

ICAN submission to Alþingi inquiry into resolution 193/148, “Bann við kjarnorkuvopnum”

Introduction

1. The International Campaign to Abolish Nuclear Weapons (ICAN) is pleased to make the following submission to the Foreign Affairs Committee of the Icelandic parliament (Alþingi) in support of resolution 193/148, “Bann við kjarnorkuvopnum” (“Prohibition of nuclear weapons”).
2. ICAN is a campaign coalition consisting of more than 450 non-governmental organizations in 100 countries, including Iceland, with the aim of eliminating nuclear weapons. We were awarded the Nobel Peace Prize in 2017 for our efforts “to draw attention to the catastrophic humanitarian consequences of any use of nuclear weapons” and our “ground-breaking efforts to achieve a treaty-based prohibition of such weapons”.

Background

3. On 7 July 2017, 122 nations voted to adopt a landmark global agreement to outlaw nuclear weapons, known as the UN Treaty on the Prohibition of Nuclear Weapons (TPNW). It opened for signature on 20 September 2017 and will enter into legal force once 50 nations have ratified or acceded to it. Pending the treaty’s entry into force, nuclear weapons remain the only weapons of mass destruction not subject to an explicit ban under international law. The new agreement fills a major gap in international law.
4. The TPNW prohibits states from developing, testing, producing, transferring, possessing, hosting, using or threatening to use nuclear weapons. It also prohibits them from assisting, encouraging, or inducing anyone to engage in any of these activities. A state with nuclear weapons may join the treaty, so long as it agrees to destroy them in accordance with a legally binding, time-bound plan. Similarly, a state that hosts another state’s nuclear weapons on its territory may join, so long as it agrees to remove them by a deadline.

Why Iceland should join

5. Nuclear weapons threaten every nation's security and would cause catastrophic humanitarian consequences if used. The impact on civilians and the environment would be devastating. The ongoing nuclear modernization programmes of nuclear-armed states and the inflammatory rhetoric of certain leaders increases the likelihood of the use of nuclear weapons, either by accident or intent. This would seriously endanger Iceland and the world.
6. It is vital that states committed to nuclear disarmament and a rules-based world order work to strengthen the nuclear taboo by joining the TPNW. Nuclear weapons serve no legitimate military or strategic purpose. The TPNW offers the best hope of ending decades of deadlock in disarmament and moving the world towards the elimination of nuclear weapons.
7. Iceland has joined international treaties banning biological weapons, chemical weapons, anti-personnel landmines, and cluster munitions based on the inhumane and indiscriminate impact of these weapons on civilians. As a responsible member of the international community, Iceland should now join the UN treaty banning the worst weapons of all: nuclear weapons.
8. Iceland has a proud history of support for nuclear disarmament. On five occasions from 2012 to 2015, Iceland co-sponsored joint diplomatic statements asserting that nuclear weapons should "never be used again, under any circumstances". By becoming a party to the TPNW, Iceland would make this injunction a matter of international law, rejecting any role for weapons of mass destruction in international affairs.

Alliance policy

9. There is nothing in the TPNW that prevents Iceland from maintaining a military alliance with a nuclear-armed state. (Indeed, a number of states in alliances with the United States have already signed and ratified the TPNW.) The North Atlantic Treaty Organization's legal foundation, the North Atlantic Treaty of 1949, does not mention nuclear weapons. NATO members are not legally bound to endorse the policy of "extended nuclear deterrence".
10. While NATO's first strategic concepts did not mention nuclear weapons at all, the current strategic concept, finalised in 2010, commits NATO "to the goal of creating the conditions for a world without nuclear weapons – but reconfirms that, as long as there are nuclear weapons in the world, NATO will remain a nuclear alliance". The purpose of the TPNW is precisely to "create the conditions" for a nuclear-weapon-free world.
11. Decisions about whether the arsenals of NATO's nuclear-armed allies are dismantled, retained, or upgraded are made not by the Icelandic parliament, but by French, British, and American decision-makers. When it comes to Iceland's defence and foreign policy, however, the Icelandic parliament is sovereign. NATO's strategic concepts are in any case not legally binding.

12. Iceland does not possess nuclear weapons, and as a party to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) of 1968 it is forbidden from ever acquiring them. In addition, the Icelandic parliament has determined to “ensure that Iceland and its territorial waters are declared free from nuclear weapons, subject to Iceland’s international commitments, with the aim of promoting disarmament and peace”.¹ Iceland is therefore already in compliance with most of the prohibitions contained in the TPNW.
13. From a legal point of view, it is not clear that Iceland would have to make any considerable changes to its current practices were it to join the TPNW. Most important for Iceland is the undertaking contained in the TPNW not to “[a]ssist, encourage or induce, in any way, anyone to engage in any activity prohibited to a State Party” under the TPNW. In practice, such a commitment would oblige Iceland not to act in a manner that could be seen to support the possession or use of nuclear weapons. Iceland would have to opt out of any language in future NATO strategic concepts that endorses activities prohibited by the TPNW. NATO members have on several occasions opted out of specific statements in, or attached additional comments to, NATO documents dealing with nuclear weapons.

Eliminating nuclear weapons

14. As a party to the TPNW, Iceland would be in a stronger position to work with other members of the international community to advance nuclear non-proliferation and disarmament. The TPNW contains mechanism for a diplomatic process to improve and expand the treaty. A refusal to join the TPNW and engage with its processes would cast serious doubt on Iceland’s commitment to the goal of a nuclear-weapon-free world and could be seen as tacit support for a new and dangerous nuclear arms race.
15. The TPNW is designed to help implement the NPT, which requires all its parties, including Iceland, to pursue negotiations in good faith on nuclear disarmament. Such negotiations had, until last year, been at a standstill for more than two decades. The NPT itself envisages the creation of additional legal instruments for achieving a nuclear-weapon-free world.
16. At a time of great global tension, when nuclear-armed states are modernizing their arsenals and threatening to use their nuclear weapons, it is all the more important for nations such as Iceland to declare their unequivocal opposition to nuclear weapons and to help strengthen international norms against them. The voices of fire and fury should not be met with silence. Joining the treaty is the only responsible course of action.

Submitted on 23 March 2018

1. Parliamentary Resolution on a National Security Policy for Iceland. Parliamentary document 1166 – Case no. 327. No 26/145. Approved by the Parliament of Iceland on 13 April 2016. Para. 10.