

The Future of the NPT
Towards a Nuclear Weapon Free World

Arrêtez La Bombe

**International Conference on
the Promotion of Nuclear Disarmament**

Assemblée Nationale
Paris, France
June 26-27, 2014

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Thank you!

First of all, I want to congratulate Paul Quilès, Bernard Norlain and Jean-Marie Collin, for convening this conference: for their book, *Arrêtez La Bombe*: and for the organization of the same name, which they have founded.

Thank you for the invitation to speak. *To be talking about nuclear disarmament in the Assemblée Nationale has to be an historic event perhaps equal to that of the French Revolution because, with all due respect to our host country*, France has been the state most *adamant* about retaining its nuclear weapons - the possessor of 300 nuclear warheads, two hundred and ninety of these deployed. And France continues to *modernize* its arsenal with plans to maintain its full nuclear capabilities into the *2050s* - all in contravention of the Nuclear Non-Proliferation Treaty which commits member states to the elimination of nuclear weapons, and to non-proliferation – both horizontal and *vertical*.

I have been asked to address the subject of the Future of the Nuclear Non-Proliferation Treaty, and I want to say at the outset that *a Treaty is only as good as the integrity of its signatories*. For this reason the Nuclear Non-Proliferation Treaty is under threat.

The NPT does have its weaknesses, such as:

- The ability of North Korea, to obtain nuclear technology, transform it to weapons-manufacturing capability and withdraw from the Treaty with *impunity*. This is a grave weakness with grim portents for the future because there are some 30 nuclear capable states; some of whom may find it tempting to follow North Korea's path, especially if the commitment to a Middle-East Zone Free of Weapons of Mass Destruction is not fulfilled; and if the United States, the United Kingdom, France, Russia and China – the P-5 -continue to flagrantly deny the commitment to eliminate their nuclear arsenals *as their part* of the three-way bargain.

Other weaknesses include:

- The lack of an NPT Secretariat like that of the Comprehensive Test Ban Treaty and the Chemical Weapons Treaty in order to monitor progress on a continuing basis.
- The underfunding of the IAEA and its lack of a mandate to verify and monitor military nuclear weapons facilities.
- Lack of universality. Although the Treaty is the most universal of all United Nations Treaties, with only four UN member states outside the treaty, these four states all possess nuclear weapons.¹

The Nuclear Non-Proliferation Treaty is the foundation document that has kept the world relatively safe from nuclear annihilation, primarily, because the great majority of the non-nuclear weapons states have honoured their part of the bargain. Of the 186 member states only North Korea has left the Treaty; and only Syria, Iraq, Libya, and allegedly, Iran have attempted to dishonour their commitments.

¹ 189 NPT member states, 193 UN member states

As a document, it is excellent treatise. It contains all the elements which could lead to a nuclear free world:

- The 1995 indefinite extension in which commitment was made to a Zone free of nuclear weapons in the Middle East
- The 2000 Article VI 13 Practical Steps
- The 2010 Action Plan,
- The reference to the International Court of Justice Advisory Opinion,
- The ground-breaking inclusion, in 2010, of the language on the Humanitarian consequences of nuclear detonation.

If honoured by the signatories, this document would enable the world to move forward to a nuclear free world within a reasonable time frame – by 2030, as in the Global Zero Action Plan.

However, the NPT will not bring us to *a nuclear weapon free world* unless nuclear weapons *cease* to be an integral part of P-5 military doctrines, postures and policies; unless the P-5 *cease* upgrading their nuclear arsenals; *cease* creating new capabilities for their nuclear weapons; and *cease* planning and budgeting for years ahead to continue to modernize their programmes for nuclear weapons, their delivery systems and the infrastructure required for their maintenance.

Governments of many of the non-nuclear weapons states, non-governmental organizations, and civil society are reaching the limit of their tolerance for the situation.

The failure to hold a conference on Weapons of Mass Destruction Free Zone in the Middle East, within the time-frame mandated in 2010 Action Plan, and *unilaterally cancelled by the United States* in support of Israel's reluctance to participate, is seen by Egypt as a flagrant breach of the 2010 Action Plan.

The Egyptian Delegation walked out of the 2013 NPT Preparatory Committee. His Excellency Ambassador Hisham Badr, though speaking only on Egypt's behalf - in two statements² –articulated the increasing dissatisfaction, and anger harboured by many non-nuclear weapons states because of the failure by the nuclear weapons states to act on their commitments made under the NPT. “*We cannot continue, he said, to attend meetings and agree on outcomes that do not get implemented, yet to be expected to abide by the concessions we gave for this outcome.*”³

For the most part, the increasing discontent is focused on the resistance of the nuclear weapons states to eliminating their weapons, and for their long-range plans for their retention. Though the weapons numbers have come down considerably since the end of the Cold War, the some 16,300 weapons that remain – many undergoing modernization for improved military capability - are still enough to destroy human life on the planet, and to subject the environment and any who survive to catastrophic consequences.

² the General Debate and Cluster II

³ www.reachingcriticalwill.org/disarmament-for-npt 2013/statements: Egypt, April 24 and 29/2013

Concerns about the humanitarian consequences of nuclear weapon use is a legitimate focus in fulfilling the goals of the NPT and is part of language of the 2010 NPT Review Conference Outcome Document.⁴

Yet the NPT nuclear weapons states boycotted the two Conferences on the Humanitarian Impact of Nuclear Weapons. And their recent negative votes - the first in April at the 2013 Prepcom; the second – though with China’s abstention - at the UN General Assembly in October 12th of that year, demonstrate the resistance and a siege-like mentality on their part. This group, was proposed - with good intentions - and designated the P-5 by our colleague, Des Browne in 2008, as a “mutual confidence building” measure to resolve verification and transparency measures, and *appears* to have mutated into an opaque and cohesive bloc enforcing the status quo.⁵

The United Kingdom and France already cemented their relationship with an agreement for joint nuclear-testing. And the United States and the United Kingdom are in the process of renewing their 1958 Mutual Defence Agreement for new cooperative measures on nuclear warhead design and “exchange of material crucial in the manufacture and stockpiling of nuclear weapons.”⁶ Both Agreements violate the spirit, if not the letter, of the NPT.⁷

The first Conference on the Humanitarian Impact of Nuclear weapons, hosted by the Government of Norway and attended by 127 states, was criticized by the United Kingdom as abandonment of the Action Plan, as a diversion, an “alternate process” and as *divisive*⁸. Yet surely, it was an alternate process and divisive *only* because *of the refusal to participate* by the United Kingdom and other P-5 members!

At the NPT 2013 Prepcom, the five nuclear weapons states and some of the states under the US nuclear umbrella rejected a statement of deep concern about the catastrophic humanitarian consequences of nuclear weapons, presented by the delegate from South Africa on behalf of eighty member states – 75% of the states participating in this Prepcom. Astonishingly, Japan – whose citizens continue to suffer from the U.S. bombings of Hiroshima and Nagasaki – also refused to sign.⁹

Four of five nuclear weapons states (China abstained) were the *only* states to vote *against* the United Nations General Assembly October 2013, Resolution 67/56¹⁰ The purpose of

⁴ Article VI and eighth to twelfth preambular paragraphs, point 80,

⁵ Desmond Browne, “Laying the Foundations for Multilateral Disarmament”, speech to UN Geneva Conference on Disarmament, 5 February 2008

⁶ “Exclusive: UK to step up collaboration with US over nuclear warheads” *The Guardian*, www.theguardian.com/world/2014/jun/12/uk-us-mutual-defence

⁷ Articles I and II re technology transfer and Article VI: Each of the Parties to the Treaty undertakes 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.

⁸ www.article36.org/nuclear-weapons/documents-suggest-uk-boycott. Documents suggest UK boycott of key nuclear weapons meeting was driven by P5 partners

June 4, 2013

⁹ Because the documents “stated that nuclear weapons should not be used under any circumstances. Ray Acheson, *A strategy for nuclear disarmament*, [www.reachingcriticalwill.org/disarmament-for a/npt/2013](http://www.reachingcriticalwill.org/disarmament-for-a/npt/2013)

¹⁰ *Taking Forward Multilateral Nuclear Disarmament Negotiations*.

this Resolution was to form an Open-ended Working Group to "develop proposals to take forward multilateral nuclear disarmament negotiations for the achievement and maintenance of a world without nuclear weapons."

France, designated all of the above actions, as "parallel processes" referred to them as turning "away from concrete measures" and undermining the "Action Plan and the NPT review process."¹¹ .

With all due respect to our host country, these statements are disingenuous! It is neither a *diversion*, nor a *parallel path*, but rather, supportive of Action 3, of the 2010 NPT Action Plan.

These activities on the Humanitarian Consequences and the Open-ended Working Group are all – to use the language of the Draft Recommendations to the 2015 NPT Review Conference – "fully compatible with the Treaty and the objective of achieving a world without nuclear weapons"¹²

It is not my intention to mount an *unwarranted attack* on the P-5. Nevertheless, I *am* becoming concerned that their intransigence will *drive* the increasingly dissatisfied nuclear disarmament community, governments, NGOs and civil society to further weaken the NPT by *instituting a ban on nuclear weapons* similar to that of the landmines and cluster munitions.

These other indiscriminate weapons – landmines and cluster munitions - are peripheral weapons and the bans were successful in *encouraging* the cessation of manufacture, sale and also, *for some*, a moral inhibition, or prohibition on use. Non-signatories to the treaty, Myanmar and Syria, however, are still actively laying landmines – Syria with hundreds of thousands along its borders with Lebanon and Turkey.¹³

Nuclear weapons are not in the same category – they are central in the P-5 Defence policies - and for non-nuclear weapons states to ban them, cements them further into abiding by their commitment to forgo nuclear weapons while the five possessors of nuclear arsenals can remain non-signatories and ignore the ban.

I propose – as one outcome -that this conference places emphasis UN Secretary-General's Five Point Plan, Point One for the Nuclear Weapons Convention or a Framework of Negotiated Agreements – the Global Zero Action Plan is a good start: and following the Conference, to promote this in order to support the ongoing viability of the Nuclear Non-Proliferation Treaty.

¹¹ www.reachingcriticalwill.org M. Jean-Hugues Simon-Michel, Ambassador, Head of the French Delegation, Statement, Third Session of the Preparatory Committee *General Debate*, April 28th, 2013, *Cluster 1*. May 2nd, 2013

¹² NPT/CON.2015/PC.III/CRP.7.3/10

¹³ <http://reliefweb.int/report/syrian-arab-republic/international-campaign-urges-no-use-antipersonnel-landmines-syria>

France justifies its nuclear arsenal and its policy of deterrence in the April 2013 Defence Ministry White Paper which states that France's "employment of nuclear arms ... would only be conceivable in extreme circumstances of legitimate defence."¹⁴

This language is closely tied to that of a paragraph in the 1996 International Court of Justice Advisory Opinion on the Legality of Nuclear Weapons - "***the Court cannot conclude definitively whether the threat or use of nuclear weapons would be lawful or unlawful in an extreme circumstance of self-defence, in which the very survival of a State would be at stake.***"¹⁵ - a paragraph which is actually ***inconsistent*** with the entirety of the Opinion.

Nevertheless, France and the other nuclear weapons states use this as their rationale for retention of nuclear weapons and in order to exemplify their compliance to International Law.

France's contention, that is adhering to International Law, has been called into question by the Marshall Islands which, on April 24th of this year, filed nine lawsuits at the International Court of Justice against France and the eight other nuclear weapons states. The law suit contends that France is in ***breach*** of Customary International Law, and in ***breach*** of Article VI of the Nuclear Non-Proliferation Treaty commitment to "*pursue in good faith and to bring to conclusion negotiations leading to nuclear disarmament in all its aspects, under strict and effective international control,*" as the International Court of Justice at the Hague confirmed in its Advisory Opinion dated 8 July 1996.¹⁶

I understand that France has no intention of using its nuclear weapons. In fact, their purpose from the beginning was to give France status of that equal to the other permanent members of United Nations Security Council. Their possession is more of a ***deadly signifier of political power*** than a weapon for military utility.

I understand also that France has no ***current*** intention of eliminating its nuclear weapons, nor is it prepared to enter multilateral negotiations for the reduction of all arsenals to zero.

However, France is to be commended for its ratification of the Comprehensive Test Ban Treaty and for the dismantlement of its fissile material production facilities.

France is, also, to be commended for its elimination of land-based weapons, and for its unilateral reduction of nuclear weapons from a high of 500 to its current 300.

¹⁴ Application Instituting Proceedings Against The French Republic by The Republic of the Marshall Islands, to the International Court of Justice, 24 April, 2014, Point #30. Original citing: The Main Thrust of the White Paper: Twelve Key Points and new orientations" *Ministere del la Defense*, 2013, p4. Summarizing "Live Blanc: Defense et Securite Nationale", *Ministere de la Defense*, 29 April 2013, p.75, available at file:///Documents%20and%20Settings/palewis/My%20Documents/Downloads/LB-fiche%2012%20pt-UK.pdf

¹⁵ "*However, in view of the current state of international law, and of the elements of fact 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-defence, in which the very survival of a State would be at stake*"

¹⁶ International Court of Justice, Application instituting Proceedings Against The French Republic submitted on 24 April 2014 by The Republic of the Marshall Islands to The International Court of Justice

Nevertheless, *possession* of these 300 deployed nuclear weapons poses grave dangers to humankind. The risks are high from nuclear accidents, from an accidental, malicious or mistaken launch; from hackers penetrating the command/control systems and the possibility of “spoofing” an attack which would set off an automated retaliatory response.

Even though France is reluctant to fulfil its NPT obligations to eliminate its nuclear weapons, the state can play a strong role in strengthening and furthering other aspects of the NPT.

It seems that France is exerting itself as a positive force in international relations, for example, in initiating a phone call to Mr. Putin and hosting the first meeting for Mr. Putin with a Western leader since Russia invaded the Ukraine and annexed Crimea. At the same time, President Francois Hollande, invited the President of the Ukraine, Mr. Poroshenko to France and hosted a meeting between him and Mr. Putin and is leading peace negotiations.

As well, President Francois Hollande has been a leading figure in expressing his outrage about Syria’s use of Chemical Weapons. France also submitted a draft resolution to the UN Security Council referring the situation in Syria to the International Criminal Court.

Surely - given the evidence from Hiroshima, Nagasaki and the Marshall Islands¹⁷ - the potential consequences of a nuclear detonation is a catastrophe of greater magnitude than the *admittedly horrific* crisis in Syria. Surely in calling for the criminal justice system to act for crime against humanity in Syria’s use of weapons of mass destruction *resonates* for *all* weapons of mass destruction – chemical, biological and nuclear.

So I raise the question in this regard - what else can France do? What steps can France take to protect and ensure the continuing viability of the NPT? How can France manifest its status as a global leader in furthering the complete elimination weapons of all mass destruction – chemical, biological and nuclear.

France proudly confirmed its signature on the Protocol to the Treaty of Semipalatinsk on the Nuclear Weapons Free Zone in Central Asia; signed two parallel declarations with Mongolia on its nuclear-weapon-free status; and expressed its readiness “to sign the Protocol to the Bangkok Treaty on the Nuclear Weapons Free Zone in South East Asia. It is also France’s objective that a Conference on the establishment of a Zone free of nuclear weapons and other Weapons of Mass Destruction in the Middle East be held at the earliest possible date.

Thus France, as *a champion of Nuclear Weapons Free Zones*, could consider taking the lead in Europe - building on its nuclear partnership with the United Kingdom - and together with the United Kingdom, call for a Conference on a European Zone Free of Nuclear Weapons.

¹⁷ See Appendix page 8, cut from text because of presentation length

The appropriate time for a call for such a conference would be when there is some assurance of a successful outcome of the Conference on a Weapons of Mass Destruction-free zone in the Middle East.

France is already most active – in fact appears to be taking a leading role - in the negotiations with Iran on Iran's purported nuclear weapon aspirations, and is deeply committed to the creation of the Middle East Zone Free of Weapons of Mass Destruction.

France could more actively engage in this process in bi-lateral meetings to:

- Encourage Egypt to sign and ratify the Chemical Weapons Treaty.
- Encourage Israel to sign and ratify the Biological Weapons Convention and Egypt, Syria and the United Arab Emirates to ratify this Treaty.
- Provide support and encouragement to Israel to join the NPT as a non-nuclear weapons state and to eliminate its nuclear arsenal.

As well, France as a nuclear power - though not a member of the NATO Nuclear Planning Group - could *end its resistance* to the advocacy, on the part of the majority of NATO states, for the removal of NATO's tactical nuclear weapons from Europe. France could support the Global Zero Plan to repatriate all tactical nuclear weapons in combat bases in Europe and on its borders to storage sites in their home countries.

Of course, because of the Crimea and Ukraine situation, this advocacy has, no doubt, been put on the back burner. Nevertheless, it would be a mistake for a renewal of Cold War nuclear gamesmanship on the part of NATO and Russia. This would jeopardize the NPT and the gains – slow and reluctant as they are – achieved under the NPT. Renewal of Cold War tensions may cause some states to reconsider their non-nuclear status. France, as an independent nuclear power, could take the lead to heal the breach between Russia and NATO.

Finally, the P-5's UN Security Council veto power appears to have transmogrified into NPT veto power and wielded as a forceful instrument to obstruct any singular – unilateral - forward movement to zero nuclear weapons by P-5 members.

It is my understanding that the United Kingdom was considering participation in the Oslo meeting on the Humanitarian Impact of Nuclear Weapons; and both the United Kingdom and the United States considered participation in the Government of Mexico-hosted Nayarit Conference on the same subject, but consulted with its member-states of the P-5 *and were opposed*. France could at least refrain from its veto and support P-5 participation in the third conference hosted by the Government of Austria in in early December.

Failure by France, the United States, the United Kingdom, Russia and China to fulfil their commitments and to escalate the reduction of their nuclear arsenals, bodes ill for the NPT.

Thank you very much!

END

APPENDIX: Because of length the following was cut from the verbal presentation:

Because of the Marshall Islands lawsuits, I would like to focus our thoughts on the humanitarian consequences of nuclear weapons – to remind you of the 2012 United Nations Human Rights Council fact-finding Mission to the Marshall Islands and to hark back to 1996 - to the testimony of the Representative of Marshall Islands to the International Court of Justice in 1996, on the consequences of the 67 nuclear bombs tests conducted by the United States.

In March of 2012, the United Nations Human Rights Council sent a Special Rapporteur to the Marshall Islands on a fact-finding mission on ***human rights issues***, associated with the 67 nuclear tests, between 1946 and 1958, conducted there by the United States. He found the people living like nomads and suffering long-term health effects.¹⁸

Since 1954, the people of the Marshall Islands have engaged in “a lifelong battle for their health and a safe environment.” The radioactive fallout destroyed the lives of many – with deaths from leukaemia, brain tumours, thyroid and other forms of fatal cancers. Their food sources were destroyed – staple crops, like arrowroot, disappeared completely; the fish were radio-active and instantly caused blisters, terrible stomach problems and nausea.

Further consequences have been the inability to reproduce, and – in the period following the tests - the birth of severely deformed babies – entities - because in many cases they did not resemble human forms. There were no words in the Islanders language to describe these “monster” babies – some with two heads. So they described them as “octopuses,” “apples,” “turtles” and “jellyfish babies” who lived for a day or two – some with no bones and transparent – their brains and beating hearts visible.

The radioactive fallout from the nuclear testing has affected the health of three generations so far – and has jeopardized the lives of future generations.

Their experience provides an understanding of what life would be like for any survivors of any catastrophic detonation involving nuclear weapons. And we must prevent a fate, like that of the Marshall Islands, from ever happening again.

The International Physicians for the Prevention of Nuclear War undertook a study on the effects of a limited nuclear war between India and Pakistan - with each country detonating 50 small nuclear bombs, each the size of the bomb used on Hiroshima.¹⁹

The results of the study were that the bomb itself, the subsequent fire and the radiation from 100 small nuclear weapons, would kill 20 million people in less than a week. As well, the fires would inject about 5 million tons of soot into the upper atmosphere and cause a decade-long radical drop in temperature - “a nuclear winter”. This would affect

¹⁸ www.2.ohchr.org/english/issues/environment/waste/index.htm

¹⁹ - 16 kilotons - which is large enough to destroy a city.

food-growing regions in most parts of the world, and the lives of over 2 billion people would be at risk from famine – one billion of whom would be in China .²⁰

There is no such thing as a limited or controlled nuclear war. It is impossible to control the effects of the blast in time and in space. The humanitarian consequences for the world are so devastating that it is imperative that these weapons be destroyed – removed from the face of the earth - before humankind suffers from their immense destructive capability.

²⁰ www.ippnw.org/nuclear-famine-html