



# Roundtable on the humanitarian dimension of nuclear weapons

London, 20 December 2013

Rebecca Cousins

BASIC hosted a meeting in London on 20 December, 2013 to discuss the initiative on the humanitarian dimension of nuclear weapons. These notes reflect the discussion, but do not represent any collective view, nor do they necessarily represent the views of BASIC.

The group explored the different perspectives driving the humanitarian dimension (HD) initiative, and the question of how best to ensure that it progresses the international community's non-proliferation and disarmament objectives. It remains unclear whether the nuclear weapon states will participate in the forthcoming conference in February in Mexico. Some believe that the UK and US, in particular, may attend; others speculate that they are more likely to look for ways to engage outside the formal conference.

## Objectives of the initiative

Whilst some civil society organisations see the HD initiative, first and foremost, as an opportunity to pursue a treaty ban on nuclear weapons, others see it offering more diverse objectives not specifically connected with any treaty, such as:

### A. Momentum

1. To create momentum for faster and more significant progress on nuclear disarmament and strengthened non-proliferation, including under the framework of the NPT.
2. To shake the status quo, spark some discomfort and stimulate new thinking.

### B. Engagement

1. To break out of the existing stalemate and the entrenched 'haves' versus 'have-nots' division within the NPT – instead, engaging across the nuclear and non-nuclear divide and finding ways to build bridges.
2. To give non-nuclear weapon states (NNWS) a place at the table and a real opportunity to shape the debate. To stimulate acknowledgement from the nuclear weapon states (NWS) that their posture presents a real danger to the international community and to the NNWS and, as members of the international community of states, that they have obligations to consider the impact of their actions and postures.
3. To engage and mobilise civil society and the public – particularly, following Fukushima, on Pillar 3 safety and preparedness issues, safeguards and compliance.

### C. Reframing

1. To create space for a discussion that reinvigorates the NPT disarmament agenda, and stimulates action towards its goals. To use this as an opportunity to reframe the NPT, rather than letting the NPT reframe this discussion.
2. To remind us of the impacts nuclear weapons would have if used, and to encourage debate on their military utility.
3. To highlight the fact that the NPT itself may be maintaining the status quo – that is, it provides comfort against the proliferation drivers that go hand in hand with nuclear weapons possession. The NPT should also be a tool to achieving global nuclear disarmament – the NPT itself should not be seen as the end point.

### D. Exploring new avenues for progress

1. To highlight the link between nuclear weapons possession and international humanitarian law and demonstrate the legal obligations against nuclear weapons use.
2. To broaden interest and engagement on nuclear weapons issues out into new circles, beyond the ‘usual suspects’. To encourage a broader inclusive discussion - including within the Security Council - on this issue, which is of global strategic stability.
3. To develop further avenues of research building upon nuclear famine work and the catastrophic effects of nuclear weapons use.

## Origins

The roundtable participants discussed the motivations behind the initiative that itself had grown out of the mention of international humanitarian law in the final document of the 2010 NPT Review Conference:

“The Conference expresses its deep concern at the catastrophic humanitarian consequences of any use of nuclear weapons, and reaffirms the need for all states at all times to comply with applicable international law, including international humanitarian law.” A5, p.19

Many placed its roots in frustration at insufficient movement on the nuclear disarmament agenda, as well as at a lack of progress on issues such as the WMD Free Zone in the Middle East. Some viewed it as a strategic opportunity to help the wider international community achieve its objectives and obligations, linking it to other initiatives arising out of formal United Nations processes, such as the Open Ended Working Group on Disarmament, and the High Level Meeting on Disarmament.

## Risks

Some roundtable participants expressed concern over the approach taken at Oslo and in the run-up to Nayarit. They believed that stimulating progress on disarmament - particularly within the current NPT review cycle – would need those holding the nuclear weapons to be brought into the discussion. If conducted in an open-ended way, such discussion might stimulate a more fundamental reassessment of strategic choices being taken by nuclear weapon states.

In contrast, pressing for premature delegitimisation of nuclear weapons could be counter-productive, forcing nuclear weapon states into a corner, entrenching their positions and further fracturing the NPT. NWS would not be in a position to deligitimise their own national postures and are in no clear position to act in unison. These roundtable participants believed it would be unhelpful and unhealthy to focus in on a “them vs. us” narrative - doing so through the humanitarian dimension discussion was already starting to negatively impact other forums. It is also important not to view the NWS as a monolith, and to be aware that other nuclear weapon possessors (India, Pakistan, North Korea, Israel) were too often ignored in the debate.

There is inevitably a tension between gearing the message to the audience and sending contradictory messages. It was suggested that the current mixed messaging about the initiative (saying to some that it is not about a treaty ban, and to others, that it is) risks compounding the suspicions of those who feel uncomfortable about the process, and push them away. Equally, by calling Nayarit a purely technical conference, it would be hard to ensure the right people participate who would be able to contribute to the broader political discussion. The initiative has potential to be incredibly valuable – but it needs to be carefully managed if it is to have longevity.

## Options

After Mexico, it seems likely that states would want to move beyond the educational dimension to deliver concrete actions - what was unclear was exactly what and how. On the other hand, it was suggested that starting by trying to define where the initiative was going would constrain the discussion.

There was some division within the group as to whether this was an opportunity to unify and lead states back into a strengthened NPT process, or whether the humanitarian dimension needs to be discussed in its own context. Either way, this is a unique opportunity to give a voice to NNWS states on the disarmament agenda. The unanswered question is whether their aim is to engage with *each other* through this initiative, or with the nuclear weapon states.

## Critical questions

Roundtable participants did not come to a consensus view on which of the two key audiences for the humanitarian dimension initiative was more important:

- the NNWS and civil society currently under-represented in the disarmament agenda, or;
- the NWS, in order to make progress on Article VI of the NPT.

It was unclear what would encourage the NWS to engage. However, what would be compelling for some (e.g. those with domestic parliamentary interest in the issues) may not be compelling for others. We needed to think clearly about how we unpack the issue for all in a way that resonates, without giving mixed messages on the *intent* of the initiative.

One suggestion of how to make the issue compelling for different audiences was to bring in relevant discussion points on issues such as budgets and safety. It was also suggested that states existing under a nuclear umbrella might be in a position to make a strong contribution. The issue of extended nuclear deterrence and the dilemmas it creates needed further attention.

Some thought that if we wanted the nuclear weapon states to attend Mexico, the NNWS need to make a clear statement that the initiative is not about a treaty ban. Others believed there might be difficulty with that proposal: some NNWS had agreed to consider *any* constructive attempt to move forward on the NPT agenda, and by definition that meant they would not publicly be in a position to rule out a treaty ban - even if it was not something they were actively pursuing or necessarily want to pursue. They would not want to be seen to be trying to control the process.

The NWS would be looking for assurance from Mexico, as host state, who might need to be receptive to some additions to the agenda.

It was suggested that India might be well-placed to persuade the NWS about the political “safety” of attending - they came, they participated, and they were not strong-armed into changing their national policies overnight.

We need to identify what the NNWS would consider to be a reasonable outcome from the ‘P5 process’ in 2015, and what the realistic expectations might be under the 2010 NPT Action Plan.

It was also suggested that it may be desirable to actually have no clear end point to the process. It could potentially be refreshing to have an open-ended, bold discussion without the constraints of a detailed negotiation and consensus document.

## Next steps

What might come after the conferences in Norway and Mexico? There was speculation that South Africa may be planning to host a follow-on after the NPT Review Conference in May 2015, but there was little idea yet of what the agenda might hold. Some viewed this positively as a means of maintaining pressure, others as an opportunity to stimulate dialogue - to help comprehend other parties’ motivations and objectives; to generate discussion about collective responsibility; and to stimulate more creative thinking about the fundamentals of nuclear weapons, bringing in wider interest groups. Some saw this as an opportunity to generate positive incentives for change - to encourage the international community to look for different ways forward. It is likely to be a dominant issue at the April 2014 PrepCom and May 2015 RevCon, and all states would do well to consider how they might contribute positively.