

Introduction & research design

Relevance & research question

The nuclear shielding of Russia's war of aggression against Ukraine in February 2022 shook the foundations of trust in the reliability of the nuclear taboo and the stability of the nuclear order. The world's largest nuclear power and a permanent member of the United Nations Security Council unsettled the understanding that nuclear deterrence serves exclusively to prevent or avert existential threats to a nation within the framework of the right of self-defense. This was the only purpose of nuclear threats that the International Court of Justice had not ruled out in its opinion in July 1996 (ICJ 1996). In response to Moscow's nuclear sabre-rattling, nuclear deterrence is experiencing a considerable revaluation in several countries, especially in Western nuclear powers and states under the United States' nuclear umbrella, both at the political leadership level and among the population (NDR 2022, Strategic Posture Commission 2023). Strengthening and expanding nuclear deterrence appears to be a first-choice coping strategy, even though nuclear warfare options in doctrines had already been successively expanded before the war (US 2018, Russia 2020) – without any measurable positive effect on the security environment. When Russian President Vladimir Putin directed his attempts at nuclear blackmail against a non-nuclear weapon state, he took this dynamic of removing the boundaries of nuclear threats to the extreme.

The expansion of nuclear deterrence and options for nuclear warfare require corresponding armament and deployment to maintain credibility. It therefore comes as no surprise that all nuclear weapon states, in particular the United States and Russia, are modernizing their arsenals. The Stockholm International Peace Research Institute confirms a dramatic increase in investment in the qualitative development of warheads and delivery systems, and in the case of China also a significant quantitative expansion of its nuclear forces (SIPRI 2024, pp. 315–324). With North Korea, the number of states known to possess nuclear weapons has also recently increased (CTBTO 2017). Today, the nine nuclear weapon states (United States, Russia, United Kingdom, France, China, India, Pakistan, North Korea and Israel) together have approximately 12,100 nuclear weapons, of which about 2,100 – a growing number –

are kept in a state of high operational alert (SIPRI 2024, pp. 271–272). In addition, a renaissance in the stationing and operationalization of nuclear weapons on allied territories can be observed, as evidenced by the start of the deployment of Russian nuclear forces in Belarus (Bugos 2023a) and the swift procurement of new delivery systems in Germany (Kuhn 2023).

Meanwhile, the nuclear arms control and disarmament framework has undergone a fundamental erosion throughout the past two decades. The termination of the Anti-Ballistic Missile Treaty in 2002 by the Bush administration and the build-up of the National Missile Defense program had global implications on strategic balance (Acton 2021) and triggered a process of disintegration of the arms control architecture that was subsequently driven by both Russia and the United States. The Treaty on Conventional Forces in Europe (Nelson and Twardowsky 2022), the Intermediate-Range Nuclear Forces (Maitre 2020) and Open Skies Treaty (Woolf 2021) fell victim to this trend, which further intensified in the context of the war in Ukraine. The Russian government suspended the New Strategic Arms Reduction Treaty in spring 2023 (Bugos 2023b), and the Duma withdrew Russia's ratification of the Comprehensive Test Ban Treaty in the fall of the same year (Koplow 2023). The multilateral international forums have also been in turmoil for a long time. The Geneva Conference on Disarmament has been deadlocked for over two decades. Within the regime of the Nuclear Non-Proliferation Treaty (NPT), agreements and action programs are hardly being implemented by the nuclear weapon states (Müller 2005, 2010b, Mukhatzhanova 2015, Potter 2016).

In summary, whether we look at nuclear posture and deterrence practice, nuclear armament and deployment, or nuclear arms control and disarmament, it has been the major nuclear powers who have repeatedly taken the axe to the nuclear order over the past twenty years. The deteriorating relationships among nuclear weapon states and the resulting unstable security environment are further complicating substantial progress in nuclear disarmament and risk reduction. There is currently no nuclear weapon state that is not in a crisis or acute conflict situation.

Against this backdrop, it seems misguided to focus solely on nuclear weapon states when it comes to preventing the collapse of the nuclear order or placing it on a more solid footing. Looking at the stance of non-nuclear weapon states and a better understanding of what *they* want and (can) accomplish, by contrast, promises to be all the more insightful. Indeed, numerous non-nuclear weapon states have been providing a central and often underestimated pillar of the global nuclear order for decades with the establishment of nuclear-weapon-free zones, some of which span entire continents (Hamel-Green 2009, Finaud 2014). But it is a much more recent achievement of non-nuclear weapon states that sheds light on their potentially productive role. After record-breaking short negotiations, a total of 122 non-nuclear weapon states adopted the Treaty on the Prohibition of Nuclear Weapons (TPN) on July 7, 2017 (UN 2017i). This comprehensive ban puts nuclear weapons on an equal

footing with other weapons of mass destruction and seeks to lay the foundation for the complete elimination of nuclear arsenals.

The TPN was initiated and realized by the so-called Humanitarian Initiative, a coalition of non-nuclear weapons states from almost all continents, civil society, the International Committee of the Red Cross and academia (Kmentt 2015, Minor 2015). The movement emerged in 2010 with the aim of bringing the humanitarian dimension of nuclear weapons to the center of the debate and making International Humanitarian Law the basis for further legal discussions. It launched the process of outlawing nuclear weapons because of their devastating humanitarian consequences and carried it forward until the negotiations and adoption of the TPN. The President of Austria, one of the leading states in the Humanitarian Initiative, already encapsulated this objective at the High-Level Meeting of the United Nations General Assembly on nuclear disarmament in September 2013, stating that nuclear weapons “should be stigmatized, banned and eliminated before they abolish us” (Austria 2013b).

The fierce rejection of some nuclear powers (US 2017, UNCD 2017, pp. 4–5), however, suggests that this was not “just” about humanitarian issues. Rather, the Humanitarian Initiative had gained a political space for action with the TPN process that it was not entitled to in their eyes. From this angle, the treaty was not only directed against nuclear weapons and the harm they cause, but an affront to their owners. It can be indeed argued that a majority of non-nuclear weapon states rebelled for the first time with the force of international law against the minority of nuclear weapon states and their allies who had collectively rejected the mandate to negotiate a ban treaty (UNGA 2017). The TPN thus represents a remarkable chapter not only in the diplomatic history of nuclear arms control and disarmament, but in international relations as a whole (Kmentt 2021, p. 2). A group of militarily marginal states pursued an ambitious political goal and realized it against the will of the militarily most powerful states.

The question arises as to whether the Humanitarian Initiative and the TPN process actually constitute a resistance movement against these “nuclear rulers” of the international order rather than a merely humanitarian-motivated disarmament coalition. It is further striking that the movement relies in particular on the political support by non-nuclear weapon states from the Global South. To explore this more, it seems helpful to draw on critically informed approaches and to keep an eye on a possible post-colonial dimension. This study therefore addresses the following research question:

What role did resistance to nuclear rule and an anti-colonial impetus play for the supporters of the Humanitarian Initiative and the Treaty on the Prohibition of Nuclear Weapons (TPN), and how were they able to realize their project of in-

ternational legal reform against the will of the nuclear weapon states and their allies?

If we consider the Humanitarian Initiative and the TPN as a form of resistance, such disobedience would appear all the more delicate as nuclear weapons play a unique role in the international order. The five permanent members with veto rights in the United Nations Security Council have so far been permitted to possess nuclear weapons under the NPT. This means that precisely those states that already occupy a prominent position in global governance within the United Nations hold a further privilege under international law by virtue of their recognized status as nuclear weapon states. In addition, the particular influence of the permanent members of the Security Council on institutions and instruments of nuclear arms control and the verification of nuclear disarmament underlines the fact that nuclear weapons are a “matter for the boss”. Therefore, the value of nuclear weapons cannot be understood solely in terms of their military significance. They are also a symbol of power and geopolitical superiority.

With its prohibitions in Article I, the TPN challenges the legal status of the five nuclear weapon states recognized in the NPT (United States, Russia, United Kingdom, France, China) and their current legitimization of nuclear weapons (UN 2017i, Art. I). Moreover, the disarmament arrangements outlined in Article IV provide an impulse for multilateralization in this area (UN 2017i, Art. IV). By questioning the legitimate possession of nuclear weapons under international law and anchoring such a right of participation in the TPN, its supporters assert their claim to global governance competence and their will to co-determine the conditions to achieve a nuclear-weapons-free world. In light of the current global power shifts and the progressive decline of the leading world powers from the 19th and 20th centuries, it seems highly relevant to clarify the extent to which resistance to a ruling regime is at play and what this means for the stability of the nuclear order.

To investigate this further, our research question contains three tracks that will help us gain deeper insights. Firstly, the focus of the study will be on the actors who participated in the Humanitarian Initiative and the TPN process and examine their perceptions and motivations as well as their actions. Only from this perspective can we understand whether resistance to nuclear rule had been a driving factor. Instead of the usual focus on the assumed rulers, who would never admit that the creation of the non-proliferation regime was in no small part about establishing nuclear rule, we are placing the ruled at the center of the analysis. An investigation of the “resisters”, examining their composition, characteristics, views and behavior promises to provide new insights into the nature of the nuclear order, following the motto: “Show me your resistance and I’ll tell you what kind of rule you’re living under!”.

Secondly, the role of actors from the Global South and a possible anti-colonial impetus will be given special consideration. Statements by some of those states indi-

cate that the TPN is not only a treaty against nuclear weapons, but also targets their owners, the nuclear weapon states, and that we are in fact dealing with a rebellion. During the general debate at the 2015 NPT Review Conference, the South African representative declared that “we can no longer afford to strike hollow agreements every five years which only seem to perpetuate the status quo. The time has come to bring a decisive end to what amounts to ‘nuclear apartheid’” (South Africa 2015). Such comments reflect a language of struggle, if not of anti-colonial resistance. But do they also reflect the spirit of the movement as a whole, or are they merely individual opinions?

Finally, the analysis will elaborate on the special means used by the resisters to bring the TPN into being. Since the adoption of the NPT and its entry into force, there have been ongoing contentions against its discriminatory features. Time and time again, non-nuclear weapon states have denounced the refusal of nuclear weapon states to disarm, forming various alliances, initiatives and movements to vent their anger and increase pressure. But this has never led to an alternative international treaty claiming to shape the future design of the nuclear order. On the contrary, it is rare for an alternative proposal for restructuring international relations to be cast in international law and a novelty in the nuclear field. Central pillars of the global order, such as the United Nations system and the institution of the Security Council, are proving to be tenacious and difficult to reform, despite growing criticism and geopolitical changes. So how were the Humanitarian Initiative and the TPN movement able to succeed in implementing their political goal against the resilience of the prevailing structures and the will of the militarily most powerful states, despite their unfavorable starting position? Solving this puzzle requires an examination of the specific strategies and instruments that have been used.

Summary

This research explores the above-mentioned question of the role of rule and resistance and possible anti-colonial motivations behind the Humanitarian Initiative and the TPN movement, and examines in which ways and by what means they were able to successfully achieve their political and diplomatic goals. To conceptualize our object of investigation, we combine a theory of rule and resistance inspired by classical sociology with a postcolonial perspective. Drawing on the sociological concept of Max Weber (Weber 1985) and focusing the analysis on resistance (Daase et al. 2023a), this study defines rule as *a constant form of exercising power within institutionalized relationships of super- and subordination, which systematically expands or restricts the actors' scope for action and influence on control*. Resistance, in turn, is understood as *the withdrawal of recognition and thus the questioning and challenging of institutionalized relationships of super- and subordination affecting the actor's scope for action and influence on control*. This terminological approach is coupled with a post-colonial perspective

to identify colonial patterns within the nuclear order and trace a possible anti-colonial sentiment among the resisters. Six components of colonial rule – *excessive violence, eurocentrism, primacy of the state, racism, economic exploitation and patriarchal domination* – are distilled from the extensive body of post-colonial literature and used to trace colonial imprints in the nuclear context and examine the extent to which they played a role in the self-image and motivation of the resistance.

For answering the two-fold research question, the NPT (rule) and the process to the TPN (resistance) are examined within the framework of a comprehensive case study. We use a two-pronged methodological approach, combining a structured analysis of the norm genesis and the norm substance of the TPN, taking into account the NPT context, with a qualitative content analysis of interviews with supporters and sympathizers of the Humanitarian Initiative. Consequently, this study relies on a double data set. First, this includes extensive primary sources from the development process of the TPN, including protocols, reports and outcome documents of relevant international fora, conferences and institutions, official statements of state and non-state actors, *travail préparatoire* and treaty texts. Second, we use the data collected in over thirty in-depth expert interviews with high-level diplomats and civil society representatives. The investigation period extends from the beginnings of the Humanitarian Initiative in 2010 to the conclusion of the TPN in 2017.

The findings of this study prove that resistance against nuclear rule enshrined in the NPT was, alongside humanitarian concerns, a decisive driving force for the actors united in the Humanitarian Initiative and the TPN process. The vast majority reject the continued hierarchy and discrimination within the nuclear order and denounce nuclear weapon states' steering and non-nuclear weapon states' small influence. By participating in the Humanitarian Initiative and the TPN, they pursue equality and diversity and intend to empower the non-nuclear weapon states vis-à-vis the nuclear weapon states. An anti-colonial impetus is also clearly recognizable, particularly among states from the Global South, which have assumed an increasingly important political role in the movement during the TPN's emergence. However, the criticism of nuclear colonialism turns out to be selective and concentrates on certain facets of the nuclear order, especially the legacy of nuclear testing. Anti-colonial rhetoric was multi-layered, differed in strength and varied regionally. Among the focal points were the rejection of (the threat of) excessive nuclear violence and the strengthening of the subaltern and Global South perspective.

The study also sheds light on how the Humanitarian Initiative and TPN supporters – in contrast to earlier instances of contestation in previous decades – managed to manifest their defiance in a legally binding international counter-treaty, despite the structural resilience of the nuclear *ancien régime* and against the declared will of the militarily most powerful states. To succeed, the resisters relied on *subversive opposition activities*. These were always in accordance with the rules and did not violate international law. However, drawing on discursive and procedural principles

that had not previously been applied in relation to nuclear weapons and the nuclear order, the proponents of the ban subversively changed the rules of the game.

On the one hand, they used established *discursive means* to break the hegemony of the nuclear weapon states and their deterrence paradigm in the nuclear weapons discourse by resorting to the humanitarian framing, which had previously been applied to other types of weapons. In doing so, they particularly distressed the umbrella states, who had to choose between loyalty to the nuclear rulers and their own humanitarian self-image. They also exploited the humanitarian code to open new fora for action (Conferences on the Humanitarian Impact of Nuclear Weapons) and to launch diplomatic initiatives within the framework of the UN and the NPT (Humanitarian Statements, Humanitarian Pledge).

On the other hand, they circumvented the consensus principle and the control by denial of the nuclear weapon states and the umbrella states with the help of already existing *procedures* by using the majority-based modus operandi of the United Nations General Assembly for their further diplomatic operations. This enabled them to capitalize on their numerical superiority within the United Nations institutional framework and establish an Open-Ended Working Group on nuclear disarmament and convene the Negotiating Conference for the TPN, both of which worked according to the same rules of procedure.

The recourse to subversive discursive and procedural means as well as the slimmed-down anti-colonial agenda were decisive prerequisites for the success of the resistance. Even if it was subversive, almost sneaky, it always remained in the mode of an opposition movement and adhered to existing rules. Indeed, it portrayed itself as a promoter of compliance, as an action alliance for the implementation of NPT agreements. The NPT nuclear weapon states and their allies were ultimately impotent against such a coordinated coalition of non-nuclear weapon states and their clever diplomatic tactics. At the same time, this creative instrumentalization of contradictory functional mechanisms of the prevailing international order reduced the resistance's potential for transformation. The use of established discursive and procedural means came at the price of reproducing fundamental principles and institutional arrangements of the existing international (nuclear) order.

“Rule & Resistance in the Nuclear Order” exposes the structures of rule in the NPT and reveals how these have been challenged by the Humanitarian Initiative and the TPN. Understanding this as an act of resistance helps to better recognize the functional mechanisms of nuclear rule, how they can be circumvented and what changes are needed to improve the stability and legitimacy of the nuclear order. It also allows to uncover the partly anti-colonial motivations behind the ban movement. With these findings, this study provides an important contribution to deepening and broadening our understanding of the nuclear order and its practices of rule and resistance. It demonstrates the possibilities and productive potential of

contestation as well as the limits of available effective methods. At the same time, it allows us to better grasp the relationships of super- and subordination in the steering of global affairs in general, as well as the inherent dynamics and opportunities for resistance and change.

Methodology

The first part of the research question is interested in the perceptions and motivations of the alleged nuclear resisters, while the second part focuses on their actions and means. The chosen research design and methodology to answer this two-fold research question can best be described as a comprehensive case study with several analytical combinations. The first combination consists in its terminological and conceptual approach. Two strands of theory will be combined to form the analytical framework. Firstly, it uses a sociologically inspired conception of rule and resistance that draws on Max Weber's theory of rule and focuses on the investigation of resistance (Daase and Deitelhoff 2015, Daase *et al.* 2017b, Daase *et al.* 2023a). Secondly, it deploys critical and post-colonial approaches that highlight the idea of post-colonial continuity and are sensitive to its discursive and epistemic dimension. To grasp and operationalize this in concrete terms, six components of colonial imprints will be derived from post-colonial literature: *Excessive violence*, *eurocentrism*, *primacy of the state*, *racism*, *economic exploitation*, and *patriarchal domination*. The study is thus based on a hybrid theoretical framework, for which two different existing approaches are adapted.

This mixture of terminology and concepts is reflected in its methodological approach. For answering the research question and investigating the object of study (rule and resistance in the nuclear order), the NPT (rule) and the process leading to the TPN (resistance) together form a case to which we ascribe a high degree of significance and generalization potential. To analyze this case, two methods and thus two types of data sets are combined. Firstly, we will carry out an analytically structured study of norm genesis and substance of the TPN, considering the NPT context and using mainly extensive primary sources. Embedded in this, secondly, we conduct a qualitative content analysis, for which special data is collected in a series of expert interviews. Consequently, this research project is a hybrid of several combinations or pairs: its terminological-conceptual grip, its methodological approach and its empirical data basis. The aim of this triple pairing is to acquire a comprehensive and differentiated understanding of the object of investigation, which essentially represents a couple itself (rule and resistance), and to answer the equally twofold research question (on perceptions/motivations and actions/means).

Case selection

This book presents a qualitative single case study of rule and resistance in the nuclear order based on the NPT and the process towards the TPN. A qualitative case study is an empirical analysis of a small sample of bounded empirical phenomena that stand for similar larger phenomena (Rohlfing 2012, p. 27). The NPT and the process leading to the TPN together provide the case for the investigation of rule and resistance in the nuclear order. The NPT is seen as *pars pro toto* for the nuclear rule, the TPN as an outstanding example of resistance to it. The idea is to use them to gain deeper insights into the overall phenomenon. But what qualifies them for this purpose?

The NPT on the one hand and the TPN on the other represent two different conceptions of the nuclear order, both of which are backed by international treaties and thus ultimately manifest themselves in codified form. Both treaties and the groups of states supporting them have a global scope or are striving for it. Moreover, both claim to define framework conditions for the nuclear order, arms control and disarmament at a multilateral level.

With 191 member-states, the NPT is one of the most signed and ratified international treaties and the arms control agreement with the widest adherence, achieving near-universality. It represents almost the entire international community. Only India, Israel, Pakistan and South Sudan are not parties to the treaty. There is no other norm or regime in nuclear arms control, disarmament and non-proliferation that enjoys greater recognition. In addition, with the International Atomic Energy Agency (IAEA) serving as the regime's monitoring and verification body, it has recourse to the largest implementing institution in the field. Therefore, no other treaty embodies the *status quo* of the nuclear order better than the NPT.

The Humanitarian Initiative (HI) and the TPN, in turn, can be seen as a benchmark for the innovation of global norms, harboring transformation potential. The negotiations on the TPN were approved at the United Nations General Assembly (UNGA) in December 2016 with 113 votes in favor, 35 against and 13 abstentions (UN 2016). The Negotiating Conference was attended by 125 states from five continents. Consistent with the idea of resistance, the treaty is rejected by almost all the official nuclear powers and the military allies of the United States. China and the non-official nuclear powers India and Pakistan abstained from the UNGA vote. Among the biggest supporters of the treaty are the regional powers Brazil, South Africa and Indonesia. Consequently, the TPN has considerable geopolitical backing, albeit weaker than that of the NPT.

A closer examination of the HI and the TPN as resistance to the *status quo* therefore promises to provide new insights into the power structures in the nuclear order. It can shed light on characteristics and modes of operation that remain largely underexposed by the predominant focus on nuclear superpowers and their allies, even in academic studies. Before, *collective* resistance in the context of the nuclear order

was difficult to grasp and has therefore received little attention. Its manifestations were rather subtle, and its contours seemed to be fluid. It is precisely the crystallization of a tangible resistance movement within the HI and the TPN, which has a high value for research, offering a special opportunity for a bottom-up analysis of rule and resistance. With a support base primarily from the Global South, the case is also of outstanding interest for a post-colonial perspective.

The period under investigation, 2010–2017, extends from the time of the movement's first coalescence at the NPT Review Conference (RevCon) in May 2010 to its first substantial success, the adoption of the TPN in July 2017.

Data basis

The empirical foundation of this study comprises, on the one hand, a comprehensive set of primary sources related to the norm genesis of the TPN as well as its norm substance, i.e. the treaty text itself. On the other hand, qualitative interviews were used to collect data on the perceptions and motivations of the resisters.

Primary sources for the analysis of the TPN norm genesis and substance

The primary sources for the analysis of the TPN norm genesis and substance include

- Protocols, documentation, reports and out-come documents of the NPT RevCon 2010 and 2015 and the NPT Preparatory Committees (PrepCom) held as part of the two review cycles in the study period, the Geneva Conference on Disarmament (CD), the three Conferences on the Humanitarian Impact of Nuclear Weapons (CHINW) in Oslo and Nayarit in 2013 and in Vienna in 2014, the sessions of the First Committee of the UNGA during the period under review, the 2013 UNGA high-level meeting on nuclear disarmament, the two Open-ended Working Groups (OEWG) on nuclear disarmament in 2013 and 2016 and the Negotiating Conferences on the TPN in March, June and July 2017 as well as their preparatory meeting in February 2017
- Relevant official statements, declarations and positions of governmental and non-governmental actors as well as state alliances that were made and developed throughout the process and at the above-mentioned conferences, bodies and forums
- *Travail préparatoire*, that is working papers, proposals, amendments und drafts (especially all drafts of the TPN treaty text) that were elaborated throughout the process and at the above-mentioned conferences, bodies and forums
- The adopted TPN treaty text
- Two detailed first-hand chronicles of the entire process, one by Ray Acheson (Acheson 2021b) from a civil society perspective and the other by Alexander Kmentt (Kmentt 2021) from an Austrian perspective, both directly involved and

leading participants who have compiled valuable background information and insights from informal meetings and processes

The primary sources used originate mainly from the archives and databases of the UNGA and the United Nations Office for Disarmament Affairs (UNODA), the United Nations (UN) Digital Library, the UN Official Document System and the UN Archives and Records Management Section. Not all relevant documents were always available on these platforms. This was remedied by the almost inexhaustible archive of the non-governmental organization (NGO) Reaching Critical Will (RCW), which carefully documents all meetings, debates, work processes and resolutions, including papers and texts that have not been published anywhere else.

Qualitative interviews

To learn more about the perceptions and motivations of the supporters of the Humanitarian Initiative (HI) and the TPN, it is worth talking to the people who were involved in the process. Therefore, this study conducted expert interviews with governmental and non-governmental representatives from the group of sympathizers or supporters of the HI and the TPN process. Data was systematically collected and evaluated in a qualitative content analysis (Gläser and Laudel 2009), using the special knowledge of the interviewees as “natural experts”, based on their insights, experiences and social interactions. In particular, the question of how they perceive the nuclear order and the NPT and what drove them to join the HI and the TPN are of interest. The aim was to find out first-hand whether the faith of recognition (*Legitimation*) (Weber 1985) ascribed to the nuclear rule has dwindled and to what extent there is a resistant or even anti-colonial impetus behind the movement.

An indispensable source of contacts were recommendations and exchanges within the International Campaign to Abolish Nuclear Weapons (ICAN) network, in which the author was active from 2013–2018. Further contact details for relevant government representatives were obtained through lists of participants of relevant international conferences. The contacts for civil society representatives came from publicly accessible websites, personal address books or recommendations from former civil society colleagues. Another important source of contacts were recommendations from interviewees or well-connected colleagues within the nuclear arms control, disarmament and non-proliferation universe. In addition, a significant number of contacts were made during two field research trips. The first took place from June 18–24 2022, in Vienna in the context of the ICAN Civil Society Forum (CSF) and the TPN Meeting of States Parties (MSP). The second occurred from August 4–30 2022, in the context of the NPT RevCon 2022 in New York. Potential interviewees were approached directly on site before, after and between the sessions. Side events, informal meetings, regional group meetings and receptions

also offered opportunities to make personal contacts. Using the snowball principle (Tansey 2007, p. 765, Gläser and Laudel 2009, p. 118), it was also possible to establish previously unknown but relevant contacts. In this case, several recommending reference persons were used to avoid bias and assure a high degree of diversity of contact sources (Christian 2023, p. 79).

Due to the demanding selection criteria for interview participants the data collection was extremely challenging. The target group comprised state and non-state representatives from the group of sympathizers or supporters of the HI or the TPN process who a) shared the concerns of the HI or the TPN process between 2010 and 2017 and b) participated in one of the three Conferences on the Humanitarian Impact of Nuclear Weapons (CHINW), the Open-ended Working Group (OEWG) Sessions in 2016, the negotiations on the TPN in 2017 or the first Meeting of States Parties (MSP) in 2022. Furthermore, if they are state actors, they must have signed at least one of the initiative's Humanitarian Statements between 2012 and 2017. For the selection of the people interviewed, it was crucial that they were either personally involved or at least responsible for the NPT and the TPN at the time of the interview.

The refined composition of the final sample of interviewees (*Table 1 and 2*) is based on three additional criteria to ensure maximum relevance and to obtain the most accurate overall picture possible of the opinions expressed within the resistance. Firstly, a clear focus was placed on government representatives. This is because voting members of both the NPT and TPN are exclusively states, even if non-state actors are admitted to their RevCons and MSPs as observers and external input providers. Moreover, state representatives are also the ones who ultimately take a risk when they rebel against the nuclear order or the NPT, while non-state actors are not subjects in legal terms and therefore cannot be sanctioned directly. Secondly, the sample includes both senior level professionals as well as people who are at the middle level of their career and have played an important role as multipliers in the movement. However, it makes sense to focus slightly on experienced interlocutors with a high level of expertise in the field, as they often have an institutional memory and deep insights into the subject matter, existing relationships and conflicts. Thirdly, maximum regional representativeness needs to be ensured. This implies that participants from all UN regional groups represented within the HI and the TPN process are incorporated. These include Africa, Asia-Pacific, Latin America & the Caribbean as well as Western Europe & others. From each group, at least four representatives are part of the sample, with at least one of them enjoying a particular influence within the movement (core group or extended core group member). Finally, the interviewees from each region include at least one non-state actor.

The successful and exquisite selection of interviewees is the empirical treasure of this study with a total of 38 interviews conducted with qualified sympathizers and supporters of the HI and the TPN. All interviewees received a signed guarantee of anonymity in which the conditions for the study were specified. Five of the 38

interviews were not recorded and one was conducted in written form upon explicit request. The 32 recorded interviews used for the evaluation were all conducted on-line as part of video or audio conferences. They had an average duration of 59 min. 27 of the 32 interviews were conducted in English, the others in French and German.

Table 1: Composition of the interviewees (1)

Regional group	State representative	Non-state representative
Africa	5	1
Asia-Pacific	9	1
Latin America & Caribbean	9	2
Western Europe & other	4	1

Table 2: Composition of the interviewees (2)

Senior & top diplomats	16	Core group	4
Junior & mid-career diplomats	11	Extended core-group	9
Women	10		

Of the 32 interviewees whose answers and statements were analyzed, 6 are from Africa, 10 from Asia-Pacific, 11 from Latin America & the Caribbean and 5 from Western Europe & others. 27 of the 32 interviewees are state representatives (diplomats). In addition, one non-governmental representative from each region was interviewed (two from Latin America & the Caribbean). Government representatives from African countries were particularly difficult to recruit, not least because many have not been working on the topic for long and the number of African countries that are intensively involved in the HI or the TPN is relatively modest. The number of participating Western European & other countries is even smaller, which explains the lower number of interviewees for this region.

Of the 27 state representatives, 16 and thus the majority were senior or top diplomats at the time of the interview, meaning they had at least the rank of First Secretary. This group also includes Ambassadors, Consuls, Members of the Planning Staff, Heads of Department and former Foreign Ministers. 11 state representatives interviewed were mid-career diplomats, including Deputy Heads of Department, Councillors, Second and Third secretaries. All but one of the civil society interviewees were Presidents, Executive Directors or Program Directors of their respective

organization or institution. Four of the diplomats interviewed represented countries from the core group, nine represented countries from the extended core group.

The interviewees were not asked about their gender, but according to the forms of address used during the interviews, 10 of them were female, eight of them state representatives and two non-state representatives. This roughly corresponds to the gender distribution in the UN diplomatic arena in the field of arms control, non-proliferation and disarmament of 32% over the past forty years (Dwan 2019, Hessmann Dalaqua *et al.* 2019).

The experts were questioned in the format of semi-structured interviews (Gläser and Laudel 2009, pp. 41–42). They consisted of two large parts, which were usually discussed one after the other. The first part dealt with questions relating to the NPT and the TPN or the HI to find out whether these are associated with rule and resistance. The second part explored whether the interviewees recognized a link between the nuclear order and the colonial past, and whether there was an anti-colonial impetus behind their actions. The question guideline was therefore aligned with the definitional elements of rule and resistance as well as the identified six components of colonial imprints. At the same time, questions were formulated with as much openness as possible to give interviewees maximum flexibility and leeway in their answers to explain *their* perspective and contribute specific expertise (Gläser and Laudel 2009, p. 149, Flick 2017, p. 197). Almost all the interviews had a relaxed atmosphere, and the interviewees showed great interest in the topic and shared extensive experience. The fact that information on discreet matters was willingly provided testifies that the assurance of confidentiality and the open format were effective and that interlocutors felt safe.

32 recorded video and audio files form the basis for the content analysis, using the MAXQDA software. Coding and evaluation of the interviews are roughly geared towards the method of structuring content analysis (Kuckartz 2018, pp. 100–111), using a combination of deductive and inductive coding. Most of the codes were already determined and derived from the terminological and conceptual framework. These a priori categories (Kuckartz 2018, pp. 63–72) were based on the definitions of rule and resistance and the six post-colonial imprints. In addition, codes were developed inductively, i.e. by creating categories from the material (Kuckartz 2018, pp. 79–86). Sub-codes were also developed inductively. The final coding scheme thus arose from the combination of deductively derived and inductively developed codes, resulting in a mixed form of category building (Kuckartz 2018, pp. 95–96).

The written evaluation and presentation of the interview findings follow the coding, meaning they are structured in the same way. The overall frequency of the statements labeled with the respective code will be considered along with their distribution among the interviewees. The latter will be differentiated into regions, state and non-state representatives as well as core group members and others. No further differentiation is made, as this would contradict the guarantee of anonymity.

Numerous illustrative statements will be quoted to reflect the high quality and insightfulness of the interviews and to allow the interviewees to speak for themselves to the greatest extent possible.

Reflections

Between 2013 and 2018, I was actively involved in the Humanitarian Initiative and the TPN process. During this period, I was Project Manager, Board Member and Executive Director of the German section of the International Campaign to Abolish Nuclear Weapons (ICAN) and participated in numerous meetings, workshops, civil society forums and conferences, including the Conferences on the Humanitarian Impact of Nuclear Weapons in 2014, the NPT Review Conference in 2015, the Open-Ended Working Group in 2016 and the TPN Negotiating Conference in 2017. I have contributed to the development of positions, strategies and working papers and have represented the organization and its concerns politically and publicly. Through this engagement, I have built up personal relationships within the ICAN network and the Humanitarian Initiative as well as the TPN's circle of supporters.

To master the resulting challenges to the integrity and impartiality of the research, I have always kept my own implication in mind and reflected on it. In this way, I have endeavored to maintain the appropriate distance from the object of research and to cultivate my identification as a researcher. It helped that my two roles as activist and researcher were strictly separated in terms of time and economic dependency. I started preparing and conducting the research after I had finished all my activities within ICAN. Being employed as a Doctoral Researcher at the Peace Research Institute Frankfurt (PRIF) from 2019 on also meant that I was physically separated from my previous working environment in Berlin.

Nevertheless, I did not leave my memory in the German capital, nor did I dissolve my social relationships and networks. On the contrary, I had a high level of prior knowledge about the subject of my study. This applied in particular to the civil society perspective, and somewhat less to the state perspective. I was well informed about the issues and chronology of events, the dynamics, turning points and emotional highs and lows of the movement. The same applies to numerous informal insights and gossip. However, I had little idea of how to tackle the whole thing analytically and process it methodically. I also realized that I did not know quite as much about the time preceding my involvement with ICAN, that is, between 2010 and 2013. My knowledge about the perspectives in the Global South was perhaps not insignificant, but far from comprehensive and differentiated.

It was crucial for a balanced and reflective handling of different bodies of knowledge to clarify to myself, as summarized above, which prior wisdom I could profitably access for this research project, but also which information and know-how I lacked. No less important are reflection and transparency regarding the social net-

works that were available to me. These had a considerable influence on the data collection during the interviews, especially with regard to field access (Breidenstein *et al.* 2020, pp. 55–60). My ICAN past and contacts provided me with significant advantages when entering the field. I was able to rely on my established networks and received support from the ICAN office to obtain contact information. Being familiar with the field I was able to quickly locate other gatekeepers, which made it easier for me to open new avenues.

Throughout the course of the research, I always made my activist past and sources transparent, as well as my new and independent role as a researcher. This was crucial for my own awareness of my position in this area and for honest communication with the people concerned (Breidenstein *et al.* 2020, pp. 66–70). My position was marked by a hybridity of past belonging and present foreignness. Nevertheless, establishing contact and making appointments was anything but easy. Personal presence and encounters in the field remained indispensable. Without the aforementioned prerequisites, however, it would certainly have been even more difficult to recruit a meaningful number of qualified interviewees. Moreover, the level trust that they and other carriers of information placed in me based on their perception that I belong to the same camp should not be underestimated. No doubt this often had a positive effect on their willingness to share valuable and sometimes discreet information.

This brings us to the consideration of the relationship between interviewer and interviewee (Bogner *et al.* 2005, p. 59; Neumann and Neumann 2015, p. 811). In principle, it was characterized by goodwill and trust for the reasons mentioned above. On the other hand, this also meant that I had to deal with this responsibly. I therefore took care not to manipulate my interviewees and to maintain and express (in word and manner) the greatest possible neutrality on the subject. I was mindful to omit my own views or, if they came up, to clearly mark them as such and to refrain from imposing or imputing theoretical or analytical assumptions on the interviewees. I also kept in mind that interviewees always justifiably pursue their own goals and have a certain interest in the outcome of the research. Maintaining awareness of such a risk of instrumentalization helped me to avoid being taken for a ride.

The experience of foreignness always plays a decisive role in the field (Bogner *et al.* 2005, pp. 50–52). This is all the truer for this study, in which I draw on a critically informed and partly post-colonial perspective and attempt to take the subaltern viewpoint into account. The overwhelming majority of my interviewees came from countries of the so-called Global South and were mostly people of color. Whereas I am a male white German citizen. This difference cannot be eliminated, but it should also not be overestimated. All my interview partners are experienced diplomats, transnational activists or academics working in an international context. They can therefore not necessarily be described as prototypes of “subaltern” identity. For me too, I can be counted among this social group of global citizens, for whom a

multicultural social environment shapes their everyday working life. However, I noticed that for my part I had a heightened sensitivity to aspects such as gender, race and colonial legacy throughout my research, possibly much more than was the case with my interlocutors.

To conclude, I would like to turn to a delicacy of the conceptual framework of this study. After all, I use critical and post-colonial approaches and combine these with concepts of rule and resistance that are rooted in traditional sociology, or more precisely in a theory of its “founding father” (what a patriarchal term!), Max Weber. This is certainly an unorthodox, perhaps even unsavory combination in the eyes of some post-colonialists. Isn't he that old white man from 19th century Germany? I can only answer, yes, indeed. And it is true that this analysis of resistance is not classic post-colonial literature and hardly meets its standards. Nor does it want to. It is a hybrid that borrows from several disciplinary, conceptual and methodological worlds to approach the object of investigation from multiple perspectives and understand its many facets in the best possible way. Ultimately, it is up to the individual reader to judge whether this endeavor has been successful.

With regard to possible conflicts of interest, I want to mention that the project, as part of which my research was conducted, was funded by the German Federal Foreign Office. I would like to emphasize, however, that this is not a commissioned piece of work. Throughout the entire process, any external influence on the choice of my research question, methods, type of data collection and evaluation has been ruled out and my freedom of research has been unconditionally guaranteed within the institutional framework of PRIF, which belongs to the independent Leibniz Association. I hope that with these reflections and disclosures I have been able to give the reader an idea of how I have dealt with the various challenges that the research process poses to intersubjectivity and integrity.

Outline of the analysis

The further structure of this book is based on three parts. The first chapter outlines the analytical framework (1.). This includes selecting, explaining and adapting the theoretical and conceptual approaches used to analyze rule and resistance and clarifying the terminology (1.1). In addition, it discusses how a critical and post-colonial perspective can help inform the analysis of resistance. In doing so, it identifies six post-colonial imprints of rule to be explored (1.2). These include *excessive violence, eurocentrism, the primacy of the state, racism, economic exploitation and patriarchal domination*.

The second chapter explores the empirical underpinnings of the “nuclear order” and serves to verify the plausibility of the assumption of an existing nuclear rule and the crucial role of the NPT in this regard. In other words, it aims to substantiate the thesis that nuclear rule is inscribed in the nuclear order established and rep-

resented by the NPT. (2.). It begins with an assessment of what exactly the nuclear order entails, how it works and why, by definition, it comes very close to what can be understood as a nuclear rule (2.1). The NPT will then be examined in more detail as a central and *pars pro toto* component and it will be shown how nuclear- and geo-politics are interwoven in the regime to the extent that it embeds structures of rule into the nuclear order (2.2). The plausibility of this analytical approach will be illustrated with examples of past dynamics of rule and resistance in the course of the history of the NPT regime (2.3). The last subchapter recapitulates the performance of the NPT with regard to the regime's disarmament pledge, which is of vital importance to non-nuclear weapon states (2.4). It discusses the treaty's weak disarmament record and examines a possible failure of the regime.

The third chapter represents the core of this study and is devoted entirely to the empirical analysis of the resistance articulated by the Humanitarian Initiative and the TPN process (3.). It is designed along the central elements of the definition and typology of resistance of this study, while incorporating relevant aspects deriving from a critical perspective. Where possible, it follows the chronology of norm genesis of the TPN. However, its evolution is not reconstructed by a purely chronological process tracing. Instead, this study proposes a structured examination of the norm genesis and norm substance of the TPN along the terminological and conceptual framework that has been chosen for the analysis of resistance. This means that repeated leaps in time can occur, even though this is preferably avoided for ease of understanding.

The chapter first looks at which *actors* can be assigned to the Humanitarian Initiative and what their particular characteristics are (*who resists?*) (3.1). The relevant supporters of the Humanitarian Initiative are identified and assigned to different groups. The group of state actors includes the initiators and members of the core group as well as relevant state alliances. Among the group of non-state actors, the section considers in particular the role of the International Campaign to Abolish Nuclear Weapons (ICAN), the International Committee of the Red Cross and academic institutions. Special attention is paid to the choice of cooperation formats and the pooling of resources within this transnational multi-stakeholder network.

In a second step, the *gathering setting* of the first coalition of resistance, the 2010 NPT Review Conference and its first test of strength against the nuclear powers, the 2015 NPT Review Conference, are scrutinized to elaborate the significance of the NPT as a crucial political reference point for the Humanitarian Initiative (*when were forces joined?*) (3.2). Thereby we approach the object of contention of the resistance, examining i.e. the place, time and context in which the individual resistant elements come together to form a movement. The moment of association, the occasion of rallying, the opportunity for a demonstration of strength are decisive crystallization instances for the emergence of a resistant community of fate. Therefore, the two NPT Review Conferences held during the period under investigation are treated as

critical and empirically exploitable settings for the gathering and political activity of the Humanitarian Initiative and TPN supporters. While the NPT Review Conference 2010 represents their starting point, the NPT Review Conference 2015 can be seen as the culmination of their collective political confrontation with the nuclear weapon states.

This is followed by an investigation of the Humanitarian Initiative's intensive exertion of influence on the *discourse* around nuclear weapons through the humanitarian framing (*what do they say?*) (3.3). The section looks at the claims and positions of the supporters of the Humanitarian Initiative and the TPN and thus gets to the bottom of the discursive strategy of the resistance. It examines the key content, origin and tactical use of the humanitarian framing. It also explores various empirical manifestations of the humanitarian code that helped expand the discursive power and outreach of the resistance. For this purpose, the joint Humanitarian Statements of the Humanitarian Initiative and the three Conferences on the Humanitarian Impact of Nuclear Weapons held in Oslo in 2013 and in Nayarit and Vienna in 2014 represent the primary empirical material in this analytical unit.

In the subsequent evaluation of qualitative interviews with individual participants involved in the Humanitarian Initiative and the TPN process, the underlying *perspectives and motivations* on the issue are explored (*what do they mean?*) (3.4) to check whether and to what extent impulses critical of rule and even anti-colonial impulses really did play a role. The section is devoted to the perceptions and intentions behind the presented claims and positions. At this point of the analysis, we touch upon a decisive prerequisite of resistance, namely the "withdrawal of recognition" and the resulting willingness to challenge the nuclear rule. In other words, it becomes finally clear whether we can speak of a veritable phenomenon of resistance in relation to the Humanitarian Initiative and the TPN process. In addition, this section addresses the possible anti-colonial impetus of the resistance movement by exploring the views of the interviewees on the idea of post-colonial continuity and the six colonial imprints of the nuclear order.

The next section examines the *procedures* by which the Humanitarian Initiative succeeded in bringing the TPN to life despite headwinds from the nuclear weapon states, with a detailed review of the instrument of the Open-ended Working Group and the treaty negotiations themselves (*how to resist?*) (3.5). Having established that we are dealing with a phenomenon of resistance and illuminated the (anti-colonial) nature of its motivations in more detail, we return to the level of action. This part of the analysis tackles the puzzle of how the resistance succeeded in asserting itself against the will and strength of the world's most powerful states. It deals with the means used by the resistance and thus with a critical aspect in the typology of this study: the distinction between opposition and dissidence. The creation and negotiation processes of the Open-Ended Working Group on nuclear disarmament in 2016 and the TPN Negotiating Conferences in 2017 provide the empirical basis. An inter-

nal analysis will also identify differences within the resistance regarding the affinity of its members for fundamental change.

The empirical part concludes with an inspection of the nuclear rulers' *reactions* to the resistance and of its *output*, the TPN, regarding its reformative or transformative content (*what were the reactions and output?*) (3.6). Given the time frame of this study and the still relatively short effectiveness of the TPN, it is not yet possible to discuss its impact comprehensively. The focus is therefore on two empirically well-definable manifestations of its effects in the period under review: the reactions of the rulers, meaning the nuclear weapon states, and the output of the resistance, meaning the normative substance of the TPN treaty text. Of particular interest are the evolution of the dynamics of repression during the various phases of resistance and an assessment of the available options for coercive measures on the part of the nuclear weapon states and their allies. The analysis of the TPN treaty text, in turn, concentrates on weighing conservative and reformative provisions to derive further conclusions about the resistance's potential for transformation and its limits to achieving fundamental change.

The Conclusion answers the research question and summarizes and discusses the results. It presents the findings of this study on the role of rule and resistance in the Humanitarian Initiative and the TPN process and highlights the complex influence of anti-colonial resentments. Finally, it reveals the solution to the puzzle of the resistance's success. Acting as a subversive opposition made its astonishing triumph possible. At the same time, this strategy also sets clear limits to its transformation potential. This is not the only insight that raises questions for further research.

State of the art

The discussion of nuclear weapons has a long tradition in International Relations and security studies. Roughly speaking, numerous studies can be assigned to the areas of *deterrence, proliferation, arms control and disarmament*, although their interrelationships have also been studied intensively. Early works focused on the foundations, history and practice of nuclear deterrence from a security strategy perspective. The development of intercontinental ballistic missiles stimulated a rethinking of the role of air power in military planning and the strategic conclusions to be drawn from it (Brodie 1959). The juxtaposition between diplomacy and war was questioned and nuclear deterrence policy conceived as bargaining power or diplomacy of force (Schelling 1966). Standard literature examined the history of nuclear deterrence and the associated dilemmas in order to derive lessons for strategic decisions (Freedman 1981). However, there has also been opposition to the premises of nuclear deterrence. Some have argued, for example, that it was a contradictory ideology favoring policies that benefit only a few (Marullo 1985). Others stressed the importance

of non-nuclear deterrence to avoid war (Mueller 1988). The concept of nuclear taboo (Tannenwald 2007) offers an alternative perspective to explain the non-use of nuclear weapons since Hiroshima and Nagasaki in 1945, differing from the strategic military and security thinking of nuclear deterrence. The widespread inhibition on using nuclear weapons would have emerged among the leading nuclear powers during a series of critical moments in post-World War II history and continue to provide the moral basis of nuclear restraint to this day, albeit at risk. The deconstruction of nuclear deterrence has been empirically pursued further to dispel myths about the efficacy of nuclear weapons. Historical accounts of the Japanese surrender at the end of the Second World War, the Cuban Missile Crisis, the Korean War and the Yom Kippur War would show that nuclear weapons were dangerous but useless (Wilson 2013). The major nuclear crisis in the Bay of Pigs in particular has repeatedly prompted comprehensive empirical studies of the delicate practice of nuclear deterrence (Sherwin 2020). The role of luck in the absence of unwanted nuclear explosions and the illusion of control in nuclear deterrence and military practice in general have also been the subject of research (Pelopidas 2017, 2020). The neglect of these and other factors challenging the validity and acceptability of nuclear deterrence has been attributed, among other things, to self-censorship in security studies (Pelopidas 2016).

Another key issue in nuclear weapons research is the problem of proliferation. In light of the increasing spread of nuclear technology, scholars were concerned about how to deal with the dangers of growing nuclear arsenals and the number of nuclear weapon states (Epstein 1976). Others believed that the increase and proliferation of nuclear weapons under conditions of global bipolarity could be a stabilizing factor that would prevent major wars during the Cold War (Waltz 1981). Research also looked at the reasons for the quest for nuclear weapons and the resulting proliferation. Security policy justifications (realistic assumptions), the domestic context (organization theory) and normative preconditions (constructive theory) were examined to determine the most effective way to counter the risks of proliferation (Sagan 1996). The psychological foundations of the proliferation paradigm and the importance of state leaders' conceptions of national identity have also been discussed (Hymans 2006). Most of the works mentioned focus on the perspective of the nuclear weapon states or those states that want to become nuclear powers. But there are also studies that investigate why non-nuclear weapon states that reject nuclear proliferation also oppose initiatives that strengthen the non-proliferation regime, such as the International Atomic Energy Agency Additional Protocol (Grotto 2010). The more perspectives and regions are included in the analysis of state motivations for (non)-proliferation policies, the greater the range of relevant causal factors and their interaction at and between the normative, security policy and economic levels (Fields 2018). The picture becomes even more differentiated when considering real

instances of proliferation, such as in the case of Iran and North Korea, and how to deal with them (Perry 2006, Høiseith 2015, Cha and Katz 2018, Erästö *et al.* 2020).

Research that centers on the question of how disarmament and arms control can be strengthened often deals with the conducive and obstructive conditions for the creation of a world free of nuclear weapons. This includes studies that explore the possibilities of de-alerting and deep cuts in order to gradually reduce the level of thousands of warheads to lower levels (Feiveson 1999, Zenko 2010). Certain studies also consider the problem of how to move from a low level of already greatly reduced arsenals to global zero and find specific solutions for the verification and peaceful use of nuclear technology (Perkovich and Acton 2008). Comprehensive global security studies also consider overarching political and specific regional challenges (Hynek and Smetana 2016). Others try to derive suggestions for practical steps for nuclear weapon states from past successes and failures (Kelleher and Reppy 2011). Historical research on ending the Cold War arms race and dealing with the unsecured stockpiles after the collapse of the Soviet Union emphasizes the role of individual personalities (Reagan and Gorbachev) and groups of people (Hoffman 2009). The different attitudes of states towards the goal of nuclear abolition and the role of non-state actors are also taken into account when discussing the possibilities of nuclear disarmament (Santoro and Ogilvie-White 2012). While research on strengthening disarmament and arms control was relatively extensive and ambitious in the 2000s and 2010s, more recent studies reconstruct the disarmament history of individual countries, such as in the case of Kazakhstan (Kassenova 2022) or Ukraine (Budjeryn 2022), and seek to draw helpful conclusions. Due to the difficult conditions resulting from the Russian war of aggression against Ukraine since February 2022, current analysis focus on more modest goals, such as confidence-building and risk-reducing measures (Bollfrass and Herzog 2023).

Apart from the numerous studies that focus on one of the areas outlined above, a separate body of research aims to put them together into a larger picture and explore what constitutes the *global nuclear order*. It is remarkable that nearly all these works, including introductory pieces (Kutchesfahani 2019), address the NPT as the legal framework of this order. A monumental standard work has been dedicated to the emergence of the non-proliferation regime, meticulously tracing the treaty's norm genesis and negotiations (Shaker 1980). When it comes to questions of (de)stabilization, (de)legitimization and contestation of the nuclear order, the non-proliferation regime usually takes center stage. Given the distinction between nuclear weapon states and non-nuclear weapon states enshrined in the NPT, research has been concerned since its inception with the treaty's striking inequality (Bellany 1977, Nye 1985) and the structural implications for the global (nuclear) order (Brownlie 1966, Bloomfield 1975, Bull 1975, Falk 1977). In the context of the 1995 NPT Extension Conference, the vital connection between nuclear non-proliferation and disarmament became the focus of academic analysis, which also took into account the perspective of non-

nuclear weapon states and the importance of North-South relations (Müller *et al.* 1994). That this is not a given is shown by later works, which also deal with the anchoring of disarmament in the NPT, but continue to concentrate on nuclear weapon states and states that want to become nuclear weapon states (Lodgaard 2010, 2017). Although substantial disarmament failed to materialize, the regime persisted. This called for new academic answers to the question of its (in)stability amidst glaring inequalities. Some believe that the NPT is very stable despite its dysfunctionality (Jasper 2016), ascribing this to a solid intersection of interests between nuclear weapon states and non-nuclear weapon states (Paul 2003) or even recognizing the trust relationships that have developed within the regime (Ruzicka and Wheeler 2010). Others take the crises of the NPT and resulting risks seriously (Müller 2005, Mukhatzhanova 2014, Potter 2016, Neunack 2019) and address necessary changes and reforms (Landau and Bermant 2014). The perspective of new regional and global powers on the NPT and the nuclear order enshrined therein has also attracted attention (Dalton *et al.* 2016).

On a conceptual level, scholars not only addressed and problematized the uneven spread and regulation of nuclear hardware, i.e. the weapons themselves. The discriminatory organizational logic inscribed in nuclear deterrence policy – the software of the nuclear order – also caught scholarly interest. One of the most prominent works about the nuclear order reconstructs how it was founded on the basis of linked systems of deterrence and abstinence and how both were fragilized after a phase of build-up during the Cold War in the late 1990s due to a strategic shift by the United States towards greater protection through missile defense (Walker 2000). This sophisticated approach connects non-proliferation and deterrence with disarmament and arms control, embedding them in an overall structure of norms and institutions which would constitute the nuclear order. Despite a setback after an era of “nuclear enlightenment” and the resulting damage to the NPT, opportunities to reconsolidate the order would remain open if its various functioning logics were rebalanced (Walker 2007). To ensure its survival, this conceptual approach recommends a “pragmatic middle way” along a logic of restraint, which accepts the presence of nuclear weapons for the time being and at the same time sets limits on their possession and use (Walker 2011). These well-intentioned encouragements of balancing acts are viewed critically by theoretical works seeking to expose the discourse and practice of the nuclear order as a political ideology that had entrenched power structures and constrained the space for political action (Egeland 2021). A historical examination of the genesis of the nuclear order and the NPT as the result of power politics also takes a rather sober look at the “nuclear club” (Hunt 2022) – a coalition of powerful and developing (*sic!*) states, which had created structures that helped avoid conflicts in the industrialized North and fueled conflicts elsewhere in the world. The various facets of power disparity within the nuclear order form an integral part of the research canon. Given the concentration of power and privileges

for a few states, some argue that the five permanent members of the United Nations Security Council and NPT-nuclear weapon states possess “nuclear hegemony” (Medhurst 2006, Ritchie 2019).

The examination of privileges and discrimination in the nuclear order and the non-proliferation regime raises the question of legitimacy and justice. Looking at the prospects and possibilities of strengthening the regime, studies highlight the importance of legitimacy (Rathbun 2006) or the delicate relationship between power and justice (Müller 2010a). The refusal of the official nuclear weapon states to fulfill their disarmament obligation and promise to promote nuclear technology in developing countries would violate the principle of justice on which the treaty is based and thereby damage its legitimacy. The normative link and mutual reinforcement between disarmament and non-proliferation has been repeatedly discussed (Knopf 2012, 2018). Other contributions look at how the perception of justice influences the behavior of states in the NPT (Müller 2019) and analyze, how this can also stimulate norm dynamics (Müller and Wunderlich 2013). Most agree that a lack of justice and fairness (of norms, rules, and procedures) would be a core problem of the NPT in the long run and the cause of its structural susceptibility to crisis and threatened stability (Tannenwald 2013). In a virtually reversed view of the legitimacy issue, the special value of nuclear weapons based on their prestige and the logic of nuclear deterrence is identified as a major obstacle to disarmament (Berry *et al.* 2010). The analysis of past devaluation attempts of varying degrees suggests that only radical delegitimization could create the conditions for the elimination of nuclear arsenals (Ritchie 2013b, 2014).

Nuclear hierarchy and the resulting inequalities and injustices provoke resistance and contestation. This did not remain unnoticed by scholars. Consequently, the role of non-aligned non-nuclear weapon states, particularly the Non-Aligned Movement (NAM), entered the radar of researchers (Singham and Hune 1986). Within within this largest and most diverse political grouping of states engaged on nuclear nonproliferation and disarmament, a small subset of NAM states successfully promotes policies that tend to be at odds with those advanced by Western states in the field (Potter and Mukhatzhanova 2012). At the same time, there is also evidence that the NAM as a whole opposes the nuclear order but stays within the existing forums and institutions. The situation is different with individual member states that resist and thereby violate the rules of this order, as in the case of India, which also arouses scholarly curiosity (Daase 2003a). Later studies blame the institutionalized power inequality between States Parties and the resulting conflict over the distribution of security, economic, and technological benefits for being the main causes of contestation against the nuclear order and the NPT (Müller and Tokhi 2019). States with growing economic importance and heightened security interests would therefore be most likely to contest the *status quo*. A consideration of non-nuclear weapon states as norm entrepreneurs (Müller and Wunderlich 2018), in

turn, shows how contestation impacts the development of nuclear norms, leading to progress but also to blockade or decay. A comprehensive study of the nuclear hierarchy within the multilateral disarmament, arms control and non-proliferation architecture identifies three waves of institutional expansion that emerged from respective legitimacy crises of the nuclear order in the course of the ongoing contestations and struggles of recognition waged by the non-nuclear weapon states (Egeland 2017). Paradoxically, their institutional contestation would have led to an unintended re-legitimization and consolidation of their legal subordination as a result of the reform and expansion processes it triggered.

Critical and post-colonial literature on nuclear weapons is very interdisciplinary and has made considerable progress in recent years. In Marxist tradition, nuclear weapons have been theorized as a “currency of power” in the international system (Harrington de Santana 2009). Similar to how commodities and ultimately money display patterns of fetishism in capitalist society, nuclear weapons in the military realm would represent a mature expression of the fetishism of force and as such mark the behavior of states within the (social) system of international relations. Building on this, a piece of International Relations theory seeks to expose the hierarchical global nuclear order enshrined in the NPT as dominated and exploited by powerful states and capitalist interests and disclose its destructive repercussions on subaltern lives (Biswas 2014). The book shows how the pursuit and production of nuclear power causes suffering among the most vulnerable and highlights the sustained inequality of haves and have-nots in the non-proliferation regime. Critical and post-colonial studies are not only concerned with the economic and institutional structures of the nuclear order. One of the classics of critical analysis on nuclear weapons is an anthropological study of nuclear rites in a weapons laboratory in the United States at the end of the cold war, revealing a practice of othering against non-Western people and states (Gusterson 1996, 1999). The nuclear arms race and the non-proliferation policies of the United States and the Soviet Union have also been critically scrutinized with regard to their allegedly inherent racist logic (Maddock 2010). The racial dimension also plays a central role in a critical analysis of the nuclear policy of the United States in Asia during the Cold War (Jones 2010). Scholars are also increasingly looking at the apparent colonialist or imperialist bias in the selection of nuclear test sites around the world during the Cold War and the devastating effects on indigenous people (Jacobs 2013, 2022). Some focus on the long-term impact in a specific context, for example the consequences of the Manhattan Project for local communities in New Mexico (Masco 2006). A recently published series of articles illustrates the effects of “nuclear imperialism” with numerous examples of oppression and damage that have been committed or are still ongoing in this context (Maurer and Hogue 2020).

Critical research not only sheds light on the structures and practices of nuclear oppression, but also explores subaltern empowerment and action in the field. A his-

torical case study examines the Afro-Asian Legal Consultative Committee and how the Global South sought to challenge the legality of nuclear testing and contribute to decolonizing arms control during the negotiations on the Partial Test Ban Treaty (Abraham 2018). The role of advocacy organizations and small states actors and their ability to use discursive means to exert influence on global nuclear politics has also repeatedly attracted critical academic interest. A subaltern-focused analysis of several disarmament success stories draws on masterpieces of literary imagination and ethnographic fieldwork in communities affected by nuclear testing and advocacy networks (Bolton 2020b). It shows, for example, how pacific diplomats, activists and academics had flipped the “standard of civilization” through the humanitarian discourse to ban nuclear weapons (Bolton 2018, 2020a). The active role and transnational collaboration of affected and indigenous communities in reformulating the nuclear narrative has also been examined in the context of test sites in the United States and the former Soviet Union (Rozsa 2020). Another study concentrates on the commitment of black activists in the United States to nuclear disarmament, connecting the issue with the fight for racial equality (Intondi 2015). Researchers also try to make “nuclear imperialism” visible through the analysis of artistic creation, for example in the Pacific and Oceania (Keown 2018, Maurer 2018, Amundsen and Frain 2020, Schwartz 2020).

Feminist interrogations of global nuclear politics examine, inter alia, how gender norms influence discourse and policy on the proliferation and possession of nuclear weapons (Cohn and Ruddick 2004, Cohn *et al.* 2006). Early feminist works expose the gendered discourse prevalent in nuclear deterrence and strategy, whose sanitized language and emotional distancing would normalize their inherent violence (Cohn 1987a). Some pieces are dedicated to the gendered representations underpinning nuclear policies in certain regions, such as India and Pakistan (Das 2010). Others tackle the NPT for a gender-sensitive examination (Brown and Considine 2022). In a more recent special issue, a feminist and intersectional perspective is applied to uncover the lived reality of nuclear destruction in the context of a broader history of domination using numerous examples from different regions of the world (Choi and Eschle 2022). Feminist approaches also enrich the study of the Humanitarian Initiative and the TPN, exploring how feminist, queer, and Indigenous analysis and activism can help inform strategies for nuclear disarmament (Acheson 2018a, 2019, 2021a). This leads us to the fourth relevant strand of research.

The literature on the ***Humanitarian Initiative and the diplomatic process to outlaw nuclear weapons under the TPN*** has advanced considerably. The preceding political developments, the negotiations and the treaty text itself have been covered by numerous observers and dealt with in various ways in analysis, reports and journal articles. Studies have been conducted on the crucial role of civil society (Sullivan 2016, Mikhaylenko 2021) as well as that of individual states (Egeland 2019b, Maitre and

Lévy 2019) or groups of states (Richards 2022). Other publications dealt with the development process and the diplomatic activities of the Humanitarian Initiative as a whole (Kmentt 2015, Minor 2015, Bolton and Minor 2016, Potter 2017, Borrie *et al.* 2018, Tannenwald 2020). Important aspects, such as the influence of humanitarian disarmament law advocacy (Benjamin-Britton *et al.* 2020, Bolton and Minor 2020) or the course of the treaty negotiations (Caughley and Mukhatzhanova 2017, Ruff 2018) were also taken into account. The reviews of the outcome range from critical assessments, which view the TPN with disdain (Lysenko and Ostapova 2022) and skepticism (Rühle 2017) or even perceive it as a threat (Onderco 2017, Highsmith and Stewart 2018), to balanced interpretations of its implications (Roberts 2018) and largely positive assessments (Afina *et al.* 2017). Different regional perspectives on the treaty have also been taken into account (Shetty and Raynova 2017).

Right after the adoption, the relationship between the NPT and the TPN was one of the hot topics of discussion in expert communities and journals. While some consider that the two treaties are fundamentally compatible (Bundestag 2021) or even mutually reinforcing (Egeland *et al.* 2018, Hajnocz 2020), the assessment of others is mixed (Müller 2018) or critical (Marauhn and Vries 2020), as they see dissonances in the relationship. The reconcilability between the provisions of the TPN and participation in NATO, its deterrence provisions and the obligations of allies has also been addressed (Hayashi 2021, Hill 2021). Some doubt the extent to which the TPN, like other humanitarian disarmament treaties, can lead to a global consolidation of the prohibitory norm on nuclear weapons possession precisely because of the efforts undertaken to embed it in the overarching normative framework (Considine 2019).

Looking at potential new supporters and signatories of the TPN, discussions revolved around its national implementation (Revill *et al.* 2021), the challenges and opportunities for universalization (Ritchie and Kmentt 2021) and possibilities for verifying its disarmament provisions (Erästö *et al.* 2019, Patton *et al.* 2019, Podvig *et al.* 2022). Others explore which implementation options, conditions and deadlines could apply for the accession of nuclear weapon states willing to disarm (Kütt and Mian 2019, Podvig 2021) or states ending nuclear sharing (Mian and Kütt 2022). Analysts also deal with the question of how the positive obligations can be operationalized (Bolton and Minor, IHRC 2019, Docherty 2021, 2023, IHRC 2023) or whether this is associated with additional disadvantages for affected states (Hood 2023). Aside from numerous individual contributions, several special issues were dedicated to the TPN (Camilleri and Hamel-Green 2018, Pollack and Kreger 2018, CSS 2019).

Meanwhile, monographs (Mikhaylenko 2020, Krasno and Szeli 2021, Thakur 2022) and edited volumes (Camilleri *et al.* 2019, Sauer *et al.* 2020) have been published on the genesis and contextualization of the TPN. They also address the significance of the humanitarian approach and the interplay between civil society and state actors (Bolton *et al.* 2020, Hanson 2022). Two comprehensive chronicles of the norm genesis of the TPN deserve special attention. One is written from the perspective of

a state representative involved in the process (Kmentt 2021), the other from the view of a civil society representative (Acheson 2021b). The former represents an Austrian viewpoint and thus one of the leading nations of the Humanitarian Initiative. The latter takes a firmly feminist, i.e. intersectional perspective, which includes the views of those who have experienced the violence of nuclear weapons and thereby intends to dismantle the dominant (capitalist, colonialist, racist and patriarchal) discourse. Both contain insightful first-hand insider knowledge, information on informal processes and from closed circles.

Recently, individual papers have increasingly been trying to grasp the Humanitarian Initiative and the TPN as a struggle of power. For example, the TPN has been interpreted as the result of a decades-long norm contestation that led to the empowerment of nuclear have-nots (Müller and Wunderlich 2018, 2020). Some see it as an approximation of the realization of the dream of Bandung (Intondi 2019). A conceptually grounded analysis of resistance uses the ban treaty to examine hegemony and power within the global politics of nuclear weapons (Ritchie 2019). Similarly, another article sees the TPN as a codification of its supporters' aspiration to disturb the hegemonic nuclear discourse (Egeland 2019a). Based on a taxonomy of power and conception of resistance as counter-hegemonic another contribution delves into the "diplomacy of resistance", its actors and methods of delegitimizing nuclear weapons (Ritchie and Egeland 2019). In a later article, the contestation against the prevailing nuclear worldview is interpreted from a critical perspective and the relationship between power and resistance is viewed as a dichotomy of two largely incommensurable "ontologies" (Ritchie 2022). Hegemonic nuclearism and subaltern anti-nuclearism would be opposed to each other, which is why bridge building approaches denying this antagonism would curb its potential to advance nuclear disarmament.

Where does this study fit into the body of research and which research gap does it fill?

It joins the series of works that do not treat the areas of deterrence, non-proliferation, arms control and disarmament separately, but consider their interconnections within the nuclear order. Along with most of the International Relations and Security Studies literature, it also acknowledges the vital role of the NPT within this order. In contrast to almost all other research on the subject, it regards the NPT as a founding treaty of nuclear rule (and not just power, hierarchy or hegemony). In doing so, it draws on an resistance-focused reconceptualization (Daase and Deitelhoff 2015, Daase *et al.* 2017b, Daase *et al.* 2023a) of an established sociological theory of rule (Weber 1985) and applies it to the Humanitarian Initiative and the process leading to the TPN. It thus provides a broader analytical framework for the investigation of inequalities within the nuclear order and the non-proliferation regime, going beyond the usual grid of power relations (Müller 2010a), hierarchies (Egeland 2017) or hegemony (Medhurst 2006, Ritchie 2019). It differs from previous critical readings (Harrington de Santana 2009, Biswas 2014) by refraining from a Marxist or political economy superstructure in order to minimize the number of premises

and “let the empiricism speak”. However, the sensitivity for the subaltern perspective which is crucial for the object of investigation will be incorporated.

In other words, this analysis of rule centers on resistance and puts it in the spotlight, both conceptually and empirically. The focus on the role of the non-nuclear weapon states and the non-state actors allied with them is not common beyond critical studies. Indeed, the combination of a terminological and conceptual framework derived from classical sociologist Max Weber with a critical perspective is novel and promises a twofold gain in knowledge. First, it can clarify what role resistance played in this process from the perspective of the non-nuclear weapon states and non-state actors involved and reveal the means they deliberately resorted to. Second, it helps to better understand the nature of the prevalent nuclear rule and the complex relationships between the rulers and the ruled.

Recent contributions that come closest to this approach also stress the importance of resistance within the Humanitarian Initiative and the TPN process, but remain conceptually at the level of norm contestation (Müller and Wunderlich 2018, 2020), a struggle of power or against hegemony (Egeland 2019a, Ritchie 2019, Ritchie and Egeland 2019) or conflicting ontologies (Ritchie 2022). By choosing a binary view, most of these analyses commit substantial analytical errors. They tend to neglect the existing shades of gray, overlaps and inherent contradictions within the object of study because they isolate the poles of (hegemonic) power and (counter-hegemonic) resistance and separate the underlying discursive framings or “ontologies” too sharply. In fact, they are tapered towards the segregation of power holders and resistance, an analytical and empirical aberration that this study does not wish to follow. The two most comprehensive and in-depth empirical works on the Humanitarian Initiative and the TPN process (Acheson 2021b, Kmentt 2021), on the other hand, lack analytical systematics. Moreover, they concentrate on one subgroup of the Humanitarian Initiative, either its non-state or state actors.

Conceptual purity runs the risk of eluding empirical complexity. An overly strong orientation towards empirical intricacy, in turn, hinders the attainment of conceptual neatness. This study intends to close the research gap between conceptually rigorous and empirically saturated research on the subject. It provides a clear analytical framework and examines the Humanitarian Initiative and the TPN process in their entirety as a resistance movement against nuclear rule enshrined within the NPT. It thus goes beyond the conventional perception of the nuclear order as a space of power games, as a hierarchical structure or as an arena for hegemonic struggles. At the same time, it delves deep into the empirical realm, taking a closer look at the interwoven dynamics of rule and resistance in the nuclear order, including their many nuances, whether at the level of discourse or at the level of actors and their means. Apart from extensive primary sources from the development process of the TPN, numerous interviews with diplomats and representatives of civil society who were involved in the process form a solid empirical basis for this study. In this way, the work

accomplishes both, a conceptually informed analysis and a comprehensive empirical investigation of the topic.