

United Nation's Commemoration of the International Day for the Total Elimination of Nuclear Weapons

The Commemoration of the International Day for the Total Elimination of Nuclear Weapons was established by the UN General Assembly in 2013 in a resolution calling for the “urgent commencement of negotiations in the Conference on Disarmament of a comprehensive convention on nuclear weapons to prohibit their possession, development, production, acquisition, testing, stockpiling, transfer and use or threat of use, and to provide for their destruction.” Today’s meeting was called in accordance with Assembly resolution 70/34 adopted on December 7, 2015, by the President of the General Assembly.¹

This high-level plenary meeting was held at United Nations Headquarters in New York on September 26, 2016, and was attended by “over seventy state delegations and non-governmental organizations,” with forty-two Member States, as well as a handful of civil society representatives, offering formal statements on behalf of their country or organization’s position on the movement towards the total elimination of nuclear weapons.²

A Judicial Watch NGO representative was in attendance at this commemoration as an associate member of the UN’s Department of Public Information (DPI/NGO).³

His Excellency, Mr. Peter Thomson, President of the 71st Session of the General Assembly, provided the primary objective of the commemoration by stating, in part:

Today is a day that reminds us of the disastrous consequences of the use of nuclear weapons – the death and destruction that they can immediately cause; the longer-term damage to the environment, climate, human health, and sustainable development; and the existential threat to humanity that they ultimately pose. I am heartened to see so many of you here today, and represented at such high levels. It gives me hope and assurance that the international community remains committed to pursuing this critical,

¹ UN News Centre, “On International Day, UN renews call for global elimination of nuclear weapons,” <http://www.un.org/apps/news/story.asp?NewsID=55119#.WEGni-YrLcd>, accessed 12/2/16.

² UNODA, “International Day for the Total Elimination of Nuclear Weapons,” September 30, 2016, <https://www.un.org/disarmament/update/international-day-for-the-total-elimination-of-nuclear-weapons-september-26th/>, accessed 12/2/16.

³Judicial Watch is associated with the United Nations Department of Public Information (UN-DPI) as a nongovernmental organization, whose mission is to promote transparency, accountability and integrity in government, politics and the law. It fulfills its educational mission through litigation, investigations, and public outreach. Its International Program serves as an integral part of its educational program. Since 2001, it has been meeting with delegations from all over the world who participate in U.S. State Department-sponsored leadership programs.

longstanding issue. . . . By now it goes without saying, that so long as nuclear weapons continue to exist, the threat they pose to humanity – whether through intentional use or accidental – remains unacceptably high. . . . And we cannot underestimate the determination of non-State actors to gain access to nuclear weapons, and to deliberately cause damage and suffering on the largest scale possible. . . . We must redouble our efforts to find a just and fair solution to address the differing views of Member States, so that real progress on nuclear disarmament can be made, and ultimately, a global consensus reached. While this is not an easy task, with determination, open minds, and political will it is possible.⁴

The numerous statements offered by Member States and civil society representatives over the course of the commemoration fell into three general categories: 1. those aligned with the movement towards the total elimination of nuclear weapons and the implementation of legal proceedings against states continuing the pursuit and possession of nuclear weapons; 2. those calling for continued negotiations and incremental movement toward nuclear disarmament and arms reductions and the peaceful use of nuclear technology; and 3. those opposing allegations made against them (nuclear weapons states) of non-compliance with the objectives of the Non-Proliferation Treaty and the Test-Ban Treaty—and stridently opposing the move towards the creation of a legally binding instrument for the prohibition and total elimination of nuclear weapons.

The following statements given by representatives of Member States and civil society at the commemoration best illustrate the three categories above – and the current state of affairs in the UN's move towards a nuclear weapons free world.

1. *Member states aligned with the movement towards the total elimination of nuclear weapons.* The Dominican Republic, Ecuador, Libya, South Africa, Costa Rica, Uruguay, Guatemala, Malaysia, the Marshall Islands, Bangladesh, Sudan, as well as civil society groups to include the Holy See and the International Coalition Against Nuclear Weapons (ICANW) provided statements in support of this position. The following statement by ICANW was the most informative of those pursuing a legally binding instrument for this purpose:

⁴ UN Web TV, The UN Live & On-demand, (Part 1) High-level plenary meeting to commemorate and promote the International Day for the Total Elimination of Nuclear Weapons, "Statement by H.E. Mr. Peter Thomson, President of the 71st Session of the General Assembly," September 26, 2016, <http://webtv.un.org/search/part-1-high-level-plenary-meeting-to-commemorate-and-promote-the-international-day-for-the-total-elimination-of-nuclear-eapons/5143433149001?term=International%20Day%20for%20the%20Total%20Elimination%20of%20Nuclear%20Weapons>, accessed 12/2/16.

Susan Southward of the International Coalition against Nuclear Weapons noted that, in the final session of the Open-ended Working Group,⁵ **107 States had supported the convening of a conference in 2017 to negotiate a legally binding instrument prohibiting nuclear weapons leading towards their total elimination.** Even though the last survivors of the [sic] Hiroshima and Nagasaki were now passing away, it was important to remember the devastating effects of the atomic bombs. “In memory of the hundreds of thousands who died 71 years ago and in the years that followed,” she said, “may their courage, strength and perseverance infuse us with these same qualities so that every nation finds within itself the courage to eliminate nuclear weapons at home and advocate for this mission across the globe” (emphasis original).⁶

2. Member states calling for continued negotiations and incremental movement toward nuclear disarmament and arms reductions and the peaceful use of nuclear technology. Germany, the Ukraine, India, Mexico, Argentina, Japan, Egypt, Nicaragua, and the Permanent Observer of the League of Arab States offered statements that are most closely aligned to this position. Most illustrative of this position was the following statement given by Germany:

Patricia Flor, Director-General for International Order, the United Nations and Arms Control of Germany, said a world without nuclear weapons was a shared vision, yet, despite all efforts, existing arsenals remained a major obstacle on the way to reaching “global zero”. With other partners, Germany had advocated for a step-by-step approach towards effective and verifiable disarmament. The next steps forward should include another substantial arm [sic] control agreement between the United States and the Russian Federation, which together controlled more than 90 per cent of the

⁵ The United Nations General Assembly voted on 7 December 2015 to set up a working group that will develop “legal measures, legal provisions and norms” for achieving a nuclear-weapon-free world. This new UN body – which has the backing of 138 nations – is widely expected to focus its efforts on devising the elements for a treaty prohibiting nuclear weapons outright. (i can, international campaign to abolish nuclear weapons, “New UN working group on nuclear disarmament,” February 15, 2016, <http://www.icanw.org/campaign-news/new-un-working-group-to-discuss-elements-for-a-treaty-banning-nuclear-weapons/>, accessed 12/2/16.)

⁶ South-Side News, BOLSTERED POLITICAL WILL MUST RESTART PUSH FOR TOTAL ELIMINATION OF NUCLEAR WEAPONS, SPEAKERS TELL HIGH-LEVEL GENERAL ASSEMBLY MEETING, UN General Assembly Meeting Coverage, September 26, 2016, <http://www.southsouthnews.com/inside-the-un/un-features/521-main-bodies/general-assembly-meeting-coverage/112903-bolstered-political-will-must-restart-push-for-total-elimination-of-nuclear-weapons-speakers-tell-high-level-general-assembly-meeting>, accessed 12/2/16.

global stockpile. United States President Barack Obama had made proposals in that regard, but, so far, there had been no positive response.⁷

3. *Member States opposing allegations against them (nuclear weapons states) of non-compliance with the objectives of the Non-Proliferation Treaty and the Test-Ban Treaty—and stridently opposing the move towards the creation of a legally binding instrument for the prohibition and total elimination of nuclear weapons.* The Democratic People's Republic of Korea, China, and the Russian Federation provided statements in support of this position. Most descriptive of this position was the following statement given by the Russian Federation:

Vladimir Voronkov . . . said his Government had made significant cuts and reductions to its arsenals, strategic weapons and missiles, and stockpiles, and had made advances in its commitments contained in the Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms. Freeing the world from weapons of mass destruction was one of the most important pillars of his Government's foreign policy. While the Russian Federation respected the opinion of those rejecting nuclear weapons, the central issue was to achieve stability without letting the world "fall into chaos", he emphasized. Anti-nuclear radicals wanted to prohibit nuclear weapons, he said. The priority should not be a ban, but serious joint work to move towards "equal and fair security" for all States. To that end, the international community already had all the required instruments. The initiation of alternative fora to ban nuclear weapons would therefore be counterproductive, he said, noting that the Russian Federation would not participate in such dubious events, which would only undermine established commitments.⁸

From the statements given by various representatives of Member States and civil society at the commemoration, there is clearly a divide between states that possess nuclear weapons and those that do not. The nuclear weapons states are opposed to the apparent strong-arm tactic of the non-nuclear states towards the creation of a "legally binding instrument prohibiting nuclear weapons leading towards their total elimination." And implied in their statements, the divide has more to do with an inherent distrust of the political ambitions of rival states than the desire to maintain nuclear arsenals. India, as a prime example, is a nuclear weapons state associated with the Non-Aligned Movement⁹ and has called for the total elimination of nuclear weapons:

⁷ *Id.*, South-Side News.

⁸ *Id.*

⁹ The Non-Aligned Movement was formed during the Cold War, largely on the initiative of then-Yugoslav President Josip Broz Tito, as an organization of States that did not seek to formally align themselves with

India had been unwavering in its support for universal and non-discriminatory nuclear disarmament and the complete elimination of nuclear weapons and all weapons of mass destruction. It was convinced that disarmament could be achieved through a step-by-step process underwritten by a universal commitment and an agreed multilateral framework. Meaningful dialogue was needed among all States possessing nuclear weapons in order to build trust and confidence and to reduce the role of such weapons in international affairs and security doctrines. . . . She regretted to say that the Conference on Disarmament had been unable to take forward a proposal, supported by the General Assembly, for the negotiation of a convention on the prohibition and use of nuclear weapons or for a proposal for a comprehensive convention. She hoped that today's meeting would enhance public awareness about the threat posed by such weapons and the need for their total elimination.¹⁰

As former President Ronald Reagan famously said in his [INF Treaty](#) negotiations with Russia's General Secretary Mikhail Gorbachev between 1984 and 1987, "Trust, but verify" (Doveriyai, no proveryai) —a Russian proverb taught to him by Suzanne Massie, an expert in Russian culture.¹¹ And it appears that things haven't changed much since those negotiations. Trust will always remain wholly dependent on the viability of verification. With the development of reliable verification procedures and the growing concern that WMD's could fall into the hands of non-state actors – there is renewed impetus for progress towards the goal of a nuclear-weapons-free world. Yet it is and always will remain a tight-rope walk between trust and verification.

Judicial Watch's mission in the promotion of transparency and accountability in government, politics, and the law is a cornerstone of good governance in the most influential nation in the world, the United States of America. As set forth in its Mission Statement, "through its educational endeavors, Judicial Watch advocates high standards of ethics and morality in the nation's public life and seeks to ensure that political and judicial officials do not abuse the powers entrusted to them by the American people. Judicial Watch fulfills its educational mission through [litigation](#), [investigations](#), and public outreach." [The International Program](#) is an integral part of its educational program.

either the United States or the Soviet Union, but sought to remain independent or neutral. The basic concept for the group originated in 1955 during discussions that took place at the Asia-Africa Bandung Conference held in Indonesia. Subsequently, a preparatory meeting for the First NAM Summit Conference was held in Cairo, Egypt from 5-12 June 1961. (NTI, Building a Safer World, "Non-Aligned Movement (NAM), <http://www.nti.org/learn/treaties-and-regimes/non-aligned-movement-nam/>, accessed 12/2/16.)

¹⁰ *Id.*, South-Side News.

¹¹ Wikipedia, "Trust, but verify," https://en.wikipedia.org/wiki/Trust,_but_verify, accessed 12/2/16.

United Nation's Commemoration of the International Day for the Total Elimination of
Nuclear Weapons, September 26, 2016

Page 6