



New Zealand Centre for Global Studies

Te Pokapū Akoranga Aorere o Aotearoa

SUMMARY PAPER AND QUESTIONS

Youth Hui:

Making Nuclear Weapons Illegal

Atomic weapons were first tested in July 1945. Within a month, two atomic bombs were dropped on cities in warfare, killing a quarter of a million civilians – the only time in history that nuclear weapons have been used.

In its very first action, the UN General Assembly unanimously adopted Resolution 1 (1) in January 1946 ‘to deal with the problems raised by the discovery of atomic energy’, including the development of plans for the elimination of atomic weapons from national armaments.

In June ‘46, the Baruch Plan for the international control of atomic energy for peaceful purposes was presented at the 1st meeting of the UN Atomic Energy Commission. The Plan, along with alternatives, failed to achieve consensus, and a nuclear arms race followed; following the US in 1945, the USSR acquired nuclear weapons in ‘48, the United Kingdom in ‘52, France in ‘60, and China in ‘64.

In 1968, the Nuclear Non-Proliferation Treaty was agreed, which acknowledged the possession of nuclear weapons by the five permanent members of the UN Security Council (the P-5). Under the NPT, non-nuclear-weapon States Parties undertake never to acquire nuclear weapons, while all Parties undertake to negotiate in good faith effective measures relating to nuclear disarmament. The NPT currently has 190 States Parties. Remaining outside the ‘non-proliferation regime’ are India and Pakistan, Israel and North Korea, all of which now possess nuclear weapons.

Despite calls from the international community for the P-5 to pursue negotiations for a nuclear disarmament agreement, this has never been seriously commenced. All five NPT nuclear powers, along with the four non-NPT nuclear powers, retain strategic doctrines based on nuclear deterrence theory, with plans for weapon modernization over the coming decades. At present there are some 4,000 nuclear weapons deployed, and another 15,000 warheads still existing (down from 70,000 in the 1980s).

In 2012, a movement known as the ‘Humanitarian Initiative’ was undertaken, with a number of conferences and statements over following years that envisioned a complete nuclear disarmament agreement. In 2016 the UN General Assembly agreed that a conference should be held to that end.

In 2017, a Conference was duly held, and in July ‘17 the Treaty on the Prohibition of Nuclear Weapons was adopted (122 votes for, 1 against, 1 abstention, 69 non-votes). The Treaty, through banning the possession of nuclear weapons by a State Party, will effectively make nuclear weapons illegal under international law when it comes into effect with fifty ratifications (it currently has 23). New Zealand supports the Treaty, having been vice-chair of the negotiations and having ratified it in 2018.

Article 12 of the Treaty calls for universal adherence of all States, and States parties are obliged to encourage all States to join the treaty. The other two weapons of mass destruction (biological and chemical) are already banned, and enjoy ‘effective universality’, with 182 Parties to the BWC (1972) and 193 Parties to the CWC (1993).

The major powers oppose the Nuclear Prohibition Treaty, asserting that it undermines the NPT which, they say, remains the ‘cornerstone of nuclear disarmament and arms control’. Allied countries, particularly in NATO, form part of that opposition. Opposing states also claim that they will not recognize the prohibition status in law.

In May 2019, the UN’s chief disarmament research expert (Renata Dwan, UNIDIR) warned that “[T]he risks of nuclear war are particularly high now, and the risks of the use of nuclear weapons ... are higher now than at any time since World War Two.” Various factors were driving this, including weapon modernization plans, changes in strategic rivalry, frustration over the NPT, and erosion of the negotiating tradition. Each had to be addressed.

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Six Questions

Question 1

Does the possession of nuclear weapons, or the reliance on them through allied defence arrangements, make a country safer, or less safe?

Question 2

Has the Non-Proliferation Treaty worked as a nuclear arms control measure (constraining the spread of nuclear weapons) and has it worked as a nuclear disarmament measure (disarming the existing nuclear powers)?

Question 3

There are three weapons of mass destruction (biological chemical nuclear); should nuclear weapons be regarded as similar in nature to the other two, or are they different in kind?

Question 4

Should New Zealand, as one of the 23 ratifying States, encourage other countries to sign and ratify?

Question 5

If complete nuclear disarmament is achieved, could the international community maintain international peace & security by relying on conventional weapons without nuclear deterrence, and on a veto-constrained UN Security Council as the primary organ to that end?

Question 6

How does the increased confrontation among the major powers, with nuclear tensions over Iran and North Korea, impact the nuclear disarmament process, and what initiatives might be envisioned to reduce this?