The central issue for the Committee is, in my view, the risk of nuclear violence, how it is understood, what can or should be done to mitigate it in the short, medium and long-term. It is this concern that underpinned the ‘humanitarian initiative on nuclear weapons’ (HINW) and the Treaty on the Prohibition of Nuclear Weapons (TPNW) that it generated. I will focus my submission on the risk of nuclear violence, the sustainability of nuclear deterrence, and the delegitimisation of nuclear weapons through the HINW.

**Nuclear deterrence and nuclear violence**

Thermonuclear weapons are capable of the most extreme levels of violence. Nine states currently possess nuclear weapons. Many more are capable of developing them but have chosen not to. Nuclear weapons are generally justified as a necessary response to actual or potential military threats from predatory states through the theory and practice of nuclear deterrence. Nuclear deterrence is generally understood as a war prevention strategy, whereby decisions by an adversary to attack a state’s supreme national interests up to and including the very survival of the state are deterred through the threat of a devasting retaliatory nuclear strike.

The efficacy of nuclear deterrence requires, according its own logic, the capacity to actually inflict nuclear violence upon an aggressor and for the threat to be understood as credible and meaningful. This has been interpreted by most nuclear-armed states most of the time as requiring a standing capability to fire and detonate nuclear weapons within a notice period that can range from minutes to months. This, in turn, requires operationally deployed or deployable nuclear weapons and delivery vehicles, a nuclear command and control infrastructure, and nuclear targeting and intelligence systems. The intent and the capability to actually use nuclear weapons is integral to the efficacy of a nuclear deterrent threat, it is baked into the cake as it were.

The practice of nuclear deterrence is fallible. In the UK, policy-makers tend to refer to the Trident nuclear weapon system as ‘the deterrent’ and ‘the ultimate guarantee’ of security as if it deters because it exists. This is wrong. The successful practice of nuclear deterrence is contingent, not automatic or guaranteed. Nuclear deterrence is relational rather than intrinsic to the material weapons themselves. Critics of nuclear deterrence who argue it can never work are wrong. Equally, advocates of nuclear deterrence who argue it will always work are wrong. A nuclear deterrent threat can work, but there is no guarantee it will work as intended when required.

Archival study, oral histories, and studies of organisational behaviour and individual and group psychology have demonstrated that things can and do go wrong with nuclear weapons and the systems into which they are embedded, and that confrontations involving nuclear-armed states have been subject to dangerous and mutual misperceptions. This contingency means there is an irreducible element of risk and luck in the emergence and outcome of nuclearised confrontations. It is wrong to expect the threat of nuclear violence to
always induce a preconceived and mutually understood level of caution and rationality into adversarial nuclear relations in the midst of a crisis. Foreknowledge of the effects of nuclear violence can induce caution, and one might expect it to consistently do so across different actors and contexts, but there is nothing that predetermines it will. The constancy of this risk is exemplified by concerns about US President Donald Trump’s exclusive power to authorise the use of nuclear weapons in the US arsenal.

More nuanced advocates of nuclear deterrence understand that some degree of uncertainty (e.g. Thomas Schelling’s “the threat that leaves something to chance”) is necessary in order for the deterrent threat to have some possibility of inducing caution through fear of events running out of control and leading to violent conflict and potentially nuclear use. In that way, a situation of ‘mutually assured destruction’ rationally necessitates threatening, planning and conceivably enacting an irrational act of mutual nuclear suicide to maximise the credibility of an otherwise incredible threat.

Moreover, the contingency of nuclear deterrence in practice is getting more complicated. Nuclear relations have become multipolar and involve a range of asymmetries in terms of type of actor and forms of state, nuclear and other military capabilities, interests at stake, and cultures of bureaucracy, decision-making and strategy. The interaction of extant nuclear delivery systems, hypersonic weapon systems, advanced missile defences, disruptive cyber capabilities, automation, and enhanced detection capabilities can also be expected to complicate nuclear strategy and signalling and, potentially, to increase incentives to use nuclear weapons first and early in an escalating nuclearised confrontation. The idea of a ‘nuclear taboo’ as a moral inhibition against nuclear use compounding a rational self-interest in precluding nuclear violence against one’s military and society can be powerful impediments to nuclear war, but they too are contingent.

Consequently, the argument that a system of national and international security that rests on the threat of extreme violence will never collapse into the use of nuclear weapons must be questioned both in terms of its practical sustainability and its moral acceptability. As Sir Michael Quinlan argued in 2009 that “It cannot be right to acquiesce uncritically, for the rest of human history, in a system that maintains peace between potential adversaries partly by the threat of colossal disaster”. Therefore, and given our collective and growing understanding of the devastating and to all intents and purposes unmanageable humanitarian and environmental effects of a nuclear conflict, the practice of nuclear deterrence remains a high-risk strategy. Risk is understood here as the probability of an

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event (which might be low) multiplied by its consequences (which might be extremely high).

Nevertheless, it is often asserted that thermonuclear weapons combined with intercontinental ballistic missiles precipitated a 'nuclear revolution in strategic affairs' and are the primary cause of the post-1945 'long peace'. The historical correlation between the existence of nuclear weapons, the practice of nuclear deterrence, and the absence of general or total war between the major powers at the heart of the inter-state system cannot be disputed. A direct causal relationship is, however, contested.

The difficulty of proving a negative (i.e. that ‘World War III’ did not occur because of nuclear weapons) means this contestation cannot be conclusively resolved. However, other significant developments have arguably contributed to the absence of major power war: the levels of violence experienced in WWI and WWII; the process of decolonisation and the termination of the European and Asian empires after WWII up to and including the dissolution of the Soviet empire in 1991; the exponential increase in economic interdependence and international organisation since the 1970s; the spread of democracy and human rights; and the ‘de-glorification’ of war. The added deterrence value of nuclear weapons for war prevention must be questioned given these developments, the obvious economic and social costs of serious conventional war, and the incredibility of the threat of nuclear use.3

Moreover, it is wrong to consider the 42-year ‘nuclear peace’ between the US and Soviet Union as unusual (measuring the Cold War from the 1947 Berlin Crisis to the fall of the Berlin Wall in 1989). Detailed analysis of inter-state war involving two or more major powers since 1816 by Siverson and Ward shows that “Historical periods of major power peace are frequently as long as forty-two years” and that “overall major power war is a rare event”.4 In addition, if the probability of nuclear war is greater than zero in a given year, then over years and decades the probability of nuclear war increases. For illustrative purposes, if the annual probability of nuclear war is 1%, the corresponding probability of nuclear war over a decade is 9.5% and over a century 63%.5

- What, therefore, is the Committee’s response to the question of the sustainability of nuclear deterrence as the basis of national and international security? If the Committee judges nuclear deterrence as a security strategy to be sustainable, on what basis does it do so? If the Committee judges nuclear deterrence as a security strategy to be unsustainable, what does it recommend the HMG do or consider in response in terms of necessary progress towards nuclear disarmament?

The humanitarian initiative and the ‘ban treaty’

The HINW and TPNW are symptomatic of widespread concern about the continued existence of nuclear weapons and frustration at the pace of nuclear disarmament based on commitments made in the NPT in 1968, the NPT Review and Extension Conference in 1995, and the ‘13 steps’ and ‘Action Plan’ agreed at the 2000 and 2010 NPT Review Conferences respectively. Many countries are concerned that the nuclear-armed states will never deliver on their commitments to disarm and that they view their possession of nuclear weapons as permanent, with the irreducible risk of nuclear conflict this entails. This has been compounded by the erosion of the institution of East-West nuclear arms control that helped organise and codify the end of the Cold War.

The basic principle of the HINW is that nuclear weapons are inhumane weapons of indiscriminate and extraordinary violence and should be banned under international humanitarian law, just as chemical and biological weapons have been banned. This is supported by studies that show that the use of nuclear weapons even in relatively low numbers would have radical climatic effects that would likely put well over a billion people at risk of starvation and threaten the collapse of global food supplies.\(^6\)

The climatic effects of a nuclear war are rarely discussed in mainstream debates on nuclear weapons, deterrence and strategy. This reflects a narrow conception of ‘security’ that reduces it to inter-state military conflict. In fact, the climatic effects of nuclear use would have such a deleterious effect on security more broadly understood (a broader understanding that is now commonly reflected in UK national security strategies) that it undermines the idea that the use of nuclear weapons can ever be understood in terms of ‘security’. Moreover, the use of nuclear weapons by other states in a conflict to which the UK was not party would likely have deleterious effects on the UK via climatic consequences. The collective vulnerability of an overwhelming majority of states and peoples to the very damaging climatic consequences of a nuclear conflict in which they would have no part and no say has become increasingly unacceptable.

A key purpose of the HINW and TPNW has been to change the global political, legal, and normative context of nuclear weapons. This reflects the primary ways in which non-nuclear weapon states can exercise power in the global politics of nuclear disarmament, which are: 1) collectively through international institutions, especially the UN General Assembly where the majority carries weight and the institution carries global authority; and 2) discursively in terms of the power to change narratives about nuclear weapons.\(^7\) The aim has been to challenge the acceptability of nuclear violence and create a ‘crisis of legitimacy’ for nuclear weapons and nuclear deterrence. The expectation is that this process of delegitimisation will, over time, help foster an environment in which nuclear

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weapons can be eliminated as unacceptable instruments of statecraft. Supporters of the TPNW do not claim the new treaty will magically cause nuclear disarmament. They recognise that it must be complemented by many more steps and agreements, including some of those outlined in the ‘Action Plan’ agreed at the NPT in 2010.

TPNW supporters do, however, argue that the global legal-normative context of nuclear weapons matters and that changing this context in support of nuclear disarmament is an essential process for enabling disarmament to happen. The treaty’s supporters point out that a universal prohibition has often preceded the elimination of unacceptable weapons, such as chemical weapons. Whether such change is possible remains to be seen but it will undoubtedly require sustained resistance to the power structures in global politics that perpetuate nuclear weapons and nuclear deterrence.

This was cemented in the Austrian government’s pledge in 2014 to “stigmatise, prohibit and eliminate nuclear weapons in light of their unacceptable humanitarian consequences and associated risks” that was subsequently adopted as a UN General Assembly resolution. This unacceptability is rooted in a collective moral rejection of particular categories of violence, especially massive, inhumane and indiscriminate forms of violence. This has been progressively codified in legal rules and normative principles governing the conduct of war, in particular international humanitarian law applicable in armed conflict, but also international human rights law and international environmental law. From this perspective, the threat to peace and security is not nuclear proliferation (which is a term that confines danger to the acquisition of nuclear weapons by additional states), the threat is the existence of the weapons themselves irrespective of who has them. Nuclear weapons are understood as a collective international liability rather than an individual national asset from this perspective. This has placed the UK in an invidious position as state that self-identifies as an upholder of the international rule of law and a liberal world order on the one hand, and a state that insists on the right to base its security on the threat of massive nuclear violence on the other.

The broader context of the HINW and TPNW should also be considered. The transnational network of states, intergovernmental organisations, and civil society organisations that propelled the humanitarian initiative articulated a different view of national and global security. Their narrative sought to challenge a state-centric, militarised and patriarchal security paradigm that generates and legitimises the doctrine of nuclear deterrence. Instead, it privileged collective ideas of security rooted in justice, anti-colonialism, development, human rights, and environmental stewardship. It has connected nuclear power structures, inequalities, and violence with a wider set of global structural hierarchies, inequalities, and violent practices and should be understood in this wider context. It is no coincidence that the humanitarian initiative and TPNW have been championed by states of the ‘global South’ in Africa, Asia and South America. The views of many of these states on global nuclear politics and disarmament is informed by a post-colonial worldview in which ideas of ‘nuclear justice’ are central. This has been articulated by the Non-Aligned Movement.

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since the 1960s but largely ignored in Western nuclear discourse, including in the UK.

The UK has rejected the legitimacy of the process that led to the TPNW and the legitimacy of the TPNW itself. It has insisted that it will never join the treaty and that the treaty’s prohibition of nuclear weapons does not and cannot be interpreted as customary international law binding upon the UK as a non-signatory. The UK argues that the treaty does not contribute to nuclear disarmament, that it undermines the NPT, and that only an inclusive process led by the nuclear-armed states can lead to disarmament. The UK cannot accept the TPNW’s delegitimation of nuclear deterrence whilst insisting on the legitimacy of nuclear deterrence as a pillar of its security.

Nevertheless, the Committee should consider whether and how HMG could or should engage with the TPNW and the issues raised by the HINW. In particular, the Committee could encourage HMG to conduct and release in declassified form:

- Its own study and methodology of the risks of nuclear use.
- Its own study and methodology of the climatic effects of nuclear use for the UK, regionally, and globally.
- A study on modalities of de-alerting the UK nuclear arsenal at some future point.
- A study of strategies of reassurance in nuclearised inter-state confrontations involving the UK and those not involving the UK to minimise fear, misperception, and inadvertent escalation in a crisis.¹⁰

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