22, 1970, https://www.iaea.org/sites/default/files/

27 "TPNW," *NTI.org,* n.d., accessed October 15, 2024.

28 Sauer and Reveraert, "The Potential Stigmatizing Effect of the TPNW."

29 Ibid. Also see: Tom Sauer and Claire Nardon, "The Softening Rhetoric by Nuclear-Armed States and NATO Allies on the Treaty on the Prohibition of Nuclear Weapons," *Warontherocks.com,* December 7, 2020, accessed, October 14, 2024, https://warontherocks.com/2020/12/

2008).[30] Instead of waiting unabatedly, the NNWS negotiated and finalised a ban treaty by themselves. The treaty reinforced the desire and unleashed a strong political push for nuclear disarmament.[31]

After voting on the treaty held in July 2017, it was formally opened for signature on September 20, 2017, at the UN General Assembly.[32] The treaty entered into force on January 22, 2021, after the fiftieth instrument of ratification by the Republic of Honduras on October 24, 2020, as per Article 15 of the text of the treaty. It was deposited with the UN Secretary-General. It entered into force for an indefinite period.[33] Since the entry into force of the ban treaty, nuclear weapons have now comprehensively proscribed formally under international law.

The TPNW is indeed a watershed for the supporters of the treaty in the way to eliminate nuclear weapons; however, others view it as divisive, which could undermine the NPT and would create further divides in the international nonproliferation and disarmament fora on the progress of nuclear disarmament.[34]

As of March 2025, a total of 94 states have signed and 73 have become party to the TPNW. No nuclear-weapon state, nor any of its allies or umbrella states, has done so.[35] They are not bound by the treaty obligations.

TPNW Obligations

The 11-page UN *Treaty on the Prohibition of Nuclear Weapons (TPNW)* of 2017 consists of a powerful preamble and 20 articles. The treaty carries three types of provisions: absolute preventive obligations (Article 1, 2 and 4, calling for a comprehensive ban on production and transfer of nuclear weapons, eliminating existing nuclear weapons stocks and banning the use of or threat of use of nuclear weapons); remedial measures (Article 6.1, victim assistance in the event of the use or testing of nuclear weapons) and cooperative approaches to implementation (Article 7, international cooperation to implement the treaty).[36]

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30 Jean-Baptiste Jeangene Vilmer, "The Forever-Emerging Norm of Banning Nuclear Weapons," *Journal of Strategic Studies*, Vol. 45. No. 3 (2022), 478-504, DOI: 10.1080/

31 "TPNW," *Unfoldzero.org,* n.d., accessed October 16, 2024.

32 "TPNW," *NTI.org,* n.d., accessed October 15, 2024.

33 Ibid.

34 Ibid.

35 "TPNW," *Unfoldzero.org,* n.d., accessed October 16, 2024; "Third Meeting of States Parties to the Treaty on the Prohibition of Nuclear Weapons," UNODA, *TPNW/MSP/2025/CRP.4.* March 7, 2025, accessed April 2015. https://docs-library.unoda.org/

36 Bonnie Docherty, "A 'Light For All Humanity': The Treaty on the Prohibition of Nuclear Weapons and the Progress Of Humanitarian Disarmament," *Global Change, Peace & Security,* 2018; Text of Treaty on the Prohibition of Nuclear

Despite a compelling idea to strive for nuclear disarmament through a treaty-based approach, serious challenges to the treaty stem from weak verification mechanisms that mainly consist of the International Atomic Energy Agency (IAEA) safeguards. Article 3 obliges a state party to conclude a comprehensive safeguards agreement (INFCIRC/153) with the IAEA.[37]

As per Article 4 of the treaty, each state-party pledges to eliminate its stockpiles of nuclear weapons and would provide a timeline to a competent authority to be determined by states parties to remove nuclear and/or destroy nuclear weapons from operational status on its territories or under its jurisdiction and report to the UN Secretary General.[38]

There is no overarching agency or organisation or any other specific enforcement arrangement like the Comprehensive Nuclear-Test-Ban Treaty (CTBTO) or the Organisation for the Prohibition of Chemical Weapons (OPCW) in cases of prohibiting nuclear testing and stopping the spread and possible use of chemical weapons. The treaty calls the states parties to "designate a competent international authority or authorities to negotiate and verify the irreversible elimination of nuclear-weapons programmes" under Article 4.6.[39]

However, serious questions need to be pondered upon, such as: "w*hat would be the 'competent international authority' to verify the elimination of nuclear weapons?* Would it be the UN Security Council, in which five nuclear-armed states hold veto power, or the IAEA, which has expertise on fissile materials but not on nuclear weapons, or would the Conference of States Parties establish an agency for this purpose? *How would these provisions apply if none of the nuclear armed or allied States join the treaty?* Would they be redundant?"[40] The treaty only calls for national implementation mechanisms and international cooperation for treaty implementation.

The first review conference of the members of the TPNW will take place after five years, following its entry into force.. Subsequent review conferences will be held with an interval of six years. The amendments can be made with a two-third majority of the state parties. A state has the right to withdraw from the treaty, citing extraordinary circumstances jeopardising its supreme national interests under Article 17. The withdrawal notification will be served when the withdrawing state is not in an armed conflict. It will take effect twelve months after notification.[41]

Weapons, 2017, accessed October 18 2024, https://d3n8a8pro7vhmx.cloudfront.net/

37 Text of TPNW, 2017.

38 "TPNW," *Unfoldzero.org,* n.d., accessed October 16, 2024.

39 Ibid.

40 Ibid.

41 Text of TPNW, 2017.

Significance of the Treaty: Stigmatisation, Normative Impact and Discursive Approach

If already the NNWS are under the commitment of the NPT not to acquire and develop nuclear weapons, why then the *TPNW* was established and in what ways is it significant? More importantly, if this agreement does not apply to nuclear possessor states and their allied states as they have not joined the treaty, why is it substantive?[42] The significance of the treaty can be conceptualised from the following three frameworks: stigmatisation, normative impact and discursive approach.

Stigmatisation

'Stigma' or 'stigmatisation', though are sociological terms but their application have later been applied to the fields of international relations and now in studies of nuclear politics. Stigma refers to considering "an attribute that is deeply discrediting," argues Erving Goffman.[43]

The term 'stigma' comes from Greece, where a segment of people (often less privileged) were considered to have less social status. Today, it is meant to treat something as disgrace, worthless, dishonoured and devalued. For instance, capitalists and communists branded stigma to the competing political ideologies of each other during the Cold War.[44]

Stigmatisation is a process to treat and brand something or someone as disgraceful, worthless, dishonoured, and devalued. Considering the debate of stigmatisation on nuclear weapons, it is important to understand that nuclear weapons have been framed as a symbol of national power and prestige since they were invented during the Cold War. They are valued in the national security strategies of nuclear-possessor states as their capacities to inflict unacceptable damage to deter enemies from aggression, and therefore, they bring stability, security and peace. They are also source of prestige internally and externally.[45] Alexander Kmentt, an Austrian Ambassador, argued that "the nuclear armed states and their allies consider nuclear weapons the backbone of a security policy that is based on nuclear deterrence as the 'ultimate security guarantee' and as a means to maintaining a strategic – albeit precarious – stability between them."[46] This approach of maintaining strategic stability through nuclear deterrence and nuclear weapons development set the parameters for nuclear disarmament efforts for decades. For instance, Article 6 of the NPT invoked the idea of nuclear disarmament but the progress over nuclear disarmament was slow.[47]

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42 "TPNW," *Unfoldzero.org,* n.d., accessed October 16, 2024.

43 Sauer and Reveraert, "The Potential Stigmatizing Effect of the TPNW."

44 Ibid.

45 Ibid. Also see: Kenneth Waltz, "The Spread of Nuclear Weapons: More May Better," *Adelphi Papers,* No. 171, (1981).

46 Docherty, "A 'Light for all Humanity'."

47 Ibid.

Since nuclear weapons have been invented, it is humans who gave meaning to these weapon systems as good for national security that bring strategic stability and thwart aggression, but if we start conceiving them as evil and a source of lethal destruction, we would conceive them differently, often negatively.[48] A stigmatisation process against nuclear weapons started vigorously in the aftermath of the Cold War, in which these weapons systems were conceptualised not from a security perspective, but from humanitarian and environmental perspectives.

The critics count more disadvantages of the nuclear weapons, such as the potential failure of deterrence, the spread of nuclear weapons to (rogue) states and non-state actors, fears of accidents and inadvertent escalation.[49]

However, as Joelien Pretoius claimed that stigmatisation may not result in giving up nuclear weapons by the nuclear weapon states automatically but "it's a tool that can stigmati(s)e nuclear weapons and more deeply entrench the taboo against their use – creating the conditions for disarmament."[50]

Stigmatisation was conceived from the very fact that nuclear weapons are inhuman weapons and that the humanitarian approach to disarmament gained currency and acceptance. Likewise, the moral and ethical considerations contributed to the rhetoric of the stigmatisation of nuclear weapons.[51]

The humanitarian approach is invoked to stigmatise possession of nuclear weapons, particularly in democratic nuclear weapon states, to generate the debate and take practical actions for nuclear elimination.[52] Beatrice Fihn, the UNIDIR Senior Fellow and the former executive director of ICAN, argued that "stigmati(s)ing weapons creates perceptions of unacceptability which can be incompatible with the identity a state wishes to hold in the world. A treaty prohibiting nuclear weapons will make it

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48 Sauer and Reveraert, "The Potential Stigmatizing Effect of the TPNW."

49 Ibid. Also see: Scott D. Sagan, Kenneth N. Waltz, *The Spread of Nuclear Weapons: A Debate Renewed* (W. W. Norton & Company: 2018); Also see: James M. Acton, "Inadvertent Escalation and the Entanglement of Nuclear Command-and Control Capabilities," *Carnegie.com,* October 29, 2018. accessed September 15, 2024, https://carnegieendowment.org/posts/2018/10

50 Joseph Pretoius, "How I Learned to Hate the Bomb," *TheBulletin.Org,* February 7, 2017, accessed September 16, 2024, https://thebulletin.org/can-Also see: Sauer and Reveraert, "The Potential Stigmatizing Effect of the TPNW."

51 Joseph A. Camilleri, Michael Hamel-Green, and Fumihiko Yoshida, *The 2017 Nuclear Ban Treaty A New Path to Nuclear Disarmament* (Abingdon, Oxon, UK: Routledge, 2019)

52 Sauer and Reveraert, "The Potential Stigmatizing Effect of the TPNW."

more difficult for nuclear-armed states to continue to justify possessing and planning to use nuclear weapons."[53]

Notably, stigmatisation of nuclear weapons does not work instantly and yield results abruptly. It is a lengthy process that needs concerted efforts to produce results. It works through '*reframing*' and '*devaluing*' of the possession and possible use of nuclear weapons by nuclear-possessor states and their allied states.[54]

The movement of the *Humanitarian Initiative* contributed to reframe and devalue nuclear weapons. The advocates of the ban movement started to treat nuclear weapons and their possible use as contradictory to the international humanitarian law. Moreover, their possible use may cause adverse implications for the climate. Due to these reasons, they should be delegitimised and eliminated.[55]

John Borrie made a compelling case for the movement of the *Humanitarian Initiative* to outlaw nuclear weapons under the TPNW. He invoked the idea of 'framing' and 're-framing' to eliminate a category of weapon systems. Framing refers to "conscious strategic efforts by groups of people to fashion shared understandings of the world and of themselves that legitimate and motivate collective action." It follows "re-framing (that) means moving from one such shared understanding (or framing) to another, as shown by discernible processes of frame alignment."[56] There are four 'strategic processes' involved in reframing that include frame bridging, amplification, extension and transformation. The advocates of the nuclear ban treaty linked or bridged their call to the earlier banning movements of other weapons, such as mines and cluster munitions that caused superfluous or unnecessary suffering against their targets (combatants & civilians alike. Amplification refers to invoking the values of protecting civilians as a key feature of international humanitarian law (IHL), thus, certain weapon systems, such as mines and cluster munitions and nuclear weapons, should be banned and eliminated. The protection of civilians as a principle of IHL parallels frame extension to ban the bombs. Frame transformation refers to the systematic alterations of opinion of the participants that fundamentally redefine their activities.[57]

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53 Beatrice Fihn, "The Logic of Banning Nuclear Weapons," *Survival,* Vol. 59, No. 1, (2017): 47–48.

54 Docherty, "A 'Light for all Humanity'; also see: Nick Ritchie, "Waiting for Kant: Devaluing and Delegitimising Nuclear Weapons," *International Affairs* (Oxford University Press on Behalf of Royal Institute of International Affairs, vol. 90, No. 3 (2014): 601-623.

55 Sauer, "Whether You Like It or Not."

56 John Borrie, "Humanitarian Reframing of Nuclear Weapons and the Logic of a Ban," *International Affairs* (Royal Institute of International Affairs) vol. 90, No. 3 (2014): 625-646.

57 Ibid.

ICAN and non-nuclear-weapon states invoked a variety of strategic processes of framing to initiate a nuclear ban treaty. They rallied support for the continued possession and threat of use of nuclear weapons as unacceptable. They challenged the ideas of the first-class minds that were immersed for decades in the abstract realm of nuclear deterrence and the centrality of nuclear weapons in national and alliance politics. Moreover, the move to ban nuclear weapons also highlighted a glaring fact that the great powers had limits in terms of blocking the way forward for the worthwhile ideas of nuclear disarmament.[58]

The success of the finalisation TPNW was achieved through a humanitarian reframing of the issue that seeks to address the catastrophic human consequences of nuclear weapons.[59] It motivated countries to look beyond their security interests and address the risks of catastrophic harm that nuclear weapons pose to humans. Practically, the humanitarian approach to disarmament based on "global justice, humanitarian consequences, human rights and ecological violence"[60] provided a model for negotiating a ban treaty.

Stigmatisation works by establishing a 'norm' in society. The stigmatised party seeks to enter the group of 'normal' and thus stigmatisation works as a norm enforcer. For instance, Nazism became a stigma in post-WW II Germany. Its leaders and public opinion perceived it as a stigma and altered their behaviours to reintegrate into the group of 'normal.'[61]

The norm of 'relinquishing nuclear weapons' by the nuclear armed states through stigmatisation would not be easy because of these states being powerful militarily and economically; however, rejecting the ban treaty outrightly would cause discomfort in many states, especially many umbrella/allied states. As a whole, the stigmatisation process "alter the paradigm on nuclear weapons, changing them from a symbol of prestige to a discrediting attribute."[62]

There are two approaches in which nuclear-stigma recognition can work: "the top-down (=direct) or bottom-up (= indirect). A direct mechanism is elite learning…(whereas) indirect, mechanism is a bottom-up process of normative change in which domestic and transnational social groups ... put pressure on decision-makers to change state policy or practices." The key examples of the top-down approach for giving up nukes are of South Africa, Brazil, Ukraine, Belarus, and Kazakhstan.[63]

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58 Ibid.
59 Docherty, "A 'Light for all Humanity'."
60 Vilmer, "The Forever-Emerging Norm of Banning Nuclear Weapons."
61 Sauer and Reveraert, "The Potential Stigmatizing Effect of the TPNW."
62 Ibid.
63 Ibid.

Whereas, the case of the Netherlands is significant to assess the bottom-up approach because it is the only allied country, hosting the US nuclear weapons on its land as part of its arrangements under the NATO extended deterrence, but participated in the TPNW negotiations despite opposition from the US. In April 2016, 40,000 signatures were collected against nuclear weapons by *Pax*, the main Dutch peace organization to start a parliamentary debate that led the participation of the country into the negotiations of the ban treaty, although, it abstained in voting on draft resolution L.41 at the UNGA in October 2016 and was the only state to participate in voting but opposed the finalisation of the TPNW in July 2017.[64]

The stigmatisation approach can be further conceptualised through Nick Ritchie's analysis of the '*devaluing*' of nuclear weapons in global nuclear discourse. Ritchie defined 'devaluing' as "a set of social, political and economic processes that reduce or annul the shared value(s) assigned to nuclear weapons within a polity, notably its defence and security elite, in terms of the perceived beneficial effects of their possession and deployment."[65] He also posits that "the concept of devaluing nuclear weapons is also associated with notions of 'delegitimising', 'stigmatising', 'marginalising', 'reducing the salience of and reducing the role of' nuclear weapons."[66]

The process to devaluing of the nuclear weapons gathered momentum since the mid-1990s when many of the international commissions such as (the 1996 Canberra Commission, the 1999 Tokyo Forum and the 2006 Blix Commission on Weapons of Mass Destruction) and many joint statements from non-nuclear weapon states came forward at the UN Conference on Disarmament and NPT Review Conferences called for nuclear weapons disarmament.[67]

Three images can be associated with regard to devaluing; first is 'surface devaluing' by the nuclear weapon states, who agreed to quantitative reductions of nuclear weapons but still consider the role of nuclear weapons in new missions in the post-Cold War. Second is 'deep devaluing' by the non-nuclear weapon states, who have pushed for reducing the role of nuclear weapons by the nuclear weapon states through calling for the negative security assurances, no first use, and de-alerting. Third is 'delegitimising' nuclear weapons, a move that came forward as a response to the glacial pace of disarmament progress in the NPT and gained momentum at the 2010 NPT Review Conference.[68] The

64 Ibid.
65 Ritchie, "Waiting for Kant."
66 Ibid.
67 Ibid.
68 Ibid.

stigmatisation and delegitimisation of nuclear weapons are aimed at implementing real disarmament steps once and for all.[69]

By delegitimising nuclear weapons under the *TPNW,* the *Humanitarian Initiative* aims to generate a stigmatisation effect within the nuclear-weapon states. In fact, the opposition of the nuclear-armed and allied states boycotting the negotiations of the *TPNW* and not joining it is itself a testimony of the stigmatising effect of the ban treaty.[70] The advocates of the TPNW hope that it will ensue a societal and political debates within the NWS and their allies about the horrific use of nuclear weapons, and therefore, ask their governments to delegitimise and finally abolish these weapon systems,[71] given that they are under the commitment of nuclear elimination under the NPT.[72] The question regarding the efficacy of the TPNW revolves around the normative effect, "exerting a social pressure on the NWS states, shaming and thereby weakening their support for nuclear deterrence."[73]

The ban treaty is the first initiative to outlaw nuclear weapons by invoking the principles of international humanitarian and human rights law. It puts a categorical ban on nuclear weapons activities and can now be treated as one of the instruments of international law to ban other weapon systems such as chemical weapons, biological weapons, cluster munitions and landmines.[74]

Stigmatisation is yielding some results, even if it is at the local level and in the private sector within some of the allied states and even some nuclear-armed states. For example, the *Norwegian Government Pension Fund Global* stopped investing in companies associated with the production of nuclear weapons. Many other banks (like *KBC* in Belgium) and pension funds (like *ABP* in the Netherlands) followed suit, citing the TPNW. Moreover, *Serco*, a British factory, halted its nuclear-weapon-related activities as a result of this campaign.[75]

Likewise, fifty-six former leaders, including the former UN Secretary-General Ban Ki-Moon and two former NATO Secretaries-General, Prime Ministers and Ministers of Foreign Affairs and Defence from twenty NATO states and leaders from Japan and South Korea, wrote an open letter calling and recommending the current leaders to sign and

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69 Mitsuru Kurosawa, "Stigmatizing and Delegitimising Nuclear Weapons," *Journal for Peace and Nuclear Disarmament,* Vol.1, No. 1, 2018.

70 Beatrice Fihn, Matthew Breay Bolton, and, Elizabeth Minor, "How We Persuaded 122 Countries to Ban Nuclear Weapons," *Justsecurity.Org,* October 24, 2017, accessed October 16, 2024, https://www.justsecurity.org/ 46249/ /.

71 Sauer, "Whether You Like it or Not."

72 Sauer, "The Impact of the TPNW."

73 Vilmer, "The Forever-Emerging Norm of Banning Nuclear Weapons."

74 Fihn, et. al., "How We Persuaded."

75 Sauer, "The Impact of the TPNW."

ratify the ban treaty in September 2020.[76] Interestingly, four allied states, Norway, Germany, the Netherlands, and Belgium, participated in the first meeting of states parties of the TPNW as observers in June 2022 despite pressure from the US. In the second meeting of states parties of the TPNW held in November 2023, three allied states, Germany, Belgium and Norway, participated as observers. The Netherlands (in contrast to its participation in the first meeting) was absent due to elections held a week before the meeting. Their participation indicates that NATO was divided on the TPNW,[77] and stigmatisation is working. However, due to the evolving security situation, the umbrella states swung in favour of nuclear weapons, and no NATO state participated as observer in the third meeting of the TPNW in March 2025.[78]

The NWS are hiding behind the allied NNWS from effective criticism in the form of stigmatisation through extended nuclear deterrence under NATO. If the allied state/s decide to fold the nuclear umbrella, the NWS would feel the heat of stigmatisation to have an effect. Likewise, domestic pressure for change in allied states would also reinforce the stigmatisation on NWS.[79]

The TPNW was a result of the frustration of the NNWS with the very slow pace of nuclear disarmament by the NWS and their allies under the NPT, especially over the last two decades. *"If the signal of the TPNW is not picked up by the nuclear weapons states and their allies, these frustrations will come back like a boomerang."*[80] Lack of progress would lead to more frustration that may result in the withdrawal of the NNWS from the NPT. There are concerns over Iran's withdrawal. If Iran does so, it will be followed suit by Saudi Arabia, Türkiye and Egypt. The ball is now in the camp of the nine NWS (P-5 + 4) to either remain defiant of the TPNW or continue modernising their nuclear weapons for another eighty years for trillions of dollars.[81]

The Normative Impact

Though the TPNW may not yield any practical results for the nuclear disarmament in the contemporary strategic environment when the world is entangled in the great power competition between the US, rising China and resurging Russia and we witness regional conflicts, yet, it

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76 "Open Letter in Support of the TPNW," September 21, 2020, accessed October 29, 2024, https://d3n8a8pro7vhmx.cloudfront.net/ican/pages/

77 Sauer, "The Impact of the TPNW."

78 Michal Onderco, Valerio Vignoli, "Four Years Later, Member Countries are Still Divided About What the Nuclear Ban Treaty Means," April 24, 2025, *Thebulletin.org,* accessed April 2025, https://thebulletin.org/2025/04/four-

79 Sauer, "The Impact of the TPNW."

80 Tom Sauer, "NATO Allies, don't Dismiss the TPNW," *ELN.org,* January 21, 2021, accessed October 14, 2024.

81 Ibid.

has established a normative impact, a disarmament education guide and a social movement around the world to push for eliminating nuclear weapons in the longer term.

Jean Vilmer posits that norms are shared expectations of actors. It establishes how an actor should act or react. It regulates behaviours through "prescriptive (compelling actors to do some things) and restrictive effects (compelling them to not do other things)."[82] He applied Finnemore and Sikkink's three-stage norm lifecycle model (emergence, cascade and internalisation) and argued that "the norm of TPNW is stuck at the first stage and is likely to stay there. It does not meet the quantitative and qualitative conditions to reach the tipping point, allowing it to 'cascade'."[83] He also used the three-part pattern of disarmament campaigns identified by Hanson (stigmatise, delegitimise and eliminate) and argued that "the (TPNW) campaign may have some results, in particular among civil society. However, it is stuck at the second stage and unlikely to reach the third, elimination, which is the norm's goal."[84] He claimed three reasons for not reaching the third stage, i.e., "the exceptionality of nuclear weapons, the international security environment, and the fact that peer pressure takes precedence over social pressure among NWS." However, he posits that (the TPNW) will likely stay a 'forever emerging' norm but it competes with another norm of nuclear deterrence. He claimed that "the project of banning nuclear weapons stumbles on a conflict of norms."[85]

Given the limitations of the nuclear ban movement, it continues to hold credence and create uproar against nuclear weapons. For example, the 2017 noble peace prize given to ICAN for supporting and contributing the finalisation of the TPNW and the 2024 Nobel Peace Prize given to *Nihon Hidankyo*, a Japanese organisation representing atomic bomb survivors (*Hibakusha*) of Hiroshima and Nagasaki "for its efforts to achieve a world free of nuclear weapons,"[86] validates the argument that the ban movement is powerful and it generates an impact.

Likewise, there is a growing realisation within the nuclear armed states of the dangers of nuclear weapons. The P-5 states in a joint statement in 2022 stated that, "We affirm that a nuclear war cannot be won and must never be fought."[87] Significantly, the *Pact for the Future*, the

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82 Vilmer, "The Forever-Emerging Norm of Banning Nuclear Weapons."

83 Ibid.

84 Ibid.

85 Ibid.

86 "Japanese Atomic Bomb Survivors' Group Nihon Hidankyo Wins Nobel Peace Prize," October 11, 2024, *Aljazeera*, accessed October 18, 2024, https://www.aljazeera.com/news/2024/10/11/

87 "Joint Statement of the Leaders of the Five Nuclear-Weapon States on Preventing Nuclear War and Avoiding Arms Races," January 3, 2022, https://bidenwhitehouse.archives.gov/briefing-room/

outcome document of the *Summit of the Future* held during the 79th session of the United Nations General Assembly in September 2024, called for making efforts to advance the goal of a world free of nuclear weapons in its Action 25. The pact included a clear rejection of nuclear weapons, including agreement by all UN Members that "a nuclear war cannot be won and must never be fought."[88]

The TPNW establishes a nascent taboo against nuclear weapons by invoking international humanitarian law that prohibits weapons and tactics that cause unnecessary suffering, and are indiscriminate or disproportionate.[89] The ICAN argued that "the treaty's power would not derive from coercive surveillance and interdiction mechanisms, but rather from its normative power.[90]

The nuclear ban treaty has put cracks into the existing hegemonic global nuclear order by putting an alternative arrangement to the NPT that was considered sacrosanct. The global nuclear order that was established on the key principles, institutions and processes such as the NPT, nuclear deterrence, the possession and control of nuclear weapons and materials, and nuclear abolition. This order benefits "a quite specific set of identities, interests, understandings, and practices in the global politics of nuclear weapons, whilst dismissing or sidelining others." Nick Ritchie claims that the conclusion of the TPNW has caused "nuclear ordering anxiety" for supporters of the status quo. "The ban treaty challenges the legitimacy of nuclear weapons and nuclear deterrence…(because of) the growing permanence of its inequalities and injustices."[91]

The normative impact plays its role in bringing policy actions in the long run. Many international law instruments, such as customs and traditions in diplomatic relations and regulations of the use of force in the battlefield, were codified through norms establishment. The ban treaties on mines, cluster munitions, chemical and biological weapons established the norms against these weapon systems so does the TPNW aims to establish a taboo against the possession and possible use of nuclear weapons.

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88 "Pact for the Future, Global Digital Compact and Declaration on Future Generations," United Nations, *Summit of The Future Outcome Documents,* September 2024. https://www.un.org/sites/

89 Matthew Bolton, "The Nuclear Taboo and the International Campaign to Abolish Nuclear Weapons," May 2, 2018, accessed October 15, 2024, https://www.e-ir.info/2018/05/02/ Also see: Krasno and Szeli, *Banning the Bomb.*

90 Bolton, "The Nuclear Taboo."

91 Nick Ritchie, "A Hegemonic Nuclear Order: Understanding the Ban Treaty And the Power Politics of Nuclear Weapons," *Contemporary Security Policy* Vol. 40. No. 4 (2019): 409-434.

Discursive Approach

The ICAN, which was instrumental in gathering support from the NNWS to push and conclude the ban treaty, mainly pursued a discursive strategy "casting nuclear weapons (and those who defended them) as immoral pariahs."[92]

They generated and helped change the discussions and discourses regarding what people used to talk, think and feel about nuclear weapons. They invoked the debates of "humanitarianism, human rights and environmentalism" in traditional nuclear fora. Victims, survivors, civil society, humanitarian agencies, doctors, faith influencers, and academics were engaged in meaningful nuclear conversation. They encouraged the participation of people from the Global South, particularly women and the victims of the effects of nuclear weapons. The participation of such groups of people changed the nuclear discussions regarding the possession of nuclear weapons by NWS. They held the notion that nuclear weapons are indiscriminate, disproportionate, and can cause unnecessary suffering to humans and the environment.[93]

For instance, a victim of the nuclear attacks on Hiroshima, *Setsuko Thurlow* claimed that the experience convinced her "*that no human being should ever have to experience the inhumanity and unspeakable suffering of nuclear weapons.*"[94]

Though the 2015 NPT Review Conference failed to achieve any substantial outcome with regard to nuclear disarmament, it provided thrust to the *Humanitarian Initiative* (particularly in three conferences between 2013-14) to gather support for the ban movement into an informal format. A key outcome of the initiative was to seriously challenge 'the nuclear deterrence orthodoxy'. The proponents of nuclear deterrence base their case on the readiness to use nuclear weapons and inflict unacceptable damage against an adversary to deter aggression through invoking rationality and restraint. However, the advocates of the *Humanitarian Initiative* claim that this approach has serious flaws. They argue that nuclear conflict is unwinnable and the use of nuclear weapons would result in a mutual suicide; therefore, no rational actor would risk the use of nuclear weapons. They also claim that 'good fortune' worked in the case of 'near misses' in the past that prevented nuclear accidents or miscalculations that could have resulted in nuclear war. Moreover, they also claim that there is no capacity to respond in the event of nuclear deterrence failure. These arguments make the case for nuclear weapons possession and nuclear deterrence as "a high-risk and ultimately

92 Bolton, "The Nuclear Taboo."

93 Fihn, et. al., "How We Persuaded." Also see: Bolton, "The Nuclear Taboo." (For details on three conferences on Humanitarian Initiative (2013-14); see Section 1).

94 Ibid.

irresponsible gamble based on an illusion of security and safety."[95] Conversely, conventional deterrence is the alternative to nuclear weapons that is much more credible.[96]

The humanitarian initiative has also exposed the double standards of the nuclear weapon states in which the nuclear possessors justify the retention and modernisation of nuclear weapons for deterrence purposes; however, they also insist that no other state should get them.[97] This approach highlights the dichotomy between the rhetoric and real practices.

The significance of the discursive approach can be analysed from the fact that the former UN High Representative for Disarmament, Angela Kane noted that "this (*Humanitarian Initiative*) movement is supported by almost eighty per cent of UN Member States. The numbers cannot be ignored."[98] This movement has pushed the nuclear-armed states and their allies on the back foot. It created "doubt for policy-makers and military commanders about their established views of a (nuclear) weapon's usefulness and legitimacy."[99]

Considering stigmatisation and normative impact, the nuclear ban treaty would shrink space for the nuclear weapon states and umbrella states to maintain "greater control of the narrative on nuclear weapons, with unpredictable political and practical consequences for them." The *Humanitarian Initiative* turned the table on the debate on nuclear weapon through 'reframing.'[100]

The advocates of the ban treaty, mainly working for the ICAN, held that "*At the core of what we achieved was organizing people and presenting demands to those with the capacity to change law. We cold-called politicians. We pitched stories to journalists. We circulated petitions. We looked at which countries were next on the speakers' list at the UN and told them about our talking points. We protested in the streets. There were breakfasts with friendly officials. Lunchtime 'side event' panels. Evening receptions. We argued with our opponents. We argued amongst ourselves.*"[101]

The practical outcome of the TPNW with ICAN*'s* advocacy made them claim that, "*We humans made nuclear weapons. We assigned meaning*

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95 Kmentt, "The Development of the International Initiative." (For details on three conferences on Humanitarian Initiative (2013-14); see Section 1).

96 Tom Sauer and Claire Nardon, "The Softening Rhetoric By Nuclear-Armed States and NATO Allies on The Treaty on The Prohibition Of Nuclear Weapons," *Warontherocks.com,* December 7, 2020, accessed October 14, 2024, https://warontherocks.com/2020/12/

97 Kmentt "The Development of the International Initiative."

98 Ibid.

99 Ibid

100 Ibid.

101 Fihn, et. al., "How We Persuaded."

to them. We have the power to change that meaning. We believe a world free of nuclear weapons is possible. The nuclear weapons ban is a crucial step toward that goal."[102] The ICAN championed to draw attention of the world to the 'catastrophic humanitarian consequences of any use of nuclear weapons' and ultimately reaching the TPNW. It deconstructed discourses that legitimise nuclear weapons and "turned the stigma associated with nuclear weapons onto NWS and allied states. ICAN activists invoked the moral, ethical and religious arguments to establish nuclear weapons as *mala in se*, instruments of unconscionable evil."[103]

Interestingly, the majority of citizens in allied states favour nuclear disarmament and the TPNW. For instance, 77% of people in Belgium favoured signing the TPNW and called for the withdrawal of the US tactical nuclear weapons from their country.[104] A *YouGov* poll, held by ICAN in 2018, found interesting results in four EU states that host US nuclear weapons: Belgium, the Netherlands, Germany and Italy, where the majority of people (ranging between 57-72 %) favoured removing the weapons from their countries and their governments should sign the ban treaty. The citizens of these states feared the possibility of a massive humanitarian disaster looming over them, and they would be on the frontline.[105]

Humanitarians counterargue against the nuclear deterrence theory, claiming that the existence of nuclear weapons in a constant state of readiness increases the chances of global catastrophe due to the likelihood of a human or technical error. Abolishing nuclear weapons will result in security as their absence will decrease and eliminate the chances of accidents and escalation in the international system.[106] Moreover, Alexander Kmentt, an Austrian diplomat argued that nuclear deterrence relied on human-imagined assumptions with the risk of overconfidence and potential confirmation bias. It cannot be proved that nuclear deterrence worked or will work because of a lack of empiricism. However, evidence suggests huge humanitarian consequences of nuclear weapons, risks of accidents, technical error and miscalculation.[107]

In the third meeting of states parties to the TPNW in March 2025, the member states were concerned about the growing role of nuclear weapons in states' security and the possible resumption of nuclear testing.

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102 Ibid.

103 Bolton, "The Nuclear Taboo."

104 Sauer, "NATO Allies, don't dismiss the TPNW."

105 *NEW POLL: Europeans Reject US Nuclear Weapons On Own Soil.* Survey, International Campaign to Abolish Nuclear Weapons, Polls, *ICAN*.Org, (2018), https://www.icanw.org/new_poll_

106 Krasno and Szeli, *Banning the Bomb.*

107 Alexander Kmentt, "Reducing Nuclear Threats in a Time of Peril," *Journal for Peace and Nuclear Disarmament* Vol. 6, No. 2 (2023): 357–364. DOI:https://doi.org/10.1080/

They also expressed concerns about the integration of evolving or emerging technologies (ETs) in the nuclear domain. They claimed that the use of ETs in nuclear weapon systems would raise the "risks of nuclear weapon use – intentional, inadvertent or accidental – by increasing miscalculation, escalation, and loss of control. Vulnerabilities in command, control and communication systems of nuclear weapons risk manipulation and unauthorised use, while artificial-intelligence-driven decision-making could accelerate response times, reduce human oversight and even raise the risk of unintended launches of delivery systems. Deploying these technologies without fully understanding their impact further increases nuclear dangers."[108] Such discursive debates have provided an alternative to the traditional debates of nuclear deterrence. They are significant in advancing the agenda of the TPNW.

Given analysis on stigmatisation, normative impact and discursive approach to further and propagate the idea of nuclear ban treaty, the fundamental questions are: in what ways, the TPNW and NPT, the existing cornerstone of the non-proliferation regime, are relevant to each other and if the TPNW contradicts or complements the NPT? The following section addresses these questions.

The TPNW and the NPT

The TPNW and NPT are inextricably embedded with each other. The TPNW complements the NPT. It contributes to the implementation of Article VI of the NPT.[109] Contrary to the view of the nuclear weapon states, who oppose the TPNW as parallel arrangements out of the NPT, the TPNW indeed complements the NPT in furthering the cause of nuclear disarmament. Moreover, the TPNW is different from the NPT in four ways. First, the ban treaty is a comprehensive treaty banning the possession, acquisition, transfer, receiving, using and threatening the use of nuclear weapons by all states. Second, unlike the NPT, the treaty does not differentiate between the *have's* and *have not's* and equally places responsibility on all states to disarm. Third, unlike the NPT, it provides a time-bound disarmament to the state joining the treaty. Fourth, unlike the NPT, it invokes the humanitarian and environmental apprehensions associated with the dangers of nuclear weapons and therefore, calls for complete nuclear disarmament. So, the TPNW is a comprehensive nuclear ban treaty, a real step towards a world free of nuclear weapons, a desire and commitment enshrined in the NPT.

108 "Third Meeting of States Parties to the TPNW."

109 "TPNW," *Unfoldzero.org,* n.d., accessed October 16, 2024.

Conclusion

The finalisation of the TPNW has turned the tide in the nuclear non-proliferation regime. It is an outcry of the NNWS for the cause of nuclear disarmament and a reminder for the NWS for their commitment under Article 6 of the NPT. It is a treaty mandated under the UN system, whether the NWS accept it or not. However, despite the successful finalisation of the TPNW, serious challenges persist in the way of the successful materialisation of nuclear disarmament, which include the opposition of the NWS and their allies to join the treaty, particularly in the wake of unfolding competitions at regional and global levels and their growing reliance on nuclear weapons for security and stability. These states also insist on seeking nuclear disarmament through existing arrangements of the NPT rather than a parallel arrangement in the shape of the TPNW. They also oppose the ban treaty, citing it as a premature disarmament arrangement that does not take into account their legitimate security concerns. They argue that the disarmament efforts should be conditioned to promote international stability.[110] The lack of implementation and verification mechanisms is also a key challenge to its effectiveness. Despite challenges, the nuclear ban movement succeeded in establishing a nuclear ban treaty, setting a norm and delegitimising the possession and possible use of nuclear weapons in any possible conflict scenario. Through stigmatisation, norm enforcement and a discursive approach to reframe the existing discourses on nuclear weapons from a security perspective to humanitarian and environmental perspectives would generate policy debates in the NWS and allied states to rethink the role of nuclear weapons in national security strategies. The journey is a long and arduous one, but it is better if we start thinking about the nuclear weapon systems differently. The TPNW establishes that a non-proliferation regime centered upon the discrimination and hollow promises of the NWS for nuclear disarmament cannot go on and is thus unsustainable. The finalisation of the TPNW proves that nuclear disarmament is a genuine call and a compelling idea. It is a major milestone in achieving the dream of global zero (a world without nuclear weapons).

[110] Potter, "Disarmament Diplomacy and the Nuclear Ban Treaty."