

Foreword by Zia Mian

On Nuclear Weapons: Denuclearization, Demilitarization and Disarmament
Selected Writings of Richard Falk
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The international nuclear order established by a range of treaties and agreements between states, some dating back fifty years, to limit, reduce, and eliminate nuclear weapons is widely felt to be coming undone. The nine nuclear-armed states, some of which are the most powerful military and economic states in the international system, despite frequent high-level public commitments and long-standing international obligations to pursue and achieve nuclear disarmament, have each in their own way been putting in place policies and programs intended to assure nuclear weapons will continue to be key instruments and symbols of power, force, and violence far into our new century. For the leaders of these states, the political conditions are not yet right to give up these weapons and likely will not be so for the foreseeable future. At the same time, never having sought these weapons, the large majority of countries of the world have moved from exhorting the nuclear-armed states to end the nuclear dangers facing humanity to agreeing in 2017 at the United Nations the Treaty on the Prohibition of Nuclear Weapons. This new treaty bans unconditionally the threat and use of nuclear weapons and obliges states “never under any circumstances” to develop, test, produce, manufacture, otherwise acquire, possess, or stockpile such weapons. Global public opinion largely supports the abolition of nuclear weapons through such a binding international legal instrument.

With the nuclear future hanging in the balance, the essays by Richard Falk collected here are a timely and invaluable guide for scholars, citizens, and policy-makers interested in understanding and engaging with the deep structures of ideas and interests underlying these two contending political projects, what they mean for the future of international security, and for efforts to achieve a safer and more peaceful world. These essays, written over a span of more than half a century, explore in critical detail the systems of ideas, interests, and institutions that have clashed repeatedly as part of the nuclear weapons debate since the dawn of the nuclear age more than seventy years ago. Running through them is a fascinating and challenging set of reflections on the complex relationship between the destructive

power of the bomb, the nature and role of law and violence in the interlinked system of states and peoples that is the world order, the endangered future of humankind, and the prospects that radical democracy and engaged citizenship can help reorder this relationship.

The recognition that nuclear weapons pose a threat to the human community and to the world is at least as old as the weapons. In April 1945, before the first nuclear weapon had been assembled for testing, US Secretary of War Henry Stimson explained to US President Harry Truman that the United States had almost finished its secret project to build “the most terrible weapon ever known in human history, one bomb of which could destroy a whole city.” Stimson explained the stakes, telling Truman “The world in its present state of moral advancement compared with its technical development would be eventually at the mercy of such a weapon. In other words, modern civilization might be completely destroyed.” In the midst of a massive campaign against Japan involving attacks by hundreds of bombers almost every other day, which eventually destroyed over sixty Japanese cities, a wartime US president, in full knowledge of the consequences, chose to take upon himself responsibility for the fate of the earth. Within four months, the bomb was completed, tested, and used to destroy two Japanese cities.

The ruin of first Hiroshima and then Nagasaki by the United States raised humanitarian, political, and legal concerns in people and states around the world, and fueled grave fears about the future of a world where so much power rested in the hands of one country’s leaders, the prospect that in time other leaders in other countries would seek the same power, and the need for action. Mahatma Gandhi lamented that “the atomic bomb has deadened the finest feeling that has sustained mankind for ages. There used to be the so-called laws of war which made it tolerable. Now we know the naked truth. War knows no law except that of might.” Looking at the geopolitics of the bomb, George Orwell observed bleakly, “We have before us the prospect of two or three monstrous super-states, each possessed of a weapon by which millions of people can be wiped out in a few seconds, dividing the world between them ... [and] a permanent state of ‘cold war’.” Writing in the French newspaper *Combat*, Albert Camus urged that “Faced with the terrifying prospects that are opening up before humanity we see even more clearly than before that peace is the only fight worth engaging in. This isn’t a plea any more, but an order that has to rise up from peoples to governments, the order to choose once and for all between hell and reason.” In the view of these writers, and others, including Richard Falk, the coming of the bomb marked a decisive rupture in human affairs.

For some there was hope in the ideals, practices, and institutions of democracy. Led by Albert Einstein, Leo Szilard, Linus Pauling, and others, the Emergency Committee of Atomic Scientists was established in 1946 in Princeton, New Jersey. Its office was across the street from Princeton University, where Richard Falk was a professor of international law for fifty years, from 1961 until 2001, the period when many of these essays were written. The Emergency Committee said its first task was

to educate the public about the dangers of nuclear weapons and the coming nuclear arms race. In January 1947, under Einstein's signature as chairman, the Emergency Committee issued a short letter arguing that nuclear weapons "cannot be fitted into the outmoded concept of narrow nationalisms" and as such "there is no possibility of control except through the aroused understanding and insistence of the peoples of the world." They declared, "We believe that an informed citizenry will act for life and not death." For the scientists, states could not be entrusted to end the nuclear danger, only an informed and active citizenry with a global rather than a national sense of identity, responsibility, and duty could save humanity. This perspective is shared by Richard Falk and informs many of the essays here.

Another source of hope was the newly created United Nations, whose Charter, agreed in San Francisco in June 1945, declared that its fundamental goal was "to save succeeding generations from the scourge of war," and to this end obliged states to "refrain in their international relations from the threat or use of force" against each other. In January 1946, at its first meeting, the UN General Assembly adopted Resolution 1(1), setting up a UN Commission tasked to "proceed with the utmost dispatch" to make specific proposals "for the elimination from national armaments of atomic weapons." Resolution 1(1), the first to be adopted by the United Nations, inextricably tied nuclear weapons to the legitimacy of the new international order and the political organization of the world it aimed to create, and to the need collectively to constrain national security policy, the use of force, and the conduct of war by the most powerful states. It put the creation of international law at the heart of the debate over how to deal with nuclear weapons. It also codified that addressing and ending the nuclear danger was to be a collective undertaking of the United Nations and the system of states through some kind of accountable, internationally democratic process rather than the national prerogative of nuclear-armed states, of which there was only one at the time – the United States.

Resolution 1(1) yielded competing plans from the United States (which had nuclear weapons) and the Soviet Union (which was seeking to build them) for the elimination of nuclear weapons, plans which prefigure another core theme of the still ongoing struggle over nuclear weapons and one that is a major concern of Richard Falk's writings. The United States proposed as part of its Baruch Plan that the "manufacture of atomic bombs shall stop [and] existing bombs shall be disposed of pursuant to the terms of the treaty" only after "an adequate system for control of atomic energy, including the renunciation of the bomb as a weapon, has been agreed upon and put into effective operation and condign punishments set up for violations of the rules of control which are to be stigmatized as international crimes." In short, before it would give up its nuclear monopoly, the United States saw the need to create the conditions for nuclear disarmament, and these conditions involved demonstration of the "effective operation" of a nonproliferation regime able to ensure that there was no possible risk of any other country making such weapons. For its part, the Soviet Union submitted a Draft International Convention

to Prohibit the Production and Employment of Weapons Based on the Use of Atomic Energy for the Purpose of Mass Destruction, which would require states to commit “not to use atomic weapons in any circumstances whatsoever,” production and storage of nuclear weapons was to be banned, and “within a period of three months” existing weapons were to be destroyed. Nuclear disarmament could not wait on the other problems of possible proliferation to be solved first.

The tension between the need for the elimination of actually existing weapons and concern about preventing the potential spread or proliferation of weapons or the reconstitution of a nuclear arsenal after it had been dismantled and destroyed was left unresolved in the nuclear Non-Proliferation Treaty (NPT) that was opened for signature in 1968 and came into force in 1970. The NPT created detailed nonproliferation obligations for states that did not have nuclear weapons, backed by a system of mandatory international inspections to prevent these states from any “diversion of nuclear energy from peaceful uses to nuclear weapons.” The sole treaty article touching on disarmament action, Article VI, declared that “Each of the Parties to the Treaty undertakes 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, and on a treaty on general and complete disarmament under strict and effective international control.”

The five nuclear-armed states recognized by the NPT (the United States, Soviet Union, Britain, France, and China), because each of them had carried out nuclear weapon tests before 1967, have so far seen this Article VI obligation as hortatory, encouragement to them from the world community “to pursue negotiations” related to nuclear weapon issues. After all, the treaty offers no metrics for “good faith” or “effective measures” against which they can be held to account. These states prefer to avoid the implications of the fact that since the Article VI obligations apply to “Each of the Parties to the Treaty” not just the nuclear-armed states, it codifies and reinforces the view first laid out in UN General Assembly Resolution 1(1) that the pursuit and achievement of nuclear disarmament is a shared obligation of the world community. The regular meetings of the NPT, which now has 191 member states, have become a key site of contest between the five nuclear-armed states and the nonweapon states over the lack of progress on nuclear disarmament. While Israel, India, Pakistan, and North Korea are all nuclear-armed states, they are not parties to the NPT. Richard Falk’s essays illuminate key features of this enduring contest over nonproliferation and disarmament and what this means for the legitimacy of the NPT.

Another set of fundamental differences in perspective between nuclear-armed states and their allies who seek protection by these weapons and the majority of states who have forsworn nuclear weapons and seek their global elimination is the concern about the humanitarian impacts of nuclear weapons, especially the potentially global nature of these impacts, how nuclear-armed states and their leaders may use nuclear weapons, and how the international community and international law

can be brought to bear on these problems. These differences weave through the nuclear age and through these essays. One example may suffice here. In November 1961, the UN General Assembly declared that “any state using nuclear and thermonuclear weapons is to be considered as violating the Charter of the United Nations, as acting contrary to the laws of humanity, and as committing a crime against mankind and civilization.” This was because “the use of nuclear and thermonuclear weapons would bring about indiscriminate suffering and destruction to mankind and civilization.” In September 1963, Richard Falk engaged with this set of concerns in an essay “No First Use of Nuclear Weapons: Pros and Cons” republished here, making the case not just for the practical and the prudential value of no first use of nuclear weapons in conflict but also for “a new morality of rights, duties, and limits” given the danger of nuclear weapons.

Concern about the global humanitarian consequences of the use of nuclear weapons recurred in the 1980s, most famously in Jonathan Schell’s seminal book *The Fate of the Earth* and the studies on the possible “nuclear winter” that might follow large-scale use of nuclear weapons made famous by Carl Sagan and other scientists. It went beyond the earlier perspective in that it included a more explicitly ecological and human rights awareness that mirrored a growing consciousness among people and state policy-makers of the requirements for human well-being and of human impacts on the natural environment. This awareness continued to evolve. A humanitarian, ecological, legal, and moral sensibility underpinned three major international conferences that were held in Norway (2013), Mexico (2014), and Austria (2014), the last of which drew 158 states, international bodies, the Red Cross, civil society from around the world, scholars, and experts. It was an amazing display of a new perspective on nuclear weapons taking shape and a new sense of agency. The essays here show how Richard Falk’s ideas prefigured this development.

In Austria, the states issued a Humanitarian Pledge: “Understanding that the immediate, mid- and long-term consequences of a nuclear weapon explosion are significantly graver than it was understood in the past and will not be constrained by national borders but have regional or even global effects, potentially threatening the survival of humanity” and “Recognizing the complexity of and interrelationship between these consequences on health, environment, infrastructure, food security, climate, development, social cohesion and the global economy that are systemic and potentially irreversible.” The pledge highlighted that “nuclear weapons concern the security of all humanity and that all states share the responsibility to prevent any use of nuclear weapons” and that “the scope of consequences of a nuclear weapon explosion and risks associated raise profound moral and ethical questions that go beyond debates about the legality of nuclear weapons.” The signatories committed themselves to “efforts to stigmatize, prohibit and eliminate nuclear weapons in light of their unacceptable humanitarian consequences and associated risks.” Within a year, 127 states had endorsed this pledge, and in late 2015 the pledge was adopted as a UN General Assembly resolution. These steps laid the basis for the successful

negotiation in 2017 of the Treaty on the Prohibition of Nuclear Weapons. The nonweapon states saw this treaty as fulfillment of Resolution 1(1) and of their NPT Article VI obligation. The major nuclear-armed states were at best dismissive, and some actively opposed the whole effort; they remain resolutely attached to what Falk has called “nuclearism,” a category that connects the theory and practice and institutions of nuclear deterrence, the attendant willingness to wage nuclear war, the rejection of international law, and the hierarchical ordering of states in the world system, which helps explain much of nuclear weapons policy and politics.

The new treaty is only one sign of turmoil and transformation in the nuclear order. Other signs are evident for instance in the continuities and changes in the nuclear policies of the United States. In 2009, speaking in Prague, US President Barack Obama declared the United States’s commitment “to seek the peace and security of a world without nuclear weapons” and announced his country would take “concrete steps towards a world without nuclear weapons.” At the same time, he declared “the United States will maintain a safe, secure and effective arsenal,” and to this end launched a vast and costly decades-long program to modernize its existing nuclear arsenal and complex. His successor President Donald Trump, elected in 2016, has shown no such ambivalence, committing not just to “modernize and rebuild” the nuclear arsenal of the United States but ordering the development of new kinds of nuclear weapons and easing existing restrictions on the conditions under which nuclear weapons might be used. Trump also announced his intention to withdraw the United States from the 1987 US–Soviet Intermediate-Range Nuclear Forces (INF) Treaty signed by President Ronald Reagan and Secretary-General Mikhail Gorbachev, which removed from service several thousand nuclear weapons. Other nuclear arms control agreements may fall; Trump has described as a “bad deal” the 2010 US–Russia New START agreement, signed by Obama, which limits the number of deployed long-range nuclear weapons, suggesting it may be allowed to expire in 2021. Many observers fear a new nuclear arms race.

While many of the core issues about nuclear weapons – who has them, what they do with them and why, the dangers this poses and what can be done to end them – have not changed, there has been a transformation of the world in other ways. The world in which nuclear-armed states seek to exercise power and influence through these weapons has changed, most notably in the rise of new “developing” states. At the time of the UN General Assembly Resolution 1(1) in 1946, there were only fifty-one member states of the United Nations. Many of today’s states were still territories in European colonial empires. UN membership had doubled to 104 states by the time of the 1961 Resolution declaring the use of nuclear weapons “a crime against mankind and civilization.” This number has now grown to 193 states. For many of them, the world order from the 1940s, dominated by a handful of great powers armed with nuclear weapons and economies that shaped global production, distribution, exchange, and consumption, is an obvious structural injustice. The new states often find allies in another new force in world politics: the vast array of national and

transnational groups, networks, and antisystemic movements that together make up global civil society. Many of the essays in this volume touch on the importance of both of these sets of new players and share with them a core antisystemic sensibility concerning the need for a more equitable and peaceful world order, the importance of humanity's impact on the natural environment, and the possibilities of deepening and broadening human emancipation. It is here that many readers of Richard Falk may find hope for a way out of our often lawless, violent, and unjust world.

