

Is nuclear disarmament treaty worth the trouble?

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ABSTRACT

Logic might seem that it is not possible in nature but is according to different known signatories concerned and having knowledge of the present situation of the world have a different opinion completely. With the rising war for terrorism and the competition prevailing between the nuclear states and the non nuclear states wanting to be a nuclear one, the concern is increasing day by day. The vision of having a nuclear free world cannot be immediately achieved but will take it turns molding itself with the current situation of the world. Therefore the question arises is nuclear disarmament treaty worth the trouble? Does the world need to be a nuclear free world or people are just having false hopes. The only problem in putting off the agenda of nuclear disarmament is that it keeps the nuclear bearing countries in a weak position. Is it worth the risk!

Introduction

According to many thinkers, deterrence theory claims that the destructive nature of the nuclear weapons and its use, ushers fear among the people in the society and as a result the leaders turn more cautious. From the happenings from history if are to be concluded the thought of global nuclear war has caused both the powers to pull back from the brink and come under a negotiated agreement mutually decided and in favour of both. NUCLEAR WEAPONS are the most destructive weapons ever invented. These weapons are qualitatively different from earlier times and so everything that is brought before it becomes conventional. These type of weapons causes contemptible human suffering and there is no way to supervise the nuclear brawl and hence no person or power will have the slightest of knowledge of how long the effect will last. Hundreds and thousands men suffer injuries and die out of radiation exposures when a nuclear bomb is ignited in a city. A nuclear war scenario brings about both economic and social impact and can cause prolonged damage to the planet. It would deeply disturb the earth's environment as well as increase the global warming and also result in food scarcity around the world.

The actuality of nuclear weapon is that its very existence is a threat to future generation and human survival. The perils of the use of nuclear weapons being used arises the current regional and international pressure and it had started from the days of cold war. Nuclear armed states are adapting new methods Of increasing their armaments and hence becoming more unguarded to cyber-attacks, so there are enough reasons for nuclear weapons to be not used in the near future. The ICRC's Director General Mr. YVES DACCORD spoke in April about the heightened risk if nuclear weapons are to be used and also directed the need to abolish them. In his speech he clearly mentioned that "**the nuclear weapons can be used intentionally, accidentally or by miscalculations**".¹

Use of nuclear weapons in nuclear war causes catastrophic human suffering to an extent that we can't graph and it affects adversely on society, medical system, and environment. Even after 72 years of the aftermath of **Hiroshima- Nagasaki** bombing in august 1945, the **Japanese Red Cross** still bear witnesses and treat victims with cancer due to the radiation exposure at that time. Hence realizing the magnitude of the needs, **the international red cross**² and **Red Crescentmovement**³ has been a strong advocate to eliminate weapons ever since. This idea was guided with the fact that countries would be unable to give any type of meaningful humanitarian response of then use of nuclear weapon.

But in present time, looking at the growing economy and the situation of the society, the two sides of the nuclear coin has to be well understood. though instruments of war are destructive in nature but nuclear power has beneficial application on energy production, medicine and industrial activities and products. This form a common technology base and it is this dual nature or character that challenges the national governments and international institutions.

So the question arises as to why nuclear weapons are to be banned? Instead of taking steps to attain the long standing nuclear- disarmament obligations, nuclear armed states are presently ameliorating their arsenals, developing the weapons and making them easier to use. The military operations with nuclear allied stated are occurring frequently. Hence the international committee of Red Cross is highly stressed and concerned about the arm control framework. So they are in constant state to persuade the nuclear states to reserve this distressing trend. **The international campaign to abolish nuclear weapon**⁴ gave five existing points as to why nuclear weapons should be banned immediately.

¹ Nuclear risk symposium organized by the UN Institute for Disarmament Research.

² ICRC International Red Cross- <https://www.icrc.org/en>

³Founded 1863 Geneva, Switzerland

⁴ Global civil society, Melbourne, Australia 2007

Firstly, **the humanitarian nature-** the eradication of nuclear weapons is an urgent necessity. Since the weapons and its use have catastrophic consequences. Even if nuclear weapons are not to be ever used again but its production, testing, and deployment of nuclear arsenals would be intolerable by human community around the globe. **“Nuclear weapons are unique in their destructive power, in the unspeakable human suffering they cause, in the impossibility of controlling their effects in space and time, and in the threat they pose to the environment, to future generations, and indeed to the survival of humanity.”**⁵ As mentioned clearly in the International Committee of Red Cross in 2010. The survivor of Hiroshima bombing **Mr. Setsuko Thurlow Hibakusha**⁶ stated **“my beloved city of Hiroshima suddenly became desolation, with heaps of ash and rubble, skeletons and blackened corpses”**

Secondly, **the security case-**the nuclear instruments that are being used for terror and mass destruction doesn't have any legitimate defenses in cases during climatic change, or terrorism or cyber-attacks. They only cause national and global insecurity. It doesn't retain peace and only stirs up fuel and distrust between countries. In August 2016 Mr. **Ban Ki-moon**⁷, the secretary general of the UN stated **“I call on all states to focus on one overriding truth; the only sure way to prevent the human, environmental and existential destruction these weapon can cause is by eradicating [these weapons] once and for all”**⁸

Thirdly, **the environmental case-** WHO has been looking into the matters of the use of nuclear weapons and its effect on health and environment. According to the reports of 1984⁹ and 1987¹⁰ WHO has stated that no help from the profession of health will be adequate to meet the detrimental health needs. **“Health and environmental risks associated with accidental releases of radioactivity during nuclear weapons production, decommissioning of nuclear facilities, and dismantling of nuclear warheads, in addition to the health and environmental hazards posed by nuclear tests, are still widespread. These risks will continue as long as nuclear weapons are being produced, and the only remedy is their elimination”**

Fourthly, **-the economic case-** nuclear weapons carry huge proliferation risks. While nuclear arsenals have decreased but the budgetary expenditure is constantly on the rise which was estimated to be 1000 billion dollars for the decade of 2010-2020.¹¹ The administration's commitment to maintaining the nuclear weapons arsenal is reflected in the fact that the **Department of Defense and Department of Energy**¹² requested a combined \$23 billion for nuclear weapons spending in 2016. Overall, the projected spending on nuclear weapons modernization over the next ten years comes

to \$348 billion. Over the next 30 years, the US nuclear weapons modernization program is estimated to cost \$1 trillion.

The ICJ has constructed an advisory opinion concerned with the “legality and the threat or use of nuclear weapons”. The court has given the verdict that **any use of nuclear weapon or even the threat of using a nuclear weapon will be considered as violation of various articles of international law including the Geneva Convention, UN Charter, The Hague Convention, and United Declaration of Human Rights.**¹³

The UN Human Rights Committee, took over a **general comment no 36(2018)** on **Article 6** of the **International Covenant on Criminal and Political Rights (ICCPR)**. It concludes by stating that the use or threat of nuclear weapons is incompatible with the **Right to Life** and it may be also be considered to be criminal in nature. According to **paragraph 1** of article 6, **“Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life”**. according to paragraph 66 of General Comment No 36 of article 6 ICCPR **“The threat or use of weapons of mass destruction, in particular nuclear weapons, which are indiscriminate in effect and are of a nature to cause destruction of human life on a catastrophic scale is incompatible with respect for the right to life and may amount to a crime under international law.**

States parties must take all necessary measures to stop the proliferation of weapons of mass destruction, including measures to prevent their acquisition by non-state actors, to refrain from developing, producing, testing, acquiring, stockpiling, selling, transferring and using them, to destroy existing stockpiles, and to take adequate measures of protection against accidental use, all in accordance with their international obligations. They must also respect their international obligations to pursue in good faith negotiations in order to achieve the aim of nuclear disarmament under strict and effective international control and to afford adequate reparation to victims whose right to life has been or is being adversely affected by the testing or use of weapons of mass destruction, in accordance with principles of international responsibility”¹⁴ Russia in this case firmly argued that the management and use of nuclear weapons was beyond the competence of the human rights committee. They **stated “regulated by the norms of international legal documents have a] certain circle of participants, in this regard the automatic dissemination of their provisions and related obligations to state parties to the covenant is unlawful”**. UK and France did not challenge the provisions of the committee. They just opposed some of its drafts. The Brazil government argued by citing the example given by the ICJ. They stated **“The use of nuclear weapons violates the right to life and right to health of not only people currently living but also of the unborn or those to be born, of subsequent generations”**. The international association of lawyers against nuclear arms argued that the use or threat

⁵ International Committee of Red Cross 2010

⁶ Survivor of Hiroshima bombing 1945

⁷ Secretary-general of the United Nations

⁸ Security council open debate, 23 August 2016, credit- UN news centre

⁹ Effects of nuclear health and health services, Geneva 1984

¹⁰ Supra note 9, second edition

¹¹ Report by Jen Maman, 26 September 2018

¹² (2016, apr13) the New START Treaty, Central limit and key provision. Retrieved from-<https://fas.org/spp/crs/nuke/R41219.pdf>

¹³ Azoclean Tech, Alessandro Pirolino 2010

¹⁴ Paragraph 66 of general comment no 36, on article 6 of 1CCPR

of nuclear weapons is incompatible when it comes to right to life. They also gave a legal background to this statement providing **Article 2(4)** and **Article 51(2)**¹⁵.

History of the NPT treaty:-With the emergence of the nuclear age, and the use and development of nuclear bombs in Hiroshima and Nagasaki in 1945, proved that the major powers of the world would divert their attention from the safe use of nuclear weapon to enabling them to use their technology for weapon purposes. Hence the problem of preventing such mindset to spread, became the major issue of discussion. In 1946, an initiation of using nuclear technology within appropriate limits and safeguards started which in 1949 got terminated due to major political differences between world powers. But by then United States and former Soviet Union already had started testing nuclear arms and had full intention to have nuclear stocks,

In December 1953, US President DWIGHT.D.EISENHOWER in his "Atoms For Peace"¹⁶ proposal said that an international organization should be set up whose clear intention would be limited and safe use of nuclear technology while taking strict measures against the use of nuclear weapons by the additional countries who did not possess any nuclear weapons then. In 1957, this proposal was given a name called the INTERNATIONAL ATOMIC ENERGY AGENCY (IAEA). This agency had two major responsibility:- promotion of nuclear technology as well as controlling them.

The work of the IAEA began in full form from 1961 onwards. In recent years the efficiency and effectiveness of the IAEA is checked in by the board of governors of the MODEL ADDITIONAL PROTOCOL (INFCIRC/540).

Within the frame work of the protocol in the UNITED NATIONS, the negotiations and discussion of nuclear proliferation had started in 1957. But it gained its popularity from 1960s. by mid 1960 the structure of the treaty was formed and by 1968 final agreement had been decided for the treaty to prevail with a view to prevent proliferation of nuclear weapons and to attain the goal of nuclear disarmament. At an NPT review and extension conference¹⁷, parties without even voting decided that the treaty should expand and the review conference should be held every five years.

What is NPT? –The non- proliferation treaty is a landmark international treaty whose aim is to promote peaceful use of nuclear energy and to prevent the use and spread of nuclear weapon technology within the world states. It is a multilateral treaty among the nuclear weapon state which has the goal of achieving both complete and general disarmament. In 1968 the treaty was open for all the signatories to join in three capitals, namely Washington, London, and Moscow¹⁸ which initiated 191 states to join it. It was even supported by five major world powers after which in 1970 it came into force.

The structure of the non proliferation treaty was build to prevent nuclear weapons and also to establish foundation between world states and hence the treaty gained its popularity worldwide. The treaty works under the laws and systems of the international atomic energy agency(IAEA) which conducts inspection and checks on the use of nuclear technology with the states. It gives full access to use of nuclear technology without the world states getting diverted to nuclear fissile material use.

The treaty conducts a review conference every five years which is mandatory. In 2010, the conference had a successful outcome making the parties to agree to concluding remarks and suggestions towards their action which again in 2015 had an unsuccessful result since the recommendations were not supported by majority of the parties and hence had to face an abrupt ending.

The NPT focuses on 3 regimes that need to be followed:-

- a) Countries with nuclear weapons should move towards disarmament.
- b) Countries without nuclear weapons will not by any means acquire them.
- c) All countries have full permission to access peaceful nuclear technology.

The process for 2020 review conference will be held on the recommendations of IAEA.

Non Proliferation and International Peace Security:-

"The origin of the treaty should be focused on the critical importance of nuclear proliferation as a SINE QUA NON- for the international peace and security"¹⁹

Nuclear deterrence is a prevailing component in the environment of international security. But its maintenance and the fear of failure is both challenging and catastrophic. Misperception, miscalculation and political issue among major world powers needs to be managed in order to avoid nuclear war.

Increase of calamity geometrically would definitely increase the risk of nuclear war which would definitely result in the disaster of the treaty.

When the treaty was being discussed about the makers had full knowledge about the risks and had conclusions and satisfactory results to it. But the working became more complicated and an urgent need for making and introducing the treaty came into picture after the Cuban Missile Crisis²⁰ in 1962. The result of this was china had broken Soviet ally and denoted the negation of the non proliferation treaty as "hoax of superpower". Both the US intelligence analyst and US Arms Control & Disarm Agency chairperson WILLIAM FORTER²¹ was of the opinion that, the probability of nuclear weapon being used by additional countries will only increase. He quoted " it will increase as the number of fingers on the trigger increases".

¹⁵ Article 2(4)- UN charter & Article 51(2)-Additional protocol I to the 1949 Geneva conventions.

¹⁶ Eighth session of the United Nations General Assembly

¹⁷ May 1995

¹⁸ July 1, 1968

¹⁹Dr Christopher Ashley Ford, assistant secretary, bureau on international security & non proliferation.

²⁰ S.U & U.S 1962

²¹ Chairperson of US Arms Control & Disarm Agency

According to Dr Ford the Non Proliferation Treaty is focused on the risks of standing against proliferation from when the committee²² began.

Non Proliferation as a Security Benefit for All:-

- a) ACDA Directors quoted that “spread of nuclear weapons would be at least as serious a threat to non-weapon states as to nuclear power themselves”²³.
- b) U.S Ambassador GOLDBERG quoted “non possessors have more to lose than seeing nuclear weapons end up in the hands of a regional rival or neighbor than did the existing states”²⁴.hence this treaty is a special benefit for non weapon state.
- c) Secretary of State DEAN RUSK explained “ further spread of nuclear weapons would only increase the danger of nuclear war and diminish the security of all nations and not just some nations”²⁵.
- d) President LYNDON JOHNSON gave out a message “treaty would free non weapon states from the fear that non- nuclear neighbors may develop such weapons”²⁶.
- e) ALEXI KOSYGIN²⁷ sent out a message in support for NPT. He said “likeness an end is to put proliferation throughout the world the danger of outbreak of nuclear war will increase”.
- f) The representative of soviet in U.N General Assembly noted in 1966 that all the countries live in the fear of proliferation and hence proliferation is so different to a weapon state or a non weapon state.
- g) N.V ROSHCHIN²⁸ gave out the view of NPT that the treaty was not at all concerned about nuclear powers but the countries of the world that are involved in it. He quoted “everyone’s security depends very much on the solution of the non-proliferation problem”.

Conclusion and suggestion: -The question arises whether nuclear weapon is useful to military technology or not? It is needless to say that in the past 68 years there has been no direct need for use of nuclear weapon. If we ever consider nuclear weapons to be genie which has all power of the world then depletion of the nuclear weapons is next to impossible cause everyone in the society, is in need of an immediate solution. But since the weapons are dangerous to mankind its brutal and expensive then the need of it getting eliminated is felt. Hence we are of the view that nuclear weapons can be disinvested but has any technology been disinvested ever? Mankind has their share of ultimate confrontation with natural environment when it comes in direct contact with nuclear weapons.

According to logic a nuclear free world is impossible to visualize but on the contrary many signatories have come to record saying that nuclear free world is definitely possible. Though it may not be suddenly maintainable and in fact to achieve the mission it might take a lifetime but it is really

important to bring out this powerful vision in front of the public. Does this mean that the nuclear disarmament treaty is of great trouble and worth taking risk? The answer is yes, with the nuclear weapons posing huge danger on one hand and the positive ideas that are coming out of its use from the international politics we should be determined aspire for a world which is devoid of any heinous killers and should be safely control the whole society for but atleast the future generations.

²² Eighteenth National Disarmament committee in 1965

²³ UN First Committee& ENDC

²⁴ Addressed to ENDC in the U.N General Assembly

²⁵ Congress in 1966

²⁶ ENDC IN 1967

²⁷ Soviet premier

²⁸ Soviet Ambassador,1967

