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THE HUMANITARIAN INITIATIVE IN 2015

Expectations are building for the need for nuclear disarmament progress

By Nick Ritchie
ILPI-UNIDIR NPT Review Conference Series

Paper N° 1 of 5
#NPT2015

- Decisive multilateral progress toward a nuclear-weapon-free world led by the nuclear-armed states has not been forthcoming since the end of the Cold War, as many once expected.
- Some non-nuclear-armed states have responded by reframing nuclear disarmament debate in terms of the unacceptable humanitarian consequences of the use of nuclear weapons, and this perspective has gathered broad political support.
- The third international conference on the humanitarian impact of nuclear weapons held in Vienna in December 2014 added momentum to the need for diplomatic responses to the indiscriminate and catastrophic effects of nuclear violence.
- The 2015 NPT Review Conference provides an opportunity to examine potential diplomatic responses and assess whether any qualitative and quantitative changes in the nuclear weapon policies of the NPT nuclear-weapon states demonstrate concrete progress toward their disarmament obligations.

Introduction

Nuclear weapons are the most destructive technology ever created.¹ A conflict fought using nuclear weapons today would cause inescapable and unacceptable devastation and human suffering. Nuclear weapons represent a magnitude of destruction that is very difficult to imagine; a scale of violence that most people struggle to rationalize.

In 1968 the international community negotiated the Nuclear Non-Proliferation Treaty (NPT) to halt the spread of nuclear weapons and kick-start the process of nuclear disarmament. The NPT's

starting point is 'the devastation that would be visited upon all mankind by a nuclear war and the consequent need to make every effort to avert the danger of such a war'.⁴ During the Cold War the United States and Soviet Union made progress in slowing the nuclear arms race, and after it ended a significant opportunity emerged to rethink the role of nuclear weapons in international politics. The NPT's five nuclear-weapon states (China, France, the Russian Federation, the United Kingdom, and the United States) committed themselves to:

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SOME OF THE IMPACTS OF NUCLEAR WEAPONS ON HUMANITY

The two bombs dropped on Hiroshima and Nagasaki in August 1945 exploded with an estimated yield of approximately 14 and 20 kilotons (kt) respectively and between them killed around 200,000 people. Detonation of a single modern nuclear warhead over a city would completely overwhelm the health services of even a developed country. An attack with multiple weapons would cause tremendous loss of life and disrupt a country's entire economic and social infrastructure. The immediate destruction caused by the initial blast, heat flash, and radiation effects of one or two British or United States 100kt Trident nuclear warheads could kill hundreds of thousands of people.²

The incendiary effects of such a nuclear blast would also be devastating. In Hiroshima, a tremendous firestorm developed within 20 minutes after detonation. Peer-reviewed studies indicate that a nuclear conflict involving the use of 100 Hiroshima-sized nuclear weapons would have a catastrophic impact on the global climate caused by the tremendous amount of smoke released into the atmosphere. Sophisticated climate models predict a precipitous drop in temperatures, which could result in substantially reduced staple crop yields, extensive ozone depletion, and famine on a global scale, particularly for those people near or below the poverty line.³

- The 'Principles and Objectives for Nuclear Non-Proliferation and Disarmament' agreed at the 1995 NPT Review and Extension Conference.
- The 'Practical steps for the systematic and progressive efforts to implement Article VI of the Treaty'—the '13 steps'—negotiated at the 2000 NPT Review Conference.
- The 64-point 'Action Plan' negotiated at the 2010 NPT Review Conference.

Many states are now deeply concerned at the glacial pace of nuclear disarmament under the NPT and the value that nuclear-armed states continue to place on their nuclear weapons 25 years after the end of the Cold War. They argue that the

nuclear-weapon states have failed to meet their commitment to pursue 'negotiations in good faith' on nuclear disarmament made in 1968 and reaffirmed in 1995, and their 'unequivocal undertaking' to eliminate nuclear weapons leading to nuclear disarmament made in 2000 and reiterated in 2010.⁵

There is attendant concern that the NPT will never deliver nuclear disarmament and that the nuclear-weapon states view their possession of nuclear weapons as permanent, with all of the continued risks of inadvertent or deliberate use this entails. This concern has provoked a vital question: what can non-nuclear-weapon states collectively do to achieve nuclear disarmament and so reduce the risk of catastrophic nuclear violence?

The emergence of a humanitarian initiative

Encouragingly, the 2010 NPT Review Conference saw the emergence of a broad group of states determined to place the humanitarian impact of nuclear weapons on its agenda. They wanted to shift the debate in the NPT on nuclear disarmament away from ideas of nuclear deterrence and strategic stability and towards the unacceptable humanitarian consequences of nuclear violence. This was reflected in the meeting's Final Document that noted for the first time 'the catastrophic humanitarian consequences of any use of nuclear weapons' and reaffirmed 'the need for all States at all times to comply with applicable international law, including international humanitarian law.'⁶ The language was a very significant

development and the focus on the humanitarian impact of nuclear violence subsequently gathered widespread political and popular support in the form of a so-called 'humanitarian initiative' of states, international organizations and civil society actors.

Notable developments relevant to the humanitarian initiative are listed in Box 2.

NOTABLE DEVELOPMENTS RELATED TO THE HUMANITARIAN INITIATIVE

2012

- A 'Joint statement on the humanitarian dimension of nuclear disarmament' delivered at the April/May 2012 NPT Preparatory Committee meeting by Switzerland with 16 signatories.
- A further joint statement by Switzerland at the United Nations General Assembly First Committee in October 2012 with 34 signatories.
- In 2012, the International Red Cross and Red Crescent Movement called on all states to ensure that nuclear weapons are never used again, and to pursue treaty negotiations to prohibit and eliminate them. This followed adoption of a resolution by the Movement's Council of Delegates in November 2011 on the incalculable human suffering resulting from any use of nuclear weapons and the incompatibility of their use with international humanitarian law applicable in armed conflict.

2013

- A ground-breaking conference on the humanitarian impact of nuclear weapons in Oslo in March 2013 hosted by the Norwegian government attracted 128 countries as well as several United Nations organisations and the International Red Cross and Red Crescent Movement.
- A joint statement delivered by South Africa with 80 state signatories at the April/May 2013 NPT Preparatory Committee meeting.
- A 'Buenos Aires Declaration on Nuclear Disarmament' signed by the Community of Latin American and Caribbean States (CELAC) in August 2013 expressing their 'greatest concern at the humanitarian impact of vast proportions and global effects of any accidental or intentional nuclear detonation.' The CELAC Declaration called upon the international community to 'reiterate its concern on the humanitarian consequences of nuclear weapons whenever the debate on this type of weapons takes place.'
- Discussion of the humanitarian initiative in the United Nations Open-Ended Working Group on multilateral nuclear disarmament final report in September 2013.
- Discussion of the humanitarian initiative at the United Nations General Assembly's High Level Meeting on Nuclear Disarmament in September 2013.
- A further 'Joint statement on the humanitarian impact of nuclear weapons' delivered by New Zealand at the General Assembly's First Committee in October 2013 sponsored by 125 countries. Australia also delivered a statement about the humanitarian consequences of nuclear weapons on behalf of 20 mainly so-called nuclear umbrella states.

2014

- A second conference on 'The Humanitarian Impact of Nuclear Weapons' hosted by the Mexican government in Nayarit in February 2014 attended by 146 states. (Juan Gomez Robledo, chair of the meeting and Deputy Foreign Minister for multilateral affairs and human rights, stated 'The broad-based and comprehensive discussions on the humanitarian impact of nuclear weapons should lead to the commitment of States and civil society to reach new international standards and norms, through a legally binding instrument [...] the Nayarit Conference has shown that time has come to initiate a diplomatic process conducive to this goal.')
- The humanitarian consequences of nuclear conflict and compliance with international humanitarian law applicable in armed conflict were explicitly referenced in the April/May 2014 NPT Preparatory Committee meeting Chair's concluding recommendations to 2015 NPT Review Conference.
- A call in May 2014 by the International Trade Union Confederation World Congress (with over 200 million members) for a treaty to ban nuclear weapons.
- A call in July 2014 by the World Council of Churches for its global membership 'to join inter-governmental initiatives, and affirm civil society endeavours, to ban the production, deployment, transfer and use of nuclear weapons in accordance with international humanitarian law and in fulfilment of existing international obligations'.
- A 'Joint Statement on the Humanitarian Consequences of Nuclear Weapons' delivered by New Zealand at the General Assembly's First Committee in October 2014 sponsored by 155 countries.
- Calls in October 2014 by the Nigerian delegation to the General Assembly's First Committee on behalf of the Africa Group for 'a legally binding instrument to prohibit nuclear weapons' and by the Republic of Trinidad and Tobago on behalf of the Caribbean Community (CARICOM) to 'begin deliberations on measures geared toward the banning of nuclear weapons'.

The Vienna conference

In December 2014 the Austrian government hosted the third international conference on ‘The Humanitarian Impact of Nuclear Weapons’, which was held at the Hofburg Palace in Vienna. The conference was attended by 158 states and a broad spectrum of international organisations from the United Nations system, the Red Cross and Red Crescent Movement, invited experts, and hundreds of representatives of civil society.

There is not space here to give a comprehensive account of the many presentations and statements of the Vienna conference. However, some of the most significant developments included:

- An ‘Austrian Pledge’ to ‘fill the legal gap for the prohibition and elimination of nuclear weapons’ (See Box 3).
- United Nations Secretary-General Ban Ki-moon’s message told the Vienna conference that the humanitarian initiative ‘has compelled us to keep in mind the horrific consequences that would result from any use of nuclear weapons. This perspective is essential in confronting those who view nuclear weapons as a rational response to growing international tensions or as a symbol of national prestige.’²⁵
- A message delivered on behalf of Pope Francis declared ‘the desire for peace and fraternity deeply planted in the human heart will bear fruit in concrete ways to ensure that nuclear weapons are banned once and for all.’²⁶ The Holy See indicated that its position on the ethics of nuclear deterrence had changed, stating ‘Now is the time to affirm not only the immorality of the use of nuclear weapons, but the

immorality of their possession, thereby clearing the road to nuclear abolition’.²⁷ (See also Nobuo Hayashi’s paper in this series.)

Now is the time to affirm not only the immorality of the use of nuclear weapons, but the immorality of their possession, thereby clearing the road to nuclear abolition

- Two of the five NPT nuclear-weapon states (the United States and the United Kingdom) participated in the conference. As in the previous Oslo and Nayarit conferences, two other nuclear-armed states (India and Pakistan) also attended.
- According to nuclear campaigners, 40 states attending the Vienna conference expressed explicit support for the prohibition of nuclear weapons.²⁸
- The delegation from Cuba issued a proposal at the conference for adoption in 2018 of a ‘Convention on Nuclear Disarmament’. The proposal said ‘It is time to begin a diplomatic process to negotiate a legally binding instrument banning nuclear weapons and providing for their total elimination’. The process would begin in 2015 with an Open Ended Working Group mandated by the United Nations General Assembly to negotiate and recommend a comprehensive draft convention.²⁹

BOX 3

THE AUSTRIAN PLEDGE

At the end of the Vienna conference, Austria’s Deputy Foreign Minister delivered an ‘Austrian pledge’ in which he committed his country to work to ‘identify and pursue effective measures to fill the legal gap for the prohibition and elimination of nuclear weapons’ and pledged ‘to cooperate with all stakeholders to achieve this goal’. The pledge called on ‘all nuclear weapons possessor states to take concrete interim measures to reduce the risk of nuclear weapon detonations, including reducing the operational status of nuclear weapons and moving nuclear weapons away from deployment into storage, diminishing the role of nuclear weapons in military doctrines and rapid reductions of all types of nuclear weapons.’

The pledge concluded by committing Austria ‘to cooperate with all relevant stakeholders, States, International Organizations, the International Red Cross and Red Crescent Movements, parliamentarians and civil society, in efforts to stigmatize, prohibit and eliminate nuclear weapons in light of their unacceptable humanitarian consequences and associated risks.’²⁴

Subsequent developments

On 29 January 2015 at the third annual summit of the Community of Latin American and Caribbean States (CELAC), heads of state of all 33 countries endorsed the Austrian Pledge and called for negotiations on a ban treaty. CELAC's joint statement said 'we reiterate our strong support to the call made in Vienna and Nayarit to initiate a diplomatic negotiation process of an internationally legally binding instrument for the prohibition of nuclear weapons.'³⁰

A month after the Vienna conference the United Nations Secretary-General reiterated that 'The urgent need for nuclear disarmament has also become more apparent as the international community comes to understand more about the humanitarian consequences of the use of nuclear weapons. Beyond the immediate death and destruction such weapons can cause, the socio-economic and environmental impacts would be catastrophic, with the poor and vulnerable being the most severely affected.'³¹

The same month, the United Nations High Representative for Disarmament Affairs, Angela Kane, highlighted the new approach to nuclear disarmament 'driven by the deep concern and growing understanding of the catastrophic humanitarian consequences that would result from any use of nuclear weapons [...] it has also led to the three international conferences, which have brought humanitarian considerations to the forefront of nuclear disarmament.'³²

In February 2015 ICRC president Peter Maurer addressed the diplomatic community in Geneva on 'Nuclear Weapons: Ending the Threat to Humanity'. He said 'The ICRC believes that reducing the

risk of nuclear-weapon use and ensuring their elimination through a legally binding international agreement is a humanitarian imperative'. He went on to declare:

'It is the time to draw legal, political and operational conclusions from what has been learned about those "catastrophic humanitarian consequences" that States party to the Non-Proliferation Treaty recognized five years ago.' [States must] 'fulfil the commitments contained in Article 6 of the NPT by establishing a time-bound framework to negotiate a legally binding agreement—and to consider the form that such an agreement could take. The catastrophic humanitarian consequences of nuclear weapons and current trends are too serious to ignore. The prohibition and elimination of these weapons through a legally binding agreement is the only guarantee that they will never be used again.'³³

In a parallel development, the Republic of the Marshall Islands, the site of 67 nuclear tests between 1946 and 1958, instituted legal proceedings against the nine nuclear-armed states on 24 April 2014 at the International Court of Justice in The Hague. The Marshall Islands government claimed that the nuclear-weapon-possessor states have violated their legal obligation to disarm. The court documents said, 'The long delay in fulfilling the obligations enshrined in article VI of the NPT constitutes a flagrant denial of human justice.' Furthermore, 'A coherent and civilized legal system cannot tolerate unacceptable harm to humanity. A lawful and sustainable world order is predicated on a civilisation's right to survival rooted in the "principles of humanity" and "elementary considerations of humanity" which help to shape an emerging "law of humanity", the international law for humankind of which the nuclear disarmament obligation is a key element.'³⁴

Reaction from the NPT nuclear-weapon states

The Vienna conference prompted strong reactions from the NPT nuclear-weapon states. These states have argued since the time of the first humanitarian impacts conference in 2013 that specific focus on the humanitarian impact (and, by extension, the acceptability) of nuclear weapons is wilfully idealistic, distracts from their preferred 'step-by-step' approach to nuclear disarmament, and therefore undermines the NPT (see

Box 4).³⁵ In fact, the opposite is true: the humanitarian initiative does not distract from or undermine the NPT. These concerns are fundamental to the NPT, as its preamble makes clear, as noted above. The humanitarian initiative since 2010 has emerged in response to the disarmament malaise, including in the NPT, and has been framed as a means of revitalizing debate and action on the NPT's vital disarmament pillar, among its po-

BRITISH AND AMERICAN STATEMENTS IN VIENNA

The United States delegation to the Vienna conference said it 'does not support efforts to move to a nuclear weapons convention, a ban, or a fixed timetable for elimination of all nuclear weapons...We believe that a practical, step-wise approach to the pursuit of nuclear disarmament is the most effective means to reduce nuclear dangers and advance the NPT.'³⁶

The United Kingdom delegation stated: 'Some have argued that the way to this goal is to ban nuclear weapons now, or to fix a timetable for their elimination. The UK considers that this approach fails to take account of, and therefore jeopardizes, the stability and security which nuclear weapons can help to ensure. A declaratory ban, or a timetable not underpinned by the necessary trust, confidence and verification measures, would jeopardize strategic stability...The UK believes that the step-by-step approach through the NPT is the only way to combine the imperatives of disarmament and of maintaining global stability.'³⁷

tential benefits (see the other papers in this series for further discussion).

In February 2015, the five NPT nuclear-weapon states met in London for the sixth meeting of their 'P5 process' in order to review progress towards fulfilling the commitments made at the 2010 NPT Review Conference that they described as a 'roadmap for long term action'.³⁸ Their joint statement said 'a step-by-step approach to nuclear disarmament that promotes international stability, peace and undiminished and increased security for all remains the only realistic and practi-

cal route to achieving a world without nuclear weapons'.³⁹ This joint statement was notable for failing to mention the humanitarian initiative at all—despite the very broad swell of support as set out earlier in this paper. Yet the only progress the 'P5' had to report related to nuclear disarmament was that they hoped to be in a position to release a first draft of a glossary of nuclear terms they had developed amongst themselves since 2010.

Looking ahead

The humanitarian initiative has significantly increased general awareness about the catastrophic humanitarian impacts of nuclear weapon use in populated areas, and the Vienna conference consolidated this. In fact, it is remarkable how deeply embedded the humanitarian narrative has become in a short space of time. This testifies to the underlying legitimacy and importance of understanding the devastating humanitarian effects of a nuclear conflict.

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Diplomatic attention is now turning to the challenges of achieving a successful 2015 NPT review meeting. A number of states and civil society organisations have begun to think about the political implications of the unacceptable humanitar-

ian consequences of the use of nuclear weapons based on outcomes of the Vienna conference and its predecessors. They are asking what can and should be done with the new knowledge and political momentum generated by the focus on humanitarian effects in terms of reducing the risks of unacceptable nuclear violence.

The 2015 NPT Review Conference provides a timely opportunity for this discussion. A milestone working paper by the New Agenda Coalition (NAC) delivered by Ireland at the April 2014 NPT Preparatory Committee meeting set out a number of options on effective measures to fulfil the NPT's Article VI commitment to nuclear disarmament. These options included a treaty banning nuclear weapons, a Nuclear Weapons Convention, a 'framework' arrangement, or a 'hybrid' arrangement for nuclear disarmament. The NAC paper provides a useful basis for states both within the NPT and the humanitarian initiative to consider collective action on next steps for progress towards nuclear disarmament.⁴⁰ The

purpose of the NAC paper (which is to be issued in revised form by the NAC for the Review Conference) was ‘to bring into the NPT review cycle a serious discussion of the essential constituent elements necessary for the fulfilment of Article VI’.⁴¹

Meanwhile, the International Campaign to Abolish Nuclear Weapons (ICAN), a coalition of more than 300 civil society groups now active in more than 80 countries, has called for states to commence negotiations on a treaty banning nuclear weapons.⁴² ICAN and others argue a new legally-binding instrument to ban nuclear weapons is now required in the same way that chemical and biological weapons, as well as a range of conventional weapons, are subject to legal prohibitions, and is a realistic political and normative objective for states to pursue.⁴³ This call has been strengthened by the widespread support it received at the Vienna conference.

In any discussion on how to move forward on addressing the humanitarian risks and impacts of nuclear weapons, the following points are relevant, and were reflected in the Chair’s summary of the Vienna conference⁴⁴:

1. The risk that an armed conflict will collapse into nuclear violence by accident, miscalculation or deliberate choice cannot be eliminated as long as the weapons exist. The current system of nuclear relations is not stable or static but dynamic and evolving. It is a system in which things can and do go wrong.⁴⁵ The practice of nuclear deterrence is far from perfect even if it sounds appealing or coherent in theory.⁴⁶
2. Without serious action on nuclear disarmament human society probably faces a future of more nuclear-armed or near-nuclear-armed states. This would be a world in which multiple forms of insecurity—from the effects of climate change, socio-economic inequality, resource scarcity, nationalism and exclusivist ideologies—generate conflicts involving nuclear-armed states, unsecured stockpiles of fissile material and a range of non-state actors. This will exacerbate the prospect of the use of nuclear weapons and the breakdown of global nuclear governance. From this standpoint, meaningful progress toward a world free of nuclear weapons seems the only sustainable means of managing the risk of nuclear violence. The nu-

clear-armed states and their supporters appear to struggle to accept this logic.

3. The international community and United Nations humanitarian coordination and response infrastructure is not equipped to respond to the use of nuclear weapons in a conflict in an adequate manner.⁴⁷ The humanitarian impact would be devastating and the long-term climactic consequences could be severe.⁴⁸ This was firmly established at the Vienna conference.
4. The nuclear-armed states are reluctant to lead on nuclear disarmament. They convey the appearance of remaining committed to the possession of nuclear weapons and the doctrine of nuclear deterrence for the long term. The very expensive modernization of nuclear weapon systems and recapitalization of warhead production facilities bear witness to this. A nuclear disarmament agenda rooted in a glacial nuclear force reductions process governed by the NPT nuclear-weapon states is insufficient to discharge the obligation under the NPT to negotiate effective measures on nuclear disarmament. It is something exemplified by the unambitious ‘P5 process’ conference joint statement in February 2015.
5. Non-nuclear-weapon states have an opportunity to collectively reframe the debate on how humanity deals with the question of nuclear violence by focusing on the basic principles of human rights and wrongs to question the legitimacy of nuclear weapons as acceptable instruments of statecraft. The NAC working paper has started this discussion.
6. The purpose of reframing the nuclear disarmament debate in humanitarian terms is not to replace or side-line the NPT but to realize the commitment to nuclear disarmament set out in the treaty’s Article VI by moving beyond entrenched divisions in NPT politics. It is rooted in the underlying purpose of the treaty reflected in its preamble.

Conclusion

This briefing demonstrates the strength of the humanitarian impact of nuclear weapons initiative. It highlights the political momentum to act on the new information generated through the three conferences in Oslo, Nayarit, and Vienna by pursuing effective measures to fulfil NPT Article VI. These humanitarian consequences and potential diplomatic responses to them will be firmly on the agenda of the 2015 NPT Review Conference.

The 2015 NPT Review Conference will take place a few months before the 70th anniversary of the nuclear bombing of Hiroshima and Nagasaki. Global society has been fortunate to survive the seven decades of the nuclear age without the further

use of nuclear weapons in conflict. Luck cannot continue to hold indefinitely. Collective political resolve is required to decisively tackle the continued threat nuclear weapons pose to humanity.

Sixty years ago Albert Einstein and Bertrand Russell published their famous manifesto. The signatories urged us to ‘Remember your collective humanity and forget the rest’—a fitting instruction as we remember Hiroshima and Nagasaki and reach for a world free of nuclear weapons precisely because of the mass atrocity that would accompany any use. Signing the manifesto was the last act of Einstein’s life.⁴⁹

Endnotes

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