

A Future Without Nuclear Weapons

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Human society today is imperiled by the continued existence of nuclear weapons and is sleepwalking towards a world catastrophe of unparalleled proportions. Although the Cold War ended more than two decades ago, eight states – the US, Russia, the UK, France, China, India, Pakistan and Israel – possess more than 22,000 nuclear warheads at 111 sites in 14 countries. Highly respected analysts foresee a cascade of nuclear proliferation. North Korea has produced a nuclear device and Iran is suspected of plans to convert nuclear energy fuels into weapons. Terrorists could acquire nuclear materials to build a bomb at any moment. This is an unacceptable level of danger for the world.

Fortunately, a new opportunity to rid the world of the evil of nuclear weapons has arrived. The new moment was opened up by UN Secretary-General Ban Ki-moon who, on October 24, 2008, issued a five-point proposal, which undoubtedly afflicted the powerful. He called for a new convention or set of mutually reinforcing instruments to eliminate nuclear weapons, backed by strong verification; a UN summit on nuclear disarmament; rooting nuclear disarmament in legal obligations; requiring nuclear weapons states to publish information about what they are doing to fulfill their disarmament obligations; and limiting missiles, space weapons, and conventional arms—all steps that are needed for a nuclear-weapons-free world.

In Prague, April 5, 2009, the newly inaugurated US president, Barack Obama, reinforced Ban's vision by proclaiming "America's commitment to seek the peace and security of a world without nuclear weapons." Obama quickly convened, for the first time ever, a summit of the UN Security Council on nuclear non-proliferation and disarmament, called his own summit in Washington of 47 nations on nuclear dangers, and spent immense political capital in achieving US Senate ratification of the new START Treaty by which the US and Russia have reduced their strategic nuclear arsenals.

The UN Secretary-General and the US President have tried to lead the way to a safer world. But many major states are tepid in following, seeming fearful of the bold action required to actually free the world of nuclear weapons. Hoping that small steps will suffice in warding off nuclear disaster, they are resisting the call of history to finally put an end to the weapons that challenge all civilization.

To the good, the international community has expressed its deep concern at the "catastrophic humanitarian consequences" of any use of nuclear weapons and reaffirmed that all states must comply with international humanitarian law. Also, the 2010 Review Conference of the Non-Proliferation Treaty put on the world agenda consideration of negotiations on a Nuclear Weapons

Convention or framework of reinforcing instruments. For the first time, the concept of a global legal ban on all nuclear weapons has been validated.

But this advance is held back by the modernization programs of the nuclear weapons states, which retain their military doctrine of nuclear deterrence as a means of exerting power. Some reductions, yes; elimination, no, or at least, not yet. The nuclear powers claim that as long as nuclear weapons exist, they must maintain their arsenals. In the convoluted logic that drove the nuclear arms race during the Cold War, safety from nuclear weapons still depends on their deployment. Zero nuclear weapons is considered but a dream. The powerful defenders of nuclear weapons act as if not possessing nuclear weapons would be an unbearable deprivation. This continued obstinacy has created a new crisis for humanity because failure to seize this moment to start comprehensive negotiations will lead to the further spread, and possible use, of nuclear weapons.

Both the opportunity and the crisis point to an inescapable fact of life in the 21st century: a two-class world in which the powerful aggrandize unto themselves nuclear weapons while proscribing their acquisition by other states is not sustainable. The proliferation of nuclear weapons is occurring before our eyes precisely because the powerful nuclear states have not used their

authority to build a world law outlawing all nuclear weapons. Yet they now seem to be saying, let us try to find a way to move forward together. The 2010 consensus NPT Final Document stated: “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.” All states – the strong and weak, the rich and poor – stand on common ground: the need to reduce nuclear dangers by making it unlawful for anyone to use, deploy, produce, or proliferate nuclear weapons.

A Basis for Hope

Though the failure of the nuclear weapons states to honour their pledges of the past leads some to think that the continuing crisis of resistance will overpower the new opportunity to build a world law, I believe that historical momentum is giving new force to the nuclear weapons abolition movement. The basis for optimism lies in the principles states have already laid down: any use of nuclear weapons would violate the essence of humanitarian law, and true peace and security require the achievement of a nuclear weapons free world.

The pressure of world opinion has brought us to this point. At the UN, two-thirds of all national governments have voted in favour of

negotiating a Nuclear Weapons Convention. In twenty-one countries, including the five major nuclear powers, polls show that seventy-six per cent of people support the negotiation of a ban. The European Parliament has voted for a convention, along with a number of national parliaments. Mayors for Peace, comprising more than 4,700 cities around the world, is campaigning for it. Long lists of non-governmental organizations want it. In Japan, fourteen million people signed a petition for it. The UN Secretary-General has urged that negotiations start. There is no doubt that historical momentum is building up.

But the opposition is still strong. Nuclear weapons are about power, and governments have never given up that which they perceive as giving them strength. The powerful military-industrial complexes are still trading on a fear that has been driven into the public. In many countries, there is virtually a mainline-media blackout on the subject, which makes it all the harder to have national debates. Yet, despite these obstacles, the tide is turning. The strong opposition to activate a convention at the 2010 NPT meeting by a powerful few shows that the idea is no longer ignored, but has entered the mainstream of governmental thinking. Having come this far, the promoters of a convention will not cease their efforts. The campaign has already shifted from arguing that a convention would be a good thing to figuring out how to actually start negotiations.

Advocates tried to have the NPT meeting call for the Secretary-General to convene a conference in 2014 for this purpose, but their proposal was blocked by the powerful states. A conference to amend the Treaty has been suggested, but since India, Pakistan, and Israel, all with nuclear weapons, are not members, that is not the most propitious route. A special session of the UN 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, a permanent body operating in Geneva, 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. 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 before the present window of opportunity closes. This is the approach taken by the Middle Powers Initiative, which proposes that like-minded states start preparatory work now, laying the groundwork for the Secretary-General to convene a diplomatic conference to begin comprehensive negotiations.

A Model Treaty Exists

A Nuclear Weapons Convention would be a global ban: an

enforceable international treaty to ban all nuclear weapons. It is not just a vision. A model treaty already exists. Shortly after the International Court of Justice rendered its 1996 Advisory Opinion that all nations have an obligation to conclude comprehensive negotiations for nuclear disarmament, a group of experts in law, science, disarmament, and negotiation began a drafting process. After a year of consultations, examining the security concerns of all states and of humanity as a whole, they submitted their model to the United Nations, and it has been circulating as a UN document ever since. The model treaty was the basis of a book, *Securing Our Survival: The Case for a Nuclear Weapons Convention*. In the foreword, Judge Christopher Weeramantry, former Vice-President of the World Court, called the logic of the model treaty “unassailable.”

The model treaty begins with the words, “We the peoples of the Earth, through the states parties to this convention...” and continues with powerful preambular language affirming that the very existence of nuclear weapons “generates a climate of suspicion and fear which is antagonistic to the promotion of universal respect for and observance of human rights.”

It lays down the obligations of states. “Each state party to this Convention undertakes never under any circumstances to use or threaten to use nuclear weapons.” This is spelled out to ensure states will not “develop, test, produce, otherwise acquire, deploy, stockpile, retain, or

transfer” nuclear materials or delivery vehicles and will not fund nuclear weapons research. Further, states would destroy the nuclear weapons they possess. Turning to the obligations of persons, the treaty would make it a crime for any person to engage in the development, testing and production of nuclear weapons. The definitions of various nuclear materials, facilities, activities, and delivery vehicles are listed.

The model treaty specifies five time periods for full implementation. In Phase One, not later than one year after entry into force of the treaty, all states shall have declared the number and location of all nuclear materials, and ceased production of all nuclear weapons components. In Phase Two (not more than two years after entry into force), all nuclear weapons and delivery vehicles shall be removed from deployment sites. In Phase Three (five years), the US and Russia will be permitted no more than 1,000 nuclear warheads, and the UK, France, and China no more than 100. In Phase Four (10 years), the US and Russia will bring their nuclear stockpiles down to fifty each, and the UK, France, and China down to ten each. Other nuclear weapons possessors would reduce in similar proportions. All reactors using highly enriched uranium or plutonium would be closed or converted to low-enriched uranium use. In Phase Five (15 years), “all nuclear weapons shall be destroyed.”

All this disarmament activity would be supervised by an International Agency for the Prohibition of Nuclear Weapons

established by the Convention and verified by an international monitoring system composed of professional inspectors. Basic information would be gathered, prescribed disarmament steps monitored, and re-armament prevented through detection of any objects or activities indicating a nuclear weapons capability. Whistle-blowers would be encouraged. Emerging technologies, including satellite photography, better radioisotope monitoring, and real-time data communications systems provide increasing capacity for the necessary confidence-building.

Immediacy of This Moment

When active work starts—as it must—on assembling all the legal, technical, and political elements of a convention, it does not matter if the existing model already submitted to the UN is used. That doubtless needs refinements. Nor is it essential, at least at the outset, that only a single convention be the focus of discussion. A framework of agreements arrived at by continuing, in parallel fashion, the ongoing work of ratifying the Comprehensive Nuclear-Test-Ban Treaty, working on a treaty to ban the production of fissile materials, further reducing the numbers of existing nuclear weapons, and establishing an international verification agency will bring the international community together in a joint effort to achieve greater security. What is essential is that these steps be incorporated into a common effort with a visible intent to build a regime that bans all nuclear weapons.

The end goal must both define and drive the ongoing work. Working to bring all the parts into a comprehensive treaty would be a surer way of reaching the goal than relying on disparate steps that lack irreversibility. For comprehensive negotiations to take place, the political will of the nuclear powers must be raised to make them see how their own security would be improved by a global treaty. Important middle power states can help give this assurance.

The passivity of political leadership in many states is shocking. The urgency of this moment calls for a new nuclear diplomatic offensive. This is a moment for enlightened leaders to come forward and say: *We will start convening meetings to draw together those who want to build a global law. We remember that the United Nations, now a universal instrument for peace, was started with only 51 Charter members. We will not wait for regional harmony everywhere before we act. We will not be deterred by the continuing crisis of the Middle East. We will not be intimidated by the recalcitrant elements in various political parties, nor indeed by the military-industrial complex for whom the continued modernization of nuclear weapons is a financial boon.*

The inexorable prospect of common destruction gives us a common motivation: we must work together for mutual survival. Just as we have laws in our countries prohibiting individual murders, so we must have a global law prohibiting nuclear mass murders raining down from the skies.

The scale of the task and the mountainous obstacles in the way lead some to think this is an impossible goal. But a world that has already produced complicated systems to enhance the economic, trade and social benefits of globalization is certainly capable of producing a law to stop the destruction of globalization. The development of the International Criminal Court and the entry-into-force of treaties banning chemical and biological weapons show that building international law to protect human security is possible. Of course, the issues of missile defence, the weaponization of space, and non-nuclear global strike weapons are all caught up in the question of how fast to eliminate nuclear weapons. The goal of the nuclear disarmament movement is certainly not to make the world safe for conventional warfare.

Deep questions of international cooperation must be addressed in building a new architecture of security without nuclear weapons. Does the elimination of nuclear weapons require a new era of enlightened cooperation in which nations share the resources of the planet more equitably and willingly put themselves under the jurisdiction of the International Court of Justice? Or would pragmatic acceptance of the merits of a Nuclear Weapons Convention, implemented in stages, contribute to the evolution of such international thinking? Which comes first: nuclear disarmament or a new security architecture? The

defenders of nuclear weapons answer that there are too many risks in today's world to let go of nuclear weapons. Nuclear disarmament advocates must show that the reverse is true: the continued existence of nuclear weapons is a principal detriment to building a secure world.

A genuine effort to free the world of the burden of nuclear weapons is needed not only to eliminate the unacceptably high risks of nuclear destruction but to build the conditions for the international community to address the other challenges to human security successfully. Nuclear disarmament is a prerequisite to moving human civilization to a higher level.

The long-range benefits are considerable, but it is the immediacy of the moment that demands our attention and action. The limited capacity of the Non-Proliferation Treaty and associated safeguards, the deceptive arms agreements that are always accompanied by enlarged modernization programs, and the retention of nuclear doctrines have all undermined the non-proliferation regime. Without a comprehensive plan to get rid of all nuclear weapons, they are bound to spread further.

The principle of one law for all, which a Nuclear Weapons Convention would underscore, bridges the ongoing debate about which comes first: non-proliferation or disarmament. These distinctions have polarized the debate. Likening the dispute to an aircraft requiring both wings to remain airborne, former UN Secretary-General Kofi Annan

said, “We cannot choose between non-proliferation and disarmament. We must tackle both tasks with the urgency they demand.”

Civil Society Involvement

The holistic approach to nuclear disarmament through a Nuclear Weapons Convention has one other great, and perhaps determining, attribute: involvement of civil society. It will be states that do the negotiating and ratify the treaty, but the involvement of leading individuals and organizations in education, public policy, law, health, human rights, environmental protection, social justice, ethics, religion, and other fields will bring a deep human dimension to work that has too often in the past been dominated by bureaucrats and arcane terminology. For too long, governments have confused the public with the jargon and an esoteric minutiae of faltering steps. With the public left out, the diplomatic terrain has been occupied by those who specialize in technical details but have no clear vision of how to move the world forward. The principal exception to this was during the 1980s when the “nuclear freeze” campaign galvanized the public because it was understandable and had a clear goal: to stop the development of nuclear weapons.

It was civil society leaders who wrote the model convention treaty. Now that the subject is on the international agenda, the way is open for scientists, engineers, technicians, and corporations working in the nuclear field to contribute their expertise. The combined efforts of

citizens and supportive non-nuclear weapons governments can lead the way in mobilizing public opinion for a global treaty. The Berlin Statement by 10 Foreign Ministers (April 30, 2011) promised to actively promote disarmament and non-proliferation education “based on our conviction that education is a powerful tool” for mobilizing publics. Our message is clear:

We must refuse to wait until a nuclear weapons attack obliterates a city before starting negotiations for the elimination of nuclear weapons.

We must refuse to wait until a nuclear explosion causes international panic through the killing of millions and the shutdown of food, water, medical and transportation systems.

We must refuse to wait until cooperative world politics breaks down completely under the weight of nuclear weapons hegemony.

A clearly defined goal must be set – and that is what a Nuclear Weapons Convention does. It is urgent to move beyond “eventual” and give the world a precise plan for the construction of a legal ban on all nuclear weapons.

I am heartened by the words of Mohamed elBaradei who, in his term as director of the International Atomic Energy Agency, demonstrated courageous leadership. The title of his book

describing these years is apt: *The Age of Deception: Nuclear Diplomacy in Treacherous Times*. His use of the words “deception” and “treacherous” in the title indicate what is involved in entering into the quagmire of nuclear disarmament. Working for the elimination of nuclear weapons is not for the faint of heart. Yet ElBaradei concludes his work with a remarkable affirmation of faith:

“The final reason not to lose faith that diplomacy and dialogue can prevail as the strategy for dealing with nuclear crises is based on a point of logic: the alternative is unacceptable.” Optimism is a far cry from certainty, he says, yet as a singly, conjoined family, we are all in this together. “The only quest that makes sense, the only quest worth pursuing, is toward collective security.”

