

Banning Of Nuclear Weapons through Conferences: One Step Forward, Two Steps Backward

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Abstract

This paper examines the need to having a complete prohibition and total elimination of nuclear weapons, getting rid of the danger of nuclear war and the attainment of nuclear weapon-free world, just as chemical and biological weapons have been prohibited. The discourse reveals that effort is being made in achieving this onerous mission, with some conferences held in Oslo, Norway, Mexico and Austria. Interestingly, countries that are not in the possession of nuclear weapons are in the forefront in seeing that, that is achieved, by voting, overwhelmingly for a convention, for that purpose. On the other hand, nuclear –weapons states (with the exception of India and Pakistan) are against the convention and did not attend the conference held in March 2013, in Oslo. The position of permanent members of the UN Security Council in getting the convention is hypocritical, in the sense that, they are the ones with the notion that, a Convention is not achievable in the near term and therefore is not a realistic alternative to the step-by-step approach to disarmament currently under way. This notwithstanding the fact that, their citizen voted in support of the convention, in the Public Opinion Poll held in 2008. It is therefore worthwhile for states to see to the need to having and contributing to the successes of the convention. This study therefore found that, the issue of nuclear weapons Review Conferences, has been beclouded with a lot of politics, interest and double standard being exhibited. However, the hope is that the follow-up conferences will prove something tangible, in having a treaty that will ban, the production, stockpiling, use and transfer of nuclear weapons.

Key words: Banning, Convention, Disarmament, NATO, Nuclear weapons

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I. INTRODUCTION

On the 4th and 5th March, 2013, the Norwegian government hosted a Conference on the humanitarian impact of nuclear weapons in Oslo, during which governments, UN agencies, international organisations, and civil societies analysed the effects of the use of nuclear weapons on human health, the environment, development and more. The Key Conclusion from the conference were that, no state or international body could adequately address the humanitarian emergency caused by nuclear weapon detonation; that nuclear weapons have a demonstrated devastating immediate and long term effects and that such effects will not be constrained by national borders, and will have regional and global impacts.¹

This was the first time that governments have come together to seriously address the catastrophic humanitarian impact caused by the use of nuclear weapons. It also marked a significant change in perspective for many non-nuclear weapons states.

This discourse focuses attention on the need to having a successful conclusion on the ban of nuclear weapons, so that there could be a world, free of threat to peace and security, as propagated by the UN Charter. In doing so, an analysis will be made on the position of some selected states on this noble objectives, with states grouped or representing the diverse interests on the issue of nuclear weapons and its proposed convention. In this sense, a brief is given on at least three conferences held in Norway, Mexico and Austria. This clearly reveals that there is seriousness and commitment on the part of some countries, while others are sabotaging the project of having a world free of nuclear weapons.

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¹See Report from the Conference on the Humanitarian Impact of Nuclear Weapons, Oslo, Norway, and 4-5 March, 2013, available at www.reaching-criticalwill.org.

II. POSITION OF THE STATES TOWARD BANNING NUCLEAR WEAPONS

Since, 2008, the then UN Secretary-General, Ban-ki Moon, has been calling on nations to negotiate a nuclear weapons Convention as a way of fulfilling their obligations under the Non-Proliferation Treaty (NPT). In recent years, governments' support for a nuclear weapons convention, a treaty to outlaw and eliminate nuclear weapons has considerably grown.²

At a five-yearly review Conference of NPT, in May, 2010, two references to a nuclear weapons Convention made their way in to the agreed outcome document. After that, there were calls by governments for work to begin on a nuclear weapons convention.³ In 2011, the Red Cross and Red Crescent which has some 97 million volunteers and members globally put its weight behind a nuclear abolishing treaty.

An examination of 194 governments on the question of nuclear weapons Convention reveals that, out of 194 countries, 146 of them roughly three quarters, support immediate commencement of the negotiations leading to a Convention. Only 26 are opposed to the idea, and 22 were sitting on the fence.⁴

In that sense, the whole of Latin America, the Caribbean and Africa, are in favour of a nuclear weapons Convention, along with most nations in Asia, the Pacific and the Middle East. Support is weakest among European and North American nations, many of which are part of NATO. Only four members of EU are supportive – Australia, Ireland, Malta and Sweden. There was only one member of NATO – Norway. Russia and Israel are both resistant to the Convention.

Of the Nuclear armed nations, four have expressed their support and they are; China, India, Pakistan and North Korea. And three of the countries “on the fence” are non-NATO allies of the United State and claim reliance on the United States nuclear weapons – Australia, Japan and South Korea. There are also five NATO members that have been designated on the fence, they are, Canada, Croatia, Germany, Iceland and Romania. Most of the other nations that are neutral, have defence relationship with France (e.g. Andorra and Monaco) or the US (e.g. Marshall Island and Micronesia), or they are seeking membership of NATO (for example, Macedonia).⁵

However, nations that support nuclear weapons Convention are approximately 81% of the World's population, on the fence sitters accounting to 5% and 14% for the opponents.

The designation is as follows;

✓ **Support;**

These countries have voted in favour of the UN General Assembly resolutions, calling for a nuclear weapons Convention and/or have voiced their support for such a treaty. They are 146 in number.

? **On the fence;**

These countries typically abstain from voting on UN General Assembly resolution calling for a nuclear weapons Convention and/or have expressed partial support for such a treaty. They are 22 states.

X **Don't Support;**

These countries have voted against UN General Assembly resolutions calling for nuclear weapons Convention and/or have voted their opposition to the Convention.⁶ This group has 26 states.

III. SAMPLE OF THE POSITION OF SOME COUNTRIES ON NUCLEAR WEAPONS CONVENTION

In this connection, the following countries are selected, as sample, for the important role they play in the politics of nuclear weapon.

3.1. United State of America

US is a permanent member of the United Nations Security Council and is generally opposed to a nuclear weapons convention. At the NPT Review Conference in 2010, it argued that a Convention is not achievable in the near term and therefore is not a realistic alternative to the step-by-step approach to disarmament currently under way. However, a public opinion poll in 2008 showed that 77% of Americans support the Convention, with 20% opposed to it. One thing worthy of note is that, presently the US possesses approximately 8,500 nuclear weapons.⁷

²Wright, T., (2012), Growing Governments' Support for a Nuclear Weapons Convention, available at www.ican.org/positions.

³Ibid.

⁴Ibid.

⁵Ibid.

⁶See Statement by the US to the conference on Disarmament, Geneva, 7 September, 2010.

⁷Stockholm International Peace Research Institute, SIPRI, August, 2011.

3.2. United Kingdom;

It is also a member of the UN Security Council on permanent basis, and is opposed to the Convention. In August, 2011, the Prime Minister wrote a letter that he did not agree, “that negotiations now on nuclear weapons Convention should be immediate means of getting us to a world free of nuclear weapons”.⁸

The PM acknowledged that such a Convention could ultimately form the legal underpinning for the end point, but the prospects of reaching agreement on a Convention, are remote at the moment.⁹

3.3. France;

France is a member, of NATO, EU and Security Council P5. It votes against the UN General Assembly resolution for nuclear weapons Convention.¹⁰ However, a public opinion poll in 2008 showed that 86% of French people support a nuclear weapon Convention, with 12% opposed to the idea.¹¹ France possesses 300 nuclear weapons.¹²

3.4. Russia;

Russia voted against UN General Assembly resolution calling for a nuclear weapons Convention.¹³ A public opinion poll showed that 69% of Russians supported it with 14% opposed to it.¹⁴ Russia possesses 11,000 nuclear weapons, more than any other nation.¹⁵

3.5. China;

China has expressed qualified support for the Convention. On several occasions, it has stated its support for the development, at an appropriate time of a viable, long term plan composed of phased action including a Convention on the complete Prohibition of nuclear weapons.¹⁶ In addition China believes that, United States and Russia bear special and primary responsibility for nuclear disarmament.¹⁷

3.6. Germany;

Germany, though not a member of P5 but it is always being considered as an important partner, having been referred to as ‘+1’. It is a member of NATO and EU and votes against the Convention, as it generally believes that, ‘nuclear disarmament is best achieved through a gradual process of practical steps not a comprehensive approach’.¹⁸

A public opinion poll in 2007 reveals that 95.4% Germans support the convention.

3.7. Iran;

Is a member of Non-Aligned Movement and regularly expressed support for the Convention in international fora. It called for a Convention that bans the production, development and use of nuclear weapons, prohibits the production of fissile materials for military purposes and requires the elimination of existing stocks and sets out a phase programme for a complete elimination of nuclear warheads within a specific time frame.¹⁹ In February, 2011, Iran stated that, pending the conclusion of a nuclear weapon Convention, the nuclear-weapon states must honour their obligation under the NPT. It was a lead sponsor of a draft resolution in 2011 calling upon all states to immediately commence multilateral negotiations leading to the early conclusion of a Convention.²⁰

Added to this, a Public Opinion Poll in 2008 shows that, 68% of Iranians support a Convention, with 13% in the opposition.

3.8. India;

India also a member of Non-Aligned Movement, has expressed support for the Convention as it believes that: Nuclear disarmament can be achieved by a step-by-step process underwritten by a universal commitment and an agreed multilateral framework for achieving global and non-discriminatory nuclear disarmament.²¹

In September, 2009, the Indian Prime Minister delivered a speech reiterating India’s proposal for a Convention, prohibiting the development, production, stockpiling and use of nuclear weapons and providing for their

⁸See letter of British PM to Jeremy Cornby of 15 August, 2011.

⁹Ibid.

¹⁰Vote on A/RES/66/46, 2 December, 2011.

¹¹Poll commissioned by Global Zero, and conducted by World Public Opinion, 9 December, 2008.

¹²See above note 7.

¹³Vote on A/RES/66/46, 2 December 2011.

¹⁴Above in 11.

¹⁵Above note 7 and 12.

¹⁶See Statement by China at the NPT Review Conference, New York, 4. May, 2010.

¹⁷See Statement by China to the UN Disarmament Commission, New York, 4. May, 2011.

¹⁸Explanation of vote on A/C1/58/L.31, 15. December, 2003.

¹⁹See statement by Iran to the Conference in Disarmament, Geneva, 1. March, 2011.

²⁰A/C.7/66/L.42. 17. October, 2011

²¹Statement by India to the Disarmament Commission, New York, 3 April, 2011.

complete elimination.²² However, a public opinion poll in 2008 has 62% Indians in support of the Convention, with 20% opposing it. Estimates suggest that India possesses between 80 and 100 nuclear weapons.²³

3.9. Pakistan;

Pakistan is another member of the Non-Aligned Movement and votes in favour of the Convention. Prior to its first nuclear test, in 1997, Pakistani PM agreed that, nuclear weapons must be banned and eliminated, just as chemical and biological weapons have been prohibited.

Pakistan possesses between 90 and 110 nuclear weapons.²⁴ And an opinion poll indicates that 46% of Pakistanis are in support of the Convention, with 41% opposing.²⁵

3.10. North Korea;

North Korea possesses an appreciable number of nuclear weapons and it votes for the Convention. In February, 2011, it argued on the Disarmament Conference (DC) that, priority should be given at an earlier date, an international convention, placing nuclear-weapon-states and non-nuclear states under an obligation to prohibit development, testing, production, stockpiling, transfer and use or threat of use of nuclear weapons.²⁶

3.11. Nigeria

Nigeria is an important country in Africa, though not in possession of nuclear weapons, but it is a member of NAM and Security Council, presently, voted in favour of the Convention.²⁷ It is a member of Group of 21 in the Conference on Disarmament which has affirmed its readiness to commence work on a “phase programme for the complete elimination of nuclear weapon with a specified framework of time.”²⁸ A public opinion poll in 2008 showed that 86% of Nigerians support the convention with 21% against.²⁹

3.12. South Africa.

South Africa as an important country in Africa, has expressed support for the Convention, believing that, it is incumbent upon us all to begin timely preparations that will eliminate in the negotiation of a nuclear weapon convention or a framework, or set of instrument for the complete and sustainable elimination of nuclear weapons.³⁰

It sought for a legally binding instrument that would ban the development, production, stockpiling and use of nuclear weapons.

The above represent the position of some states, starting from the P5+1, coming to a sample of states considered to be nuclear weapons-states. One common thing worthy of note is that, all African states are in support of the convention, as their position was postulated by the representation of Nigeria and South Africa. None of the African states was ‘on the fence’ or opposed to the convention.

It is quite unfortunate that, all the P5 members, with the exception of only China, the remaining four members are opposed to the Convention. This is so, notwithstanding the fact that, their citizens voted in support of the nuclear convention, with an excellent percentage. Germany, being the +1, hypocritically sat on the fence.

It is to be understood that, frustration has been growing among member states regarding what is perceived as slow pace of nuclear disarmament. This frustration has been put into sharper focus with growing concern about the catastrophic humanitarian consequences of the use of even a single nuclear weapon, let alone a regional or global nuclear war.³¹

IV. CONFERENCE ON THE HUMANITARIAN IMPACT OF NUCLEAR WEAPONS IN OSLO.

This is the Conference whereby for the first time governments have come together, to seriously address the catastrophic humanitarian impact caused by the use of nuclear weapons. Not only governments, another encouraging aspect of the Conference, was the key role played by international organisations and civil societies.

²²Manmohan Sing Speech, 26. September, 2009.

²³See above note 7 and 12.

²⁴Ibid.

²⁵Poll conducted by Global Zero on 9 December, 2008.

²⁶See Statement by the DPRK in the Conference of Disarmament, Geneva, 24th February, 2011.

²⁷Vote on A/RES/66/46, 2. December, 2011.

²⁸See statement by the Group of 21 to the Conference on Disarmament, Geneva, 12. February, 2011.

²⁹See above note 25.

³⁰Statement by South Africa in the Conference on Disarmament, Geneva, 12 October, 2011.

³¹International Day for the Elimination of Nuclear Weapons, at www.un.org, visited, 22 December, 2020.)

However, the interventions by the International Campaign to Abolish Nuclear Weapons (ICAN) and other International organisations and NGOs brought a dynamic dimension to the proceeding, and serve as a precedent for any upcoming nuclear weapons discussion.³²

It is however worthy of note that, only two of the nuclear possessing states, India and Pakistan, attended the meeting. The other countries with nuclear weapons- China, Democratic People's Republic of Korea, France, Israel, Russia, United Kingdom, and United States did not participate. The five permanent members of UN Security Council boycotted the meeting, saying that the conference would divert discussion and focus.³³

The Conference in Oslo with delegation representing 127 states, the United Nations, ICRC, the Red Cross and Red Crescent Movement and Civil Societies was an opportunity the P5 missed, for dialogue. Their absence did not stop countries and international organisations from moving forward. Mexico decided to host a further meeting on this issue, the development which was welcomed and appreciated. This depicts the idea that, nuclear weapon free countries have an important role to play.³⁴

It is of great importance to note that, states and agencies made representation. The UN agencies were blunt that they would not be able to effectively respond to the humanitarian and environmental catastrophe that would be created by the use of nuclear weapons.

ICRC also emphasised that, there is no capacity to respond to such a disaster, nor could such a capacity be developed. Thus ICRC called for the abolition of nuclear weapons as the only effective preventive measure. Below is the brief contribution of some States and International Organisations.

China was of the view that:

...Complete prohibition and total elimination of nuclear weapons, getting rid of the danger of nuclear war and the attainment of nuclear weapon-free world; serve the common interests and benefits of human kind.³⁵

Iran on the other hand, submitted that, the international community cannot wait till the horrors or the nuclear weapons happen and must set a deadline and a target date for the total elimination of nuclear arsenals.³⁶

The host, Norway on 23, April stated that, the consequences of nuclear detonation are relevant to practitioners, in such diverse field as health services, development, environment, finance and emergency preparedness

Going through the array of contribution from the participants, cutting across states, NGOs societies, such as, Humanitarian Initiative, ICRC, League of Arab States, New Agenda Coalition, Non-Aligned Movement, Non-Proliferation and Disarmament Initiative and OPANAL, the summary is that, the nuclear-weapon-states should be urged to start negotiations on a phased programme for the complete elimination of their nuclear weapons.

In addition, all states must seize the opportunity of this Prepcom, to begin work in earnest on the construction of comprehensive legally-binding framework of mutually reinforcing instruments for the achievement and maintenance of world without nuclear weapons.

V. INTERNATIONAL CONFERENCE ON THE HUMANITARIAN IMPACT OF NUCLEAR WEAPONS

In February, 2015, Mexico hosted the second conference on the humanitarian impact of nuclear weapons. It was held in Nayarit bringing together 146 governments representatives, more than 127 that met in Oslo, Norway in March 2013. The Nayarit Conference reflects the growing impatience of many states with the slow pace of action on nuclear weapon disarmament. It is worthy of note that at the Conference, representatives there were several presentations by the survivors of Hiroshima and Nagasaki bombings and from experts on the effects of and responses to single nuclear detonations and large scale nuclear attacks.³⁷

In addition, it is astonishing to note that, representatives from India and Pakistan who attended Oslo also attended the Nayarit conference, but the five countries recognized as nuclear weapons states by the nuclear Non-Proliferation Treaty did not attend. This clearly indicates that, there is a long way to go, as effort in achieving the set goals are always attended with sabotages.

³²Beatrice, F and Ray, A. (2013), Moving towards a Ban on Nuclear Weapons, available at www.reachingcriticalwill.org.

³³*Ibid*

³⁴*Ibid*

³⁵Statement made by China on 22. April, 2013.

³⁶Statement by Iran on 23, April 2013.

³⁷Kinball D.G., Mexico Hosts Meeting on Nuclear Effects: Armstrong Today, available at www.armstrong.org, visited 22 December, 2020

However, during the meeting, several governmental delegations emphasised that the multi-lateral focus on the humanitarian impact of nuclear weapons and the action steps on disarmament and nonproliferation agreed at the 2010 NPT Review Conference are mutually reinforcing. This showcases the intention of many peace-loving states like Austria seeking for advance discussion at the third conference to be hosted in Vienna³⁸.

The Nayarit Conference helped cement the idea the prohibition of nuclear weapons is necessary precondition for their elimination, based on experience with other type other indiscriminate weapons. It was hailed as a point of no return in the process to outlaw nuclear weapons.

While some countries are indifferent in the project, Mexico the host of the Conference, showcased commitment in the struggle. This could be viewed from the statement of its Vice Minister for multilateral Affairs and Human Rights, to the effect that:

Mexico considers the possession of nuclear arsenals neither legal nor legitimate. On the contrary, as unanimously determined by the International Court of Justice in its Advisory Opinion in 1966, there exists an obligation to pursue in good faith and bring into conclusion negotiation leading to nuclear disarmament in all its aspects under strict and effective international control.

...Mexico believes in the need to negotiate a legally binding instrument prohibiting the development, production, stockpiling and possession, transfer deployment and use of nuclear weapons.³⁹

VI. NUCLEAR WEAPONS CONFERENCE IN VENNA, AUSTRIA

The conference was held from 2nd to 12th May, 2017 as the first Preparatory Commission for the 2020 Review Conference, The scarce progress of the implementation of the Nuclear Weapons State's commitment to disarmament and the compliance with non-proliferation are considered to be the major challenges for the NPT.⁴⁰

It is however worthy of note that, Austria, like many other states, in support of the international effort to eliminate nuclear weapons, stressed humanitarian impact of these weapons
The Conference served as a follow up to Oslo/ Norway, Nayarit/Mexico.⁴¹

VII. CONCLUSION

Efforts toward banning nuclear weapons, has proven to be a practical one, though gradual in approach, out of which success is expected in the nearest future. The P5 and nuclear-weapon-states will have to consider future conferences, as an opportunity to help the universe achieving a nuclear-free world. This, will in no small way, justify our belief in the preambular statement of the Charter of the UN, to save the world from the threat to peace and security, as well as the scourge of war.

It is noteworthy that, China has made an important statement to the effect that both United States and Russia have special and primary responsibility for nuclear disarmament and that they should continue to make drastic and substantive reduction in their nuclear arsenals.

The Conference in Oslo, Norway proves that not only nuclear- weapons state can play a vital role in this noble mission, but non-nuclear-weapon-states have been seen to playing important roles, by supporting the convention, and hosting the conference, as done Norway, Mexico and Austria

Notwithstanding its intention to develop nuclear (for whatever purpose), Iran has urged that rather than wasting time on conference and meetings, there should be setting of deadline and target date. However, one would love to see that, there should be non-discriminatory nuclear disarmament, not the type intended for Iran and North Korea.

In the final analysis, it seems that, the issue of nuclear weapons convention, has been beclouded with a lot of politics, interest and double standard being exhibited, the hope is that the follow-up conferences will prove something tangible, in having a treaty that will ban, the production, stockpiling, use and transfer of nuclear weapons. However, nuclear disarmament is a global task and a collective responsibility, notwithstanding the fact that various UN disarmament initiatives have not produced any substantive work for almost two decades, leading to the frustration of the vast majority of countries.

³⁸ *Ibid*

³⁹ See generally Statement of the Vice Minister of Multilateral Affairs and Human Rights of Mexico, Ambassador Juan Manuel Gomez Robledo at the 9th Review Conference of the State Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, New York, April 27th, 2015.

⁴⁰ Nuclear Weapons and Nuclear Terrorism, available at www.austria.org/nuclear.weapons, visited 4th January, 2021.

⁴¹ *Ibid*

However, the three review conferences have created greater understanding of the need to eliminate the risk of nuclear detonation, have contributed to a better understanding of the spirit and thrust of the NPT and have questioned whether collective security and peace can indeed be built on the existence of nuclear weapons. In view of the importance of conferences to the subject matter, there is thereby the need to intensify effort in holding more conferences, until the total disarmament is achieved through a treaty..

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