

ILPI



Learning from the past

What past experience can tell us about addressing the humanitarian impacts of nuclear weapons

Background

- A current focus of international attention is on examining the **humanitarian consequences** of the detonation of nuclear weapons
- Some see parallels with recent humanitarian inspired processes like efforts leading to the **2008 Convention on Cluster Munitions**, and the **1997 Anti-Personnel Mine Ban Convention**
- There are numerous differences between nuclear weapons and ‘conventional’ explosive weapons, such as anti-personnel mines and cluster munitions
- What tactical lessons might these initiatives suggest for policy practitioners considering the idea of nuclear weapons prohibition?

Lessons from the past

- In both the anti-personnel mines and cluster munitions campaigns, core groups of small and medium-sized states **provided leadership** to deliver these processes at viable negotiations on ban treaties
- **Transnational advocacy networks (TANs) and NGOs** played visible crucial roles, e.g. in collecting and presenting evidence of harm
- Campaigners mobilised grass-root support and media interest, contributing to pressure governments to participate
- In both campaigns, the humanitarian consequences of these weapons had to be effectively articulated before a viable framing to achieve a ban treaty was possible

Argumentation and evidence

- Efforts to change the positions and policies of states begin with individuals
- In 2003, most policy makers considered cluster munitions as legitimate and versatile weapons
- Less than five years later, the situation changed to one where the majority of the world's countries considered cluster munitions to be **unacceptable weapons requiring prohibition**
- International efforts on cluster munitions (and prior to that, anti-personnel mines) **emphasised the humanitarian nature of evidence as crucial**

Problems, plans, solutions

- Those pointing out a problem must presently constitute a **solution or effective response**
- Plans require resources to implement, implying a willingness to share political, logistical and financial burdens
- Underlines the importance of setting clear, ambitious goals to be achieved in time-bound processes
- Perceptions of viability can alter over time, as was the case with cluster munitions: virtually no state representatives acquainted with the problem in 2002, but the balance shifted over the course of the 2003-08 period

Early stages

- Equally critical as treaty negotiations, especially in efforts to engender **frame alignment** amongst relevant actors
- Massive use of cluster munitions in Southern Lebanon (2006) not predicted, but consequently strengthened the case amongst states for specific restriction
- TAN and epistemic community influence in a given context depends heavily on the **credibility** of their identities as ‘good’ or ‘expert’
- Even a state with poor arguments and evidence to support its position can obstruct a negotiation unless its identity or outside pressure constrains it from doing so
- When states have firm preferences and smell a workable bargain, it can be very difficult to influence their behaviour

What use of a nuclear ban?

- At present, nuclear armed states appear relatively comfortable with the international architecture for managing nuclear orders
- Procedurally they are able to thwart non-nuclear weapon states' to modify the *status quo*
- A ban treaty should not be limited to use, but include provisions on **development, production, transit, stockpiling, transfer and destruction**
- A comprehensive ban treaty would be consistent with the Nuclear Proliferation Treaty (NPT), and states' broader and deeper obligations under international humanitarian law

Conclusion

- Recent humanitarian-inspired processes to curb weapons deemed unacceptable could relate to building on international discussions about the humanitarian consequences of a nuclear weapon detonation
- Many of the characteristics of any emergent processes must differ from processes to ban anti-personnel mines and cluster munitions
- These processes are **not templates** for a nuclear weapons ban treaty
- Nevertheless, elements, dynamics and critical argumentation could be **drawn from these processes**, and benefit policy practitioners pushing for a nuclear ban - at least in the early framing stages