
United Nations conference to negotiate a legally binding instrument to prohibit nuclear weapons, leading towards their total elimination

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The dangers of nuclear deterrence, and the threat of use of nuclear weapons: important elements to include in a legally binding instrument

Submitted by Nuclear Age Peace Foundation¹

1. Nuclear deterrence, the logic it professes, and the practices it justifies, are reckless, costly, and completely counterproductive to the aims of global security, as many experts have argued and many studies have demonstrated.

2. This paper will present reasons why nuclear deterrence is inadequate and flawed as a means of providing security, and is antithetical to the goal of comprehensive nuclear disarmament. This paper will further advocate for the inclusion of a preambular element on the dangers of nuclear deterrence, and an operational element prohibiting the threat of use of nuclear weapons.

The shortcomings of nuclear deterrence

3. “Nuclear deterrence is the threat of a nuclear strike in response to a hostile action. However, the nature of the hostile action is often not clearly defined, making possible the use of nuclear weapons in a wide range of circumstances.”²

4. It cannot be proven that nuclear deterrence has prevented conflicts from occurring between nuclear weapon states or their allies; the threat or use of nuclear weapons provides no physical protection against attack. The argument that nuclear weapon states have the “power to protect” allies through extended nuclear deterrence has been proven wrong in recent history, when, in multiple instances, non-nuclear weapon states attacked allies of nuclear weapon states. As former Commander of the Royal British Navy Robert Green suggests, the “nuclear umbrella” is perhaps instead a “lightning rod for insecurity” as nuclear states deploy nuclear weapons not only for

¹ The Nuclear Age Peace Foundation was founded in 1982, and has consultative status to the United Nations Economic and Social Council. Its mission is to educate and advocate for peace and a world free of nuclear weapons, and to empower peace leaders.

² “Santa Barbara Declaration: Reject Nuclear Deterrence: An Urgent Call to Action,” see: <https://www.wagingpeace.org/santa-barbara-declaration-reject-nuclear-deterrence-an-urgent-call-to-action/>

their own perceived security, but for their allies' as well—and in the process exponentially increase the likelihood of nuclear weapons use.³

5. Nuclear deterrence logic assumes rational leaders would be in command, and further would have the wisdom and restraint to know when not to use a nuclear weapon. But there can be irrational or paranoid leaders on any side of a conflict, or irrational decisions made by rational leaders under the pressure of impending conflict. “The history of war has taught us that sooner or later desperation leads to irrational decisions,”⁴ suggests that it is only a matter of time before nuclear deterrence fails.

6. In addition to human or technical error, nuclear deterrence is vulnerable to cyber-attack and innumerable forms of sabotage that could result in nuclear strike.

7. Threatening or committing mass murder under any circumstances violates fundamental precepts of international law. Nuclear deterrence operates according to such threats. As the International Court of Justice advised in 1996, the threat or use of nuclear weapons “would generally be contrary to the rules of international law applicable in armed conflict, and in particular the principles and rules of humanitarian law.”⁵ With this in mind, the Court unanimously determined, “There exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control.”⁶

8. Beyond arguments of legality, the logic underlying nuclear deterrence is deeply immoral for the same reason it is illegal: it threatens indiscriminate and grossly disproportionate death and destruction. Considering the many thousands of men, women, and children, young and elderly, who would die immediately in an explosion over a populated area; the thousands who would die of radiation poisoning and cancer for years afterwards; the thousands who would die of ensuing disease and vermin infestation; or the billions who would face starvation from a nuclear-induced famine,⁷ “an ethics and law based on the threat of mutual destruction—and possibly the destruction of all mankind—are self-contradictory and an affront to the entire framework of the United Nations, which would end up as ‘nations united by fear and distrust,’” in the words of Pope Francis.⁸

³ “Breaking Free from Nuclear Deterrence,” speech delivered by Commander Robert Green on 17 February 2011, see: <http://www.wagingpeace.org/breaking-free-from-nuclear-deterrence/>

⁴ Working paper “The health and humanitarian case for banning and eliminating nuclear weapons” (A/CONF.229/2017/NGO/WP.11) submitted by International Physicians for the Prevention of Nuclear War, et al., see: <http://www.reachingcriticalwill.org/images/documents/Disarmament-fora/nuclear-weapon-ban/documents/NGOWP.11.pdf>

⁵ Advisory Opinion of 8 July 1996 of the International Court of Justice, “Legality of the Threat or Use of Nuclear Weapons,” see: <http://www.icj-cij.org/docket/files/95/7497.pdf>

⁶ See above, Advisory Opinion of 8 July 1996 of the International Court of Justice

⁷ Working Paper submitted to OEWG by International Physicians for the Prevention of Nuclear War, et al., see: <http://www.ippnw.org/pdf/2016-working-paper.pdf>

⁸ Speech delivered by Pope Francis to the United Nations, New York, 25 September 2015, see: <http://www.aljazeera.com/news/2015/09/full-text-pope-francis-speech-united-nations-150925174945079.html>

9. The extensive and expensive maintenance that is required for reliance on nuclear deterrence diverts human and economic resources desperately needed to meet basic human needs around the world. Globally, approximately \$100 billion is spent annually on maintaining nuclear forces. With such funding, Norwegian People's Aid calculates that we could eliminate world hunger by 2050 and provide primary education for every single child in the world for 12 years, among many other noble endeavors.⁹ Nuclear deterrence is a "short-sighted approach" to problems that would better be addressed through joint projects for international human development and stewardship of the world we share.¹⁰

10. Furthermore, the outrageously expensive measures that are required for the maintenance and protection of nuclear weapons arsenals have proven insufficient as evidenced by numerous accidents and security breaches.

11. Nuclear deterrence and the threat of nuclear weapons use have no effect against non-state extremists, who govern no territory or population, and are often indifferent to threats of death.

12. Nuclear deterrence sets an example for non-nuclear weapon states to pursue nuclear weapons for their own nuclear deterrent force, and for nuclear weapon states to continue developing and strengthening their own nuclear arsenals rather than dismantling them.

Recommendations

13. Nuclear deterrence is used as a justification by nuclear weapon states to maintain arsenals that are needlessly dangerous, expensive, and capable of massive devastation. Relying on the constant threat of nuclear weapons use, nuclear deterrence in any form cannot coexist with the pursuit of comprehensive nuclear disarmament. Therefore, we agree with Soka Gakkai International that nuclear deterrence must be "decoupled"¹¹ from disarmament and recognized as detrimental to the accomplishment of disarmament. We further agree with International Physicians for the Prevention of Nuclear War, World Medical Association, World Federation of Public Health Associations, International Council of Nurses, and International Association of Lawyers Against Nuclear Arms that nuclear deterrence must be "delegitimized"¹² as an acceptable tool of foreign policy and security.

⁹ Norwegian People's Aid, in "Out of Control: facts about nuclear weapons," see: <http://laromkarnvapen.se/en/consequences-nuclear-weapons/>

¹⁰ Statement by Pope Francis, 23 March 2017, see: http://www.reachingcriticalwill.org/images/documents/Disarmament-fora/nuclear-weapon-ban/statements/27March_PopeFrancis.pdf

¹¹ Working paper "On the Objectives and Significance of Prohibiting Nuclear Weapons," (A/CONF.229/2017/NGO/WP.8) submitted by Soka Gakkai International (SGI), see: <http://www.reachingcriticalwill.org/images/documents/Disarmament-fora/nuclear-weapon-ban/documents/NGOWP.8.pdf>

¹² See above, Working paper "The health and humanitarian case for banning and eliminating nuclear weapons" (A/CONF.229/2017/NGO/WP.11) submitted by International Physicians for the Prevention of Nuclear War, et al., and working paper "Selected Elements of a Treaty Prohibiting Nuclear Weapons," (A/CONF.229/2017/NGO/WP.12) submitted by International Association of Lawyers Against Nuclear Arms, see: <http://www.reachingcriticalwill.org/images/documents/Disarmament-fora/nuclear-weapon-ban/documents/NGOWP.12.pdf>

14. We are therefore in support of the view that a legally binding instrument prohibiting nuclear weapons must explicitly address nuclear deterrence and the threat of using, developing, or in some way facilitating the use of nuclear weapons, and “unequivocally prohibit” these practices,¹³ through measures including but not limited to:

- (a) Including a clause in the preamble to the effect of, “***Understanding that nuclear deterrence is only an unproven hypothesis regarding human behavior—one that does not provide physical protection and could fail catastrophically,***” or a statement of similar sentiment;
- (b) Amending Article 1.1d to state that each State Party to the treaty undertakes to never under any circumstances, “***Use or threaten to use nuclear weapons.***”

15. We further support the assertion that any relationships under which nuclear weapon states pledge assistance to non-nuclear weapon states through extended nuclear deterrence must be renounced by states parties to the forthcoming treaty.¹⁴

¹³ Working paper “Additional comments after the first conference session from a plenary health perspective” (A/CONF.229/2017/NGO/WP.21), submitted by International Physicians for the Prevention of Nuclear War, see: <http://www.reachingcriticalwill.org/images/documents/Disarmament-fora/nuclear-weapon-ban/documents/NGOWP.21.pdf>

¹⁴ Working paper “Banning nuclear weapons: prohibitions of a legally binding instrument” (A/CONF.229/2017/NGO/WP.2), submitted by Women’s International League for Peace and Freedom, see: <http://www.reachingcriticalwill.org/images/documents/Disarmament-fora/nuclear-weapon-ban/documents/NGOWP.2.pdf>