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the challenges of the 21st century*

April 2014

Policy brief

A Mexican Stand-Off:

The P5 and the Humanitarian Impacts
of Nuclear Weapons Initiative

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Since its inception, there have been two houses in the Non-Proliferation Treaty: those recognised as Nuclear Weapon States (NWS), and those which formally agreed to forever remain Non-Nuclear Weapon States (NNWS). For more than a decade these houses have confronted each other with considerable antagonism. NNWS have been irritated by what they see as the patchy implementation and slow pace of disarmament. NWS, for their part, reject these criticisms and instead highlight the reductions in the number, type and role of nuclear weapons within their national doctrines since the end of the Cold War. The result is a grinding stalemate in the Non-Proliferation Treaty.

The impasse – and NNWS fears that its persistence may breed disenfranchisement and even apathy – had some hand in the emergence of the Humanitarian Impacts of Nuclear Weapons (HINW) initiative. The subject of the disastrous humanitarian and developmental consequences of a nuclear detonation appeared in the final document of the 2010 NPT Review Conference. At the time, several states, including core proponents Norway, Mexico, Austria and Switzerland, were enthusiastic for a new lens through which to view nuclear weapons issues, particularly one that NNWS could take the lead in applying. Norway's former Minister of Foreign Affairs hailed the Initiative for "framing the discourse on nuclear weapons in a manner that properly reflects the danger that these weapons represent".¹ Since 2010, the Initiative has enjoyed growing buy-in from NPT and non-NPT states, as well as civil society.

The NWS – or 'P5' as they commonly refer to themselves in the context of their own dialogue process ('the P5 process')² – have not been part of this trend. They purport to see less merit in the humanitarian impacts approach and chose to collectively abstain from the HINW conferences in Oslo in March 2013 and in Nayarit, Mexico in February 2014. The P5 have since become the subject of overwhelming criticism from NNWS officials and civil society representatives for their stance vis-a-vis the humanitarian discussion.

1 Former Minister of Foreign Affairs Espen Barth Eide, 'Opening Statement at Humanitarian Impact of Nuclear Weapons', Oslo, 4-5 February 2013, available at: <http://www.regjeringen.no/en/archive/Stoltenbergs-2nd-Government/Ministry-of-Foreign-Affairs/taler-og-artikler/2013/opening_humimpact.html?id=715948>

2 The 'P5 process', as it is now known, began in 2009 at the initiation of the United Kingdom. Since that time it has met regularly to discuss confidence-building measures towards greater transparency and disarmament. It has undertaken a portfolio of activities which includes developing a common glossary of nuclear terms and supporting the Comprehensive Test Ban Treaty Organization's 2014 Integrated Field Exercise in Jordan. For a comprehensive look at the P5 process, please see: Andrea Berger and Malcolm Chalmers, 'Great Expectations: The P5 Process and the NPT', *Whitehall Report* 3-13, Royal United Services Institute, September 2013.

This standoff is the most recent manifestation of the deep-seated tensions between NWS and NNWS in the NPT.³ Should antagonism persist, the result will be that HINW supporting states 'may feel empowered in the short-term, but the long-term issues [will] remain untouched'.⁴ The P5 may find that bolstering cooperation with NNWS on other nuclear issues may become similarly difficult. Engagement between the NWS and HINW supporters is therefore essential if this dynamic is to be avoided. Fortunately, options exist to bridge the two sides in time for the Austrian-hosted HINW conference later this year as well as the 2015 NPT Review Conference.

The Boycott

NPT-recognised NWS made the controversial choice not to partake in either the Oslo or Nayarit humanitarian impacts conferences, though India and Pakistan were at the table for both. Prior to the 2013 Oslo meeting, the host government Norway approached the P5 with a view to securing their participation. From amongst the recognised NWS, only the United Kingdom seemed initially open to the possibility. Not too long thereafter, however, London consulted with its P5 counterparts and reversed its earlier positive signals towards the Norwegian organisers.⁵ It joined in a statement announcing collective NWS abstention.⁶ Though no joint statement was produced by the NWS about the Nayarit conference, they ultimately arrived at the same decision.

The P5's formal and informal explanations about their abstention from Oslo and Nayarit, present four grounds for the decision: that the NWS are already aware of the humanitarian impacts of nuclear weapons; the P5 need to maintain solidarity; the HINW initiative directly contradicts an agreed step-by-step approach to disarmament; and the Initiative circumvents and undermines existing forums. Certain NWS prefer to emphasise some of these points over others. These four arguments also vary in validity, though all have important implications for attempts to reconcile the differences between the P5 and HINW initiative.

The first justification commonly offered by P5 officials for their non-attendance is that NWS are already acutely aware of the grave and terrible effects of a nuclear weapon explosion.

3 The author is grateful to Heather Williams for her insights into Humanitarian Impacts of Nuclear Weapons initiative and the discussions at the Oslo Conference.

4 Rebecca Cousins, 'Nuclear disarmament: the case for engagement, not division', *Open Democracy*, 24 February 2014, <<http://www.opendemocracy.net/opensecurity/rebecca-cousins/nuclear-disarmament-case-for-engagement-not-division>>

5 Document released under Freedom of Information Request 02060-13, email: "Demarche on the Humanitarian Impact of Nuclear Weapons Conference", 28 February 2013, <<http://bit.ly/1aZyLIF>>, accessed 14 August 2013.

6 Statement by the 'P5' Regarding the Oslo Conference on the Humanitarian Impacts of Nuclear Weapons, Reaching Critical Will, February 2013, <http://www.reachingcriticalwill.org/images/documents/Disarmament-fora/oslo-2013/P5_Oslo.pdf>

This assertion is broadly correct, and indeed highlights the fact that the humanitarian consequences of nuclear use should be a point of agreement between all NPT states, rather than a source of bitter disagreement.⁷ China, France, Russia, the UK and US signed the NPT in full recognition of the fact that another nuclear use would be undesirable. They also maintain nuclear deterrents, whose veracity rests on the ability to inflict unacceptable – and very considerable – damage on an opposing state. In order to inform their deterrence policies, NWS will have done research on the effects of a nuclear detonation.

If indeed NWS are the most well-informed states on this issue, then their participation should not be seen as unnecessary, but rather all the more essential for a robust facts-based discussion. For instance, NWS continue to acknowledge the risk of an accidental or an unauthorised nuclear detonation, as will be discussed in greater detail below. Should such a scenario transpire, an array of governmental and non-governmental organisations in NNWS or NWS would be involved in responding to the catastrophe. Improving their awareness of response environments and preparedness to act – uneven at present – would be a welcome development, and the P5 should recognise the educational merits of their involvement in such a conversation.

The P5's second, commonly heard justification for not attending the HINW conferences is their perceived need to maintain solidarity.⁸ Since 2009, the five recognised NWS have been meeting in the 'P5 process' to explore disarmament-relevant confidence-building, transparency, and verification measures. This forum quickly became the primary vehicle for NWS to collectively meet their commitments in the 2010 NPT Review Conference Action Plan. Its membership makes it immediately significant: China, traditionally comfortable on the nuclear side-lines, is on board with a regular disarmament-focused discussion – importantly, one that is surrounded by expectations of near-term demonstrable output. Yet, in the early days of the P5 process, officials in the UK and US feared that this novel format may mean that China, and perhaps even Russia and France may not be fully committed to the P5 process.⁹ Any step too far outside of their comfort zone, they argued, could prompt defection. As a result, the P5 agreed to proceed slowly by taking easy first steps¹⁰ in their own work and have sought to maintain unity in their external dealings.

However, it is clear that the P5's discussion of their unity is superficial. Members of the process regularly disagree about their own activities. Russia reportedly delayed

7 Rebecca Cousins, *op cit*.

8 Conversations with P5 officials as part of research undertaken for: Berger and Chalmers, "Great Expectations: The P5 Process and the NPT".

9 Berger and Chalmers, "Great Expectations: The P5 Process and the NPT", page 34

10 "UK-Hosted P5 Conference on Confidence Building Measures Towards Nuclear Disarmament, September 3-4, 2009 (Part One of Three)", Embassy London, References 09LONDON2198 & 09LONDON2199, 20 November 2009. <<http://wikileaks.org/cable/2009/11/09LONDON2622.html>>, accessed 8 May 2013.

agreement on a short-list of terms for a common nuclear glossary, for instance.¹¹ China's uncompromising stance on the category headings for the glossary terms allegedly had a similar effect. As in their internal matters, it appears that opinions diverged somewhat on the question of whether to partake in the Oslo and Nayarit conferences. Such differences are feared as potential sources of P5 process instability and have led the five to value P5 solidarity in decision-making about external NPT-relevant discussions. Admittedly, the emphasis on consensus may have been relaxed somewhat in the Nayarit case, as will be discussed below.

The third and most promulgated line about the P5's refusal to attend HINW conferences is that the initiative diverts attention from a practical and proven 'step-by-step' approach to disarmament. This relates closely to the fourth justification: that it undermines existing disarmament forums. Alistair Burt, the UK Undersecretary of State for Foreign and Commonwealth Affairs, told Parliament: "the energy behind the humanitarian campaign could have been more effectively channelled through existing processes".¹² Russia made a similar assertion, namely that the HINW discussion should "take place at the Conference on Disarmament with the participation of all states with nuclear potential on the basis of consensus".¹³

Both claims stem from confusion over the purpose and goals of the HINW initiative. Allegations that it contradicts a 'step-by-step' approach assume that the aim of the Oslo and Nayarit conferences was to delegitimise nuclear weapons and/or seek a nuclear weapons ban. The assertion by some NWS that the HINW discussion belongs in the Conference on Disarmament, which has an explicit mandate to negotiate treaties, also hints at the perception that the initiative will eventually push for banning the bomb.

Uncertainty about the aims of the HINW initiative is understandable. NWS have suggested that the organisers of the Norway and Mexico conferences advertised the purpose of the conferences inconsistently, varying their messages between NWS, groups of NNWS, and civil society. Moreover, like the P5, the stakeholders in the HINW initiative commonly disagree and the goal of the conference and initiative as a whole is one of the primary points of contention.

11 Berger and Chalmers, 'Great Expectations: The P5 Process and the NPT', page 23

12 House of Commons Debate, Daily Hansard – Westminster Hall, 20 Jun 2013, Column 335WH. <<http://www.publications.parliament.uk/pa/cm201314/cmhansrd/cm130620/halltext/130620h0002.htm>>

13 "Conference on Disarmament Discusses Nuclear Disarmament", United Nations Office at Geneva, 5 March 2013, accessed 6 September 2013. <[http://www.unog.ch/80256EDD006B9C2E/\(httpNewsByYear_en\)/CA654DA3242244FAC1257B250067B11F?OpenDocument](http://www.unog.ch/80256EDD006B9C2E/(httpNewsByYear_en)/CA654DA3242244FAC1257B250067B11F?OpenDocument)>

An Initiative Divided

From a neutral standpoint, HINW supporters appear to be roughly divided into three groups depending on what they hope the Initiative might achieve by its discussions, though there is overlap between these camps. Members of the first, including some states under the US nuclear umbrella, see the merits of a strictly facts-based discussion on the disastrous consequences of nuclear weapons use.¹⁴ From their point of view, having this conversation can educate officials and civil society, including those agencies and organisations that would be called upon to respond on the ground in the event of a humanitarian emergency caused by a nuclear weapon. But more importantly, it offers a new way to discuss nuclear weapons issues and brings agency to NNWS who feel increasingly disenfranchised in the NPT regime – a point broadly agreed upon by the HINW community.

The second group sees these merits, but goes further and hopes this type of discourse will assist in swiftly delegitimizing nuclear weapons and nuclear deterrence. Yet it is the third camp that is most ambitious, seeing a draft nuclear weapons ban in the HINW's future. Mexico is largely spoken of as one of the supporters of this aim. The Mexican chairperson's summary of the Nayarit conference hints at such a vision, though it was unclear whether his remarks represented a solely personal view. In it, he said:

The broad-based and comprehensive 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. It is the view of the Chair that the Nayarit Conference has shown that the time has come to initiate a diplomatic process conducive to this goal.¹⁵

Post-conference civil society discussions have highlighted a concern that his statement did not reflect the views of all states, and went too far. As a consequence of framing the Nayarit conference as a step towards a 'legally binding instrument' on nuclear weapons, he may have frightened those states that see the HINW discussions as a forum for facts-based analysis, and nothing more. In fact, countries such as 'Australia, Canada, Germany, the Netherlands, and Turkey' have already voiced their 'trepidation about any new initiatives to confront the challenges posed by nuclear weapons.'¹⁶

14 'After Oslo: Humanitarian Perspectives and the Changing Nuclear Weapons Discourse', John Borrie and Tim Caughley; in John Borrie and Tim Caughley eds, *Viewing Nuclear Weapons Through a Humanitarian Lens*, UNIDIR, 2013/4, p. 113, 116

15 'Second Conference on the Humanitarian Impact of Nuclear Weapons: Chair's Summary', *Reaching Critical Will*, Accessed 12 March 2014, <<http://www.reachingcriticalwill.org/images/documents/Disarmament-fora/nayarit-2014/chairs-summary.pdf>>

16 Ray Acheson and Beatrice Fihn, 'Report from the Nayarit Conference', *Reaching Critical Will*, February 2014, <<http://www.reachingcriticalwill.org/disarmament-fora/others/hinw/nayarit-2014/report>>

To avoid further destabilising the initiative's support base, the message emerging from many states that participated in Nayarit, including the future conference organiser Austria, seems to be: the initiative's trajectory is undefined. Nevertheless, the divide and deliberate ambiguity over the goals of the humanitarian impacts initiative will make any attempts to reach out to NWS and solicit their attendance in future HINW conferences difficult; public relations depends on clear messaging.

The Invite List

Unfortunately, aspirations do not appear to be the only issue dividing supporters of the humanitarian impacts initiative. They are also fractured over the question of whether or not P5 participation is even desirable. Some argue that the P5 would serve as a distraction, leading NNWS benefitting from extended deterrence guarantees to shy away from active input.¹⁷ However, assuming that the common denominator goal amongst the HINW supporters is a facts-based discussion on 'what happens on the ground' in the event of a nuclear detonation or accident¹⁸, then the merits of having the P5 participate are clear.

Firstly, as was suggested above, the P5 are the most well-informed on the topic. As a result, they are well placed to contribute to the discussion, even at an unclassified level. If one's interest is having the most comprehensive discussion possible on humanitarian impacts, involving the P5 is an obvious requirement.

Secondly, as India and Pakistan already take part in HINW conferences, P5 participation would offer another opportunity to promote conversation between NNWS, recognised NWS, and nuclear-armed states outside of the NPT. Finally, P5 involvement might bring an added layer of credibility to the initiative. After all, the discussion revolves around the weapons they possess. With this in mind, HINW supporters should aim to build agreement amongst themselves and encourage the P5 to take part, else dissenting voices in the crowd will present the P5 with the opportunity to claim they are unwelcome.

Options for Encouraging Attendance

If a bridge is to be constructed between the HINW initiative and the P5 in time for the Austria meeting and 2015 NPT Review Conference, modifications to the scope of the HINW discussions may be worthwhile. Until now, the initiative's conversations have focused solely on the consequences of a full-scale nuclear weapon explosion. Yet recent literature on the subject of nuclear weapons incidents suggests that the scenario with the greater likelihood

17 'The meaning of the Oslo Conference on the humanitarian impacts of nuclear weapons', Patricia Lewis and Heather Williams; in John Borrie and Tim Caughley eds, *Viewing Nuclear Weapons Through a Humanitarian Lens*, UNIDIR, 2013/4, p. 85

18 Ibid, p.81

of transpiring is one in which an accident involving a nuclear weapon occurs, but the core does not detonate. Instead, harmful fissile material may be spread across surrounding areas, requiring a swift and coordinated response.¹⁹

Preparedness and response to a nuclear explosion featured briefly on the formal agenda in Oslo. While it did not in Mexico²⁰, it was considered during some presentations and conclusions about the difficulty of responding to nuclear use were drawn in the Chair's summary.²¹ Should Austria be open to broadening the scope of discussion to include preparedness and response to incidents where there is no critical explosion, at least some of the P5 may have greater interest in the conversation. In 2002, Russia suggested that the NATO-Russia Council host exercises on responses to breaches in nuclear-weapons safety and security. It held Exercise Avaria in Murmansk two years later, simulating responses to a terrorist attack on a nuclear-weapons convoy and railway nuclear-weapons transport. Fifty NATO experts were invited to observe.²² The US, UK, and France hosted similar exercises thereafter.

Recognising the success of years of NATO-Russia Council collaboration in this area, at the first P5 conference in 2009, UK officials proposed creating a working group that would coordinate joint exercises in nuclear weapon accident response. The idea was immediately popular with Western NWS. Russia and China, however, were more reluctant.²³ Nevertheless, a majority of both NWS and NNWS are, in principle, interested in doing further work in this area. If any subject related to the conceptual remit of the HINW initiative is to stand a chance of enticing some of the P5 to participate – especially the US and UK, who considered attending in Nayarit – it is this one.

The organisers of the 2014 Austria conference could build on the short discussion on response had in the previous meetings, and could consider incorporating an agenda item on nuclear weapon accident response, including unauthorised use, accidental use, and incidents during transport. Austria has said one of its priorities as the next conference host is to make all participants feel comfortable with the HINW discussion. From a substantive perspective, nuclear incident response may be an appealing way to increase the comfort of uneasy states that rely on US nuclear guarantees, but also prospective P5 attendees. NWS

19 See for example, Eric Schlosser, *Command and Control*, (Allen Lane: London) 2013.

20 'Second Conference on the Humanitarian Impact of Nuclear Weapons: Draft Agenda', Document available through Reaching Critical Will, accessed 16 December 2013. <<http://www.reachingcriticalwill.org/images/documents/Disarmament-fora/nayarit-2014/draftagenda.pdf>>

21 'Second Conference on the Humanitarian Impact of Nuclear Weapons: Chair's Summary', *op cit.*

22 'Nuclear weapons accident response exercise held in Murmansk region', NATO, 25 August 2004, <<http://www.nato.int/docu/update/2004/08-august/e0803a.htm>>

23 "UK-Hosted P5 Conference on Confidence Building Measures Towards Nuclear Disarmament, September 3-4, 2009 (Part One of Three)", *op cit.*

would be able to refer to their positive efforts in the NATO-Russia Council and elsewhere, and counter the emerging narrative that there are few robust nuclear incident response plans in place. It would be difficult for NNWS to chide NWS about lack of awareness or planning regarding this issue, when their previous exercises demonstrate that the issue is one of national consideration.

For the HINW states, structuring the agenda to include a larger response discussion may also create an opportunity for NNWS to suggest that NWS host further exercises, particularly where NNWS not belonging to NATO would be permitted to observe. This would add a welcome practical element to the HINW initiative that would complement the annual conferences, and could lead HINW states to begin thinking of a long-term strategy and work plan.

In addition, focusing conversation on nuclear weapons accident response would undercut previous P5 arguments about the HINW's attempted circumvention of a step-by-step approach to disarmament generally, and the Conference on Disarmament specifically. Conversations about nuclear weapons accident response do not directly serve disarmament aims.

To increase the likelihood of P5 attendance, the organisers of the Austria conference should consult with Norway and Mexico about their outreach efforts to the NWS, with a view to identifying lessons learnt. One of these might be the importance of consulting the NWS individually, so as to encourage independent decision-making by those countries on the question of attendance. Members of civil society should also seek to address NWS governments in this way. When it comes to 'P5 solidarity', confronting the P5 as one may be a self-fulfilling prophecy.

Reflecting on past messaging will also be essential. Discussions with P5 officials highlight a concern that messages conveyed by the conference organisers to NWS, NNWS, and civil society have been inconsistent. Whether real or perceived, this impression seems to have fuelled discomfort amongst even the most collaborative P5 nations. It will thus be crucial to make every effort to bring consistency to outreach efforts during preparations for the Austria conference.

Time to Reconsider P5 Unity

A priority for the HINW is therefore to contemplate how to improve communication, build consensus, identify common goals, and find palatable means of encouraging P5 participation in its work. The task for the P5 however is the opposite: re-consider the value of maintaining artificial consensus as it relates to an initiative embedded in the 2010 Action Plan, particularly if states supporting the HINW do make some of the modifications outlined above.

Suggestions that the P5 process would crumble or that its effectiveness would be jeopardised by the participation in the HINW conferences of some NWS, but not others, seem baseless. The P5 have now been meeting for nearly five years. Though fears of Chinese or French defection may have had legitimacy early on, it is much more difficult for any one country to walk away after half a decade of interaction and cooperation. All have spoken publicly about the importance of the P5 process to the NPT and have consented to its nomination as the vehicle for meeting 2010 Review Conference Action Plan goals. If any state were to obstruct or defect from the P5 process as a result of disagreement over an external initiative such as the HINW, which is not linked to the P5 process' own activities, the public relations costs would be enormous and enduring. Moreover, should the Austrian conference organisers incorporate accident response as a major feature on the agenda, then participation by some of the NWS would be especially low risk for the 'P5 process' and its activities.

Fortunately, as suggested above, the P5's previous insistence on unified non-attendance at HINW conferences is now wavering. Decisions by the NWS regarding attendance at the Nayarit conference were taken in a less coordinated fashion than they were for Oslo. Countries such as Russia, France, and China made it clear early on that they were not open to going to Mexico. They lobbied for the undecided NWS – the UK and US – to maintain P5 solidarity on the issue. Yet it was clear that there was a much greater degree of openness in Washington and London to taking a decision on attendance that did not rest solely on those of other NWS. Indeed, the US and UK did not step off of the fence until much later. London even maintained ambiguity until the day before the conference commenced.

Avoiding a Standoff

Feuds between NWS and groups of NNWS are familiar in the NPT context. The emergence of a dispute between the NWS and the HINW states, however, is particularly untimely. Mounting antagonism in the lead-up to the 2015 NPT Review Conference damages prospects for cooperation and agreement on unrelated topics at that meeting.

Fortunately, this concerning path can still be avoided with a conscious effort by all parties to ease the tension. States subscribing to the HINW initiative can work to formulate a clearer and more unified message on the goals of the humanitarian impacts discussion and the desirability of P5 participation. In particular, the Vienna conference organisers can create further incentives by formulating an agenda that includes the issue of nuclear weapons accident response – a topic which at least a portion of the NWS should feel comfortable discussing. The P5, for their part, should reconsider the utility and necessity of maintaining unity towards initiatives unrelated to the 'P5 process'. With these changes, the two initiatives may yet be able to reduce mutual antagonism and avoid a damaging standoff.

About the Author

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