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**Creating the Conditions for International Peace and Human Security (CCIPHS)**

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I speak on behalf of Western States Legal Foundation and Lawyers Committee on Nuclear Policy, members of the International Association of Lawyers Against Nuclear Arms and the Abolition 2000 Global Network to Eliminate Nuclear Weapons.

We agree with the United States representative in her remarks last week that we are facing an “unfortunate deterioration” in the international security environment. Many delegations have pointed to modernization of nuclear weapons and massive nuclear weapons spending as areas of concern. But a more urgent reality is the increased scale and tempo of war games by nuclear-armed states and their allies, including nuclear drills. Ongoing missile tests, and frequent close encounters between military forces of nuclear-armed states including the U.S. and Russia and the U.S. and China, exacerbate nuclear dangers. In the last month, both Russia and NATO have conducted some of the largest military exercises since the end of the Cold War: in Russia’s case, with the participation of Chinese troops; in NATO’s case, with the participation of Sweden and Finland – two non-NATO members.<sup>1</sup> And risky close encounters between Russian and U.S./NATO forces have increased dramatically in the Baltic region and Syria. Late last month, amidst rising tensions, the U.S. flew two B-52 nuclear-capable bombers over disputed islands claimed by China. The bombers, escorted by Japanese fighter jets, flew near the Sankaku Islands which are controlled by Japan, but claimed by China.<sup>2</sup> Just a week later a U.S. Navy destroyer narrowly avoided a collision with a Chinese warship in international waters in the Spratly Islands.<sup>3</sup> The dangers of wars among nuclear-armed states are real and growing.

The United States has introduced a proposal called “Creating the Conditions for Nuclear Disarmament” (“the CCND approach”), arguing that unspecified conditions must be met in order for the international security environment to improve before disarmament can take place. But the U.S. has it backwards. We advocate an approach we’re calling “Creating the Conditions for International Peace and Human Security”<sup>4</sup> (the CCIPHS approach), which envisions real progress on nuclear disarmament as contributing to international peace and human security.

Implementing the Nuclear Nonproliferation Treaty’s (NPT’s) nearly 50-year old disarmament obligations would be an excellent way to start rebuilding mutual trust and confidence in the global order. These include not only the obligation to negotiate “effective measures” in good faith for the elimination of nuclear weapons, but to seek as well the “cessation of the nuclear arms race at an early date.”

These obligations, enshrined in Article VI, have been reiterated and reinforced by agreements made in connection with the 1995 Extension Decision, the 2000 and the 2010 Review Conferences, and the International Court of Justice’s 1996 Advisory Opinion. After an all-too brief post-Cold War lull, with its opportunities for more meaningful and irreversible disarmament progress missed, arms racing has resumed among the nuclear-armed states, this

time mainly qualitative in nature. As a step towards reducing tensions and demonstrating good faith, the accelerating cycle of replacing aging nuclear weapons systems with new ones – in some cases, with enhanced military capabilities – should cease. Instead, the cycle of retiring and dismantling nuclear warheads should accelerate. It is concrete actions like this that build confidence and reduce tensions, and that help to create the conditions for negotiations on reduction and elimination of nuclear arsenals. To be successful, these conditions likely must also include cessation of the growing arms race in strategically significant *non-nuclear* weapons systems. This competition makes confrontations among nuclear-armed states more dangerous, and its uneven development leads in some instances to more, rather than less, reliance on nuclear weapons.<sup>5</sup>

A viable international order requires the good-faith execution of agreements whether considered political or legal. It is therefore deeply disturbing that a member of the Permanent Five, the United States, has chosen to renounce its commitments under the Joint Comprehensive Plan of Action (JCPOA) and to disregard a closely integrated Security Council resolution. Indeed, based on International Court of Justice precedent,<sup>6</sup> Resolution 2231's "call" for implementation of the JCPOA is legally binding. We urge the General Assembly to exercise its responsibility to uphold international peace and security when the Security Council is unable to do so and to demand compliance with the JCPOA and Resolution 2231.

On the Korean peninsula, due in large part to the determination of the people and government of the ROK, the potential exists for a solution linking peace, development, and disarmament. All efforts must be made to achieve that outcome. An essential element is the elimination of the DPRK's nuclear weapons and associated capabilities. But that must come in the context of ending reliance on nuclear weapons by all concerned parties in the region. One constructive step would be ratification of the CTBT by the U.S., China, and DPRK. Again, concrete steps towards halting and reversing the arms race now resuming among the original nuclear-armed states are essential to creating the conditions globally for peace and security. This is particularly the case where nuclear-armed states claim to act in the cause of non-proliferation.

We stand at a nuclear crossroads, in a starkly divided world. The nuclear-armed states and their allies and the non-nuclear states *must* find a way to start talking *with* each other – rather than *past* each other. One approach would be for the nuclear-dependent states to recognize the Treaty on the Prohibition of Nuclear Weapons (TPNW) as *strengthening* the NPT and the nuclear nonproliferation and disarmament regime more broadly. The TPNW compellingly articulates principles and aspirations for a nuclear-weapons free world – a world which nuclear-dependent states *claim* to seek.

To achieve the elimination of nuclear weapons and a global society that is more fair, peaceful and ecologically sustainable, we will need to move from the irrational fear-based ideology of deterrence to the rational fear of an eventual nuclear weapon use, whether by accident, miscalculation or design. We will also need to stimulate a rational hope that security can be redefined in humanitarian and ecologically sustainable terms that will lead to the elimination of nuclear weapons and dramatic demilitarization, freeing up tremendous resources desperately needed to address universal human needs and protect the environment.

Nuclear disarmament should serve as the leading edge of a global trend toward demilitarization and redirection of resources to mitigate climate change and meet the Sustainable Development Goals.

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<sup>1</sup> “[NATO, Russia Prep Biggest War Games Since Cold War](https://breakingdefense.com/2018/09/nato-russia-prep-biggest-war-games-since-cold-war/)”, by Paul Mcleary, Breaking Defense,, September 4, 2018, <https://breakingdefense.com/2018/09/nato-russia-prep-biggest-war-games-since-cold-war/>

<sup>2</sup> “US B-52s fly near contested islands amid China tensions” by Ryan Browne, CNN, September 27, 2018 [https://www.cnn.com/2018/09/26/politics/us-b52s-china-tensions/index.html?utm\\_source=CNN+Five+Things&utm\\_campaign=a2860814ea-EMAIL\\_CAMPAIGN\\_2018\\_09\\_27\\_03\\_44&utm\\_medium=email&utm\\_term=0\\_6da287d761-a2860814ea-83792333](https://www.cnn.com/2018/09/26/politics/us-b52s-china-tensions/index.html?utm_source=CNN+Five+Things&utm_campaign=a2860814ea-EMAIL_CAMPAIGN_2018_09_27_03_44&utm_medium=email&utm_term=0_6da287d761-a2860814ea-83792333)

<sup>3</sup> “A look at the US military’s close calls with China, Russia in the air and at sea”, by Luis Martinez, ABC News, October 2, 2018 <https://abcnews.go.com/Politics/us-militarys-close-calls-china-russia-air-sea/story?id=58239230>

<sup>4</sup> In this context, “International Peace” refers to relations among states. “Human Security” refers to the universal, indivisible security of all people everywhere.

<sup>5</sup> “A circle that can’t be squared: Broad-spectrum arms racing and nuclear disarmament” by Jacqueline Cabasso and Andrew Lichterman, Western States Legal Foundation, in *Rethinking General and Complete Disarmament in the Twenty-First Century*, UNODA Occasional Papers No. 28, October 2016, pps. 64 - 74 <https://unoda-web.s3-accelerate.amazonaws.com/wp-content/uploads/assets/publications/occasionalpapers/en/op28.pdf>

<sup>6</sup> *Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) notwithstanding Security Council Resolution 276 (1970)*, *Advisory Opinion, I.C.J. Reports 1971*, p. 16, at pp. 53-54.