

# The Humanitarian Initiative and the Treaty on the Prohibition of Nuclear Weapons (TPNW)

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# The Humanitarian Initiative and the Treaty on the Prohibition of Nuclear Weapons

- What is it
- What is the background
- How did it happen
- Relationship with NPT
- Will it make a difference



A. Kmentt - ISODARCO 2020

# The Humanitarian Initiative and the Treaty on the Prohibition of Nuclear Weapons

non-nuclear weapon States perspective

Not in military alliance with nuclear weapons States  
(umbrella)

> 150 of 193 Member States of the United Nations

# The Humanitarian Initiative and the Treaty on the Prohibition of Nuclear Weapons

- What is the Humanitarian Initiative?
- International Conferences, cross-regional statements, facts and evidence
  - Try to reframe the discourse on NWs
  - What are the consequences of NWs explosions / nuclear war?
  - What are the risks associated with NWs?
  - What are the – political – security - legal – ethical implications of this?

# The Humanitarian Initiative and the Treaty on the Prohibition of Nuclear Weapons

- What is the TPNW?
  - A particular legal conclusion to the Humanitarian Initiative
  - Comprehensive and non-discriminatory prohibition to
    - ✓ develop, test, produce, acquire, possess, stockpile, use or threaten to use nuclear weapons.
    - ✓ of deployment of NWs on national territory and the provision of assistance in the conduct of prohibited activities.
    - ✓ Obligation to provide adequate assistance to individuals affected by the use or testing of nuclear weapons

# The Humanitarian Initiative and the Treaty on the Prohibition of Nuclear Weapons

- The TPNW builds on the Humanitarian Initiative but they are not one and the same thing
- Humanitarian approach is broader

# The Humanitarian Initiative and the Treaty on the Prohibition of Nuclear Weapons

What is the background?

- Fundamental divide on the security value of nuclear weapons
- Who's security and what kind of security
- Frustration or Concern?
- Double Standards and the rules-based multilateral system

## 2000 NPT Review Conference – (part of) 13 practical steps

- Steps by all the nuclear-weapon States leading to nuclear disarmament in a way that promotes international stability, and based on the principle of undiminished security for all:
- Further efforts by the nuclear-weapon States to reduce their nuclear arsenals unilaterally
- Increased transparency by the nuclear-weapon States with regard to the nuclear weapons capabilities and the implementation of agreements pursuant to Article VI and as a voluntary confidence-building measure to support further progress on nuclear disarmament
- The further reduction of non-strategic nuclear weapons based on unilateral initiatives and as an integral part of the nuclear arms reduction and disarmament process
- Concrete agreed measures to further reduce the operational status of nuclear weapons systems
- A diminishing role for nuclear weapons in security policies to minimize the risk that these weapons ever be used and to facilitate the process of their total elimination
- The engagement as soon as appropriate of all the nuclear-weapon States in the process leading to the total elimination of their nuclear weapons



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## 2010 NPT Action Plan

- **Action 5:** The nuclear-weapon States commit to accelerate concrete progress on the steps leading to nuclear disarmament, contained in the Final Document of the 2000 Review Conference, in a way that promotes international stability, peace and undiminished and increased security. To that end, they are called upon to promptly engage with a view to, inter alia: (a) Rapidly moving towards an overall reduction in the global stockpile of all types of nuclear weapons, as identified in action 3; (b) Address the question of all nuclear weapons regardless of their type or their location as an integral part of the general nuclear disarmament process; (c) To further diminish the role and significance of nuclear weapons in all military and security concepts, doctrines and policies; (d) Discuss policies that could prevent the use of nuclear weapons and eventually lead to their elimination, lessen the danger of nuclear war and contribute to the non-proliferation and disarmament of nuclear weapons; (e) Consider the legitimate interest of non-nuclear-weapon States in further reducing the operational status of nuclear weapons systems in ways that promote international stability and security; (f) Reduce the risk of accidental use of nuclear weapons; and (g) Further enhance transparency and increase mutual confidence. The nuclear-weapon States are called upon to report the above undertakings to the Preparatory Committee at 2014. The 2015 Review Conference will take stock and consider the next steps for the full implementation of article VI.

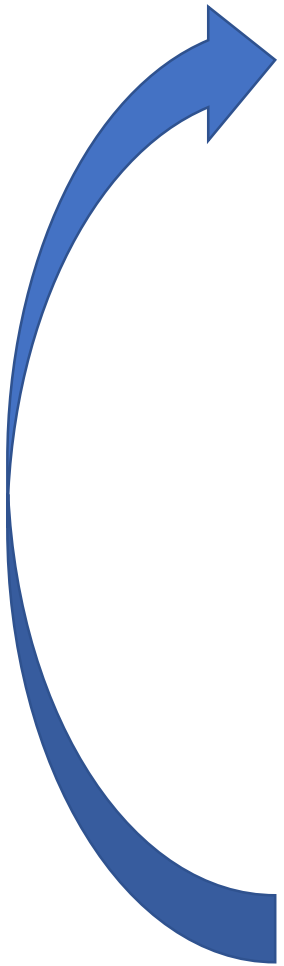
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# The NPT – CD loop

- 
- Consensus Final Document at NPT Review Conference
  - Tasks Conference on Disarmament (CD) (FMCT, establish subsidiary body on nuclear disarmament, subsidiary body on negative security assurances)
  - CD operates on consensus
  - No consensus on Programme of Work
  - CD has not fulfilled its mandate since 1997 – not a single day of negotiations
  - Goes back to NPT – achieves consensus to task the CD
  - CD does not agree on a Programme of Work .....

# Implementation of Article VI

- Yes, significant reductions in numbers of nuclear weapons
  - Obsolescence?
  - Modernization – long-term financial investments – upgrades
  - Weakening the taboo – talk about use
- 
- No significant steps in the sense of moving away from NWs and nuclear deterrence
  - Continued proliferation of the “value of nuclear weapons” is also an act of nuclear proliferation

Our commitment to implement...

Our commitment to implement...

Our commitment to implement...

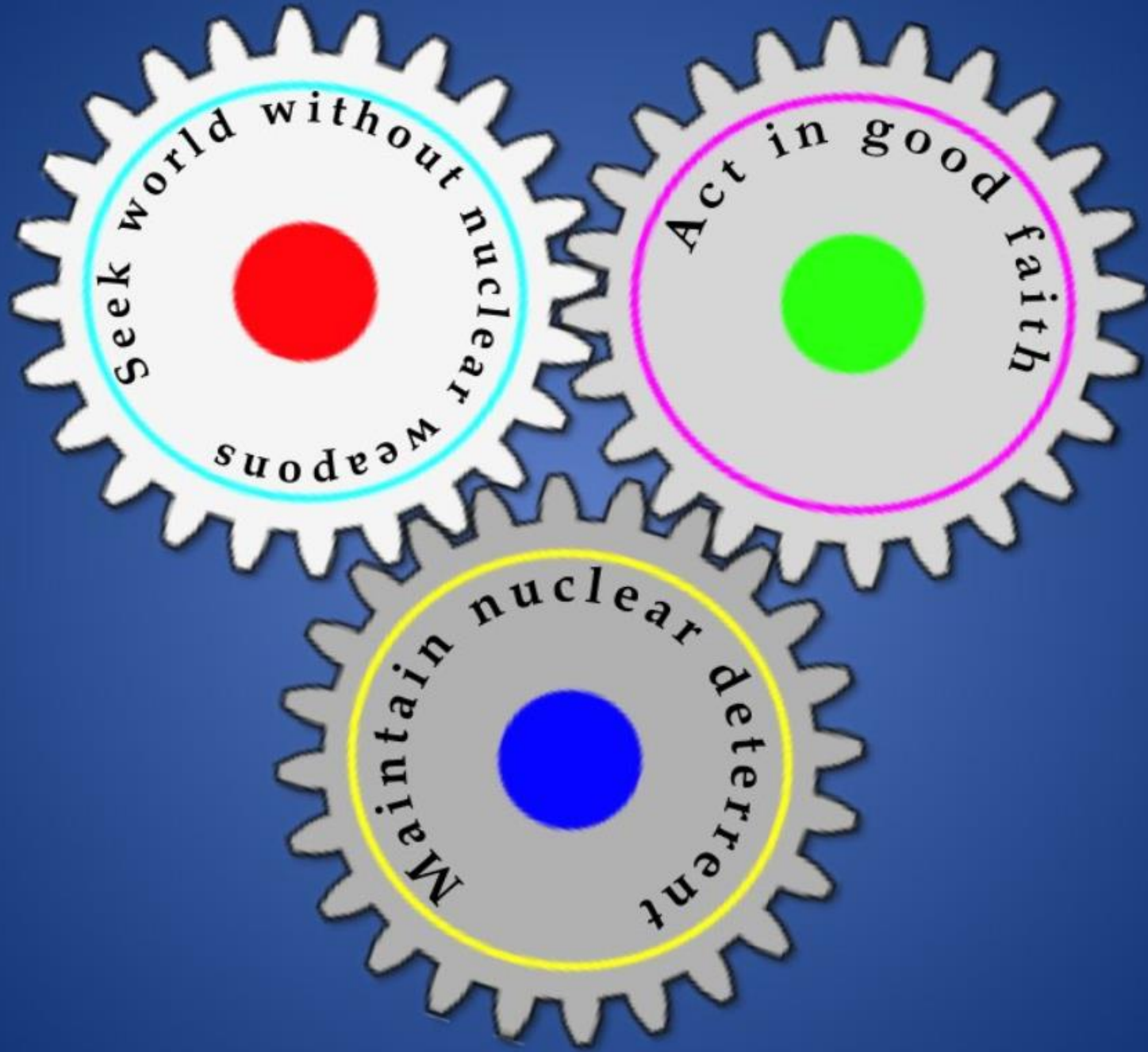
Our commitment to implement...

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Our commitment to implement...

our NPT nuclear disarmament obligations





# The Humanitarian Initiative and the Treaty on the Prohibition of Nuclear Weapons

non-nuclear weapon States perspective

frustration and/or concern

- How serious are the commitments?
- Is progress possible in the current set-up of dysfunctional fora (NPT-CD loop)?
- Consensus rules means veto practice
- Credibility of the multilateral disarmament architecture and multilateralism itself is being undermined



**Increasing understanding that new approach is needed**

# The Humanitarian Initiative and the Treaty on the Prohibition of Nuclear Weapons

Also in 2010 Final Document

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.

Action 1: **All States** parties **commit to pursue policies** that are fully compatible with the Treaty and the objective of **achieving a world without nuclear weapons**.

# The Humanitarian Initiative and the Treaty on the Prohibition of Nuclear Weapons

2 tracks emerge (after many informal discussions)

Humanitarian Statements

Humanitarian conferences (Research – studies – evidence )

# The Humanitarian Initiative and the Treaty on the Prohibition of Nuclear Weapons

Humanitarian Statements

NPT PrepCom 2012 – 16 Nations Statement

Austria, Chile, Costa Rica, Denmark, Holy See, Egypt, Indonesia, Ireland, Malaysia, Mexico, New Zealand, Nigeria, Norway, Philippines, South Africa, Switzerland

# The Humanitarian Initiative and the Treaty on the Prohibition of Nuclear Weapons

## Different Humanitarian cross-regional Statements

NPT PrepCom 2012	– 16 Nations Statement
UNGA First Committee 2012	– 34 States
NPT PrepCom 2013	– 80 States
UNGA First Committee 2013	– 125 States
UNGA First Committee 2014	– 155 States
2015 NPT Review Conference	– 159 States

# The Humanitarian Initiative and the Treaty on the Prohibition of Nuclear Weapons

Humanitarian Conferences

Oslo 2013

Nayarit / Mexico Feb/2014

Vienna Dec/2014

# Too Close for Comfort

Cases of Near Nuclear Use  
and Options for Policy



CHATHAM  
HOUSE  
The Royal Institute of  
International Affairs



ICRC

## Challenges in Responding to the Use of Nuclear Weapons

Gregor Malich  
Head, NRBC Operational Response Project  
International Committee of the Red Cross  
Directorate of Operations

# Global Famine after a Regional Nuclear War: Overview of Recent Research

Michael J. Mills<sup>1</sup>

Alan Robock<sup>2</sup>, Owen Brian Toon<sup>3</sup>,  
Lili Xia<sup>2</sup>, Andrea Stenke<sup>4</sup>, and Ira Helfand<sup>5</sup>

<sup>1</sup>National Center for Atmospheric Research, Boulder, Colorado, USA

<sup>2</sup>Rutgers University, New Brunswick, New Jersey, USA

<sup>3</sup>University of Colorado, Boulder, Colorado, USA

<sup>4</sup>Institute for Atmospheric and Climate Science, ETH Zurich, Switzerland

# Nuclear Deterrence, Nuclear War Planning, and Scenarios of Nuclear Conflict

Hans Kristensen, Federation of American Scientists (FAS) and  
Matthew McKinzie, Ph.D., Natural Resources Defense Council (NRDC)

## Risk from Nuclear Weapons Use: A Systems' Perspective

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# NUCLEAR FAMINE: ~~A~~ BILLION PEOPLE TWO AT RISK?

Global Impacts of Limited Nuclear War  
on Agriculture, Food Supplies, and Human Nutrition

## Preventing and Preparing for a Nuclear Explosion

Nuclear weapons:  
catastrophic impacts on health

Conference on Humanitarian Impact of Nuclear Weapons

Oslo March 4 th 2013

Prof. Andy Haines,



# Calculating the Effects of a Nuclear Explosion at a European Military Base

Matthew McKinzie, Ph.D. (NRDC), Erwin Polreich, Ing. Mag. (ZAMG)  
Dèlia Arnold, Ph.D. (ZAMG), Christian Maurer, Ph.D. (ZAMG),  
and Dr. Gerhard Wotawa (ZAMG)



VIENNA CONFERENCE ON  
**THE HUMANITARIAN IMPACT  
OF NUCLEAR WEAPONS**  
8-9 DEC. 2014

ZAMG: Zentralanstalt für Meteorologie und Geodynamik , Vienna, Austria  
NRDC: Natural Resources Defense Council, Washington, DC

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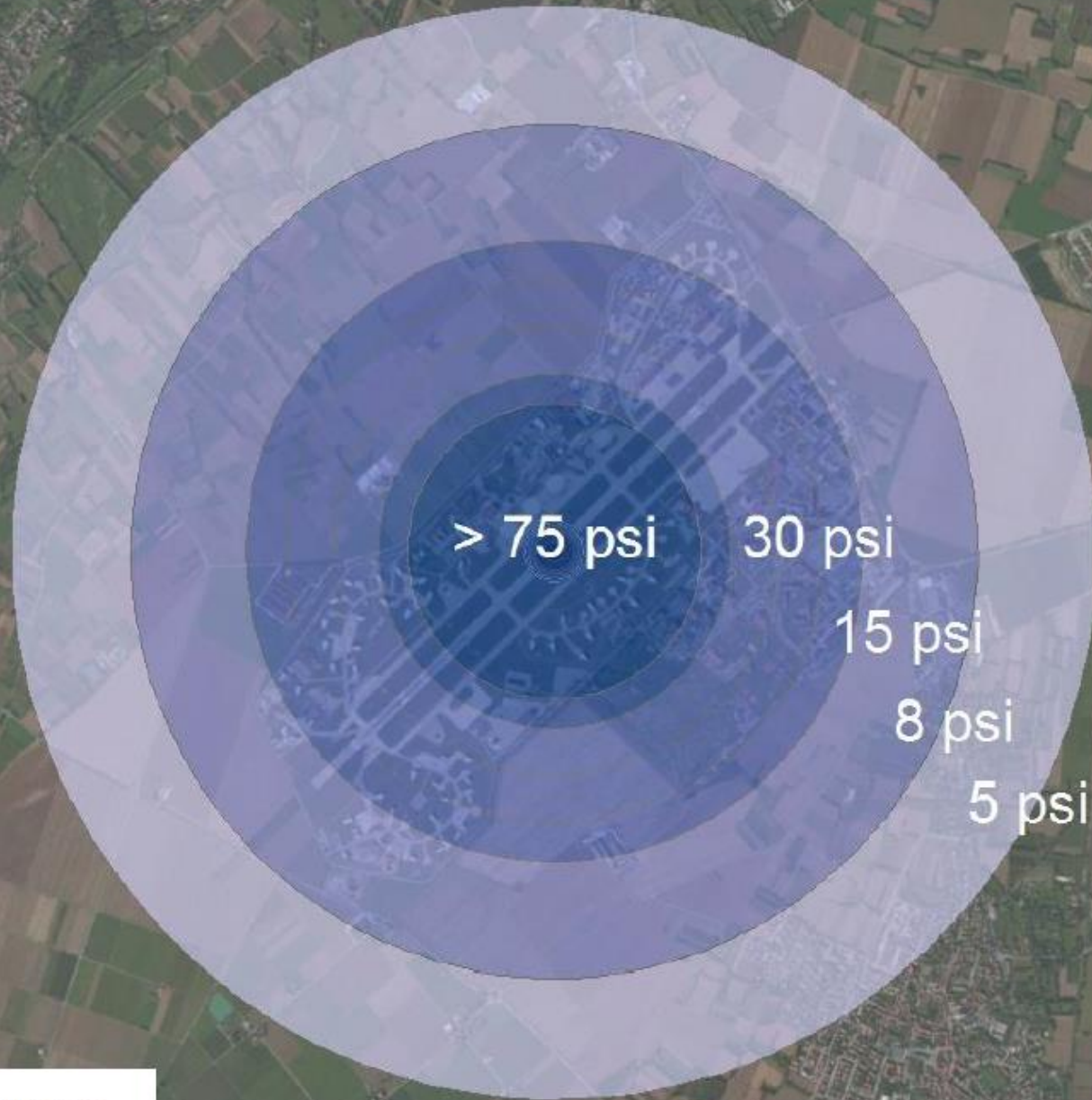


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# A Hypothetical Scenario

Blast

200 kt

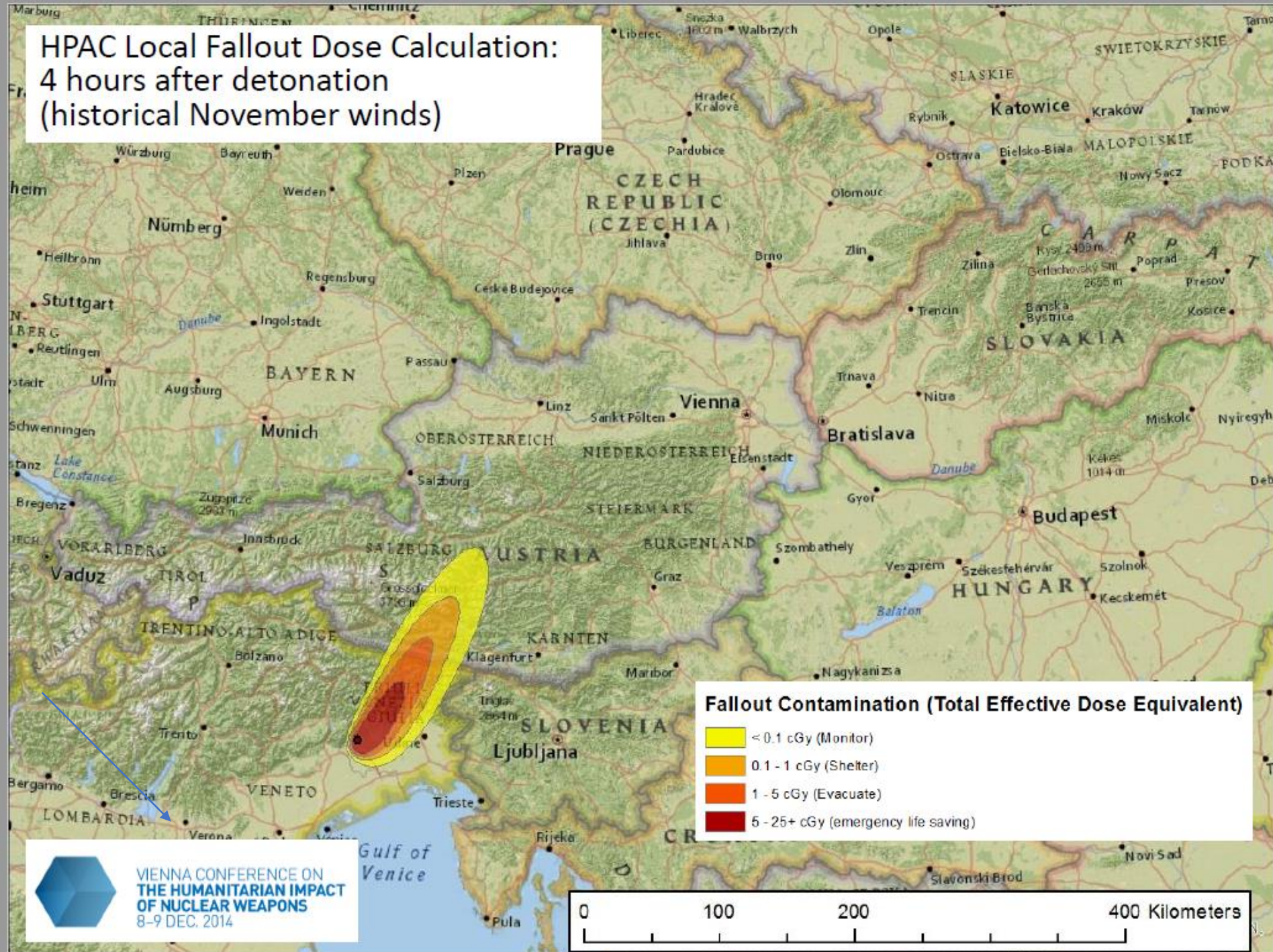


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0 1 2 4 Kilometers

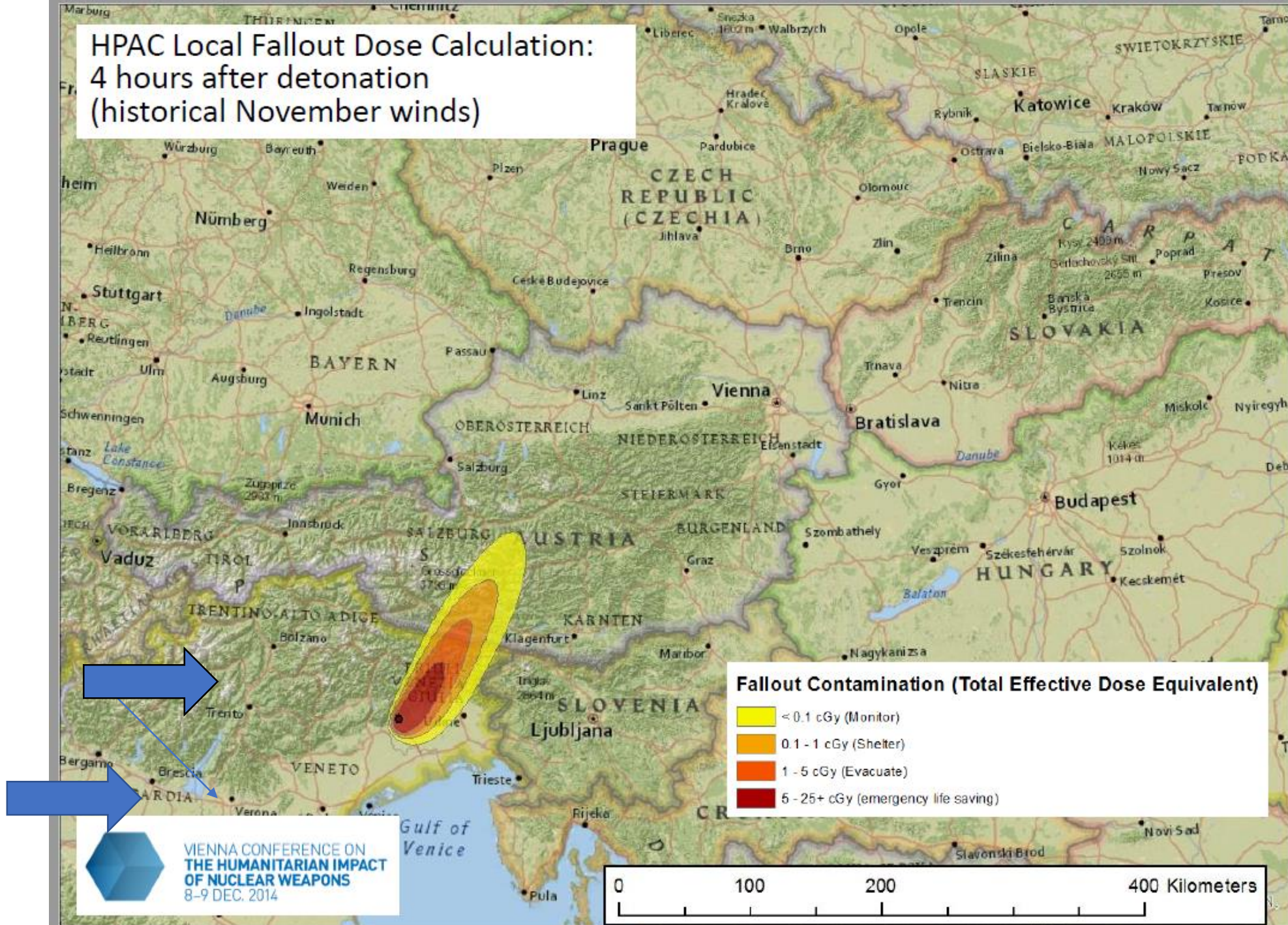


HPAC Local Fallout Dose Calculation:  
4 hours after detonation  
(historical November winds)



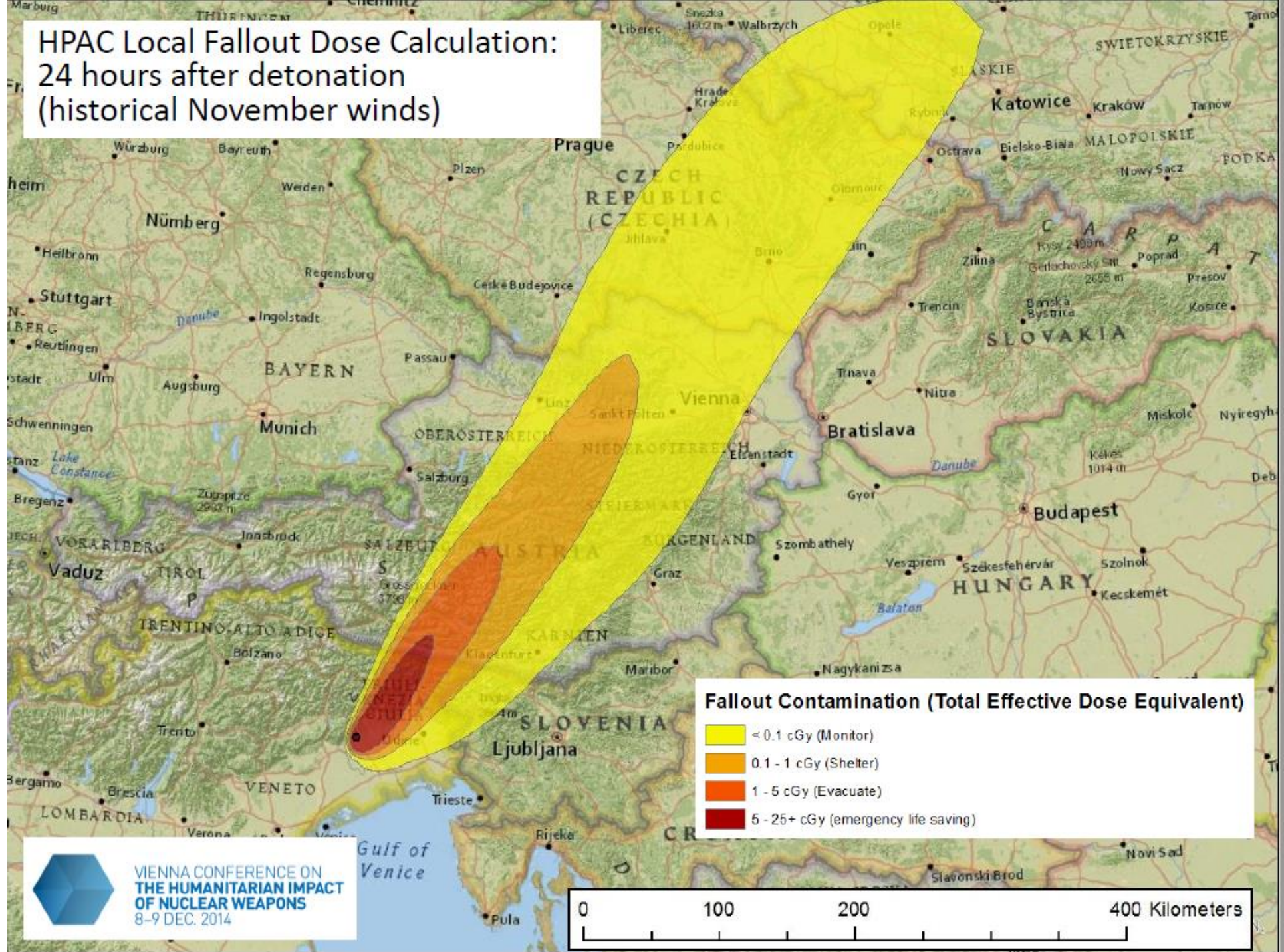


# HPAC Local Fallout Dose Calculation: 4 hours after detonation (historical November winds)





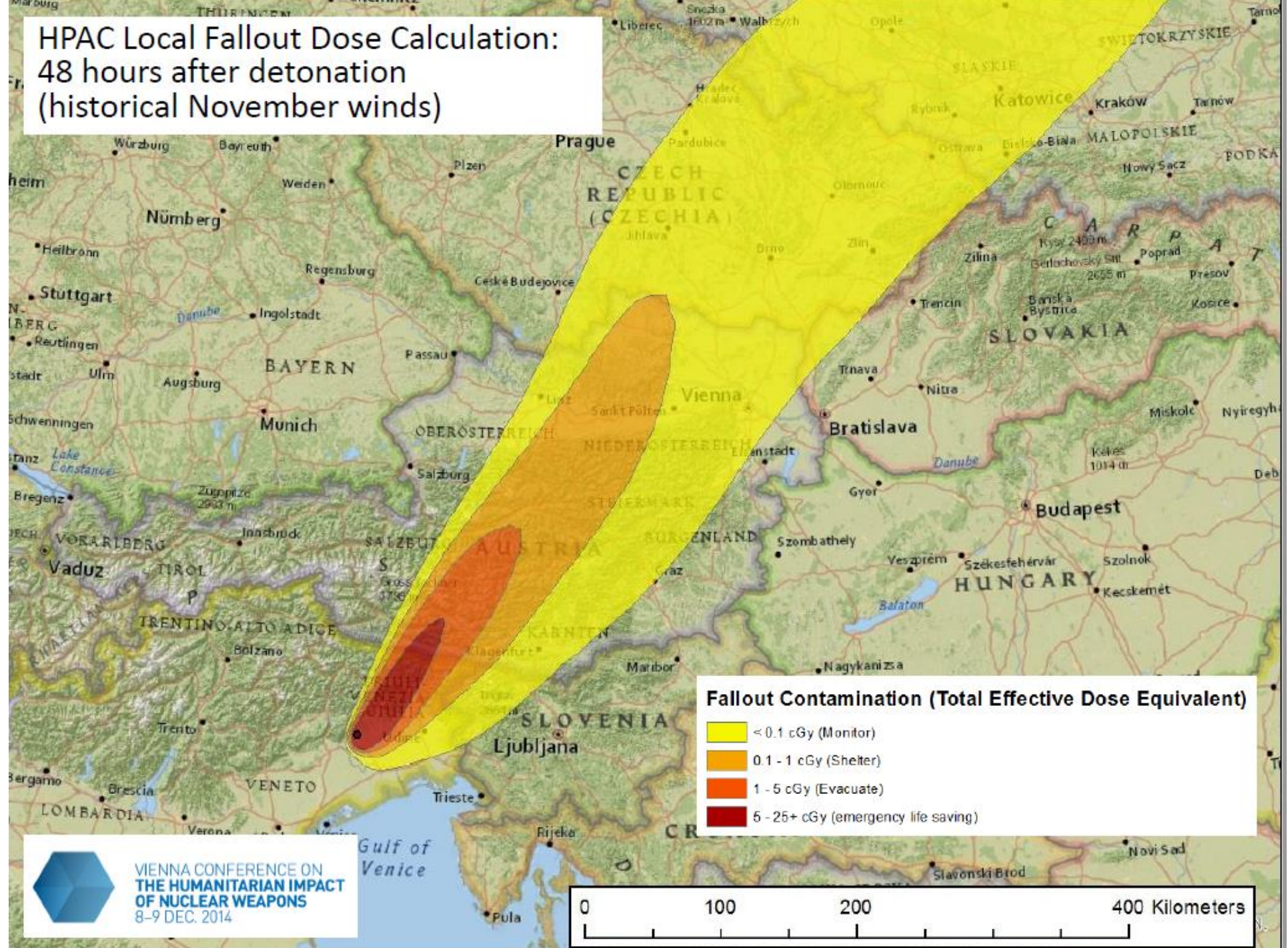
# HPAC Local Fallout Dose Calculation: 24 hours after detonation (historical November winds)



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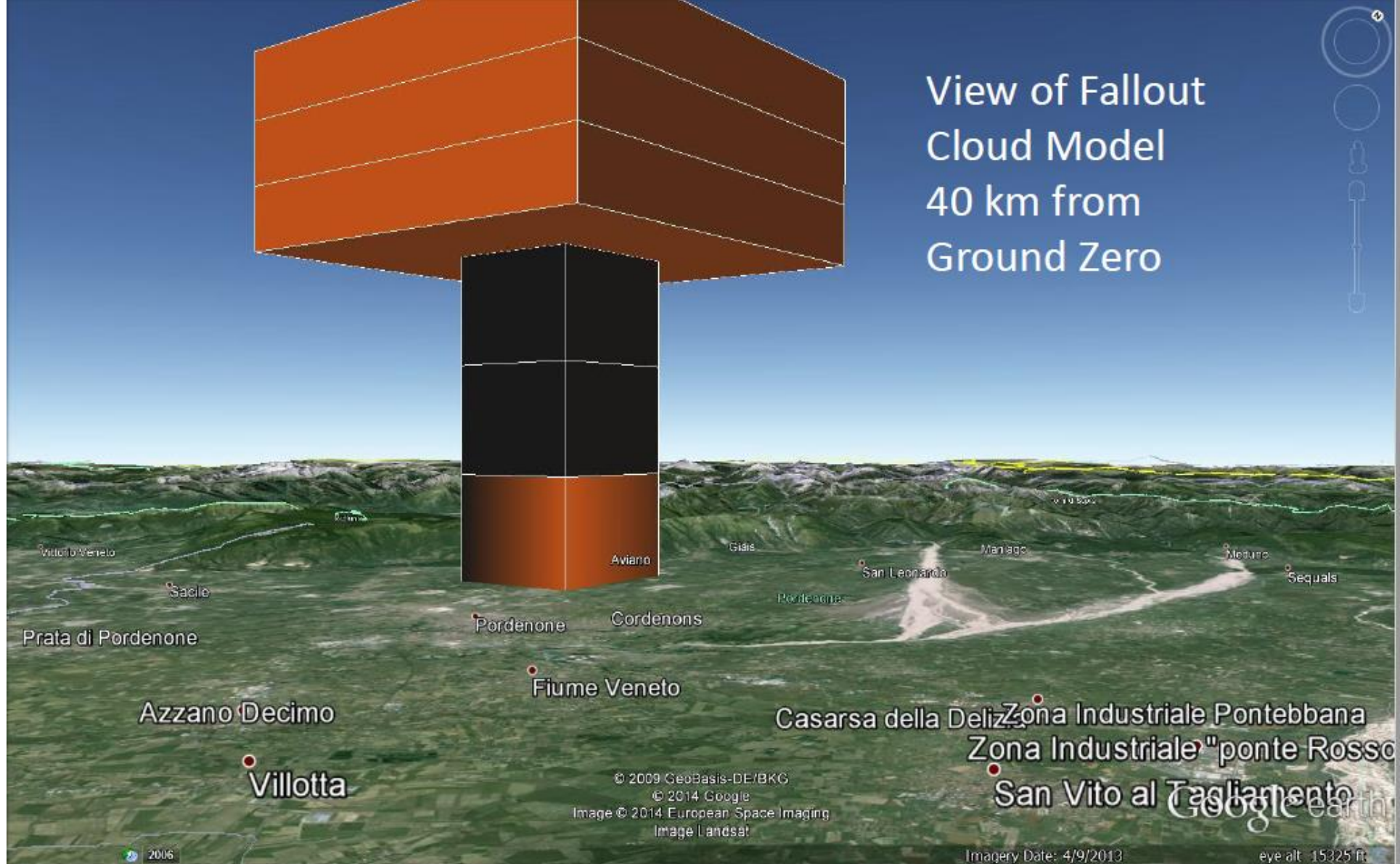


# HPAC Local Fallout Dose Calculation: 48 hours after detonation (historical November winds)



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## Developing a Source Term for FLEXPART: Fallout Cloud Geometry



The  
Nuc

## View of Fallout Cloud Model from within Austria



of

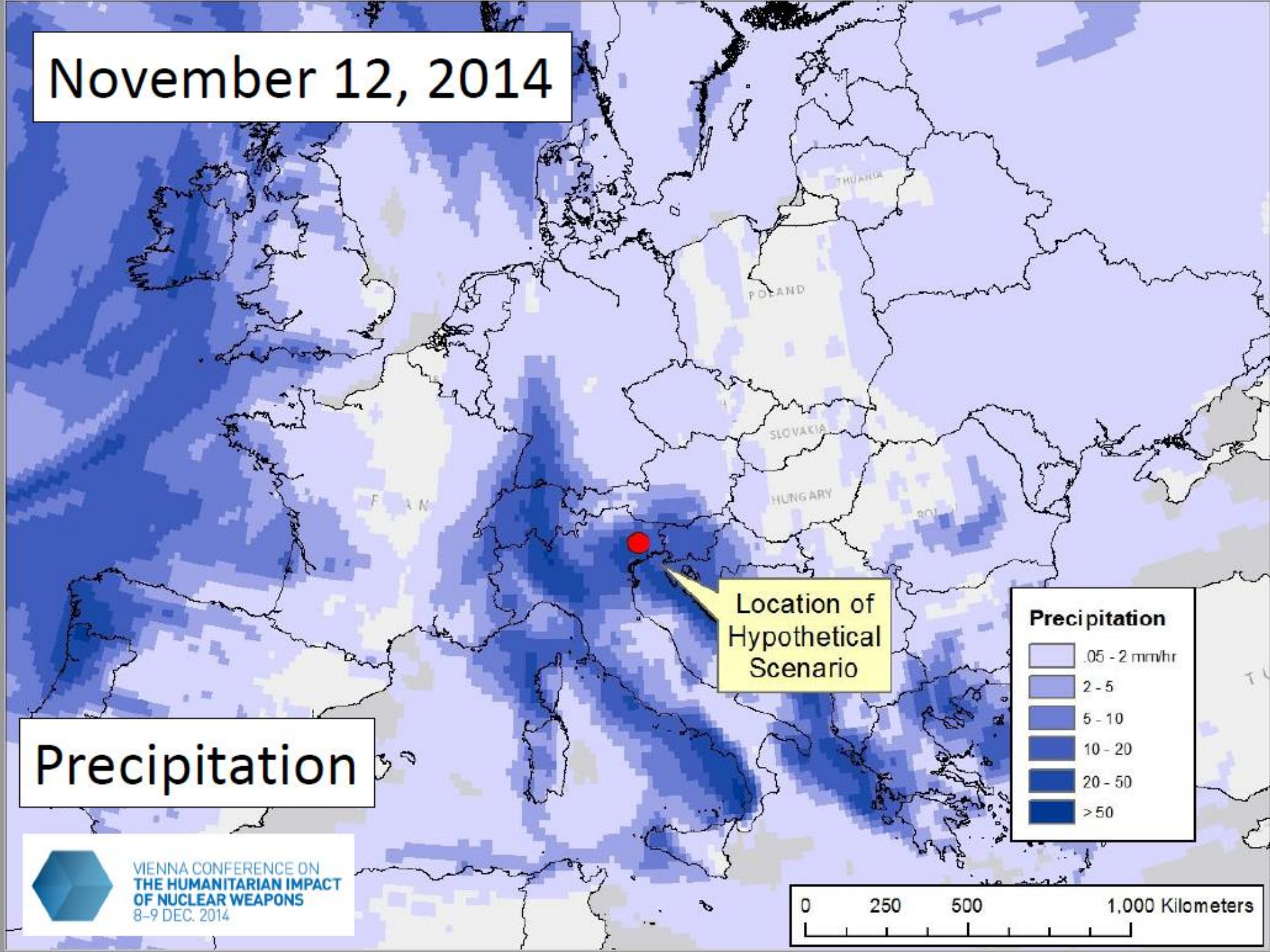


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Developing a Source Term for FLEXPART:  
Fallout Cloud Geometry



November 12, 2014



Precipitation

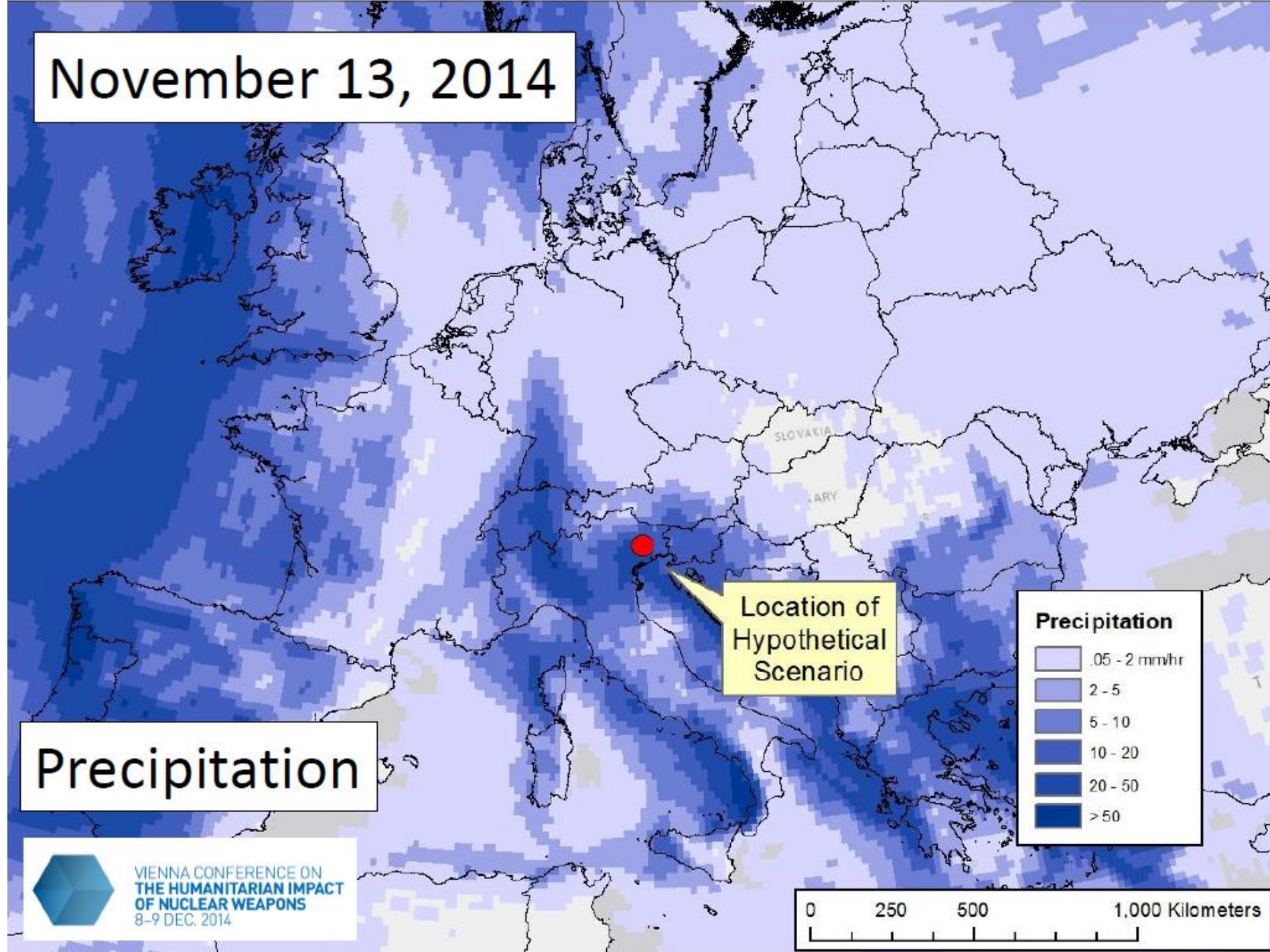


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0 250 500 1,000 Kilometers



November 13, 2014



Precipitation



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0 250 500 1,000 Kilometers



November 14, 2014

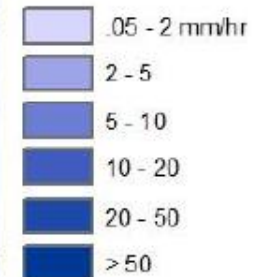
Precipitation



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Location of  
Hypothetical  
Scenario

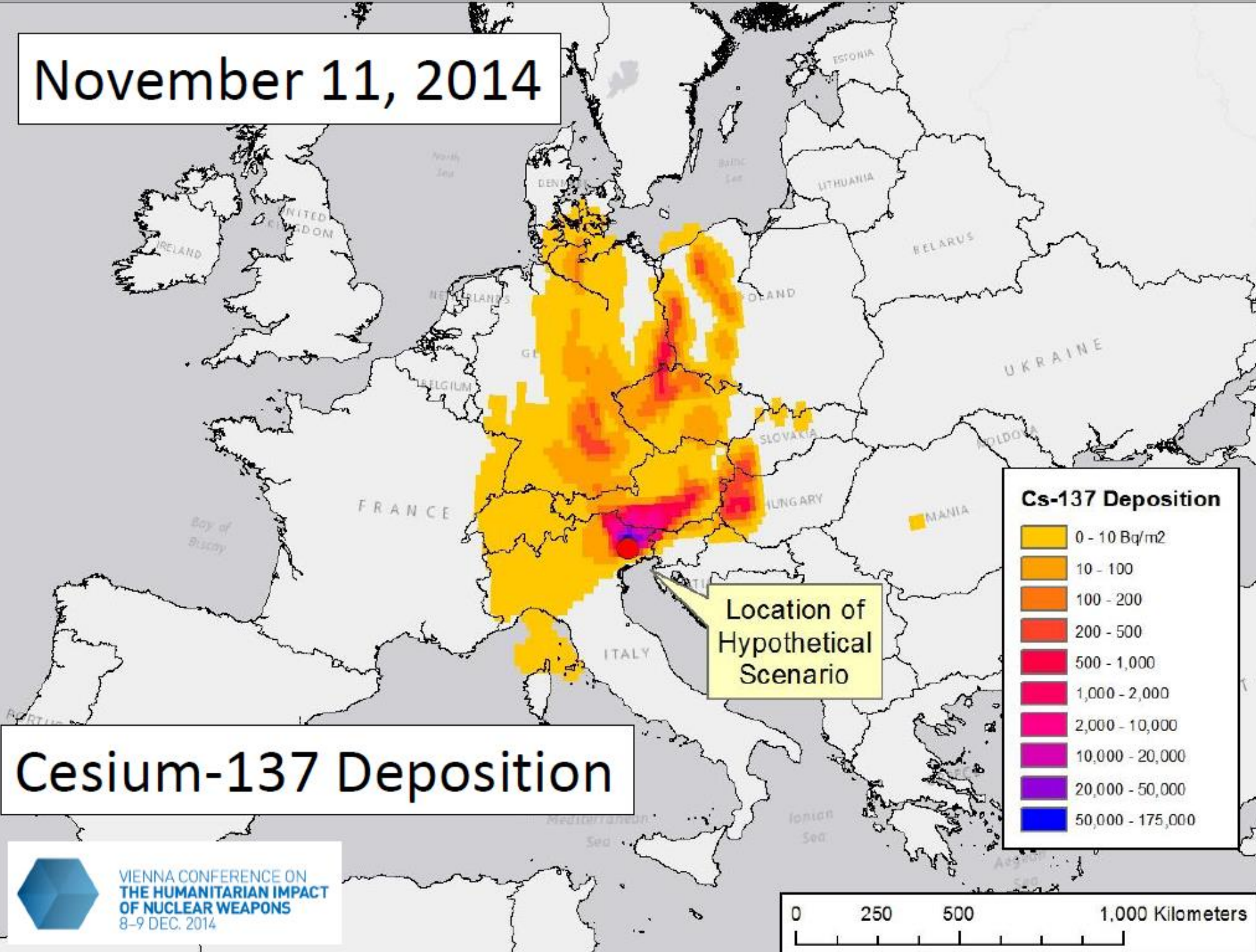
**Precipitation**



0 250 500 1,000 Kilometers



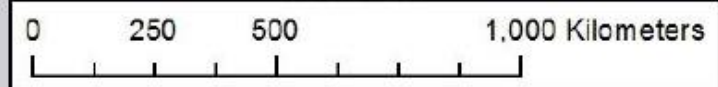
November 11, 2014



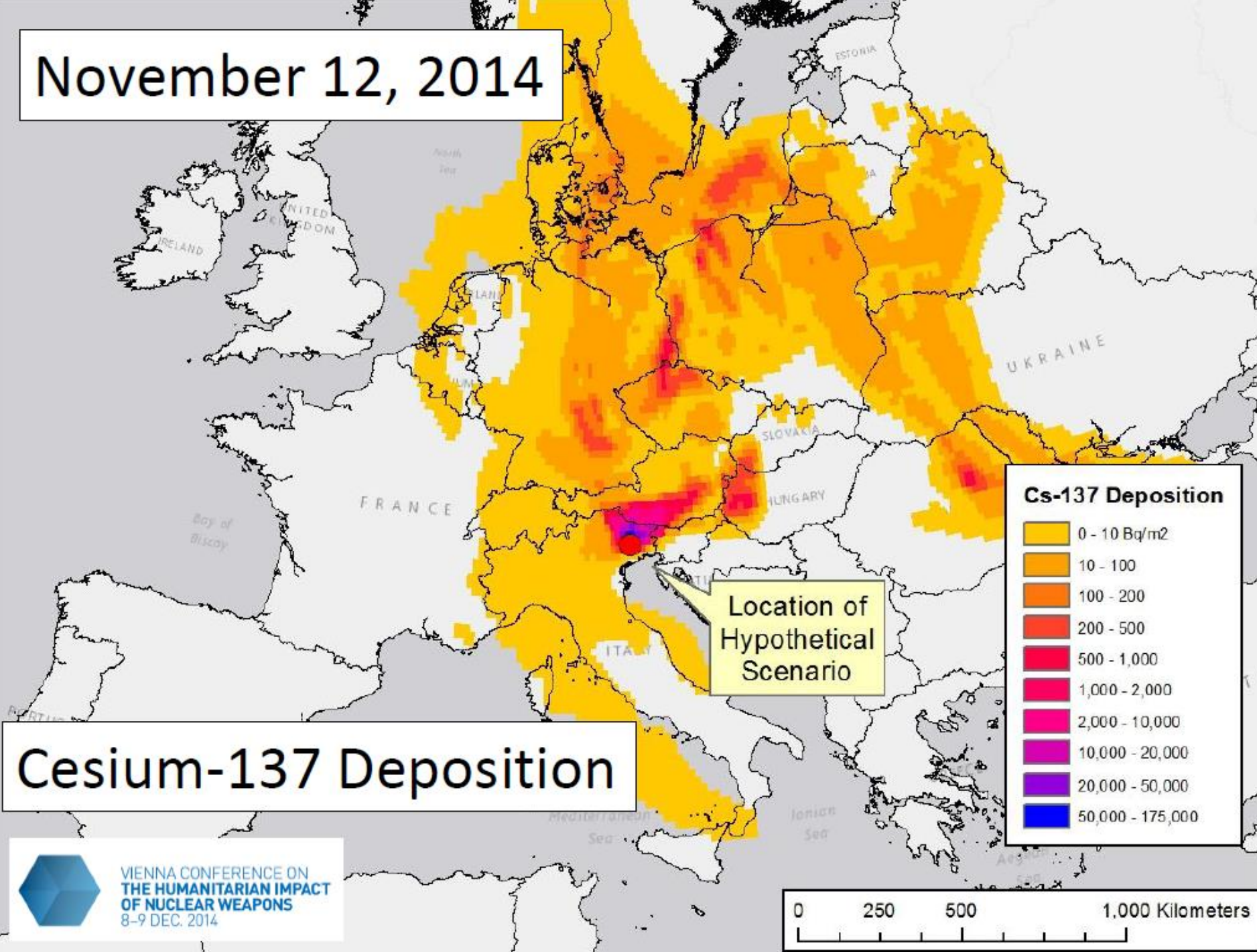
Cesium-137 Deposition



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November 12, 2014



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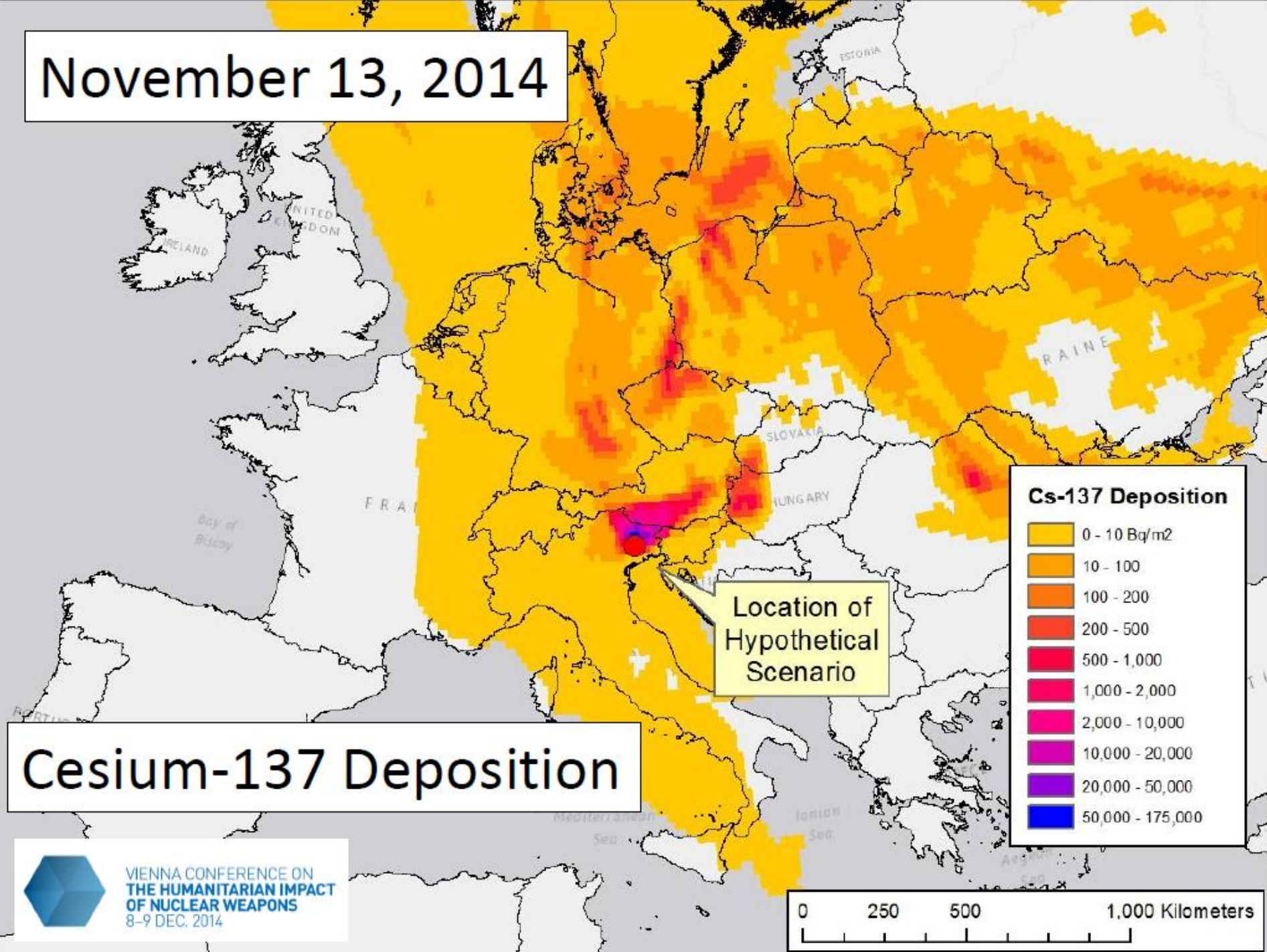


November 13, 2014

# Cesium-137 Deposition



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[www.hinw14vienna.at](http://www.hinw14vienna.at)



# Oslo Conference Conclusions

- 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.
- 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.
- 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**.

## Nayarit Chair's Summary

- Today the **risk of nuclear weapons use** is growing globally as a consequence of proliferation, the vulnerability of nuclear command and control networks to cyber-attacks and to human error, and potential access to nuclear weapons by non-state actors, in particular terrorist groups.
- (...) the **risks of accidental, mistaken, unauthorized or intentional use** of these weapons grow significantly.
- (...) in the past, **weapons have been eliminated after they have been outlawed.**
- (...) discussions on the humanitarian impact of nuclear weapons should lead to the commitment of States and civil society to **reach new international standards and norms, through a legally binding instrument.**

## Vienna Conference – Austrian (later Humanitarian) Pledge

- We call 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 we pledge to cooperate with all stakeholders to achieve this goal,
- We pledge to cooperate with all relevant stakeholders, States, international organisations, the International Red Cross and Red Crescent Movements, parliamentarians and civil society, in efforts **to stigmatise, prohibit and eliminate nuclear weapons in light of their unacceptable humanitarian consequences and associated risks.**

# Vienna Conference – Austrian (later Humanitarian) Pledge

- 127 States formally support / subscribe to the Humanitarian Pledge
- 137 vote in favor of the Humanitarian Pledge when it is introduced as UNGA Resolution in 2016

## 2016 Open-Ended Working Group (UNGA rules)

- (...) **decides to convene an open-ended working** group to substantively address concrete **effective legal measures**, legal provisions and norms that will need to be concluded **to attain and maintain** a world without nuclear weapons;
- (...) Decides that the OEWG shall also substantively address **recommendations** that could contribute to taking forward multilateral nuclear disarmament negotiations, including
- (a) **transparency measures related to the risks** associated with existing NWs;
- (b) measures to **reduce and eliminate the risk** of accidental, mistaken, unauthorized or intentional nuclear weapon detonations; and
- (c) additional measures to **increase awareness** (...) the wide range of humanitarian consequences that would result from any nuclear detonation;

# 2016 Open-Ended Working Group

non participation by nuclear weapons States – good faith – Art. VI ?

Report:

- The Working Group recommended that **additional efforts can and should be pursued** to elaborate **concrete effective legal measures**, legal provisions and norms that will need to be concluded to attain and maintain a world without nuclear weapons.
- The Working Group recommended (...) to convene a conference in 2017, open to all States, with the participation and contribution of international organizations and civil society, to **negotiate a legally-binding instrument to prohibit nuclear weapons, leading towards their total elimination.**

# TPNW Negotiations

- Two sessions in 2017
- concluded on 7 July 2017 in New York, when 122 states voted in favor for the adoption of the TPNW
- On 20 September 2017, the Treaty opened for signature
- To date 80 signatures
- 34 ratifications
- Entry in Force: 90 days after the 50<sup>th</sup> ratification

Pressure campaign and intimidation not to ratify

# TPNW

- Comprehensive and non-discriminatory prohibition to
  - ✓ develop, test, produce, acquire, possess, stockpile, use or threaten to use nuclear weapons.
  - ✓ of deployment of NWs on national territory and the provision of assistance in the conduct of prohibited activities.
  - ✓ Obligation to provide adequate assistance to individuals affected by the use or testing of nuclear weapons
  - ✓ “Eliminate and join” + “Join and eliminate” (with time-bound plan)
  - ✓ Safeguards: obliges state parties to keep in place any additional safeguards arrangements they have in place. State that has already an Additional Protocol is legally obliged to continue with it and has forfeited the right to withdraw.



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- Action 1 of the 2010 Action Plan: *“all States parties commit to pursue policies that are fully compatible with the Treaty and the objective of achieving a world without nuclear weapons”*. States that join the TPNW implement action 1 of the 2010 Action plan

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- **NPT disarmament pillar needs a prohibition to achieve the treaty's goal of a world free of nuclear weapons.**
- **The TPNW is compatible with the NPT and necessary element for Art. VI implementation.**

but.....

**TPNW has brought the divergence regarding the concept of nuclear disarmament more into the open**

- nuclear weapon States interpret NPT as “right” to keep nuclear weapons for the long haul
- nuclear disarmament only possible when nuclear deterrence is no longer “needed” ....

versus

- Indefinite extension of NPT does not mean acceptance of indefinite extension of nuclear weapons State
- nuclear disarmament is an urgent priority because of the humanitarian consequences of nuclear weapons and associated risks



# But.....

## For the TPNW

- - nuclear disarmament is NOT conditioned with the “need” of maintaining nuclear deterrence
- - the problem is not *who* has nuclear weapons, but nuclear weapons and the practice of nuclear deterrence *are* the problem.
- - **undiminished security for all** from TPNW and non-nuclear weapon States perspective requires urgent **progress on nuclear disarmament** and **move away** from a global security system based on **nuclear deterrence**

Kofi Annan (2013) *There are no “right hands” that can handle these “wrong weapons”.*

# The Humanitarian Initiative and the Treaty on the Prohibition of Nuclear Weapons – Will it make a difference?

- Clearly had some impact already
- Reactions by nuclear weapons States – create a narrative
- Focus the debate on the alleged shortcomings and detrimental effects of the TPNW, some actors seek to divert attention from the lack of progress in the implementation of Art. VI of the NPT and the nuclear disarmament commitments
- Impact mostly in multilateral nuclear weapons debate
- Limited impact in nuclear weapons establishment in NWS

# The Humanitarian Initiative and the Treaty on the Prohibition of Nuclear Weapons – Will it make a difference?

- Power of international law
- Addresses the *legality of nuclear weapons* but also the *legitimacy of a security approach based on nuclear deterrence*
- Challenge the “Status Quo” and the “Status of Nuclear Weapons” not acceptable for majority of NNWS
- Openness of process – empowerment of NNWS - what kind of and who’s security are we addressing – in light of risks and consequences
- What about responsibility for consequences of NW use / accidents?
- Delegitimization – makes actual nuclear disarmament process easier

# The Humanitarian Initiative and the Treaty on the Prohibition of Nuclear Weapons – Will it make a difference?

- Delegitimization – makes actual nuclear non-proliferation easier



# The Humanitarian Initiative and the Treaty on the Prohibition of Nuclear Weapons – Will it make a difference?

- States may not join the TPNW, but should engage in discussion on the underlying humanitarian / risk argumentation
- How does what we know today about the consequences of nuclear weapon detonations affect how we think about nuclear deterrence?
- How can the risk of maintaining nuclear weapons in nuclear deterrence postures be assessed and how stable and sustainable are security systems that rest on nuclear deterrence?
- How can we address the different legitimacy perspectives of a security system based on nuclear deterrence?

# The Humanitarian Initiative and the Treaty on the Prohibition of Nuclear Weapons – Will it make a difference?

- There is much talk of “bridge building” to protect the nuclear disarmament and nonproliferation regime and the NPT in particular from disintegrating.
- At the core of the divide in today’s debate about nuclear weapons are the profoundly different assessments within the international community about the security value of nuclear weapons.
- The HI and the TPNW are based on the conclusion that the humanitarian consequences of nuclear weapons use and the risks that are inherent in maintaining these weapons outweigh their alleged security gain and the security calculus of nuclear deterrence.
- If bridge-building is to be taken seriously, this discussion needs to be had

Thank You