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The “humanitarian dimension” of nuclear disarmament: a legitimate debate?

Résumé

Depuis 2010, un débat sur la « dimension humanitaire » du désarmement a été lancé par plusieurs gouvernements et organisations nongouvernementales. Il n'est pas illégitime de mesurer quel serait l'impact d'un événement nucléaire majeur sur les populations et la biosphère. Mais les attendus de ce débat sont discutables, et ses conclusions politiques encore davantage.

Abstract

Since 2010, a debate on the “humanitarian dimension” of disarmament has been initiated by several governments and non-governmental organisations. It is not unreasonable to measure the potential impact of a major nuclear event on populations and on the biosphere. Yet the grounds for this debate are questionable, and its political conclusions even more so.



Since 2010, the international political debate on nuclear disarmament has changed course.

Several years ago, private initiatives with American origins (articles by Mrs Kissinger, Nunn, Perry, and Schultz; and the “Global Zero” movement), or Australian origins (the International Commission on Nuclear Non-proliferation and Disarmament), taken up by the Obama Administration (the 2009 Prague speech) attempted to strengthen the legitimacy of the goal of a “world without nuclear weapons”, in the name, notably, of the dual threat of nuclear proliferation and terrorism. This movement culminated in 2010 with the Nuclear Non-Proliferation Treaty Review Conference, and subsequently rapidly ran out of steam in the face of the lack of enthusiasm from other nuclear-weapon States, the ongoing Iranian crisis, and Russia’s political radicalisation, against a domestic U.S. backdrop that left barely any room for manoeuvre for President Obama to make major political investment in the field of

disarmament.

In 2010, the International Committee of the Red Cross (ICRC), in concert with the Swiss diplomatic service, revived the theme of the “humanitarian dimension” of disarmament. The aim is to delegitimize, both legally and politically, the possession of nuclear weapons, focusing on the unacceptable consequences of *any* use of these weapons¹. According to this approach, the goal thus becomes not progressive disarmament (nor non-proliferation), but the total elimination of nuclear weapons via conventional instruments (such as a treaty prohibiting use and/or possession). The ICRC method thus overlaps with that of the International Campaign for the Abolition of Nuclear Weapons (ICANW), an organisation that played a leading role in holding three conferences in Oslo (2013), Narayit (2014), and Vienna (2014).

This approach thus seeks to bypass the traditional step-by-step mindset of treaties, whether that be the implementation of the NPT, the entry into force of the CTBT, the negotiation of a Fissile Material Cut-Off Treaty (FMCT), or the pursuit of the U.S./Russian bilateral process. It goes back to a theme linked to an author such as Jonathan Schell, a passionate advocate of the anti-nuclear cause, for whom “arms control is the enemy of disarmament” insofar as it perpetuates the existence, and even legitimizes the possession of nuclear weapons².

But the arguments of those who defend this approach, which are mostly in good faith, are not especially convincing³.

The debate on whether the nature of nuclear deterrence is “moral” or not, due to the presumed effect of nuclear weapons on civilian populations, began in 1945, and the argument according to which a nuclear conflict would have “global” consequences dates from the Cold War (the “nuclear winter” thesis). The current debate has modernised this argument by focusing on new studies,

1. A trace of this effort can be found in the final document of the 2010 NPT Review Conference, in a passage notably encouraged by Switzerland: “*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.*”

2. Jonathan Schell, “The Folly of Arms Control”, *Foreign Affairs*, vol. 79, n° 5, September-October 2000.

3. The most complete document on this issue is Beatrice Fihn (dir.), *Unspeakable suffering – the humanitarian impact of nuclear weapons*, *Reaching Critical Will*, January 2013.

which notably deal with the consequences of a regional nuclear conflict, and which rest on IT models that are more advanced than in the past. The main points of reference are studies conducted by Robock et al. (2007) and Toon et al. (2007) on the effects of the use of 100 15-kiloton weapons on the urban centres in South Asia⁴. Others have sought to more precisely evaluate the consequences of such an event on agriculture, at both the regional and global levels. Another, more recent argument consists in evaluating the development lag that the poorest countries would suffer as an indirect consequence of a regional nuclear conflict – they would in a manner of speaking be exposed to a “double whammy”. These studies have galvanised certain non-governmental organisations’ opposition to nuclear weapons.

This argument can be disputed in several ways:

- ◇ The terrifying nature of a nuclear conflict is self-evident. In the extreme, as the Russian ambassador to the United Nations suggested, “*The catastrophic and unacceptable nature of any use of a nuclear weapon goes without saying and requires no further discussion*”.
- ◇ This terrifying nature is the founding element of nuclear deterrence. If the consequences of a nuclear war were not so appalling, nuclear weapons would almost certainly have been used on several occasions since 1945. That is why it is important to “*indefinitely*” maintain the tradition of non-use of nuclear weapons⁶.
- ◇ The proposed scenario cannot serve as a principal point of reference of the debate on nuclear deterrence. Not that it is inconceivable, but it is particularly extreme. Supposing that India and Pakistan proceed in turn with a campaign of multiple nuclear strikes on the other’s cities means not only that deterrence will have failed, but above all that neither the two capitals nor the international community as a whole will have been able to

4. For a summary of the studies in question see Ira Helfand, *Nuclear famine: A billion people at risk*, in Fihn, op. cit.; and *ibid*, *Nuclear Famine: Two Billion At Risk?*, *International Physicians for the Prevention of Nuclear War / Physicians for Social Responsibility* (2nd edition), November 2013.

5. Alexei Borodavkine quoted in Jenny Nielsen, “Nuclear disarmament – the humanitarian dimension”, *IISS Voices*, 18 February 2014.

6. Rose Gottemoeller quoted in Jenny Nielsen, “Nuclear disarmament – the humanitarian dimension”, *IISS Voices*, 18 February 2014.

halt the escalation following the initial exchange of nuclear strikes. Furthermore, the proposed results are themselves the product of debateable technical choices (entry data and models used). For these reasons, the equation “failure of deterrence = worldwide consequences” is questionable.

- ◇ One could even consider that the idea stipulating that “a nuclear escalation to the point of bombarding cities would have physical consequences that would significantly go beyond the region” could be another motive for prudence in the way in which political authorities would approach (1) crossing the nuclear threshold⁷, (2) a possible pursuit of the conflict once the nuclear threshold has been crossed. Instead of defeating deterrence through fear of the consequences (self-deterrence), it could be proposed, in extremis, that the “humanitarian” argument could reinforce deterrence by making it applicable *even after* the threshold has been crossed.

The argument put forward by partisans of the “humanitarian approach” goes even further, as it alleges the impossibility of dealing with any kind of major nuclear event (an accidental detonation, a terrorist act, a strike against a city...). In so doing, it draws on the work carried out since the 1980s by the World Health Organisation (WHO), which justified the first attempted submission to the International Court of Justice in 1993. It also proposes economic arguments (the cost of physical destruction, societal destabilisation, and the psychological reaction of populations). This approach today invokes the terms of the final document of the 2010 NPT Review Conference (cf. supra). But it is also a political text, that can technically be considered false due to its absolute nature (“*any*” use). It is entirely correct to say that these consequences would, in numerous scenarios, exceed the management capabilities (for instance in the field of health) of modern States, as would be the case for a major natural disaster. This would be all the more true for a developing

7. It is possible that this argument played a part in de-escalating the 2002 crisis between India and Pakistan. On the 26th May, the Defense Intelligence Agency deliberately “leaked” its estimate of the possible death toll of a nuclear conflict in South Asia (up to 12 million dead immediately). Thom Shanker, “12 Million Could Die at Once in an India-Pakistan Nuclear War”, The New York Times, 27 May 2002. That same evening, a speech by the Pakistani president signalled the de-escalation.

country (such as in South Asia). Be that as it may, the management of the consequences of an isolated event – inevitably tragic and probably massive – would not *necessarily* call into question the country’s growth or development model. (The 2011 “triple catastrophe” in Japan – earthquake, tsunami, and nuclear accident – comes to mind.)

Partisans of the humanitarian approach also put forward the classic legal arguments: the absence of a distinction between civilians and combatants (and the impossibility of protecting neutral States); the impossibility of applying the proportionality criterion; the non application of the principle of “precaution”; the damage caused to the environment; the imposition of superfluous afflictions and needless suffering; and the illegality of reprisals. They plead, here again, the language adopted in the 2010 final document. But the terms of this longstanding legal debate are well known and it is not appropriate here to develop it given that none of the arguments are new⁸. At most, we can highlight, in order to regret it, the fact that these presuppositions are frequently out of step with strategic realities. For example, the countries that publicly evoke their nuclear planning principles (France, the United States, and the United Kingdom) have long made it known that their deterrence no longer targets cities (and even less so populations) as such, and that they consider themselves to be bound by the principles of legitimate self-defence. In the same vein, the effects of radiation are systematically put forward (scenarios where ground bursts are used), often maximised (for instance by starting from the debatable premise that any dose of ionising radiation is harmful), and sometimes exaggerated (based on evidence that has no scientific value)⁹. It is perfectly legitimate to endeavour to comprehend the effects of a nuclear war as precisely as possible – and we now know, for example, that fires were poorly taken into account in the modelling done during the Cold War, which was rudimentary at the time¹⁰. But

8. For a summary of the possible responses to these legal arguments see Bruno Tertrais, In Defence of Deterrence, Paris, IFRI, 2011.

9. Without downplaying the suffering of the Japanese population in 1945, it is important to remember that the photos of the victims of Hiroshima and Nagasaki present, in the majority of cases, images of burns caused by fires – not caused by radiation. Moreover, the mutagenic transgenerational nature of the effect of nuclear weapons remains highly debateable.

10. Lynn Eden, Whole World on Fire: Organizations, Knowledge, and Nuclear Weapons Devastation, Ithaca, NY: Cornell University Press, 2004.

this debate must be serious and well informed. Starting from the humanitarian approach, numerous NGOs and States have justified a change in approach to disarmament by equating the effects of nuclear weapons with those of chemical or biological weapons, on the one hand, and certain categories of conventional weapons (land mines, cluster bombs) on the other¹¹. But these weapons have, with good reason, been prohibited due to their *real* – and not virtual – effects on civilians (and on soldiers). And no serious expert has ever contended that their potential deterrence value could equal that of nuclear weapons¹². Moreover, this type of comparison leaves aside an essential argument: if the majority of States have agreed to remove these weapons from their arsenals, they have done

11. The parallel with chemical weapons is for instance put forward by Patricia Lewis (Chatham House) in her introduction to Fihn's monograph, op. cit., p.11.

12. It is not by accident that the two States that had put forward the supposedly deterrent nature of their chemical arsenals, Iraq and Syria, both attempted to acquire a nuclear weapon...

so because they have alternatives (nuclear deterrence against chemical and biological threats), or because the losses in military terms were not significant (in the case of land mines and cluster bombs) in respect to the expected material gains.

Finally, is there any need to point out that the “confrontational lobbying” that aims to stigmatise the nuclear-weapon States and to floor them politically simply by dint of a global campaign is totally doomed to failure? The proposed approach is even counterproductive. Has anyone noticed that several nuclear-weapon States that expressed a wish to participate in the conferences in Oslo, Nayarit, and Vienna seemed to be relatively satisfied with the way the debates shaped up? They have fully understood that orienting discussions on nuclear disarmament towards unattainable objectives based on dubious arguments is the best way for these States to serenely continue to consolidate their nuclear arsenals, at the risk of undermining the credibility of the NPT review process.◊

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The opinions expressed in this text are the responsibility of the author alone

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