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World Court Project: Nuclear Drug Cartel at Bay

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The Delegates' Lounge and Conference Rooms of the United Nations building in New York do not normally bring to mind the international drug scene. Yet for three fascinating weeks in November as a member of the World Court Project's lobbying team, I witnessed what I find easiest to describe as a mugging of the non-nuclear weapon-equipped international community by the three North Atlantic Treaty Organization nuclear weapons states (Russia and China seemed content to support their position).

As the first ex-Royal Navy Commander with nuclear weapons experience to have spoken out against the Bomb, I make no apology for the drug-pushing analogy. It took the Gulf War and breakup of the Soviet Union to force me out of my pro-nuclear brainwashing, and I feel that I have been through the intellectual equivalent of withdrawal from hard drug addiction. And I find in the history of nuclear weapons echoes of the world of the junkie: paranoia stoked by competing cartels quick to resort to violence; huge profits for ruthless pushers flouting the law; pressure for new markets for ever more refined and lethal products; and society disintegrating under such an assault of evil.

On 4 November the Non-Aligned Movement (NAM) – 110 nations out of 184 members of the UN General Assembly – succeeded in tabling a particular draft resolution in this year's Disarmament Session which caused near-hysteria among the United States, United Kingdom and French governments. The resolution, numbered L25 on the agenda of the First Committee (Disarmament and International Security), asked the International Court of Justice at The Hague – known as the World Court – for its advisory opinion on the following question: 'Is the threat or use of nuclear weapons in any circumstance permitted under international law?' Thereby it directly challenged the legality of deterrence.

Understandably panic-stricken, the NATO nuclear powers pulled out all the stops to block a vote on it in the First Committee, where the full UN membership is represented, because they knew it would be passed by an overwhelming majority. Despite private assurances by Indonesia (the Chair of NAM) to the US State Department that L25 would not be brought to a vote, the Americans feared that it might be 'because of the random idiot factor from those NGOs lobbying – the very nerve of these people!' Taking no chances, direct pressure was applied by the USA, UK or France to NAM governments which gradually prevailed over the next two weeks. The Western nuclear powers also had to contend with potential mutiny in NATO, Europe and ANZUS: at one point Canada, Norway, Denmark, Greece, Ireland, Sweden and Australia looked like abstaining; while Aotearoa/New Zealand, Italy and Austria were under strong domestic

pressure to support L25.

In addition to familiar threats to aid and trade, specious arguments were deployed to undermine support for the resolution. It was described as untimely/divisive/counter-productive/political/not legal, and even that it would damage the reputation of the World Court!

A more subtle and effective line was that, with the climate for nuclear disarmament more positive than ever before, L25 would upset progress. In case governments supportive of the resolution disagreed, they were then warned of threatened moves by the declared nuclear powers to 'stall the Comprehensive Test Ban Treaty and a proposed convention to ban production of weapons-usable fissile materials until the illegality issue had been decided'.

Not surprisingly, our efforts to promulgate our rebuttal – that, on the contrary, a World Court ruling that use and threat were illegal would complement and boost all other disarmament initiatives – were no match for such a propaganda blitz (backed up with intimidation) by the most powerful and ruthless lobby in the world with its back to the wall. On 19 November Indonesia effectively withdrew resolution L25 when it stated that 'in the spirit of cooperation and compromise, the Non-Aligned countries have decided not to press (L25) for a final action by the Committee at this time'.

This setback bodes ill for the future of the Nuclear Non-Proliferation Treaty, which comes up for renegotiation in April 1995. It also means that a less ambitious resolution, passed on 14 May this year in Geneva by a large majority of the World Health Organization, will probably now come under threat. This asked the World Court for an advisory opinion on the legal status of use of nuclear weapons relating to their health and environmental effects. The Court not only accepted the question on 3 September: just ten days later it announced a time limit of 10 June 1994 for legal submissions from the WHO and interested states so entitled.

The unacceptable coercion of the non-nuclear states shows that the declared nuclear powers are determined to retain their freedom to threaten the use of nuclear weapons while trying to deny it to others. Such an irresponsible example can only encourage more nations to obtain nuclear weapons in an increasingly unstable and conflict-ridden world. Yet Resolution L25 was an enlightened attempt to follow the success of the Biological and Chemical Weapons Conventions by consistent and logical application of the law in a non-discriminating way. The 'Permanent Five' nuclear cartel by contrast seem hell-bent on relying upon nuclear apartheid imposed by force for their security at the expense of the future of civilized society and probably all life on earth.

All is not lost. Every UN member nation's government now knows about the resolution and the importance given it by the nuclear weapon cartel. Also, in statements about Resolution L25 by Indonesia for the NAM to the First Committee, the following useful points were made: 'the safety, security and survivability of all nations is sought to be assured by banning the use of nuclear weapons'; 'the major powers have shown a callous

disregard for the global calamitous consequences that would surely ensue [from] the use of nuclear weapons'; 'it can not be denied that an international instrument of a legally binding nature laying down the obligation not to use nuclear weapons has continued to elude us'; 'the immorality and illegality inherent in the present situation can no longer be perpetuated'; and 'although the political, military and ethical aspects of nuclear weapons have been thoroughly discussed by member states on numerous occasions in the past, it is the legal implications that have yet to be fully addressed and clarified'.

Even hard-bitten observers of big-power diplomacy concede that Resolution L25 really rattled the permanent members of the UN Security Council. Therein I suspect lies the explanation. The nuclear weapon cartel understood clearly that this was a Trojan Horse to challenge, for the first time, the legality of the status of a nuclear power. From this flowed enormous implications for the current cosy global power structure and their privileged position in it. This was especially dire for the UK and France, whose economic weakness now means that they have only their nuclear prop to sustain 'Perm 5' membership under the existing unwritten qualifications. These would be discredited and upended by a World Court ruling that use and threat of nuclear weapons are illegal. Though only advisory and unenforceable, this would place the Bomb beyond the pale like chemical and biological weapons – only worse. What of the military consequences? The nuclear emperor would at last be seen as always having been in his birthday suit...

There is another very important corollary. For me, witnessing first-hand the outrageous (even if apparently routine) behaviour by the NATO nuclear powers revealed how they have corrupted and emasculated the work of the UN. I increasingly realized how fundamental Resolution L25 was to calling a halt to this and enabling the UN to operate for the first time as its Charter intended.

That is why we must now protect the WHO's question in the World Court. Though confined to 'use' and health and environmental effects, this will be enough to correct the world's perception of nuclear weapons from top asset to biggest menace to security. What is more, the 15 World Court judges will find the case against them irrefutable. There is a real chance of a ruling in our favour just before the NPT renegotiations start in 1995. However, we have heard that the US State Department has earmarked \$800,000 to stop, or at least delay, a judgment until after then – because the nuclear cartel's only chance is to maintain the status quo. They will probably try to force through a counter-resolution in the World Health Assembly next May to get the question withdrawn.

If they fail, then heavy pressure will probably be applied to the judges to delay and fudge their opinion. Michael Mansfield QC is convinced that, in the 'Birmingham Six' and other appeals, what kept the judges straight was that they knew the public were watching and knowledgeable, and the media were reporting proceedings. We have to ensure that the World Court judges know that the whole world will be watching them. Hence we need to shift our international public awareness campaign into top gear by June next year. It is with sweet irony, therefore, that I have to thank the nuclear drug cartel themselves for launching this so effectively!

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