

A Nuclear Weapons Convention: The Time Is Now

Address by Hon. Douglas Roche, O.C To Middle Powers Initiative Conference, Sept. 14, 2010

A new moment has arrived in the long struggle to rid the world of nuclear weapons.

For the first time, the subject of a Nuclear Weapons Convention – a global treaty to ban all nuclear weapons -- is on the international agenda with the agreement of all states.

Consider the progress that has so far been made: Two-thirds of all national governments have voted at the U.N. to start negotiations on a convention. In 21 countries, including the five major nuclear powers, polls show that 76 percent of people support negotiation of a treaty banning all nuclear weapons. The governments of China, India and Pakistan, all with nuclear weapons, are committed to negotiations. The European Parliament has voted for a convention along with a number of national parliaments. Long lists of non-governmental organizations want it. In Japan, 14 million people signed a petition for it. The Secretary-General of the United Nations has spoken repeatedly in favour of it. There is no doubt that historical momentum is building up.

The dogged opposition to a Nuclear Weapons Convention at the 2010 Review Conference of the Non-Proliferation Treaty by a powerful few shows that it is no longer ignored, but has entered the mainstream of

governmental thinking. The Final Document of the NPT meeting said: “The conference notes the Five-Point Proposal for Nuclear Disarmament of the Secretary-General of the United Nations, which proposes *inter alia* consideration of negotiations on a Nuclear Weapons Convention or agreement on a framework of separate mutually reinforcing instruments backed by a strong system of verification.”

Though this language could not be called strong, the consensus reference to a convention that survived the diplomatic battles is far from toothless. For the first time in an NPT document, the concept of a global ban, with all the work necessary to achieve it, is validated. In fact, grudging though it may be, the reference is given more heft by the statement preceding it: “The conference calls on all nuclear weapons states to undertake concrete disarmament efforts and affirms that all states need to make special efforts to establish the necessary framework to achieve and maintain a world without nuclear weapons.” The concept of a convention is now embedded, and the advocates of a nuclear weapons free world have an agreed document we can build on.

Our task now is to figure out the best way to get negotiations started on a Nuclear Weapons Convention.

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Advocates tried to have the NPT Review Conference call for the Secretary-General to convene a conference in 2014 for this purpose, but their proposal was blocked. A conference to amend the NPT has been suggested, but since India, Pakistan and Israel, all with nuclear weapons, are not members, the NPT is not the most propitious route. A special session of

the U.N. General Assembly is sometimes proposed, but, with the major states voting no, it would be unlikely to get very far. Similarly, the Conference on Disarmament is stymied by the consensus rule. Short of mass demonstrations around the world demanding that all states convene to produce a convention, a comprehensive negotiation forum seems elusive at the moment.

The most likely practicable action would be a core group of countries calling their own conference to which interested states would be invited. This work could evolve, when some momentum is achieved, into the full-scale international conference called for by numerous commissions. The crucial point is to start preparatory work now before the present window of opportunity closes. The longer the complete elimination of nuclear weapons is enshrouded by a time period called “eventual,” the more the subject will disappear over the horizon.

In 1996, Canada called an open-ended conference of states concerned about the humanitarian, social and economic devastation caused by anti-personnel land mines. The “Ottawa Process,” as it was called, demonstrated a willingness to step outside the normal diplomatic process and work with a group of civil society experts. It was so successful that it produced a treaty within a year. It quickly entered into force and today 80 percent of the world’s states have ratified or acceded to the Ottawa Convention, and many of those that remain outside have adopted its norms.

In 2007, the government of Norway followed a similar process to build support for a ban on cluster munitions. Again, within a year, a legally binding treaty was produced, prohibiting the use and stockpiling of cluster munitions “that cause unacceptable harm to civilians.” The signing ceremony in Dublin was attended by 107 nations, including 7 of the 14

countries that have used cluster bombs and 17 of the 34 countries that have produced them. The treaty was opposed by a number of countries that produce or stockpile significant amounts of cluster munitions, including the U.S., Russia and China. When Barack Obama became president, he signed a law banning the export of cluster munitions that do not meet a certain standard. This was hailed as the start of a turn-around in U.S. policy.

Some observers say the “Ottawa Process” cannot be replicated for nuclear weapons, which are an order of magnitude beyond conventional weapons. But they may perhaps be too timid in their assessment. A global process of law-making against weapons of mass destruction is an inescapable requisite for survival in a globalized world. Non-nuclear states have not only a right but an obligation to build an international law based on safety for all humanity. Not to exercise that right would be to surrender to the militarism that drives the policy-making processes of the nuclear states. If a national government’s primary duty is to protect its own citizens, how can it rationally sit silently in the face of threats from outside its borders?

Neither the land mines nor the cluster munitions produced perfect agreements. But they overcame diplomatic roadblocks, raised international norms, and forced the recalcitrant states into a “pariah” mode. A Nuclear Weapons Convention, developed and signed by a majority of states, may well be rejected by the major states at the outset, but the opinion of their own populaces, seeing how other states are moving ahead, may then becoming a determining factor in approval.

The fact that China, one of the big five, has already voted at the U.N. for a convention and spoken out in favour at the NPT Review Conference means that the nuclear weapons states do not have a united front. The

United Kingdom has accepted that a convention will likely be necessary in the future and has started the requisite verification work. Even India and Pakistan, opponents of the NPT, have committed themselves to participate in global negotiations. While it is true that the greatest pressure is on the U.S. and Russia, because of their inordinately high numbers, the international community must not wait for those two countries before taking collective action for a ban. The forging of a Nuclear Weapons Convention must not be held hostage to the vicissitudes of bilateral reductions. If it is, “eventual nuclear disarmament” will become “never nuclear disarmament.”

Once a group, including key middle power states, has written a convention, pressure will mount for all states to sign. Some, however, may not sign immediately, and there may be a few holdouts for years. It should be remembered that it took several years for China and France to join the NPT, which simply was started without them. Even if a Nuclear Weapons Convention does not come into effect until all the nuclear weapons states and nuclear capable states ratify it, the world would be far better off than at present. The risk of starting a disarmament process without knowing the precise route to completion is a far less risk than continuing the status quo in which a two-class nuclear world acts as an incentive to proliferation and heightened dangers.

The process for complete nuclear disarmament, once it starts, will embolden many states, which have hitherto been deferential to the major states. That is why I am appealing to those middle-power countries, which have already declared themselves in favour of a global legal process to ban nuclear weapons, to step forward, and invite interested states to preparatory

meetings. We should support the statement issued by the recent Mayors for Peace conference in Hiroshima: "Governments that have expressed their desire for a comprehensive legal process, in partnership with like-minded NGOs, should convene a special disarmament conference in 2011 to facilitate the start of negotiations on a nuclear weapons convention." Let government discussions begin as a signal to the world that a process is unfolding intended to lead to a nuclear weapons free world.

This will reinforce the leadership of President Obama, whose aspiration for a nuclear weapons free world is thwarted by those who say such an achievement is not obtainable. Middle-power governments and publics must support leaders such as Obama and United Nations Secretary-General Ban Ki-moon, who have taken strong stands for nuclear disarmament. The recent visit to Hiroshima of Ban Ki-moon sent a historic message to the world that our hopes for the complete elimination of nuclear weapons are grounded in reality.

The model Nuclear Weapons Convention, the subject of increasing attention, doubtless needs refinement. Perhaps there are other ways to frame the issues. As the process unfolds, new insights will be gained on the best way forward. The immediacy of the nuclear weapons problem demands that we start active work on elimination now.

A significant benefit of a convention would be the strengthening of humanitarian law. The principle of one law for all, which a Nuclear Weapons Convention underscores, also bridges the ongoing debate about which comes first: non-proliferation or disarmament.

A Nuclear Weapons Convention is understandable and attractive because it is a single-focused idea to get rid of all nuclear weapons in a safe

and secure way. It provides a legal basis for phasing in concrete steps with a visible intent to reach zero nuclear weapons in a defined time period. The public can easily understand this clear notion.

The public will support a stark new message the abolition movement must send out: nuclear weapons are the most inhumane, indiscriminate weapons ever invented and they are capable of destroying life on the planet. It makes no sense to keep spending money on them at the expense of the continued development of all societies. It does make sense building a global law banning them.

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