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*IEER Conference: Nuclear Disarmament, the NPT, and the Rule of Law
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Questions and Answers: Article VI of the NPT

April 24, 2000

Question: I would like to follow up on your comment on George Bush. It's not just George Bush. If you look at the Anti-Ballistic Missile treaty, the Nuclear Non-Proliferation Treaty, the INF Treaty, the START process, the SALT process and the Chemical Weapons Convention, they were all led and achieved by Republican leadership. The anomalous politicization of the Comprehensive Test Ban vote is unique. This Dr. Strangelove caucus that has seized control of the US Senate is really outside of the tradition of the Republican party in promoting the rule of law. I just think that people need to understand that arms control and disarmament historically have been bipartisan in the United States and this is a very unique political phenomena.

The second point I wanted to make is that even if under the NPT we were to establish some kind of oversight, unless nuclear weapons were exempted from veto power within the Security Council, I don't believe we would be taking a step forward. So I think we should be focusing on the uniqueness of weapons of mass destruction, particularly nuclear weapons, and the veto should not be permitted in application of violations of the law relating to weapons of mass destruction. As one of the people who worked on the Model Nuclear Weapons Convention, this is in a sense the stickiest wicket. Because to have a rule of law, it must be the same for everybody - that's the very premise of equity in law. And in order to do that, the veto must be exempted.

Rebecca Johnson: I completely agree with the comment about the veto. I didn't go into incredible detail about it, and I urge any of you who haven't seen the Model Nuclear Weapon Convention to go and have a look because it has a number of very useful ideas.

But just to make a final additional point: one of the other ideas that I think is absolutely essential for the enforcement of a nuclear-weapons-free world will be the role of civil society. I think it is absolutely essential that there be both an obligation on individuals as well as states not to participate or to do anything that would be in violation of the treaty agreements - assuming that the treaty agreements are essentially not to seek to manufacture, produce, transfer technology, etc. of nuclear weapons - but also an obligation on individuals as well as states to inform the implementing organization, which would have to be separate from the IAEA and the UN

Security Council and set up specifically for this with representation. Civilians as well as states must be placed under an obligation to reveal - basically to whistleblow - if they know of any violations. Because as many of us who have worked on the ground and at the grassroots know that citizens in the towns and areas adjacent to both clandestine and officially recognized nuclear weapon plants and bases usually know a very great deal about what is going on. And I think that that obligation has got to be enshrined in any treaty.

Arjun Makhijani: I'd like to make just one brief comment to the equality under the law question. The United States led the world in establishing the Nuremberg Code after World War II, and the Nuremberg Code was applied by the victors to the losers, but it is a universal code that I think ought to be universally respected. All of these things arise imperfectly in an imperfect world and this is the human condition. The question of applying the Nuremberg Code to nuclear weapons situation in the context of the World Court decision that nuclear weapons use and threats are illegal is a very interesting one because it places an obligation on the government servants in the nuclear weapon states, people who work for governments. As a non-lawyer, but as a technical person, I would say it would seem to place an obligation on those who are making nuclear weapons, especially those who are high up in the hierarchy, to denounce them in some way or renounce them in some way and to find a route to make their governments comply with what the World Court has said, although it's not an official decision. It's only an advisory decision. Clearly that ought to be the direction and I think the joining of the Nuremberg Code to the World Court decision - perhaps John Burroughs will explore this tomorrow when he speaks about the World Court decision.

Question: I would like to emphasize something - that in addition to technical means there is an approach which is called Citizen Reporting. It has been recommended by the Pugwash Conferences among others, and this could be very effective if at the beginning of the treaty an announcement is made by all national leaders who accept the treaty that it is the duty of the citizens to report any violation that they see. That it wouldn't go against their obligation to their own government, even if their own government was cheating. This kind of Citizen Reporting could be a very effective complement to technical types of verification, and we should not forget that.

Question: I do not have a question, but a comment. I wouldn't like to join Arjun and Rebecca over the question of whether Bush was really successful in disarmament or not. I think that's not the main question. The main question is that center-right governments always are better off in achieving disarmament because they will have no opposition from the left, and the left governments will be less successful on achieving disarmament because they will have a lot of pressure from the right and a huge lack of pressure from the left. Most NGOs do not really attack center-left governments because they believe somehow they are their allies. That's the first thought.

The second thought is that I think we should consider whether what we are currently witnessing is not something different. Maybe something like the early signs of developing a post-Cold War arms control system. The appearance of which we don't know, the rules of which we don't know really, and where a lot of things which we perceive to be possibly coming into disorder are the

pre-signs are something really significantly changing. Most of us do not yet have a feeling what that could look like - or maybe even all of us don't have.