



## **FLICKERING GLIMMERS OF HOPE**

### **ON THE ROAD TO NUCLEAR NON-PROLIFERATION**

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I would like today to give a brief overview of some of the new developments in the area of nuclear weapons and their impact on nuclear futures (bleak landscape); what are the non-government organizations doing (flickering lights of hope); and thirdly stimulate some discussion on the potential contribution to nuclear disarmament that our new Minister of Foreign Affairs Bill Graham might make.

The truth is that it does not take more than a quick scan of the horizon to know that nuclear disarmament is not progressing. Paul Rogers of Bradford University Department of Peace Studies says : "The whole of the 1990s is best characterised by an enduring commitment to a nuclear posture embracing smaller but highly versatile nuclear forces with a range of new roles."

Within this first month of 2002 the Bush Administration has released its Nuclear Posture Review which among other noteworthy aspects calls for nuclear planning that is "capabilities-based," has greater flexibility for range of contingencies and has unilateral reductions that preserve flexibility (i.e. these reductions could be reversed) and transparency. These reductions are to be achieved "without requirement for Cold War style treaties" i.e.no bilateral or multi-lateral negotiations, no verification mechanism, no commitment to nuclear weapons being irreversibly dismantled.

The Review calls for the Department of Energy's "test readiness" to be accelerated" as the US intends to reserve the right to test nuclear weapons. The Review also calls for the continued development of new weapons and for the development of "advanced technology programs for intelligence, e.g. for Hard and Deeply Buried Targets and mobile targets" which we know includes suspected biological and chemical weapons plants.

I would like to spend a minute talking about the development of one of these new weapons. They have been called "mini-nukes"and "bunker busters" and --most accurately-- low-yield nuclear weapons.

We heard about them last fall when US Secretary of Defense Donald Rumsfeld would not rule out that the US-led Coalition Against Terrorism might use nuclear weapons in their efforts to dislodge/root out Osama bin Laden in Afghanistan. That a new generation of nuclear weapons that are also known as "bunker busters" might just be appropriate to attack someone or something allegedly hiding in a cave somewhere because these weapons can penetrate the earth up to 50 feet before they detonate--the very contemplation of their use is astounding.

In an article published in the Federation of American Scientists journal early last year, Princeton physicist Robert Nelson, said that mini-nuke advocates "promote the illusion that nuclear weapons could be used in ways which minimize their 'collateral damage,' making them acceptable tools to be used like conventional weapons." Nelson said that "adding low yield warheads to the world's nuclear inventory simply makes their eventual use more likely."

He goes on to say "the use of any nuclear weapon capable of destroying a buried target that is otherwise immune to conventional attack will necessarily produce enormous numbers of civilian casualties. No earth-burrowing missile can penetrate deep enough into the earth to contain an explosion with a nuclear yield even as small as 1 percent of the 15-kiloton bomb dropped on Hiroshima. The explosion simply blows out a massive crater of radioactive dirt, which rains down on the local region with an especially intense and deadly fallout."

In 1994, the US Stockpile Stewardship Program included a capability to produce nuclear weapons, and this is in addition to a programme to modify existing warheads for new functions. In September, 1995, there were reports that a two-year programme was being started to modify the B-61 free-fall nuclear bomb to enable it to take on a new earth penetrating role. This would enable it to target underground command bunkers or chemical and biological weapons facilities that were too well protected to be damaged by conventionally-armed bombs. Progress was rapid and, by the end of 1996, the US Air Force had an emergency capability of some 50 nuclear bombs, with full operational certification coming 15 months later.

## **NEW UNTESTED WEAPON**

So since 1997 the US has had an untested earth-penetrating nuclear weapon -- the B61-11. The weapons labs have disingenuously argued that this is not a prohibited "new" nuclear weapon, but merely a permissible modification of an existing delivery system. The B61-11 warhead can have yields varying from less than a kiloton to 340 kilotons, and at the lowest end of its range is an example of the kinds of mini-nukes now being proposed. Such weapons, according to FAS scientists, the Los Alamos Study Group, and others, could not be deployed without full scale nuclear testing, destroying any prospects of CTBT ratification and almost surely leading to a resumption of nuclear tests by other countries.

The official government view is that the B61-11 is not a "new" nuclear bomb, but merely a modification, in that existing bombs have been upgraded. In a strict technical sense that may be true but the modification is so substantial that the weapon can take on entirely new roles and it surely weakens the global non-proliferation regime and violates US obligations under the Nuclear Non-Proliferation Treaty (NPT).

So where are the flickers of light, of hope.... that at the least we are maintaining the framework of a non-proliferation regime, are there any signs that we are making any headway toward nuclear disarmament ?

Well, the truth is that we have to look for these glimmers of hope, name them and hold them up, otherwise it is easy to feel overcome with despair. I feel strongly that we need to know that these flickering sources of light do beg to differ with the darkness cast by nuclear weapons examples of 'speaking truth to power'. And one of the truths is that nuclear weapons are immoral and that their use and threat of use is considered by the International Court of Justice to be illegal for all practical purposes.

I want to give some examples of the ways that non-governmental organizations (NGOs) and other parts of civil society are struggling to resist the dominance of nuclear weapons to deconstruct the political value of nuclear weapons and to speak truth to power - advocacy, dialogue and co-operation.

## **1. Advocacy**

The World Court Project is an international citizen's network, based in the UK, which is working to publicise and have implemented the July 8, 1996, Advisory Opinion of the International Court of Justice which could find no lawful circumstance for the threat or use of nuclear weapons.

At the time of the discussions in the Pentagon of a nuclear option in Afghanistan last fall, the World Court Project published materials declaring that any hint of use of a nuclear weapon should be challenged. That it was certainly not an "extreme circumstance of self-defence," in which the very survival of a state is at risk, the only scenario which the World Court in its 1996 Advisory Opinion cited where it could not decide whether the threat or use of nuclear weapons is expressly forbidden by international law or not. Even then, it would have to comply with the requirements of Necessity, Proportionality and Discrimination. The United States and the United Kingdom have also given undertakings not to use nuclear weapons against non-nuclear armed states including Afghanistan.

The WCP and many others advocated that governments should explicitly rule out any use of nuclear weapons.

Other efforts to keep the World Court decision present include activities of the UK-based group Trident Ploughshares (<http://www.gn.apc.org/wcp>) who have taken a pledge to peacefully, openly and accountably disarm Britain's Trident submarines nuclear weapons systems in order to prevent a nuclear crime.

In June of 1999, three women activists, under cover of darkness, swam out in Loch Goil in Scotland to a floating laboratory, the Maytime, which is part of the Trident nuclear weapon system. Despite the heavy security they were on the barge for 3 hours before they were caught. On 23 September, 1999, they were charged in Greenock Sheriff Court in Scotland with malicious damage. They had thrown overboard equipment from the floating laboratory. The vessel was essential to the running of Britain's four Trident nuclear weapon submarines.

On 21 October, 1999, the women were acquitted, and the presiding judge Sheriff Gimblett ruled that there was no criminal intent in their action, because it was based on a sincere belief that they were acting against a criminal conspiracy to contravene international humanitarian law.

However the government of the UK did not take kindly to the ruling and the Lord Advocate, the Government's legal officer in Scotland, referred Sheriff Gimblett's ruling to the Scottish High Court in Edinburgh for clarification of several points of law relating to the acquittal.

After about 12 months the judgement was rendered saying "The United Kingdom deployment within and outwith Scotland of Trident nuclear warheads, and the Government's current defence policy, do not, in our opinion, include any "threat" to use such warheads in the sense in which a threat is equated to use, so as to be illegal as a matter of customary international law or international humanitarian law". A Trident Ploughshares spokesperson said: "This week a System Three poll showed that a majority of the people of Scotland support the direct action campaign against Trident. The legal system has some catching up to do. Trident is still out there and still threatening mass murder. We will be back at Faslane on the 7th April at 11.a.m. to get on with the work."

These same courageous people are planning Faslane Block 'n' Roll! Three days of protest and nonviolent direct action in February called by Trident Ploughshares - Scottish CND - British CND - Faslane Peace Camp.

## **2. Dialogue between non-governmental organizations and government**

### Dialogue with NATO

For the past several years representatives from PGS and other IPPNW affiliates in the US and Europe have participated in a dialogue with officials at NATO headquarter....in the belly of the beast one might say.

NATO has expressed a commitment to "meaningful public outreach to interested individuals and groups" and has said it is "equally committed to discussing the Alliance's policy of support for nuclear arms control and disarmament". So we have taken them up on it.

These have proved to be useful meetings allowing an exchange of views and sharing of information. This past June the delegation sought to convey that we take the promises of the NPT Review Conference seriously, that NATO nuclear policy is incompatible with these promises, and that we expect NATO to contribute to the implementation of the 13 steps listed in the NPT Review document of April 2000. The delegation also discussed the removal of short range nuclear weapons from Europe, problems with missile defence and retraction of the policy to apply nuclear weapons to counter chemical and biological weapons. To most of the issues raised the delegation received a fairly standard NATO response. Although one area of positive response was to the idea of an Ottawa-type process to circumvent the impasse miring the fissile material cutoff treaty.

As the delegation had discovered previously, the far more interesting and off-the-record exchanges occurred outside the meeting room in the hallways when the officials could speak personally.

Another opportunity was provided through office of the Vice Chair of the NATO Parliamentary Assembly and Chair of the Canadian Association, MP Carolyn Parrish. We had two hours of their time on the opening eve of the Assembly's meeting here in Ottawa last fall. Of course the impact we have is hardly visible, but again delegation member knows that NGOs are informed on these issues and can have reasonable and useful dialogues presenting alternate points of view. In my more optimistic moments I see this as water dripping on a stone....

In Canada since the SCFAIT report elicited a response from the government in 1998 on its policy related to nuclear weapons, the government has fulfilled its commitment to holding an annual consultation with NGOs and academia on nuclear weapons. A two-day meeting with between 30-40 people from the three sectors held at Foreign Affairs has served as an opportunity to share information and to build trust particularly between NGOs and government.

During the year 2001, representatives of the CNANW also met with about 80 MPs and Senators to raise issues related to nuclear disarmament and were well received - in many instances providing new information and a new perspective to them on nuclear disarmament. And showing that there is public concern about the continued existence of nuclear weapons, and development that push the goal of nuclear disarmament ever further away.

### **3. Co-operation between non-governmental organizations and government representatives.**

**This involves** the development of new areas of thinking and tools that make up the non-proliferation regime and building a framework for complete disarmament. Two very recent examples of this are government-NGO co-operation on the development of a reporting framework for the NPT and on a nuclear weapon convention.

The Non-Proliferation Treaty (NPT) Review Conferences have always had implicit in their function a requirement for information on the status of the Treaty's implementation. But there has never been any form of standardized reporting by the nuclear-weapon States, or by States parties as a whole, on implementation of the Treaty.

The absence of systematic reporting was addressed in a preliminary way at the 2000 NPT Review Conference. The 2000 Final Document called on all States parties to provide: "regular reports, within the framework of the strengthened review process for the NPT, on the implementation of article VI and paragraph 4 (c) of the 1995 Decision on "Principles and Objectives for Nuclear Non-Proliferation and Disarmament."

These provisions do not have the legally-binding character of articles of the Treaty, but they do have a politically-binding character. As DFAIT is interested in making a report to this upcoming PrepCom to get the ball rolling, officials were open to input on what the format would look like. So the Canadian Network to Abolish Nuclear Weapons (CNANW) planned this roundtable with government cooperation and input. The discussions were rich and showed how complex this issue is - acknowledgement that there is no mechanism for compliance within the NPT, moving to should there be separate reporting frameworks for NWS and for NNWS.

At the conclusion the government indicated that it would submit a narrative report to this prepcom and circulate the report from this roundtable to other governments and to the Chair of this prepcom to further discussion of this topic.

A model **Nuclear Weapon Convention** for the prohibition and elimination of nuclear weapons was been drafted by an international team of lawyers, scientists and disarmament experts along the same lines as the Chemical Weapons Convention. It was first introduced to the United Nations by Costa Rica in 1997.

A Track II roundtable held in Ottawa in early January brought together governmental representatives, including Ambassadors from several countries, and independent experts to explore the legal and technical aspects of a framework for complete nuclear disarmament.

The roundtable used the model treaty- to explore the future requirements of a regime for the effective and verified reduction and elimination of nuclear weapons. The roundtable deliberately addressed legal and technical considerations before political questions, in order to generate new ideas and focus on the "how" of nuclear disarmament as distinct from the more familiar discussion of "whether" it is possible.

Among the themes that emerged were verification and the political process; societal verification and whistle blowers; costs of disarmament; and sticks and carrots! The meeting generally succeeded in engaging all the participants in an open exploration of future possibilities and in providing food for thought for supporters of nuclear disarmament. A report of the Roundtable will be available in April.

As I mentioned, in December, 1998, the Standing Committee on Foreign Affairs and International Trade under the Chairmanship of MP Bill Graham released its report "*Canada and the nuclear challenge: reducing the political value of nuclear weapons for the 21<sup>st</sup> century*". The report reflected two years of public hearings and consultations with non-governmental organizations, government officials, academics and selected experts. It was supported by four of the five major parties - the Reform Party submitted a separate Minority Report.

In the peace and disarmament community the word "heartening" was used to describe the report. Among other recommendations, the report called for the adoption of the fundamental principle that "Canada work consistently to reduce the political legitimacy and value of nuclear weapons in order to contribute to the goal of their progressive reduction and eventual elimination". It endorsed the notion of taking nuclear weapons off hair-trigger alert (de-alerting). It urged Canada to support the call for the conclusion of a nuclear weapons disarmament convention.

The third recommendation...The Committee recommends that the Government of Canada intensify its efforts, in co-operation with States such as its NATO allies and the members of the New Agenda Coalition, to advance the process of nuclear disarmament. To this end, it must encourage public input and inform the public on the exorbitant humanitarian, environmental and economic costs of nuclear weapons as well as their impact on international peace and security. In addition, the Government must encourage the nuclear-weapon States to demonstrate their unequivocal commitment to enter into and conclude negotiations leading to the elimination of nuclear weapons. Drawing on the lessons of the Ottawa Process, it should also examine innovative means to advance the process of nuclear disarmament.

The very fact the SCFAIT undertook to examine this issue was courageous. Mr Graham spoke to a Group of 78 luncheon after the report was released and told us how he had received calls from the US Embassy advising against this study and also Ambassadors from other countries advised him not to undertake the study because it was too controversial a topic. During that luncheon he also noted fear in the US that plans to create an anti-ballistic missile defence would be of mind-boggling expense and unleash an extraordinary escalation of the arms race.

Mr. Graham is now Minister of Foreign Affairs, following on the heels, two Ministers ago, of someone (Lloyd Axworthy) who was very assertive on the issue of reducing the political value of nuclear weapons - indeed he was known as a "nuclear nag". Minister Graham's immediate predecessor, John Manley, was and is clearly more concerned about maintaining strong relations with the US and criticism of their nuclear weapons policy was weak if even undertaken.

I would be very interested in the opinion of this esteemed audience on whether they thought that Mr Graham is likely to steer Canada toward a more active role in nuclear disarmament. Lloyd Axworthy is quoted as saying as he is hopeful that [Mr] Graham would get the issue of international arms control and nuclear weapons off the shelf."

In the spirit of dialogue and co-operation I would like to ask you what you think!

Thank you!!