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Session III

The Road to the Elimination of Nuclear Weapons - the Guarantee for Human Survival

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Special Reports

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It is an honor to have been invited to participate in this symposium. Fifty years after the tragic dawn of the atomic age, the world has yet to rid itself completely of these weapons of mass destruction. It is therefore most appropriate to be here, in this city, to discuss how best to avoid further proliferation and to ensure the elimination of existing nuclear arsenals.

The use or threat of use of nuclear weapon is certainly immoral and probably illegal under International Law. And yet, for a half-century, these weapons have been developed and improved. Their elimination should be the highest priority of the multilateral disarmament agenda and it is up to the peoples of this planet to ensure that this occurs soon. How to get there from here is the question that needs to be explored.

Nuclear weapons did not just appear, like mushrooms, from one day to the next. And they will not disappear by themselves. Just as Nation-States decided to acquire them, Nation-States will have to decide to abolish them. And chances are that they will not do this on their own. The history of nuclear weapons, last year's session of the United Nations' General Assembly and the recent conference of the Treaty on the Non-proliferation of Nuclear Weapons (NPT) are most telling in this regard.

Nation-States do not often have the opportunity to sit down and examine together issues of fundamental importance to the well-being of all. Like the UN General Assembly's special sessions devoted to specific items or the world conferences on various topics, the 1995 NPT Conference was one such rare occasion. But it differed from other NPT Review Conferences and other UN-sponsored conferences in that its results could have a direct impact on the question of nuclear weapons for decades to come. What we did last spring in New York -- and especially what we failed to accomplish -- will probably shape the manner in which the international community approaches nuclear no- proliferation.

But let us not exaggerate. To begin with, although there are tens of thousands of nuclear weapons, they are in the hands of relatively few countries, a number much lower than some imagined in the 1950s when non-proliferation concerns moved up the list of international priorities. Then one heard the arguments about the "Nth Power", i.e., the dangers of living in a world where there were twenty or thirty nuclear-weapon States (NWS). Happily that has not happened. Today some 180 nations are committed, in legally binding instruments such as the NPT or the Treaty of Tlatelolco, to refrain from acquiring nuclear weapons. And that is very significant. "To go nuclear" is a decision that not too many countries want to make. In most, reason has prevailed. Canada, for example, decided to forego the nuclear option from the dawn of the nuclear age. Others, such as Sweden, remained undecided until the NPT put an end to an internal debate in the 1960s. Some, such as Germany or Japan, never had a choice because of constitutional constraints.

Instead of multiplying the nuclear players, what has occurred is an incredible nuclear arms build-up in five countries, especially the US and the former USSR. Initially that build-up was uncontrolled; later, after the SALT agreements of the 1970s, it was more orderly and almost predictable. And a central element of the nuclear-arms race was the testing of weapons and weapons systems.

At first nuclear testing was chaotic, haphazard and very unfriendly to the environment. The enormous mushroom clouds of the late 1940s and 1950s embodied the power and the terror which the nuclear age inspired around the globe. Those atmospheric tests also became the focus of a broad-based, worldwide movement to ban nuclear weapons. That movement has continued for decades with its ups and downs. The intensity of the Cold War seemed at times to wear it down. The most to underground testing, after the 1963 Partial Test Ban Treaty (PTBT), also reduced the visibility of the nuclear threat. For some, it was out of sight, out of mind.

Others persisted and the fear of the nuclear menace and its proliferation moved individuals, communities and nations to do what they could. Cities, towns, neighborhoods and even single homes were declared nuclear-free. After 1959 Antarctica was to remain totally de-militarized and in Latin America and the Caribbean the Treaty of Tlatelolco was concluded in 1967, banning nuclear weapons from the area and securing a formal, legally binding commitment from the NWS not to use or threaten to use nuclear weapons against the States of the region. The Treaty of Rarotonga followed in 1985, covering the South Pacific region and Africa will soon gain its own nuclear-free status.

In 1968 the NPT was concluded. Non-nuclear-weapon States (NNWS) Party to it promise to remain just that--non-nuclear. In return the Treaty encourages the transfer of nuclear technology for civilian purposes, including the benefits to be derived from peaceful nuclear explosions (PNEs). More importantly, the NWS (the USSR, UK and USA at first and China and France in recent years) agreed to move towards nuclear disarmament, including both quantitative and qualitative measures. A comprehensive test ban treaty (CTBT) has long been considered the most important of such measures.

Unlike other multilateral treaties, the NPT was not of indefinite duration. Many of the principal countries to whom it was addressed (Germany, Italy, Japan and Switzerland) insisted on a short duration, a kind of trial period, as well as review conferences, in order to ensure that the NWS would disarm before rendering permanent their own non-nuclear-weapon status. Thus the provisions of articles X.2 and VIII.3 and thus the 1995 Review and Extension Conference.

Why are NWS so reluctant to be in a process of genuine nuclear disarmament? It is largely due to the inertia of old habits, habits developed over decades. But in part it is also because of the fear of losing their status, a status they would deny others. In fact it might be said that the last to proliferate--the last to "go nuclear"--became an ardent proponent of horizontal non-proliferation. This was true of the US after 1945, then the USSR, then the UK after 1952, then France and finally China.

NWS are wrong on both counts. Initially, they attempted to rationalize their possession of nuclear weapons because of the Cold War. Now that the Cold War is over, they speak of unforeseen threats. They say they need them "just in case". But why are their so-called national security needs more important than those of others? Why do they insist, as adults to children, that the rest of the world "Do as I say, not as I do"?

Until the 1970s nuclear-testing was the one clear indication that a country had acquired a nuclear-weapon capability. Today that is no longer the case. Nations can manufacture a relatively reliable device without having to test it. Testing only becomes important if one wants to continue to improve bomb designs or go into the production of large numbers of weapons. Their price tag is such that their quality, i.e., their reliability, must be confirmed through testing before beginning their production.

Aside from the five States that have been testing for decades, it is difficult to identify another nation that would want to test today. The example of India is clear: it tested a so-called peaceful nuclear device in 1974. If testing is so important, why has it not continued to test?

Testing certainly played (and, in some cases, continues to play) a major role in the improvement of nuclear arsenals (their miniaturization and precision) and related nuclear-weapon technologies such as computer simulation. And because of the latter, among other reasons, the United States and the Russian Federation have decided to halt testing in what one could describe as the traditional way. Testing by explosion has lost much of its value, at least in those two countries, precisely because of scientific and technological advances in the field of computer simulation and the so-called laboratory experiments. Thus their unilateral moratoria and their call for a CTBT.

What is occurring now with regard to nuclear testing is no different from what has been happening in the disarmament field for years: The technologically more advanced nations reach a point where they can discard a certain weapon or weapon-related activity and then they move to ban that weapon or activity for the rest of the world through a multilateral treaty. This was the case with bacteriological (biological) and toxin weapons in the late 1960s. The same is true regarding chemical weapons after the Gulf War demonstrated to the US military that a large army, even one purportedly equipped with weapons of mass destruction, was no match for high-tech conventional weapons. The US concluded that it did not need chemical weapons and the corollary was obvious: no one else should have them. After years of foot dragging, the US suddenly insisted that the Conference on Disarmament (CD) conclude as quickly as possible the negotiations on a chemical weapons convention (CWC). The CWC was open to signature in January 1993.

By the early 1960s the US, USSR and UK had perfected underground testing to such a degree that they were able to stop testing in the atmosphere and quickly codified such a move in the PTBT. This Treaty was preceded by a testing moratorium from 1958 to 1961 which, in turn, was followed by several rounds of tests, primarily atmospheric in the case of the USSR, from late 1961 to 1963. Moreover, the US Senate only agreed to ratify the PTBT on condition that the US pursue an "aggressive" underground testing program, maintain modern nuclear laboratory facilities and the required personnel, and preserve an "atmospheric-testing capability."

France, which first tested in 1960, and China, which would begin testing in 1964, never joined the PTBT although years later, when they too acquired an underground-testing capability, they declared that they would also abide by PTBT's provisions.

In the early 1990s, the pattern is being repeated. The more advanced NWS are ready to ban traditional underground testing. They insist, however, on maintaining both an "underground-testing capability" in case they wish to renew testing and the possibility of very low yield tests (hydronuclear) and other testing-related activities. On the other hand, China and France appear to need a few more underground tests in order to miniaturize their arsenals and to acquire a computer simulation capability, respectively. China has been proceeding with its program whereas France only decided to resume testing after last May's national elections.

By a quirk of fate, the international community found itself negotiating a CTBT on the eve of the NPT Review and Extension Conference. The link which was built into the NPT between its twenty-five-year duration and nuclear disarmament measures (Article VI), a link which many had always recognized, was then more obvious and stronger than ever. To be sure, some countries were in a state of denial. They argued that there was no such link and that each step-- the NPT's indefinite and unconditional extension and the conclusion of a CTBT- -should be considered on its own merits. They insisted that one should not be "held hostage" to the other.

The fact is that there is such a link. The negotiating history of the NPT proves this. Moreover, the NPT has indeed been held hostage. However, those responsible for this situation are not the advocates of a CTBT and nuclear disarmament but NWS themselves by continuing to increase and refine their nuclear arsenals. And it is ironic that they should have been the most enthusiastic supporters of the NPT's indefinite and unconditional extension.

Some will say that in recent years there has been much progress in the field of nuclear disarmament. Some will even recite a litany of measures taken, especially by the Russian Federation and the United States. They will add that, although the total number of nuclear warheads is today still greater than it was in 1970 (when the NPT entered into force), their actual firepower (kilotons) is much smaller. They will also argue that the dismantling of nuclear weapons is proceeding as fast as is technically possible. But it is not a simple question of numbers. It is rather how NWS view nuclear weapons and how NNWS view NWS.

The real issue is far more important and goes to the very heart of the question of the kind of world we want our children and grandchildren to live in. Are we ready to accept a world where nuclear weapons are a permanent feature or do we want their existence to have been a momentary phase in history? Do we seek a nuclear-weapon-free world or will we accept for the foreseeable future the permanence of the five so-called recognized nuclear-weapon States and a host of potential others?

The situation regarding the non-proliferation of nuclear weapons is today rather complicated. The technology for their manufacture has been improving and what was once the monopoly of one, later two, three and eventually five nations has now become accessible to many. What you invent today to enhance your security has a tendency to reappear later elsewhere as a threat. The development of different and more sophisticated weapons and weapons systems has a way of boomeranging. They seem to offer security until they are developed by others. The cycle then repeats itself.

Some tend to forget that the world was once a nuclear-weapon-free zone. And the goal should be to return to that status as soon as possible. How did it happen that seemingly rational human beings would end up justifying the acquisition, the use and continued development of these weapons of mass destruction?

In the mid-1940s US efforts to build an atomic bomb were viewed as part of the crusade against the Axis Powers. By the summer of 1945, however, the war had ended in Europe and was about to end in the Pacific. Nonetheless the bomb was tested in July and used in August. At that moment the relationship to the "ultimate weapon" changed in the US and elsewhere. Incredible as it seems, the bomb became acceptable to leaders in many nations. The Cold War would only serve to obfuscate the moral argument. But, what would they have said had Nazi Germany and not the United States acquired the bomb first? Probably, "an evil weapon in evil hands." One need only recall the West's reaction to the Soviet Union's first test in 1949? In short, there was no legal or moral justification for acquiring and using atomic bombs then, and there is none today.

Two hundred years ago the world faced a similar moral dilemma. The odious institution of slavery, though upheld and defended by many, came under increasing attacks and by the end of the nineteenth century it had been abolished almost everywhere. Today no one would dare to defend it; it seems so foreign to our shared values. But slavery was upheld by politicians, just as there are those today who defend the possession of nuclear weapons and their possible use.

It is necessary, therefore, for the entire international community to recommit itself today to the elimination of nuclear weapons. This would have been a lot easier years ago. Today one must contend with a growing variety of situations: first, there are the five NWS; then we have three de facto NWS (Belarus, Kazakhstan and the Ukraine); one ex-NWS (South Africa); three so-called threshold States (India, Israel and Pakistan); two that are no longer considered threshold States (Argentina and Brazil); and a number of countries that have the technology, the fissile material and the financial resources to "go nuclear" in a matter of months.

The NWS must set the example and pave the way towards nuclear disarmament. They should put forward a comprehensive nuclear disarmament program. They should begin by committing themselves to the complete elimination of nuclear weapons by a given date. Then they should identify and take, again within a specific timeframe, concrete steps to reduce the nuclear threat. Finally, they should identify those disarmament measures which they could take unilaterally, bilaterally, with other NWS and multilaterally within a given period or periods (five or ten years, for example). This would have a most beneficial effect on the way the NNWS view the relationship of NWS with their nuclear arsenals.

There will be some who will argue that nuclear disarmament is a very complicated matter and that NWS cannot pursue it in a timebound framework. To be sure, the nuclear arms race and build-up did not follow a script. But it often responded to specific goals that had to be met by a certain date. The efforts to build the first bomb in the 1940s are one example of this. The move from atomic to hydrogen bombs is another. The same occurred with the development of delivery vehicles as demonstrated by the history of the evolution of missile technology. In short, if countries developed their nuclear arsenals by earmarking resources for specific projects to be completed by, or at least planned for, a given date, it does not seem unreasonable to ask them to do the same when they build-down and dismantle their nuclear arsenals.

At last year's UN General Assembly proposals were put forward on these very issues: step-by-step reduction of the nuclear threat and measures aimed at the elimination of nuclear weapons. But the resolutions on these and other related questions were opposed by the NWS and a number of countries belonging to the Eastern European and Western European and Others groups.

One might have expected that perhaps they would have been more forthcoming within the preparatory process of the 1995 NPT Conference. But there was very little discussion of these issues in the Preparatory Committee (PrepCom). The NWS, supported by other nations, were reluctant to examine the substantive questions regarding the Conference and were content to concentrate exclusively on organizational matters, to avoid any debate on substance and to prevent non-governmental organizations (NGOs) from getting too close to their meeting room. In fact, when it comes to the NPT, some NWS and European countries prefer to distance themselves from NGOs. This attitude is very different from the one they adopt towards those NGOs concerned with human rights or environmental issues. In these matters they welcome and even encourage the active participation of NGOs in their meetings.

Many of the countries that resisted debating substance in the PrepCom were the same that for several years had called and campaigned for the NPT's indefinite and unconditional extension. A few of them even proposed that the 1995 Conference first decide to extend the NPT indefinitely and later discuss the substantive questions. The logic here was unusual. They seemed to be saying, "Extend first and review later" or, to put it more bluntly, "Sign now and talk later".

The substantive discussion finally took place during the NPT Conference itself in April/May. But the real issue were blurred and over-shadowed by the extension decision itself. These are the questions that should have been addressed: What are nuclear arsenals for? How do NWS relate to them? And, how does the rest of the world see that relationship?

When the NPT was concluded in 1968 no one, including the NWS, could have imagined the series of events that have transformed the international landscape since 1989. No one foresaw the end of the Cold War or the Soviet Union's demise. When the NWS accepted the inclusion in the NPT of provisions regarding its periodic review and a conference to extend it after 25 years, they had no idea that this would take place under the present international conditions. And they scrambled to find a cogent argument to convince the world that it was in everyone's interest to achieve what they described as its "indefinite and unconditional extension."

Quite obviously, with or without the Cold War, the NPT's extension would hardly have been an issue if we already had in place a CTBT, legally-binding negative security assurances of NNWS Parties to the NPT, an international convention banning any further production of fissile materials for weapons purposes and a specific post-START nuclear disarmament program. But none of this happened and the only thing we heard were calls for an "indefinite and unconditional extension" of a Treaty which is far from perfect and is in need of a major overhaul.

The NPT should have been examined carefully. Some of its provisions do not appear to pose major problems, while others do not seem to have been complied with fully. There are, however, those which are sources of major differences. These include such questions as peaceful nuclear explosions (PNEs), which the NPT permits but which a future CTBT will have to prohibit, and whether or not NWS have complied with Article VI's nuclear disarmament measures.

Ideally, NPT Parties should have reviewed and, where necessary, revised the Treaty. But this was not possible. Attention and energy were focused on simply extending it. Except for China, the NWS openly urged its indefinite and unconditional extension. The European Union stated that such a course was" in the security interests of all States". Proponents of that position said they feared that the NPT would unravel if one tried to amend it or conditioned its extension.

However, it was not only a question of the NPT and its extension. The 1995 Conference should have served both to strengthen the Treaty itself and to build a better, more genuine, truly universal and non-discriminatory nuclear non-proliferation regime. And that did not happen; one simply opted for business as usual.

Nation-States do not enter into legally binding, international instruments just for fun and should not be lackadaisical about their implementation. Countries sign a treaty because they feel that it is in their interest to do so. The question was whether the NPT's indefinite and unconditional extension was in the interest of its Parties. Some thought it was; others were not too sure.

Will the indefinite and unconditional extension solve the problems of verifying compliance which the Iraqi case revealed? Will it resolve the present nebulous status of the so-called threshold nations? Will the NWS now go well beyond the Security Council's feeble resolution and give adequate security assurances to NNWS regarding the use or threat of use of nuclear weapons? Will there be a halt to the production of fissile material for weapons purposes and what about existing military and civilian stockpiles? Will it bring about a CTBT and ensure the conclusion of measures aimed at the elimination of nuclear weapons? In a word, will it further the vertical and horizontal non-proliferation of nuclear weapons? And, more importantly, will it change the NWS' attitude and relationship to those weapons of mass destruction? And here one returns to the moral and legal aspects of nuclear weapons.

For years there has been much discussion regarding the legality of nuclear weapons. Three decades ago the UN General Assembly began addressing this question and has been considering it ever since. There is, for example, an annual resolution calling on the CD to commence negotiations on a draft convention prohibiting the use of nuclear weapons under any circumstance. In 1993 the World Health Organization requested an advisory opinion from the International Court of Justice (ICJ) on the legality of the use of such weapons, given their health and environmental effects. At 1994 last session, the UN General Assembly had before it a proposal requesting another opinion on the broader question, "Is the threat or use of nuclear weapons in any circumstance permitted under international law?"

NWS are not very happy with these requests to the ICJ. And the reason seems to be the same that led them to advocate the NPT's indefinite and unconditional extension. This reveals their true intentions regarding the permanence of nuclear weapons. While all NWS have begun to rethink the role of nuclear weapons in the post-Cold War era, the results are neither clear nor encouraging.

For decades NATO refused to commit itself to the doctrine of no first-use, arguing that it reserved the right to resort to nuclear weapons if confronted with a massive conventional attack in Europe. They had in mind the USSR. Now the Russians, who for years advocated a no first-use policy, have changed their view and have embraced NATO's doctrine. They have in mind China. China, in fact, is the only NWS that still adheres to a no first-use policy.

In October 1993 the United States announced that it would undertake a nuclear posture review (NPR) that would incorporate policy and doctrine revisions. When the NPR was released on 22 September 1994, it left its doctrine unchanged, stating that it maintained the option of using nuclear weapons "as a last resort" in response to a non-nuclear attack. Also discouraging is the NPR's conclusion that there will be no strategic force reductions below the level of 3,500 warheads contemplated in the START II Treaty until it has been fully implemented, i.e., not before 2003. There is also concern about the statement regarding the possibility of "reconstituting" its strategic forces rapidly by uploading warheads on its minuteman III ICBMs and Trident II SLBMs.

When asked to give negative security assurances to NNWS, the NWS cannot agree. They are willing to give such guarantees to the Parties to the Treaty of Tlatelolco but they hesitate to do the same when it comes to NPT Parties. In fact, NWS seem reluctant to grant those guarantees to all NPT States. This makes for an interesting exercise in speculation.

There is a third item on which NWS have also been less than candid: a ban on the production of fissile material for weapons purposes. For many years NWS have been producing highly enriched uranium and plutonium for both military and civilian uses. Now the United States and the Russian Federation have unilaterally ceased production because they simply have too much of this material. The next step is to call for an international ban on such production. What they are asking is that all future production be ceased, but nothing is said about existing stockpiles, including those for civilian reactors which use fissile material that can also have military applications. This has sparked an increasingly heated debate in New York and Geneva. Many countries wish to address the question of existing stockpiles of fissile material as well as banning its future production.

And so it happened that on the eve of the NPT's Review and Extension Conference a number of fundamental questions remained unanswered. The only clear position taken by four of the five NWS and some of their allies was on the Treaty's indefinite and unconditional extension.

What they have stated or implied with regard to other issues is not very reassuring. To be sure, their policies are not uniform on such matters as the pace of the CTBT negotiations, PNEs, the future of nuclear energy for civilian purposes, negative security assurances to NNWS and several other questions. But the overall impression that they give is that of business as usual. The Cold War may be over and, yes, the strategic nuclear competition between the Russian Federation and the United States shows signs of abating, but the relationship of NWS to their own nuclear weapons has not registered the kind of basic change that one might expect. They continue to rely on nuclear weapons and do not seem prepared to give them up in the foreseeable future. Quite the contrary; they are looking for ways to freeze the NPT's dichotomy between the nuclear haves and the nuclear have-nots.

The NPT Review and Extension Conference has come and gone. All but three of the Treaty's 178 Parties participated, making it the largest disarmament-related conference ever held. The Conference reviewed and extended the Treaty. The review process ended in failure. No agreed text was possible due to differences regarding the nuclear disarmament issues. And yet, those same countries that could not agree on substance decided without a vote to extend the Treaty indefinitely. Indeed, on 11 May the NPT was extended indefinitely and unconditionally. That decision was explicitly linked to two other documents: one containing a set of principles and objectives and the other regarding a strengthened review process. This "package" might be interpreted as a success story. But a closer look points to a rather different assessment.

Are the NWS more committed to nuclear disarmament after May 11th? The answer is that they are not. They did not undertake any new commitments beyond what is stated in Article VI. In fact, in exchange for the NPT's indefinite extension the NNWS got almost nothing. The set of principles and objectives is vague. The only point that may be considered important is that all Parties agreed to conclude a CTBT by 1996. But even here, the result was meager: four of the five NWS were already committed to that date and France, which had resisted to set a deadline, announced soon after that it was suspending its moratorium and would resume testing in the fall of 1995. For its part, China carried out another nuclear test on May 15th, three days after the Conference ended.

As for the review mechanism, it was agreed to meet every year (instead of every fifth). But unless there is a sustained effort by 50 or 60 countries to keep the pressure on the NWS, these annual, two- or three-day sessions will be of little or no use.

By the middle of April, it was obvious that there was a large majority for the NPT's indefinite extension. That majority had been put together by some of the NWS, especially the United States, and it included countries from all regions and quite a few Non-Aligned.

The indefinite extension of the NPT was therefore a foregone conclusion. But there was an even larger majority for an "indefinite extension plus something else." Certain Non-Aligned countries and others, including Switzerland, Ireland and Mexico, sought specific commitments towards genuine nuclear disarmament within a concrete timeframe. But in the consultations, the NWS refused to make any new commitments. Here they were not pressured by their allies. And the result was the "package." With the Non-Aligned divided and with mounting pressure from the

United States, it was impossible to reverse the tide.

At the 1995 NPT Conference, the international community squandered a unique opportunity to advance the cause of nuclear disarmament. The NPT's NNWS failed to set an agenda that would have moved us closer to the goal of a nuclear-weapon-free world. In the spring of 1995 the NPT Parties decided "to sign now and talk later."

Nation-States cannot be relied on to move the nuclear disarmament agenda forward. They will have to be coaxed and even cajoled by the inhabitants of all countries. The recent incidents related to France's decision to resume testing in the Mururoa Atoll next September are a case in point. The reaction from citizens' groups in the South Pacific was swift and vigorous. Some Japanese and European NGOs also protested. Australia even withdrew its Ambassador to Paris. But when it came to trade or joint ventures with France, no government was ready to take the necessary steps. And within the European Union there is little inclination to embarrass or isolate France. The same holds true for other NWS. NNWS have yet to take the kind of action vis-a-vis the NWS that will ensure results.

Miguel Marin Bosch: Consul General of Mexico in Barcelona, Spain. Some of the material presented here is taken from an article that will be published this year in Irish Studies in International Affairs (Dublin). The views expressed do not necessarily reflect those of the Mexican Government.