A New Perspective: Institutionalizing the Humanitarian Approach

By

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Excellencies, ladies and gentlemen. I wish to thank the Permanent Mission of Kazakhstan for organizing and hosting this fourth session of the Nuclear Discussion Forum. The theme of the discussion today is timely and appropriate for two reasons. First, I can’t think of a more fitting topic for this forum, which itself has become an important institution for fostering serious thinking on current issues in the field of nuclear disarmament. Second, we are now just two and half weeks away from the third Conference on the Humanitarian Impact of Nuclear Weapons.

To some, the application of humanitarian considerations to nuclear weapons is seen with some consternation or as an inconvenient distraction from the so-called high politics of realism. Others see it as forming the core of all future nuclear disarmament efforts. Regardless of one’s view, it is clear that the humanitarian approach has brought a considerable amount of energy to the cause and is serving to inspire a new generation of NGOs and governmental officials, all of whom share the common goal of achieving a nuclear-weapon-free world.

While this approach to nuclear disarmament might seem quite novel, the linkage between humanitarian objectives and disarmament is certainly not new. Some of the first efforts to codify the rules of warfare sought to prohibit or restrict specific weapons that could not be used in conformity with the principles of humanity. Those early agreements targeted weapons that cause superfluous injury or unnecessary suffering or whose use would be repugnant to the conscience of humankind.

The 1868 St. Petersburg Declaration outlawed explosive bullets due to the “unnecessary suffering” they caused. For similar reasons, the 1899 Hague Declaration prohibited bullets that expand or flatten in the human body and the 1907 Hague Regulations banned the use of poison and poisoned weapons. In 1925, the international community placed its first restrictions on weapons of mass destruction when it prohibited the use of gases and bacteriological methods of warfare due to their uncontrollable effects.

Since the formation of the United Nations, humanitarian arms regulations have increasingly been aimed at protecting civilians from the effects of armed conflict. At the same time, successive international agreements in this area have also been viewed as contributing to broader objectives, including the aspirations expressed in the United Nations Charter.

In fact, during the Cold War particular humanitarian arms limitation agreements were recognized for their potential to contribute to such noble objectives as “international détente”, “the ending of the arms race and the building of confidence among States” and indeed nothing short of “general and complete disarmament” and “the realization of the aspiration of all peoples to live in peace”.

This integration of the humanitarian and disarmament imperatives may be the best way to achieve a nuclear-weapon-free world. After all, disarmament and arms limitation agreements grounded in humanitarian concerns have shown remarkable permanence. This has contrasted with the more temporal nature of arms limitation agreements founded out of security concerns alone, which, like any contract, have become void when one party violates its terms or decides to walk away. Notable examples include the Washington Naval Treaties and the anti-ballistic missile defence treaty. Indeed, the most important international treaty governing nuclear weapons, the nuclear non-proliferation treaty (NPT), represents such a contract – one whose fates hangs on perceptions of how well its requirements are being met.
Though only chemical, biological and various types of conventional arms have been subject to explicit legal restrictions through treaties, the international community has certainly not been silent on the humanitarian implications of nuclear weapons. I think all of us here are aware of the conclusions of the Conferences in Oslo and Nayarit, which have done much already to build new awareness of the consequences of any use of nuclear weapons. Nor is it necessary for me to recall that these recent efforts carry forward the deep concern expressed by the States parties to the NPT at the 2010 Review Conference.

Rather, the connection between humanitarian concerns and nuclear weapons goes all the way back to the first days of the United Nations itself. Since the very beginning – and indeed at every step of the way since – the General Assembly has been at the forefront of efforts to rein in the humanitarian calamity that would result from any nuclear conflict.

Its first resolution sought measures to eliminate atomic weapons and all other major weapons adaptable to mass destruction. In a sense, this resolution inextricably linked the future of nuclear weapons to chemical and biological weapons – those other weapons of mass destruction whose use State had long since agreed should be prohibited.

Another landmark moment came in 1961, when in resolution 1653 (XVI), the General Assembly declared that the use of nuclear weapons would exceed the scope of war, cause indiscriminate suffering and destruction and would thus be contrary to the rules of international law.

And of course, no survey on the contribution of the General Assembly in this regard would be complete without reference to the 1996 advisory opinion of the International Court of Justice, which, in responding to a question posed by the Assembly, found that the threat or use of nuclear weapons “would generally be contrary to the rules of international law applicable in armed conflict, and in particular the principles and rules of humanitarian law.”

Over nearly seventy years, the United Nations has sought to come to terms with nuclear weapons through a dizzying number of bodies: commissions established under the auspices of the General Assembly and Security Council; resolutions adopted in the First Committee; three special sessions of the General Assembly; studies commissioned by ECOSOC, UNDP and OCHA; not to mention the negotiations and other substantive work that have taken place in the Conference on Disarmament and all of its predecessors.

But the matter of how this new humanitarian emphasis should be institutionalized is not a question of forum. In this regard, we should consider the distinction between international organizations and international organization as stressed by the political scientist Inis Claude in his book Swords into Ploughshares. According to Claude,

“Particular organizations may be nothing more than play-things of power politics and handmaidens of national ambitions. But international organization, considered as an historical process, represents a secular trend toward the systematic development of an enterprising quest for political means of making the world safe for human habitation.”

I would thus like to leave you with the notion that, by placing humanitarian concerns at the center of nuclear disarmament, this could lead to the culmination several historical processes aimed at achieving a better world for all and for ensuring international peace and security. This is because nuclear disarmament must surely be considered one of the quintessential means of making the world safe for human habitation.
Thank you for your attention.