

From aspiration to success: shaping civil society action to change nuclear weapons policy

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Sixty-five years after the United Nations General Assembly first called for the elimination of nuclear weapons,¹ US President Barack Obama reignited the vision for a nuclear-weapon-free world, but added that realizing such a vision might not happen in his lifetime.²

During the past four decades the international community has achieved treaties prohibiting and eliminating other inhumane weapons, such as anti-personnel landmines, cluster munitions, biological weapons and chemical weapons. However, the prohibition and elimination of nuclear weapons, the most inhumane and destructive of all, remains elusive.

Civil society action was instrumental in the achievement of the Mine Ban Treaty and the Convention on Cluster Munitions, building political will to counter and override the pressure to keep such weapons due to their military utility. Two key factors in the success of the campaigns were a focus on the humanitarian consequences of the use of these weapons, and the application of international humanitarian law. Media images of victims and survivors of landmines and cluster munitions generated popular support for treaties to ban the weapons and stimulated like-minded governments to bypass the deadlocked consensus-based processes in Geneva with a direct treaty negotiation process.³ It has also been argued that a focus on the humanitarian aspects of chemical and biological weapons provided the key to achieving conventions to eliminate them.⁴

Many advocates of nuclear disarmament thus call for a similar humanitarian framework to be applied to the campaign to achieve a nuclear-weapon-free world.⁵ This would involve a shift from a technical, step-by-step process—which could indeed take generations to complete—to a prohibition process, whereby success could potentially be achieved much more quickly.

Such a shift in focus opens the door to a range of actions by all states to advance nuclear abolition. Non-nuclear-weapon states would no longer be spectators on the sidelines calling for the nuclear-weapon states (NWS) to reduce their numbers and for threshold states not to acquire nuclear weapons. Instead, the non-NWS could be active: prohibiting nuclear weapons in their own jurisdictions and among themselves, and building the legal, technical, political and institutional elements of the framework required to achieve a nuclear-weapon-free world. This could include pursuing a like-minded process similar to the processes that led to the Mine Ban Treaty and the Convention on Cluster Munitions by undertaking preparatory work for negotiations on a Nuclear Weapons Convention and developing initial aspects of an enforceable global prohibition treaty.⁶

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There is fertile ground for such an approach following the agreement in the 2010 NPT Review Conference *Final Document* that “all States need to make special efforts to establish the necessary framework to achieve and maintain a world without nuclear weapons.”⁷

However, there are a number of questions as to whether the processes and civil society campaigns that helped to achieve the Mine Ban Treaty and Convention on Cluster Munitions are replicable for nuclear weapons. Civil society has already tried to carry out such campaigns with respect to nuclear abolition, with rather limited success. In the 1960s and 1980s, non-governmental organizations mobilized millions of people using the destructive humanitarian consequences of nuclear weapon tests and potential use in war as a primary organizing tool. Such action was effective in achieving a ban on nuclear testing, and probably helped to build a norm against use that has prevented any use in wartime since 1945.⁸ However, only in a very few cases has such civil society action been able to move governments from policies embracing nuclear deterrence to policies of prohibition.⁹

Civil society action has been effective in changing public attitudes to nuclear weapons, especially in the states possessing nuclear weapons or covered by extended nuclear deterrence. Whereas public opinion polls in the 1980s indicated majority acceptance of nuclear weapons,¹⁰ recent public opinion polls indicate the majority now supports the prohibition and elimination of nuclear weapons.¹¹

However, such a change in public opinion appears to have had only a minimal impact on government policy. There has been a slight shift, in that most governments now accept the vision and responsibility for achieving a nuclear-weapon-free world. Nonetheless, few of the NWS or their allies are prepared to abandon nuclear deterrence, prohibit the threat or use of nuclear weapons, or commence negotiations on anything other than minimal steps toward disarmament.

Indeed, Kissinger, Shultz, Perry and Nunn¹² and many of the other similar “gangs” of high-level former advocates¹³ of nuclear deterrence now supporting the vision of a nuclear-weapon-free world generally indicate that their change in viewpoint was not a result of civil society action, but rather of a change in political conditions that made the doctrine of nuclear deterrence less sustainable.

Many of them also argue that the current obstacles to progress are not lack of public attention or civil society engagement, but ongoing security concerns, which rule out the possibility of moving to zero nuclear weapons in the short or medium term. Their view is encapsulated in this quote from the first article by Kissinger et al.: “In some respects, the goal of a world free of nuclear weapons is like the top of a very tall mountain. From the vantage point of our troubled world today, we can’t even see the top of the mountain. We must chart a course to higher ground where the mountaintop becomes more visible.”¹⁴

The real potential of civil society to effect change in nuclear weapons policy is probably somewhere between two polarized perspectives: public pressure is not irrelevant to a political realist world, but nor is it a magic cure that will by itself deliver the abolition of nuclear weapons.

Limits to civil society impact on nuclear doctrines

Several factors place greater constraints on the role of civil society in effecting change in the nuclear weapons arena than was the case for cluster munitions and landmines.

First, the humanitarian impact of cluster munitions and landmines was current and demonstrable to the public and media. Landmines and cluster munitions were killing and maiming thousands if not millions of people during the periods leading up to the treaty negotiations and throughout the negotiations. The civil society campaigns were thus able to get media coverage and public attention to the plight of those affected. The humanitarian impact of nuclear weapons is, in contrast, more historical and hypothetical. Moreover, radioactivity is a silent and elusive killer, making the full extent of its impact on health much more difficult to see and to prove.

Second, nuclear weapons have not been used in wartime since 1945, which diminishes the importance and urgency ascribed to the issue by the general public. Other issues appear much more pressing, such as climate change, environmental damage, conventional wars, the flow of small arms, terrorism and development.

Third, nuclear weapons are hidden in silos and submarines—out of sight and out of mind—and this reduces further the general knowledge of and public attention given to the issue.

Fourth, cluster munitions and anti-personnel mines were used in military operations. The prohibition campaigns could argue that such use was not militarily necessary as there were alternative military strategies available to meet the same goals. Once military planners replace the operational need for such weapons, there is no justification for retaining them.¹⁵ Nuclear weapons, on the other hand, have a primarily political role. The fundamental purpose ascribed to them is not for use in military operations, but as a deterrent.¹⁶ There is a widespread, though misplaced, perception that their use ended the Second World War, and that their threatened use has prevented a major war between nuclear-armed states ever since. Even if civil society effectively convinces governments that the use of nuclear weapons would violate international humanitarian law, it would not necessarily lead to immediate prohibition of possession. In the case of chemical weapons, for example, it took nearly 70 years after the use of chemical weapons was prohibited¹⁷ to achieve a convention banning the possession of chemical weapons. Up until the conclusion of the Chemical Weapons Convention, a number of states maintained such weapons primarily as a deterrent and retained the option of retaliatory use.

These factors indicate that replicating the widespread civil society campaigns that were generated against nuclear testing and the nuclear arms race in the 1960s and 1980s, and those generated against landmines and cluster munitions in the 1990s and 2000s, would be difficult if not impossible. Moreover, even if it were to be achieved, it would probably only have a limited impact on nuclear policy, unless it was strategically targeted.

Increasing public support: making nuclear abolition more relevant

There are ways in which civil society campaigns for nuclear abolition could muster more support. Making nuclear abolition more obviously relevant to the current concerns of the public would increase the reach of anti-nuclear campaigns and enhance the potential for media and public attention.

Highlighting the cost of nuclear weapons and the link between nuclear disarmament and funding for social and economic needs could bring development-oriented organizations into the campaign. It is reported that countries possessing nuclear weapons spend approximately US\$ 90–100 billion per year.¹⁸ Think how this could be better spent on education, social services or development aid.¹⁹

Nuclear weapons use is also tightly bound to environmental concerns. The environmental consequences of even a limited use of nuclear weapons would be devastating. The detonation of a hundred nuclear devices, less than 1% of the global arsenal, would generate enough smoke to cripple global agriculture. Temperatures in the Northern hemisphere would drop, and millions would starve, even in countries far from the conflict.²⁰

Engaging the development and environmental communities could build public support. However, to succeed in changing policy a civil society campaign must address the continuing rationales and drivers for nuclear deterrence and engage directly with policy makers.

Key drivers and rationales for nuclear weapons

The International Commission on Nuclear Non-proliferation and Disarmament (ICNND) identified a number of key drivers and rationales that perpetuate reliance on nuclear deterrence, which include the following perceptions.

- Nuclear weapons have deterred, and will continue to deter, war between the major powers.
- Nuclear weapons deter large-scale conventional attacks.
- Nuclear weapons deter chemical or biological weapons attack.
- Extended nuclear deterrence is necessary to reassure allies.
- Any major move away from nuclear deterrence is inherently destabilizing.
- Nuclear weapons cannot be disinvented so there is no point trying to eliminate them.

- Nuclear weapons confer unrivalled status and prestige.
- Nuclear weapons cost less than conventional arms.
- Nuclear weapons establishments are needed to maintain expertise.²¹

Another key driver is the corporate interest in perpetuating a high nuclear weapons budget. Nearly US\$ 100 billion are spent annually on nuclear weapons and their delivery systems,²² leaving the industry with considerable resources to advocate for the retention of nuclear weapons.

The prospect of success will be greatly enhanced if civil society campaigns address these rationales and drivers. Nuclear abolition should be relevant to politicians' and the general public's interests. The campaigns should stigmatize and delegitimize nuclear weapons: highlight the environmental and humanitarian costs as well as other risks of nuclear weapons, expose the myths of nuclear deterrence and reinforce the illegality of nuclear weapon use. The campaigns must also propose viable alternatives to nuclear deterrence, and a verifiable and enforceable disarmament regime that builds prestige into nuclear disarmament rather than armament.

Stigmatizing nuclear weapons

The overwhelming majority of states agreed to prohibit chemical and biological weapons and to discard them as unusable because they came to be seen as inhumane, "dirty", "poisonous", and indiscriminate terror devices unworthy of being considered weapons.²³ Similar stigmatization by civil society of landmines and cluster munitions underpinned the successful campaigns for treaties banning them.²⁴

The even more repulsive and devastating characteristics of nuclear weapons need to be brought home to political leaders in particular, for some of whom possession of a nuclear arsenal seems to have become imbued with almost fetishistic power.²⁵ As General Lee Butler said:

Nuclear weapons are the enemy of humanity. Indeed, they're not weapons at all. They're some species of biological time bombs whose effects transcend time and space, poisoning the earth and its inhabitants for generations to come.²⁶

Delegitimizing nuclear weapons

The general illegality of threat or use of nuclear weapons was confirmed by the International Court of Justice (ICJ) in its 1996 Advisory Opinion. The ICJ based its conclusion on the principles and rules of international humanitarian law (IHL) which are "intransgressible", thus applying to any use of nuclear weapons.²⁷ The ICJ applied additional law relating to the threat or use of force, including Article 2(4) of the UN Charter, to determine that the threat to use nuclear weapons was also generally illegal. However, the Court's judgment included a caveat that it "cannot conclude definitively whether the threat or use of nuclear weapons would be lawful

or unlawful in an extreme circumstance of self-defence, in which the very survival of a State would be at stake.²⁸

The NWS have not fully accepted the Court's decision. However, Switzerland's success in including reference in the 2010 NPT Review Conference's *Final Document* that IHL must apply at all times²⁹ increases the political possibilities to advance, reinforce and apply the 1996 ICJ Advisory Opinion in order to build political momentum for abolition.

Citizens in NWS can use these documents in legal challenges to deployed nuclear weapons.³⁰ Citizens in non-NWS can also use the Court's opinion of general illegality of the threat or use of nuclear weapons to advance legislation in their own countries prohibiting nuclear weapons and making it illegal for citizens to be involved in activities relating to their threat or use. This could include extraterritorial application, as in New Zealand, or even moves toward universal jurisdiction.³¹

Another possibility for reinforcing and applying the norm of illegality is through an amendment to the Statute of the International Criminal Court, which would make the employment of nuclear weapons, or the threat of their employment, a crime under the jurisdiction of the Court. Mexico has proposed such an amendment, which has been supported by a number of other countries and by parliamentarians around the world.³²

A treaty prohibiting the use of nuclear weapons is another way that non-NWS could affirm the illegality of the use of nuclear weapons. Such a treaty could be a catalyst for public discussion in countries that are allies of NWS: should they relinquish their dependence on extended nuclear deterrence or be seen to support the potential use of nuclear weapons by remaining outside the treaty?³³

The norm of non-use could even be advanced among NWS. The US Nuclear Posture Review does not accept the illegality of threat or use, but does reinforce a practice against use: "It is in the US interest and that of all other nations that the nearly 65-year record of nuclear non-use be extended forever."³⁴ There have been suggestions that the NWS might be amenable, with some encouragement, to a UN Security Council resolution affirming the practice of non-use.³⁵

Beyond legality, recent reports have challenged the legitimacy of the doctrine of nuclear deterrence, and placed greater onus on the proponents of nuclear deterrence to give evidence for their claims.³⁶ Whilst these are important and possibly influential initiatives, they will not convince everyone.

Thus, while initiatives to debunk deterrence are important, they will need to be complemented by efforts that do not necessarily challenge nuclear deterrence, but look beyond it—at how deterrence is being overtaken and can be replaced completely by other security mechanisms and conditions.

Alternatives to nuclear deterrence

The obligation to achieve nuclear disarmament is not contingent upon finding alternative security mechanisms to nuclear deterrence. Rather, this obligation has been confirmed by the ICJ as unconditional and by the states parties to the NPT as unequivocal.

Nonetheless, paying attention to the development of non-nuclear security mechanisms makes nuclear disarmament more feasible, opening the door to engagement with policy makers in the 30 or so states still relying upon nuclear deterrence. Although security through nuclear deterrence is risky and possibly illusory, NWS and their allies, and policy makers supportive of nuclear deterrence doctrines, are unlikely to abandon such doctrines without the strengthening or further development of alternative non-nuclear mechanisms or security conditions.

This dynamic was evident in the 2010 NATO Parliamentary Assembly discussion in Latvia on the US nuclear weapons deployed in Europe as part of extended nuclear deterrence. Rapporteur Raymond Knops, noting a division between those supporting a removal of the nuclear weapons and those wanting them retained, requested that parliaments discuss and report back on “What alternative measures might member states find acceptable in ensuring their defence should a change to the status quo take place?”³⁷

It is also reflected in the US Nuclear Posture Review, which links a reduced role for nuclear weapons with strengthening non-nuclear means for attaining security. “Although nuclear weapons have proved to be a key component of US assurances to allies and partners, the United States has relied increasingly on non-nuclear elements to strengthen regional security architectures.”³⁸

Some argue that the mechanisms and conditions for non-nuclear security already exist, even if they are not yet adequately utilized.³⁹ These conditions include the more integrated global financial, trade, political and communications systems rendering aggression, in most circumstances, now counterproductive and nonsensical for the potential aggressor. The mechanisms include the UN bodies, treaty bodies, regional security structures and a range of approaches such as diplomacy, mediation, negotiation, arbitration, adjudication, and enforcement through sanctions and collective action under the United Nations. These mechanisms have been used to deal successfully with conflicts and threats involving nuclear weapons, thus demonstrating that states could abandon nuclear deterrence doctrines even before there is a global nuclear abolition regime,⁴⁰ as some states have already done. Many other states never subscribed to nuclear doctrines in the first place.

One alternative security mechanism is regional nuclear-weapon-free zones (NWFZs). These confirm that nuclear weapons will not be deployed on the territories of states parties, and include guarantees that the NWS will not threaten or use nuclear weapons against NWFZ states parties. In addition, they provide a forum for the states in the region to discuss security issues within a common security framework. NWFZs have already contributed to enhancing security

and reducing the role of nuclear weapons in a number of regions, overcoming complicated political relationships to do so.⁴¹ The exploration and development of NWFZs in North-East Asia, Central Europe, the Arctic and the Middle East would further marginalize the role of nuclear weapons and would enhance non-nuclear security in these regions.

Moreover, there is a growing awareness that the real security threats in the twenty-first century are not threats of invasion that need to be deterred by military force and possibly nuclear weapons, but the human security issues of poverty, climate change and resource depletion. As leaders of Parliamentarians for Nuclear Non-proliferation and Disarmament have noted these threats "... can only be overcome by nations and the global community working in cooperation—something not possible while nations maintain large and expensive militaries and threaten to destroy each other."⁴²

Finally, it should be noted that the very process of developing the cooperative regime that would be required to verifiably eliminate nuclear weapons would in itself contribute to the global cooperative security framework.

Developing a verifiable and enforceable nuclear disarmament regime

The willingness of NWS to accept a comprehensive prohibition against use of nuclear weapons and move to eliminate their stockpiles will also depend to some degree on their confidence that a verifiable and enforceable nuclear disarmament regime is feasible.

One possible regime, which features in the UN Secretary-General's five-point plan for disarmament, is outlined in the model Nuclear Weapons Convention (NWC).⁴³ The model NWC builds on existing non-proliferation and disarmament mechanisms, includes some which would be part of the step-by-step disarmament process, and proposes others that would also be necessary and which could be developed at different stages of the disarmament process.

Building prestige into nuclear disarmament

Civil society can have some influence on reversing the drive to acquire and maintain nuclear weapons derived from the perceived status and political power they confer by helping to generate prestige and political power for the rejection of nuclear weapons and the achievement of global nuclear abolition.

The US peace movement's support for New Zealand when it walked out from under the nuclear umbrella in the 1980s, for example, was very influential in strengthening New Zealand's resolve to stay nuclear-weapon-free despite pressure from the US government and other allies, and then to take additional leadership globally, which assisted New Zealand's international status.⁴⁴ New Zealand's new-found prestige was reportedly influential in increasing trade and tourism, winning a temporary UN Security Council seat in 1993 and in a New Zealand judge gaining membership of the International Court of Justice in 2006.⁴⁵

Robert Green postulates that the greatest breakthrough in this regard would be if one of the NWS were to reject nuclear deterrence, and that the United Kingdom is probably best placed to do this: an anti-nuclear “breakout” by the UK, one of the principal NWS, would transform the nuclear disarmament debate overnight. “The UK would gain a global role it has not enjoyed since the British Empire was at its zenith. This time, however, its influence and prestige would be welcomed as truly a ‘force for good’”.⁴⁶

Removing the corporate interest in nuclear weapons

Corporate interest in developing and maintaining nuclear weapons can be challenged, checked, reduced and removed through budgetary decisions, conversion, boycott and divestment. Boycotts and divestment can be carried out by non-nuclear governments and by individual consumers and investors, investment brokers and group investors (churches, universities, cities) anywhere. Influencing budgetary decisions and conversion requires the collaboration of legislators and other decision makers in the nuclear-weapon states, although boycotts and divestment campaigns against nuclear weapons corporations could severely impact their stock prices and place pressure on them to convert. Both the Norwegian and New Zealand governments, pushed by parliamentarians and civil society, have divested their pension funds and other major government funds from corporations involved in nuclear weapons.⁴⁷ Others could be encouraged to follow suit.

Engaging with policy makers

UN High Representative for Disarmament Sergio Duarte, recognizing the importance of engaging legislators, notes: “Legislatures appropriate funds, hold officials accountable, debate policy, undertake investigations, ratify treaties, adopt implementing legislation, represent voices of public opinion. Parliaments help to give disarmament not only vision, but also some backbone, muscle, and teeth.” In 2010, UN Secretary-General Ban Ki-moon wrote directly to every parliament in the world to encourage their efforts to achieve a nuclear-weapon-free world.⁴⁸

Mass movements, media attention, rational arguments and political pressure become effective in shaping policy change when linked to specific opportunities and processes in the arenas where political decisions are made. Engaging effectively and strategically with decision makers, particularly government officials and legislators, is thus vital to ensure success.

The *substance* of such engagement should address the core issues identified above, which are holding back progress on nuclear abolition. The *processes* for engagement are varied, and include direct advocacy by citizens with their own political representatives, engagement with legislators involved in international parliamentary organizations and forums (such as the NATO Parliamentary Assembly, the OSCE Parliamentary Assembly, Inter-Parliamentary Union, and Parliamentarians for Nuclear Non-proliferation and Disarmament), and with government

officials at multilateral forums. Civil society can engage legislators in a number of domestic parliamentary actions to advance nuclear abolition, including resolutions and hearings on key topics such as an NWC, legislation to prohibit nuclear weapons nationally, and public events in parliaments such as film screenings, exhibitions and debates.⁴⁹ Some non-governmental organizations also play a useful role in convening informal forums for dialogue between officials of different countries and with representatives of civil society.⁵⁰

Eyes on the prize

While undertaking any initiative to advance the abolition of nuclear weapons, the prize which should frame the process is the “peak of the mountain”: a global treaty or framework of agreements to prohibit and eliminate nuclear weapons.

Ambition, such as a Nuclear Weapons Convention that will lead to the outlawing of nuclear weapons and their elimination, is the framework that will attract most public attention and passion. Small steps along the way—however necessary—will only attract the experts and minutiae-loving arms controllers that are already engaged and frankly not succeeding in moving things along.⁵¹

Positioning an NWC as the goal will generate public support, motivate policy makers to act, and shape the achievement of smaller measures into a seamless process for nuclear abolition rather than as stand-alone goals.

As Margaret Beckett, UK Foreign Secretary at the time, noted in 2007: “What we need is both vision—a scenario for a world free of nuclear weapons—and action Would [William Wilberforce] have achieved half as much ... if he had set out to ‘regulate’ or ‘reduce’ the slave trade rather than abolish it? I doubt it.”⁵²

The top of the mountain is now in sight. Civil society engaging effectively with policy makers can ensure sustained and effective action to get there.

Notes

1. UN General Assembly resolution 1(1), adopted without a vote on 24 January 1946.
2. Remarks by President Barack Obama, Hradcany Square, Prague, 5 April 2009, at <www.whitehouse.gov/the_press_office/Remarks-By-President-Barack-Obama-In-Prague-As-Delivered>.
3. See Ken Berry et al., 2010, *Delegitimizing Nuclear Weapons: Examining the Validity of Nuclear Deterrence*, Monterey, CA, James Martin Center for Nonproliferation Studies, May, pp. 38, 39 and 41.
4. *Ibid.*, p. 34.
5. See John Burroughs, “The Humanitarian Imperative for Nuclear Disarmament”, Briefing Paper for the Middle Powers Initiative/Swiss Federal Department of Foreign Affairs conference “From Aspiration to Reality: Nuclear Disarmament after the NPT Review”, Geneva, 14–15 September 2010; Jakob Kellenberger, President of the ICRC, “Bringing the Era of Nuclear Weapons to an End”, Statement to the Geneva Diplomatic Corps, Geneva, 20 April 2010; Statement by H.E. Micheline Calmy-Rey, Head of the Swiss

- Federal Department of Foreign Affairs, to the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, 3 May 2010 (available in French only).
6. Alyn Ware, "Preparatory Process for a Nuclear Weapons Convention (or Package of Agreements): Practical Measures to Build the Framework for a Nuclear-Weapons-Free World", paper prepared for the Middle Powers Initiative/Swiss Federal Department of Foreign Affairs conference "From Aspiration to Reality: Nuclear Disarmament after the NPT Review", Geneva, 14–15 September 2010.
 7. 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, *Final Document*, UN document NPT/CONF.2010/50 (Vol. I)*, New York, p. 20.
 8. See, for example, William Burr and Jeffrey Kimball (eds), "Nuclear Weapons, the Vietnam War, and the Nuclear Taboo", National Security Archive Electronic Briefing Book No. 195, 31 July 2006, at <www.gwu.edu/~nsarchiv/NSAEBB/NSAEBB195/index.htm>.
 9. Civil society action was instrumental in the 1987 prohibition of nuclear weapons in New Zealand. It was also influential in the decision of Kazakhstan to remove Soviet nuclear weapons to the Russian Federation and to join the NPT as a non-nuclear-weapon state, and in Mongolia's prohibition of nuclear weapons.
 10. See Daniel Yankelovich and John Doble, 1984, "The Public Mood: Nuclear Weapons and the USSR", *Foreign Affairs*, Fall, which cites public opinion polls indicating that 85% of US citizens believe nuclear weapons are here to stay and cannot be abolished.
 11. "Publics around the World Favor International Agreement to Eliminate All Nuclear Weapons", WorldPublicOpinion.org, 9 December 2008, at <www.worldpublicopinion.org/pipa/articles/international_security_bt/577.php?nid=&id=&pnt=577>.
 12. George P. Shultz, William J. Perry, Henry A. Kissinger and Sam Nunn, "Call for A World Free of Nuclear Weapons", *Wall Street Journal*, 4 January 2007.
 13. Statements have been made by former high-level political leaders from Australia, Germany, Italy, Norway, Poland, the Russian Federation and the United Kingdom.
 14. George P. Shultz, William J. Perry, Henry A. Kissinger and Sam Nunn, "Toward a Nuclear-Free World", *Wall Street Journal*, 15 January 2008.
 15. Except for small numbers of weapons, retained to train teams in detecting and destroying weapons left in areas of former military operations.
 16. Of course deterrence relies on a willingness to use nuclear weapons in retaliation. However, nuclear doctrines generally hold that such use would indicate a failure of deterrence—the fundamental purpose of nuclear weapons. See, for example, United States Department of Defense, 2010, *Nuclear Posture Review Report*, April, p. 15, and United States Joint Chiefs of Staff publication, *Doctrine for Joint Nuclear Operations*, 15 March 2005, Chapter I-1.
 17. Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, opened for signature 17 June 1925, entry into force in 1929.
 18. Ben Cramer, 2009, *Nuclear Weapons: At What Cost?* Geneva, International Peace Bureau.
 19. The Bangladesh parliament, for example, unanimously adopted a resolution on 5 April 2010 calling for the money spent on nuclear weapons to instead be invested in meeting the Millennium Development Goals and in climate change adaption (PNND, no date, "Parliamentary Resolutions Supporting a Nuclear Weapons Convention", at <www.gsinstiute.org/pnnd/docs/NWC_parliamentary_resolutions.pdf>). The nuclear disarmament for development issue has been raised by UN Secretary-General Ban Ki-moon in his five-point plan for nuclear disarmament. It is also a part of a wider disarmament for development campaign being advanced by civil society organizations and governments such as Costa Rica.
 20. Alan Robock and Owen Brian Toon, 2010, "Local Nuclear War, Global Suffering", *Scientific American*, January, pp. 74–81. See also Steven Starr, <www.nucleardarkness.org>.
 21. International Commission on Nuclear Nonproliferation and Disarmament, 2009, *Eliminating Nuclear Threats: A Practical Agenda for Global Policymakers*, Canberra and Tokyo, Paragon, pp. 61–71.
 22. Cramer, op. cit.

23. Robert Green, 2010, *Security without Nuclear Deterrence*, Christchurch, Astron Media and Disarmament and Security Centre, New Zealand, p. 190.
24. See Rebecca Johnson, 2006, "Integrated Disarmament: A Prerequisite for Sustainable Nonproliferation", *Disarmament Diplomacy* 82, Spring.
25. See Anne Harrington de Souza, 2009, "Nuclear Weapons as the Currency of Power: Deconstructing the Fetishism of Force", *The Nonproliferation Review*, vol. 16, no. 3, November, pp. 325–345.
26. General Lee Butler USAF (Ret.), 1999, "Ending the Nuclear Madness", acceptance speech on receiving the Nuclear Age Peace Foundation's 1999 Distinguished Peace Leadership Award, Waging Peace Series no. 40, p. 10.
27. International Court of Justice, Legality of the Threat or Use of Nuclear Weapons, Advisory Opinion of 8 July 1996, paragraph 79.
28. *Ibid.*, paragraph 105.
29. 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, *Final Document*, UN document NPT/CONF.2010/50 (Vol. I)*, New York, p. 19.
30. This was done successfully in Scotland in 1999, when three anti-nuclear activists on trial for wilfully damaging equipment on a nuclear submarine base in Scotland were acquitted on the grounds that the deployment of nuclear weapons on the submarine was in violation of international law as affirmed by the ICJ. See, "Summary of Sheriff Gimblett's Ruling", Trident Ploughshares, 20 October 1999, <www.tridentploughshares.org/article729>.
31. Universal jurisdiction is where the state can prosecute anyone for a crime regardless of whether or not the persons charged are citizens or residents and regardless of where it was committed.
32. See International Criminal Court Assembly of States Parties, Report of the Bureau on the Review Conference, Addendum, document ICC-ASP/8/43/Add.1, 10 November 2009; and "Nuclear Weapons and the International Criminal Court", PNND Update 25, November 2009, at <www.gsinstitute.org/pnnd/updates/25.html#11>.
33. This proposal can be found in Burroughs, *op. cit.*, p. 8.
34. United States Department of Defense, *Nuclear Posture Review Report*, p. ix.
35. Ware, 2010, *op. cit.*
36. See ICNND, *op. cit.*; Berry et al., *op. cit.*
37. Raymond Knops (Rapporteur), NATO Parliamentary Assembly, Sub-Committee on Future Security and Defence Capabilities, "US Non-strategic Nuclear Weapons in Europe: A Fundamental NATO Debate", draft report, NATO PA Doc 048 DSCFC 10 E, 9 April 2010.
38. United States Department of Defense, *Nuclear Posture Review Report*, p. xiii. Note that the report includes non-military aspects in building regional security.
39. Green, *op. cit.*
40. For examples of such methods in use, see Alyn Ware, 2003, "Rule of Force or Rule of Law: Legal Responses to Nuclear Threats from Terrorism, Proliferation, and War", *Seattle Journal for Social Justice*, vol. 2, no. 1.
41. For more details on existing NWFZs, see the UN Office for Disarmament Affairs pages on the topic, at <www.un.org/disarmament/WMD/Nuclear/NWFZ.shtml>.
42. "The Priority of Peace and Disarmament for the Global Community", Joint statement by Co-Presidents of Parliamentarians for Nuclear Non-proliferation and Disarmament, Uta Zapf (Germany), Marian Hobbs (New Zealand), Abacca Anjain Maddison (Marshall Islands), Alexa McDonough (Canada) and Mikyung Lee (South Korea), released during the NATO Parliamentary Assembly, Berlin, 24 May 2008, at <www.gsinstitute.org/pnnd/docs/IWD_2008.pdf>.
43. See Merav Datan et al., 2007, *Securing Our Survival: The Case for a Nuclear Weapons Convention*, Cambridge, IPPNW, IALANA, INESAP; Barry Blechman and Alex Bollfrass (eds), 2009, *Elements of a Nuclear Disarmament Treaty*, Washington, DC, Stimson Center, 2009.
44. See, for example, David Lange, 1990, *Nuclear Free: The New Zealand Way*, Auckland, Penguin Books.

45. Informal conversations between the author and representatives of UN Member States prior to elections for the UN Security Council seat and ICJ judges.
46. Green, *op. cit.*, pp. 245–246.
47. See Hallgeir Langeland and Keith Locke, “Nuclear Divestment”, PNND Notes 2008, pp. 10–12, at <www.gsinstiute.org/pnnd/pubs/PNNDNotesEng.pdf>.
48. Sergio Duarte, “Disarmament and Political Will”, presentation to the Parliamentarians for Nuclear Non-proliferation and Disarmament Assembly, Pugwash, July 2008, at <www.gsinstiute.org/pnnd/events/Pugwash2008/pres_Duarte.pdf>; UN Secretary-General Ban Ki-moon, Letter to all parliaments calling for action on nuclear nonproliferation and disarmament, 24 February 2010, at <www.gsinstiute.org/pnnd/docs/UNSG_Eng.pdf>.
49. See Alyn Ware and Devon Chaffee, 2003, “Arenas in which parliamentarians can exert influence or become engaged”, in *Parliamentarians and Nuclear Weapons: A Briefing Book*, Wellington, PNND.
50. The Middle Powers Initiative convenes a number of such forums, particularly in relation to implementing Article VI of the NPT.
51. Berry et al., p. 44.
52. Margaret Beckett, United Kingdom Secretary of State for Foreign and Commonwealth Affairs, “A World Free of Nuclear Weapons?” Keynote Address to the Carnegie International Nonproliferation Conference, 25 June 2007.

