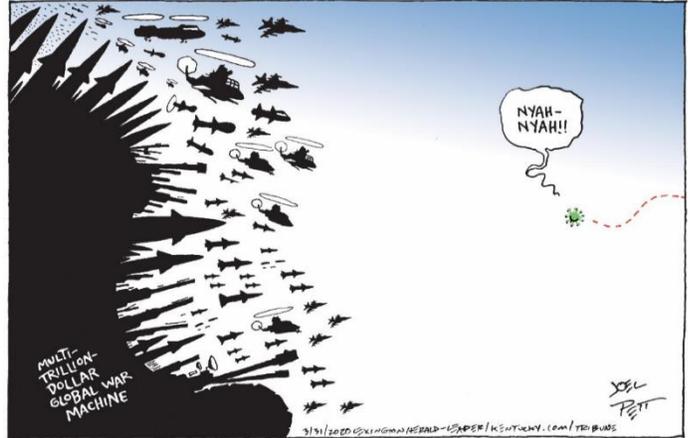


# LCNP Perspectives and Activities: July 2020

## *Changing Priorities*

Massive US spending on the military and nuclear weapons is both a misdirection of resources and a subversion of values necessary for a just society.

In 2019, a recent ICAN report estimates, the United States spent \$35.4 billion on nuclear weapons, not counting related costs such as environmental remediation. That is more than three times as much as was spent by the next highest country, China. Annual nuclear weapons spending is just a fraction of the overall military budget, well over \$700 billion a year - the Trump administration proposed a \$740 billion budget for FY 2021. In 2018, US military spending was more than that of the next seven countries combined.



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A compelling approach to reordering priorities is put forward by the Poor People's Campaign:

A National Call for Moral Revival. It calls on America to remedy systemic racism, poverty and inequality, ecological devastation, militarism and the war economy, and the distorted moral narrative of religious nationalism. The Campaign declares that "Everybody Has the Right to Live."

The Trump administration's response to the Covid-19 pandemic has not demonstrated respect for the right to life. One example: At the United Nations, the administration has blocked for many weeks now the adoption of a Security Council resolution on the pandemic, for the wrongheaded and trivial reason that the draft refers to the World Health Organization.

## *The Duty to Protect Life*

On June 1, LCNP and Western States Legal Foundation (WSLF) submitted a report to the UN Human Rights Committee review of Russia. The report suggests questions to be asked of Russia regarding its nuclear weapons policy in advance of the in-person review, likely to take place in the winter of 2021.



The report is based on the powerful Human Rights Committee finding in para. 66 of General Comment 36 regarding the incompatibility of threat or use of nuclear weapons with the right to life recognized by Article 6 of the International Covenant on Civil and Political Rights (ICCPR), a major human rights treaty to which Russia is a party. The report explains that Russian doctrine regarding use of nuclear weapons, like that of other nuclear-armed states, is contrary to the Committee's finding as well as international humanitarian law. Further, Russian actions fail to fulfil the legal obligation, affirmed by the Committee, "to pursue in good faith negotiations in order to achieve the aim of nuclear disarmament under strict and effective international control."

The report closes with observations regarding the duty to protect life discussed in para. 26 of the General Comment:

UN Secretary-General António Guterres has called for a global cease-fire so that humanity can defeat its common enemy, the virus. Similarly, the vast human and financial investment in nuclear arms can and should be devoted to public health, reducing inequality and poverty, protecting the climate and the environment, and other beneficial ends. A recent report of the International Campaign to Abolish Nuclear Weapons estimates that in 2019, the world's nine nuclear-armed countries spent \$72.9 billion USD on nuclear weapons; Russia's share was \$8.5 billion.

As the Nuclear Non-Proliferation Treaty recalls in its preamble, under the United Nations Charter the "establishment and maintenance of international peace and security are to be promoted with the least diversion for armaments of the world's human and economic resources." Ending the diversion of resources to nuclear arms would greatly promote the protection of life in accordance with Article 6 of the ICCPR.

LCNP, WSLF, and Swiss Lawyers for Nuclear Disarmament provided a similar analysis of US nuclear weapons policy in an October 2019 report submitted to the UN Human Rights Council Universal Periodic Review of the United States. The reports regarding the United States and Russia are available at [lcn.org](http://lcn.org).

### *Civil Society Statement on Review of the NPT*

The 10<sup>th</sup> five-year review of the Nuclear Non-Proliferation Treaty was originally scheduled for May and is now tentatively scheduled for January 2021. Issues facing the Review Conference, and the division among states, came into stark relief at a February meeting of the UN Security Council, as is laid out in a report by LCNP fellow **Danielle Samler** available at [lcn.org](http://lcn.org).

On May 11, Reaching Critical Will/WILPF released a joint civil society statement concerning the postponed Review Conference. May 11 was the 25<sup>th</sup> anniversary of the indefinite extension of the treaty. LCNP Executive Director **John Burroughs** and LCNP advisor **Jacqueline Cabasso** were among the drafters. While the entire statement is worth reading (see [reachingcriticalwill.org](http://reachingcriticalwill.org)), here are some of the points made:

- As the world mobilises in response to the deadly COVID-19 pandemic, we cannot afford to lose sight of the other global challenges that threaten all of us, including the worsening planetary climate emergency and the ongoing threat of catastrophic nuclear war.
- The risk of nuclear weapon use is all too high and is growing, particularly as offensive cyber operations and artificial intelligence introduce unprecedented uncertainty into the global security environment.
- From their development, through testing and use, nuclear weapons create victims at all stages. Indigenous peoples have been especially impacted by nuclear testing and uranium mining, and radiation has disproportionate gendered impacts.
- The world cannot wait until the environment is "right" for disarmament.
- The 1995, 2000, and 2010 NPT commitments with few exceptions remain relevant and important, but they have largely been unfulfilled. Although not all the commitments represent unique means of fulfilling NPT Article VI, some are closely intertwined with the legal obligation. This is true of the NPT 2000 Review Conference commitment to achieve the entry

into force of the Comprehensive Nuclear-Test-Ban Treaty and the "unequivocal undertaking by the nuclear-weapon States to accomplish the total elimination of their nuclear arsenals."

- A decision to extend New START by five years would open the way for US and Russian leaders to launch follow-on talks aimed at achieving further cuts in all types of nuclear weapons—both shorter-range and longer-range. It would also create a much more favorable environment for the pursuit of multilateral nuclear disarmament.
- As a whole and in its preamble, the nuclear ban treaty is a powerful statement of the moral, political, and legal norms - including international humanitarian and human rights law - that should drive the abolition of nuclear weapons.
- The demand for women's participation - while necessary and welcome - is insufficient for truly making change in weapons policy. Nuclear disarmament requires new understandings, perspectives, and approaches to nuclear weapons. This requires the effective and meaningful participation of all those who have been marginalised in the nuclear debate, including non-Western, non-white, and non-cisgendered or heteronormative people; survivors of nuclear weapons use, testing, and production; and people at a socioeconomic disadvantage and with disabilities.

### ***Absolutely Unacceptable: Resumed US Nuclear Explosive Testing***

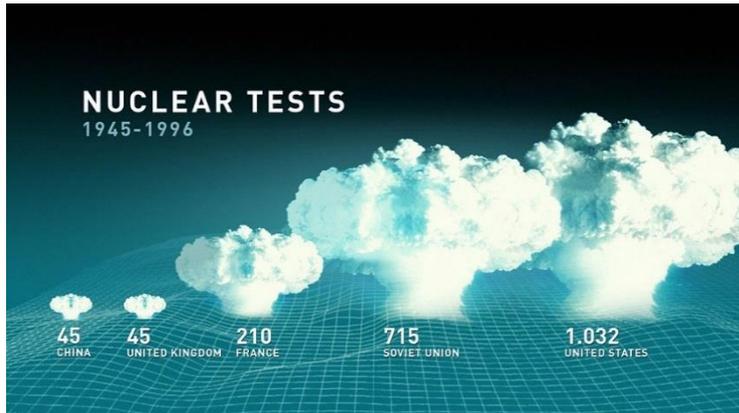
A May 22 Washington Post story reported that in mid-May top national security officials discussed resumption of full-scale US nuclear explosive testing. While no decision to resume testing was reached, one official said it is "very much an ongoing conversation." The next day, the Abolition 2000 Global Network to Eliminate Nuclear Weapons was holding, virtually, its annual meeting. The meeting released a statement, drafted by Burroughs, Daniel Ellsberg, and WSLF's Andrew Lichterman. It reads:

Resumption of nuclear explosive testing is absolutely unacceptable. Even discussing nuclear testing again is dangerously destabilizing. Yet according to news reports such discussions have recently been held in the Trump White House. US resumption of nuclear testing would lead to testing by other states – possibly China, Russia, India, Pakistan, and DPRK. It would accelerate the emerging nuclear arms race, and damage prospects for nuclear arms control negotiations. A nuclear explosive test is itself a kind of threat. Testing would generate fear and mistrust and would entrench reliance on nuclear arms. It would move the world away from rather than towards a world free of nuclear weapons. Nuclear explosive testing must not happen, and there must not even be signals of its possibility. Instead the Comprehensive Nuclear-Test-Ban Treaty should be brought into legal force.

This episode comes in the context of ongoing upgrading of nuclear forces by the world's nuclear-armed states. It is supported by extensive laboratory research and experimentation which in part serves as a substitute for functions once served by nuclear explosive testing. So, even as we demand that such testing not be resumed, we must recognize the dangers inherent in the ongoing nuclear weapons enterprise. Those dangers are now mostly out of sight of the public and subject to little media scrutiny, but they are real. They too must be addressed, which in the end will require the global abolition of nuclear arms.

The next development came in early June when the Senate Armed Services Committee adopted an amendment to the defense authorization act that would make at least \$10 million available to "carry out projects related to reducing the time required to execute a nuclear test if necessary." It is crucial that this initiative be defeated and that defense authorization and appropriations bills neither authorize

or appropriate funds for preparations to resume such testing. See Alliance for Nuclear Accountability press release linking to a letter to Congress and quoting Burroughs posted at [lcnp.org](http://lcnp.org). Also, Senator Ed Markey and numerous co-sponsors including Senator Chuck Schumer have introduced legislation (S.3886) that would prohibit the expenditure of funds on conducting nuclear test explosions with any yield. A parallel bill (H.R.7140) has been introduced in the House. Adoption of such legislation would be very much to the good.



Even better, when politically possible, would be Senate approval of ratification of the Comprehensive Nuclear-Test-Ban Treaty (CTBT) followed by presidential ratification. In a vote held in 1999, the Senate failed to approve ratification, but consideration of the CTBT remains on the docket of the Senate Foreign Relations Committee.

A promise by the NPT nuclear-weapon states (US, UK, France,

Russia, China) to complete negotiations on the CTBT by 1996, which was done, was an essential part of the bargain that enabled indefinite extension of the NPT in 1995. Bringing the CTBT into legal force was a commitment adopted at the 2000 NPT Review Conference. The CTBT is the only arms control measure referred to in the NPT, and its enactment has always been viewed as key to achievement of the NPT objective of cessation of the nuclear arms race at an early date.

The UK, France, and Russia have ratified the CTBT, and the US and China have signed it. The last test by an NPT nuclear-weapon state, France, was in 1996, accompanied by worldwide protests. India and Pakistan have not tested since 1999. Security Council Resolution 2310 of 2016 calls upon all states not to conduct nuclear test explosions. There is clearly a global expectation - at least a political norm - that the era of nuclear explosive testing is over. Accordingly, any state that does test, as the DPRK has, is effectively an outlaw. Moreover, under international law the United States and China are obligated by their 1996 signatures of the CTBT not to act contrary to the object and purpose of the treaty, which testing unquestionably would do.

The option of resumption of nuclear explosive testing should be taken completely off the table.

### ***US Notice of Withdrawal from the Open Skies Treaty***

On May 21, citing Russian violations, the Trump administration gave notice of withdrawal from the Open Skies Treaty, which will be effective in six months. The treaty places no conditions on withdrawal. However, the administration ignored a legislative requirement of notice to Congress 120 days in advance of initiating withdrawal. The multi-party treaty permits flights over national territory to collect information about military deployments. US withdrawal will impair but not end transparency between the United States and Russia, given satellite-based means of collecting such information. Still, the notice of withdrawal is yet another shock to the international arms control architecture painstakingly constructed over decades, and confronts European parties to the treaty and Russia with hard choices. It will further undermine confidence in the willingness or capacity of the United States to engage in and to sustain cooperative arrangements to avert war and control arms.