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Heather Williams

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THE RUSI JOURNAL

WHY A NUCLEAR WEAPONS BAN IS UNETHICAL (FOR NOW)

NATO AND THE HUMANITARIAN IMPACTS OF NUCLEAR WEAPONS INITIATIVE

HEATHER WILLIAMS

The Humanitarian Impacts of Nuclear Weapons Initiative and ongoing tension between NATO and Russia have put the morality of nuclear weapons back under the spotlight. The new strategic environment suggests an opportunity to revisit principles of nuclear ethics, including the connection with security and the responsibility to pursue arms control and disarmament. Heather Williams argues that for NATO, that means balancing the need for nuclear assurances with a commitment to disarmament and engaging with the Humanitarian Impacts Initiative, perhaps by having a NATO nuclear possessor host the next conference. For the Humanitarian Impacts Initiative, meanwhile, it means abandoning pursuit of a nuclear-weapons ban and re-focusing on survivor testimonies as part of nuclear education and consequence-management scenarios. A nuclear-weapons ban at this time, though well intentioned, would ignore states' security concerns and has the potential to undermine other disarmament efforts.

Ethics and nuclear weapons do not seem to be comfortable bedfellows: the mass destruction they have the power to inflict is often seen to make the use of nuclear weapons morally unconscionable. However, the morality of nuclear weapons is back on the map once again due to recent trends in two sets of issues. The first relates to evolving military dynamics: nuclear threats have been reconsidered in light of Russia's increased reliance on nuclear weapons, both as a symbol of its great-power status and a tool for counter-balancing NATO's conventional superiority. The second set relates to developments on the ethical acceptability of nuclear weapons, and in particular the efforts of the Humanitarian Impacts of Nuclear Weapons Initiative. Launched in 2012 and with three conferences to date, the initiative brings together states and civil-society groups to explore the consequences and risks of nuclear weapons and their use. Some of the initiative's participants are pressuring nuclear-weapon states to disarm and are calling for a legally binding ban on nuclear weapons, similar to that on land mines and cluster munitions. Arguments in support of nuclear deterrence have been largely absent from the work of the initiative thus far.

The debate on the ethics of nuclear weapons has been somewhat barren since the end of the Cold War. However, revisiting the lessons of that period is necessary to consider the moral underpinnings of nuclear-deterrence policies. To put it another way, the new strategic environment – the rise of Russia and the related growth of instability – means that nuclear ethics need to be discussed and perhaps rethought. Nuclear ethicists from the Cold War era reconciled strategies of deterrence with moral pressures and identified guiding principles.[1] These principles can be applied to current NATO policy in the face of nuclear aggression; they are also useful for the future development of the Humanitarian Impacts Initiative. Based on the lessons identified by past experts – such as former permanent secretary of the Ministry of Defence, Michael Quinlan[2] – an ethical nuclear policy for NATO is to maintain a credible deterrent while taking practical steps towards disarmament.

For the Humanitarian Impacts Initiative, these principles mean that a ban, though well intentioned, is unethical at this time because it ignores the security concerns underpinning nuclear possession. Such a ban would not have the support of nuclear possessor states or states with nuclear security guarantees, but rather is expected to build public support for disarmament and to pressure governments, similar to the 'slippery-

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RAF Greenham Common air base was the site of continuous women's peace protests from 1981 until 1991, when the final American Cruise missiles were removed, December 1982. *Courtesy of PA/PA Images.*

slope' model of land mines and cluster munitions. However, there is not yet sufficient evidence that this model has had a significant impact and – to state the obvious – nuclear weapons are in a different category to land mines and cluster munitions. A ban, such as is being proposed at this time, would further divide disarmament efforts between those who support it and those who remain committed to the step-by-step approach to disarmament, as promoted within the Nuclear Non-Proliferation Treaty (NPT). Moreover, a ban is not the true objective for many states involved in the initiative; rather, they are merely expressing frustration with lack of progress in other disarmament forums. The Humanitarian Impacts Initiative can contribute to disarmament strategies in numerous ways and need not be synonymous with a nuclear-weapons ban. Instead of pursuing a ban, the initiative can contribute by bridging the gap between nuclear possessors and non-possessors as NATO pursues arms-control and disarmament measures.

In order to demonstrate how NATO can live with nuclear weapons in an ethical manner and why a nuclear-weapons ban is unethical, this article first examines the current challenges facing both NATO and the Humanitarian Impacts Initiative. It then briefly explores the evolution of nuclear ethics and discusses four principles identified by Quinlan and others: security and ethics are intertwined; nuclear weapons must remain instruments of last resort but the consequences of non-use must be considered in conjunction with the consequences of use; nuclear deterrence must be credible; and deterrence policies must be accompanied by arms-control and disarmament efforts. It concludes by offering recommendations for NATO nuclear policy in the new strategic environment, and for the Humanitarian Impacts Initiative as it faces an uncertain future.

Returning to Nuclear Ethics

Debates on nuclear ethics largely died down following the end of the Cold War. However, consideration of nuclear ethics is again important because of Russian nuclear signalling – which has included threats of nuclear deployments to Crimea[3] – and the Humanitarian Impacts of Nuclear Weapons Initiative. Before turning to nuclear ethics, it is useful to examine the evolution of these two trends.

First, Russian nuclear signalling has called into question the credibility of NATO's deterrence and reassurance policies. Events in the past two years have demonstrated that the world is still a dangerous place and the post-Cold War stability experienced by many may be neither universal nor permanent – indeed, it may have been an illusion altogether. The use of force remains a tool for geopolitical ambitions and the resurgence of an aggressive Russia with claims on its 'sphere of influence' can no longer be ignored.[4] Nuclear weapons remain both a symbol of great-power status and a coercive tool for some possessor states.

There are a number of examples of nuclear 'sabre-rattling', which is one component of Russia's strategy.[5] For decades there has been ambiguity about whether nuclear-capable Iskander missiles are deployed in Kaliningrad; in December 2013, news organisations

reported that the missiles had been deployed to the Russian exclave.[6] A Russian military exercise in March 2015 included Iskanders in Kaliningrad and nuclear-capable bombers in Crimea.[7] Although some countries, such as the UK and the US, are working to reduce the salience of nuclear weapons in their national-security strategies,[8] Russia is headed in the opposite direction and is relying more on its nuclear arsenal.

Russia claims it will not return to arms control until it is a multilateral process

Russia's waning interest in arms control also raises concerns about strategic stability. A July 2014 US State Department report found Russia to be in violation of the 1987 Intermediate-Range Nuclear Forces Treaty, suggesting it has renewed its military interest in weapons in the range of 500–5,500km.[9] From Russia's perspective, it was the US that undermined arms control by withdrawing from the Anti-Ballistic Missile Treaty in 2002. Moreover, Washington's conventional superiority, particularly as part of NATO, forces Russia to rely on its nuclear arsenal as a strategic stabiliser. Moscow rebuffed President Barack Obama's 2013 suggestion for a reciprocal one-third reduction in each country's strategic arsenals in addition to the levels agreed in the New Strategic Arms Reduction Treaty signed in 2010. It further claims that it will not return to arms control until it becomes a multilateral process and the issue of missile defence is resolved.

Turning to the second trend, the Humanitarian Impacts of Nuclear Weapons Initiative has evolved from a forum for facts-based discussion, when it was launched in 2012, to a controversial 'pledge' in support of a nuclear-weapons ban.[10] One underappreciated impetus for the initiative is frustration with the lack of progress and imbalance in current disarmament forums. The NPT is admittedly imbalanced with five states (China, France, Russia, the US and the UK) allowed to maintain nuclear weapons while others are not. Since the NPT was extended indefinitely in 1995, this has been a source of frustration due to lack of progress towards 'general and complete disarmament' by the five nuclear possessors. Stagnation in the Conference on Disarmament (CD) further fuels these sentiments. The CD has been in a deadlock for nearly two decades over failure to set a programme or work for the negotiation of a Fissile Material Cut-Off Treaty, with a single state (Pakistan) blocking progress. From the perspective of non-nuclear states and many civil-society groups, therefore, further disarmament measures are being held hostage by a small number of nuclear possessors that are putting their regions and the world at risk.

In an attempt to move beyond these deadlocks, states and civil-society groups sought a new forum to explore the consequences of the detonation of a nuclear weapon and response options, and to be treated as equal partners in nuclear discussions. The facts-based approach dominated proceedings at the first conference held in Oslo, Norway, in March 2013. The second conference in Nayarit, Mexico, in February 2014, expanded the initiative's portfolio to include nuclear risks. It concluded with a Chair's Summary calling for a 'legally binding instrument' with a timeframe for disarmament.[11] Civil-society groups applauded the call but it was met with scepticism by many participating states, including NATO members. Most recently, Austria hosted a third conference in December 2014 attended by over 150 countries, including the UK and the US. The Vienna Conference concluded with a pledge to 'pursue effective measures to fill the legal gap for the prohibition and elimination of nuclear weapons', which has since been endorsed by 126 states, none of which are nuclear possessors or under a 'nuclear umbrella'.[12]

Not all states involved in the Humanitarian Impacts Initiative support a nuclear-weapons ban. In contrast to those advocating a ban, Pakistan stated: 'we believe that this humanitarian process should also strive for the elimination of the underlying security reasons for the possession of nuclear weapons in order to achieve its goals'.[13] Germany similarly noted at the Vienna Conference that 'nuclear disarmament takes place in a strategic context. Considering the current size of nuclear arsenals, it is fair to say that this strategic context should not serve as a pretext for not engaging in disarmament negotiations … But neither can we expect substantial progress if the context is ignored'.[14] States in possession of nuclear weapons or with extended nuclear security guarantees are not prepared to dissociate nuclear weapons from their strategic context and do not support the ban.

To date, NATO discussions have been largely focused on security, whereas disarmament advocates in the Humanitarian Impacts Initiative have claimed a monopoly on moral approaches to disarmament and excluded discussion of nuclear deterrence. As a result, the two communities are talking past each other and jeopardising progress towards disarmament.

Quinlan's Lessons

Nuclear ethicists from the Cold War identified principles that can be applied to today's dilemmas about how to live with nuclear weapons in as ethical a way as possible. Ethical debates on nuclear deterrence are not new, but typically erupt during times of tension, such as in the 1960s in the aftermath of the Cuban Missile Crisis.[15] These debates re-emerged in the 1980s following the Operation *Able Archer* crisis, the breakdown of arms-control talks in 1983 and the ongoing superpower arms race that gave rise to the Nuclear Freeze Movement in the US and the Greenham Common protests in the UK. With the end of the Cold War, disarmament advocates contended that nuclear weapons were a dangerous and costly obsolescence. In the post-Cold War era, they argued, security concerns included nation-building, genocide and terrorism, rather than nuclear competition among superpowers.[16] Recent events suggest great-power competition never went away and nuclear weapons remain a pressing security concern.

As one example of the moral debate, the Catholic Church continues to engage with the nuclear question and until recently had not ruled out nuclear

deterrence as an ethically justifiable policy. In 1982 it issued a statement indicating that: 'In current conditions "deterrence" based on balance, certainly not as an end in itself but as a step on the way toward a progressive disarmament, may still be judged morally acceptable'.[17] With the end of the Cold War and renewed attention on the humanitarian consequences of nuclear weapons in the past decade, however, the Church appears poised to take a harsher stance on nuclear weapons. In a message delivered at the December 2014 Humanitarian Impacts Initiative conference in Vienna, Pope Francis stated: 'I am convinced that the desire for peace and fraternity planted deep in the human heart will bear fruit in concrete ways to ensure that nuclear weapons are banned once and for all, to the benefit of our common home'.[18] Especially for faith-based groups, there are no easy answers when it comes to questions of nuclear ethics.

In cases of existential threats, nuclear deterrence is not necessarily illegal

From a legal perspective, a 1996 Advisory Opinion by the International Court of Justice took on this issue but ended up reinforcing the ambiguity surrounding the ethics of nuclear deterrence. The court ruled unanimously that there was no customary, international or humanitarian legal precedent for authorised use of nuclear weapons – a victory for disarmament advocates. However, the opinion came with an open-ended caveat protecting nuclear deterrence:[19]

> [The] Court cannot lose sight of the fundamental right of every State to survival, and thus its right to resort to self-defence, in accordance with Article 51 of the [UN] Charter, when its survival is at stake. Nor can it ignore the practice referred to as a 'policy of deterrence', to which an appreciable section of the international community adhered for many years.

There was significant division in the court on whether the use of nuclear weapons in all circumstances was illegal. In its reply to this part of the question put to the court by the UN General Assembly, the court determined, by the casting vote of the president, that it was unable to rule on whether the use of nuclear weapons was legal or illegal in extreme circumstances. Ultimately, in cases of existential threats and depending on context, nuclear deterrence is not necessarily considered illegal given that states have the right to defend their survival with any and all available means.

Quinlan's arguments are presented here with the intention of revisiting the ethical case for deterrence, which has been largely missing in the discussion about humanitarian impacts. The world has undoubtedly moved on since Quinlan and the Cold War, but Russia has increased its reliance on nuclear weapons in its strategic doctrine and it is modernising its nuclear arsenal. It is therefore essential to return to the ethical debates that were in circulation when the Iron Curtain was firmly drawn.

From the work of Quinlan and others, four principles of nuclear ethics can be distilled. First, security and ethics are intertwined. This principle highlights that nuclear policy does not occur in a vacuum. On the one hand, ignoring security concerns in order to prioritise ethics ignores states' responsibility in international affairs and their ability to influence events. Ukraine's country statement at the Vienna Conference of the Humanitarian Impacts of Nuclear Weapons highlights the problem that such a position generates. Its statement included a list of Russian nuclear threats and argued for placing nuclear weapons in the appropriate security context: 'we regret that our community pays more attention to consequences but forgets about the reasons which bring nuclear threats so close to our lives'.[20] On the other hand, a counter-argument to this stance can be found among civil-society groups in the Humanitarian Impacts Initiative that advocate focusing solely on a specific interpretation of ethics, whereby, 'we might start looking at the suffering nuclear weapons cause as suffering per se, rather than suffering that is necessary or unnecessary for this or that purpose'.[21] The first principle suggests that, in the absence of key qualifications, both perspectives are flawed. As Michael Howard puts it, to use hard power with no consideration for ethical consequences is 'the course of the gangster'.[22] Quinlan and others express a similar view: an ethical approach must account for both consequences and security concerns.

Second, nuclear weapons must remain, both in practice and policy, as weapons of last resort in the face of existential threats. Nuclear weapons, Quinlan argued, should not merely be viewed as indiscriminate offensive weapons, but also as weapons to prevent the destruction of the state and all its values: 'our grappling with the issues of security has to remember Auschwitz as well as Hiroshima'.[23] When considering the consequences of the use of nuclear weapons, he contested, 'The comparison that has to be made is not between before and after – it is between the future "if we do" and the future "if we don't"'.[24] Circumstances warranting nuclear-weapons use are so extreme they may seem inconceivable at times but it is possible that another state may resort to nuclear bullying as long as nuclear weapons exist.

Nuclear weapons are a business for ethical pragmatism

Third, from Quinlan's perspective, deterrence policy relies on the credible threat of use. Therefore, possession needs to be accompanied by an expressed willingness to use nuclear weapons, although in extreme circumstances. This contrasts with views that were advanced during the Cold War-era debates: J Bryan Hehir argued from the moral theory of intentionality that 'to intend to do evil is to be morally implicated in the evil even if the intention is never implemented'.[25] Consequentialist approaches to ethics are often questioned on the grounds that the 'ends do not justify the means'; however, failing to consider consequences when it comes to nuclear weapons is to show

equal disregard for both their massive humanitarian impacts and strategic influence among possessor states. Nuclear weapons are a business for ethical pragmatism. Deterrence can be explained on humanitarian grounds for avoiding large-scale conventional and nuclear war between the world's great powers, those typically responsible for such conflicts and for preventing escalation that might threaten the 'survival of the state'. This argument can be summarised in four succinct points made by Bruno Tertrais: no major-power conflict has taken place in nearly seventy years; there has never been a direct military conflict between two nuclear states;[26] no nuclear-armed country has ever been invaded; and no country covered by a nuclear guarantee[27] has ever been the target of a major-state attack.[28]

It cannot be assumed that all states will act rationally with nuclear weapons

A counterpoint to this position questions why some states have access to nuclear weapons while others do not. In other words, if nuclear weapons are so effective at preventing war, then every country, including Iran and North Korea, should be entitled to have them. Similarly, for those that do not currently possess them, emphasising the deterrence role of nuclear weapons makes them more valuable and risks proliferation. The debate between Scott Sagan and Kenneth Waltz as to whether 'more may be better' cannot be adequately covered by this article.[29] Nonetheless, this counterpoint falls flat for three reasons. First, as Tertrais notes, nuclear weapons prevented *major-power* conflict and not every state faces such a threat. Second, states party to the NPT are legally obligated not to pursue nuclear weapons. Third, the complexities of the 'second nuclear age' have demonstrated that it cannot be assumed all states will act rationally with nuclear weapons.[30]

Lastly, Quinlan emphasised that arms control and disarmament must be part of these ethical approaches to nuclear weapons. He suggested one 'moral imperative' was to search for arms-control options since relying solely on deterrence is 'plainly unacceptable'.[31] These principles drove nuclear policy during the Cold War and are again relevant for NATO's nuclear doctrine with the re-emergence of a Russian threat.

Adhering to the North Atlantic and Nuclear Non-Proliferation Treaties

Turning to the first principle of intertwined security and ethics, the new security environment requires NATO to revisit its nuclear deterrence and reassurance postures. The upcoming July 2016 NATO summit in Warsaw presents a good opportunity for such discussions. Russian aggression comes at a time of mixed messages and motives within NATO; new members are anxious for more security assurances – either through a greater physical presence of NATO forces or through declaratory policy – while others may support the withdrawal of NATO tactical nuclear weapons from Europe in order to avoid provoking Russia.[32] One of the tenets of international legal ethics is *pacta sunt servanda* – agreements must be kept. Under Article V of the North Atlantic Treaty, member states commit to contribute to one another's security and, in extreme cases, to treat an attack on one as an attack on all. The principle of the endurance of treaties implies that 'states' moral and legal commitments are not capable of being overridden by prudential interests alone'.[33] Or put another way, standing up for an ally in its time of need is a sign of good character, even if it is inconvenient. NATO is already taking steps to deliver tailored assurance to allies, including US troop deployments, joint exercises and the creation of the Very High Readiness Joint Task Force. These conventional and diplomatic gestures are an important symbol of the enduring commitment to Article V.

According to the second principle, nuclear weapons must remain a weapon of last resort for NATO and it can take steps to avoid escalation, such as developing a NATO-Russia memorandum of understanding to improve transparency and manage crises, as recently suggested by the European Leadership Network.[34] In addition, NATO nuclear-weapon possessor states can do more to improve the safety and security of their arsenals to reduce risks of accident.[35] For these reasons, the risks entailed in the additional deployment of US nuclear weapons mean that this is not necessarily the best way to reassure allies and stand up to Russian bullying. There are alternative, conventional means of strengthening NATO's credibility both among allies and adversaries that can avoid escalation. Moreover, reassurance is not always military; it can also include diplomacy, consensus-building and policy statements.

Nuclear weapons must remain a weapon of last resort

NATO's nuclear deterrent must nonetheless be credible. Steps towards achieving this third principle include explicit measures such as declaratory policy and reinforcing the commitment to Article V, as well as demonstrations of political will, such as defence spending among member states. This should not be done at the expense of conventional commitments, but rather as part of a cross-domain deterrence strategy. A credible NATO nuclear deterrent requires its members with nuclear weapons to maintain their own credible deterrents. Of the two nuclear contributors to the NATO Nuclear Planning Group, the US is likely to continue to modernise its nuclear triad, but the UK is in the midst of a difficult debate about the credibility and status of its own deterrent with the Trident Main Gate decision due to be made this year. Within NATO, over the course of the 2000s the US reduced the number of Atlantic patrols from thirty-four in 1999 to ten in 2012,[36] and reduced the number of nuclear-armed submarines in the Atlantic down to five, highlighting 'the UK nuclear force's ongoing role in providing strategic nuclear guarantees to other NATO states'.[37] For the UK, contributing to a credible nuclear deterrent within

NATO would entail the renewal of the *Vanguard*-class submarine responsible for the delivery of nuclear-armed Trident missiles and a policy of continuous-at-sea deterrence. While the UK and other allies can make conventional demonstrations to reassure allies, a more difficult question is whether the UK and other member states would fight a nuclear war for any of the other twenty-seven members of NATO.

On the final principle of disarmament and arms control, the Alliance, in addition to its Article V obligations, also has a responsibility to the broader international community and to uphold the commitment to disarmament as embodied in Article VI of the NPT.[38] These concerns cannot and should not be ignored. A commitment to disarmament is not unprecedented for NATO; it is standing policy. The NATO 2010 Strategic Concept lists a 'world without nuclear weapons' as a strategic priority, 'based on the principle of undiminished security for all'.[39] The 2012 Deterrence and Defence Posture Review states that 'NATO will continue to seek security at the lowest possible level of forces' including nuclear forces.[40] It also stated that nuclear drawdowns would depend on 'reciprocal Russian actions to allow for significant reductions in forward-based non-strategic nuclear weapons assigned to NATO'.[41]

NATO does not need to wait for Russia to make progress toward disarmament

However, NATO does not need to wait for Russia in order to make progress towards disarmament. One example is the International Partnership for Nuclear Disarmament Verification that brings together states to explore the technical challenges of nuclear disarmament. Thus far twenty-five states have participated.[42] Talks on Ukraine may present a unique opportunity to discuss reciprocal tactical nuclear withdrawals with Russia. As previously discussed, Russia does not appear to have an interest in reducing its reliance on nuclear weapons at this time, either doctrinally or in deployments. In the event that such NATO overtures are rebuked, the offer remains on the table and the Alliance should leave the door open for Moscow.

The challenge for NATO, of course, is how to balance these priorities. Deploying more nuclear weapons to Europe may reassure allies, but would risk escalating tensions between the Alliance and Russia. Investment in nuclear weapons for safety and security reasons may help to avoid their accidental use, but is likely to be perceived by the Kremlin as modernisation and by civil-society groups as undermining disarmament efforts. Unilaterally withdrawing nuclear weapons would contribute to disarmament, but cause concern among allies. Merging ethics and security is neither obvious nor easy. The Humanitarian Impacts Initiative offers a forum for discussing these debates and is an opportunity for NATO to demonstrate a commitment to disarmament while strengthening deterrence.

Abandoning the Ban

Engaging with the Humanitarian Impacts Initiative is difficult at present because it appears to be at a turning point with some of its members solely focused on a nuclear-weapons ban. The ban is not a practical contribution to disarmament at this time as it will not gain traction with nuclear possessors. Nonetheless, it is still useful to explore plans for a ban and how it undermines the principles of nuclear ethics.

Proponents of a nuclear-weapons ban are following the 'slippery-slope' model

Proponents of a nuclear-weapons ban are following the slippery-slope model used to ban cluster munitions and anti-personnel mines. The approach calls for reframing how the weapon is thought of in order to promote an 'ideational shift' about its acceptability.[43] Proponents of this approach anticipate many of the counter-arguments; however, they do not fully address at least two of them. First, unlike land mines and cluster munitions, nuclear weapons have not been used in warfare for seventy years. Therefore the damage they have caused is relatively low in comparison to other means of warfare that have dominated the twentieth and twenty-first centuries. This is not to suggest that the suffering of victims of nuclear weapons is somehow less than that of cluster-munitions victims; rather, land mines and cluster munitions have been used far more often than nuclear weapons. The cluster-munitions ban was possible only in the aftermath of their repeated use, particularly in southern Lebanon, which demonstrated the immediacy of the threat and consequences.[44] The ban included submunitions, which were used in a 'comparatively limited number' of contexts, a principle activists suggest could be applied to a nuclear weapons ban as they were also used in limited number.[45] According to *The Economist*, 4 million cluster bombs were fired on Lebanon in 2006,[46] whereas there are only two instances of nuclear-weapons use. The slippery-slope model does not apply on these grounds. Second, there are numerous other tactics and tools to achieve area denial – the objective of land mines and cluster munitions. No such substitute exists to achieve the strategic objectives of nuclear weapons: primarily deterring the use of other nuclear weapons.

One component of the slippery-slope approach, which is also another path towards disarmament, is building normative pressure on states to disarm. According to this argument, disarmament will require 'a process of devaluing, or "*un-valuing*", nuclear weapons since states are unlikely to surrender voluntarily what are considered highly prized national assets'. According to this argument, nuclear possessors are waiting for 'a Kantian universal and perpetual peace' to disarm. This argument is stronger in highlighting the symbolic value of nuclear weapons, but is also incomplete. Based on the first principle of nuclear ethics (security and ethics are intertwined), devaluing and a norm will have to occur in conjunction with security developments. That does not mean that states must wait for

'universal and perpetual peace' but rather progress towards resolving the specific security concerns underpinning nuclear possession and help to foster the emergence of an alternative to nuclear weapons for addressing these concerns.[47] States possess nuclear weapons for various reasons – prestige is one, but so is security. Additionally, any disarmament norm would compete with strong existing nuclear norms of non-use and deterrence.[48]

For many supporters of the ban, the true objective is to pressure nuclear possessor states to make more progress within the NPT and the CD. However, the ban is an unnecessarily radical bludgeoning tool towards these ends. Quinlan stated his view on this:[49]

> To demand negotiation for which the political conditions simply do not yet exist is mere posturing. But there is genuine work to be done on identifying the conditions that would have to exist and the mechanisms that would need to be put in place, and on getting as much international understanding of all this as possible.

Pushing for a ban ignores the security concerns of many states, placing them in a second-class status. In one notable example of this, the International Campaign to Abolish Nuclear Weapons developed a lobby sheet for Ukraine which makes no mention of the country's security situation or Russian aggression.[50] If states and civil-society actors are serious about disarmament, they will want to better understand the security concerns preventing some states from agreeing to a ban at this time and will want to continue to educate participants about the consequences of nuclear weapons.

The ban need not be the future of the Humanitarian Impacts Initiative nor does it represent the view of all participants. A middle path for the initiative would continue to provide a forum for further research about nuclear weapons and discussion about disarmament, highlighting the need to give voice to those states frustrated by the lack of progress to date. Their frustrations with the NPT and CD should not be ignored; nuclear possessor states can do more to address these, such as including non-nuclear weapon states in the P5 Plus discussions in the NPT and building consensus for the step-by-step approach towards disarmament. To truly demonstrate a commitment to long-term disarmament and the humanitarian approach, a nuclear possessor state or state underneath a nuclear umbrella could volunteer to host the next conference, which, as yet, has not been announced. Beyond NATO, Japan could also potentially host the next conference as the only state to have experienced first hand the consequences of nuclear-weapons use while also being a state under the US nuclear umbrella.

The initiative should be a forum for building transparency and communication

Ongoing benefits of the initiative include nuclear education, putting a human face to nuclear-weapons policy-making and the potential use of nuclear weapons, and exploring practical measures that could contribute to disarmament and ethical nuclear policies. Personal testimonies are one of the greatest strengths of the initiative in merging ethical and security concerns, particularly for the benefit of the next generation of nuclear experts. For example, Michelle Thomas, a victim of US nuclear testing, spoke emotionally of the horrific conditions she experienced growing up downwind from the Nevada Test Site and subsequent medical conditions among her family members. There are numerous other areas for further research that the initiative has highlighted which deserve further attention, rather than being sidelined by a focus on a legal mechanism. These include: scenarios of nuclear-weapons use and what to do if deterrence fails;[51] consequence management based on these scenarios; and scientific research on nuclear effects, including social and psychological impacts on survivors and military personnel.[52] Nuclear possessor states and NATO as a whole can demonstrate nuclear responsibility and a genuine desire for awareness by leading these efforts.

The Humanitarian Impacts Initiative would be particularly useful to NATO at this time: it offers a tool for pressuring Russia to return to arms control and refrain from nuclear sabre-rattling. Participation in discussions on the humanitarian impacts of nuclear weapons serves as a reminder that NATO, including its nuclear possessors, is not the biggest barrier to disarmament; rather it is those states which refuse to engage altogether and are increasing their reliance on nuclear weapons. These should be the focus of pressure and disdain.

Many within the Humanitarian Impacts Initiative, particularly civil-society groups, are unlikely to support this shift away from a ban and back to a practical, facts-based approach. The continued pressure for a ban comes with risks. It will further divide nuclear possessors and non-nuclear weapon states, as well as undermine the credibility of the NPT and other multilateral non-proliferation and disarmament efforts. It will divide members of the Humanitarian Impacts Initiative, slowing its momentum and negating much of the initiative's authority that comes from its broad membership. Moreover, it comes with opportunity costs and draws attention away from other endeavours, such as pressuring Russia to return to arms-control talks or, outside the nuclear realm, directing humanitarian attention to pressing concerns such as Syria's refugee crisis. Participants should abandon the idea of a nuclear-weapons ban and instead focus on using the initiative as a forum for equal discussion on the consequences of nuclear-weapons use and for rebuilding transparency and communication between nuclear possessor and non-possessor states and civil society.

Conclusion

To summarise, both NATO and the Humanitarian Impacts Initiative can take steps to practise nuclear ethics. NATO can strengthen the credibility of its deterrence as a means to reassure allies, avoid escalation, lay the groundwork for further arms control, demonstrate

restraint in the face of Russian aggression and engage with the Humanitarian Impacts Initiative. Perhaps one of the most radical ideas in this article is for a nuclear possessor state to host the next conference, which would be an important step towards demonstrating a commitment to disarmament and redirecting the initiative's narrative. Participants of the Humanitarian Impacts Initiative can incorporate security issues into their discussions and provide a forum for consideration of nuclear ethics. The path to disarmament is slower than many would like, but if it is to be effective it must be rooted in pragmatism and cognisant of the genuine security concerns of states. For this reason, a nuclear-weapons ban at this time suggests 'political posturing' among some of its supporters, to quote Quinlan.

The late David Fisher observed, 'This lack of progress (towards disarmament) may reflect, however, not just moral obduracy on the part of policymakers but also the grim reality that the advent of nuclear weapons has left no easy moral choices'.[53] These are heavy issues indeed. Supporters of a nuclear-weapons ban are not themselves immoral or ill-intentioned; rather they are exasperated by the slow pace of disarmament among nuclear possessors and are exploring alternative methods for progress. This frustration must be acknowledged and redirected to a more pragmatic and ethical approach. First principles as articulated by Quinlan and others – such as preventing loss of life, standing up to aggressors and demonstrating fortitude in protecting a society's values – offer a useful starting point for considering ethical questions in the appropriate strategic context. Nuclear deterrence obviously does not contradict these first principles; indeed, it seems rooted in them.

To ignore security realities is to be ethically irresponsible. For many states, the utility of nuclear weapons has not gone away. Just as the experiences of the victims of nuclear weapons cannot be ignored, neither can the concerns of states relying on nuclear weapons to protect their populations in the event of an existential threat. One should not be subordinate to the other: both must be heard. The wisdom of the past offers a pathway for the future. For NATO, that means strengthening nuclear deterrence and assurance in the face of Russian aggression. For the Humanitarian Impacts Initiative, that means abandoning the specious notion that a nuclear-weapons ban is a practical step towards disarmament. Rather, it is an unethical waste of time. ■

Heather Williams is a MacArthur Postdoctoral Fellow in the Centre for Science and Security Studies in the Department of War Studies, King's College London. Previously, she was a Research Fellow on Nuclear Weapons Policy at Chatham House, where her research focused on the Humanitarian Impacts of Nuclear Weapons Initiative. She attended the three conferences of the initiative, co-presented at the Nayarit Conference and co-authored two Chatham House reports on the topic. Her current research focuses on trust-building in international relations, arms control, and nuclear deterrence and strategic stability.

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Notes

1 See, for example, Joseph S Nye, Jr, *Nuclear Ethics* (New York, NY: Free Press, 1986).

2 Michael Quinlan was a civil servant in the Ministry of Defence from 1954 until 1992, who wrote extensively on just war doctrine. Analysis of nuclear deterrence was a major contribution of his prestigious career, particularly because he struggled to reconcile it with his devout Catholicism. For more on this, see Tanya Ogilvie-White, *On Nuclear Deterrence: The Correspondence of Sir Michael Quinlan* (London: International Institute for Strategic Studies, 2011).

3 This threat has been attributed to Foreign Minister Sergey Lavrov, among others, and is discussed in greater detail in Mikhail Troitskiy, 'Nuclear Escalation and the "Russian World"', in 'Forum: NATO and Russia', *Survival* (Vol. 57, No. 2, 2015), p. 137.

4 Lawrence Freedman, 'Ukraine and the Art of Crisis Management', *Survival* (Vol. 56, No. 3, May 2014), p. 8.

5 Thomas Frear, Lukasz Kulesa and Ian Kearns, 'Dangerous Brinkmanship: Close Military Encounters Between Russia and the West in 2014', Policy Brief, European Leadership Network, November 2014.

6 See, for example, Steve Gutterman, 'Russia Has Stationed Iskander Missiles in Western Region: Reports', *Reuters*, 16 December 2013.

7 Vladimir Isachenkov, 'Russia is Putting State-of-the-Art Missiles in its Westernmost Baltic Exclave', *Business Insider*, 18 March 2015. More recent reports, however, suggest their status remains unknown. See, for example, Dave Majumdar, '5 Russian Nuclear "Weapons" of War the West Should Fear', *National Interest*, 31 January 2015.

8 Department of Defense, 'Nuclear Posture Review Report', April 2010.

9 Department of State, Bureau of Arms Control, Verification and Compliance, 'Adherence to and Compliance with Arms Control, Nonproliferation, and Disarmament Agreements and Commitments', July 2014.

10 The specifics of a nuclear-weapons ban remain unclear, but the Humanitarian Pledge calls on 'all states parties to the NPT [Nuclear Non-Proliferation Treaty] ... to identify and pursue effective measures to fill the legal gap for the prohibition and elimination of nuclear weapons and [pledge] to cooperate with all stakeholders to achieve this goal ... [and calls on] all nuclear weapons possessor states to take concrete interim measures to reduce the risk of nuclear weapon detonations, including reducing the operational status of nuclear

weapons and moving nuclear weapons away from deployment into storage, diminishing the role of nuclear weapons in military doctrines and rapid reductions of all types of nuclear weapons'. See International Campaign to Abolish Nuclear Weapons (ICAN), 'Humanitarian Pledge', 29 February 2016, <http://www.icanw.org/pledge/>, accessed 2 March 2016.

11 Ministry of Foreign Affairs of Mexico, 'Chair's Summary', statement at the Second Conference on the Humanitarian Impacts of Nuclear Weapons, Nayarit, Mexico, 14 February 2014.

12 See ICAN, 'Humanitarian Pledge'.

13 Pakistani government, country statement at the Third Conference on the Humanitarian Impacts of Nuclear Weapons, Vienna, Austria, 9 December 2014.

14 German government, country statement at the Third Conference on the Humanitarian Impacts of Nuclear Weapons, Vienna, Austria, 9 December 2014.

15 Nye, *Nuclear Ethics*.

16 George Perkovich, 'The Diminishing Utility and Justice of Nuclear Deterrence', in Bruno Tertrais (coordinator), *Thinking About Strategy: A Tribute to Sir Michael Quinlan* (Paris: L'Harmattan, 2011).

17 Pope John Paul II, 'Message to the UN General Assembly', UN Second Special Session on Disarmament, 7 June 1982; see also Gerard Powers, 'From Nuclear Deterrence to Disarmament: Evolving Catholic Perspectives', *Arms Control Today*, May 2015.

18 Government of the Holy See, country statement at the Third Conference on the Humanitarian Impacts of Nuclear Weapons, Vienna, Austria, 9 December 2014.

19 International Court of Justice, 'Legality of the Threat or Use of Nuclear Weapons', Reports of Judgments, Advisory Opinions and Orders, Advisory Opinion, July 1996.

20 Ukrainian government, country statement at the Third Conference on the Humanitarian Impacts of Nuclear Weapons, Vienna, Austria, 9 December 2014. The transcript of Ukraine's statement is not available from the websites of the Austrian government and Reaching Critical Will, which published all other country statements. It can be heard, however, at Austrian Foreign Ministry, 'HINW14 – Discussion/General Debate (Part 1)', YouTube, 11 December 2014, <https://www.youtube.com/watch?v=JgzBOgxXHM8>, accessed 2 March 2016. The quotation is at 1:20.

21 Ray Acheson, 'Law and Morality at the Vienna Conference on the Humanitarian Impact of Nuclear Weapons', presentation given at the Helen Caldicott Foundation Symposium on the Dynamics of Possible Nuclear Extinction, New York, 1 March 2015.

22 Michael Howard, *The Causes of War and Other Essays*, 2nd edition (Cambridge, MA: Harvard University Press, 1984), p. 62.

23 In Ogilvie-White, *On Nuclear Deterrence*, p. 165.

24 Michael Quinlan, 'The Morality of Nuclear Deterrence', Farm Street Talk, 14 February 2008, <http://website.lineone.net/~ccadd/quinlan.htm>, accessed 2 March 2016.

25 J Bryan Hehir, 'Ethics and Strategy: The View of Selected Strategists', in Todd Whitmore (ed.), *Ethics in the Nuclear Age: Strategy, Religious Studies, and the Churches* (Dallas, TX: Southern Methodist University Press, 1988), p. 16.

26 The confrontation between India and Pakistan in 1999 over Kargil is not considered to be a 'direct military conflict' but rather an example of escalation and the 'stability-instability' paradox.

27 Russia's invasion of Ukraine was not in violation of any 'security guarantee'. Rather, the Budapest Memorandum provided assurances to Ukraine. It was far more informal than any commitments made within NATO or by the US to its allies in Northeast Asia. See Robert Einhorn, 'Ukraine, Security Assurances, and Nonproliferation', *Washington Quarterly* (Vol. 38, No. 1, Spring 2015), pp. 47–72.

28 Bruno Tertrais, *In Defense of Deterrence: The Relevance, Morality and Cost-Effectiveness of Nuclear Weapons*, Proliferation Paper 39 (Paris and Brussels: Ifri, 2011).

29 Scott D Sagan and Kenneth N Waltz, *The Spread of Nuclear Weapons: An Enduring Debate* (New York, NY: W W Norton and Company, 2012).

30 Paul Bracken, *The Second Nuclear Age: Strategy, Danger, and the New Power Politics* (New York, NY: St Martin's Griffin, 2014). Rethinking the rationality of nuclear decision-making may have broader impacts on deterrence policies, including NATO's policy *vis-à-vis* Russia. This is an ongoing area of debate but worthy of further consideration in the context of nuclear ethics, in particular.

31 Quinlan, 'The Morality of Nuclear Deterrence'.

32 States eager for security assurances include the Baltic States and Poland; whereas those considering withdrawal of tactical nuclear weapons from Europe include Belgium, the Netherlands and Germany, among others.

33 Thomas E Doyle, II, 'The Moral Implications of the Subversion of the Nonproliferation Treaty Regime', *Ethics and Global Politics* (Vol. 2, No. 2, 2009), p. 134.

34 Ian Kearns and Denitsa Raynova, 'Managing Dangerous Incidents: The Need for a NATO-Russia Memorandum of Understanding', European Leadership Network, 7 March 2016.

35 Quinlan, 'The Morality of Nuclear Deterrence'.

36 Hans Kristensen, 'Declining Deterrent Patrols Indicate Too Many SSBNs', Federation of American Scientists, 20 April 2013. The 'special relationship' is not the only reason for this reduction, but it is also due to cuts as a result of START, geopolitical changes and nuclear costs.

37 John Simpson, 'The US-UK Special Relationship: The Nuclear Dimension', in Alan P Dobson and Steve Marsh (eds), *Anglo-American Relations: Contemporary Perspectives* (Abingdon: Routledge, 2013), p. 241.

38 Article VI of the NPT states that 'Each of the Parties to the Treaty undertakes to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a Treaty on general and complete disarmament under strict and effective international control'. See Treaty on the Non-Proliferation of Nuclear Weapons, Article VI.

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41 *Ibid*.

42 Nuclear Threat Initiative, 'International Partnership for Nuclear Disarmament Verification', <http://www.nti.org/about/projects/international-partnership-nuclear-disarmament-verification/>, accessed 15 January 2016.

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44 *Ibid.*, p. 631.

45 *Ibid*., p. 633.

46 *The Economist*, 'Still a Danger: Lebanon's Land Mines', 31 July 2014.

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48 Lawrence Freedman, 'Disarmament and Other Nuclear Norms', *Washington Quarterly* (Vol. 36, No. 2, Spring 2013), p. 96.

49 Quinlan, 'The Morality of Nuclear Deterrence'.

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51 Ward Wilson, 'How Nuclear Realists Falsely Frame the Nuclear Weapons Debate', *Bulletin of Atomic Scientists*, 7 May 2015.

52 Michael J Frankel, James Scouras and George W Ullrich, 'The Uncertain Consequences of Nuclear Weapons Use', Johns Hopkins Applied Physics Lab, 2015, p. vii.

53 David Fisher, 'Does Morality Matter in Security Policy?', *Survival* (Vol. 55, No. 3, June/July 2013), p. 138.

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