

# Nuclear Non-Proliferation and Disarmament: The Need for a Comprehensive Approach

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## Nuclear Non-Proliferation and Disarmament: The Need for a Comprehensive Approach

I would firstly like to commend the co-rapporteurs Mr Roger Price and Mr Jack Jacob Mwiimbu for a very useful draft report on advancing nuclear non-proliferation and disarmament – securing entry-into-force of the Comprehensive Nuclear-Test Ban Treaty and the Role of Parliamentarians.

Mr Price and Mr Mwiimbu highlight the very real dangers from nuclear weapons and the insufficient international attention given to these dangers. I concur completely with this. Following the end of the Cold War the world's leaders, media, policy makers, and civil society have in the most turned their attention to other issues thinking that the nuclear threat has all but dissipated. Unfortunately this is not the case. In the last decade we have experienced:

- three additional countries confirming a nuclear capacity by testing nuclear weapons,
- the development of a black market in nuclear technology which could assist other countries and even non-State actors to acquire nuclear weapons,
- the expansion of nuclear fuel cycle facilities which could give additional countries a nuclear weapons capacity,
- the widening of strategic doctrines to include the threat or use of nuclear weapons in a greater variety of circumstances, and
- the development of a pre-emptive or preventive use of force doctrine to respond to suspected nuclear weapons programs – such a doctrine having already been employed through the invasion of Iraq and has been threatened to be used against Iran.

Meanwhile, as the draft report notes, the Nuclear Weapon States hold onto approximately 26,000 nuclear warheads with the explosive power 200,000 times more devastating than the bombs that destroyed Hiroshima and Nagasaki.

In the 1980s scientist Carl Sagan noted that a moderate-sized nuclear war could generate sufficient smoke to create a nuclear winter. Recent simulations, using the same computer modelling that provided the climate change data for the UN Intergovernmental Panel on Climate Change, have shown that such damage to the climate would likely occur with a fraction of the numbers suggested by Carl Sagan. These recent simulations demonstrated that the heat of the nuclear explosions would throw the dust up into the stratosphere – where they would remain for 10 times longer than previously believed. Thus, a small exchange of approximately 50-100 nuclear weapons would be sufficient to plunge the world in a climate change disaster that would destroy earth's capacity to produce food crops. The simulations also indicate a much higher degree of ozone loss – between 40-80% - thus allowing intense levels of ultra-violet light to reach the earth.

These simulations might not be a cause for alarm if we could be secure that nuclear weapons will never be used. However, how secure can we be?

Robert MacNamara, US Secretary of Defence during the Cuban Missile Crisis, says that nuclear deterrence is inherently instable and it is only good luck that has prevented a

nuclear disaster to date – particularly as approximately 3000 nuclear weapons are primed, ready to be fired under policies of Launch-on Warning, i.e. to be launched if one side suspects it is being attacked before they are actually hit. Such a practice leaves open the possibility of a nuclear exchange by accident or miscalculation. MacNamara notes that “During the Cuban Missile Crisis we had 13 days to sort out the complexities, uncertainties and miscommunications. Today we would only have 13 minutes.”

The Bulletin of Atomic Scientists last year shifted their Doomsday Clock to within five minutes to midnight because of the growing threat of nuclear weapons use and the problem of Climate Change.

I agree with Mr Price and Mr Mwiimbu that parliamentarians have a vital role in raising this issue in parliaments and amongst their constituencies in order to prompt political action.

As Governor of California, Arnold Schwarzenegger said last October:

*Although we must address global warming —its most dangerous consequences come decades down the road. The most dangerous consequences of nuclear weapons, however, are here and now. They are of this hour and time. A nuclear disaster will not hit at the speed of a glacier melting. It will hit with a blast. It will not hit with the speed of the atmosphere warming but of a city burning. Clearly, the attention focused on nuclear weapons should be as prominent as that of global climate change*

Attention is being given – and rightly so – to the problems of nuclear proliferation and the potential for nuclear weapons acquisition by non-State actors. In 2004 the UN Security Council adopted resolution 1540 requiring governments to adopt measures, including legislation, to deal with these issues. And governments are cooperating under the Convention on Nuclear Terrorism adopted in 2007.

However, very little is happening to address the current nuclear weapons stockpiles, the policies of the NWS to threaten or use nuclear weapons and their ongoing programmes to upgrade their nuclear weapons systems.

The Nuclear Weapon States are obliged under the Non-Proliferation Treaty to negotiate for nuclear disarmament. Instead they have followed a counter-proliferation policy – believing that they are the ‘good guys’ – the responsible countries – and can thus hold onto their arsenals while trying to prevent others from acquiring nuclear weapons – even through force if necessary.

This policy has not worked – leading former high-level nuclear weapon advocates - like Robert MacNamara, Henry Kissinger and George Schultz in the USA; and Sir Malcolm Rifkind and Lord Robertson in the UK – to urge a shift from policies that attempt to control nuclear proliferation, to policies to achieve a nuclear weapons free world.

I fully concur with Mr Price and Mr Mwiimbu when they say that “It is the responsibility of policymakers to identify the current weaknesses in the nuclear non-proliferation and disarmament regime and explore all avenues for achieving the goal of a nuclear weapons free world.”

This draft paper has started that process. It identifies three important steps that will help pave the way towards a nuclear weapons free world – a Comprehensive Nuclear Test Ban Treaty, a treaty on fissile materials – the fuel for nuclear weapons – and further agreed reductions in current stockpiles. Parliamentarians can act to make these steps a priority for their government.

The draft paper also indicates some supportive steps which can be taken by non-Nuclear Weapon States, including the establishment of Nuclear Weapon Free Zones and the adoption of national legislation prohibiting nuclear weapons. These are indeed important measures. Where-as the NPT prohibits non-NWS from possessing nuclear weapons, NWFZs go further by also prohibiting the deployment or stationing of a foreign government's nuclear weapons within the territories of the zone. NWFZs also include protocols binding the NWS not to threaten or use nuclear weapons against States parties to the zones. Already 113 countries are part of NWFZs in Latin America and the Caribbean, the Pacific, South East Asia, Africa and Central Asia. Parliamentarians played a critical role in promoting negotiations to achieve these zones, and also play a role in ensuring they enter-into-force.

Parliamentarians are now promoting NWFZs in other regions including North-East Asia, Central Europe, the Middle East and the Arctic.

National legislation, such as that adopted by New Zealand and Mongolia, goes even further -criminalising nuclear weapons activities within the territories and making it illegal for government agents to be involved in nuclear weapons activities anywhere in the world.

With these ideas, the draft paper provides a good basis for consideration of the issue and promotion of initial steps. However, the paper does not yet address the challenge it sets for itself of identifying the current weaknesses in the nuclear non-proliferation and disarmament regime and exploring all avenues for achieving the goal of a nuclear weapons free world.

Firstly, some of the key weaknesses in the nuclear non-proliferation and disarmament regime:

1. The NPT has been unable to prevent States not party to the treaty – India, Pakistan and Israel - from developing a nuclear weapons capability;
2. The NPT is powerless to prevent a non-nuclear weapon State from gaining nuclear technology assistance within the treaty and then withdrawing from the treaty and using that technology to develop nuclear weapons – as North Korea did;
3. The NPT has been unable to enforce the Article VI obligation requiring NWS to negotiate for nuclear disarmament;

A serious problem with the NPT is that it is a discriminatory treaty. It provides a privileged position to five members – the States that tested nuclear weapons prior to 1970. All the non-NWS party to the NPT are obliged to not possess or acquire nuclear weapons and to submit all nuclear facilities to IAEA safeguards. The NWS are not required to adhere to these measures. It is this discriminatory aspect that has prevented India and Pakistan from joining – as they would have to accept the requirements of non-NWS.

The CTBT is not so discriminatory in its legal requirements. However, it too has problems. India, which was the country which originally proposed the treaty, ended up not signing because it does not prohibit all nuclear testing – it only prohibits nuclear explosions. The more technically advanced countries like the US, France and Russia, have moved on from explosive testing and are now doing sub-critical testing, fusion experiments and super-computer simulations.

The fissile materials treaty that is being proposed also has problems. The NWS are only agreeing to a prohibition on production of fissile materials – not a destruction of existing stockpiles. France, Russia the UK and the US have large stockpiles of fissile materials and so can keep replenishing nuclear weapons far into the future even if the FMT is concluded. China, India and Pakistan are resisting the FMT because they have smaller stockpiles.

Finally, and probably most importantly, neither the CTBT nor the FMT nor reductions in stockpile numbers address the key destabilising aspect of nuclear weapons policies – the continued adherence to policies of threat and use of nuclear weapons and the maintenance of the capacity to deliver on such threats.

Whilst the NWS – arguably the countries with the most powerful conventional forces – maintain that they require nuclear weapons for their security, it provides a stimulus and rationale for other countries to follow suit and also move down the nuclear weapons road.

When North Korea withdrew from the NPT they announced that it was because the US – a country with nuclear weapons – attacked Iraq – whose nuclear weapons programme had been dismantled. North Korea thus summarised and argued that they needed nuclear weapons to protect themselves against the nuclear-armed US.

What this all indicates is that a piecemeal approach to nuclear non-proliferation and disarmament cannot work because of the asymmetry in nuclear capabilities. A single step by itself will only constrain some states and not others, and so will be resisted by those States most constrained by it.

The only way to get around this is to take a combined approach of negotiating specific steps while at the same time focussing on a comprehensive approach which includes measures to prohibit nuclear weapons and provide for their complete elimination under strict and effective international control. In such a context, States would be more willing to accept initial steps which might be discriminatory against them on the understanding that such discrimination would be balanced out or overcome as other disarmament measures are adopted. India, for example, was willing to accept the CTBT if it had contained a pledge on further disarmament steps that would be taken following conclusion of the treaty. It was when this proposal was rejected that India abandoned its support for the treaty and subsequently tested nuclear weapons.

A more comprehensive nuclear abolition path is thus being recommended by many influential bodies and people – the International Court of Justice, the United Nations General Assembly, the Weapons of Mass Destruction Commission (otherwise known as the Blix Commission), high-level former US policy makers Kissinger, Schultz, Nunn and Perry, and more recently Gareth Evans the Chair of the International Commission on Non-Proliferation and Disarmament.

Let me quote some of these:

*“What we need is both vision - a scenario for a world free of nuclear weapons - and action... Would he (William Wilberforce) have achieved half as much, would he have inspired the same fervour in others if he had set out to 'regulate' or 'reduce' the slave trade rather than abolish it? I doubt it.”*

Margaret Beckett, speaking as UK Foreign Secretary, June 2007.

*What we should be trying to do is create a framework in which, rather than being outside, these guys (States not party to the NPT) once again become insiders. That may mean thinking about a whole new nuclear weapons treaty which builds upon and creates a new framework around the existing Non-Proliferation Treaty, Comprehensive Test Ban Treaty, together with the fissile materials ban that's being negotiated or proposed to be negotiated at the moment – bringing all those threads together and creating a new environment in which you don't have the perceived discrimination that exists at the moment within the NPT between the nuclear haves and have nots, where you don't have outsiders and don't have insiders, but have a whole new approach to bringing these threads together.*

Gareth Evans, Co-Chair,

International Commission on Nuclear Non-Proliferation and Disarmament, June 2008

*Nuclear weapons should be outlawed, as are biological and chemical weapons... [we should] explore the political, legal, technical and procedural options for achieving this within a reasonable time.*

Weapons of Mass Destruction Commission, 2006

*In October 2007, we convened veterans of the past six administrations, along with a number of other experts on nuclear issues. There was general agreement about the importance of the vision of a world free of nuclear weapons as a guide to our thinking about nuclear policies.*

GEORGE P. SHULTZ, WILLIAM J. PERRY, HENRY A. KISSINGER and SAM NUNN  
Wall Street Journal, January 15, 2008

In 1996 the International Court of Justice (1996) concluded unanimously that;  
*There exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control.*

The United Nations General Assembly, which had initiated the Court action, responded by calling on; *all States to fulfil that obligation by commencing multilateral negotiations leading to an early conclusion of a nuclear weapons convention prohibiting the development, production, testing, deployment, stockpiling, transfer, threat or use of nuclear weapons and providing for their elimination;*

The resolution is supported by an overwhelming majority of States including some of those that possess nuclear weapons.

There is thus a growing consensus on the imperative to work towards the comprehensive abolition and elimination of nuclear weapons. However, a key question is whether it is possible to achieve such a goal? In order to explore the feasibility of complete nuclear disarmament, the Lawyers' Committee on Nuclear Policy brought together a group of

lawyers, technical experts, diplomats and policy makers to draft a Model Nuclear Weapons Convention. The Model Convention addresses the issues that would be raised in negotiations of an actual convention, including the development of a realistic phased programme for disarmament, adequate verification and confidence-building measures, the differing security of States, how to deal with non-compliance, and how to handle dual-use activities including delivery vehicles and nuclear energy.

The resulting draft treaty was submitted to the 2007 Conference of States Parties to the NPT and to the 2007 United Nations General Assembly. It has also been introduced into a number of parliaments and is the subject of a number of parliamentary resolutions and motions including in the United States and United Kingdom.

The Blix Commission studied the politics around the issue and concluded that:  
*A nuclear disarmament treaty is achievable and can be reached through careful, sensible and practical measures. Benchmarks should be set; definitions agreed; timetables drawn up and agreed upon; and transparency requirements agreed. Disarmament work should be set in motion.*

Weapons of Mass Destruction Commission, 2006

In July this year, to commemorate the 40<sup>th</sup> anniversary of the NPT, members of the European Parliament released a Parliamentary Declaration Endorsing a Nuclear Weapons Convention. The statement was signed by 83 MEPs from across the political spectrum including former French Prime Minister Michel Rocard and former Belgian Prime Minister Jean-Luc Dehaene. The statement noted that; *a Nuclear Weapons Convention would incorporate, reinforce, link and build on existing non-proliferation and disarmament instruments including the Non-Proliferation Treaty, the Comprehensive Nuclear Test Ban Treaty and the International Atomic Energy Agency.*

The statement also recognised that; *the complete abolition and elimination of nuclear weapons is a complicated process that might take a number of graduated and consecutive steps as well as a range of concurrent measures, and that a Nuclear Weapons Convention could therefore be achieved either as a single treaty or as a package of agreements;*

Finally the statement called on parliamentarians around the world to promote the NWC and in particular to *submit the Model Nuclear Weapons Convention to their respective parliaments in order to promote negotiations, raise public awareness, identify steps toward nuclear disarmament, and indicate national measures that could be taken to support and implement a convention.*

Given these developments, I would suggest that a revised report could include some information and analysis on the growing consensus for a comprehensive approach to nuclear non-proliferation and disarmament and in particular the prospects for a NWC and the role of parliamentarians to advance this.

Parliamentarians played key roles in developing the political momentum to achieve treaties prohibiting chemical weapons, biological weapons, landmines and cluster munitions, and to achieve nuclear weapons free zones and the CTBT. I believe that parliamentarians can generate similar political will for a treaty to prohibit and eliminate the most destructive of all weapons on earth.

In 2006 the Summit of Nobel Peace Laureates released a statement saying that:

*The failure to address the nuclear threat and to strengthen existing treaty obligations to work for nuclear weapons abolition shreds the fabric of cooperative security. A world with nuclear haves and have-nots is fragmented and unstable, a fact underscored by the current threats of proliferation. In such an environment cooperation fails. Thus, nations are unable to address effectively the real threats of poverty, environmental degradation and nuclear catastrophe.*

Thus, the abolition of nuclear weapons will not only free us from one of the greatest threats to our security and survival, but will also open the doors to the international collaboration required to solve other key global problems.

Thank you