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# Britain's boycott of the UN multilateral nuclear disarmament talks

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With opposition to Trident growing, the British government has refused to join this week's UN multilateral nuclear disarmament talks on practical measures to build global security without nuclear weapons.

As tens of thousands gather to demonstrate in London against Trident, the Conservative government insists that it supports nuclear disarmament - with the proviso that it has to be multilateral not unilateral. So why has it refused to participate in the United Nation's 'open-ended working group' on "taking forward multilateral nuclear disarmament negotiations" that opened on 22 February 2016 at the Palais des Nations in Geneva?



*Trident being tugged to Faslane Scotland. Photo: Rebecca Johnson*

The Chair of the multilateral talks, Ambassador Thani of Thailand, made sure that the UK - along with all UN member states - was invited and kept informed. Hilary Benn, the Labour Shadow Foreign Secretary asked in January whether the UK was at the organisational meeting for this UN Working Group. According to Hansard, Foreign Secretary Philip Hammond replied that the UK did not attend because it believed that "productive results can only be ensured through a consensus-based approach that takes into account the wider global security environment".

The idea of a consensus-based approach probably sounds desirable. Unfortunately, it's diplomatic code for talks under rules of procedure that give some or all the participating states a veto on anything they don't like, from the agenda onwards. This has proved to be the kiss of death on disarmament issues as it leads to decades of deadlock. In reality, therefore, calling for a 'consensus-based approach' is a diplomatic way of kicking an issue into the long grass.

Hammond's argument against these multilateral nuclear talks is especially hypocritical since the UK has been vocal in its criticisms of Pakistan and others for blocking the consensus-based Conference on Disarmament (CD) for the past 20 years. Moreover, the UK was at the forefront of advocating a UN-based "open to all and blockable by none" forum to achieve the 2014 Arms Trade Treaty, a measure to regulate certain kinds of arms sales that successive UK governments were keen to support.

But when it comes to nuclear weapons, the UK still wants to have its veto. Unlike the CD, which confers membership on only 65 states, the multilateral working group is open to all 193 UN Member states. As a body constituted by the General Assembly, its decision-making is intended to take account of the views of all who choose to participate, but does not give a veto to any of them.

I was one of the UN working group's expert speakers on its first and second days, along with lawyers from the International Committee of the Red Cross and researchers from the UN Institute for Disarmament Research (UNIDIR) and Norwegian International Law and Policy Institute (ILPI). To begin with, we were asked to identify "concrete effective legal measures, legal provisions and norms that will need to be concluded to attain and maintain a world without nuclear weapons".

Between us, we considered five legal and diplomatic approaches for nuclear disarmament, responding to perspectives and questions from many diplomats and international participants. The two groups of states that contributed most through statements and questions were nuclear umbrella states (NATO, Japan and Australia) and a host of nuclear-free governments from several continents.

### **Step by step**

The "step-by-step" approach most familiar from traditional arms control approach was looked at first. Focussing on reductions and steps for the nuclear-armed states to implement unilaterally, bilaterally, plurilaterally (as the P5 UN Security Council members, for example) and multilaterally, various kinds of steps or building blocks have been identified over the years since 1945, with the most notable successes being the NPT in 1968, the CTBT in 1996, and various bilateral US-Russian reductions (most recently the 2011 New START treaty). Despite castigating unilateral nuclear disarmament when speaking in the domestic context, successive British governments have been quick to take credit internationally for the unilateral steps they took in the early 1990s to get rid of hundreds of dangerously obsolete short range and battlefield nuclear weapons.

Useful plans and steps were agreed by NPT states parties in 1995, 2000 and 2010, with commitments undertaken by the five NPT nuclear-armed states (China, France, Russia, the UK and United States), but not by the four outside the treaty (India, Israel, North Korea and Pakistan), who tend to claim that the NPT is discriminatory and doesn't apply to them. Either way, there has been disappointingly slow and inadequate progress via this kind of step-by-step process, which has therefore done little to reduce the drivers of horizontal and vertical proliferation let alone pave the way for nuclear disarmament. While no-one suggested that such steps should be jettisoned, the widespread view was that qualitative international and legal measures would be needed to create a more effective context for such incremental building blocks to be practically and politically implemented in the foreseeable future.

### **Nuclear ban treaty**

The most recent proposal on the table is a nuclear ban treaty (NBT) that would add to International Humanitarian Law by prohibiting the use of nuclear weapons and related deployment and production activities, and require their complete elimination. The nuclear ban approach is viewed as a near-term interim step that would accelerate nuclear disarmament by clarifying the legal status of nuclear weapons, strengthen the norms and tools to prevent intentional or accidental detonations, and include non-NPT parties for the first time. It takes into account the obstacles that have stymied nuclear disarmament to date, especially the status attached to nuclear weapons by their possessors and allies - not just NATO, but also US allies Japan, South Korea and Australia and Russian allies in Belarus and regions like Crimea.

By prohibiting activities such as the use, deployment, transporting, stationing and stockpiling of nuclear weapons, the

major role of a nuclear ban treaty would be to create the normative and legal conditions for a nuclear-weapon free world. Undertaken in the context of International Humanitarian Law rather than arms control, a nuclear ban treaty could be concluded quickly, without lengthy technical negotiations to agree and verify the specifics of eliminating the arsenals, envisaged as being done at a later stage.

Building on successful humanitarian disarmament treaties that have banned landmines and cluster munitions, this has the merit of being able to bypass opposition by certain nuclear-armed governments, while building opposition to the doctrines and operations for nuclear weapons use and deterrence that drive Trident replacement and other problems of arsenal modernization and proliferation. The NBT is advocated as the next step for multilateral disarmament by a growing number of governments and also the International Campaign to Abolish Nuclear Weapons, a network of over 400 civil society organisations in 98 countries, including CND, Mayors for Peace and many Faith groups.

### **Framework of separate mutually reinforcing instruments**

The working group also considered a framework convention, or what the UN Secretary-General in 2008 characterised as a "framework of separate mutually reinforcing instruments". A legally binding framework agreement for the prohibition and elimination of nuclear weapons could take any of several forms. Drawing from previous experience, such as the 1981 Inhumane Weapons Convention, a "head treaty" would be negotiated first, comprising the core prohibitions and obligations, with or without target dates, with subsequent negotiations to hammer out details such as sequence and timing for specific measures, verification and institutional issues. These would then augment the framework treaty through additional protocols or separate "mutually reinforcing" agreements.

Like a nuclear ban treaty, the framework approach has the merit of being able to start embedding international law prohibitions even if the reluctance of some nuclear-armed states means that it isn't possible to decide on everything all at once. Since the "head treaty" establishing the framework would be negotiated first, the process and scope for that might be very similar to what is envisaged for a nuclear ban treaty. These are not mutually exclusive approaches. Both combine elements of comprehensive and incremental measures to prohibit and eliminate nuclear weapons. They can be negotiated and enter into legal effect relatively quickly, and so have a constructive influence on states' behaviour even before some have taken the decision to sign. By clarifying the legal status of the use and possession of nuclear weapons, both these approaches would reinforce the existing non-proliferation regime and pave the way for reducing the perceived value attached to nuclear weapons, including their assigned role in deterrence and security doctrines.

### **Nuclear weapon-free zones**

Two other approaches were also considered, but progress on these is unlikely to be significant in the near term. In view of the NPT's support for nuclear-weapon free zones (NWFZ) and the long standing calls from Arab states for a zone free of nuclear and other weapons of mass destruction in the Middle East, one pathway is through bringing further NWFZ into force. The whole of the Southern Hemisphere and some Northern countries are already in regional NWFZ under five treaties: Tlatelolco (covering Latin America and the Caribbean), Raratonga (South Pacific), Pelindaba (Africa), Bangkok (South East Asia) and Semipalatinsk (Central Asia). As well as the Middle East, various initiatives have been advanced to try to get negotiations started for a NWFZ in North-East Asia, to cover (at least) North Korea, South Korea and Japan, and in Europe. The presence of one or more nuclear-armed states or alliances in these three regions has so far been an insuperable obstacle to progress on further NWFZ, and that is unlikely to change without significant international movement, such as a nuclear ban treaty.

### **Comprehensive nuclear weapons convention**

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Finally, there is the long-standing objective of a comprehensive nuclear weapons convention (NWC). A NWC of some kind is recognised as necessary to ensure the permanent prohibition and total elimination of nuclear weapons. But it can only be negotiated with the cooperation and agreement of the nuclear-armed states. In view of geopolitical realities, that means a NWC is not going to be a viable measure any time soon.

Since successive British governments have professed their enthusiasm for multilateral nuclear disarmament - especially when refusing to undertake unilateral steps like scrapping Trident - you would have expected our diplomats to be participating in the UN working group now that talks are actually getting underway. As the intensive talks this week have demonstrated, they don't have to agree with everything. And if a step or treaty is negotiated, no-one can make them sign or implement it - except of course British voters.



*Jeremy Corbyn, Wrap up Trident demonstration, London January 2015.*

**The UK boycott of the Geneva talks begs fundamental questions. Since David Cameron's government is hell bent on going ahead with Trident replacement and is also refusing to participate in multilateral UN talks on nuclear disarmament, what are we doing to comply with our non-proliferation and disarmament obligations?**

**Why should anyone take Britain seriously when this government is wasting billions on an outdated weapon system that most countries are determined to prohibit?**