

# **A Nuclear Weapons Convention: The Time Is Now**

**Address by Hon. Douglas Roche, O.C.**

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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, 10 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.

No organization has done more to bring about a nuclear weapons free world than Mayors for Peace. This courageous group, led by Mayor

Tadatoshi Akiba, now embraces more than 4,000 cities around the world, which have joined in a common call for action to eliminate all nuclear weapons by the year 2020, the 75th anniversary of the atomic bombings in Hiroshima and Nagasaki. The unprecedented growth of Mayors for Peace, now representing more than three-quarters of a billion people, shows the determination of local leaders to protect their citizens from nuclear annihilation. I take heart from this valiant work.

But we must not rest. The opposition is still strong. We must renew our work.

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. There is a virtual 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 a 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.”

This language is weak, and the nuclear weapons states had to be dragged along to agree to this much. Yet the consensus reference to a Nuclear Weapons 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 by the powerful states. 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, 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 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.

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, weapons that eject clusters of bomblets with delayed explosive force. 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. But when Barack Obama became president, the U.S. reversed its position and signed on. Opponents of the weapons hailed the decision as a "major turnaround in U.S. policy," which overrode

Pentagon calls to permit their continued export. This action immediately started to influence other holdouts.

Some observers say that 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.

Once a convention has become a reality, 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 in advance its completion date 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 nuclear disarmament, once it starts, will embolden many states, which have hitherto been deferential to the major states. NATO states particularly have been inhibited from acting to end the incoherency of maintaining their loyalty to the NATO doctrine that nuclear weapons are “essential,” while agreeing in the NPT context to an “unequivocal undertaking” to total elimination.

Already, Norway, Germany and Belgium, all NATO members, are chaffing at the alliance restrictions. They are ready to join important like-minded countries, such as Austria, Switzerland, Brazil and Chile, which have openly called for a convention. A group of non-aligned countries, led by Costa Rica and Malaysia, have already met to start the process. When significant middle-power states enter the discussions, a new compact will be in the offing.

Today, I am calling for 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.

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

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Now is the time for us to raise our voices to say for the entire world to hear: a Nuclear Weapons Convention is not just a vision, it is a work in progress. A model treaty already exists.

Shortly after the International Court of Justice rendered its 1996 Advisory Opinion stating 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 U.N. 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, who participated in the Court's Advisory Opinion, 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, and would facilitate whistle-blowers.

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 parties shall have declared the number and location of all nuclear materials, and production of all nuclear weapons components ceased. 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 U.S. and Russia will be permitted no more than 1,000 nuclear warheads, and the U.K., France and China no more than 100. In Phase Four (10 years), the U.S. and Russia will bring their nuclear stockpiles down to 50 each, and the U.K., France and China down to 10 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. Baseline information would be gathered, prescribed disarmament steps monitored, and re-armament prevented through detection of any objects or activities indicating a nuclear weapons capability. Emerging technologies, including satellite photography, better radioisotope monitoring, and real-time data communications systems provide increasing capacity for the necessary confidence-building. A country found in violation of the Convention would be brought before the U.N. Security Council and appropriate economic and military sanctions imposed. If a dispute arises between two or more states, it would be referred to the International Court of Justice and its mechanisms for compulsory settlement of disputes.

The model Nuclear Weapons Convention 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.

The limited capacity of the NPT 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. Israel, India, Pakistan and North Korea have joined the nuclear club. Iran is in advanced stages of uranium

enrichment. Without a comprehensive plan to shut down all nuclear weapons, they are bound to spread further.

The list of immediate dangers includes terrorism. The opportunities for terrorists to acquire fissile material and fabricate a crude nuclear bomb are now alarming world leaders. A Nuclear Weapons Convention would make it very difficult for a terrorist organization to steal the materials for a nuclear bomb. Perhaps not impossible, but the verification systems under a convention would make it easier to discover a potential terrorist threat.

Another immediate 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.

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 negotiate 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.

It was civil society leaders who wrote the model 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 to ensure that nuclear bombs are banished. The combined efforts of citizens and non-nuclear weapons governments can lead the way in mobilizing public opinion for a global treaty.

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 work of Mayors for Peace, already a powerful worldwide movement, is now clear. It must mobilize its powerful constituency of cities to demand that their governments start active work now on a Nuclear Weapons Convention. Mayors are increasingly speaking out, as the U.S. Conference of Mayors has done in calling on Congress to redirect spending on nuclear weapons to the needs of cities. Mayors for Peace are challenged at this opportune moment.

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Finally, we who are working in this field must have confidence in ourselves because we are on the right side of history. We take strength from the historical momentum now building up towards the abolition of nuclear weapons. Informed public opinion is with us. It is our job to energize the public at large.

We must constantly appeal to the conscience of humanity to take steps to ban the instruments that would destroy all life on the planet. Through art, films, books, the Internet, and all forms of modern communication, we must reflect, inspire, deepen and utilize the feelings within all civilizations that the threat of mass killings cannot be tolerated.

The *hibakusha* animate us. Their suffering must never be in vain. In their name, we will succeed in ridding the world of nuclear weapons.

