Kick-off panel presentation

‘*Measures to increase awareness and understanding of the complexity of and interrelationship between the wide range of humanitarian consequences that would result from any nuclear detonation*, Geneva, 26 February 2016

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At the outset, please allow me to thank you and your delegation, Ambassador Thongphakdi, for inviting me to speak to the OEWG today, and to the assembled delegates for your attention.

As many of you know, UNIDIR is an autonomous and voluntarily funded research Institute within the United Nations tasked with assisting the disarmament community.¹ So we are very pleased to have had not one but *three* opportunities at this session to present aspects of our work to the OEWG. Indeed, research on ‘*Measures to increase awareness and understanding of the complexity of and interrelationship between the wide range of humanitarian consequences that would result from any nuclear detonation*’ have very much been at the core of UNIDIR’s work on nuclear disarmament. Some of our most relevant publications to this session, including several we have produced with valued partners such as ILPI², have been made available on the tables at the back of this conference room this week.³

In some ways, consideration of this topic is partly historical, because in recent years we have seen re-invigorated efforts to this end by some states, the United Nations, the Red Cross and Red Crescent Society and civil society. Actually, as we shall see, it is a work in progress—with this OEWG as one potentially significant point in that process. And, so part of this talk must be forward looking, since increased ‘awareness and understanding’ on their own are not going to get us to a situation in which these humanitarian consequences will not occur: for that, we need further agreed steps toward achieving a nuclear-weapon-free world.

(1) The humanitarian initiative: origins and impact conferences⁴

The 2010 NPT Review Conference’s Final Document noted ‘the catastrophic

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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’. This language was significant for two main reasons.

➢ First, although humanitarian consequences are referred to in the NPT’s Preamble, that consideration had not previously been the subject of an expression of deep concern in an agreed final document of a five-yearly review of the treaty.

➢ Second, the 2010 NPT Review Conference reference resulted in several initiatives to draw further attention to the humanitarian consequences of nuclear weapons—actions that are sometimes described collectively as the humanitarian initiative.

Notable among those initiatives was a conference hosted by Norway in Oslo in March 2013 to explore the humanitarian consequences of nuclear weapons. Although the five NPT nuclear-weapon-states decided not to attend the Oslo Conference, 128 countries participated, as did several United Nations organizations and the International Red Cross and Red Crescent Movement.

The Oslo Conference Chair’s three summary findings are worth recalling:

1. ‘It is unlikely that any state or international body could address the immediate humanitarian emergency caused by a nuclear weapon detonation in an adequate manner and provide sufficient assistance to those affected. Moreover, it might not be possible to establish such capacities, even if it were attempted.

2. The historical experience from the use and testing of nuclear weapons has demonstrated their devastating immediate and long-term effects. While political circumstances have changed, the destructive potential of nuclear weapons remains.

3. The effects of a nuclear weapon detonation, irrespective of cause, will not be constrained by national borders, and will affect states and people in significant ways, regionally as well as globally.’

Mexico hosted a second conference in Nayarit in February 2014 (attended by 146 states). This expanded upon the Oslo discussion, and the Nayarit conference extended the facts-based discourse further than the ‘immediate death and destruction caused by a detonation’ to look at some longer-term consequences. The
Nayarit conference Chair’s summary concluded that ‘socio-economic development will be hampered and the environment will be damaged.’

In December 2014, the Austrian government hosted a third humanitarian conference in Vienna (attended by 158 states). The United Kingdom and the United States participated in the Vienna conference. Two other nuclear-armed states, India and Pakistan, attended all three meetings. The Vienna conference deepened and broadened the facts-based discourse about humanitarian consequences, and introduced a number of new perspectives related to the nature of nuclear weapons risk.

(2) Research to inform practice

Of course, a change in discourse remains just rhetoric unless it is supported by evidence. The humanitarian initiative stimulated—and was in part stimulated by—research of different kinds. I mention a few examples now, in order to respond to the claim occasionally heard that ‘nothing new’ has come from the humanitarian initiative:

1. Chatham House’s Too Close for Comfort study in 2014 revealed thirteen incidents of nuclear ‘near-misses’ in which only individual human actions prevented nuclear weapon detonation events. It is bolstered by other independent research, perhaps the best known of which is Eric Schlosser’s study, Command and Control. There have undoubtedly been more incidents than those mentioned in these publications. But our picture is partially hazy because of a lack of transparency among the nuclear-armed states about safety and security of their contemporary nuclear arsenals.

2. One of the findings of the Oslo conference, as I mentioned, is that it would not be possible to respond effectively to nuclear weapon detonations to assist the victims. Our subsequent 2014 UNIDIR study entitled An Illusion of Safety, carried out in collaboration with UN OCHA and UNDP, contains a comprehensive systems analysis of the UN-led humanitarian response system in order to test this finding. It largely confirmed the Oslo finding. And UNIDIR’s study also revealed a dearth of planning—let alone lack of preparedness—in the international humanitarian system for responding to nuclear weapon detonation events in populated areas. Two years later it remains woeful, which should be of concern to all of you in the current geopolitical environment.
3. We have learned much from the perspectives of those directly affected by the consequences of nuclear weapons. Beside the survivors of Hiroshima and Nagasaki, there are many around the world whose lives have been blighted by approximately 2,500 nuclear tests carried out since 1945. These voices have not often been heard at an international level, especially alongside one another.

4. A considerable body of independent evidence has built up about the worldwide effects on the climate of even a limited regional nuclear war, let alone a global nuclear conflict. Although this evidence has most often been associated with IPNNW’s advocacy, the fact remains that it is based on strong science, including sophisticated and scientifically peer-reviewed models. This is knowledge we simply did not have until revealed by scientists such as Alan Robock and Brian Toon.13

5. We have begun to shine a spotlight on issues of gender and the impacts of nuclear weapons. There are the potentially differing effects of ionizing radiation from nuclear detonations on male and female bodies. But there are likely to be gendered effects in terms of vulnerabilities created in the aftermath, for instance in populations displaced by nuclear detonations, as brief UNIDIR and ILPI studies have indicated.14

6. The humanitarian initiative has begun to scratch the surface on the nature, causes and level of nuclear weapons risk, though we have much further work to do. And, as mentioned earlier, this exploration has highlighted issues of lack of transparency about the holdings, measures to secure, and policies around nuclear arsenals, as well as the implications of developments such as new technologies for exacerbating the risk of nuclear weapons being used.

(3) Changing the discourse

Overall, since 2013, the so-called ‘humanitarian initiative’ has broadened the overall scope of the diplomatic debate on nuclear weapons. Traditionally, this nuclear weapons control discourse been dominated by technical considerations and notions centred on ‘strategic stability’, with nuclear deterrence being at its core. Nuclear deterrence is tricky to engage with in part because it is difficult to examine the validity of the assumptions underpinning it in the absence of nuclear transparency.

Not without controversy, the humanitarian initiative has resulted in a greater
focus in the nuclear disarmament debate on the visible evidence of impacts of nuclear weapons and the unacceptable humanitarian consequences of nuclear warfare. In turn, descriptions and evidence of the humanitarian hazards posed by the use of nuclear weapons has served to sharpen the question of how best to develop effective measures for making progress towards nuclear disarmament, something I’ll come back to shortly.

An important question one can ask is to what extent this new discourse is shifting the ‘burden of proof’ on the acceptability of nuclear weapons. For some governments, nuclear weapons are seen as legitimate and indispensable elements of their national security, and of the international system. Their views have not changed—at least not yet. But there are many signs that others increasingly question the decades-old existing nuclear status quo, and the humanitarian discourse has given them further tools in order to do so.

We can also see that the humanitarian perspective resonates with the public in many countries to a greater extent than has been the case on nuclear disarmament since the Cold War’s end. There is still much to do in terms of promoting facts-based public discourse, for instance based on highlighting the causes of nuclear weapon risk.

In that regard, there have been comments from several states at this OEWG session and elsewhere that the security aspects of nuclear weapons require recognition in the current discourse. The origins of the humanitarian initiative in fact lie in the dominance some perceive of the narrow security dimensions of nuclear weapons above all else. So, the fact that they feel prompted to say this indicates how far the discourse has actually shifted, at least at the multilateral level.

Let me list what I believe to have been some of the main take-home messages of the facts-based humanitarian discourse to date:

- The impacts of nuclear weapon detonation events in populated areas will be trans-boundary, and may affect us all. Like climate change, nuclear war is a truly global issue.
- The scope, scale and interrelationship of the humanitarian consequences of nuclear weapon detonations are much more complex than previously thought. Moreover, the threshold at which a nuclear weapon exchange could become a human catastrophe that is global in scale is much lower than we
realized.

- At present, we cannot adequately respond nationally or collectively to assist the victims in the great majority of scenarios we can envisage in which nuclear weapons are detonated in highly populated areas. In fact, we probably never could do that due to the nature of nuclear weapons. It is striking that at present we do not even take steps to plan for the eventuality in our humanitarian systems, which could tangibly reduce the suffering and, indeed, protect those humanitarian personnel who would probably be expected to go into harm’s way.

- It is hard to assess the probability of the use of nuclear of nuclear weapons, in part because of a lack of nuclear weapons transparency. However, this should not be cause for complacency. Even if we regard such events as very low probability, it is a fact that that rare events (‘black swans’) do happen—eventually. And, it implies that in the current geopolitical environment, nuclear risk may be greater than it was than even in 2010 when the humanitarian initiative first began to emerge.

- These points indicate what the ICRC told us again earlier this week, that it’s hard to envisage nuclear weapon use that would conform with IHL rules. If this is so, and nuclear weapons risk is as great—if not greater—than ever, how can the current numbers and centrality of nuclear weapons to the security doctrines of some states be justified? Equally, how can acceptance of longstanding deadlock in efforts to achieve nuclear disarmament progress be justified?

I think it’s fair to say that the picture of nuclear weapons’ consequences painted in the last few years confirms the view of an increasing number of states that the status quo cannot be justified. To paraphrase the UN Secretary-General, there are ‘No right hands for the wrong weapons’.

It is interesting in that sense that although not an official output of the Vienna conference, Austria announced its own national pledge at the conclusion of that international meeting. The Austrian government invited other states to join its pledge—and, to date, 125 states have done so. This ‘humanitarian pledge’ calls on ‘all states parties to the NPT to renew their commitment to the urgent and full implementation of existing obligations under Article VI, and to this end, to identify and pursue effective measures to fill the legal gap for the prohibition and elimination of nuclear weapons and [to] pledge to cooperate with all stakeholders to achieve
this goal’. The pledge was formally tabled by Austria in the Conference on Disarmament on 28 August 2015.

The meaning of the language in the humanitarian pledge has given rise to differing interpretations, ranging from a commitment to fulfill obligations already contained in the NPT (which of course would not engage with the reality of four nuclear-armed states outside the NPT) to a call for a process towards an international nuclear weapons prohibition. However, the Pledge does indicate a wide-standing desire to negotiate effective measures on nuclear disarmament, and in the wake of the failed 2015 NPT review conference it has gathered further momentum.

Which brings us to this OEWG. The meeting illustrates a trend my UNIDIR colleague and fellow OEWG panelist Tim Caughley observed on Monday: it is that increasingly states have begun to talk about nuclear disarmament in a less general way, in a less theoretical manner. ‘The talk has taken a more practical turn: it has gradually moved away from the rhetoric of the UNGA, CD, UNDC and NPT to the eventual, actual elimination of nuclear weapons.’

Fulfilling the mandate of this OEWG by teasing out possible effective measures and narrowing them down may seem a daunting task in the face of current global uncertainties. But attaining and maintaining a world without nuclear weapons, as specifically envisaged by OEWG resolution, is more crucial than ever in view of the findings of the humanitarian impact conferences.

I think the representative of Mayors for Peace, Mr. Komizo, put it rather nicely earlier this week, when he observed that ‘The key issue is not whether the legal gap exists, but whether or not the current legal regime is effective or clear enough to achieve a world free of nuclear weapons.’ The question confronting you is not whether you should pursue effective measures, but what effective measures they should be in view of the obstacles to the existing step-by-step process. Already, this OEWG session has had a useful exchange in that regard,

Greater urgency is needed. And alongside the emphasis on security concerns, we must continue to be guided by what nuclear weapons would actually do to people, rather than the abstract functions they perform in the minds of nuclear strategists. It is something we have long considered to be important at UNIDIR based on our research on a range of security problems.
In that sense, it is of great concern that the potential for catastrophic consequences of nuclear weapon detonation events to occur is perhaps greater than ever. There is more we can find out, especially on issues around nuclear transparency, the causes of risk, and practical steps those with nuclear weapons could take to reduce risk. However, that should not detract from steps that the non-nuclear-weapon states represented here can undertake to devalue nuclear weapons, and take us closer to a nuclear-weapon-free world.

1 www.unidir.org.
5 NPT/CONF.2010/50 (Vol. I), part I.
13 For instance, see Toon, O. B., et al. (2007). ‘Consequences of Regional-Scale Nuclear Conflicts.’ Science vol. 315, pp. 1224-1225. Numerous deaths and dangerous climate effects would result from use of low-yield nuclear weapons being stockpiled in many parts of the world.
15 See also ICRC Factsheet, Nuclear Weapons under International Humanitarian Law’, itself an extract of the ICRC Report, “International humanitarian law and the challenges of contemporary armed conflicts” (32IC/15/11) prepared for the 32nd International Conference of the Red Cross and Red Crescent, Geneva, 8-10 December 2015, pp. 56-59.
16 Austria, op cit, pp. 8-9.
17 CD/2039.
See Tim Caughley’s panel remarks to the OEWG, 22 February 2016.
Interactive remarks by Yasuyoshi Komizo, Secretary General of Mayors for Peace on 24 February 2016 at Panel I of OEWG.