Which Way the Wind Festival Where Are Going? Nuclear Arms, Treaties and Military Spending October 11, 2022 – Eureka, California Jackie Cabasso, Executive Director, Western States Legal Foundation

In the 1980s the palpable fear of a nuclear war between the U.S. and the Soviet Union was at the top of most people's minds in the U.S. and around the world. Yet following the end of the Cold War, nuclear weapons fell off the public's radar screen. It was almost as if the planet itself breathed a huge sigh of relief. People around the world hoped and believed that they had escaped a nuclear holocaust, and largely put nuclear weapons out of their minds. Most people believed that the threat of nuclear war had ended. But it hadn't.

Deeply embedded in the U.S. military-industrial complex, military planners and scientists at the nuclear weapons labs conjured up new justifications to sustain the nuclear weapons enterprise. Following the collapse of the Soviet Union, in 1991 Colin Powell, then-Chair of the U.S. Joint Chiefs of Staff, declared: "We no longer have the luxury of having a [specific] threat to plan for. What we plan for is that we're a superpower. We are the major player on the world stage with responsibilities... [and] interests around the world."

In fact, U.S. national security policy has been remarkably consistent in the post-World War II and post-Cold War eras – despite dramatically changed geopolitical conditions and very different Presidential styles. "Deterrence," *the threatened use of nuclear weapons*, has been reaffirmed as the "cornerstone" of U.S. national security by every President, Republican or Democrat, *including Obama* – since 1945, when President Harry Truman, a Democrat, oversaw the atomic bombings of Hiroshima and Nagasaki. Russia and other would-be superpowers have increasingly modeled their own national security policies (and their economies) on the U.S. model.

In fact, nuclear weapons are already being "used" by Russia, the U.S. and NATO to provide top cover for their conventional military operations. In February of last year, Admiral Charles Richard, head of U.S. Strategic Command, in charge of nuclear war planning, wrote: "We must acknowledge the foundational nature of our nation's strategic nuclear forces, as they create the 'maneuver space' for us to project conventional military power strategically." We are clearly seeing this concept being played out by Russia in the Ukraine. Richard also warned: "There is a real possibility that a regional crisis with Russia or China could escalate quickly to a conflict involving nuclear weapons, if they perceived a conventional loss would threaten the regime or state."

We are living in a time of extraordinary nuclear dangers. All of the nuclear-armed states are modernizing their nuclear arsenals. With Russia's illegal war of aggression on Ukraine, which could eventually draw the militaries of the U.S., its NATO allies and Russia into direct conflict, exacerbated by Russia's repeated threats to use nuclear weapons, the specter of nuclear war has risen to its highest level since the 1962 Cuban Missile Crisis. Other festering nuclear flashpoints include Taiwan, the Korean Peninsula, South Asia, and the Middle East. The scale and tempo of war games by nuclear-armed states and their allies, including nuclear drills, are increasing. Ongoing missile tests, and frequent close encounters between military forces of nuclear-armed states exacerbate nuclear dangers.

While our nuclear worries have mainly been focused on Russia of late, on October 9, North Korea fired two ballistic missiles - the seventh such launch since Sept. 25. According to North Korea's state news agency, KCNA, the recent flurry of missile tests was designed to simulate showering South Korea with tactical nuclear weapons as a warning, in response to large-scale navy drills by South Korean and U.S. forces. KCNA reported that the various tests simulated targeting military command facilities, striking main ports, and neutralizing airports in the South, to deliver a strong message of war deterrence.¹ The North Korean Ministry of Defense also warned that the U.S. recent deployment of the aircraft carrier Ronald Reagan near the Korean Peninsula is causing a "considerably huge negative splash" in regional security, and it defended its recent missile tests as a "righteous reaction" to intimidating military drills between its rivals.²

The Russian leadership's latest nuclear threats have raised public anxiety about the possibility of nuclear war, but in reality, we've been living under the shadow of the mushroom cloud continuously since 1945.

In 1982, at the height of the Cold War, Swedish Prime Minister Olof Palme's Independent Commission on Disarmament and Security Issues published a report which introduced the concept of "Common Security," the notion that nations and peoples can only feel safe when their counterparts feel safe.

To mark the 40th anniversary of this landmark report, the Olof Palme International Center, International Peace Bureau, and International Trade Union Confederation issued a new report, "Common Security 2022; For Our Shared Future." It begins: "The world stands at a crossroads... faced with a choice between an existence based on confrontation and aggression or one to be rooted in a transformative peace agenda and common security. In 2022, humanity faces the existential threats of nuclear war, climate change and pandemics. This is compounded by a toxic mix of inequality, extremism, nationalism, gender violence, and shrinking democratic space. How humanity responds to these threats will decide our very survival."³

It is against this backdrop that the First Meeting of States Parties to the Treaty on the Prohibition of Nuclear Weapons⁴ (TPNW) and the 10th Review Conference of the Nuclear Nonproliferation Treaty⁵ (NPT) took place this summer.

The NPT represents the only binding commitment in a multilateral treaty to the goal of disarmament by the five-original nuclear-armed States - the U.S., UK, USSR/Russia, France, and China. In Article VI, all States, including the nuclear-armed states, pledged "to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament," while in Articles I and II, non-nuclear-armed States pledged not to acquire nuclear weapons or transfer them to other States. As an incentive not to acquire nuclear weapons, in Article IV, the non-nuclear-armed States were promised an "inalienable right" to "peaceful" nuclear technology and assistance with research, production, and use of nuclear energy for peaceful purposes "without discrimination."

The NPT was signed in 1968 and entered into force in 1970. Its initial duration was 25 years. In 1995, the Treaty was extended indefinitely, with a Review Conference to be held every five years. Nearly every country in the world -191 in all - is a party to the NPT, with four

exceptions: India, Israel, and Pakistan (all nuclear-armed states) and South Sudan. North Korea, now nuclear-armed, withdrew in 2003, but its withdrawal is not recognized by the NPT States Parties.

The NPT's disarmament obligations, enshrined in the Preamble and Article VI, have been reiterated and reinforced by agreements made in connection with the 1995 Extension Decision, the 2000 and 2010 Review Conferences, and the International Court of Justice's 1996 Advisory Opinion, which provided the authoritative interpretation of Article VI. The Court found unanimously, "There exists an obligation to pursue *in good faith* and *bring to a conclusion* negotiation leading to nuclear disarmament in all its aspects under strict and effective international control."

Consensus broke down in the 2005 and 2015 NPT Review Conferences and they were unable to produce final outcome agreements due to the failure of the nuclear-armed states to make good on their disarmament obligations.

The failure of the 2015 Review Conference also provided impetus for negotiation of the TPNW⁶ at UN Headquarter in New York in 2017. The Treaty entered into force on January 22, 2021. Framed in terms of deep concern about the catastrophic humanitarian consequences that would result from any nuclear weapons use, the TPNW prohibits states parties from developing, testing, producing, manufacturing, transferring, possessing, stockpiling, using, or threatening to use nuclear weapons, or allowing nuclear weapons to be stationed on their territory, and prohibits them from assisting, encouraging, or inducing anyone to engage in any of these activities. The TPNW also requires States Parties to provide assistance to victims of nuclear use or testing under its jurisdiction, and to undertake environmental remediation of areas under its jurisdiction contaminated by testing or use of nuclear weapons.

The first meeting of TPNW States Parties took place in Vienna, Austria in June 2022, where they adopted the Vienna Declaration and the 50-point Vienna Action Plan.⁷ There are currently 91 signatories and 68 states parties to the Treaty.⁸ While all of them are *non-nuclear-armed* States Parties to the NPT, the TPNW is binding *only* on those States which have signed and ratified it.

In the Vienna Declaration, states parties expressed their alarm and dismay at threats to use nuclear weapons, and condemned unequivocally "any and all nuclear threats, whether they be explicit or implicit and irrespective of the circumstances." Affirming that the TPNW is needed more than ever in these circumstances, the states parties resolved to "move forward with its implementation, with the aim of further stigmatizing and de-legitimizing nuclear weapons and steadily building a robust global peremptory norm against them." They also reaffirmed the complementarity of the treaty with the NPT, and undertook to continue to support the NPT and all measures that can effectively contribute to nuclear disarmament.

While the States Parties to the TPNW feel that negotiating the TPNW was a good faith effort to implement Article VI of the NPT, the nuclear-armed states parties to the NPT are hostile to the TPNW, asserting that it undermines the NPT. Since no nuclear-armed state or state under a "nuclear umbrella" has joined the TPNW, it is not yet a disarmament treaty. I find it somewhat ironic that the only concrete obligation the states parties to the TPNW can undertake at this point

is victim assistance and environmental remediation resulting from nuclear use and testing that they were not responsible for.

At the close of the month-long 10th NPT Review Conference on August 26, 2022, States Parties meeting at the UN in New York were unable to agree on the text of a final document. While the proximate cause was Russia's refusal to accept language about its military occupation of the Zaporizhzya nuclear power plant in Ukraine, it was clear that many governments were dissatisfied with the draft final document, feeling that it was weak and lacking benchmarks, timelines, and measurable goals for nuclear disarmament.

While the nuclear-armed states had apparently been willing to accept vague recommitments to previous obligations in the draft final document, they were not willing to commit to any concrete pathway to get there. In a draft document the four other nuclear-armed States must have known Russia would block, this can only be viewed as the epitome of bad faith, during a four-week festival of double standards, hypocrisy and outright lying by the nuclear-armed states.

As Ambassador Kmentt said, on behalf of Austria: "We hope that the deeply unsatisfactory result of this review conference will serve as a wake-up call. Austria will not tire in our work to implement the NPT and the TPNW. We have no other choice given the existential dangers and risks of nuclear weapons."⁹

In 1946, Lewis Mumford wrote, "You cannot talk like sane men around a peace table while the atomic bomb itself is ticking beneath it. Do not treat the atomic bomb as a weapon of offense; do not treat it as an instrument of the police. Treat the bomb for what it is: the visible insanity of a civilization that has ceased to worship life and obey the laws of life." Sitting in the basement of the United Nations for four weeks, observing the NPT sessions that were open to civil society, was literally like watching mad (mostly) men around what's supposed to be a peace table, now with the hydrogen bomb ticking beneath it.

The failure of the 2022 NPT Review Conference, due to the intransigence of the nuclear-armed states in the face of new arms racing, the long-term viability of the NPT is being questioned by some.

An aspect of this Review Conference deserving greater scrutiny was the hyperbolic promotion of "peaceful uses" of nuclear technology by the International Atomic Energy Agency (IAEA) and most of the States parties, nuclear-armed and nuclear-weapons-free. Article IV of the NPT confers upon all States parties an "inalienable right" to peaceful nuclear technology. The draft final document (which was not adopted) states: "The Conference underlines that IAEA activities in the field of technical cooperation and nuclear applications, contribute in an important way to meeting energy needs, improving human and animal health, combating poverty, protecting the environment, developing agriculture, managing the use of water resources, optimizing industrial processes and preserving cultural heritage, thus helping to improve the quality of life and the well-being of the peoples of the world."

In contrast to the lack of measures to advance nuclear disarmament going forward, the draft final document included a long list of specific activities to further promote and expand "peaceful" uses of nuclear technology.

Listening to the governments' statements and reading their working papers, one might be led to believe that nuclear energy will solve all of the world's problems. Yet, most if not all nuclear technology is inherently dual use – meaning it has the potential to be weaponized. Against the background of ongoing proliferation concerns and palpable alarm about growing nuclear dangers at Zaporizhzya, no one questioned the wisdom of relegitimizing and reinvesting in "peaceful" nuclear technology. An examination of this paradox is called for.

The hard truth is that neither the NPT nor the TPNW can achieve disarmament for the foreseeable future because it is clear that none of the nuclear-armed states are willing to reimagine a global system based on Common Security, rather than nuclear coercion - euphemistically called deterrence.

We cannot leave our future survival to our national governments. "Humanity" must include all of us, from all walks of life, wherever we live.

As Mahatma Gandhi observed:

"The moral to be legitimately drawn from the supreme tragedy of the bomb is that it will not be destroyed by counter-bombs even as violence cannot be by counter-violence. Mankind has to get out of violence only through non-violence. Hatred can be overcome only by love. Counter-hatred only increases the surface as well as the depth of hatred. . ."

And he explained how social transformation will come from the bottom up.

"We have to make truth and non-violence not matters for mere individual practice, but for practice by groups and communities and nations....

[Before] general disarmament . . . commences . . . some nation will have to dare to disarm herself and take large risks. The level of non-violence in that nation, if that event happily comes to pass, will naturally have risen so high as to command universal respect. Her judgment will be unerring, her decisions firm, her capacity for heroic self-sacrifice will be great, and she will want to live as much for other nations as for herself."¹⁰

It's important to recall that, coming on the heels of the many Civil Rights movements, the Anti-Vietnam War Movement, the Women's Movement, the Gay Liberation Movement and the Ecology Movement, the massive anti-nuclear movement that arose in the 1980s was *not* single issue.

As a strategy and a necessity, this time around, let us work together to understand the common causes of our multi-faceted crises as we work to build the massive, multi-issue, multi-generational, multi-racial, international, *moral fusion* movement we will need to overcome

systemic violence – including the elimination of nuclear weapons – and build a peaceful, just, sustainable and inclusive world.

Tactically, I think we need to refocus our efforts at the local level in order to raise the visibility of nuclear risks to ordinary people and make them the subject of national discourse. Given the stakes, it is astonishing that nuclear weapons were barely mentioned during the 2020 Presidential campaign. Going forward we need to change that by working where we live to make nuclear weapons a local issue.

If there's time during our second session, I'd like to highlight a few examples of current local initiatives and campaigns.

Finally, in anticipation of Dale's remarks, I want to offer a cautionary note on our approach to the war economy. We need to always keep in mind that militarism and the military budget are about more than just military spending and guns vs. butter. We also need to pay attention to the purposes and interests that militarism serve, and how perpetual war preparations underscore a culture of violence that runs from the top to the bottom of our society.

Diffuse Nuclear War – October Month of Action: October 2022 marks the 60th anniversary of the Cuban Missile Crisis, when the Soviet Union and U.S. engaged in a tense standoff over the installation of nuclear weapons in Cuba. It is widely considered the closest the two superpowers ever came to nuclear war – until now. While the dangers of nuclear war have risen sharply this year, very few members of Congress have risen to the occasion by speaking out or publicly urging measures to de-escalate tensions between nuclear powers and seriously revive negotiations for nuclear-weapons treaties and disarmament measures. With nearly 100 sponsoring organizations, Diffuse Nuclear War will hold picket lines at Congressional offices around the country on October 14.¹¹

Back From the Brink: Back from the Brink¹² is a US-based grassroots coalition of individuals, organizations and elected officials working together toward a world free of nuclear weapons and advocating for common sense nuclear weapons policies to secure a safer, more just future. We call on the United States to lead a global effort to prevent nuclear war by:

- Actively pursuing a verifiable agreement among nuclear-armed states to eliminate their nuclear arsenals
- Renouncing the option of using nuclear weapons first
- Ending the sole, unchecked authority of any U.S. President to launch a nuclear attack
- Taking U.S. nuclear weapons off hair-trigger alert

• Cancelling the plan to replace the entire U.S. nuclear arsenal with enhanced weapons

Fifty-eight municipalities including Boston, Los Angeles, Washington, D.C., and most recently Chicago, and seven state legislative bodies have adopted "Back from the Brink" resolutions. Over 300 local, county and state officials signed an open letter calling on President Biden and Congress to reduce and eliminate the risk of nuclear war. Eureka and Arcata *have* adopted Back From the Brink resolutions.

ICAN Cities Appeal: Hundreds of cities, local and regional bodies all around the world have spoken out in support of the TPNW through the ICAN (International Campaign to Abolish Nuclear Weapons) Cities Appeal. Approximately 60 U.S. cities, including New York City, have adopted the ICAN Cities Appeal.¹³

Mayors for Peace: Mayors for Peace, founded in 1982 and led by the Mayors of Hiroshima and Nagasaki, is working for a world without nuclear weapons, safe and resilient cities, and a culture of peace, as essential measures for the realization of lasting world peace. As of October 1, 2022, Mayors for Peace has grown to 8,213 cities in 166 countries and regions, with 222 U.S. members— representing in total over one billion people. Mayors for Peace's next membership goal is to reach 10,000 member cities as quickly as possible.¹⁴ Eureka and Arcata are *not yet* **members of Mayors for Peace. (USCM resolutions)**

The Poor People's Campaign: A National Call for Moral Revival: It is clear to me that the multiple national and global crises we are confronting, including nuclear weapons, climate change, systemic racism, a growing wealth gap and rising national authoritarianisms arise from the same foundational causes, and that we are unlikely to win on any of them as single issues. We need to come together as never before to build political power through durable, diverse, multi-issue coalitions, networks, and networks of networks based on our shared commitments to universal, indivisible human security. And we need to fundamentally challenge the dominant definition of "national security" through military means, at any cost.

There is an emerging movement which, I believe, has the vision and potential to bring together such a coalition and to build powerful political pressure from the bottom up - The Poor People's Campaign; A National Call for Moral Revival.

Exactly one year before his tragic assassination in 1968, Dr. Martin Luther King, Jr. declared: "I am convinced that if we are to get on the right side of the world revolution, we as a nation must undergo a radical revolution of values.... we must rapidly begin the shift from a thing-oriented society to a person-oriented society. When machines and computers, profit motives and property rights, are considered more important than people, the giant triplets of racism, extreme materialism, and militarism are incapable of being conquered."

The Poor People's Campaign: A National Call for Moral Revival, has picked up Dr. King's unfinished work, weaving the interlocking injustices of systemic racism, systemic poverty, environmental devastation, militarism and the war economy and a distorted moral narrative of religious nationalism, into one "moral fusion" campaign.

The Poor Peoples Campaign Moral Budget calls for cutting U.S, military spending by half (\$350 Billion) including by closing 60% of U.S. foreign military bases, ending the endless wars, and *dismantling and eliminating nuclear weapons*.

With active organizations in some 40 States, the Poor People's campaign is centering the voices of poor and impacted people and is being supported by an extraordinary range of constituencies including labor unions, faith organizations, racial justice, anti-poverty, environmental and peace groups, and is building political power by mobilizing, organizing, registering, and educating for a movement that votes.

Third Reconstruction resolution.

I urge everyone to find out more about the Poor People's Campaign and consider joining your State-based Poor People's Campaign organization.¹⁵

¹² Back from the Brink | Bringing Communities Together to Abolish Nuclear Weapons

(preventnuclearwar.org)

¹ North Korea says missile tests simulate striking South with nuclear weapons | Reuters

² North Korea blames the deployment of a U.S. aircraft carrier for latest tensions : NPR

³ CommonSecurity Report 2022 Blue.pdf, p. 5

⁴ The Treaty - ICAN (icanw.org)

⁵ NPT.pdf (reachingcriticalwill.org)

⁶ <u>TPNW-English1.pdf (d3n8a8pro7vhmx.cloudfront.net)</u>

⁷ <u>N2243457.pdf (nationbuilder.com)</u>

⁸ Signature and ratification status - ICAN (icanw.org)

⁹ <u>26Aug_Austria.pdf (reachingcriticalwill.org)</u>

^{10 &}quot;The Mahatma," pp. 335-336 [CITE]

¹¹ Defuse Nuclear War October Month of Action

¹³ ICAN Save My City (icanw.org)

¹⁴ MAYORS-FOR-PEACE-ACTION-TOOL-KIT.pdf (wslfweb.org)

¹⁵ Poor People's Campaign – A National Call for Moral Revival (poorpeoplescampaign.org)