

The Nuclear Nightmare

Sir Geoffrey Palmer QC

Policymakers on this planet need to redouble their efforts to eliminate nuclear weapons.

More than 16,000 nuclear warheads exist distributed among nine nuclear-armed states. Some nations are increasing their arsenals.

More than 90 per cent of these weapons are in Russia and US arsenals. The others are shared between China, France, the United Kingdom, India, Israel, Pakistan and North Korea.

There are few signs that nuclear weapons states have any commitment to eliminate these weapons. Indeed, currently big efforts are being made to spend eye-watering amounts of money modernising and improving these weapons.

Recent security problems have made matters worse. The situation in Ukraine, the emergence of the Islamist State in the Middle East, the talks with Iran and the tensions between Japan and China all contribute to an atmosphere of mistrust and instability.

During 2014 I have attended two meetings where these problems were discussed in detail.

The first was held in Jakarta in August, a meeting of the Asia Pacific Leadership Network for Nuclear Non-Proliferation and Disarmament. Convened by the former Australian Foreign Minister Gareth Evans, Jim Bolger and I are the New Zealand representatives.

The meeting was a sombre affair with evident tensions over the situation between India and Pakistan, developments in North Korea and other tensions in the region. Many of the weapons are located in the Asia Pacific region.

The second set of meetings was held in Buenos Aires, Argentina last week.

The Latin American Leadership Network, that includes the Caribbean are resolute and determined on these issues. They have no nuclear weapons and they want to see an end of them.

The next meeting was a two day Forum meeting of 33 representatives from all the regional Global Networks. This was convened by the American based NGO, the Nuclear Threat Initiative, acting with the Nuclear Security Leadership Council that is headed by former Secretaries of State and Defense in the United States, Henry A Kissinger, George P Schultz, William J Perry and former Senator

Sam Nunn. These statesmen have set out their vision since 2007 of the practical and urgent steps needed to produce a world without nuclear weapons.

These meetings underlined to me just how complex, multi-faceted and “wicked” the problems are.

One point discussed at the meeting was the New Zealand initiative taken at the First Committee of the United Nations by Ambassador Dell Higginson on 20 October 2014.

In a most significant diplomatic accomplishment on 20 October that seems to have gone unreported in New Zealand itself, New Zealand negotiated a statement on the humanitarian consequences of the use of Nuclear Weapons to which 155 countries signed up.

The statement was strong and uncompromising. The countries were deeply concerned about:

- . the catastrophic humanitarian consequences of nuclear weapons
- . the immense, uncontrollable destructive capability and indiscriminate nature of these weapons
- . the fact that no State or international body could address the immediate humanitarian emergency caused by a nuclear weapon detonation or provide adequate assistance to victims
- . the catastrophic consequences of nuclear weapons affect every citizen in our interconnected world
- . that it is in the interest of the very survival of humanity that nuclear weapons are never used again under any circumstances
- . the effects whether by accident, miscalculation or design cannot be adequately addressed
- all efforts must be exerted to eliminate the threat of these weapons of mass destruction
- . the only way to guarantee that nuclear weapons will never be used again is through their total elimination

Naturally enough nuclear weapons states did not sign up, and surprisingly neither did Australia.

In 1996 the International Court of Justice in its advisory opinion on Nuclear Weapons stated the international law in strong terms concerning the use of nuclear weapons. It said “These characteristics render nuclear weapons potentially catastrophic. The destructive power of nuclear weapons cannot be contained in either space or time. They have the potential to destroy all civilization and the entire ecosystem of the planet.”

The court stopped short of declaring that use of these weapons was lawful or unlawful in all circumstances particularly, in an extreme circumstance of self-defence in which the very survival of the state would be at issue.

International human rights law, international humanitarian law and international environmental law have all developed in the eighteen years since the ICJ decision. The situation must now be that any use of nuclear weapons is highly dubious from a legal point of view.

Given the width of support for the New Zealand initiative among members of the United Nations it seems to me that the time is right to nail down the illegality of nuclear weapons through international agreement.

An importance conference that will occur on 7-8 December in Vienna at which at least some of the nuclear weapons states will attend provides a new opportunity to progress the issue.

Now New Zealand is on the Security Council I hope we will keep our foot on the pedal and advance strongly the cause of nuclear disarmament.

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