

THE JUSTICE THEY DESERVE

By Jonathan Granoff,
President of the Global Security Institute

Transcript of remarks made at the sixth Article VI Forum meeting, Berlin Germany
January 30, 2008

We should all be grateful for our host the government of Germany in helping to bring us together at this opportune moment. There is an opening for progress in strengthening the nonproliferation regime and moving toward nuclear disarmament with a new sense of clarity and hope. In that regard I have two pieces of information that I share with pleasure:

The Middle Power Initiative has held two consultations at the Carter Center in 2000 and 2005 with the active support and participation of President Carter. These consultations focus on preserving and strengthening the Nuclear Non-Proliferation Treaty. I am pleased to share that the third such consultation is confirmed for October 14-16, 2009 at the Carter Center in Atlanta.

Another piece of good news confirms our shared faith that change can take place rapidly and fundamentally. Tuesday's *International Herald Tribune*, states that "at the last annual meeting of the World Economic Forum in Davos, Switzerland, a proposal at one discussion forum to create a new sheriff to police global financial markets was practically hooted off the stage. But with the world economy in the grip of the worst banking crisis since the 1930s, the wisdom of a supra-national approach to banking regulation now goes virtually unchallenged." Within one year, the entire paradigm of how our global financial markets will be addressed has changed from one of basic anarchy to a culture of global cooperation and regulation. Why? I quote from Ben Bernake, the chairman of the Federal Reserve, "the world is too interconnected for nations to go it alone in the economic, financial, and regulatory policies." The article continues and highlights the problems of economies operating purely from a nationalist, self-interest perspective, and how that is soon going to be a thing of the past.

A global approach based on the rule of law can only work if it is considered legitimate. Such legitimacy is contingent on justice.

Justice rests of principles equity, fairness, and reciprocity. Human relations obtain balance and stability when there is justice. Inequity brings instability. Reciprocity is based on a universal ethical norm we call "The Golden Rule": do unto others, as one would have done to one's self. This principle is found in every major religion and cultural tradition in some form. To flaunt this principle is dangerous. For the sake of global security it is time to advance the principle that states must treat other states as they wished to be treated. The perpetuation of nuclear apartheid violates these principles. My country's failure to understand the basic principle of equity lead to the trauma and destruction called the Civil War.

The permanent five members of the Security Council claim a duty and right to lead the world and, thus, have a heightened responsibility to abide by the rule of law and fulfill their promises to others. Otherwise, their authority overtime will corrode, and the system, itself, will fail.

Nuclear weapons in the hands of a few are a stimulant to their proliferation. That is the practical, observable consequence of the P5's failure to abide by their disarmament pledges. On a more basic level, if there is inequity without legitimacy pursuit of a stable international order becomes unrealistic. A two tiered system will not suffice. It will be inadequate not only in the area of nuclear weapons. The cooperation needed to persuade countries to forsake short-term economic opportunity for long-term environmental responsibility will not be achieved in a world where some claim a superior right to their security in derogation of collective security. Cooperation is needed to effectively protect the global commons, address crushing poverty, fulfill the Millennium Development Goals, and ensure sustainable development.

We all depend on the same climate, oceans, and rainforests for sustenance. To protect these living systems and address the challenges to our new international Wall Street, the people's main street, and let us never forget those with no street, legally verifiable and enforceable regimes are needed. If one country can dump toxins in the ocean, all can use that country's flag to similarly pollute.

Bridges of cooperation are needed more than ever, and nuclear weapons build walls.

Our collective success in achieving the universal legally and verifiable elimination of nuclear weapons, or even working in a coordinated, good-faith fashion to address our greatest threat, will dramatically enhance our capacity to address all other common threats. The world has achieved the principle of rendering other, less onerous weapons of massive indiscriminant effect, biological and chemical, illegal and unacceptable. No one would support the elimination of polio and small pox as weapons and simultaneously assert that there could be responsible stewardship over the plague as a weapon. Yet, the far more destructive nuclear device remains, somehow, sacrosanct.

Our economies are now integrated; how fast this truth was learned. Even our personal lives in are integrated. In my life for example, I buy my gas from a Russian concession. When my computer goes on the blink, I talk to a young person in Bangalore. My country's currency is backed by Chinese banking.

Is this not odd? The United States borrows billions from China and spends that debt to develop weapons of mass destruction to threaten China, while China spends its debt-service payments beefing-up its military capacity to respond to the threat. How strange the zero-sum game of the pursuit of national security has become. We find a bank threatening its largest debtor and a creditor threatening its bank.

In the midst of such incoherence, the Nobel Peace Laureates' Rome Declaration of 2006 rings with clarity: "Nuclear weapons are more of a problem than any problem they seek to solve. In the hands of anyone, the weapons themselves remain an unacceptable, morally reprehensible, impractical, and dangerous risk. The use of a nuclear weapon against a state without nuclear weapons is patently immoral. Use against a state with nuclear weapons is also suicidal. These weapons have no value against terrorists and criminals. Progress toward a safer future is not thwarted from a lack of practical threat-reducing policy options. The problem is lack of political will."

To help address this dilemma, the United Nations Secretary General, Ban Ki-Moon, on October 24, 2008, proposed a comprehensive, far-reaching, five-point proposal. It deserves our attention, and I believe, support. His first proposal states that the nuclear weapons states could pursue their obligation under the Nuclear Nonproliferation Treaty to "undertake negotiations on effective measures leading to nuclear disarmament" by "agreement on a framework of separate, mutually reinforcing instruments. Or they could consider negotiating a nuclear weapons convention, backed by a strong system of verification, as has long been proposed by the United Nations. Upon the request of Costa Rica and Malaysia, I have circulated to all United Nations Member States a draft of such a convention, which offers a good point of departure."

That draft convention is contained in *Securing Our Survival*, with an updated commentary by Judge Weeramantry, and we are pleased to circulate it to you today. The principle for such a convention is reinforced annually by the positive voting in the General Assembly of over 125 countries in the resolution entitled, *Follow up to the International Court of Justice Advisory Opinion on the Legality of the Threat or Use of Nuclear Weapons*. The prestigious Weapons of Mass Destruction Commission, of which MPI Chairman Ambassador Henrik Salander was the Executive Director, also known as the Blix Commission, stated, "A nuclear disarmament treaty is achievable and can be reached through careful, sensible, and practical measures: boundaries should be set, definitions agreed, timetables drawn-up and agreed upon, transparency requirements agreed. Disarmament work should be set in motion." Only last month in Paris at the Nobel Peace Laureates Summit on the subject of human rights, the Nobel Peace Laureates declared :

“There is no greater threat to human rights than nuclear weapons. We call for the global, legally verifiable elimination of all nuclear weapons through prompt adoption of a nuclear weapons convention. This convention must include incremental, threat-reducing steps, such as termination of the production of weapons-grade fissile materials and a reliable verification system. We also call for the universal ratification of the existing Comprehensive Test-Ban Treaty.”

The model Nuclear Weapons Convention explicitly states that it shall not be interpreted in any manner that detracts from obligations under the Non-Proliferation Treaty (NPT) or the Comprehensive Test-Ban Treaty. Arguments that a convention detracts from the NPT are fallacious. The NPT non-proliferation requirements are not self-executing. That is why further instruments, such as the Fissile Material Cut-Off Treaty and the Comprehensive Test-Ban Treaty are required to fulfill the non-proliferation aspects of the NPT. Similarly, disarmament duties under the NPT are not self-executing and require other instruments.

It will take time to achieve to achieve our shared goal. Even Malaysia, in putting the model treaty forward, only called on states, and I quote Ambassador Hasmy Agam, “to commence multi-lateral negotiations leading to an early conclusion of the convention. It does not talk in terms of commencing immediate negotiations on the convention. It is compatible with the incremental approach.” The Geneva Gas Protocol of 1925 prohibited chemical weapons, but had no implementing mechanism. It took until 1993 to develop the mechanism for a phase program of elimination. Without the Chemical Weapons Convention, the huge chemical weapons stockpiles would still threaten us. It is time to start preparatory measure in a formal manner to develop similar phased nuclear weapons elimination measures. The nuclear weapons convention clarifies this goal.

Margaret Beckett, the then UK Foreign Secretary, said in June of 2007, “When William Wilberforce began his famous campaign the practice of one people enslaving another had existed for thousands of years. He had the courage to challenge that paradigm. In so doing, he helped to bring an end to the terrible evil of the transatlantic slave trade. Would he have achieved half as much? Would he have inspired the same fervor in others if he had set out to regulate or reduce the slave trade rather than abolish it? I doubt it.”

A non-discriminatory, legally-binding convention would strengthen the international rule of law by several means:

One, it would fulfill Article VI of the nuclear Non-Proliferation Treaty.

Two, it would fulfill the International Court of Justice advisory opinion’s obligation to pursue in good faith and bring to conclusion negotiations leading to nuclear disarmament in all its aspect under strict international controls.

Three, it would end the NPT’s greatest inadequacy, the perception that it codifies nuclear apartheid and inequitable obligations and rights.

Four, it would reinforce the atmosphere of cooperation needed to establish normative legal regimes in many other areas of our common needs.

Five, a nuclear weapons convention will eliminate the political currency of nuclear weapons, rapidly changing them from legitimate symbols of power and status to what they really are; dangerous hazards to be abolished.

We know a massive nuclear exchange would have devastating affects, and a substantial exchange could end civilization. Moreover a treaty banning the weapons will make preventing the spread of the weapons so much easier. The public will much more easily learn this truth if we advance a path it can understand. A treaty eliminating nuclear weapons can be understood, because it makes common sense. It is time we began talking seriously about a direct, common sense root that achieves unambiguously the common goal set forth by the Secretary General, the current President of the United States, and sane people everywhere -- a world without nuclear weapons. Leaving our children and all future generations a world without nuclear weapons is the justice they deserve. Thank you.