

nukes, giving us that. I think we really need to broaden our thinking about weapons and war. I believe peace is a human right. I know countries in the world, including my own who don't believe that.

V. ROLE FOR EXPERTS AND LAWYERS IN PEACE MOVEMENTS

Of course, there is a place for lawyers and diplomats in a peace movement. Diplomats can be—and many are—activists. I learned this myself. I used to be skeptical about diplomats during my ten years of work in Central America during which the United States controlled the region. It was wonderful learning that diplomats can be activists. Without activist-diplomats in negotiations around land mines and cluster bombs, we would not have those treaties. There is a desperate need for a new peace movement. This needs to be a proactive peace we are seeking—not a negative peace. Negative peace is simply the absence of armed conflict. That does not address the root causes of war. We need states to actually implement Article 26 of the UN Charter, which called military counsel to figure out how a peace could come about after World War II. How could social funds be diverted to social needs? The fact that this effort was a failure, before it even started, should have been a warning to us all how seriously governments took Article 26. Last I looked, 57 percent of the U.S. budget goes to U.S. weapons. Something like 3 or 4 percent goes to healthcare, 3–5 percent goes to education. How can people survive when that is the few that we need to protect ourselves from eventual or possible war, rather than take care of living beings in our country.

REMARKS BY EMMA VERHOEFF*

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I. UNDERSTANDING THE LOGIC OF NUCLEAR DETERRENCE: INVESTING IN KNOWLEDGE AND EXPERTISE

Questions surrounding the logic of nuclear deterrence (as well as the subtleties of signaling and risks of inadvertent escalation) are very relevant right now. In fact, the current crisis reveals the need to invest (and to keep investing) in knowledge and expertise in this field. Nuclear threats have not been on our mind for a few years but all of a sudden, it is at the forefront again. The nuclear threat is back and we have to work with that. Regarding deterrence, in my personal opinion, NATO and the United States have been quite understanding of what deterrence means. We have been pretty clear in signaling to Russia that we are closely following the steps being taken and that a nuclear war and/or attack would be totally unacceptable. At the same time, we have been reinforcing our defense and our deterrence posture. It is about striking the right balance between words and deeds. The United State has done a good job of not escalating the situation further. For example, they decided to postpone their test of Minuteman III, which was a really smart decision. However, what this crisis has made clear is that deterrence exists not only in relation to having nuclear weapons, but also in relation the credibility of using them—this is a balance that is really important and that has been going well so far. Though, nowadays, it is very difficult to “predict people who are unpredictable” and this is the current challenge we face.

II. UNDERSTANDING LANGUAGE USED BY ADVERSARIES

In terms of language, it is really important to focus on understanding adversaries in terms of what their actions and/or statements actually mean, for example, understanding what “steps taken”

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means. Putin decided to increase his nuclear forces and to create a “special regime of combat duty,” however, what does this mean exactly? Luckily, there are a lot of experts within the United States and NATO that understand the Russian system and the words being used, so they can put them into context. From my understanding, based on information from open sources, a “special regime of combat duty” means having a few more people at the launching stations. It does not translate to any big changes on the ground or movement of nuclear weapons. Therefore, when you understand what these terms mean, you see that there is no need to escalate. Thus, I think it is highly relevant at the moment to continue investing in language, as well as understanding each other’s postures and doctrines. Russians are quite well structured, but we must keep in mind that there are also other adversaries that are expanding their nuclear forces at a rapid rate and we do not have the required knowledge for all other countries, like the People’s Republic of China (PRC) for example. This is an area where I think we should invest. There is the need to gain a better understanding of how the Chinese system works (including their wording) so that we can prevent unintended escalation.

III. THE RESPONSIBILITY OF INTERNATIONAL ORGANIZATIONS GOING FORWARD

In the last few weeks, we have seen that the crisis has put a burden on the United Nations Security Council (UNSC) and now it is difficult to move forward and make things happen. The United Nations (UN) Charter mandates that UN members must uphold international law and maintain peace, yet it is pretty clear that there is one permanent member of the UNSC who is in violation of this obligation. What we are also seeing, is the fact that the UNSC is becoming more and more polarized. On one end of the spectrum there is this Western notion based on respect for international law and the rules-based other, but on the other end, there is a very strong anti-Western sentiment. This sentiment is not only coming from Russia but also the PRC, and is supported by many other countries too. I do not foresee the UNSC becoming any less polarized in the near future. Therefore, going forward, we will be faced with many more difficult questions and I am unsure if we will be implementing, accepting, or adopting any treaties or resolutions in the near future. Unfortunately, the existing climate will also have a spillover effect into many other multilateral organizations and we, as diplomats, will need to work hard to have our interests respected and protected.

IV. THE IMPORTANCE OF DIALOGUE IN RELATION TO THE NON-PROLIFERATION TREATY

In terms of the Non-Proliferation Treaty and review conference, we (as the Netherlands) are happy that the conference will finally be taking place in August after having been postponed several times. The existing geopolitical circumstances are quite difficult, but we believe that it is still very important to have this discussion and to examine the implementation of the treaty. We need to review the implementation phase and be critical about what has been achieved, as well as what has not. There at least needs to be a discussion between state parties. This is also an opportunity to reinforce the benefits of the peaceful use of nuclear energy. However, again we must keep in mind that the multilateral arena is very polarized and difficult to navigate.

V. INCENTIVIZING CHINA TO MEANINGFULLY ENGAGE WITH NUCLEAR ARMS CONTROL

I agree with what Jeff has been saying. It has been very difficult to engage China so far. We, as the Netherlands, have been sending the message that it is of paramount importance that the PRC engages in a dialogue with other states. This dialogue can be small to start with and can focus on the need for transparency (particularly in terms of their plans). However, there is no will on the part of the PRC to engage in such discussions. Political will is what this all comes down to.

Perhaps there is the need to put more pressure on the PRC and one of the actors that can do this is civil society. However, we also need to keep in mind that civil society within the PRC may be in a more difficult position. Nevertheless, there is still a potential role for civil society and to connect within civil society in the PRC to enhance the dialogue. Reaching out to both nuclear and non-nuclear weapon states should also send a signal to the PRC that we think you are in violation of the treaty and thus, you should at least start engaging in dialogue (and not increase your arsenal).

VI. THE ROLE OF INDIVIDUALS IN SUCCESSFUL NEGOTIATIONS

Through my own personal experience, I have learned how important personalities are, especially in the negotiation field, which is something I did not expect when I started my position in Vienna. If you have individuals who work internationally and who are willing to find compromises, then you can make a great difference. However, this also differs country to country, depending on to what extent diplomats are permitted to have their own personalities or views expressed in negotiation. It is all about people and personalities. If you do not have the personal will, then nothing will happen.

VII. THE ROLE OF THE NETHERLANDS DURING NEGOTIATIONS FOR THE NON-PROLIFERATION TREATY

One of the reasons it was important for the Netherlands to participate in the NPT is because we are strongly in favor of a world without nuclear weapons and every initiative which tries to get there should be taken seriously. With this in mind, our parliament was also quite active and felt that we should at least participate, as participation would allow us to see what is being discussed. Furthermore, it would allow us to have a clear and objective opinion of where the discussion is heading. Thus, the Netherlands participated and negotiated in good faith. We had a team of both disarmament and legal experts. We hoped that our minority view as a NATO member could be expressed and hopefully taken on board. However, we were surprised when there was already a treaty after three weeks, that the discussion was not going back to the UN General Assembly. We felt that if parties had taken a bit more time to refine the treaty, then it could have been much more comprehensive. From our point of view, what we ended up with was a treaty that did not represent a realistic nor effective step toward a world without nuclear weapons. The legal section in particular is lacking as there is no verification part and without this, we believe that it is very difficult to reach what this treaty is aimed for. Additionally, no nuclear weapons states participated or signed the treaty, which is another reason why we thought that this was not going to help. Finally, we felt that the final version of treaty did not go hand in hand with our NATO obligations and so in the end we could not sign the treaty despite believing that the initiative was very important.

VIII. STRIVING FOR DIVERSITY IN DISCUSSIONS AND NEGOTIATIONS ON NUCLEAR DISARMAMENT

The need to incorporate an array of voices raises some difficult questions, but I do believe it is good to have a diverse range of views in discussions and negotiations. Personally, I do not think that is only limited to gender. It is important that we always look at who is participating in the discussion and what are the different backgrounds of those involved. I have not felt restricted nor like I have much more to bring than anyone else because I am female. However, I think it is always important to have a diverse group, not only in discussions, but also at the highest level. Unfortunately, at those levels it is still quite male-dominated and not very diverse in terms of

perspectives. Therefore, I would say that it is about more than gender: It comes back to this importance of striving for diversity within all levels of discussion (both higher and lower).

IX. THE ROLE FOR EXPERTS AND LAWYERS IN PEACE MOVEMENTS

I think what Jody said about activist-diplomats is encouraging. It is absolutely true that there are activists amongst diplomats. It comes back to the earlier discussion regarding individuals. There was also mention of Bertha von Suttner and she is a great example of this. We have learned that individuals can make a difference, even during difficult times or tense geopolitical situations. I think that people should still speak up and try their best to make a change. Civil society, governments, and parliaments are the three elements that can come together in order to bring change. However, it is not easy and there are a lot of challenges, not only when it comes to peace but also climate change as well as new and emerging technologies. There is a broad field of issues that we have to deal with and to find progress within that benefits us all. This world is not an easy one and it is filled within different views, for example, there are very different reasons why countries decide to expend their military. Thus, to summarize, we are in very challenging times.

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I. RUSSIA'S INVASION OF UKRAINE: THE RELEVANCE OF THE BUDAPEST MEMORANDUM IN NUCLEAR ARMS CONTROL

On the Budapest Memorandum on Security Assurances (Budapest Memorandum), we face a game-changing, challenging moment right now with Russia's invasion of Ukraine, which extends beyond the nuclear area. The invasion is, in my view, a challenge to the UN Charter and the entire post-World War system of international law. With respect to the Budapest Memorandum, that is obviously a very topical issue at the moment. I would like to first emphasize the context. The Memorandum was first negotiated in 1994, three years after the dissolution of the Soviet Union, during a period that was not quite as settled as we have now. The Memorandum was part of the context in which Ukraine became a non-nuclear party to the Non-Proliferation Treaty (NPT) and the undertakings there are serious. The undertakings in the Budapest Memorandum are reaffirmations of the still binding commitments to international law under the UN Charter. Therefore, the non-use of force—the prohibition on the threat or use of force against the territorial integrity or independence of Ukraine—is reaffirmed in the Budapest Memorandum, but that is contingent on the UN Charter. The Memorandum consequently remains binding on Russia. Similarly, principles in the Helsinki Final Accords are reaffirmed in the Budapest Memorandum and Russia is violating those, including Ukraine's right to choose its own destiny and choose its own alliances. So, yes, Russia's aggression against Ukraine is a blow against the structure of international security that was created in the wake of the Cold War.

I would say that the Budapest Memorandum indicates Russia's lack of credibility because it is Russia's obligations that are being violated. It is important to remember that this is a Memorandum and not a treaty—it contains assurances, not guarantees. The Memorandum contains assurances

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