

It's time to abolish nuclear weapons

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Michael Wesley has proposed a way to address the problem of nuclear weapons in light of the failure of the 2005 Review Conference of the Nuclear Non-Proliferation Treaty (NPT) to further the goals of disarmament and non-proliferation. He states that the NPT should be scrapped, and recommends that we accept the inevitability of nuclear weapons spread and learn to manage the situation (Wesley 2005). While Wesley's article serves to maintain debate on one of the most important security issues of our time, his arguments present only two possible conclusions—either that nuclear weapons can be retained indefinitely and never used, or that we must accept the inevitability of their use and all the attendant consequences. This rejoinder challenges both these propositions, argues instead that nuclear weapons must be abolished and offers a way forward.

Wesley correctly recognises one of the NPT's shortcomings as being its historical and discriminatory division of NPT member states into 'nuclear weapon states' and 'non-nuclear weapon states', and says that this division encourages opaque weapons proliferation. However, this division must be seen firmly in the context of the NPT's unequivocal call for nuclear disarmament, a process which, if fulfilled, would remove the distinction. Each of the NPT's nuclear weapon states has consistently violated the treaty by refusing to disarm, and it is this violation that is the major spur to proliferation, be it opaque or transparent.

This point has been stated forcefully and repeatedly by Mohamed ElBaradei, Director-General of the International Atomic Energy Agency, who has written:

The very existence of nuclear weapons gives rise to the pursuit of them. They are seen as a source of global influence, and are valued for their perceived deterrent effect. And as long as some countries possess them (or are protected by them in alliances) and others do not, this asymmetry breeds chronic global insecurity (ElBaradei 2003: 51).

Problems of a nuclear-armed world

The increasingly nuclear-armed world that Wesley sees as an alternative to holding the nuclear weapon states accountable to their legal obligation to disarm presents a number of major problems that would render the world even

more dangerous than our present precarious situation. They include the following.

Nuclear weapons will be used again if they are not abolished

Even an event that is deemed unlikely becomes a mathematical certainty given enough time. As the Canberra Commission on the Elimination of Nuclear Weapons (1996: 9) reported, ‘The proposition that nuclear weapons can be retained in perpetuity and never used—accidentally or by decision—defies credibility’.

Far from fading with the passage of time, the risk of nuclear weapons use is becoming increasingly stark. This is due to a number of factors, including the distinct possibility of nuclear terrorism (see below), the emergence of new nuclear powers (India, Pakistan and North Korea) over the past decade, a possible increase in the number of nuclear weapon states in the Middle East (Iran as well as Israel), concerns regarding the US missile defence system and China’s likely response to it, and a dangerous shift in US nuclear weapons policy under the current administration.

The latter was spelt out in the 2002 US Nuclear Posture Review, which not only reinforced the central role of nuclear weapons in US military planning for the foreseeable future, but also explicitly confirmed that the US is prepared to use nuclear weapons against non-nuclear weapon states. The seven target states were named (Iran, Iraq, Syria, North Korea, Libya, Russia and China), only three of them being nuclear-armed (PSR 2002). Regardless of the stated policy of deterring biological or chemical attack by threatening nuclear attack, the targeting of non-nuclear weapon states with nuclear weapons is a profoundly dangerous new development.

In addition the risk of an accidental detonation or launch has increased since the end of the Cold War due to the deterioration of Russian command and control systems and the retention of thousands of Russian and US nuclear weapons on high alert. (If nothing else, this indicates an absolute imperative to remove all nuclear weapons from high alert status.)

While the US and Russia, who between them possess 96 per cent of the world’s approximately 30,000 nuclear weapons, can claim that they have reduced the numbers of their nuclear weapons significantly, unless there is an explicit goal of zero nuclear weapons the process is not genuine disarmament. An increased risk of use of the weapons, either accidentally or by reduced threshold for a deliberate launch, vastly outweighs any possible benefit from the reductions. In particular, the warheads to be abandoned in accordance with the 2002 Moscow Treaty will be kept in storage rather than destroyed (and thus the process is reversible), launch-on-warning remains, withdrawal from the treaty is very easy, the disposal of the Russian weapons was not addressed, tactical weapons were ignored, and both sides continue nuclear weapons developments.

Nuclear weapons proliferation increases the barriers to nuclear disarmament

Wesley has stated, and few would disagree, that preventing the threat or use of nuclear weapons is the ultimate objective of the NPT (or whatever alternate regime we choose). Stated differently, our goal is nuclear disarmament, for even the possession of nuclear weapons amounts to a threat to use the weapons, however small that threat may be.

A key element in this process of nuclear disarmament will be in delegitimising the weapons, replacing the prestige and status which they currently attract with rogue status, and constantly asserting the norm not only against proliferation but also against the very existence of the weapons. Far from assisting this process, the spread of nuclear weapons would inevitably help to legitimise rather than stigmatise them, through the simple expedients of familiarity and complacency.

In addition, Wesley has not explained when and how the steps to nuclear disarmament would eventually be taken and how the objections of a larger number of nuclear weapon states—which would presumably be every bit as self-serving as they are today—would be overcome. In other words, the essential and formidable task of nuclear weapons abolition would simply be deferred and magnified.

A nuclear-armed world can never be stable

Wesley refers several times to 'stabilising' the spread of nuclear weapons without clarifying what is meant by 'stabilising' in this context. Certainly there have been numerous incidents of great instability, the most chilling being the 1962 Cuban missile crisis where, according to Robert McNamara (2005: 33), we came within a 'hair's breadth of nuclear disaster'.

A more recent example was in 1995, when the nuclear command suitcase that was instituted during Mikhail Gorbachev's presidency was used for the first time, after Russian radar operators detected an incoming rocket. President Boris Yeltsin had literally minutes to decide whether to launch Russian missiles. The rocket was in fact a joint Norwegian–US research rocket. Its launch had been previously notified to the Russian authorities but the message had been lost in the Russian bureaucracy (Hoffman 1998). If this episode had occurred at a time of heightened tension, the outcome might well have been different.

There is no reason to believe that such incidents would be any less common with the spread of nuclear weapons. Almost certainly they would become more common. Wesley himself has referred to the process of 'nuclear learning' whereby nuclear weapon states share steps such as procedures for storage of warheads, protecting warheads from accidental detonation, alert procedures and others, to help eliminate misunderstandings. However a process of learning involves mistakes along the way, and with nuclear weapons there is no room for mistakes.

The problem of nuclear terrorism

Nuclear weapons are essentially instruments of terror. They threaten indiscriminate violence on the most extreme scale. No other weapon matches their ability to devastate and destroy. It is therefore not surprising that terrorists seek to acquire them.

The hardest step for terrorists attempting to make a crude nuclear weapon is acquiring the fissile material, either enriched uranium or plutonium. The further spread of facilities for the production of these materials can only increase the opportunities for their diversion. While Wesley has argued that the NPT encourages opaque proliferation via smuggling networks that are more likely than states to supply terrorists with nuclear materials, this factor is relatively insignificant beside the overwhelming risks posed by the very existence of hundreds of nuclear facilities worldwide.

Nuclear weapons and power facilities, regardless of whether any weapons proliferation is opaque or transparent, present an array of opportunities for terrorists. These opportunities include theft of a ready-made nuclear weapon (a possible example being the 'suitcase' bombs from the former USSR that are unaccounted for), theft of the fissile material with which to make a weapon, attack on one of the intensely radioactive cooling ponds at a nuclear power facility, or the use or threat of a 'dirty bomb' (that is, dispersal of radioisotopes by conventional explosive).

One might argue that the possibility of nuclear terrorism is not conclusive evidence that all nuclear weapons must be abolished, but simply that all nuclear power and weapons facilities, and the associated transport routes, must have watertight security. However the difficulty with this argument is that the standard of security it demands is infallibility. This is simply not achievable, and in fact not humanly possible.

It is important in this context, and in the context of calls for increased Australian uranium sales, to draw attention to a further problem with the NPT, which is its promise of 'peaceful' nuclear technology. It is increasingly clear that nuclear power greatly adds to the risk of nuclear terrorism. While Wesley referred to Professor Frank Barnaby's observation that 'military and peaceful nuclear programs are, for the most part, virtually identical', he omitted to mention that this is one of several reasons Barnaby gives for opposing nuclear power (Barnaby 2005). The example of Iran, with its ambiguous nuclear program, is typical of the dilemmas that will be faced by the international community if nuclear power is further embraced.

International law must be upheld

International law requires not only that nuclear disarmament be pursued, but also that it be achieved. In delivering its 1996 advisory opinion on the legal status of nuclear weapons, the International Court of Justice (ICJ) stated, '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' (ICJ 1996). It should be noted also that the ICJ did not distinguish between the use and threat of use of nuclear weapons. Illegal acts must be neither committed nor threatened.

Any process that undermines respect for international law will undermine our security. Adherence by states and individuals to the law encourages other states and individuals to do the same. While one might correctly argue that the law, both domestic and international, must evolve to take account of changing circumstances, there exist prohibitions, such as the prohibitions against rape and murder, which are so fundamental to civilised society that easing them would be unthinkable. Equally fundamental is the prohibition against the threat or use of any weapons of mass destruction. Indeed, in formulating its opinion on the legal status of nuclear weapons, the ICJ for the first time in its history accepted citizens' material, in the form of millions of Declarations of Public Conscience, in recognition of the strength of public concern worldwide on the issue.

Time for a Nuclear Weapons Convention

The NPT, despite its significant shortcomings, remains an important legally binding commitment on the part of its member states to nuclear weapons abolition. However it is no longer sufficient. The urgency of our situation demands more. The time has come for a Nuclear Weapons Convention.

A model Nuclear Weapons Convention already exists. The Model Convention on the Prohibition of the Development, Testing, Production, Stockpiling, Transfer, Use and Threat of Use of Nuclear Weapons and on Their Elimination was drafted by an international consortium of lawyers, scientists and disarmament specialists, under the coordination of the Lawyers' Committee on Nuclear Policy in the US, and was released and circulated by the United Nations in 1997. The book *Security and Survival: The Case for a Nuclear Weapons Convention* contains the draft text of the Convention, and addresses the many technical, legal, security and strategic aspects of nuclear weapons abolition (IPPNW, INESAP and IALANA 1999). It deserves serious attention from governments and others who profess commitment to this goal.

A commonly raised objection to pursuing a Nuclear Weapons Convention is that the states whose support is most essential, the nuclear weapon states, will seek to undermine it. Undoubtedly some of them will. The same objection was raised in relation to the Ottawa Convention that banned anti-personnel landmines, and yet that Convention and the process leading to its conclusion were successful in shifting the global norm away from the use of these inhumane and indiscriminate weapons and in favour of the destruction of stockpiles. The focus on a complete ban on landmines, rather than simply controlling them, was

a key factor in promoting the Convention as a meaningful measure. Similarly with nuclear weapons, a global shift in thinking, a shift that characterises them not as status symbols but as instruments of terror, would be an invaluable step towards the achievement of a nuclear weapons free world.

There are many steps that can be taken by states to build political will in favour of a Nuclear Weapons Convention, to consider the requirements for a nuclear weapons free world and to implement some of those requirements. Australia's consistent and important work for a Comprehensive Test Ban Treaty is one such example. Another is the current UK study on the requirements for destruction of their nuclear weapons under a nuclear weapons free regime. A further possibility is increasing the extent and scope of nuclear free zones (NFZs), with, for example, promoting a Southern Hemisphere Nuclear Weapon Free Zone. (It is regrettable that the Australian government undermined the conference of states parties to NFZs held in Mexico in May 2005 by failing to attend.) Steps for verification of nuclear disarmament can also be put in place, and in fact much experience already exists in this area. Nuclear disarmament is much easier to verify than the elimination of biological or chemical weapons.

Conclusion

It remains extraordinary that of all 'weapons of mass destruction'—nuclear, chemical and biological—two classes are outlawed, while the most destructive of all, nuclear weapons, are tolerated. It is time for the 30,000 instruments of terror that lie in the world's nuclear arsenals to be de-legitimised, and their very possession, no matter by whom, to attract not prestige but rogue status. There is no more reason to accept the existence of nuclear weapons than there is to accept the existence of biological weapons, chemical weapons, suicide bombers or plane hijackings. Terrorism in all its forms must be rejected.

No action on the part of the international community can guarantee that nuclear weapons will never be used again. But we can and must choose the course of action that reduces that risk from its current high level to its bare minimum. That course of action is nuclear weapons abolition, and the task is one of the most urgent facing us all.

Note

1. The author wishes to thank Bill Tow for comments on an earlier draft of this article.

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