

**International House Peace and Understanding Lecture**

The University of Queensland, Australia  
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**“Come my friends, ‘tis not too late to seek a newer world”:  
Alfred Lord Tennyson, “Ulysses”**

***Prohibiting Nuclear Weapons***

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It is an honour to be invited to present the University of Queensland International House Peace and Understanding Lecture. And it is such a pleasure to be here too because, although I have lived most of my life in Canada, I am fifth-generation Australian, and like that Australian song, *“I Still Call Australia Home.”*

I have been asked to speak on Prohibiting Nuclear Weapons. The first part of the title of my presentation is a quote from Tennyson’s *“Ulysses”* which I have used since the establishment of The Simons Foundation in 1985, in place of a Mission Statement. *“Come My Friends, ‘Tis not too late to seek a newer world!”* is a call to action for a better world – and this to me in 1985 and still remains true - is a world without nuclear weapons.

I want to begin with another quote:

*“We are here to make a choice between the quick and the dead .... If we fail, then we have damned every man to be the slave of Fear. Let us not deceive ourselves: We must elect World Peace or World Destruction. Science has torn from nature a secret so vast in its potentialities that our minds cower from the terror it creates ....but science does not show us how to prevent its baleful use.”*

Bernard Baruch’s was the US. Representative to the newly formed, United Nations Atomic Energy Commission, and this is an excerpt from his 1946 presentation 10 months after the United States dropped its atomic bombs on Japan. Baruch’s presentation was the first attempt to control nuclear weapons. He called for the ban of atomic weapons and for atomic energy to be available only for peaceful uses. Unfortunately, this plan came to naught because neither the United States nor the Soviet Union trusted the other. The Soviet Union wanted the United States to eliminate its weapons before it signed an Agreement, and the United States wanted the security of a signed Agreement before it dismantled its atomic arsenal. Nothing much has changed! Except with regard to the arsenals. By 1985, the total number of nuclear weapons had the destructive capability of one million, four hundred thousand Hiroshima bombs.<sup>1</sup>

We have lived in a nuclear world - “slaves of Fear” - for 62 years and 50 days. On July 16<sup>th</sup>, 1945 the United States tested the Atomic Bomb named Trinity at Alamogordo, New Mexico. The first and only **use** of atomic weapons came 21 days later, on August 6<sup>th</sup> when the United States dropped the bomb on Hiroshima and 3 days later it dropped another on Nagasaki.

### **Manhattan Project:**

Russia and the United States have always been yoked together by the bomb, in mutual fear and mistrust. Nobel Laureate, Professor Sir Josef Rotblat, a British physicist and team member of the Manhattan Project, at an event I attended, told of his concern that Hitler’s scientists would be experimenting on the development of an atom bomb. He left Poland for the United Kingdom and began a bomb development project at the University of Liverpool, which later combined with the Americans as the Manhattan Project.

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<sup>1</sup> Peter J. Kuznick, *The Decision to Risk the Future: Harry Truman, the Atomic Bomb and the Apocalyptic Narrative*, 2007, p.22

However, in 1942, when it was discovered that the Germans had failed and dropped their project, Rotblat learned from General Leslie Groves, the Manhattan Project's administrator, that the bomb's development would continue because the real intention was to drop it on Japan as a demonstration to the Russians. For this reason, Rotblat resigned from the Manhattan Project – the only scientist to do so. He was then accused of being a Soviet spy, silenced, and treated in a humiliating manner as a security threat, until the 1950s.

### **Hiroshima and Nagasaki:**

The atomic bombings of Hiroshima and Nagasaki were in violation of the rules of International Law: of The Hague 1907 Conventions and The Hague 1922-23 Draft Rules of Air Warfare, rules which were fully subscribed to by the United States. And moreover, the bombings violated the United States own 1940 War Department Field Manual 27-10, *Rules of Land Warfare*.

These laws all prohibit targeting peaceful, civilian populations and were completely disregarded. There was no mistake - United States Field Orders to bomb defined Hiroshima as “**an urban industrial area,**” and designated its second target as “**Nagasaki urban area**”. Moreover, the official 1946 U.S. Strategic Bombing Survey Report stated that “**Hiroshima and Nagasaki were chosen as targets because of their concentration of activities and populations.**”<sup>2</sup> Documents released under the Freedom of Information Act, showed that a major objective of the bombing was to determine the effects of nuclear weapons; and prior to the bombing, military commanders were instructed to inflict no damage on these two cities so test results would be unhindered by other factors.<sup>3</sup> The bombing of Nagasaki was always difficult to justify. The question has often been asked “why after Hiroshima, Nagasaki?” The answer in all likelihood, was to study the differing effects of the two different types of bombs. The Hiroshima bomb was uranium and Nagasaki bomb was plutonium.

The bombing of Nagasaki on August 9th, 1945 took place one day **after** the United States signed the Nuremberg Charter. The document specifically defined criminality in the European war, but it drew on existing and accepted principles of International Law, which would be also applicable to the crimes of Hiroshima and Nagasaki.<sup>4</sup> However, there was no Nuremberg in this case. This is interesting because Bernard Baruch, in his 1946 presentation to UN proposed that the United Nations could “prescribe individual responsibility and punishments on the principles applied at Nuremberg” for those who violated the atomic energy for peaceful purposes only agreement.<sup>5</sup>

### **Fiftieth Anniversary Commemoration of Hiroshima:**

Instead, there has been a tremendous cover-up - what we would now-a-days call “spin”. Fifty years after dropping the two bombs on Hiroshima and Nagasaki the official version was under attack.<sup>6</sup> To commemorate the 50<sup>th</sup> Anniversary of Hiroshima the Smithsonian Museum, in Washington, planned an exhibit of *Enola Gay*, the plane which dropped the bomb on Hiroshima. Martin Harwit, Director of the Smithsonian Air and Space Museum, “was determined to explore the full story of the atomic bombings”, although he warned that “fifty years may not be enough

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<sup>2</sup> Francis Boyle, *The Criminality of Nuclear Deterrence*, 2002, p.62

<sup>3</sup> Robert Jay Lifton & Greg Mitchell, *Hiroshima in America: Fifty Years of Denial*, 1995

<sup>4</sup> Boyle, *ibid*

<sup>5</sup> *Baruch Plan*, [www.Atomicarchive.com](http://www.Atomicarchive.com)

<sup>6</sup> Lifton & Mitchell, 1995, *ibid* , 273

time to prepare the nation to confront such a history.”<sup>7</sup> He proved to be correct. Photographs included in the display - privately taken by the US Army official photographer, (Joe O’Donnell), and locked away in a trunk because they so disturbed him - were so horrifying there were tremendous objections. One photograph depicted a classroom of children sitting at their desks burnt to cinders. There was such controversy in the media, from the Congress, and from veteran associations, who argued that the exhibition was one-sided, that the *Enola Gay* exhibit was cancelled with the support of President Clinton. Americans were judged not ready to face the truth about what they had done - or better said – what had been done in their name. Americans, generally, have never known the truth about Hiroshima.

### **US Nuclear Policies and Strategy:**

Every U.S. President - since Truman authorized the bombings of Hiroshima and Nagasaki - has endorsed the bomb. You may have read the Commentary published in the January 4th Wall Street Journal, by George P Schultz, William J. Perry, Henry Kissinger and Sam Nunn calling for a world free of nuclear *weapons*.<sup>8</sup> They cite statements made by President Dwight Eisenhower, pledging America’s “determination to help solve the fearful atomic dilemma” and John F. Kennedy “seeking to break the logjam of nuclear disarmament” both rather ambiguous statements. And Ronald Reagan who, they said, “called for the abolishment of ‘all nuclear weapons.’”

It was during Eisenhower’s presidency that the hydrogen bomb-centered nuclear weapons system was vastly expanded around a doctrine of dominant air power and massive nuclear retaliation.<sup>9</sup> The doctrine of the Kennedy presidency was “mutual assured destruction”<sup>10</sup>. And the Reagan presidency radically escalated the nuclear arms race.

All Presidents, from Truman to George W. Bush, actually threatened to use nuclear weapons in order to “control the behavior of their adversaries.”<sup>11</sup>

President Clinton, who in 1997, refused to ratify the Comprehensive Test Ban Treaty, signed the “Presidential Decision Directive-60” (PPD-60) which “recommitted the US to nuclear weapons as the ‘cornerstone’ of its national security, reaffirmed the US policies of threatened first use, threatened massive retaliation” and “further institutionalized a policy shift that ... nuclear weapons ... be used to ‘deter’ a range of threats including ... nuclear ...chemical and biological weapons.”<sup>12</sup> The current President, George W. Bush, has furthered this policy to include preventative use, that is to say, to use to prevent an attack on the United States.

The United States is considered the ‘world’s greatest democracy’ so while Eisenhower and Kennedy were possibly sincere in their calls for resolution to the nuclear dilemma and for nuclear disarmament, the power in the US is held by the Congress and the Pentagon, and behind them influential military and business interests. Eisenhower’s much quoted statement in his farewell speech attests to this:

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<sup>7</sup> Lifton & Mitchell, 1995, *ibid*, 284

<sup>8</sup> Shultz and Kissinger, former U.S. Secretaries of State (Reagan and Nixon), Perry, Clinton’s former U.S. Secretary of Defense, Nunn, former U.S. Chair of the Senate Armed Services Committee

<sup>9</sup> Robert Jay Lifton & Richard Falk, *Indefensible Weapons*, 1991, 96)

<sup>10</sup> Boyle, *ibid*. 55

<sup>11</sup> Lifton & Falk, 1991, *ibid.*, 179

<sup>12</sup> Jacqueline Cabasso, *Nuclear Disorder or Cooperative Security*, “The U.S. Record”, 2007, 80

*In the councils of government, he said, we must guard against the acquisition of unwarranted influence, whether sought or unsought, by the military-industrial complex. The potential for the disastrous rise of misplaced power exists and will persist.*<sup>13</sup>

Ronald Reagan was the only American President who actually said he would abolish nuclear weapons and, in a grand moment, reversed the US nuclear weapons policy. Both Mikhail Gorbachev and Reagan agreed to eliminate all nuclear weapons and all ballistic missiles. Schultz – Reagan’s Secretary of State - writes in his memoirs that “he was criticized for not ‘stopping’ Reagan from offering to eliminate all nuclear weapons.” And, “meanwhile, he continues, “a storm was brewing in the Pentagon.”<sup>14</sup>

Immediately following the Gorbachev-Reagan summit the US Administration went into damage control mode and successfully backtracked. Here was a US President whose authority included the control to trigger the nuclear button, yet, actually lacked the control to disconnect it - the situation I imagine, of all US presidents.

### **Nuclear Arsenals:**

The United States is the greatest military power in the world. Its military expenditure has gone from 350 billion in 1998 to 650 billion in its 2008 budget. It is responsible for 80% of the increase in world military expenditure in 2005 and its expenditures are 48% of the world’s total military spending which is now over a trillion dollars. The US nuclear arsenal has an estimated 10,100 predominantly strategic weapons, more than half of the world’s nuclear destructive capability with Russia almost at a parity.

With the demise of the Cold War and warmer relations between Russia and the United States and Russia and Europe, (until recently that is) the danger of a large scale nuclear war has disappeared. However, the danger of a nuclear conflagration remains. The United States and Russia still have thousands of nuclear weapons, on continuous high-alert status, targeted on each other. One danger with this situation is accidental launch. There have been about a dozen serious close calls, false alarms and close political situations which could have resulted in a nuclear launch. The risk has increased since the end of the Cold War because Russia’s early warning capability has deteriorated. Its radar systems, leased in former Soviet countries, is outdated and in poor condition.<sup>15</sup>

There is also the problem of a nuclear accident which could cause unintended detonation. I was visiting Los Alamos nuclear laboratories, just prior to the September 11th terrorist attack on the World Trade Centre, and was astounded to hear a lab scientist say that what they would like to do is to develop a “safe” nuclear weapon. My thought was “safe for whom?” On reflection, because there had been over a hundred accidents related to handling the weapons, I assumed that he was referring to safety for handlers of the weapons and the stockpile renewal system.

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<sup>13</sup> Dwight D. Eisenhower, *Military-Industrial Complex Speech, Public Papers of the President DWE, 1960, pp1035-1040*

<sup>14</sup> *Cold War: Reykjavik: Gorbachev-Reagan Summit (Shultz Memoirs) copyright Margaret Thatcher Foundation, 2006*

<sup>15</sup> William Perry, *Congressional Testimony, July 18, 2007*

My visit to Los Alamos was very disturbing. The townsite was rejuvenated with much new construction. Our group was briefed on the new anthrax laboratory, ostensibly for defensive purposes. It could have meant development of anti-toxins in case of an attack but it was never made clear even when questioned. The nuclear lab scientist - whom I dubbed "Dr. Strangelove" - in response to a question about the viability of sub-critical nuclear testing, said that if the test didn't work in those conditions, their view was that the exterior was an extension of the lab - this despite the ban on atmospheric tests and the moratorium on all testing. He told us that the development of a new plutonium pit used for manufacture of weapons was under consideration. And two months ago, on July 2nd, this plutonium pit was certified. We heard too, that the Nevada Test site was also being readied for testing, despite the moratorium.

It is true I went before September 11<sup>th</sup>, but the security was very lax. There were no security guards. We drove through the open gate right up to the laboratories. The anthrax laboratory was housed in the same building as nuclear materials. We were shown how a forest fire had burned right up to the fence posing danger because of the nuclear material housed in a building close to the fence. Even though it was before September 11th, concern was expressed by our group of the possibility of a terrorist attack.

### **New Nuclear Dangers: Proliferation and Non-State Actors:**

The proliferation of nuclear weapons by states and the advent of terrorists seeking to acquire nuclear weapons or radiological material **compound** the still existing dangers, the remnants of the Cold War. The United States' and the Soviet Union's Cold War deterrence strategy of Mutually Assured Destruction - **a form of state terror** - transformed the world - to paraphrase John F. (President?) Kennedy - into a prison in which men, women and children await their execution - paradoxically, this situation made the world relatively safe.

The new possibility of many nuclear-armed countries such as India and Pakistan, threatening to use, or using nuclear weapons to resolve their territorial conflicts; or other states - say, in the Middle East - to solve their regional problems, is frightening to the extreme. There was consternation- but it was short-lived - when, in 1974, India tested a nuclear device, *Smiling Buddha*, developed from a Canadian Cirus reactor and heavy water from the United States, both provided in 1954. The reactor was provided for peaceful research purposes but was converted for bomb manufacture. The response from Pakistan was to quickly move to develop its own programme. It was not long before concern about the matter slid away from international consciousness.

The spectre of horizontal, that is geographical, proliferation was raised again in May 1998, when India quickly followed by Pakistan tested nuclear weapons. Because both India and Pakistan - as is Israel - are outside the Nuclear Non-Proliferation Treaty (which I will discuss later) they were, in no sense, contravening agreements. However, the countries which supplied nuclear technology after 1970, all Nuclear Non-Proliferation Treaty members - contravened their NPT Agreements.

According to Mohamed ElBaradei, the Director of the International Atomic Energy Agency, (which I shall refer to as the IAEA) there are approximately 40 states which, like North Korea

and Iran, legally, through their NPT Agreement for acquisition for peaceful uses, possess nuclear technology and material, thus providing the capability to develop nuclear weapons.

Carbon-dioxide free nuclear power has become an attractive option because of environmental concerns. This increases the risk of diversion to weapons manufacture capability by states so inclined and creates a further risk of the acquisition, by terrorists, of fissile and other radioactive material.

Because of a nuclear Israel, Middle East states, like Iraq, Libya sought - and now Iran is seeking - to acquire nuclear weapon capability. I understand that other Middle Eastern countries - Turkey, Egypt, Saudi Arabia and other Gulf States - are giving thought to their nuclear possibilities because their region is home to one nuclear-weapon State and now Iran, though an Nuclear Non-Proliferation Treaty member, seems intent on developing nuclear weapons.

### **On Top of this We have Proliferation Dangers from a Nuclear Black Market:**

The disclosure of the A.Q. Khan, illicit nuclear trafficking network shocked the world in February 2004. It is speculated that the Government of Pakistan - at a minimum - was aware of Khan's illicit trafficking network which was conducted through middle men in Malaysia, Germany, Turkey, Switzerland, and the United Kingdom; and used legal front companies in Malaysia and Dubai. Khan was pardoned by Pakistani President, General Mushareff and "the smuggling of nuclear weapons technology continues."<sup>16</sup>

### **Proliferation Dangers - Nuclear Terrorism:**

The most fearsome threat is the threat of terrorists acquiring a nuclear weapon or a radiological device and detonating it. Al Qaeda has made repeated efforts to obtain nuclear materials to build either a radiological bomb or a crude nuclear bomb. Three Pakistani scientists, closely aligned with Khan, were arrested in October 2001, for their suspected connections with the Taliban.

The IAEA Illicit Trafficking Database, between 1995-2004, records 664 confirmed incidents of theft - eighteen of which involved Highly Enriched Uranium or plutonium. Some involved kilo quantities.<sup>17</sup>

A difficulty terrorists would encounter would be crossing borders with radioactive materials. However, acquisition of the necessary materials to develop a nuclear or radiological bomb within the United States may not be difficult. On June 5<sup>th</sup>, it was reported in the *Albuquerque Journal* that 38 drums of radioactive waste were missing, enough, according to Greg Mello of the Los Alamos Study Group, to make an advanced nuclear weapon. And as physicist, Freeman Dyson says, "nuclear science is a dead subject", which I take to mean that there is nothing new to be known and all that is needed, to quote him, is "competent engineers, and acquisition of fissionable material and designs."

This present a real threat when one considers the high educational qualifications of the September 11<sup>th</sup> terrorists, and also the number of qualified medical doctors involved in the recent

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<sup>16</sup> *Khan's Nuclear Network*, WMDI, Monterey Institute, Centre for Non-Proliferation Studies)

<sup>17</sup> *Weapons of Terror: Freeing the World of Nuclear, Biological and Chemical Arms*, [www.wmdcommission.org](http://www.wmdcommission.org), 2006, 40)

failed car-bombings in Central London. And as suicide terrorists have been demonstrating for years, mutually assured destruction is welcomed in pursuit of the cause.

Several steps have been taken to address these issues. For example, the United States Cooperative Threat Reduction programme to secure Russia's nuclear-weapons related facilities and fissile material and reduce the risk that scientists will provide the specialized knowledge to terrorists; and the above-mentioned IAEA Trafficking Database - one of the IAEA's many programmes to secure materials, strengthen verification authority and capability. However, the expectations on the IAEA are immense. Its original mandate was to control and monitor nuclear technology for peaceful use but, now, its responsibilities have grown. And it is grossly underfunded for the major new role it is expected to play because of new threats of proliferation and terrorism.

Bruce Blair, former United States nuclear launch officer and now President of the Washington-based, World Security Institute, raised another possibility which, hopefully is remote – that of hackers into the nuclear communications networks or launch circuits who could set in process a nuclear launch. Blair cites a flaw in the U.S. Trident Submarine command and control systems - an electronic backdoor to the naval communications network, which could have been broken into by hackers, who could then send a launch order over the airwaves to the submarines.<sup>18</sup>

### **What has been done!**

The Peace Movement, since 2001, has been distracted from the nuclear issue because of terrorism and the Iraq war. However, there have been significant, past disarmament achievements. The peace movement is credited with influence on John Kennedy, and a consequence of this influence was the United States, Soviet Union and Great Britain Partial Test Ban Treaty in 1963, which outlawed nuclear tests in the atmosphere, in space and in the water. In 1980s the United States saw the largest political peace demonstrations in its history, which drew support from 70% of the public. At the same time, five million Europeans demonstrated against the planned deployment of United States intermediate range nuclear missiles on their territories.<sup>19</sup>

According to US Secretary of State, George Schultz, Reagan was stunned and decided he had to propose nuclear disarmament. Andropov, Gorbachev's predecessor was not ready, but Gorbachev, influenced by both the Western peace movements and the Chernobyl disaster willingly joined with Reagan and began to disarm. The results were a US-Russia ban on all nuclear missiles with a range between 500 and 5,000 miles, followed, in the Bush-Gorbachev era, by the Strategic Arms Reduction Treaty I [START I] which cut strategic intercontinental nuclear weapons and was to eliminate all tactical nuclear weapons. However, the elimination of tactical weapons remains incomplete. The 1990s saw the achievement of a moratorium, or a permanent ban, on testing by the nuclear weapons states.

By the mid-1990s, the number of nuclear weapons had halved. The current estimate of total cuts by all nuclear weapons states is around 40,000 warheads, leaving some 27,000, **enough still to**

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<sup>18</sup> *Bulletin of Atomic Scientists*, Nuclear Weapons, Primed and Ready, Jan-Feb. 2007)

<sup>19</sup> Lawrence S. Wittner, *Historians Against War Newsletter #4*, "The Role of Peace Activism in Ending U.S. Wars, 2007)



**incinerate us all.** Jayantha Dhanapala, former UN Under Secretary-General of Disarmament Affairs, in 1999, commented that at the current rate of reduction, the nuclear weapons states “will finally reach zero sometime in the middle of the 24<sup>th</sup> century”. That is to say 350 years from now.<sup>20</sup>

### **Australia’s Contributions:**

Australia’s contributions, since 1996 have not been helpful to the disarmament agenda. However, Australia can be proud of its past record in promoting nuclear disarmament – with several distinctive actions: Dr. Helen Caldicott’s 1982 Academy Award winning documentary, “If You Love this Planet,” had a tremendous impact and, at the time, was condemned by the US Administration as “political propaganda”; the Government of Australia – and New Zealand as well - took France to the International Court of Justice on nuclear testing in the Pacific, though France stopped testing so the case was dropped. And the Canberra Commission on Nuclear Weapons: which I suggest, in light of forthcoming elections and, perhaps, a change in government; influence be brought to bear on re-convening this Commission. And as well, at the Australian High Court, in the case with regard to uranium mining at Coronation Hill, the Sacred site, Guratba - one of the sites within the Sickness Country - Queensland’s Jawoyn People got it right with their testimony: **"If you touch the earth you will die."** They **understand** its deadly potential!

At the International level, there have been a number of excellent quasi-government initiatives to address nuclear disarmament: The Canberra Commission on Nuclear Weapons was presented to the United Nations in 1996. Unfortunately, because of a change in government, the Commission and its recommendations were not supported or promoted widely by Australia. However, its recommendations have been well taken. There was the Tokyo Forum (1998-1999) which never achieved much. And currently, we have the very active Swedish Government-initiated Weapons of Mass Destruction Commission. Its Report has recently been translated into 6 languages and Hans Blix, Commission Chair travels around the globe to promote the Report's recommendations and mobilize support for a ban on nuclear weapons.

Now after many references to the Nuclear Non-Proliferation Treaty, I am finally going to talk about it. The most important action undertaken by the International community, was the creation of the United Nations, Nuclear Non-Proliferation Treaty.

### **Nuclear Non-Proliferation Treaty:**

The Nuclear Non-Proliferation Treaty (which I will refer to as the NPT) which opened for signature in July 1968, entered into force in 1970, and in 1995 was extended indefinitely. The NPT is the most legally-binding and universal treaty of all. The United Nations has 192 member countries [with the accession of Montenegro this year]. 187 of these states (with North Korea’s withdrawal) are party to the Nuclear Non-Proliferation Treaty. The Treaty is committed to universality. North Korea has withdrawn and will possibly return. Only Pakistan, India and Israel, *de facto* nuclear weapons states, remain outside. The challenge is to find a way to draw these States into the Treaty without giving them status as nuclear weapon states – a situation which would encourage acquisition of nuclear weapons by states which have agreed to forgo nuclear weapons.

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<sup>20</sup> *Prospects for Nuclear Disarmament,* February, 1999

Israel has a policy to neither confirm nor deny its possession nuclear weapons so little discussion is possible - a policy I find absurd. Mossad, the Israeli Secret Service went to a lot of trouble to lure nuclear “whistleblower”, Mordecai Vanunu from London to Rome, drug him and ship him in a crate to Israel and confine him to jail for 18 years, 11 of which were in solitary confinement. This is confirmation enough. If Israel had no nuclear weapons, the most they would have done if he entered Israel would be to confine him in a lunatic asylum.

To return to the NPT: The Treaty is a three-way commitment by the five nuclear weapons states - who tested and acquired nuclear weapons before 1967 - to eliminate their nuclear arsenals in exchange for the commitment by the 182 non-nuclear weapons states that they will neither acquire nor develop nuclear weapons. The Treaty forbids both horizontal and vertical proliferation, which means that the five designated nuclear weapons states must neither add to, nor upgrade the capability of, their arsenals - and are committed to eliminating them. The non-nuclear weapons states in exchange for their commitment to forgo nuclear weapons, are given access to nuclear technology for peaceful uses of nuclear power. For this reason the Treaty is sometimes defined as a Faustian bargain because it is not difficult to transform either heavy or light water nuclear reactors from power generation to the production of weapons material as India, Pakistan and North Korea have demonstrated.

Currently, the nine nuclear states – the five accepted under the NPT and the four *de facto* - hold an estimated total of some 27,000 nuclear weapons. The United States and Russia, between them have 26,100 nuclear weapons; France has 350, the United Kingdom - 200, and China - 200. Of the three states who never signed the NPT: Israel is thought to have between 75 and 200, India - between 40 and 50, and Pakistan - between 24 and 48. North Korea legally acquired the technology as a member of the NPT, and since withdrawn, has tested a weapon.

### **The Nuclear Non-Proliferation Treaty Today is under Threat, Undermined and Eroding:**

In 1995 the indefinite extension of the NPT provided hope for the possibility of nuclear disarmament. At the 2000 NPT Review Conference, 13 Practical Steps to Disarmament under Article VI were adopted by the Conference. I believe I am correct when I say that these steps owe much to the Canberra Commission Report. Despite the feelings of confidence in a renewed commitment to disarmament at the 2000 NPT Review Conference there was the rude awakening to the necessity to achieve universality because of the 1998 India and Pakistan tests. George Bush became US President at the end of 2000 and, since then, all disarmament initiatives have been rejected, and multi-lateralism has been scorned. The 2005 NPT Review Conference ended in acrimonious failure and without a final statement.

The disarmament **commitments**, which included an unequivocal undertaking to eliminate nuclear arsenals, made by the United States at the 2000 NPT Review Conference, were rejected by them at the 2005 NPT Review conference and denigrated to the status of “**suggestions**”. This backpedaling, however, was apparent at the end of Clinton’s tenure. I was a member of the Canadian Delegation to the 2000 NPT Review Conference which ended on a high note with all states committed to Article VI, the Practical 13 steps to Disarmament. I was walking out of Main Committee Room 1 at the UN, with another member of the Canadian Delegation and a member of the US Delegation. My Canadian colleague, referring to the 13 Steps in Article VI,

said “how are you going to deal with this decision in Washington?” (or words to that effect). The American Ambassador laughed and said “They are just words.”

Three of the NPT Article VI 13 Steps committed to were: (1) Entry into Force of the Comprehensive Test Ban Treaty (CTBT) which the United States has refused to ratify; (2) A Fissile Material Cut-off Treaty which the United States refuses to negotiate because of the Verification commitment; and (3) the Anti-Ballistic Missile Treaty, a bi-lateral agreement between Russia and the US (which I will refer to as the ABM Treaty). The United States withdrew from this Treaty in order to proceed with the development of its Ballistic Missile Defense Shield, which is a prelude to its proclaimed development of weapons in space. The Ballistic Missile Defense is both sword and shield because it has a missile response component thus poses a threat.

The United States' withdrawal from the ABM Treaty led Russia to abandon START II, the second Strategic Arms Reduction Treaty, and the cancellation of the 1997 Framework Agreement START III - treaties between Russia and the US to eliminate in concert, a portion of their nuclear arsenals. Currently, the United States intention to build bases for its Ballistic Missile Shield in Poland and the Czech Republic is causing a resumption of Cold War hostilities; with Russia withdrawing from a key Conventional Arms Agreement regarding its placement of military equipment – considered to be the cornerstone of European security. Two weeks ago President Putin gave notice that the Russian air force would resume, immediately, its former Cold War-style long-range patrols by nuclear-capable bombers over the Pacific and Atlantic Oceans and over the North Pole.<sup>21</sup>

China's response to the abandonment of the ABM treaty was to announce that, because it was now under threat because of the Ballistic Missile Defence and the United States' plans to weaponize space, it would have to upgrade its existing nuclear weaponry, increase its arsenal, and modernize and expand its own Ballistic Missile Defense systems. In January of this year, China destroyed one of its satellites with a ground based missile – which possibly is to be viewed as a warning that China will develop, or is developing, space weapons.

In (May) 2002, the United States and Russia signed the Moscow Treaty, the Strategic Offensive Reductions Treaty. This Treaty is damaging to the Disarmament regime because it requires only the storage of some of the weapons, has no verification or transparency measures, and expires the day it comes into effect. And currently, the Bush Administration is attempting to establish similar loose practices with regard to renewal of the original Strategic Arms Reduction Treaty (START I), which expires and is up for renewal in 2009. The U.S. Administration has stated that it will allow the Treaty to expire because it prefers informal verification of arsenals rather than Treaty-based. The CIA has expressed its opposition to this.

I imagine you are all aware of the damage to nuclear disarmament perpetrated by the Bush Administration with its Nuclear Posture Review and National Security Strategy. Besides reconfirming that nuclear weapons remain the cornerstone of their security policy, there was a commitment to use nuclear weapons against any **perceived threat** from conventional, chemical or biological weapons, that is to say, to **pre-empt** and to **prevent** an attack. Moreover, this

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<sup>21</sup> *New York Times*, August 18<sup>th</sup>, 2007

policy negated earlier assurances that the US would not use nuclear weapons against non-nuclear weapons states party to the Treaty.

In violation of its Treaty obligations, the U.S. has reversed direction with plans for a new generation of nuclear weapons, and plans to introduce nuclear weapons in battlefield strategy.

The world community can be thankful that the US Congress is now in control of the Democrats because funds for nuclear research into new nuclear weapons have been refused. And recently funding - some \$600 million - for the Stockpile Stewardship Reliable Replacement Warhead programme was rejected. The purpose of the Reliable Replacement Warhead programme is to upgrade the weapons capability - to design the first of a new generation of nuclear warheads - a new hydrogen bomb. However, the outcome of the Congress refusal to fund is uncertain because it is less than 1% of a large weapons-related package and there may be a veto from the White House. Moreover, it is, more than likely, simply a delay and slowdown of the programmes, because the funding requests will continue to be put forward by the Pentagon.

And further, on July 2<sup>nd</sup> of this year, Los Alamos celebrated the completion - at a cost of \$1.4 billion - of a new plutonium pit - the plutonium trigger of a nuclear weapon for a Trident-launched W-88 warhead of 475 kilotons. This was the first plutonium pit since the 1980s; and because the plutonium trigger was developed without testing, it was celebrated as a "milestone for the nuclear weapons programme."<sup>22</sup> A sign that the nuclear weapons establishment intends to continue with weapon development. The Nevada Test site, however, "is being maintained in a state of 24-month readiness" in case the warheads need full testing.<sup>23</sup>

The Democrats may slow the process and perhaps retain the *status quo* but I cannot imagine, even with a change to a Democratic White House, that there will be any dramatic policy change, that is to say, a policy to eliminate nuclear weapons. A colleague of mine working closely on these issues in Washington believes the "overall nuclear weapons situation, including U.S. nuclear policy is likely to be worse in two years than it is now."<sup>24</sup>

The US continues to flout the NPT, and on July 29<sup>th</sup> signed an Agreement with India to transfer nuclear technology - a state **not**-party to the NPT. The US Congress in July 1996 amended laws to allow civilian nuclear trade with India. My understanding is that Congress has not yet signed off on the recent agreement and, as more details of the Agreement emerge, there is much controversy; particularly, as it seems that the Agreement is not nullified, if India tests a nuclear weapon - a condition in all Agreements with other states, NPT members, who receive nuclear technology. The US has been pressing the Nuclear Suppliers Group to change its terms of reference, and I understand that earlier this year the Nuclear Suppliers Group began an informal exploration of an India-only exemption to the full-scope safeguards. Ironically, the United States response to India's 1974 test of a nuclear device developed from non-specific, that is to say, peaceful-use, nuclear technology, was to form the Nuclear Suppliers Group, in order to control nuclear technology and confine transfer within the NPT!

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<sup>22</sup> Eli Kintisch, Department of Energy:" *Science*, "Nuclear Weapons Triggers US Policy Debate", July 20/07

<sup>23</sup> Cabasso, *ibid*, 91.

<sup>24</sup> Greg Mello, Los Alamos Study Group, June 14/07

It is disappointing, to say the least, that the Government of Australia, which recently refused to sell uranium to India unless it joined the NPT, has backtracked and is in discussions with India about the sale of uranium. It reminds me of when Prime Minister Hawke announced that U.S. warships, which would neither confirm nor deny whether or not they carried nuclear weapons, would no longer be allowed to dock in Australia. I think it was only about three days before George Schulz, President Reagan's Secretary of State, flew to Australia and Hawke retreated. And Hill Knowlton, the public relations firm, was hired to convince the residents of Jervis Bay, down the coast from Sydney, that it would be an asset to have US nuclear-armed vessels there. I know this because my niece at Hill Knowlton was given this task.

With all due respect, Foreign Minister Alexander Downer is naïve with his statement that India would not risk becoming an international pariah by illegally diverting Australian uranium into its nuclear weapons programme, considering that this is exactly what India did in 1974. India broke its Agreement with Canada and the United States. Canada provided a Cirus reactor and the United States provided heavy water to India reactor for peaceful research purposes and India contravened the Agreement and diverted the technology to nuclear weapons purposes.

Again, with all due respect, Mr. Downer is duplicitous when he says he does not think it fair that Australia "shouldn't export uranium to any country that has nuclear weapons and names the five nuclear weapons states which Australia supplied. It is misleading, to say the least, to omit the fact that the states Australia supplies with uranium, i.e., the US, China, UK, France and Russia, have a legal right under the NPT to nuclear materials, and most importantly, are committed under the NPT to eliminate their arsenals, which India is not. Moreover, he fails to state that Australia will violate the Treaty of Raratonga and the NPT if it supplies India with uranium.

It is difficult to believe that the US move is a strategic one to bring India into the NPT if the Nuclear Suppliers Group is exploring an India-only exemption to the International Atomic Energy Association full-scope safeguards. Both India and Pakistan are being strongly encouraged to sign all the IAEA safeguards treaties and protocols.

I understand the signing of the IAEA Safeguard Agreements is a requirement for the deal. An issue with this, however, is that India can choose which of its nuclear facilities to place under the safeguards so it will be able to continue with its nuclear weapons programme. "The Cirus and ... other plutonium producing reactors – [more than half the total] - are to be kept out of the IAEA Inspections regime."<sup>25</sup> None of the non-nuclear weapons states party to the NPT are permitted to have nuclear weapons programmes. Further, India's record of providing nuclear power from its existing facilities is not good. Even if India enhances its capacity to provide nuclear power, I cannot imagine that Australia can be certain that the uranium exported to India will be used for peaceful purposes only.

Australia's first approach was the correct one. If India had agreed to join the NPT, it would have been accepted only as a non-nuclear-weapon state, that is to say, it would have been required to eliminate its nuclear arsenals. If this Agreement passes all the hurdles, India nuclear weapons capability will remain. Though the original five nuclear weapons states are not eliminating their arsenals, they actually are required too. So India, as a nuclear state, has the ideal position in the nuclearized world, the only country in the world permitted to keep its arsenal, with no

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<sup>25</sup> Ernie Regehr, "*Canada-India and the Changing Non-Proliferation Rules*, April 10, 2007

requirement to eliminate its weapons and permitted to receive nuclear technology. China has been loud in its objections and, to date, the Nuclear Suppliers Group is divided on the issue. There has been an ominous silence from the majority of the 182 non-nuclear weapons states party to the Treaty. I say ominous because, it is possible that the non-nuclear states welcome this Agreement. Then they, too, will then proceed to develop their own nuclear capability. The erosion of the NPT will be complete.

Besides commercial reasons, the most likely motive for the new US engagement with India is because China and India are emerging world powers. The US is strengthening its relationship with India, because China is viewed as a threat. The United States fears China's new naval build-up, now with a capacity which includes two nuclear submarines, one an attack submarine and the other a ballistic missile submarine. The United States has increased the number of its capability-enhanced nuclear-armed Trident II submarines in the Pacific, to eight to create a form of pressure on China.

The bellicose and hypocritical position of the US is magnified with its plan to manage, or control and to counter proliferation, which in their definition, means to designate unfriendly, potential proliferating countries as rogue or terrorist states, while turning a blind eye to friendly countries, such as Israel, and now India, because they view their intentions as benign; and to ignore the vertical proliferation of the five nuclear weapons states.

The United States invasion of Iraq is the example of how it counters proliferation. And, according to John Bolton, the US former Ambassador designate to the UN, proliferation will be countered in other states which do not learn the "appropriate lesson" from the US attack on Iraq.<sup>26</sup> The lesson, in my view, to be learned from the United States' differing responses to Iraq which ...er "*possibly had*" nuclear weapons, and North Korea which they believed to have them, is that a state possessing nuclear weapons, has deterrent capability and can protect itself from invasion!

The Bush Administration, four years ago, launched the Proliferation Security Initiative and invited states to join as members of a "Coalition of the Willing". Australia is a member of this group. The purpose of the Proliferation Security Initiative is to intercept vessels in port and on the high seas - and use armed force if necessary - to search for weapons of mass destruction. This is legally questionable and has also been criticized for its lack of transparency and accountability.

Security Council Resolution 1540 is another counter proliferation measure which requires countries to develop and enforce domestic laws to prohibit individuals from acquisition, manufacture, possession and transfer of nuclear, chemical or biological weapons or their means of delivery. These measures have some merit. However, they are outside the NPT, thus tend to weaken the treaty because, first of all, the power is vested with the nuclear-weapons veto-holding members of the Security Council with their political overtones and overt self-interest in retaining their arsenals. And secondly, these initiatives ignore one important commitment of the NPT bargain; that is to say, they are neither disarmament measures nor directives to the nuclear

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<sup>26</sup> Arshad Mohammed, *US Hopes Iraq War Will Make Others "Back Off"* WMD, Washington, Reuters, March 31, 2003)

weapons states to fulfill their disarmament obligations to eliminate their arsenals. And third, they undermine the multilateral practices which give treaties their power. In an interdependent world where weapons of mass destruction can destroy us all, co-operative security and collective action is the only means of survival.

I have focused on the intransigence of the United States primarily because they are the greatest and current obstacle to nuclear elimination and prohibition. However, Russia takes its signals from the US nuclear doctrines, policy and practices. These two states and, as well, the United Kingdom, and recently France, have asserted their readiness to use nuclear weapons against the threat of chemical and biological weapons.

Gordon Brown, prior assuming the Prime Minister-ship from Tony Blair, announced that he would follow Blair's plan for new nuclear weapons which, itself, was a reversal of Blair's earlier policy of reducing their Trident capability. To add to their hypocrisy, UK Foreign Secretary, Margaret Beckett recently gave a much-lauded speech on the elimination of nuclear weapons, at this year's Carnegie Conference, in which she announced that the UK will retain its capability far beyond 2020. She linked the word "eventual" consistently (four times) with the Nuclear Weapons States commitment to nuclear disarmament (the word "eventual" does not appear in the NPT document), and expressed her sadness that it would neither happen in her lifetime, nor in that of all the people in the room. However, it appeared to me from her speech that she was calling the United States to account - to reverse their trend and restart their disarmament process- for which she may feel some justification, given that both the UK and France state that they are waiting for parity with the US and Russia before they eliminate their own arsenals.

There is no transparency with regard to China. However China is the only nuclear weapons state to declare a policy of no first-use of nuclear weapons.

North Korea's actions also seriously weaken the Treaty, because as a member of the NPT, North Korea obtained nuclear technology and then withdrew with impunity. The need to strengthen the Treaty, to include consequences associated with withdrawal, was the subject of much discussion at 2005 NPT Review Conference and the recent Preparatory Conference. North Korea's nuclear test, followed by its withdrawal, undermines the Treaty because - as I have said - there are many nuclear-capable states, [about 30 of whom are] believed to be reconsidering their NPT commitments and may find it tempting to do likewise; first, because there are no consequences, and secondly, using the rationale that the nuclear weapons states are not willing to fulfill their side of the bargain to eliminate their nuclear arsenals.

I have no good news! The situation is very serious. The world has been sleepwalking through the many warning signs which were consistently ignored; and we are now in the situation, where technologies of mass destruction are rapidly becoming more and more accessible; and we are in the position in which one group - either state or terrorist - can destroy the life of all on this planet. It is difficult for the human mind to grasp this. Psychiatrist, Robert Jay Lifton, specialist in issues of weapons of mass destruction, explains the phenomenon as *psychic numbing*. Jonathan Schell, in *The Fate of the Earth*, writes that it is anathema to conceive of one's own death, which may explain why the major religions promise life after death.

In January of this year, the Board of Directors of Bulletin of Atomic Scientists moved the minute hand of the Doomsday clock from 7 minutes to 5 minutes to midnight. Their concerns were “porous national borders and expanded commerce in potentially dangerous dual-use technologies and materials .... the erosion of the global agreements and norms which have constrained the spread of nuclear weapons for decades. North Korea’s recent nuclear test, Iran’s nuclear ambitions, and the continued presence of some 26,000 nuclear weapons in the United States and Russia [as] symptoms of a larger failure to solve the problems posed by the most destructive technology on Earth.”<sup>27</sup>

Actually, the situation has lessened somewhat. Last July, North Korea agreed to shut down its reactors, the U.S. has supplied the agreed-upon 500 tonnes of crude oil, the first of the promised 1 million tones, necessary to provide power for North Koreans. And Iran is allowing IAEA Inspection of its facilities. However as of this writing, all that is clear in the situation with Iran is that they intend to retain their capability to enrich uranium.

Nothing though has changed with regard to the elimination of some 26,000 US and Russian nuclear weapons. However - though the US Pentagon and the German Defense Ministry refuse to confirm or deny - I heard that an estimated 130 of United States nuclear weapons were recently withdrawn by the US from its Ramstein, Germany airbase. Russia’s relations with the United States have worsened because of the proposed Ballistic Missile Defence bases in Poland and the Czech Republic. And with Britain, because of the murder, using radioactive Polonium 210, of Alexander Litvinenko, and Russia’s refusal to allow extradition of the murder-suspect.

### **Legality of Nuclear Weapons:**

There is no ban on nuclear weapons. Nuclear weapons are outside the law – in a lawless limbo. The United States in 1977, protected legally, its right to use nuclear weapons when it signed the 1977 Geneva Protocols on Genocide with the statement “rules established by this protocol ... do not regulate or prohibit the use of nuclear weapons.”<sup>28</sup> Yet, how could it not!

More recently, France signed the International Criminal Court Convention with an Interpretative Declaration which reads: **The provisions of article 8 of the Statute, in particular paragraph 2 (b) thereof, relate solely to conventional weapons and can neither regulate nor prohibit the possible use of nuclear weapons...**<sup>29</sup> This Interpretative Declaration will allow France to commit nuclear mass murder with impunity.

The UN General Assembly, On December 15<sup>th</sup>, 1994 requested an opinion from the International Court of Justice on the Legality of nuclear weapons. The question posed to the Court was “Is the threat or use of nuclear weapons in any circumstances permitted under International Law?” With a vote of seven votes to seven, and by the President’s casting vote, the Court decided that:

*The threat or use of nuclear weapons would generally be contrary to the rules of international law and applicable in armed conflict, and in particular the principles and*

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<sup>27</sup> Mark Strauss, *Bulletin of Atomic Scientists*, Jan-Feb,2007, 4)

<sup>28</sup> cited in Michael Bothe et al, *New Rules for Victims of Armed Conflict Commentary on the Two 177 Protocols Additional to the Geneva Conventions of 1949*, The Hague, Martinus Nijhoff Publishers, 1982,pp.189-190

<sup>29</sup> *Rome Statute of the International Criminal Court, June 9/2000, Interpretative Declaration 2*



*rules of humanitarian law; however, in view of the current state of international law, and of the elements of facts at its disposal, the Court cannot conclude definitively whether the threat or use of nuclear weapons would be lawful or unlawful in an extreme circumstance of self-defense, in which the very survival of a State would be at stake.*

Geoffrey Robertson, Q.C., Australian of *Hypotheticals* fame, currently, Appeals Judge for the War Crimes Court in Sierra Leone, explains the Opinion in this way:

*States are not acting unlawfully by stockpiling nuclear weaponry or by acquiring the technology to build the bomb or by testing that technology. It means that states do not act unlawfully by threatening to use the bomb, or indeed by using it, so long as their leaders genuinely believe that their survival is at stake.*<sup>30</sup>

Hypothetically, this means that North Korea could launch a nuclear missile targeted on New York because it genuinely believed that the U. S. was threatening the survival of North Korea. However, there is an ironic twist: North Korea would be violating International law if its missile – nuclear or conventional - was targeted on the nuclear power plant 20 miles upstream from Manhattan on the Hudson River, because the International Humanitarian Law 1977 Geneva Protocols – the modern rules of warfare - make it illegal to target a nuclear power plant.

The most that can be said about Prohibiting Nuclear Weapons is that, first of all, there appears to be - at least so far - a moral prohibition. First of all, in the United States - the only country which has used nuclear weapons - my sense is, there is deep underlying guilt and a consequent moral prohibition at the highest levels which makes them unusable - the “Hiroshima factor.” And secondly, perhaps a political prohibition because of pressure from the peace movement – voting members in a democracy – which, to date, have played some part in prohibiting the use of nuclear weapons since the bombing of Nagasaki on August 9<sup>th</sup>, 1945.

Thirdly, it is a matter of sanity: nuclear weapons cannot be used because the mutually assured destruction factor would inhibit all but the insane. However, I include suicide bombers in this category because their own human lives have no meaning. North Korea would cease to exist if it fired a nuclear-armed missile targeted at the U.S., even if it failed to reach its target.

Most, if not all, of the positive actions concerned with peace, freedom, justice and human dignity, have risen – like the phoenix – from the ashes of war, from abominable acts of carnage and destruction. An appalling war-torn century ended with the 1899 Hague Appeal for Peace Conference, from which emerged International Humanitarian Law.

The League of Nations, and Permanent International Court of Justice, emerged from the bloodbath of World War I. The United Nations, the International Court of Justice, and the Nuremburg Charter were the response to the carnage of World War II.

Dismayingly, none of these worthy actions resulted in the end of war, or the reduction or elimination of weapons – in fact the reverse has occurred. We now have more than enough weaponry to incinerate us all, the probability of weapons in space, and the possibility of weapons

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<sup>30</sup> *Crimes Against Humanity*, 2006, 225

of mass destruction in the hands of non-state actors – terrorists – acknowledged to be the greatest danger we face.

I find it ironic that under the Geneva Protocols – the modern rules of warfare – it is illegal to attack a nuclear power plant. Yet there is neither a law against using a nuclear weapon, nor a ban on the missile that delivers the weapon.

My intention is not to focus on the failure of these praiseworthy developments; but rather, to raise the question that if the only humanitarian impulses, the only serious attempts towards a world without war emerge from – to quote the UN Charter - the “scourge of war,” – following this historical precedent of good arising from evil, do we have to wait for a nuclear attack, or accident, in the United States to secure a treaty prohibiting nuclear weapons and their delivery systems?

We cannot, for much longer, afford to mark time, shackled by the intransigence of the nuclear weapons states, and demoralized by the aggressive nuclear posture of the Bush Administration.

The nuclear age began in the United States, and the United States is the only country which has the power to draw its malevolent aspects to a close. Unless it takes the lead in eliminating and prohibiting nuclear weapons we, indeed, may be the last generation as Neville Shute, in *On the Beach* said of Australians who were the last left alive in the world, and dying from a nuclear war caused by the proliferation of nuclear weapons.

In an age where a world war involving weapons of mass destruction could eliminate the entire species, it is essential that we do not continue, like lemmings on this self-destructive course.

Thank you very much!

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*September 5th, 2007*