

Disarmament

Critical Disarmament Issues

Delegitimizing Nuclear Weapons

*Panel discussion held by the NGO Committee on Disarmament,
Peace and Security on December 6, 2010*



United Nations

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Delegitimizing Nuclear Weapons

Do nuclear weapons have any military utility?

Would any use of nuclear weapons be illegal and immoral?

Does the mutual possession of nuclear weapons deter conflict?

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Note

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WARD WILSON, author, with Ken Berry, Patricia Lewis, Benoit Pelopidas and Nikolai Sokov, of *Delegitimizing Nuclear Weapons: Examining the Validity of Nuclear Deterrence* (Center for Nonproliferation Studies of the Monterrey Institute of International Studies, 2010)

JOHN BURROUGHS, Executive Director, Lawyers Committee on Nuclear Policy, author of *The Legality of Threat or Use of Nuclear Weapons: A Guide to the Historic Opinion of the International Court of Justice* (Transaction 1998)

RANDY RYDELL: My thanks to the NGO Committee on Disarmament, Peace and Security for organizing this panel discussion on a very important topic, *Delegitimizing Nuclear Weapons*. There is an old line from the Bible, *Quo Vadis* – where is it going? Fortunately we have two very talented people who can help us address that question.

The subject of nuclear disarmament is changing continuously, as it always has. Yet much of it remains the same. For 65 years there has been a dialectic between a comprehensive approach to nuclear disarmament, ideas about a nuclear weapons convention and general and complete disarmament, versus what is called partial measures, arms control, limiting the risk of nuclear weapons, the creation of limited measures like nuclear-weapon-free zones. The historical result has been somewhat of a hybrid of these two approaches, the comprehensive approach and the partial measures.

And certainly there is evidence of this in the May 2010 NPT Review Conference, which had some pretty innovative features in the Final Report, including the references in it to International Humanitarian Law, and the need to discuss nuclear weapons in the context of International Humanitarian Law. And there were also some references in it noting the UN Secretary General's five point disarmament proposal which included the proposal for a nuclear weapons convention. Once again, we are back to this combination of partial measures, along with comprehensive approaches.

Many commentators have noted the momentum for nuclear disarmament, and we see it in many arenas, especially in the international grass roots efforts organized by enterprises like Global Zero and ICAN, the International Coalition to Abolish Nuclear weapons.

We have seen a couple of major international commissions in the last five years: the Blix Commission, the International Commission on Weapons of Mass Destruction, and the International Commission for Nuclear Non-Proliferation and Disarmament, which issued its report just last December. It was a commission organized jointly by Australia and Japan.

Jakob Kellenberger, the President of the International Committee for the Red Cross, made a very important speech in April strongly arguing about the need to frame nuclear weapons issues in the context of International Humanitarian Law. He also strongly supported the need for a Nuclear Weapons Convention.

In addition to the annual UN General Assembly resolutions on nuclear disarmament issues, which unfortunately still remain deeply divided on nuclear weapon issues, we also have the Secretary General's proposal from October 2009 that I have already mentioned. I am very pleased that this proposal has been endorsed by the Inter Parliamentary Union, by a Conference of the Speakers of the World's Parliaments, by Mayors for Peace and most recently by the summit of the world's Nobel Peace Laureates. Their Hiroshima Declaration, issued on the 14th of November this year, said that any use of nuclear weapons would be a crime against humanity. They said we must all work together to achieve a common good that is practical, moral, legal and necessary, namely the abolition of nuclear weapons.

I emphasize those words today because of the talents of our two speakers who will talk today about these particular dimensions of the problem, practical, moral, legal and necessary.

We also have the Prague speech of President Obama in 2009 which began with the premise that the United States would seek "the peace and security of a world without nuclear weapons." You notice that he did not say peace and security so that we might have a world without nuclear weapons, but that a world without nuclear weapons could bring a world of peace and security. It was a very interesting theme for that speech.

Despite these indications of progress, there is a darker side of the equation which is one of the reasons we are all here today. We all recognize that there is a long road ahead. There are still reportedly over 23,000 nuclear weapons in existence. This is 40 years after the NPT entered into force which committed its States Parties to pursue negotiations in good faith on nuclear disarmament.

We still have the persistence of the doctrine of nuclear deterrence, which the UN Secretary General described with one word, contagious. He said the doctrine is contagious because nuclear weapons have now spread to nine countries, along with the doctrine of deterrence.

We now have large scale efforts under way in the field of modernization of nuclear weapons in several countries that possess these weapons. We have ample evidence of long term planning, the time lines and goals for the maintenance and perpetuation of these weapons, but we do not have long term plans and time lines for the disarmament of these weapons. We don't see much of a disarmament infrastructure. We don't see agencies, we don't see disarmament legislation, laws, budgets to achieve this. And similarly the institutional infrastructure is missing at the international level as well. There is no verification agency for the Biological Weapons Convention, there is no NPT implementing agency for the NPT. These are all institutional deficits.

There are now an estimated nine countries that possess nuclear weapons and continuing concerns about further proliferation to a small number of countries. There are now over 30 states, “umbrella” states, who have prefaced their security on nuclear weapons through alliance relationships. And lastly there are fears of the rise of nuclear terrorism. This of course will be complicated by the extent that the nuclear renaissance continues and ends up in the production of more quantities of fissile materials, plutonium and highly enriched uranium.

The entire nuclear weapons enterprise rests on a bedrock foundation of strata. The first strata is what could be called “interests”, consisting of material and political interests and institutional constituencies representing them who have an interest in the perpetuation of these weapons. President Eisenhower referred to this as the military industrial complex. It can be observed in many countries. There are entities, people, groups, corporations, government agencies, laboratories that have a stake in the perpetuation of these weapons.

The second strata is “ideas”, the power of ideas in shaping the thinking about nuclear weapons. These include the doctrine of deterrence, myths like the Genie being out of the bottle, the alleged value of nuclear weapons in preventing further proliferation and preventing the use of other types of Weapons of Mass Destruction, as well as conventional war, the perceived prestige value of such weapons, and the declared value of such weapons in alliances.

The prescription for the future elimination of nuclear weapons implies the need to eliminate its superstructure, which means that all of these institutions and ideas that support it. That means you have to address the weaknesses at the foundation of this superstructure. What do you do? How do you address these interests and ideas? Fortunately we have two speakers who will do that, Ward Wilson and John Burroughs.

Ward Wilson is a prolific writer. He is currently benefitting from a large grant from the Foreign Ministry of Norway to continue his research in the field of disarmament and his writing and his speaking. He is also working in affiliation with the James Martin Center for Nonproliferation Studies in Monterrey, California. He is a co-author of the highly influential and thought provoking study *Delegitimizing Nuclear Weapons: Examining the Validity of Nuclear Deterrence*. This was published before the NPT Review Conference and helped shape the debate on the International Humanitarian Law issue as it was covered at the Review Conference.

Ward is also the author of a very influential article in the journal **International Security** challenging misconceptions about the ending of World War II. He has examined very closely some of the history surrounding the ending of the war in the Pacific and wrote an article *A Winning Weapon? Rethinking Nuclear Weapons in the Light of Hiroshima*. He will have more to say about that, challenging the prevailing popular myth that it was simply the bombing of Hiroshima and Nagasaki that was responsible for ending the war, proving that nuclear weapons are winning weapons. He is one of the leading persons in the world that challenges this assumption.

He has also written another long article in the Monterrey Nonproliferation Review which is called *The Myth of Nuclear Deterrence* which is an incisive commentary and critique of the

notion. In addition, he contributed to *Elements of a Disarmament Treaty* a book published by the Stimson Center.

John Burroughs I have known for many years. I have relied on his advice very extensively on nuclear weapon issues. He has a JD, a Juris Doctor degree, and a Ph.D. as well. And is a human rights specialist in international nuclear law. He is the Executive Director of the Lawyers Committee on Nuclear Policy and the Director of the UN office of the International Association of Lawyers Against Nuclear Arms, IALANA.

He is the author or editor of several books, including *Nuclear Disorder or Cooperative Security*, available on line at www.wmdreport.org, and *Rule of Power or the Rule of Law? An Assessment of U.S. Policies and Actions Regarding Security-Related Treaties*. He has extensive knowledge and background in dealing with the International Court of Justice, including its 1996 Advisory Opinion on the Threat or Use of Nuclear Weapons. And he has a brand new article that is coming out in the Fordham International Law Journal which I am pleased to have finished this morning called *Nuclear Weapons and Compliance with International Humanitarian Law and the Nuclear Non-Proliferation Treaty*. This is in the winter 2011 issue of the Fordham International Law Journal, co-authored with Charles Moxley and Jonathan Granoff. A prepublication draft is online at www.lcnp.org/FordhamIHL.4.pdf.

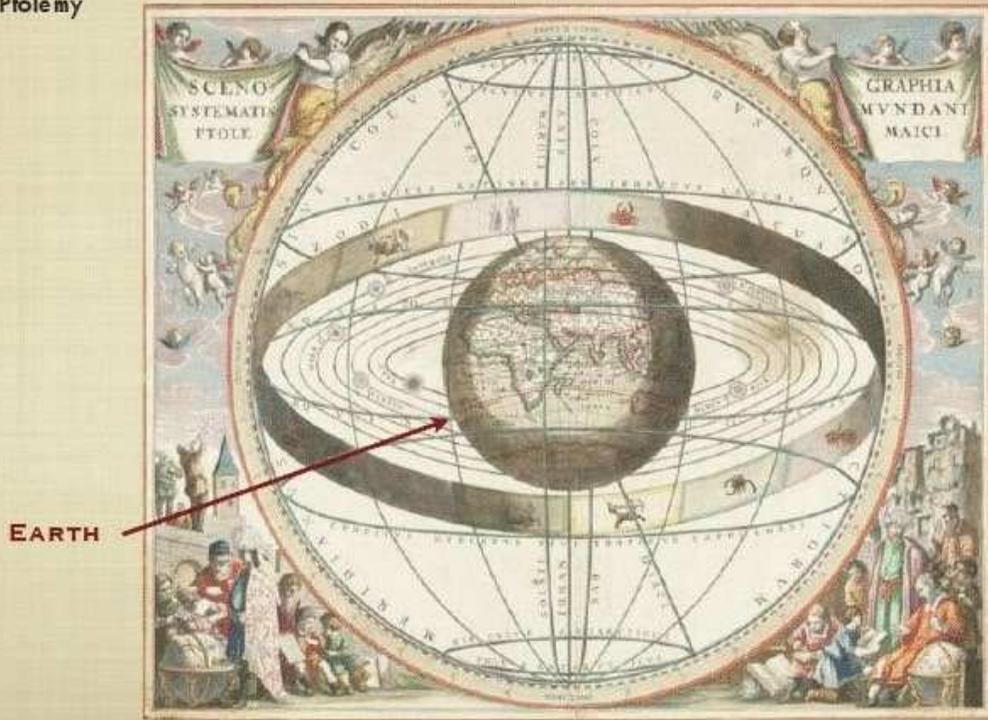
I would like us to begin our discussion on how to achieve this twin goal of eroding the interest and belief in the utility of nuclear weapons and challenging the basic legality and morality of these weapons, and we have two speakers who will address those issues. It inevitably involves leadership by the nuclear weapons states and other states in the international diplomatic community. I also believe a powerful role will be played by civil society. On that note we will begin with Ward Wilson as our first speaker.

WARD WILSON: I would like to talk a little bit about the usefulness of nuclear weapons. Nuclear weapons are enormously powerful. One weapon can devastate a city. There are thousands of nuclear weapons in the world. The US and Russia have 95% of them. The weapons are slowly spreading. Any war involving nuclear weapons would kill millions. The conventional wisdom about nuclear weapons is that they are enormously powerful, dangerous, possibly immoral, but - regrettably - necessary.

There is a sense among most people who think about nuclear weapons that nuclear weapons exert an irresistible temptation upon every nation. Recently there has been a slight shift. Four former statesmen, former cold war hawks - former Secretary of State Henry Kissinger, former Secretary of State George Shultz, former Defense Secretary William Perry, and former Senator Sam Nunn - wrote several Op-Eds in *the Wall Street Journal* that questioned deterrence, that asserted that we needed to work for a world without nuclear weapons. And then there is President Obama's speech in Prague calling for a world without nuclear weapons.

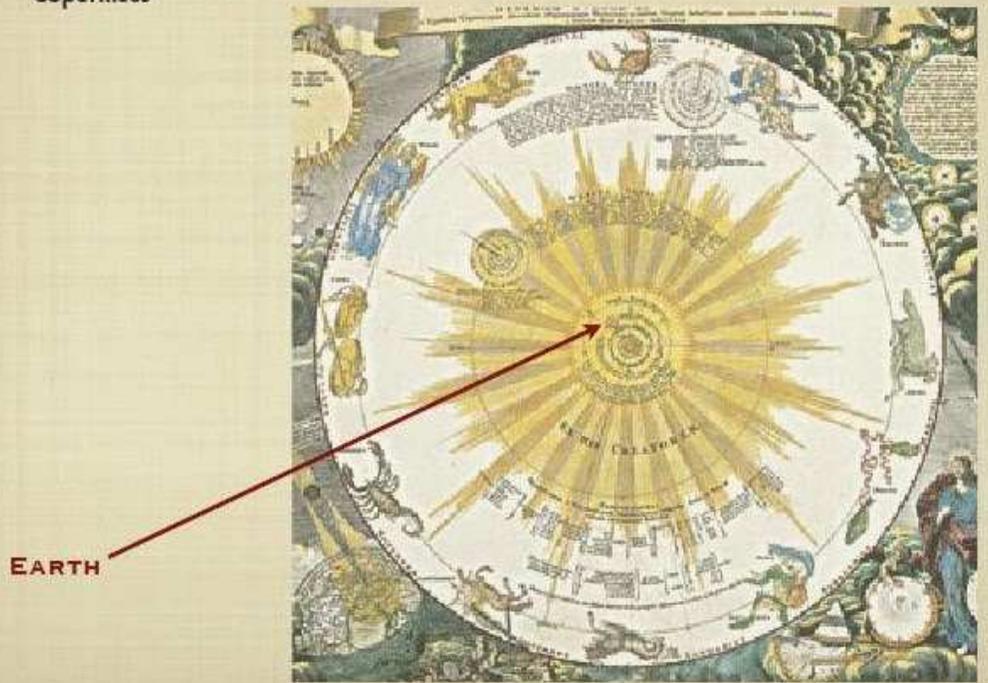
I think we are at a moment that is larger and more important than a small shift in our view. I think we are at a moment of paradigm shift. A paradigm is a world view and paradigm shift implies a change in the way that everything is viewed. When it happens policies and attitudes can change radically.

Ptolemy



EARTH

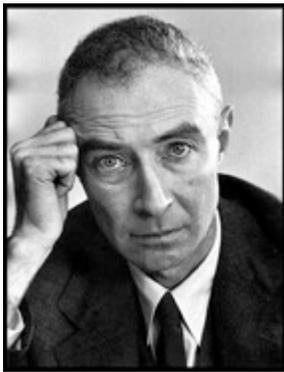
Copernicus



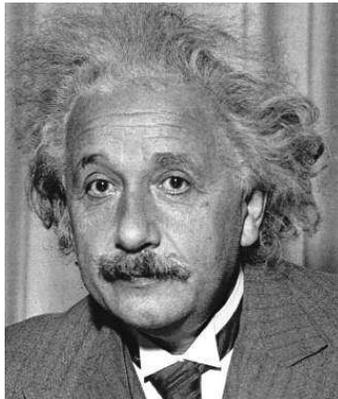
EARTH

Here is a picture of the old Ptolemaic view of the universe. The earth was the center and the moon and stars revolved around the earth. This view was held for 1500 years. When Copernicus contested that view in the 1600s the old paradigm was rapidly abandoned and a radical new way of understanding the universe was adopted. It's possible that we are at the edge of a new paradigm in thinking about nuclear weapons.

I am going to start with the record of nuclear weapons, which is often misinterpreted, and begin by looking at the initial expectations, the initial impressions. James Chadwick, a British scientist, who saw the first test explosion, said "a great blinding light lit up the sky and earth as if God himself had appeared among us . . . there came the report of the explosion, sudden and sharp as if the skies had cracked . . . a vision from the Book of Revelation." And Oppenheimer claims that what came to his mind were words from the Bhagavad Gita, "now I have become death, the destroyer of worlds." Bernard Baruch called nuclear weapons the winning weapon. Secretary of State James Burns said they assured successful negotiations. Oppenheimer is said to have told friends that war was no longer possible. Einstein ratified the notion that they were a revolutionary weapon by saying that they had changed everything. JFK, in probably the most quoted statement, said that "every man, woman and child lives under the sword of Damocles hanging by the slenderest of threads." Quite impressive. But let's look at the actual record.



"War is no longer possible."
Oppenheimer 1945

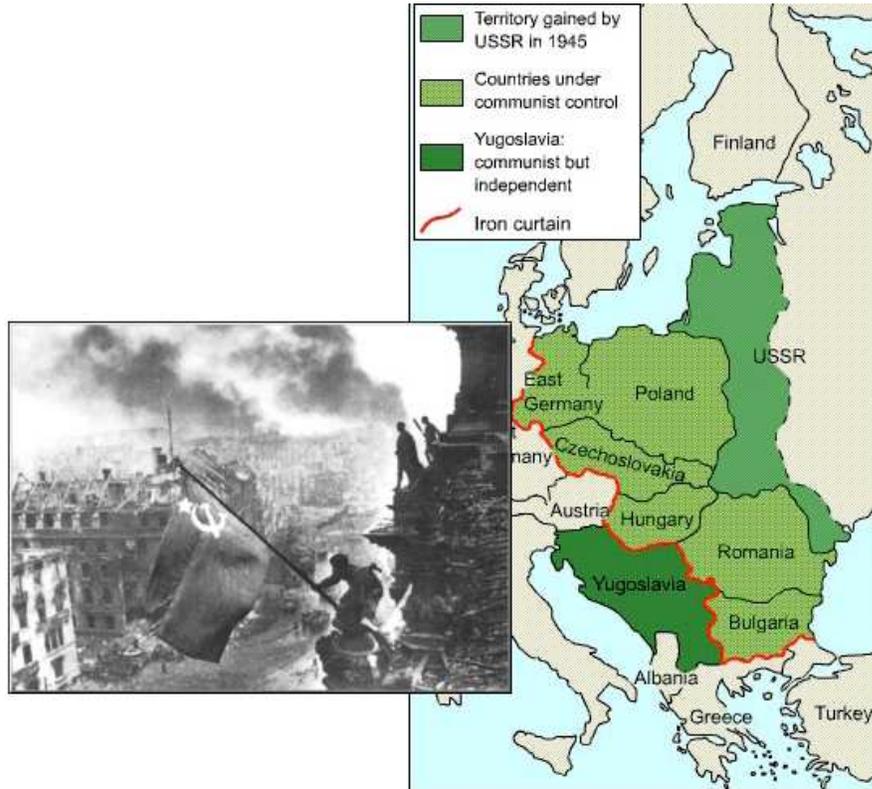


"Nuclear Weapons have changed everything,
except our way of thinking." Einstein 1945



Every man, woman and child lives under a
nuclear sword of Damocles, hanging by the
slenderest of threads, capable of being cut
at any moment by accident, or
miscalculation, or by madness." JFK 1962

The United States did not have unlimited diplomatic influence during the period of its nuclear monopoly. In fact the Soviet Union occupied the eastern portion of Europe and didn't retreat for 50 years. So nuclear weapons did not seem to be a restraint. In 1948 the Soviet Union precipitated a crisis in Germany that could have led to actual fighting. At the time the US had a monopoly on nuclear weapons. The Soviet Union did not seem to be intimidated by that. They weren't deterred.



The nuclear monopoly did not seem to influence other large political events. The Chinese Communists who were fighting a civil war that ended in 1949, do not seem to have been affected at all by the US nuclear monopoly. If we think that the nuclear weapons are this ultimate weapon that has extraordinary influence, how can you explain that the US fought a war to a draw in Korea? The possession of nuclear weapons did not seem to help. And the US lost a war in Viet Nam.

The Soviet Union had the same experience. They had a large nuclear arsenal. They had a humiliating defeat in Afghanistan.

In 1973 there occurred one of the most singular failures of deterrence. Israel was well known to have nuclear weapons. It was reported in the NY Times and elsewhere. Surely the Egyptians and Syrians knew that Israel had nuclear weapons. And yet they launched a conventional attack against the Israeli forces in the occupied areas of the Golan Heights and the Sinai. Surely they were aware that the Israelis would feel that any attack threatened existential danger to Israel. And yet neither Egypt nor Syria were deterred by Israel's nuclear arsenal. How can we explain this failure of deterrence?

Diplomatic Influence

And British nuclear weapons did not deter Argentina in the war over the Falkland Islands. It's sometimes claimed that nuclear weapons ensure a nation's territorial integrity. Yet the British Empire did not last, nor did the Soviet Empire, despite their possession of nuclear weapons. And as far as Oppenheimer's claim that war was now obsolete, there have been more than 100 wars since 1945.

So let's just review. Nuclear weapons did not make war unthinkable. They did not provide a significant diplomatic leverage. They did not provide victory, they did not prevent the loss of empire and they did not protect Israel (Arab/Israel war of 1973) or Great Britain (Falkland Islands war) from conventional attack. So why is it that we imagine that they are this ultimate weapon that is so essential?

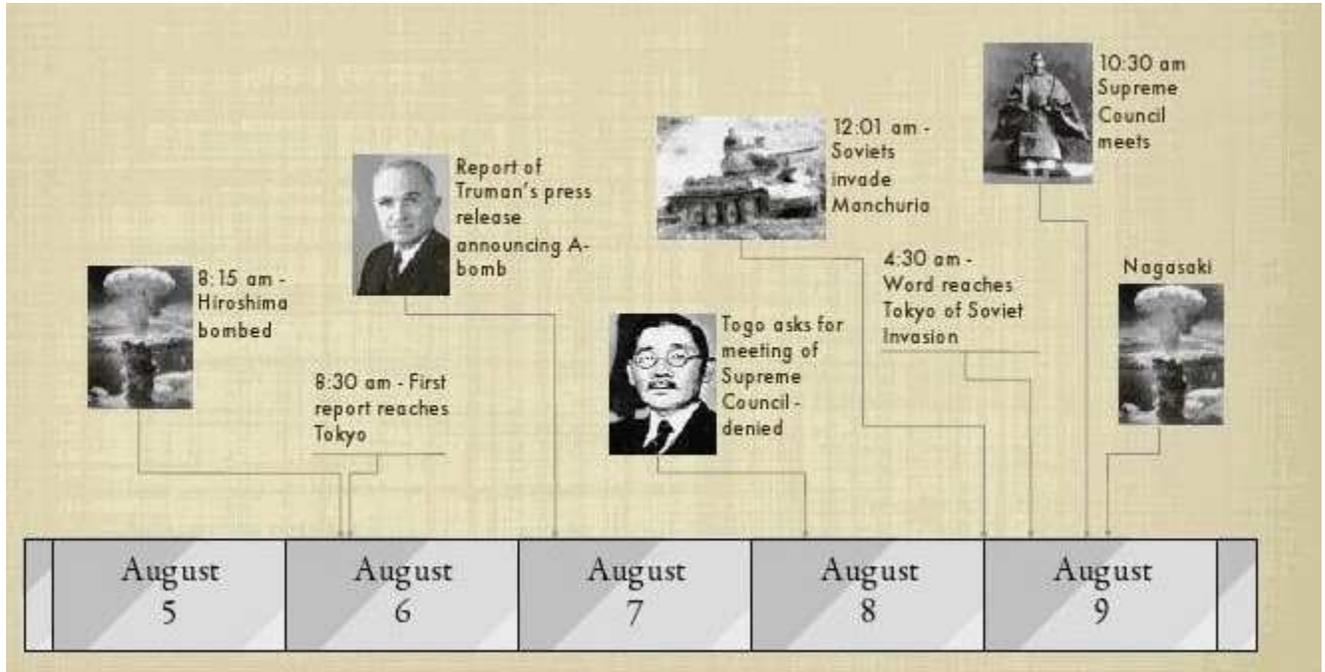
In fact it's rarely mentioned in nuclear weapons states, but more nations have abandoned nuclear weapons than have actually built them. South Africa had weapons in hand that they had built themselves and destroyed. Three former Soviet Republics - Kazakhstan, Ukraine and Belarus - had arsenals on their soil when the Soviet Union broke up. All three surrendered those weapons. And ten states - Argentina, Brazil, Iraq, Japan, Libya, Switzerland, Sweden, South Korea, and Taiwan - have had nuclear programs to build weapons that they have subsequently abandoned. So if the importance of them were a referendum, nuclear weapons would lose fourteen to eight.

Let us talk a little bit about Hiroshima. Hiroshima occupies a central place in thinking about nuclear weapons. It is the crucial first impression. I have done quite extensive research on this. I know that almost everyone says that Hiroshima won World War II and forced the Japanese to surrender. It is very difficult to give up these beliefs. But try to suspend your belief for a little bit. Of course the Emperor said afterward that he was compelled to surrender because of nuclear weapons. The traditional interpretation is that the US bombed Hiroshima on August 5, Nagasaki on August 9 and Japan surrendered on August 10.



There are, however, significant problems with this, and they become obvious even at the most cursory level of examining the facts. The first has to do with timing. So let's review: The bomb is dropped at 8:15 on August 6 and word gets to Tokyo relatively quickly. Just after midnight on the 7th they receive word that Truman has released a statement saying that Hiroshima has been bombed, that it was an atomic bomb, and there are more bombings coming. On the morning of the 8th Foreign Minister Togo Shigenori asks the Premier, Suzuki, for a meeting of the Supreme Council - the effective ruling body of Japan at that time. Suzuki checks with the military guys, but no, the Supreme Council does not meet. On midnight of August 8 the Soviets declare war and invade Manchuria and various other territories. Word of the invasion and the declaration of war begins to reach Tokyo around 4:30am. By 10:30 am the Supreme Council is meeting. Later that morning the word that Nagasaki has been bombed arrives in Tokyo.

When Americans tell this story Hiroshima is always the high point, the climax. But in fact the real story, the important point for the Japanese is here: on August 9th when the Supreme Council meets for the first time in the war to discuss unconditional surrender. This is the first time since the war began in 1931 that they sit down to discuss surrender. So the question is, what motivated them to have this meeting? It can't have been Nagasaki. That comes later in the day. It probably wasn't Hiroshima because that was three days earlier. How can we understand their behavior during this crucial week?



A crisis, as you know, is an emergency that compels you to take immediate action. Consider the behavior of these three men in crisis.

JFK was in bed on October 16 when his National Security Adviser brought word to him that the Soviets were putting nuclear missiles in Cuba. Within 2 hours and 45 minutes they had selected men to serve on a special committee, notified them, brought them to the White House and they were sitting around the table to discuss what to do.

Harry Truman was on vacation in Independence, Missouri when Acheson called and said the North Koreans had invaded South Korea. Truman, within 12 hours flies halfway across the US and he is meeting with his top advisers to talk about what to do. That is a crisis.

Even George Brinton McClellan, commander of the Army of the Potomac in the American Civil War - about whom Lincoln said sadly, "He's got the slows" - only wasted twelve hours when a complete set of Robert E. Lee's orders for the invasion of Maryland were brought to him.

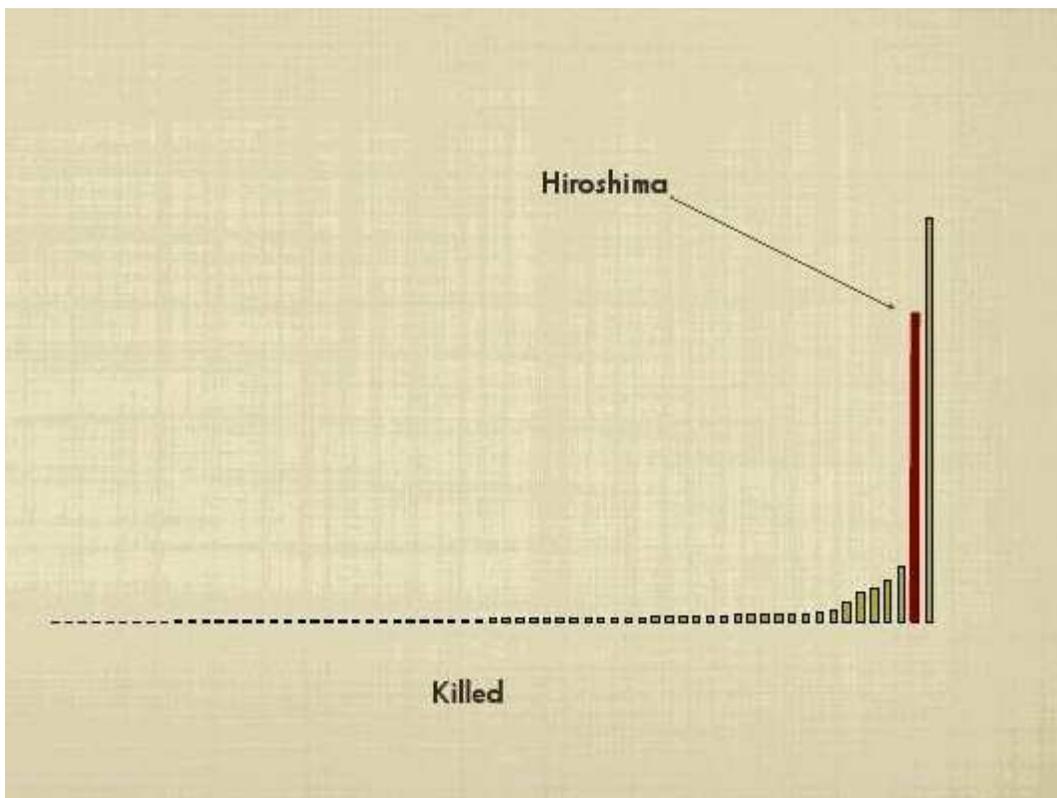
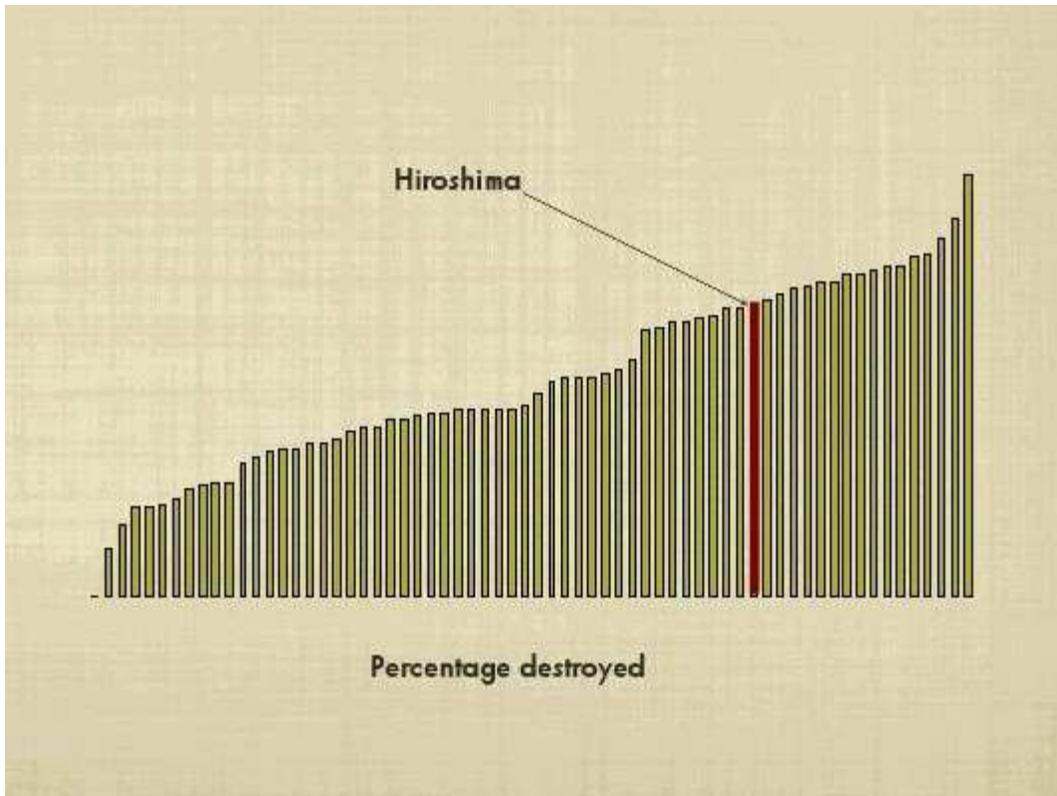
So my question is, if Hiroshima is the cause of Japan's surrender, what are they doing for those three days? What are they thinking about? What are they saying? If it's really a crisis, why don't they act like it's a crisis?

On the other hand, it is only six hours after the Soviet declaration of war and invasion that the Supreme Council meets. Based on timing alone, the Soviet declaration of war looks like a far more likely cause of Japanese surrender than the bombings of Hiroshima and Nagasaki.

In addition, the reaction of Japan's leaders to the two different events show which mattered to them. On the morning of the Soviet invasion Kawabe Toroshiro, Deputy Chief of Staff of the Army, draws up orders declaring martial law - orders which are put into effect that day. No such emergency measures were taken three days earlier on the morning Hiroshima was bombed. In the Army-only discussion held on the morning the Soviets invade, the Army's top leaders discuss grabbing the Emperor and setting up a military dictatorship. No such emergency measures were discussed three days earlier on the morning of Hiroshima. The Soviet invasion touches off a crisis. The bombing of Hiroshima does not.

So let's look at the strategic bombing. The US had been bombing Japanese cities all summer long, since March. We bombed 68 cities, 1.4 million people are made homeless, 300,000 are killed.

If you graph all 68 of those city bombings and examine the number of people killed in each attack, you might think that the deaths at Hiroshima would be off the charts, because that is always how people describe it, the worst attack in history. In fact, if you graph all the people that are killed in all 68 attacks, using the US Strategic Bombing Survey numbers, Hiroshima is second. Tokyo, with conventional bombing, is first. If you graph the square miles destroyed, Hiroshima is fourth. If you look at the percentage of each city destroyed, Hiroshima is number 17. The bombing of Hiroshima created effects that were not outside the parameters of the conventional bombing that had been going on all summer long.



And, in fact, War Minister Anami Korechika tells us this. He said on August 13 that the atomic bomb was no more menacing than the fire bombing Japan had already endured for months. Anami is the key person in the government. Perhaps the most important man in the government - even more important than the Emperor. And Anami says that the atomic bomb was not worse.

Finally, let's examine Japan's strategic options. Japan's leaders knew they had to surrender. They'd known since roughly February or at least the spring of 1945. They had devised two options for getting better surrender terms. The first, the diplomatic method, was to ask Stalin to mediate. The Soviet Union, remember, was neutral. They and Japan had signed a treaty in 1941 that was supposed to run for five years. The second method, the hard-liners' choice, was to dig in and fight fiercely on the beaches when the US invaded, inflict high casualties and coerce the US into offering better terms.



So let's look at the impact of these two events - Hiroshima and the Soviet declaration of war - on Japan's strategic options. After Hiroshima it was still possible to ask Stalin to mediate. And they if you examine diary accounts, they were still actively pursuing this option after the bombing. And it would still be possible to inflict high casualties in an invasion. The troops were still dug in on the beach and well supplied with ammunition. So none of their options were invalidated by Hiroshima.

After the Soviet Union declared war and invaded both were invalidated. You can't ask Stalin to mediate, he's now a belligerent in the conflict. As for fighting one last battle on the beaches, let's just briefly examine the strategic situation.

The US was going to invade with 14 divisions around November 1. On August 9th the Soviets attack Manchuria with 1.5 million men. They send the 100,000 men of the 16th army to

conquer the southern half of Sakhalin Island with orders to be ready within 10-14 days to invade Hokkaido - the northernmost island of the Japanese home islands. This was a problem for the Japanese. The Japanese Army that was to defend Hokkaido was under strength and was dug in on the east. The Soviets were going to invade from the west. It does not take a military genius to see that you might be able to defend yourself against one superpower, coming from one direction, but your chances of holding off two superpowers coming from two different directions, one of whom has to cross just a tiny strait to get to the home islands.

Japan surrendered after the Soviet declaration of war because they were out of strategic options. They didn't have a choice.

And they tell us that the Soviets were the key factor. In June they had had a meeting of the Supreme Council. They talk about the conditions for continuing the war, and they say a Soviet entry will determine the fate of the Empire. General Kawabe, said, in that meeting, "The absolute maintenance of peace in our relations with the Soviet Union is one of the fundamental conditions for continuing the war." There's no question that in the minds of Japan's leaders, the Soviet Union and what it does matters more than city bombing.

In fact, if you look at all the records that we have of Supreme Council meetings, the six members of the Supreme Council mentioned the bombing of cities only twice, once in May, in passing, and once on the night that they consider surrender. Based on the evidence, it is not possible to make the case that they cared more about city bombing than they did about the Soviets.

I would have said the same things as the Japanese did. If you found yourself in this position. what would you do? You are the head of a country and you have just suffered a crushing defeat and you need to maintain the legitimacy of your administration and the Emperor. Do you say about the war, we made a terrible mistake. We were foolish. The Army and the Navy did not cooperate very well, which is true. Or, do you say, the enemy made this amazing scientific breakthrough that no one could have predicted and that is why we lost?

Sakomizu Hisatzuna, Secretary of the Cabinet said "In ending the war, the idea was to put the responsibility for defeat on the atomic bomb alone, and not on the military. This was a clever pretext."

Hiroshima is a subject where a lot of national emotions are at stake. There is a lot more that could be said about this. I would welcome talking with you afterwards about this. I hope I have made it pretty clear that Japan did not surrender because of Hiroshima and Nagasaki.

I want to talk briefly about nuclear deterrence. The notion of deterrence is that you can attack cities and leaders will care. It is certainly true in peacetime the notion of cities being attacked is fearful, and makes us worried, but the record in wartime is significantly different. In World War II there were scores of countries that had cities destroyed with conventional weapons and none of them surrendered. Bernard Brodie, the dean of nuclear strategists, said the allies learned after the war that the attack on enemy morale had on the whole been a waste of bombs. If

you look at history and try to find an instance where the destruction of a city leads to surrender in war, I have never in many years of looking found one.

So the question is, if nuclear deterrence is based at least in part on the threat to destroy cities, and if destroying cities has never been effective in war, doesn't that raise serious doubts about the efficacy of nuclear deterrence? Destroying cities is largely about killing civilians, economic resources are also destroyed, but by and large you are killing civilians. The problem with killing civilians is that soldiers matter in war, not civilians. I do not know of a war where a country surrendered because too many civilians were dying. In war, civilians suffer. So this is another reason for questioning the efficacy of nuclear deterrence. In war time, in crisis, leaders don't necessarily consider the lives of civilians. They ask civilians to suffer for national goals.

The problem here is that for 60 years we have assumed, partly on the basis of Hiroshima, that there is proof that nuclear deterrence works, that nuclear weapons necessarily coerce. Without Hiroshima it is very difficult to find actual factual evidence that deterrence certainly works. It seems to me that this is a problem. If we are going to risk our safety and our security by relying on deterrence shouldn't our policy be based on more than just intuition or hunch?

Some people say, well there has been no war among the nuclear states for 65 years, therefore nuclear arsenals prevent war. This is proof by absence, one of the most difficult forms of logical proof to prove. Proof by absence only works if there is one and only one cause of the end result. So long as there is only one thing that could have caused 65 years of peace, and you've got 65 years of peace, boom, you have proved the cause. But if in fact there are any number of things that could have led to 65 years of peace, then this is a very weak form of "proof."

And there are a number of things that could have led to peace. The Soviets lost 27 million people in World War II. Forty percent of their industrial capacity was destroyed. Is it any wonder that they wanted to be at peace for 20 years afterward? And with the fall of the Soviet Union their attention was turned inward for the last ten years. There is in fact a great deal of historical evidence that after large destructive wars, nations want to stay at peace.

Following the Napoleonic wars from 1815 to 1848 there was a period of 33 years of substantial peace in Europe. No one claims that was caused by nuclear weapons. Europe in the years after World War II had a number of defense treaties - much like Europe after the Napoleonic wars. NATO, for instance, might well have deterred war. Economic interconnections among the nuclear powers. There are closer ties because of jet travel, global TV, increased communication. International organizations may have had a hand in this. There is a theory that there is simply a hundred year gap between wars. There was a major war in the 1600s, the Thirty Years War. There is the Seven Years War in the 1700s. You get the Napoleonic Wars in the 1800s and World War I and World War II in the 1900s. It is a fact that there are just periods of peace in history. The ancient Egyptians had a period of 200 years without fighting a war.

When I review the record of nuclear weapons, it seems to me that it is absolutely clear that nuclear weapons are dangerous, and absolutely clear that they could create enormous destruction. It is not clear that they are useful. I know that we are all conditioned to think that

nuclear weapons exert this irresistible pull. It does not seem to me that there is evidence for it. Some say, “Well, I have this intuition that weapons are the reason that we have peace. I have a hunch that it works because the Cuban Missile Crisis did not flare up to war.” And that is great. I am glad that it didn’t. But my question is, should nations risk their safety and the security of their people on intuition? There is a simple issue at stake here with nuclear weapons. All that we want is proof that nuclear weapons are useful. Prove that their usefulness outweighs the danger. The problem is that this proof is lacking.

RANDY RYDELL: We will now hear from John Burroughs.

JOHN BURROUGHS: The condemnation of the use of nuclear weapons as contrary to humanitarian values and law is as old as the nuclear age. In the statement of President Jakob Kellenberger of the International Committee of the Red Cross he noted that the ICRC’s critique of nuclear weapons began immediately after they were used on Hiroshima and Nagasaki: “Already on 5 September 1945 the ICRC publicly expressed the wish that nuclear weapons be banned.... In a communication to States party to the Geneva Conventions in 1950, the ICRC stated that before the atomic age: ‘[W]ar still presupposed certain restrictive rules; above all ... it presuppose[d] discrimination between combatants and non-combatants. With atomic bombs and non-directed missiles, discrimination became impossible. Such arms will not spare hospitals, prisoner of war camps and civilians. Their inevitable consequence is extermination, pure and simple.... [Their] effects, immediate and lasting, prevent access to the wounded and their treatment....’ On this basis the International Committee called on States to take ‘all steps to reach an agreement on the prohibition of atomic weapons’.”

That was in 1950. Here we are in 2010. A year ago the Red Cross started raising this call again. So why has the ICRC been reticent about this for some 60 years? I am not saying that they supported nuclear weapons but why weren’t they up front in calling them contrary to humanitarian law and saying that they should be banned?

You won’t be surprised to know that the major powers in the 1950s wanted the ICRC to get off of the subject. For its part the ICRC wanted to make progress on the general codification of International Humanitarian Law (IHL), which of course has many applications beyond nuclear weapons. So they became relatively silent on the subject of nuclear weapons, and indeed when Protocol 1 of the Geneva Convention was negotiated in 1977 the Red Cross agreed that nuclear weapons would not be specifically addressed by the protocol, although it was also understood that the existing general rules of IHL would apply to nuclear weapons.

We are in a different period now where the Red Cross feels that it can come forward and state what is relatively obvious, and that is that nuclear weapons are inconsistent with IHL and should be banned. In his April 2009 speech ICRC President Kellenberger said that the ICRC “finds it difficult to envisage how any use of nuclear weapons could be compatible with the rules of International Humanitarian Law.” He also stated the ICRC view that “preventing the use of nuclear weapons requires fulfillment of existing obligations to pursue negotiations aimed at prohibiting and completely eliminating such weapons through a legally-binding international treaty.” I think we can take this as a signal that the terrain is shifting and that we should take advantage of it. In doing this we also need to be aware of the history.

In 1950 there was the Stockholm Appeal initiated by Frédéric Joliot Curie and others, which demanded “the absolute prohibition of atomic arms as instruments of terror and massive extermination of populations.” In 1961 UN General Assembly Resolution 1653 declared the use of nuclear weapons “contrary to the rules of international law and to the laws of humanity.”

These issues were revisited in the 1996 advisory opinion of the International Court of Justice. The Court explained that the principles of IHL protecting civilians and combatants are “fundamental” and “intransgressible,” and that “methods and means of warfare, which would preclude any distinction between civilian and military targets, or which would result in unnecessary suffering to combatants, are prohibited.” It found that “[i]n view of the unique characteristics of nuclear weapons, ... the use of such weapons in fact seems scarcely reconcilable with respect for such requirements.”

But the Court felt that it could only go so far, stating that the threat or use of nuclear weapons would “generally be contrary” to international law, but not reaching a conclusion, one way or the other, regarding an “extreme circumstance of self-defence, in which the very survival of a State is at stake.” That outcome was voted for by seven of the Court’s then 14 members, and carried by the casting vote of the President, Mohammed Bedjaoui. Three judges dissented on the ground that threat or use is categorically contrary to international law

Now we are in 2010, fifteen years later. Somewhat surprisingly there is a remarkable provision in the 2010 Non Proliferation Treaty (NPT) Review Conference Final Document. The Conference “expresses its deep concern at the catastrophic humanitarian consequences of any use of nuclear weapons, and reaffirms the need for all states at all times to comply with applicable international law, including international humanitarian law.” The provision marks a resurgence of emphasis on the humanitarian dimension of nuclear weapons, spearheaded not only by the ICRC but also by Switzerland and Norway.

What is the significance of this Review Conference declaration? It must first be noted that several of the NPT nuclear weapon states have previously acknowledged that IHL applies to nuclear weapons. In the 1995 hearings before the International Court of Justice (ICJ), the US, UK, and Russia accepted that IHL applies to nuclear weapons as it does to other weapons, though they contended implausibly that nuclear use could be compatible with IHL depending upon the circumstances. Now with this provision we have all the NPT nuclear weapons states, and their allies, on record, and are accountable for meeting the IHL obligation within the NPT review process. Let me come back to that when I talk about action implications.

As a lawyer I also want to remark – this is perhaps a little bit subtle – or even arguable - but it seems to me that the Conference’s reference to the catastrophic humanitarian consequences of “any” use of nuclear weapons, directly coupled with the call for compliance with law “at all times,” implies that use of nuclear weapons is unlawful in all circumstances. The insistence on compliance with applicable international law “at all times” weighs against any suggestion that IHL bends or wavers depending upon the circumstances. That includes the “extreme circumstance” referred to by the ICJ, or second use in “reprisal” intended to discourage further attacks.

The truth is that compliance with IHL requirements is impossible due to the uncontrollable collateral effects of nuclear weapons, blast and heat and especially radiation. For those of you who are interested in International Humanitarian Law, you must look at a major ICRC study published in 2005, [Customary Humanitarian International Law](#). You don't have to be a specialist on nuclear war or in international law to see that use of nuclear weapons is incompatible with the rules laid out by the ICRC.

Indiscriminate attacks are defined as those which are of a nature to strike military objectives and civilians or civilian objects without distinction. Proportionality in attack prohibits launching an attack which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated. Due regard for the environment imposes a similar requirement of proportionality in attack with respect to damage to the environment, and prohibits attacks which may be expected to cause widespread, long-term and severe damage to the environment.

In light of the foregoing, the IHL provision adopted by the Review Conference without question develops the norm of non-use of nuclear weapons. The welcome US statement in its Nuclear Posture Review also goes in this direction: "It is in the US interest and that of all other nations that the nearly 65-year record of nuclear non-use be extended forever." The same is true of the November 8, 2010 joint statement of President Obama and Prime Minister Singh, in which "They support strengthening the six decade-old international norm of non-use of nuclear weapons." The ICJ declined to recognize a customary legal obligation of non-use based on the record of non-use and resolution 1653 and subsequent General Assembly resolutions, cite the continuing assertion of doctrines of "deterrence". With the Review Conference statement, the world is moving closer to the day when it can be said that the practice of non-use has become a custom of non-use recognized by law.

Now I mentioned the US Nuclear Posture Review. Does IHL come up in that review? The answer is no. Why is that? After all, the US military proudly says that it complies with rules of IHL in conducting military operations in Afghanistan or Iraq. They don't attack a military objective if collateral damage is going to be too high, for example. They don't kill prisoners of war. I am not saying that they comply with the rules all the time, or that there could not be different opinions on how to apply the rules. But they do say they comply with IHL. What do they say about nuclear weapons and IHL? Basically the US is silent on this question. When they had to speak before the ICJ they claimed that certain nuclear uses could comply with International Humanitarian Law, but mostly the record over decades is one of silence. I think they realize you can't make nuclear weapons compatible with International Humanitarian Law.

There is now an opportunity to say that the silence must be ended, that the incompatibility of nuclear weapons with IHL must be squarely addressed. The most fundamental implication of the Review Conference statement is the imperative of humanitarian nuclear disarmament through fulfillment of NPT Article VI. Humanitarian disarmament is a concept that is explained in the Monterey Institute publication that Ward was discussing. It has been promoted by governments I mentioned earlier, by Norway and Switzerland. It is a concept that

was applied to land mines and cluster munitions. Well, why not apply this concept to the most dangerous weapons of all, nuclear weapons?

There is a factor that does not get enough attention. That is that not only are nuclear weapons incompatible with IHL, but the reliance on nuclear weapons conversely is distorting the development of and undermining the acceptance of IHL and international law generally. So in addition to all the reasons there are to not use nuclear weapons, and to ban them globally, if we want to have truly effective IHL and workable international institutions we need to end the reliance on nuclear weapons by only a few states.

I already talked about one implication of the IHL statement from the NPT Review Conference, and that is it gives advocates for nuclear disarmament an opportunity to bring this theme forward. I also have some thoughts that are more exploratory in nature about what non-nuclear weapon states can do. Here are some possibilities:

The adoption of national legislation criminalizing participation in use of nuclear weapons. This has already been done by New Zealand. Again, I am talking about non-nuclear-weapon states. Such legislation could provide for prosecution or extradition of persons involved with the use of nuclear weapons. I think this could have general effects on the perceived legitimacy of nuclear weapons but also more effects on members of nuclear alliances and nuclear weapon states than you might think at first glance.

Second, the Rome Statute of the Rome International Criminal Court could be amended to specifically criminalize use of nuclear weapons. Some of the States Parties of the International Criminal Court are meeting across the street this week. It is something that Mexico has proposed.

Third, there could be a categorical non-use treaty that was adopted by non-nuclear weapon states. What do I mean by categorical? Never use nuclear weapons in any circumstance. Sometimes people talk about a no first use treaty. However, that would just tend to carry nuclear deterrence forward. But a non-use treaty would help entrench a norm against use in all circumstances. Such a treaty is not likely to be adopted next month by the nuclear weapon states. But a non-use treaty could be designed in such a way that later the nuclear weapons states could join when they are ready to renounce the use of nuclear weapons.

I am still thinking about what we can usefully demand that the nuclear weapon states do to comply with the declaration in the NPT Review Conference Final Document which they signed onto, that International Humanitarian Law must be applied in all circumstances with respect to nuclear weapons. But I am not sure we should want to start a process in which they would just restate their existing position that it is lawful to use nuclear weapons in some circumstances. So care is needed here, but consider this. The NPT Final Document requires the Nuclear Weapon States to report back in the NPT Prep Com in 2014 on their implementation of various things that they have agreed to promptly engage on. One of the commitments referred to in Action 5 is diminishing the role of nuclear weapons in their security policies. This obviously relates to International Humanitarian Law.

When the time comes that the nuclear weapon states acknowledge that the use of nuclear weapons is unacceptable in all circumstances, the horizon opens up to a global convention prohibiting and eliminating nuclear weapons, But short of that a non-use treaty or perhaps a Security Council resolution might be useful.

RANDY RYDELL: Questions?

JOHN CONVERSE, Director of Justice in Peace and Christ Missionaries (JPCM): A comment for Mr. Wilson. I believe Japan made overtures of surrender before Hiroshima, both to Russia and to the US, and they withdrew when the US insisted on unconditional surrender. And a question for Mr. Burroughs. Would not also the building and maintenance of nuclear weapons violate humanitarian law? I lived in Cincinnati for 10 years where you have the Fernald uranium enrichment plant. They polluted the land with nuclear products and side products. It has one of the highest cancer rates in the nation, partly as a result of that.

WARD WILSON: Let me just say that there is a lot of discussion about whether the Japanese were trying to surrender, and whether the bomb was necessary. I am not interested in that discussion of whether it was right morally to drop the bomb. I am interested in something I think is more fundamental, which is do nuclear weapons work? Not “does the explosion go off”? But does the explosion and destruction create a unique psychological shock? Do they coerce? I think one of the things that happens when you talk about Hiroshima is that people remember the debate that we have been having for 40 years which is mostly about whether the US is a good country. Whether the US is moral. As a US citizen I can tell you it would be very difficult to win an argument about whether the United States was good or not. So I don't want to talk about morality. I just want to talk about whether the weapons work. And I think the use of the bombs on Hiroshima and Nagasaki did not coerce Japan.

RANDY RYDELL: Just a follow up point on that which is somewhat interesting historically. On the 31st of January, 1992, the Security Council held its first summit meeting at the state level and they issued a statement declaring the proliferation of weapons of mass destruction to be a threat to international peace and security. They did not declare the weapons per se to be a threat to international peace and security. And at another summit they had in September of this year, the first one since the period of Acheson/Lilienthal, they finally had a summit on disarmament issues. And they reiterated the same thing, that it is the proliferation of the weapons, not the weapons themselves. So this issue is still of some disagreement among the nuclear powers.

JOHN BURROUGHS: Think about the logic of the justification for the bombings of Hiroshima and Nagasaki. While I find what Ward says to be very convincing, let us just take as a hypothetical that the logic is correct. This is the way I would characterize the logic. It is permissible for a nation that has been wronged and that is in the right, the United States in this case, it is permissible to commit an atrocity in order to bring the war to an end. I ask, is that a principle we would like to see all nations apply in the future? I don't think so. First of all, any nation that is fighting a war thinks that it is in the right. Then if you have the rationale that it is OK to commit an atrocity, how far do you take that? It was taken pretty far in the bombings of Hiroshima and Nagasaki.

Now on International Humanitarian Law and the possession of nuclear weapons: IHL is a specialized branch of international law that regulates the conduct of warfare. And so it does not directly apply to issues of environmental contamination. The history of the Fernald facility does have interesting connections to the issue of the legitimacy or the lawfulness of the possession of nuclear weapons. Regarding the implications of IHL for possession of nuclear weapons, if it is unlawful to use a nuclear weapon, then, according to the International Court of Justice, it is unlawful to threaten to use the weapons. On that basis, it is unlawful to threaten to use a nuclear weapons if a country does not give up a piece of territory or a country invades your own territory. It does not depend upon whether the compelled action is good or bad. It is unlawful to issue a threat in a specific circumstance. But you can take that further and say that it is unlawful to have general policies that nuclear weapons will be used in order to defend our vital interests, which is essentially what most of the nuclear weapons states say. So the incompatibility of the use of nuclear weapons with IHL raises some really serious questions about the lawfulness of nuclear deterrence and the possession of nuclear weapons such deterrence involves.

QUESTIONER: Joseph Rotblat resigned from the Manhattan project when he learned it was not going to be used against Nazi Germany. Some have said it was used to intimidate the USSR. That would seem to be consistent with Mr. Wilson's statement that it was not effective in ending the war. I am not arguing that....There is one thing I cannot get my mind around, and that is the Non Proliferation Treaty. If you have weapon states such as the US, Russia, China, now Pakistan and India, why put sanctions against North Korea for doing what everyone else is doing? I understand that the spread of nuclear weapons is a threat to humanity. But it seems unfair. The criminalization of the possession of nuclear weapons should apply to the states that already have them. So there seems to be an inconsistency between the NPT which seems to legitimize the possession of nuclear weapons for those that possess them, and delegitimizes them for a country like North Korea or Iran. And there is objection to this by some to this nuclear club.

JOHN BURROUGHS: Some people, and this includes Tony Blair, when he was Prime Minister of the United Kingdom, do claim that somehow the NPT legitimizes the possession of nuclear weapons by some states. I don't know how they get there. If you read the NPT preamble, if you read Article VI, it seems quite clear that the possession of nuclear weapons by certain states is subject to a disarmament obligation and is considered to be only temporary. But none the less, some people do seem to draw that implication. One of the good things about International Humanitarian Law's condemnation of nuclear weapons, reaffirmed by the NPT Review Conference, is that it allows us to have a clearly universal approach that applies to all countries. The reliance on nuclear weapons by all countries is subject to critique by IHL.

WARD WILSON: I think one of the flaws is that it seemed to create a two tier system. But I think one of the advantages of talking about the usefulness of nuclear weapons is that usefulness is not legislated. It is simply the truth for all nations. And if they are not useful for the United States, they are not useful for North Korea, they are not useful for Iraq or Iran. Once you begin to move towards a realization that they are very dangerous and not very useful it removes a lot of the problems and road blocks.

QUESTIONER: How can we change things? What about Iran?

WARD WILSON: The problem of Iran is that it has embarrassed the United States. The United States is big and powerful and in 1980 the Iranian students took American diplomats hostage. Americans did not like it and we still remember it. So Iran is invariably demonized by the United States press. That is unfortunate. The question is how do we shift the focus off Iran? I think you say that nuclear weapons are not very useful. Let's look at the Middle East. People say that if Iran gets the bomb they will dominate the Middle East. Israel has had the bomb for a number of years. Israel is not dominating the Middle East, far from it. They have had rocket attacks all the time. They have all kinds of problems that their nuclear arsenal does not solve. I think that the way that you move people away from fear-based discourse is to talk. It is hard to talk facts.

One of the things that I am working on is the study of war in the Middle East. There are a number of hypothetical scenarios, one of which targets 20 nuclear weapons on Israel. A lot of people don't understand that - they talk loosely about a nuclear attack but it is actually a very complicated problem. A large proportion of the population in Israel is Palestinian. And even if you are Persian and don't care very much about Arabs, you are not going to make friends in the Middle East if you kill large numbers of Palestinians. Another problem is that the third holiest shrine in Islam is in Jerusalem. You probably can't have a convincing attack against Israel unless you attack Jerusalem. You won't make any friends if you destroy the third holiest shrine. And finally, that is the good news. The bad news is that Israel is a small place and the wind blows. And if the wind blows in the wrong direction you could end up with 250,000 dead in Damascus or with a half million dead in Cairo. And of course the opposite works as well. It is difficult for the Israelis to use nuclear weapons. How do you shift the debate about Iran which is largely fear-based and not entirely sensible? I think we should talk rational, cold facts.

LUCY WEBSTER: How do we talk rational cold facts to the Republicans in Congress who won't even endorse the New START treaty? What is the dynamic of getting to the support base of those people?

WARD WILSON: The anti-nuclear lobby is not very strong in the United States. And there is a large group of people who have a vested interest in keeping nuclear weapons, that is, the people who work in the labs, and all the rest. You basically have one choice, which is to buy them off. My sense is that the President has said, "We have got to have progress on nuclear weapons, I am deeply committed to it," which I think he is. So he is giving in on funding for the nuclear weapons complex in order to get what he really wants, which is a START treaty. If he didn't care about the START treaty he could have said we will deal with it at the next election. There is only one silver lining in this. Once the treaty has been ratified it can't be unratified. So in two years if it turns out that there is a budget crisis it may be that the President can say I promised to spend all this money on modernization, but we really have to cut somewhere. And then it is too late to unratify the treaty.

JOHN BURROUGHS: I think your last point, Ward, is way too optimistic. I urge you to apply your hardheaded historical analysis to this question. In the 1990s the Clinton Administration agreed to the Stockpile Stewardship program as part of ending nuclear testing and supporting the Comprehensive Nuclear Test Ban Treaty (CTBT). There were so-called safeguards that Clinton set out upon signing the CTBT. And this involved significant funding for the weapons complex at levels as high or higher than Cold War levels. As everyone knows, the Senate did not approve

ratification of the treaty in 1999. But that deal has stayed in place since Clinton put it in place 15 years ago. There was a similar deal made when the Limited Test Ban Treaty was adopted. My sense is that while a present day Congress cannot bind or usually does not bind a future Congress regarding spending levels that these fundamental political deals are likely to be kept which is what is really troubling about the new START.

ANN LAKHDIR (Union of Concerned Scientists): I am thinking of what has to happen for a country like Pakistan to think they don't need nuclear weapons as a threat to prevent a conventional attack from a far superior India, or for Iran, or North Korea, worried about the superior force of those they feel threatened by, to forgo nuclear weapons. Nuclear weapons have become the weapon of the weak. I am wondering if you take the word deterrence, take the nuclear away from it, and talk about what other kinds of things you could put forth as a kind of deterrence that might work, rather than nuclear deterrence, how that might change views.

WARD WILSON: I think it is a fascinating question. It says something about us and technology. If you asked guys in a small country in the 1800s how do you defend yourself against a larger country they would have said, simple, you have got to make an alliance with someone else who is bigger. Make treaties. One of the problems that nuclear weapons induce is that they get us to believe in the magic of weapons. You've got to have a magic weapon that keeps you safe. I don't think that technology is magic. I think relations between human beings and the governments that they create goes on constantly across history. I think the solution to the problem of getting rid of nuclear weapons is to make good alliances.

JOHN BURROUGHS: That is an interesting question relating to Pakistan. It so happens that Zia Mian and A. H. Nayyar recently did a paper for something called the Pakistan Security Research Unit which is entitled "The Limited Military Utility of Pakistan's Battlefield Use of Nuclear Weapons in Response to a Large-scale Indian Conventional Attack" - like a large tank formation. This paper basically says that if Pakistan has 80 nuclear weapons they would have to use all of them to defeat a large-scale Indian tank invasion. This is borne out by studies of what the situation was between the US and the Soviet Union in Europe. I also recall that Colin Powell had a study done of possible US use of tactical nuclear weapons against Iraqi forces in the desert prior to the 1991 Gulf War. The study showed that unless used in sufficient numbers, the weapons would not be as effective as usually assumed. M.V. Ramana and others have done studies of the incredible damage, just unbelievable damage that nuclear weapons could cause in the densely populated South Asian cities. Just because nuclear weapons are great in burning up cities doesn't necessarily mean that they're that effective in battlefield settings.

WARD WILSON: One of things that was talked about in the Truman and Eisenhower Administrations was the examination of the use of nuclear weapons in Korea. They discovered that Korea is a country with lots of steep hills and valleys and that it is very difficult to use nuclear weapons effectively as a military tool in such a setting. One of the reasons they decided not to use nuclear weapons in Korea was that if people saw how ineffective they were that it would reduce their deterrent value. They are clumsy, they are so big they get in their own way. I think we have an exaggerated view of their effectiveness.

JOHN KIM (International Fellowship Of Reconciliation): ...I understand there was a resolution at the UN in 1962 which declared that the use of nuclear weapons would be a crime against humanity. Why has that type of resolution not been re-introduced?

JOHN BURROUGHS: An annually adopted resolution (A/RES65/80 in 2010) calls for the adoption of a treaty prohibiting the use of nuclear weapons. It references General Assembly Resolution 1653 of 1961, which as I mentioned declares the use of nuclear weapons contrary to the “laws of humanity” and further says it is a “crime against mankind and civilization.” It is true that it is conceivable that there could be a very well-drafted General Assembly resolution which would make this case very forcefully and I think this should be considered. But one of the problems we are facing is we now have a proliferation of General Assembly resolutions that relate to disarmament and non-proliferation. This makes it tough for civil society to broadcast to the world the General Assembly said X. Well actually the General Assembly said A, B, C, D, E, F and so on.

TAD DALEY: This is real scholarship applying real rigorous tools to the nuclear reality, a great contribution. I would like to ask you about three points in history. I thought you said the Japanese surrendered on August 10, the day after Nagasaki.

WARD WILSON: They indicated that they wanted to surrender. They didn’t actually surrender.

TAD DALEY continued: They surrender on August 15 with the Emperor’s broadcast. My father was in a B-29 on August 15 and the Emperor spoke two hours after the last bombing mission in World War II. You just spoke about the Korean War but there is another element to Korea. I have heard it said often that Eisenhower threatened soon after he took office the Chinese with nuclear weapons. I think it is unclear whether they were to be used on Chinese forces in Korea or in China. And some think that is why we had a truce in June of 1953

The third point is a future point in history, call it ten years after a Nuclear Weapons Convention has been signed eliminating nuclear weapons. There is the breakout scenario that many people raise as their objection to the elimination of nuclear weapons, that someone would develop nuclear weapons and that the breakout state would rule the world. Look at Ward Wilson’s analysis. In 65 years of history, nuclear weapons haven’t prevented defeat, don’t politically coerce. It seems to me that is the answer to the breakout scenario. Having a dozen nuclear weapons would not give an advantage to the possessor when it never has before,

WARD WILSON: On Korea there is disagreement among historians as to whether Eisenhower’s threat actually coerced the North Koreans, the Chinese, Stalin and the Soviet hierarchy about the question of the Korean War. I am persuaded that Eisenhower’s threat was not the reason the North Koreans agreed to an armistice, but others disagree. I am currently at work on a paper on Viet Nam, which is fascinating. Richard Nixon of course sat at Eisenhower’s knee during the Korean War when he was his Vice President and believed ardently that Ike’s threat worked. And so Nixon as President tried the same thing again in Viet Nam. If you look at the various steps that Eisenhower took and match them to the steps that Nixon took, he matches Ike in lock step. Everything that Eisenhower did, Nixon does. Of course Nixon’s threat entirely failed. That article should be coming out in the two or three months.

I have written a paper called “**Stable at Zero.**” Our view is that a world without nuclear weapons would be far safer and more stable than the world we live in today. There are a number of reasons for that. One of them is that nuclear weapons are not magic, they do not exert this irresistible tug on people. That people would not race to build nuclear weapons in a world free of nuclear weapons. The other is, as Jonathan Schell has said years ago, that if you have a breakout, the former nuclear powers would quickly reconstitute their arsenals.

Let’s look at it from the cheater’s point of view, the leadership of a country in 20 years time, and there are no nuclear weapons, and we are deciding should we break out. So what are the problems? The first is a timing problem. Within six months of an announcement that you have nuclear weapons the US, Russia, China, England, France, Israel, would respond. So we only have six months to do what we want to do. As John has already said, smaller nuclear weapons are not that useful. There were 68 Japanese cities bombed in World War II. In Germany there was horrendous city bombing. So you’ve got to break out with a bunch of weapons. Whatever it is you want to do you have to do in six months because in six months all the former nuclear weapon states could have nuclear weapons. Six months to coerce. You would need at least 100 weapons per country to take them on. The problem is that most experts believe you can’t build that many weapons without getting caught. The most likely thing that would happen is that in six months we would be back to the status quo we have today, and that would be a drag, but it is not a disaster. Any cheater that broke out would immediately be branded as another Hitler, a danger to every other country. It would be very difficult to take on a mission that would take on much of the world.

AMBASSADOR KNUT LANGLAND of Norway: I have two questions. With respect to International Humanitarian Law, there has been a dramatic evolution. Some conventional weapons are banned and we have the Biological Weapons Convention and the Convention on Chemical Weapons. So weapons can be banned and made illegitimate. Any political leader would be aware that the political cost would be high if those bans were ignored. The military value of nuclear weapons is very limited compared to what was thought in 1945. But countries want to maintain their nuclear arsenal. Today you don’t have a super power race, you don’t have really bad tensions between the nuclear powers so the danger is much lower now than ever before. You have seen only some in the public demanding disarmament. How do you approach the grass roots so more political pressure will be put on the nuclear powers?

JOHN BURROUGHS: You are right about the trend about banning weapons. It is a simple message for us to use with the public. We have banned these other weapons, let’s ban nuclear weapons. The IHL logic gives some more power to that message. I think there is a different story to be told about politics and public opinion in the United States. There was quite a large mobilization in the 1980s. A lot of work on advocacy and outreach was done and it was effective. The US public basically thinks that nuclear weapons are bad, and a majority says they should be banned everywhere in the world including the United States.

The question you understandably are raising is, where is the advocacy and activism, where is the outrage, where is the engagement on the issues? Those are good questions but I don’t think we should lose sight in the United States that there has been public mobilization. I have great admiration for diplomats like yourself and for officials and for people like Randy

Rydell who work on these issues day in and day out in government, in the United Nations, in academia and so on. It is what one has to do as a responsible person who is aware of the realities of this. Public opinion and popular movements are fickle things, hard to predict, and so I don't think we can put all of our bets on social movements emerging that are going to demand disarmament.

But I was very happy to see this past year the quite effective advocacy that was being done by the International Campaign to Abolish Nuclear Weapons. We had a great young man from Australia who was here in New York for months, Tim Wright. Not only in the context of the NPT but more generally the advocacy materials that were developed were really good for getting out to the public. It is interesting that some of the energy for this comes from Australia or New Zealand or other non-nuclear weapon states. Perhaps it is easier to see the insanity of nuclearism from outside the system than from within.

WARD WILSON: The way I see it is that President Obama's election demonstrated that there is in the United States a real hunger for real change, large scale change. The fact that that exists is demonstrated by the number of votes that he got, and by the level of discouragement since that the change seems to be incremental, compromised, step by step. I don't know how to arouse the American public so that they understand that this is an enormous danger that matters, that could harm people in every part of the country if there were a nuclear war. It seems to me that part of the answer is that we should propose radical solutions. We should have the courage to take dramatic steps because at least in the United States there seems to be right now a hunger for real steps forward, not small steps, not baby steps, not the START treaty but something that really moves us forward in a radical way. I don't know what that proposal is. Randall Forsberg is dead. We need that kind of thinking to come up with an idea to galvanize millions. But whatever that proposal is, it must be far reaching and dramatic.

ELIZABETH SHAFER, Vice President of LCNP: I have been impressed by both speakers. I think the history is important. A few years ago I read Tsuyoshi Hasegawa, *Racing the Enemy*, Stalin, Truman and the Surrender of Japan, who spoke of the tripartite policies of surrender – it was not just the United States and Japan that were involved. But I do think that the basic issue is IHL. Even if nuclear weapons worked, they are wrong. We have to look at the practical argument that they don't work as being a winning one, but even if they could work, that does not make their use moral. Some people argued during the Bush years that torture worked, but it was wrong. I think the approach we should be emphasizing is the International Humanitarian Law approach.

WARD WILSON: I think one of the advantages that people who oppose nuclear weapons have is that they have two strong arguments. They have this emerging practical argument that the weapons are not very useful and they have the moral argument that anti-nuclear people have been using for years. Both arguments seem sound, to me, and that means that used in concert they should be very effective.

RANDY RYDELL: Many thanks to our speakers and to all in the audience for participating.