

# Disarmament or Bust: Nations meet to Discuss International Treaty to Ban Nuclear Weapons

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Global Research, March 09, 2016

Theme: [Militarization and WMD](#)

In-depth Report: [Nuclear War](#)

With the debate going on about whether the UK should renew the Trident missile programme or get rid of it, hardly anything is said about what is happening internationally to rid the world of nuclear weapons – which shows how inward-looking Britain can be, despite claiming a prime position on the world stage.

While national media reported on the Stop Trident [demonstration](#) in London, it ignored the discussions taking place in Geneva, or their background including:

- three international, government-level conferences, the last in [Vienna](#), on the humanitarian impact of nuclear weapons, which produced
- the signing and endorsing of the [Humanitarian Pledge](#) by a majority of nations
- a [vote](#) in the UN General Assembly (voted against by nuclear-armed states which called the Resolution ‘divisive’) but passed by 135 states, to establish an Open Ended Working Group (OEWG) to take forward multilateral nuclear disarmament negotiations
- the first meeting of which took place in Geneva in February

You’d think that deserved a headline or two, the attention of more than some MPs and loud trumpeting from anti-nuclear campaigners, but no. At the London demonstration, organised by the Campaign for Nuclear Disarmament ([CND](#)), Labour’s Leader Jeremy Corbyn [did speak](#) about the Vienna conference and the humanitarian issues.

And the Green Party’s Caroline Lucas mentioned the OEWG talks in Geneva. In a [New Statesman article](#) she also urged the UK government to take part in those meetings. Take part? They are boycotting them.

But no one mentions that.

Yet the wit, wisdom and yes, the whingeing, displayed in statements from Ambassadors and delegates, the depth of the debates, were in many ways far more worthy of our attention than another march to Trafalgar Square.

The aim was to identify the legal gaps in the nuclear weapons treaties and agreements that prevented genuine progress towards disarmament. Naturally some states insisted that there were no legal gaps and the old ‘step-by-step’ process was working even though the world is no nearer to disarmament.

Delegates from 90 nations were there, as was civil society. In a [statement](#) delivered by Beatrice Fihn on behalf of [ICAN](#) and its 440 partner organisations, she listed all the legal gaps needing to be filled. And she reminded all those there that “Non-nuclear-weapon

states are not merely encouraged to take positive steps towards nuclear disarmament; they are required to do so – regardless of the continued failure of nuclear-weapon states to act.”

From the start, a treaty banning nuclear weapons was mentioned more than any other legal instrument as a path towards disarmament, even by nuclear-alliance states begging for ‘caution’ and ‘we can’t do this without the input of nuclear states’. They can; and a ban treaty seems the best way forward.

“States that ‘rely on nuclear weapons in their security doctrines remain reluctant to consider moving ahead without the nuclear-armed states” reported the daily updates from [Reaching Critical Will](#).

So what are the nuclear-alliance states? They are those states (such as NATO members) which, although they have no nuclear weapons of their own, claim that they base their ‘security’ on those that do. To quote Reaching Critical Will:

“While many states called for urgent action, others, including Germany, Netherlands, Japan, Canada speaking on behalf of a group of states, and Finland, cautioned that security considerations of states must be taken into account... Bangladesh asked what could be a bigger security concern than being the victim of a nuclear attack.” Good question.

Does this second-hand security mean that these states are depending on someone else to blow up the world? Would they not be equally guilty under international humanitarian law?

Still, give these states their due. They are at least taking part. The nuclear-armed states are determinedly boycotting the OEWG. Not being able to control what’s happening, they are relying on their alliance to fling a few spanners into the works for them.

The Netherlands tried. It [argued](#) that the nuclear-armed states should take part in the discussions. The majority of the world somehow cannot move forward without their willingness to take part. The OEWG should use its time thinking of ways to tempt the armed states into giving up their toys. And how was this for a circular argument:

“... the Netherlands is not against a ‘ban’. We see it as a final element towards a world without nuclear weapons, when nuclear weapons no longer fulfil a function in the security of states. It is clear that we have not reached this stage yet and that starting negotiations on a ‘ban’ would therefore be premature.”

So we should only have a ban when nuclear weapons are deemed useless anyway.

But as the Irish Ambassador said, in a very quotable [speech](#):

“This is a small planet, getting smaller every day... In such a world, questions of security impact us all... And in such a world there is no place for nuclear weapons... In any area of life, work or governance, if something wasn’t working for 20 years, or indeed for over 70, we would try to fix it.”

As all those taking part in the OEWG wanted a world free of nuclear weapons; that, having signed up to the Nuclear Non-Proliferation Treaty (NPT), they seemed to know how to get

there; that they were even more aware now of the terrible humanitarian consequences of using such weapons and the inability of any nation to cope with such an event; despite all that, said Ireland:

“... the problem is that we are no nearer multilateral nuclear disarmament now than we were 20 years ago, when the NPT was indefinitely extended.”

Ah, but look at how the non-proliferation part of the NPT has succeeded, was the reply. [South Africa](#), among those nations that got rid of their nuclear arsenals, made a telling point: “nuclear disarmament and non-proliferation are mutually reinforcing processes – the disregard of one has a direct impact on the advancement of the other.”

Delegates were coming to realise that working for a ban treaty does not exclude other legal processes towards disarmament. They can work together, but the big gap is the lack of a ban treaty. By the second day they were agreeing that, given the refusal of nuclear-armed states to take part in the discussions, a ban treaty was perhaps the most sensible way forward.

Malaysia explained that as most legal measures proposed are currently blocked by the nuclear-armed states, three not mutually exclusive options remain: a treaty banning nuclear weapons, a framework convention, and increasing verification capacity. They also pointed out that a ban treaty could be negotiated now and be part of a wider framework later, something the nuclear alliance has difficulty accepting, perhaps because they know their ‘security blanket’ will not approve.

New Zealand’s delegate was [quite clear](#):

“I have heard some recent suggestion that while a legally-binding prohibition may be necessary for maintaining a nuclear weapon-free world, it is not in fact necessary in order to attain one. However, no clear explanation for why, as a matter of international law, this might be the case has yet to be put forward.”

This is surely part of the ‘smoke and mirrors’ game played by nuclear-armed states.

“We see no reason why the pathway adopted for the elimination of other weapon systems, including the elimination of both other types of WMD – that of a legally binding prohibition – should not equally be applicable as a pathway for the elimination of nuclear weapons... There is no need to reinvent the wheel...”

Indeed no. But we can make it very, very ornate. Australia delivered a fascinating working paper on behalf of itself and 17 [other countries](#) – fascinating because nowhere does it mention a ban treaty. Instead it talks of ‘no quick fixes’, ‘addressing the legitimate security concerns’ of nuclear-armed states and ‘incremental but necessary steps that will enhance security for all’.

It is all about ‘means and sequencing’ and identifying “concrete and practical building blocks”. The NPT is brought into play, as is the Comprehensive Nuclear-Test-Ban Treaty. There are lists of all the tiny steps we might take, or consider taking, along with a), b), c)

and so on to m). There absolutely must be transparency and... well, think of it all as a trust-building exercise.

Mexico took up the challenge of the 'legitimate security concerns'. This concept was not elaborated enough, Mexico argued, as it is not clear *whose* security these concerns focus on and if states are for or against collective security. As Austria pointed out, collective security is a very different thing to the security of individual nations.

As for the lack of trust, Austria argued this is due to the failures of states to implement various agreements and commitments that had been agreed to by consensus. The onus is on those countries that have nuclear weapons or rely on them as part of nuclear alliances to diminish that mistrust.

Unable to resist a tiny dig at the pro-nuclear states Mexico pointed out that nuclear-armed states boycotting the meeting would not increase trust. Rather the reverse, one would think.

Austria, a leading light in these discussions, reminded delegates that in the Humanitarian Pledge (now [adopted](#) by the UN) it says:

“We call on all states parties to the NPT to renew their commitment to the urgent and full implementation of existing obligations under Article VI, and to this end, to identify and pursue effective measures to fill the legal gap for the prohibition and elimination of nuclear weapons...”

A large number of states share the belief that such a legal gap exists, something pro-nuclear states try to deny. Austria's [working paper](#) on this issue is masterly, laying out all the arguments and exposing the legal gaps. The very structure of the NPT requires additional legal (and non-legal) measures for its full implementation. This applies to Article VI just as much as it applies to the non-proliferation obligations.

(Article VI commits the nuclear armed states to “pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on *a treaty on general and complete disarmament under strict and effective international control*,” (emphasis added).

All approaches to implementing Article VI should be followed. The 'step-by-step' method can sit alongside a comprehensive ban treaty. They are, argues Austria, complementary, and the humanitarian issue is now so serious that all available steps should be taken. [Brazil](#) reminded delegates that provisions under the NPT allowed the Nuclear Weapon States only to hold those weapons *temporarily*, something constantly ignored.

Austria also [ripped up](#) the 'security' and 'deterrence' arguments used by the USA et al. Deterrence rests on the threat of readiness to inflict mass destruction on a global scale, and on the awareness this would be suicidal. Thus, explains Austria:

“Ultimately, it is difficult to reconcile this with the underlying foundation of nuclear deterrence that it leads to rational behaviour of all actors involved. The threat is either credible, which requires – in light of the new evidence – readiness to act entirely irrationally. Alternatively, the threat is non-credible since rational analysis cannot lead to the conclusion of risking the use of

nuclear weapons.”

Not for nothing was Mutually-Assured-Destruction considered MAD.

During 5 days of presentations and debate, many states called for a ban treaty. And key supporters of the Humanitarian Pledge – Mexico, Austria, South Africa, Brazil, and Indonesia – stressed the time has now come to start the negotiations to prohibit nuclear weapons.

The OEWG reconvenes in May for another session. Dare we hope that we will see them start negotiating and putting together the text for a treaty that bans these weapons? It’s beginning to look that way.

*Lesley Docksey* © 09/03/16

(With grateful thanks to Reaching Critical Will)

\* See [here](#) for an overview of civil society’s campaign which led, finally, to the disarmament talks in Geneva

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