



WILPF STATEMENT
2 August 2005

Statement on Nuclear Threat, Rule of Force and the Abolition of Nuclear Weapons

Thank you for providing me the opportunity to speak at today's event. It is an honor and a privilege to be here representing the Women's International League for Peace and Freedom (WILPF).

WILPF, since 1915 has worked on issues of peace, human rights and disarmament at the local, national and international levels, participating in the ongoing international debates on peace and security issues, conflict prevention and resolution, on the elimination of all forms of discrimination, and the promotion and protection of human rights.

WILPF believes in total and universal disarmament. We recognize the ongoing threat of nuclear weapons, and realize that whether or not these weapons are ever used again, they have already left a toxic legacy for countless generations.

We must never forget that the people here in Hiroshima share a tragic legacy with those at the myriad of nuclear test sites and production facilities around the world- all have been made to suffer health and environmental consequences at the hands of a few governments, and all have been raising their voices loudly, for these past 60 years, to prevent these tragedies from ever happening again.

Now, 60 years after the beginning of the nuclear age, it is ever more important that our voices grow louder and that we strengthen our solidarity with Hibakusha all over the world. Nuclear weapons continue to plague humanity's existence; while they haven't been used during war in sixty years, the threat to use nuclear weapons (although declared illegal by the International Court of Justice¹), as well as the ongoing development and deployment of them contributes to our global instability and jeopardizes our planet's and humanity's survival.

While it's true that the number of nuclear weapons on the planet has decreased since the height of the cold war, the risk of these weapons actually being used has, in fact, increased. In addition to growing arsenals of conventional weapons, the nuclear haves continue to reassert nuclear weapons as a cornerstone of their strategic doctrines. This is evident in such official security doctrines such as the US Nuclear Posture Review (2002), Russia's National Security Concept (2000), Britain's Strategic Defence Review (2002) and the NATO Strategic Concept (1999). Led by the United States, the five recognized nuclear powers continue to modernize their stockpiles; in the US, advocates for nuclear modernization often tout their new weapons as "more useable".



The modernization of nuclear arsenals is taking place in a context wherein the rule of force is increasingly eclipsing the rule of law. Internationally binding legal agreements, like the Nuclear Non-Proliferation Treaty (NPT), the Comprehensive nuclear Test-Ban Treaty (CTBT) and other elements of the international legal regime continue to be patently ignored by the nuclear club, which prefers new, non-legally binding, non-verifiable counterproliferation methods. While these efforts, such as the Proliferation Security Initiative and Security Council resolution 1540, may indeed be effective ways of preventing further proliferation of nuclear weapons, the nuclear powers use these initiatives as a means to avoid commitments under the rule of law, and denigrate disarmament as a proliferation measure in its own right. Further, by undermining the primacy of multilaterally negotiated, legally binding treaty regimes, these plurilateral initiatives may be given as a justification for the use of force. When nonproliferation is de-linked from disarmament- that is, when the abolition of nuclear weapons is no longer viewed as a way to prevent others from acquiring them- the stage is set for the use of force.

The most recent, striking example of this is the US-UK led war on Iraq. This war, itself a violation of international law, claimed to be an effort to prevent the proliferation of weapons of mass destruction. Had, at that time, the world's governments questioned the US' and UK's own nuclear arsenals as a possible impetus for Iraq or any other entity's pursuit of them, the fledgling justification for the war might have been shattered.

We must move the proliferation discussion back to where we all know it should be: the abolition of nuclear weapons. Global security will never be achieved, nor maintained, so long as these genocidal, suicidal and ecocidal weapons continue to haunt our existence. The question is- how do we get there? What do we need to resolve- legally, politically, and technically to achieve total and universal nuclear disarmament?

If we are to fulfill the primary aim of the UN Charter- "to save succeeding generations from the scourge of war"²- we must work to reassert the primacy of the rule of law and diplomatic solutions to security threats. In order to reinvigorate our legal regime and avert another war- nuclear or otherwise- we must first understand the multilateral tools we have, and seek ways to strengthen them.

In the late 1970s, with widespread recognition that international, multilateral tools and mechanisms were needed in order to curb the nuclear arms race that was then thriving, the world's governments convened the first UN Special Session on Disarmament in 1978, where they created the present-day multilateral disarmament fora, such as the Conference on Disarmament and the UN Disarmament Commission.

First we should look at the Conference on Disarmament (CD). This body is the sole multilateral disarmament negotiating body in the world. Comprised of 66 countries- including all recognized and un-recognized nuclear weapon states, the CD has succeeded in negotiating crucial treaties such as the Comprehensive nuclear Test Ban Treaty (CTBT), in 1996, and the Chemical Weapons Convention in 1993.

Unfortunately, the CD has not been able to agree on a programme of work since they concluded negotiations on the CTBT. The issue of nuclear disarmament remains on the CD agenda, but no substantial progress has been made. Since the CD requires consensus on



procedural as well as substantive decisions, some states, unwilling to strengthen the international legal regime, have effectively blocked consensus on the programme of work. This has led some states to call the CD “irrelevant”, suggest reforms, and even suggest its abolition.³

The UN Disarmament Commission (UNDC) is a subsidiary organ of the General Assembly, composed of all Member States of the United Nations. The UNDC was created as a deliberative body with the function of considering and making recommendations on various problems in the field of disarmament. It usually examines two agenda items for three consecutive years, and it is generally accepted that one of these items should deal with an aspect of nuclear disarmament. While the UNDC is not empowered to actually create disarmament treaties, they do manage to create helpful frameworks for strengthening future legally-binding mechanisms; past successes of the UNDC include “sixteen principles of verification” and agreements on other confidence-building measures. However, since 2003, at the end of the last three-year cycle, they have not been able to come to an agreement on which items to discuss next.

Lastly, let’s take a look at the UN General Assembly, which is mandated to “discuss any questions relating to the maintenance of international peace and security, including the principles governing disarmament and the regulation of armaments, and may make recommendations with regard to such principles to the Members or to the Security Council or to both.”⁴ The problems of the world are too numerous and too contentious to be deliberated amongst the entire General Assembly of the United Nations. Therefore, most questions are allocated to six Main Committees, the first of which handles all matters on Disarmament and International Security, a kind of global opinion poll on the subject of disarmament.

Every year there are many resolutions tabled in the First Committee- everything from nuclear disarmament to landmines to disarmament education. Some of these resolutions call on other bodies to act, some call for new bodies to be formed and some call on governments to act individually. The discussions that take place at the First Committee are a clear indication of the political willingness of nations to negotiate towards nuclear disarmament.

However, with so much of our multilateral machinery blocked or threatened with accusations of ineffectiveness, it is time that we who espouse the rule of law as a means of achieving international peace and security examine ways of strengthening our legal regime and advancing the cause for nuclear disarmament.

In 1997, Costa Rica introduced a model Nuclear Weapons Convention as a discussion document (A/C.1/52/7).⁵ It was not introduced as a resolution of the First Committee nor the General Assembly, though this could still be done. There is nothing prohibiting the General Assembly, or its committees from negotiating a treaty- in fact, in April of this year, the GA negotiated the International Convention for the Suppression of Acts of Nuclear Terrorism. Pressuring governments to introduce the Nuclear Weapons Convention as a draft treaty- opening it for discussion within the General Assembly- might be a way for civil society, for us, to push nuclear abolition forward.

Another option that should be explored is the possibility of returning to the International Court of Justice with another case regarding nuclear weapons. Since the ICJ’s ruling in 1996 that



the use and threat of use of nuclear weapons is illegal, the Court has not considered these weapons in any other way. With the NPT in such dire straits and the nuclear weapon states in denial of their disarmament obligations, some lawyers and policy experts believe that it is time for the Court to examine and clarify Article VI of the NPT, which calls upon, “Each of the Parties to the Treaty ... 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.” With the nuclear weapon states insisting on their commitment to this goal- yet with growing nuclear arsenals and a lowering threshold to use them- it may be time to further define exactly what “good faith” and “at an early date” actually mean.

These mechanisms are ways for *governments* to pursue nuclear abolition, however, without the sustained and informed pressure of civil society, the likelihood of governments taking advantage of these opportunities is slim. Therefore, the education and advocacy campaigns of civil society organizations is absolutely necessary to generate the political will for nuclear abolition.

The Mayors For Peace Emergency Campaign to Abolish Nuclear Weapons by the year 2020 is another initiative that should receive our strong support. Engaging local politicians about international security matters will broaden our collective knowledge base on these issues, as well as encouraging local officials to take a profound interest in their national security strategies. The Mayors might also create a “trickle-up” effect. Developing national and regional solidarity efforts and statements, Mayors have the opportunity to influence elected officials at higher levels.

The Abolition Now! campaign of the grassroots Abolition 2000 network is another way to mobilize citizens to achieve nuclear disarmament. This campaign, launched in 2004 at the NPT conference, has engaged countless individuals in the struggle for nuclear free world, and is currently centering its efforts on education- to provide individuals with the information they need to talk to their elected representatives about nuclear disarmament, and generate the political will that is currently preventing multilateral efforts from going forward. By bridging the gap between the anti-war and anti-nuclear movements, sharing strategies, tactics and information, Abolition Now and United for Peace and Justice (the largest anti-war coalition in the U.S.) held an extremely successful march and rally in New York on 1 May 2005, the day before the NPT Review Conference opened. While this specific event did not push governments to take advantage of the NPT to create a timeline for nuclear abolitions, it did help to strengthen solidarity efforts amongst thousands of activists around the world and also generated a global media buzz that carried throughout the conference, thereby reminding the world that the nuclear threat continues.

We should also recall the past successes won through the declaration of Nuclear Weapon Free Zones. In the 1970s and 80s, with disarmament paralyzed by the cold war, many succeeded in pushing the disarmament regime forward by registering thousands of municipalities as Nuclear Weapon Free Zones. With the recent completion of the Central Asian Nuclear Weapon Free Zone, now is the time to revitalize these efforts, on the local, national and regional levels.



From where we are now, the global abolition of nuclear weapons may seem a long way off. But it is the only way. As civil society, our role is to push our governments, using the technical, scientific and legal knowledge at our disposal, toward this goal. The decisions and actions of our governments regarding nuclear weapons affect our very lives. What we do today, tomorrow and next week will impact countless generations. By working together to achieve our common goal- nuclear abolition- we are creating a world that our great grandchildren will be proud to inherit- a safer, more peaceful, secure world, free of the nuclear threat.

1 In 1996, the ICJ issued an Advisory Opinion 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."* Para. 105(2)(F).

2 Preamble, UN Charter.

3 See Chris Sanders (Netherlands) Farewell speech to the CD, 23 June 2005 at:<http://www.reachingcriticalwill.org/political/cd/speeches05/June23Netherlands.pdf>

4 Article 11, UN Charter.

5 The Model Nuclear Weapons Convention was drafted by a consortium of lawyers, scientists, physicians, former-diplomats and disarmament specialists and activists, and made concrete and tangible what had been only academic and illusory for many years. The purposes of the model Nuclear Weapons Convention include demonstrating the feasibility of a framework approach to the elimination of nuclear weapons, and encouraging governments to enter into nuclear disarmament negotiations. Another purpose is to educate and engage the public in the progress towards nuclear disarmament. The process of designing and debating a nuclear weapons convention is useful in a number of ways:

- 1. it can help identify policies that are inconsistent with the goal of nuclear disarmament;
- 2. it can help overcome some of the barriers that make nuclear abolition appear utopian;
- 3. it can help prepare societies for the day when political will to begin negotiations emerges.

For more information on the model NWC, see:<http://www.reachingcriticalwill.org/legal/nwc/nwcindex.html>.