

The path to a nuclear-free world: the case for a Nuclear Weapons Convention

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Mr President, Your Excellencies, Distinguished Delegates and Colleagues,

In their second Wall Street Journal article of January 2008, Henry Kissinger, George Shultz, Sam Nunn and William Perry liken the goal of a world free of nuclear weapons to “the top of a very tall mountain”. They see it as desirable and recognise the necessity of climbing to higher ground as there are too many dangers inherent in either staying where we are or, worse still, sliding back down into proliferation chaos. But to them, the goal and the route to get there are both out of sight. We agree that the dangers of clinging to the status quo are far greater than the challenges of climbing towards disarmament, but we think humanity is closer to achieving the summit than the cold warriors have realised.

In fact, we are so confident that the objective of a nuclear-weapons-free world is reachable in our lifetimes (and many of us are older than President Obama!) that we can envision ourselves at the summit, looking back at the path we took to get here, and realizing that the difficulties, while formidable, were overcome with persistence, creative problem solving, and flexibility to find different ways when paths we were following became obstructed.

There are better ways than carrying on up the steps bequeathed by the old map of cold war arms control and non-proliferation in isolation from disarmament. The security environment is changing, the cold war fogs are clearing, and we should recognise that where we reach in 2010 will give us the vantage point from which to survey the options and determine the optimum route to bring us to the goal in a safe, secure and timely manner. On any such journey, we are likely to encounter obstacles and perils along the way. A prevailing belief in nuclear weapons for deterrence is one such near-term obstacle. Reducing the role and value accorded to nuclear weapons in military doctrines and security policies are therefore essential measures to take now. We are helped by the knowledge that a world without nuclear weapons must be a safer place than the one we inhabit now, not least because a single mistake with nuclear weapons could prove uniquely catastrophic. We’re human, so mistakes happen – made by militaries and political leaders as well as by the rest of us.

Nuclear weapons emerged out of the bloodiest century in human history, during which almost every part of the world suffered wars driven by nationalism, greed for resources or land, and fear or hatred of other people. These conflicts have often been framed in terms of clashing religions or cultures. They have been carried forward with distorted notions of power and the masculine fighting role, fuelled by arms manufacturers and pushers of guns, bombs, and destructive arms of all kinds. Abolishing nuclear weapons will not of itself solve these problems, and human security requires that we reduce reliance on other weapons, too. We have to move away from old patterns of aggressive national security approaches and build better tools for collective human security, including “soft power” means of cooperative humanitarian engagement.

Solving these endemic security problems, which have haunted human history, cannot and must not be a precondition for nuclear disarmament. As President John F. Kennedy told the UN General Assembly in 1961, it is simply not credible to “maintain that disarmament must await the settlement of all disputes” or that “the quest for disarmament is a sign of weakness”. At the same time, it is clear that solving the political, technical and security challenges of abolishing nuclear arms will be made more difficult if some countries seek to control, manage or terrorise others with space-based technologies or conventional arsenals with mass destructive capabilities. Too often governments agree to ban a weapon only when they have created something to do the same military job more cheaply, destructively or efficiently. Challenging and overcoming such a mindset will have to be part of the negotiating process. But if we postpone the elimination of nuclear weapons until the world has achieved some ideal threshold of peace and stability, we will get neither disarmament nor security. If we get to work now on eradicating these uniquely powerful, indiscriminate and inhumane weapons, other changes will inevitably be part of the process. The nuclear-free world is not going to be today’s world minus atomic weapons. Abolishing war is an even higher mountain top, and will require a lot more climbing for the human race; but at least we will have reached the point of avoiding radioactive catastrophe and we will be able to make paths towards reducing conflict and enhancing human security, which includes tackling climate chaos and avoiding environmental disaster. A world without nuclear weapons will make a good base camp for continuing the climb.

This is how we should understand Article VI’s ultimate injunction to pursue general and complete disarmament: not that there must be complete global disarmament before the nuclear arsenals can be eliminated, as some of the nuclear-weapon states seem to assert, but that in moving towards the abolition of nuclear weapons we need to tackle the causes of instability and insecurity, including coercive military force and the possession, trafficking and use of other types of weapons.

Negotiations on the reduction and elimination of nuclear arsenals are not discretionary; they are required by Article VI, which mandates that the negotiations are to be conducted in good faith and in accordance with international law. And they must be brought to conclusion, as the International Court of Justice unanimously advised.

As any climber will tell you, the destination and the journey are equally important. Nuclear disarmament is both a destination and a process; and a multilateral treaty – some kind of framework or comprehensive nuclear weapons convention that will codify in law and practice both the prohibition of the acquisition and use of nuclear weapons and also the safe and secure elimination of existing arsenals – has aspects of both. Getting to the right destination will require paying careful attention to the verifiable dismantlement and elimination of the existing warheads and delivery vehicles and to making sure the fissile materials and other components are disposed of or stored so that they cannot be stolen, reacquired or used for weapons in the future. All this must be done in ways that minimize the hazards for the environment and our health, and provide confidence against cheating, break-out and the acquisition of nuclear weapon capabilities by terrorist governments or actors in the future.

At the 2009 PrepCom for this Review Conference, we recommended to you that a Nuclear Weapons Convention negotiated in good faith by the international community is “required to achieve the nuclear-weapons-free world envisioned by the NPT.” Achievement of such a treaty remains the central aim, and a key rallying point, of most international NGOs working in this field, and we are pleased to report to you today that support for such a Convention is growing around the world, and we thank those of you that have come to this Review prepared to discuss the merits of a comprehensive framework for nuclear

disarmament and to set out – together with your citizens and international civil society – on this difficult but necessary trek to the top of the mountain.

As noted by Secretary General Ban Ki-Moon, the Model Nuclear Weapons Convention submitted to you in 2007 is “a good point of departure”. This draft, initiated more than 15 years ago by civil society scientists, lawyers and practitioners, was developed as a resource, in the knowledge that once real negotiations begin, the multilateral outcome could look quite different. Recent treaty-making history shows that civil society participation will be essential for the success of such negotiations, and we are prepared to support you with our expertise and experience, and to urge you on when the road gets rough. The 1997 NGO model draft, updated and published as “Securing our Survival” in 2007, gives a careful and thought-provoking overview of the issues that will help as they come to be addressed in actual negotiations.

The challenge for us today is to get started on this process to achieve “the peace and security of a world without nuclear weapons” that President Obama and many others have called for. One way is for a group of nations and representative experts to come together and work out the practical and diplomatic means to prepare the way for negotiating a nuclear weapons convention. Such discussions are already happening in capitals and in the margins of meetings at the UN in Geneva, New York, Vienna and around the world. NGOs have been meeting with their governments to hold informal dialogues about the merits of a convention, and are finding increasing levels of interest in and support for the substantive ideas contained in the Model NWC and other thoughtful analyses.

These preliminary discussions, which we urge you to continue and refine at this Review Conference, will help assess the pros and cons of existing negotiating fora and other options for convening negotiations. Development of a fast track process would come next, with preparations structured so as to draw all the nuclear-armed states – non-NPT as well as the P-5 – into negotiations sooner rather than later. Sometimes – as when the Partial Test Ban Treaty, the Comprehensive Test Ban Treaty, and even the NPT were negotiated – it is necessary to get started without all the relevant states on board. Experience suggests that once the process starts, most if not all the hold-out states decide to join negotiations before the endgame. And once the treaty is signed – even before it fully enters into force -- its normative and legal impact will be to constrain everyone, whether they have formally acceded or not. While the non-nuclear-weapon states will no doubt provide early leadership, we hope that one or more nuclear-armed states will see the writing on the wall and join the driving group early in the process. President Obama has said he wants to provide such leadership, and we continue to hope that Britain will decide to ditch the expensive mistake of Trident replacement, for which the UK has to rely on the United States, fulfil its pledge to be a “disarmament laboratory”, and contribute its skills and expertise to making the nuclear-free world a reality. China, India and Pakistan have all voted in favour of a nuclear weapons convention in the General Assembly, so we look to them too to walk the walk as well as talking the talk.

Judging from their nuclear doctrines and statements, France and Russia currently appear the least likely to join a leadership group, but no one should forget how the Russian and French Presidents were the first to declare moratoria on nuclear testing in 1991 and 1992, thereby paving the way for CTBT negotiations! As for Israel... a nuclear-free Middle East would serve the interests of that conflict-ridden part of our planet, and working towards this regional objective will be mutually reinforcing as we also work for a nuclear-free world.

In history, a shock, crisis or significant political event has often provided the stepping stone for change. The 1962 Cuban Missile Crisis, for example, influenced the United States, the Soviet Union and Britain to finalise a Partial Test Ban Treaty and paved the way for the NPT. Undoubtedly, the use of a nuclear weapon somewhere in the world would provide a terrible shock and, if it did not escalate into nuclear war, could lead swiftly to global disarmament – but at what an appalling cost for the victims and for the world. Far better to create a responsible political shift now, before there is any further nuclear use or accident.

It may be that there are different paths that can get us to the top of the mountain. At some stage, however, these will need to converge at a solid bridge for negotiations. Such a bridge is already being built by civil society – activists, mayors, lawyers, parliamentarians – and a growing number of governments. Learning from the Hibakusha survivors and from scientists and doctors who have studied the effects of nuclear weapon explosions, it has become clear that – no matter what the justification, provocation or intention – nuclear weapon attacks and threats must become recognised in law as war crimes and crimes against humanity. Deterring aggression is a legitimate security objective, but a policy of deterrence constructed around so devastating and repugnant a weapon is indefensible.

The op-eds from the four cold war leaders changed the game by making it respectable to advocate nuclear disarmament. But from where they presently stand, they think the mountain top is too far away to be seen. If they moved slightly, in the direction of reducing the role and value accorded to nuclear weapons for deterrence, they would be able to see that what they thought were clouds obscuring a faraway mountain top was nothing more than a layer of cold war fog swirling around them and obscuring reality. They need to move a few steps further to reach the bridge that will devalue nuclear weapons and provide a crossover to nuclear abolition. From our vantage point already on the bridge, civil society can show you the legal and political footholds to assist you to climb above the fog to this bridge, from where the goal of a strong and comprehensive nuclear weapons treaty is clearly visible.

We do not underestimate the difficulties that will be encountered en route and cannot predict exactly when we will get there, as there will be many political, technical, verification and implementation challenges. Commitment and confidence in our ability to get to the nuclear-weapons-free destination before night falls again are essential. Making a start on the preparatory work for a nuclear weapons convention will mean courageous governments, elected representatives and citizens taking individual and collective initiatives that will hasten the journey and clear the obstacles from the path. Early steps will include removing nuclear reliance from deterrence doctrines and taking steps to universalise the legal recognition that any use of nuclear weapons would violate international law. Our route, timing and even humanity's survival will depend on whether we can commit and resource ourselves for this journey now. This NPT Review Conference needs to agree on the treaty destination and set in motion the preparatory process and plans to get there as quickly as humanly possible.

Thank you.

Recommendation: States parties are encouraged to include support for a nuclear weapons convention in their statements and working papers to the 2010 NPT Review Conference and to do their utmost to achieve recognition in any final document or disarmament decision of the need to commence preparatory work leading to negotiations on a universal nuclear weapons convention or framework treaty for the sustainable, verifiable, and enforceable abolition of nuclear weapons worldwide.

Appendix: Basic elements for a Nuclear Weapons Convention

Preamble

Enshrining the vision, objectives, ideals, context and exhortations

General Obligations

A Nuclear Weapons Convention would need to prohibit the development, testing, production, stockpiling, transfer and use of nuclear weapons. States possessing nuclear weapons will be required to destroy their arsenals according to a series of phases. The treaty would also need to prevent the production of weapons-usable fissile material and address delivery vehicles, which would either need to be destroyed or converted to make them non-nuclear capable.

The obligations on states would be both negative (i.e. prohibition) – not to develop, test, produce, otherwise acquire, stockpile, deploy, maintain, retain or transfer nuclear weapons; and positive (i.e. disarmament) – to dismantle, destroy, prevent and convert nuclear weapons and facilities (as required). The treaty will also need to promulgate obligations on “persons”, that is a requirement on individuals and corporations as well as states not to assist anyone in developing, producing, acquiring or otherwise supplying or trading in nuclear weapons, their components, technologies or materials.

Phases for Elimination

A Nuclear Weapons Convention would need to identify steps and stages for the reduction and elimination of nuclear weapons. For example, the Model NWC outlines a series of five phases: take nuclear weapons off alert, remove weapons from deployment, remove nuclear warheads from their delivery vehicles, disable the warheads, removing and disfiguring the “pits” and placing the fissile material under international controls and safeguards. In the initial phases, the United States and Russia would be required to make the deepest cuts in their nuclear arsenals.

Verification and Implementing Authority

A Nuclear Weapons Convention would need to establish a comprehensive verification regime backed up by a strong implementing authority. Considerations would include: Declarations and registration, providing enhanced transparency and confidence-building measures; an international monitoring system; intelligence and reporting (both ‘national technical means’ and societal monitoring by citizens, including protection for whistleblowers); open skies provisions; preventive controls (the Proliferation Security Initiative (PSI) would be more acceptable if it were turned into a Prohibition Security Initiative); provisions for routine and ‘challenge’ on-site inspections covering previous nuclear-weapons-related sites, declared civilian facilities and also undeclared sites that might prompt concern.

International and National Implementation

Like any modern treaty, a Nuclear Weapons Convention would also require provisions on entry into force; compliance and enforcement; irreversibility and transparency; technology and resources for dismantlement and destruction; securing the nuclear materials (transport, storage and disposal); training and technical infrastructure and resources for verification. In view of the critical security considerations, this treaty should place the barriers to withdrawal extremely high, or else withdrawal following entry into force should not be permitted.

Security considerations and incentives

The transition to abolition would likely include securing and dismantling warheads and delivery vehicles; securing nuclear materials, facilities and technology; preventing theft and cleaning up contaminated sites to minimise health and environmental harm due to toxic and radioactive materials; deterring break-out and attempts by the current nuclear-armed states to retain a clandestine hedge; addressing rogue proliferators and terrorists; developing collective security approaches to promote

peace and provide stability and confidence in place of the cold war (and nuclear-weapons-related) concepts of strategic stability that still dominate the nuclear weapon states' mindsets. The principal incentives built into this treaty are about security. But in view of the importance many states presently attach to Article IV of the NPT, it may be necessary to offer other ways to incentivise adherence to the NWC and meet nations' energy needs without adding to proliferation problems, global heating and climate chaos. The Model NWC discusses an optional Protocol concerning energy assistance, which is worth exploring.

Summarised from: *Securing our Survival*, published by the International Campaign to Abolish Nuclear Weapons, April 2007. <http://www.icanw.org/securing-our-survival>