



Ban Nuclear Weapons in the Netherlands

Proposal to Parliament

Citizen's Initiative 'Teken tegen kernwapens'

September 2015



About PAX

PAX means peace. PAX brings together people who have the courage to stand for peace. Together with people in conflict areas and concerned citizens worldwide, PAX works to build just and peaceful societies across the globe.

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Summary

Peace organization PAX through this citizen's initiative proposes a national nuclear weapons ban. Nuclear weapons are disproportional weapons of mass destruction, designed to make hundreds of thousands of victims in a short period of time. The consequences of nuclear weapons are noticeable for generations to come. The nuclear attacks on Hiroshima and Nagasaki in 1945 made this clear. Nuclear weapons don't distinguish between civilians and military. The Netherlands has banned biological and chemical weapons, anti personnel mines and cluster munitions for this same reason.

70 years after the atrocities in Hiroshima and Nagasaki the 45.000 signatories of the citizen's initiative "Tekenen tegen kernwapens" ("sign against nuclear weapons") call to ban the most deadly weapon of mass destruction in the world. In 2015 globally there is a growing sense of the catastrophic humanitarian consequences of this weapon, which are not limited to the battle field, and continue to cause immense suffering long after the conflict has ended. Nowadays a vast majority of countries – 117 – call for a ban. The Dutch government says it is a proponent of a ban, but postpones concrete steps every time. With a national ban, the Netherlands will take its own responsibility to reach a nuclear free world.

Even in peacetime nuclear weapons are dangerous, according to the long list of accidents and near accidents in the past few decades.¹ A recent study from Chatham House, based on recently released documents and witness reports, shows that the risk of unintentional use of nuclear weapons is bigger than was assumed. These risks will continue to exist as long as there are nuclear weapons.²

The very first UN resolution in 1946 called for a nuclear weapon free world. Now, 70 years after Hiroshima and Nagasaki, there are more nuclear weapon states than ever. The existing forums like the Conference on Disarmament and treaties like the Non Proliferation Treaty (NPT) clearly have been unable to create a nuclear weapons free world. A majority of countries seems to think that an additional treaty is required – a ban treaty. Through this citizen's initiative we propose that the Netherlands show their best side by joining this great majority of countries that want to get rid of nuclear weapons and have already solidified this through national or regional bans.³

"My advice, my appeal to all, is this:" UN Secretary General Ban Ki-Moon recently said, "Be a first mover. Don't look to others or to your neighbours to start disarmament and arms control

¹ Eric Schlosser, *Command and Control* ISBN-10: 1846141486/ ISBN-13: 978-1846141485. For a short review: <http://www.motherjones.com/politics/2013/08/eric-schlosser-command-control-excerpt-nuclear-weapons>.

² Too Close for Comfort - Cases of Near Nuclear Use and Options for Policy <http://iis-db.stanford.edu/pubs/24617/20140428TooCloseforComfortNuclearUseLewisWilliamsPelopidasAghlani.pdf>.

³ Number of countries in officially recognized nuclear free zones: 115 :http://en.wikipedia.org/wiki/Nuclear-weapon-free_zone.

measures. If you take the lead, others will follow."⁴ The citizens who submit this proposal are convinced that a national ban is necessary and opens up the path for many other countries to take similar steps that are beneficial for international security and disarmament.

A national ban is needed to get the Netherlands away from the idea – supported by only a few countries – that nuclear weapons still fulfill a role in current military and diplomatic relations. Although the Netherlands says it is in favor of a nuclear weapons free world, our country is not amongst the 117 countries which are willing to negotiate a legal instrument that bans these weapons of mass destruction.⁵

The adopted parliamentary Motion-Sjoerdsma⁶, which states that the Netherlands should take part in future negotiations on an international ban on nuclear weapons, stresses the importance of the broadly shared concept in Parliament that the Netherlands should push for a global ban on nuclear weapons. The existing international forums however have not been able to realize a nuclear weapon free world. This makes an active role of individual countries necessary. The House of Representatives over the last few years regularly spoke about nuclear disarmament⁷, but never about the logical step to nationally ban nuclear weapons. It would strengthen the credibility of the Netherlands if the country would not only talk about the necessity of nuclear disarmament, but also take a concrete and incredibly significant step: impose a national ban on nuclear weapons. ♦

**A national ban is a comprehensive ban on:
Use, possession, development, production, financing, stationing and transfer
of nuclear weapons under any circumstance and on assistance with or
encouragement of these illegal acts.**

⁴ Ban Ki-Moon, UN Secretary General, 2013: <http://www.un.org/sg/statements/index.asp?nid=6557>.

⁵ Humanitarian Pledge: <http://www.icanw.org/pledge/>.

⁶ Motion Sjoerdsma C.S., 23 April 2015, Kamerstuk 33783, nr. 19. <https://zoek.officielebekendmakingen.nl/kst-33783-19.html>. (Dutch)

⁷ An overview of recently adopted parliamentary motions on nuclear disarmament: <http://nonukes.nl/overzicht-van-aangenomen-moties-in-de-tweede-kamer-over-nucleaire-ontwapening/> (Dutch)

A ban on Nuclear Weapons: Why now?

Introduction

For more than 70 years, people have been trying in many different ways to get rid of all nuclear weapons, so far without results. Therefore, there is an urgent need for the ultimate means: a complete ban. A huge number of countries want to negotiate about such a ban. Unfortunately, the Netherlands is not one of these countries. Also, these negotiations have not yet started. According to PAX, the Netherlands should, in the meantime, join the 115 countries that have banned nuclear weapons nationally. Widespread support in the Chamber for a national ban will push the government, create a strong point of departure for the Netherlands to function as a bridge builder within NATO and take a leading role in future international negotiations.

The time is right

Below are the reasons to negotiate an international ban and to establish a prior or simultaneous national ban.

1. **The risk of growing proliferation**

The number of countries that possess nuclear weapons has increased steadily – together with the risk that they will be used. Now, India, Israel, North Korea and Pakistan possess nuclear weapons; countries that are unstable or are located in unstable regions. Moreover, these countries refuse to commit to international treaties against the use or spread of nuclear weapons. The 1970 Non-Proliferation Treaty (NPT) that recognizes China, France, Russia, the UK and the US as possessing nuclear weapons remains a reason for other countries to consider developing nuclear weapons themselves. A complete ban will help to deal with this untenable situation and will thus strengthen the Non-Proliferation Treaty.

2. **Growing awareness of the catastrophic humanitarian consequences**

Worldwide, there is a growing attention for the catastrophic humanitarian consequences of nuclear weapons, especially since the 2010 review conference of the Non-Proliferation Treaty. Because of the nuclear attacks on Hiroshima and Nagasaki, we know what a single nuclear weapon can do. Recent studies point to the worldwide consequences of the use of merely a small amount of nuclear weapons: a decade of drought and famine that can endanger the lives of

2 billion people.⁸ Furthermore, it has become clear that a nuclear weapon can be exceptionally dangerous even in peacetime, considering the endless list of accidents and near accidents with nuclear weapons.⁹ UN Secretary-General Ban Ki-Moon rightly states about nuclear weapons: *'There are no right hands for the wrong weapons'*.

The attention for the humanitarian consequences of nuclear weapons resulted in a series of joint statements during meetings of the NPT and the General Assembly of the UN in the past three years. Several intergovernmental conferences were held (Norway in 2013, Mexico and Austria in 2014), in which a majority of countries participated to share information and analyses about the humanitarian consequences of nuclear weapons. By now, 156 countries support the joint statement that declares that any use of nuclear weapons will lead to unacceptable humanitarian consequences, and that no country can prepare adequately for the consequences of a nuclear explosion.¹⁰

3. Growing International support for a global legal ban on nuclear weapons

Frustration amongst nuclear weapon free nations is growing. Meanwhile many nations find the absence of a legally binding ban on nuclear weapons to be a legal gap. The United Nations Office for the Coordination of Humanitarian Affairs (OCHA), the United Nations Development Programme (UNDP) and the International Organization for Migration (IOM) state that only a complete ban on nuclear weapons sufficiently ensures the obligation of every nation to prevent the severe humanitarian consequences which result from the use of nuclear weapons¹¹. Likewise the International Red Cross urges negotiations on such a ban^{12 13}

Article 6 of the Non-Proliferation Treaty (NPT) requires member states such as the Netherlands to negotiate nuclear disarmament.¹⁴ Current support in favor of a ban, 45 years after the NPT was implemented, offers the opportunity to finally fulfill the commitment given all those years ago. By the end of the intergovernmental conference on the humanitarian consequences of nuclear weapons, in Vienna in December 2014, Austria concluded that the only thing

⁸ 'Nuclear famine, two billion at risk', IPPNW, 2013: <http://www.ippnw.org/pdf/nuclear-famine-two-billion-at-risk-2013.pdf>.

⁹ See note 1 and 2

¹⁰ <https://www.icrc.org/eng/resources/documents/news-release/2014/02-11-mexico-nayarit-impact-nuclear-weapon-conference.htm>; Van der Zeijden, W & Snyder, S (2014): *The Rotterdam Blast*, PAX, Utrecht, p. 23.

¹¹ See statements from the intergovernmental conferences in Oslo, Nayarit and Vienna at <http://www.reachingcriticalwill.org/disarmament-fora/hinw/>.

¹² 'ICRC says nuclear weapons are 'unacceptable risk' and must be scrapped', ICRC, 2015:

<https://www.icrc.org/en/document/icrc-says-nuclear-weapons-are-unacceptable-risk-and-must-be-scrapped>.

¹³ 'Eliminating Nuclear Weapons', ICRC, 2015: <https://www.icrc.org/en/document/nuclear-weapons-conference>.

¹⁴ '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'.

they could do is to pledge to work with all interested stakeholders in efforts to stigmatise, prohibit and eliminate nuclear weapons. With this pledge, host country Austria, invited all parties to join their efforts. Now, 117 nations have realized they too have a responsibility to prevent the catastrophic humanitarian damage caused by the use of nuclear weapons, and have affiliated themselves with this 'Humanitarian Pledge'¹⁵

4. Broad support in Dutch society for a nuclear weapons free world

Forty-five thousand people in the Netherlands responded to the call from PAX, the Red Cross and the ASN bank to sign the citizen's initiative for a national ban on nuclear weapons. This reflects the strong support existing in Dutch society for a world without nuclear weapons. This support is not new. Opinion polls by the Red Cross in 2012¹⁶, the 'National Voters Investigation' (Nationaal Kiezersonderzoek) in 2010¹⁷ and 'EenVandaag' (Dutch TV show) viewers panel in 2014¹⁸ show that an active approach to make the world nuclear weapon free is widespread in all segments in Dutch society, regardless of age, political interest or affiliation and belief. This support remain immune to international political developments. This is a clear message to the government: there is a mandate for a national ban. The time is now to clearly take a stand and ban these weapons of mass destruction.

5. Widespread parliamentary support for national action nuclear disarmament

A majority of the political parties represented in the second chamber of parliament say they are dissatisfied with the lack of progress on nuclear disarmament and note "the dialogue within NATO and with Russia has made little or no progress in the reduction of tactical nuclear weapons"¹⁹. Earlier, the Chamber suggested to no longer attach value to the protection of the European continent by means of the presence of US nuclear weapons in Europe and considered the withdrawal of these nuclear weapons desirable.²⁰

Also, during debates on the replacement of the current generation of fighter aircraft using the motion Van Dijk et al, the parliament stated that the

¹⁵ 'Humanitarian Pledge': <http://www.icanw.org/pledge/>.

¹⁶ Opinion polls Red Cross: <http://www.rodekruis.nl/actueel/pers/persberichten/humanitaire-gevolgen-bij-kernwapenexplosie-desastreus-> de opiniepeiling zelf is te vinden op <http://nonukes.nl/opiniepeiling-nederland-wil-geen-kernwapens/>.

¹⁷ National Voters Investigation (Nationaal Kiezersonderzoek) 2010: <http://vredessite.nl/kernwapens/2011/ikv1103.html> en <http://www.dpes.nl/nl/data-en-resultaten/nko-2010>.

¹⁸ Viewers Panel 'EenVandaag' (Kijkerspanels van EenVandaag) 2010: http://www.eenvandaag.nl/economie/48401/abp_leden_stop_met_investeren_in_kernwapens en http://opiniepanel.eenvandaag.nl/uitslagen/55152/_abp_moet_stoppen_met_investeren_in_kernwapens_.

¹⁹ Motion from Omzigt C.S., 2012: <https://zoek.officielebekendmakingen.nl/kst-33400-V-65.html>

²⁰ Motion from Velzen Azough, 2010: <https://zoek.officielebekendmakingen.nl/kst-32123-V-86.pdf>.

replacement for the F-16 should not have a nuclear role.²¹ As of yet, the government has not executed this motion. There are no concrete plans to prevent the successor to the F-16 and the CTOL variant of the F-35 from having a nuclear task. The model which the Netherlands has chosen, will, as commissioned by the US government, be capable of carrying nuclear weapons.²² A national ban on nuclear weapons could be a means to anchor the statements of the chamber.

Moreover, the parliament gave, with reference to Article VI of the NPT, the Government the task to participate in the commission of international negotiations on a ban on nuclear weapons. This motion Sjoerdsma²³ stated that the Dutch government should participate in negotiation on an international ban on nuclear weapons. This reinforces the widely accepted view in parliament that the Netherlands should strive for a global ban on nuclear weapons. However, the existing international platforms have not been able to begin negotiations. That makes a proactive role for individual countries even more necessary.

6. From a national ban to a leading role in international negotiations

The Dutch government finds it too early for negotiations on an international ban, because, they say, a ban treaty should be the final element after eliminating all nuclear weapons.²⁴ There is no logic in this reasoning. Without a ban, there is no reason for nuclear states to zero out their arsenals. After all the weapons are not explicitly prohibited by an international treaty.

It is unclear why disarmament and a ban cannot be negotiated simultaneously. Historically, the stance of the government is illogical. The conventions on biological and chemical weapons and the treaties on cluster munitions and anti-personnel mines were not drafted only after all countries magically gave up their weapons of their own accord. Every time, the ban in itself was a means to stimulate the elimination of weapons. Widespread support in the Chamber for a national ban creates a strong point of departure for the Netherlands to function as a bridge builder within NATO and to take a leading role in future international negotiations.

²¹ Parliamentary paper 33763, nr. 14 Motion from Van Dijk, 6 November 2013: <https://zoek.officielebekendmakingen.nl/kst-33763-14.html>

²² 16 June 2015, session answering factual questions about the progress F-35

²³ Motion from Sjoerdsma C.S. on substantive participation in international negotiations on a treaty to ban nuclear weapons, 23 April 2015, parliamentary paper 33783, nr. 19. <https://zoek.officielebekendmakingen.nl/kst-33783-19.html>.

²⁴ Minister Koenders, plenary debate 23 April 2015: 'I am asked to participate substantially in the negotiations, even though I do not think that these should start now'

7. A national ban can serve as a de-escalating measure against increasing tensions between Russia and NATO

Mounting tensions between the nuclear powers unfortunately increases the risk of intentional or unintentional use of nuclear weapons. It is clear that countries that possess nuclear weapons or host American nuclear weapons on their territory are potential targets of a nuclear attack. Some claim that removing tactical nuclear weapons from Europe increases the chances of a nuclear attack on NATO territory by Russia. However, military analyses show that we can expect the opposite.

De-escalating measures are necessary and are in our national interest.²⁵ During, and after the Cold War, negotiations aimed at reducing the number of nuclear weapons did not reduce the threat of a nuclear war. Currently, tensions are on the rise and it seems that some see this as a reason to put disarmament on the back burner. Fortunately, Minister Koenders does not share this sentiment: "Even during the Cold War, we kept talking and managed to conclude some key disarmament treaties. Particularly in troubling times, we need to keep channels of communication and dialogue open and press onwards with disarmament."²⁶ Many countries find it unacceptable to hide behind the argument of rising tensions. The tendency of Russia and some NATO countries to use nuclear weapons for deterrence is an unnecessary risk for them and for all countries, including those without nuclear weapons.

The tactical nuclear weapons stationed by the USA in several European member states cannot reach targets outside NATO territory, not even when the current arsenal has been modernized.²⁷ If these weapons are used, citizens of NATO countries will likely be the first casualties. The removal of these weapons, therefore, offers multiple advantages. It is an act that shows a genuine wish to negotiate disarmament. It reduces the likelihood that these weapons will be used and prevents a potential humanitarian disaster. Removal of tactical nuclear weapons minimizes the chance that the Netherlands would become a military target. ♦

²⁵ For an extensive analysis, read: <http://nonukes.nl/escalating-tensions-the-perfect-time-to-negotiate/>.

²⁶ Mr. Bert Koenders, 2015. H.E. Mr. Bert Koenders Minister of Foreign Affairs of the Kingdom of the Netherlands NPT Review Conference General Debate. Available at: http://reachingcriticalwill.org/images/documents/Disarmament-fora/npt/revcon2015/statements/27April_Netherlands.pdf.

²⁷ A deterrence policy can only work if the 'opponent' knows that the weapons can in fact be used. The B61 free falling bomb can be delivered by a fighter with a full fuel tank up to for example Hamburg, Frankfurt of Koln. To carry nuclear weapons all the way to Moscow, several refueling sessions would be necessary, something which will be noticed prematurely on radar.

What would a national ban for the Netherlands and NATO look like?

Introduction

The core of our proposal is an all encompassing prohibition on the use and threat of use, possession, testing, acquisition, development, production, financing, deployment and transfer of nuclear weapons under all circumstances, as well as aiding or abetting these prohibited acts. This is in line with the current prohibitions on inhumane weapon systems and weapons of mass destruction.²⁸

Through a National Ban the Netherlands take responsibility for their own involvement in nuclear weapons. And this involvement is large. The Netherlands have agreed that the U.S., if necessary, are allowed to use nuclear weapons to defend the Netherlands. As a member of NATO the Netherlands agree to a policy that does not exclude the use of nuclear weapons and the Netherlands even host a number of American nuclear weapons on air force base Volkel. Stationing nuclear weapons in the Netherlands will be banned in our proposal.

U.S. nuclear weapons in the Netherlands

A national ban will would mean that the Netherlands would inform the American government that they no longer 'place importance on the protection of the European mainland by the presence of American nuclear weapons,' something which Parliament already stated in 2010.²⁹ Furthermore, it would mean that the Netherlands would talk with the USA to end the bilateral agreements regarding the deployment of nuclear weapons in the Netherlands and end the nuclear capability of the Dutch air force.³⁰ The USA would accept this position as it did in recent years when similar steps were taken by for example Canada, Greece and the UK.

In the Strategic Concept that was adopted by consensus during the Lisbon Summit in 2010, NATO declared that it will work to create the circumstances for a world without nuclear weapons.

However, NATO has never played a leading role in establishing international policy, specifically

²⁸ 'Doubting a ban', PAX, 2014: <http://nonukes.nl/wp-content/uploads/2015/03/Doubting-a-Ban....pdf>.

²⁹ See footnote 20.

³⁰ 'A treaty banning nuclear weapons and its implications for the Netherlands', Clingendael, 2015: <http://www.clingendael.nl/publication/treaty-banning-nuclear-weapons-and-its-implications-netherlands>.

in the field of disarmament (treaties). NATO has always seen it as their responsibility to adjust to new international policies and international treaties in a flexible and responsible manner, as they do with national measures. For that reason, individual member states can take a leading role by creating concrete progress in the field of nuclear disarmament. And pressing forward is all the more necessary given the fact that the alliance continues relying on nuclear deterrence, and doesn't exclude the possibility of using nuclear weapons.

NATO has always shown flexibility towards national considerations with regards to nuclear policies. Among the alliance there are already states with a national measures on nuclear weapons, such as Iceland and Lithuania. In addition, Denmark, Norway and Spain do not allow nuclear weapons on their territory in peacetime. Moreover, Iceland, Denmark and Norway have closed their harbors to vessels capable of carrying nuclear weapons. The United States has removed their nuclear weapons from the UK, Greece and Canada. The reliability of the Netherlands as a trusted NATO partner will therefore not be harmed by establishing a national ban on nuclear weapons. This proposal to ban nuclear weapons explicitly does not mean that the Netherlands cannot be a member of a military alliance which counts among it states with nuclear weapons.

Own responsibility

The current nuclear policy of the Dutch government seeks as its goal a nuclear weapon free world, but puts responsibility for this on others. The government has said positive steps can only be made in agreement with NATO. Individual initiatives by the government can have "a negative influence on the opportunities by the Netherlands to shape the NATO-discussion about disarmament, transparency and non-proliferation the coming years."³¹ The government chooses therefore not to take individual initiatives. The government states that we cannot expect much at the moment from NATO on nuclear weapons issues. Among the alliance there is a lack "of will to announce the total number of non-strategic nuclear weapons based in Europe in the NATO context."³² Even implementing the policy of No First Use of nuclear weapons, about which we have lobbied Parliament several times, is a bridge too far for NATO.³³

Briefly said, the government is, convinced that nuclear weapons should be banned after their complete elimination, but sees its membership of NATO as a potential obstacle to this goal.

The list of NATO allies who have implemented a different nuclear policy shows that the Netherlands is in fact capable of implementing its own policy, without any fear of NATO reprisals.

³¹ Minister of Foreign Affairs Frans Timmermans, 2nd of September 2014: Letter to the Chamber [of Parliament], Concerning Nuclear disarmament and transparency, p. 2.

³² See footnote 23.

³³ Letter to the First Chamber [of Parliament], 30th of June 2015\
https://www.eerstekamer.nl/behandeling/20150630/verslag_van_eeen_schriftelijk/document3/f=/vju8lr000yrt.pdf.

As previously stated, the broadly supported policy of the Dutch government is to establish a world free from nuclear weapons. But the historical entanglement of nuclear agreements puts the Netherlands in a position where it cannot wholeheartedly give its support to establish a worldwide ban. Therefore, since the Netherlands cannot free itself from its own nuclear involvement, the Netherlands cannot undertake on the international level the necessary steps to move forward.

A national ban removes this problem. It creates a situation in which the Netherlands shows in word as well as deed that it is ready for a world without weapons of mass destruction. The Netherlands will be able to play a leading role just as it does with many other security- and disarmament issues. ♦

Conclusion

This citizen's initiative encourages members of the Parliament and representatives of the government, during the debate called for, to make a choice.

Are you in favour of a ban on nuclear weapons or are you in favour of us continuing as we have done for decades: a slow and difficult process and with an almost guaranteed increase in the risks of nuclear weapons as the reward?

It is up to you to decide, after having banned biological and chemical weapons, landmines and cluster ammunition, to also ban this inhumane weapons system. ♦



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