

**The Humanitarian Impact of Nuclear Weapons
Meeting of National Red Cross Societies on Nuclear Weapons,
The Hague , June 16, 2014**

Once every five years the 189 states parties to the NPT, arguably the most important international security accord extant, gather for a month-long review conference. Under NPT practice it is only on these occasions that the states parties can take decisions affecting the treaty. These decisions are normally presented in an outcome document adopted on the basis of consensus at the end of the conference.

In May 2010, the NPT review conference agreed on an outcome document that was both extensive and substantive. It provided for example a 64 point Action Plan which states committed themselves to implement in the period leading-up to the next review conference in 2015. Amongst the numerous paragraphs of the outcome document there was a significant and for the NPT process an unprecedented affirmation: the states parties expressed their “deep concern at the catastrophic humanitarian consequences of any use of nuclear weapons” and the obligation of states “at all times to comply with applicable international law, including international humanitarian law.”

At one level this affirmation was a statement of the blindingly obvious and an echo of the original motivation behind the treaty and which was expressed in the opening lines of its preamble (“Considering the devastation that would be visited upon all mankind by a nuclear war...”). At another level however this language introduced a moral and ethical dimension to a discourse that had normally been couched in the antiseptic jargon of international security and the clinical euphemisms of strategic stability. It has provided an impetus to concerned states and those in the wider NPT community, by which I mean engaged civil society, to mobilize in order to advance the goals of the treaty.

The insertion of the “humanitarian” theme into the NPT 2010 outcome also reflected a growing movement within multilateral arms control efforts in support of so-called “humanitarian disarmament” agreements. This track has of course always been present in international security diplomacy, dating back to the Hague Conventions at the end of the 19th century. It has manifested itself in more recent times in such treaties as the 1997 Ottawa convention’s prohibition on anti-personnel landmines and the 2008 Oslo cluster munitions ban. These agreements also were the product of express partnerships between state and civil society advocates that shared the sense that humanitarian concerns (and the human security paradigm that informed them) should be a more consistent driver in international security affairs.

In this context it is not surprisingly that the International Red Cross/Red Crescent movement was an early exponent of the need to extend the humanitarian perspective to the realm of nuclear weapons. Shortly after the 2010 NPT Review Conference, the ICRC President addressed the existential threat posed by nuclear

weapons. In November 2011 and again in November 2013, the Council of Delegates passed resolutions stressing...” the lack of any adequate humanitarian response capacity and the absolute imperative to prevent such use,”.

In March 2013 the Norwegian government took the initiative to host an international conference of over 120 states to follow up on the humanitarian theme that had emerged at the 2010 NPT review conference. This initiative was not viewed warmly by the nuclear weapon states and led to a rather heavy handed effort by the P5 to squash this incipient mobilization by boycotting the Oslo meeting. If the P5 had thought that by turning their face against this activism they would nip it in the bud they were sadly mistaken. Shortly after the Oslo gathering, the NPT Preparatory committee meeting in April 2013 saw a group of 70 states parties making a joint statement promoting the humanitarian imperative theme. By October 2013 and the annual gathering of the UN’s First Committee, the number of states aligning with a statement on the “humanitarian consequences of nuclear weapons” had grown to 125. That statement affirmed that “It is in the interest of the very survival of humanity that nuclear weapons are never used again, under any circumstances...The only way to guarantee that nuclear weapons will never be used again is through their total elimination.”.

In addition to this majority statement, there was also a noteworthy minority intervention by a group of 17 non-nuclear weapon states comprising mainly NATO or bilateral allies of the U.S. This group welcomed the majority statement, but warned that “Banning nuclear weapons by itself will not guarantee their elimination without engaging substantively and constructively those states with nuclear weapons, and recognizing both the security and humanitarian dimensions of the nuclear weapons debate.” In other words, humanitarian sentiments were not sufficient and states needed still to “focus on practical and effective measures”. The P5 were unable to come up with a common stance on the question, leaving it to the U.S. and Russian representatives to pour cold water on the humanitarian upsurge, criticizing it as a distraction and, in the Russian statement, seemingly ridiculing its supporters as akin to slow-witted students since “the catastrophic character of any use of nuclear weapons is self-evident and requires no further discussions”.

Despite the lack of P5 enthusiasm, the humanitarian theme seems to have legs in global nuclear diplomacy. Oslo proved not to be a one-off event. The government of Mexico hosted a follow-on conference on the humanitarian impact of nuclear weapons in February 2014 and which was attended by 146 state representatives. Regrettably the P5 persisted in their rejectionist stance and avoided the opportunity to explain their policies. Austria has taken the baton of leadership and will host a third conference this December.

It is too early to discern the substantive impact of the humanitarian theme on the NPT and state compliance with its provisions and goals. The humanitarian emphasis is clearly emerging from a context of increasing frustration over the glacial progress towards the nuclear disarmament objectives of the treaty. The fact that the 65

nation Conference on Disarmament, ostensibly the UN's sole negotiating forum for multilateral arms control and disarmament, has failed for 15 consecutive years to agree on a program of work, let alone undertake any, is perhaps the most egregious example of the blockage in multilateral activity. The corrosive impact of this problem in Geneva on the NPT and its authority should not be underestimated. In what resembles a bad vaudeville skit, the NPT states parties regularly agree to consign several priority tasks to the CD and appear shocked when a few months later the CD duly reports that it hasn't been able to fulfill these tasks (or anything) due to the absence of consensus on a work plan. Some months after this, the NPT states parties reiterate their tasking to the CD and the diplomatic farce is performed for another season.

Efforts to break away from this cycle of futility and cynicism are beginning to spring up within the UN system. Last year, pursuant to an initiative by Austria, Norway and Mexico, an open ended working group was established to consider ways to advance multilateral nuclear disarmament negotiations. Once again the P5 boycotted the proceedings, claiming it was a 'distraction' from the NPT and its 2010 Review conference approved Action Plan. The Non-Aligned Movement, in its own way has also signaled its impatience with the protracted impasse, and arranged for the UN to convene a high-level summit last September to address this situation, endorsed the goal of a comprehensive convention prohibiting nuclear weapons and set out a 2018 deadline for convening a high-level conference on nuclear disarmament to review the progress achieved. Another 12 nation grouping of non-nuclear weapon states, the Nonproliferation and Disarmament Initiative (NPDI), led by Australia and Japan, have put several proposals forward and have successfully pushed for initiating at least some type of focused work on an FMCT (an agreed priority of the NPT that has languished in absolute neglect for 20 years) via the tactic of convening a UN Group of Governmental Experts to meet this year and next to study the problem and report back to the General Assembly.

These efforts are understandable reactions to the gridlock that has characterized much of the multilateral disarmament situation, but many view them as only playing around the margins of the problem and want to engage in more comprehensive actions that tackle the central issue as they perceive it. That issue is the continued sanction of the possession and potential use of nuclear weapons against the standards of international humanitarian law and the comprehensive prohibitions that have been agreed regarding the other WMD.

For this constituency, the global nuclear order based on the NPT and its associated agreements is a failed project. It needs to be replaced or, at a minimum, supplemented by a ban on the possession of nuclear weapons. Advocates of such a possession ban see it as a near-term means of stigmatizing nuclear arms while efforts continue to initiate negotiations of a nuclear weapons convention that would finally end the discrimination inherent in the NPT and complete the vision of a world without nuclear weapons. Others would prefer to focus on the main event of

a treaty to eliminate nuclear weapons and some NGOs favour an intermediate step to prohibit use of nuclear weapons.

Regardless of which of these options gather support from civil society, supporters of the NPT within and without government would be well advised to heed this humanitarian-inspired movement and recognize the challenge it represents to the prevailing status quo. Unless there is demonstrable remedial action to enhance the credibility of the NPT as the basis for global nuclear governance, there is a danger that it will gradually be undermined and its power over state behavior eroded. We could be faced with the worst of both possibilities: a weakened NPT on one hand and the failure to agree on a more comprehensive prohibition on nuclear weapons on the other. This could lead to an end to the NPT disciplines of nuclear abstinence and nuclear responsibility and leave us with an international security condition of great danger and uncertainty. It is time to pay attention and become engaged. Thank you.

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