

Revision

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By Douglas Roche

Sometimes, I feel like a wanderer passing through hills and valleys, searching for that golden prize I see so clearly in my mind but cannot find on earth. For four decades, I have wandered, perhaps jogged is a better description, toward the prize, which always seems to slip farther away the harder I run. Now I am 86. I am slowing down, but I cannot let the obstacles deter me. Some people tell me the prize is an illusion, but I know it's real. It just seems too far away.

The prize is a nuclear weapons free world. Why is it so hard to reach? Why are so few people concerned about getting there? Will the powerful governments always thwart us? Is there an expert anywhere truly convinced that the ISIS terrorists will never acquire and use a nuclear device?

These questions constantly disturb me, I would even say torment me, but I am afraid the so-called realists will write me off as becoming deranged, just as they have for so long dismissed the cries of the truly informed that as long as nuclear weapons exist they will one day be used with catastrophic humanitarian consequences.

The questions were in my mind when I attended the opening days of the month-long 2015 Review Conference of the Non-Proliferation Treaty at the United Nations in New York. As Yogi Berra would say, it was *déjà vu* all over again. I started attending these reviews, which occur every five

years, in 1985 when, as Canadian Ambassador for Disarmament, I led the Canadian delegation. There have been nine reviews since the NPT came into existence in 1970. Each one is a ritualistic façade, in which the prescribed players make the same speeches, do the same dance, attend the same cocktail parties, and, just to show they're serious, leer at one another and say we must do better next time. Is it any wonder the public knows next to nothing about the NPT, which is the largest arms control and disarmament treaty (189 states) in existence and is the only legal instrument obliging states to negotiate the elimination of nuclear weapons?

The treaty operates by the strange rule of consensus, which means that any one state can block the will of the majority in wanting to move forward on any new proposal for nuclear disarmament. The 2015 NPT review failed in a dispute over the holding of a conference on the Middle East. Even to explain it reveals the tortuous route to nuclear disarmament.

The 1995 NPT review, which had to take a decision whether to extend the original 25-year life of the treaty indefinitely, called for the “the establishment of an effectively verifiable Middle East zone free of weapons of mass destruction, nuclear, chemical and biological, and their delivery systems.” This Arab-led resolution was aimed at Israel, which clandestinely possesses about 100 nuclear weapons, but refuses to join the NPT. Without the inclusion of this resolution, the indefinite extension (i.e. permanence) of the NPT would not have occurred.

Israel objected to any implementation of the resolution and, instead, world attention shifted to pressuring Iran not to turn its peaceful nuclear power program into the construction of nuclear weapons. At the 2010 NPT

review, the Arab states succeeded in getting agreement to hold a Middle East conference in 2012 to establish a Middle East zone free of nuclear weapons and other weapons of mass destruction. Despite the strenuous efforts of a Finnish facilitator, the conference was never held because Israel maintained its position that it will not discuss nuclear disarmament until the long-sought Middle East peace treaty is achieved.

Egypt went into the 2015 review in a furious mood and led the way to formulating a passage in the draft Final Document mandating the UN Secretary-General to convene a Middle East conference no later than March 1, 2016 to negotiate and conclude “a legally binding treaty establishing a Middle East zone free of nuclear weapons...” Although the draft document stipulated that all substantive decisions would be made by consensus, the US interpreted the language as a power play to force Israel to disarm its nuclear stocks. The US asserted that Nuclear Weapon Free Zones can and should only be accomplished by relevant states freely entering into such arrangements. It cast its objection to the Final Document in terms very unfriendly to Egypt. The UK and Canada (of which I will say more later) chimed in with their negative votes.

Thus, the effort to force nuclear disarmament upon Israel, a country which does not even belong to the NPT, was at the heart of the 2015 failure. Or, at least, that is the surface view. But, like icebergs, most of the NPT bulk lies below public visibility.

The Middle East issue, important as it is, diverted attention from the central issue in the 45-year history of the NPT: the obligation under Article VI to enter into good faith negotiations for the elimination of nuclear

weapons. When the treaty was indefinitely extended in 1995, states made three promises: to achieve a Comprehensive Test Ban Treaty (CTBT) by 1996; to bring to an “early conclusion” negotiations banning the production of fissile material for nuclear weapons; to pursue with determination “systematic and progressive efforts to reduce nuclear weapons globally, with the ultimate goal of eliminating those weapons.” A CTBT still has not entered into force, negotiations for a fissile material cut-off have not even started, and, though the global total of nuclear weapons has been cut to 15,850, the nuclear weapons states’s modernization programs are ensuring that nuclear weapons, costing more than \$100 billion a year, will be retained for the rest of the 21st century.

For the past 20 years, these states, impervious to public opinion, have made a mockery of Article VI, despite the action in 1996 by the International Court of Justice in upholding the legal obligation to conclude nuclear negotiations for elimination. They are shameless in thwarting comprehensive negotiations, which have been called for (through UN votes) by three-quarters of the nations of the world. Nuclear weapons remain a source of political power, 55 percent of the world population still lives under a nuclear umbrella, and the proponents of nuclear deterrence insist (to a mostly gullible public) that they keep the peace. Nuclear incrementalism has pushed elimination so far into the future that the policy has proven to be a fraud. Unsurprisingly, the mood throughout the NPT debates was sour.

A new source of hope has arisen with the development of the humanitarian movement. In the run-up to the 2015 review, more than 150 states participated in a series of international conferences (held in Oslo, Nayarit and Vienna), which detailed at length the “catastrophic humanitarian

consequences” of the use of nuclear weapons. At the review, speech after speech drummed home this point. One paragraph from a Working Paper submitted by Austria and a number of states captured the essence of this common cry: “The overwhelming call by the international community for urgent progress towards the total elimination of nuclear weapons as the only way to avoid the catastrophic humanitarian consequences of nuclear weapons is a fact that must be acknowledged. It is the motivating force to the destination promised in the NPT – a world without nuclear weapons.”

One would think such a heart-felt appeal would touch the consciences of the nuclear states. But “conscientious nuclear states” may be the greatest oxymoron of all time. A consequence of implementing the humanitarian appeal would be the rejection of the military doctrine of nuclear deterrence – the core issue in this tangled web of deceit. The nuclear weapons states insist on stocking sufficient nuclear weapons to be able to successfully retaliate against an enemy who first launches a nuclear attack. This translates into a creed that says as long as nuclear weapons exist, “we” (name your nuclear state) must retain ours.

It is a bankrupt argument, but the major players get away with it because the non-nuclear weapons states are so cowed by the heavyweights that they refuse to stand up to them in the international arena. When was the last time the leaders of leading non-nuclear states actually went together to Washington and Moscow and demanded, in the name of humanity and sustainable development for all peoples, that nuclear weapons be entirely eliminated by law?

In the case of the US, the lynchpin of all nuclear disarmament issues because of its enormous military power, it even gathers under its nuclear umbrella its NATO partners, including Canada. Canada likes to say it

doesn't possess nuclear weapons, but it adheres to NATO policy, which still maintains nuclear weapons are the "supreme guarantee" of its security. It is as if the Cold War never ended. The policies of NATO are incompatible with the "unequivocal undertaking" to the elimination of nuclear weapons given by all NPT members in 2000. Canada is trying to have it both ways: to support nuclear disarmament in general as long as nuclear deterrence is not challenged.

One looks in vain at the speeches Canada made at the NPT review for any sign of agreement (let alone involvement) with the New Agenda Coalition, a grouping of progressive states, which issued calls for work to begin on "legal approaches" to nuclear disarmament. Instead, the government sent its UN ambassador to the final meeting to denounce the effort to pressure Israel through the holding of a Middle East conference, and subsequently issued a press release completely ignoring the humanitarian call for legal action to eliminate nuclear weapons. Moreover, the Canadian government contemptuously continues to ignore the unanimous motion, which passed both houses of Parliament in 2010, calling for Canadian support for a Nuclear Weapons Convention, and the similar call by more than 800 members of the Order of Canada. Canada, which in 1999 actually tried to get NATO to change its nuclear policies, has truly lost its way in nuclear disarmament.

Throughout the review, the nuclear weapons states brusquely dismissed the call to strengthen international humanitarian law by banning nuclear weapons and, sadly, Canada went along. These countries keep insisting that a "step-by-step" approach to nuclear disarmament will one day get the world to the goal. But this start-and-stop policy, hailed since the birth of the atom, has been thoroughly discredited by the nuclear weapons

states themselves, which keep modernizing their arsenals.

The humanitarian movement wants a process to start to build a legal framework to abolish nuclear weapons. By the end of the review, 107 states, led by Austria, had signed onto a Humanitarian Pledge, “to identify and pursue effective measures to fill the legal gap for the prohibition and elimination of nuclear weapons...” The draft Final Document did contain a passage calling for a new working group to identify “legal provisions” to contribute to a nuclear weapons-free world. But even this vaguely worded proposal (which did not pass because the Final Document lacked unanimity) stipulated that the work would be done by consensus. It is all a merry-go-round, with clanging bells and riders jumping up and down, circling endlessly and going nowhere.

The public is supposed to follow all this?

The International Campaign to Ban Nuclear Weapons (ICAN) vigorously criticized the draft Final Document as “unacceptably weak” on nuclear disarmament. Recognizing that the nuclear weapons states have amply demonstrated their non-cooperation, ICAN wants like-minded states to go ahead on their own and construct a treaty “banning” nuclear weapons, even though such a ban would not be legally binding on the nuclear states. Many civil society activists are so frustrated by the hostile opposition of the nuclear weapons states that they believe developing a “legal ban” (even without their participation) would raise the global norm against nuclear weapons. Would the stigmatization of these weapons then act as a lever to press the nuclear weapons states to join in active negotiations for a Nuclear Weapons Convention, which would be a global multilateral treaty

prohibiting and eliminating nuclear weapons with the participation of the nuclear states? Nobody knows the answer to that question.

Here, the plot, as they say in novels, thickens. Many governments hold that producing a ban treaty without the participation of the very states possessing nuclear weapons will be ineffective, not to mention misleading the public into thinking the nuclear weapons menace has gone away. Even Austria, the leader of the humanitarian movement, has so far shown no signs that it will actually call a meeting of like-minded states to start negotiations for a legal ban. Civil society experts are themselves divided over the efficacy of a ban treaty. While many support it (again because of intense frustration at the disarmament roadblocks), others believe the international community should stick to pursuing the goal of a Nuclear Weapons Convention, or at the very least a framework of agreements that would, in sum, amount to a global law against nuclear weapons.

An either/or mentality currently prevents like-minded states and civil society from mounting a concentrated effort. It is not only the Non-Proliferation Treaty that is broken; the nuclear disarmament movement is bogged down.

I believe some bridges now need to be built and the result could be of historic importance.

First, there is no need to see the ban treaty and a Nuclear Weapons Convention in opposition to each other. A ban, supported by the majority of states which sincerely want a nuclear weapons-free world, could delegitimize nuclear weapons and be a foundation stone for a convention. If a ban came into being, it could act as a stimulant to increasing the vital verification and compliance work, thus increasing confidence, needed to bring the nuclear weapons states into the orbit. We are certainly not getting

any progress towards a convention now, so why not concentrate on a ban, limited as it would be?

Second, in constructing a ban, the nuclear disarmament leaders, both governmental and civil, need to keep open a bridge to the nuclear weapons states. They must find language and actions to show that they are not defying the nuclear powers, rather responding to the humanitarian call and building an architecture to support a global law against nuclear weapons.

Third, a credible country -- I have in mind Ireland, the father of the NPT -- should step forward and call a conference of like-minded states, including the participation of key parliamentarians and civil society leaders, to create a working agenda for a negotiating process to fill the current legal gap. In other words let like-minded states, collaborating with civil society experts, work together to determine the best legal route to a nuclear weapons-free world. Immediate work on constructing an agenda would implicitly be the first step toward actual negotiations to legally move from aspiration to reality. It would be a candle definitely worth lighting in the present darkness.

We want the public to put pressure on the political order, of course, but how is the public to be motivated to action when the nuclear disarmament movement itself is so uncertain? We must find a unity among civil society leaders and enlightened governments to chart a clear course of action.

It is often said that the endings of slavery, colonialism, and apartheid are examples of social movements that, at first, were ignored by establishment thinking, then vigorously opposed before at last becoming a basis for a new social order. The humanitarian concentration is in the

process of making nuclear disarmament a social movement. It needs a definable goal, one the public can rally around. The public needs to understand the clear-cut goal of a law against nuclear weapons before we can expect public opinion to force legislation.

When independence came to India in 1948, when civil rights legislation passed in the US in 1964, when the Berlin Wall fell in 1989, when apartheid in South Africa gave way in 1993 to demands for freedom -- all these accomplishments were made possible because demanding publics had a definable goal. Rising public opinion coalesced behind a leader -- Gandhi, Martin Luther King, Mikhail Gorbachev, Nelson Mandela -- and the social movements became unstoppable.

The nuclear disarmament movement today has neither a definable goal nor a towering leader. But it does have many leading thinkers and activists, who should create a coherent message out of all the ideas now on the table for a ban or a convention or some bridge between both. With a message the public can understand -- **the world desperately needs a global law against nuclear weapons before they kill us all** -- public opinion may well spill onto the front pages. It won't be long then before a political star appears to lead a legislative charge.

I have to recognize that this might not happen in the years I have left. Of course, that disappoints me. But enough material has already been assembled to start building the bridges. I know it may take a long time to complete them. But the belief that a sturdy bridge to a nuclear weapons-free world can be built, if enough people want it so, gives me hope.

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