

# Report from the international Conference on the Humanitarian and Environmental Impacts and Responsibilities of Hosting Nuclear Weapons

Held at the Scottish Parliament on 9 December 2016<sup>1</sup>

## Executive Summary and Practical Ways Forward<sup>2</sup>

1. This conference has looked at nuclear weapons through today's humanitarian and environmental lens, focussing on the impacts for Scotland as a host country for the UK's Trident nuclear weapons system and its planned successor.
2. From First Minister Nicola Sturgeon MSP and many other speakers and participants, the Conference heard that nuclear weapons are not only inappropriate and risky for strategic and human security and an unnecessary economic burden; they are morally wrong.
3. Paul Wheelhouse MSP told the Conference that the Scottish Government recognises that nuclear weapons "are indiscriminate and devastating in their impacts; their use would bring unspeakable humanitarian suffering and would cause widespread, untold environmental damage."
4. Other speakers and participants provided further evidence and analysis, with Scottish speakers highlighting why such understandings have fuelled opposition to Trident. Recognising the humanitarian risks and consequences of nuclear weapons underpins growing Scottish public and political pressure for their government and elected representatives to support UN negotiations to conclude and bring into force a universally applicable nuclear ban treaty to prohibit activities such as the use, deployment, production, transporting and stockpiling of all nuclear weapons.
5. In outlining the division of responsibilities between Westminster and Holyrood after the 1998 devolution agreements, Paul Wheelhouse MSP noted that the Scottish government and local emergency services are held primarily responsible for the "off-site consequence management of any major incidents occurring in

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<sup>1</sup> This conference was organised by UNHouse Scotland and the Acronym Institute for Disarmament Diplomacy, and hosted at the Scottish Parliament, Edinburgh.

<sup>2</sup> This executive summary was provided by Dr. Rebecca Johnson, and based on her closing reflections drawing on the conference discussions.

Scotland". Scotland has few if any rights and powers in nuclear weapons decision-making, as defence and foreign policy are reserved to the UK Government. Nonetheless, Scotland's government and local emergency providers would bear many serious responsibilities if nuclear-weapon-related decisions go wrong and result in nuclear accidents or other nuclear-weapon-related incidents.

6. Nuclear decisions taken in London create risks with UK-wide and international consequences. Reducing the risks and dangers requires concerted political and public education and opposition that are UK-wide and international.
7. As demonstrated by a range of initiatives, raising awareness and addressing the humanitarian risks and consequences of nuclear weapons leads to different kinds of questions about the utility and role of such weapons of mass destruction than are normally discussed when nuclear policies are framed in terms of military force projection, deterrence and arms control.
8. As we heard from speakers Peter Herby and Beatrice Fihn, the Red Cross and numerous humanitarian agencies presented evidence to the United Nations and through a series of conferences held in Oslo, Nayarit (Mexico), and Vienna during 2013-14, testifying to the lack of national and international response capacities to deal with even a single nuclear weapon detonation, whether caused by accident or intention. Many thousands of people are likely to die immediately from the flash, burns and blast. Many more will be injured and poisoned as the medium and longer term impacts occur, including the spread of radiation.
9. Climate scientists have published recent studies showing that if a fraction of today's nuclear arsenals were detonated in a regional conflict, the environmental impacts would be globally catastrophic, with impacts on the Earth's climate that would cause "nuclear winter", agricultural collapse and widespread famine and death. Studies based on a very "limited" and "regional" use of nuclear weapons, for example in South Asia, Russia or Europe, show the ways in which severe global impacts would be felt around the world, with women, children and the poor and vulnerable being disproportionately affected.
10. Modelled on research into the cumulative effects if 100 Hiroshima-sized (13-15 kt) bombs were detonated on urban and regional targets, scientific studies show that nuclear winter and mass famine could also result if urban areas are destroyed by the firing and detonating of the 40 nuclear warheads (each of approximately 100 kt) carried by just one of the UK's Trident-armed submarines. That means that the UK could cause nuclear winter if it used the weapons on board a single Vanguard or Dreadnought submarine, one quarter of the current arsenal.
11. The past six years of multilateral consideration of the humanitarian impacts of nuclear weapons, including in the 2010 and 2015 NPT Review Conferences, the international conferences in Oslo, Mexico and Vienna on the Humanitarian Impacts of Nuclear Weapons in 2013-14, several UN meetings and the 2013 and 2016 UN Open-Ended Working Groups, have led to widespread agreement that nuclear weapons should be prohibited with an appropriate legally binding instrument, which would accelerate and lead to the complete elimination of nuclear arsenals. Having nuclear emergency plans in place as well as national decisions to adhere to the NPT and regional nuclear-weapon-free zones are

undoubtedly important, but without collective international action to ban and eliminate nuclear weapons, governments cannot keep their citizens safe from the consequences of nuclear uses by or in other countries.

12. While there are a number of legal, political and administrative differences from the situation of NATO states that host US nuclear weapons, Scotland *is*, in fact, a host country for nuclear weapons, but without the democratic power to say no. Whatever the differences in the roles and responsibilities in different hosting arrangements, the relevant fact is that in Scotland – as with Belgium, Germany, Italy, the Netherlands and Turkey – the weapons are stationed and deployed in a country that is not the same as the seat of the government responsible for making, deploying and using the nuclear weapons.
13. Nuclear deterrence has been a core doctrine for the UK and NATO since the 1950s, based on the theory that by having and deploying nuclear weapons certain states can provide security for themselves and their allies. People in these states are encouraged to view the possession and deployment of nuclear weapons as the best means to deter and prevent the use of nuclear weapons and, at least according to some governments, other major military threats and wars. There is scant evidence that nuclear or other weapons of mass destruction have ever been determining factors in deterring conflict or WMD use.
14. Theories of deterrence ignore or discount problems and risks arising from the nuclear weapons themselves, such as accidents, error, miscalculation during various stages up to intentional use, and the weapons' production, testing, transporting, stockpiling and deployment. There is considerable evidence from the past 71 years of nuclear arms production and build-up of accidents and mistakes with serious impacts, as well as some dangerously close calls. Documented incidents include radioactive contamination and conventional explosions involving dropped or transported nuclear warheads and fires in various production facilities. Close calls, as documented by Chatham House and others, include human and technical errors and miscalculations that could have potentially led to escalated aggression, nuclear use and war.
15. Risk is measured as the product of probability multiplied by consequence. The probability of nuclear accidents and use is considered to be relatively low. But as we heard from Rob Edwards, author of the Nukes of Hazard report published by ICAN and Acronym, and through research and information over the years from Nukewatch, Nuclear Information Service, Scottish CND, Aldermaston Women's Peace Camp, CND and others, there is a worrying history of accidents, mistakes and incidents that demonstrate a probability of future dangers significantly higher than zero.
16. Advocates of both nuclear deterrence and nuclear disarmament are in agreement that if something goes wrong with nuclear weapons, the humanitarian and environmental impacts can be catastrophic and would likely cross national boundaries, with severe consequences for people outside the immediate area of detonation.
17. The risk of nuclear disasters must therefore be counted as significant and actual, and should be factored into all governments' security policies, whether or not they are themselves among the nine nuclear-armed states.

## **Recommendations and ways forward**

18. The prospect of negotiations in 2017 on a legally binding nuclear prohibition regime provides a paradigm-changing context for governmental and civil society action to halt nuclear weapons programmes and accelerate the elimination of nuclear arsenals. The negotiations also take forward the UN's Sustainable Development Goals, especially SDG 16 on Peace and Security, as well as protection of the planet (SDG 13) and broader goals of development and good health. The UK Government as well as Scottish government and authorities should prepare for and participate in multilateral nuclear disarmament negotiations as constructively as possible.
19. The proposed Nuclear Ban Treaty will go some way towards reducing the status and value attached to nuclear weapons, and lay the groundwork for eliminating nuclear arsenals and accelerating implementation of the NPT's nonproliferation and disarmament obligations.
20. As the de facto host country for UK nuclear weapons, Scotland has specific responsibilities and roles to fulfil, and is thereby in a unique situation to make a positive difference.
21. It could be useful for Scottish and international lawyers and the Lord Advocate to be consulted and to explore in more depth the legal roles and responsibilities, including issues of compatibility or conflict between Scottish Law, UK law, the 1998 Scotland Act, and international treaties such as the NPT and a potential Nuclear Ban Treaty, as well as liability in the event of nuclear-related disasters.
22. With support from the Scottish parliament and active civil society, the Scottish Government should publicly declare support for the UN's multilateral negotiations, and pressure the Westminster government to refrain from undermining negotiations to achieve a strong and effective Nuclear Ban Treaty. When such a treaty is concluded, the Government should commit to sign, ratify and comply with a clear plan and timetable for dismantling and eliminating the Trident nuclear system as soon as possible.
23. There may be perceived tensions between approaches aimed at reducing or mitigating specific dangers and approaches aimed at eliminating the dangers by prohibiting nuclear weapons and associated risky activities such as deployment, stockpiling, transport and threat of use.
24. The two approaches would be compatible as long as it was recognised that Scottish risks arise mainly because of the UK's Trident nuclear weapon system, and therefore any interim practical steps to minimise those risks should be in the context of ending Trident deployment, making Scotland nuclear free, and promoting negotiations to achieve the global prohibition and elimination of all nuclear weapons.
25. Since Scotland has primary, devolved responsibility for road safety, health, education, environment and emergency planning, relevant interim practical measures could focus on transparency and accountability. This might include *inter alia*: requesting the full engagement of Scottish officials in planning and safety discussions regarding Trident in Scotland, and enabling Police Scotland and relevant emergency planners and services to be kept fully informed whenever nuclear weapons are being transported by air, land or sea across or near Scottish territories. Some participants were sceptical about the usefulness of such measures, and concerns were expressed that even if the MoD agreed to

greater MoD transparency and better engagement, more open participation by local emergency and security services in these activities would not increase genuine security and could make Scottish police, services and officials more complicit in the deployment of Trident.

### **Scottish leadership and engagement with UN negotiations**

26. The Scottish Government and parliamentarians representing Scottish constituencies in Holyrood and Westminster need to take the lead in informing, promoting and pressuring the UK government to participate constructively in the UN mandated multilateral negotiations to prohibit and eliminate nuclear weapons, starting in March 2017. These negotiations will be open to all UN Member States. The UK will have an equal opportunity to put its arguments forward in negotiations, but only if Westminster makes the decision to join these multilateral negotiations. Neither the UK nor any other nuclear-armed state will be given veto power to block the negotiations, but each state will have a sovereign right to decide when to accede to a treaty once it is concluded and opened for signature.
27. Persuading the UK government to participate and then sign, ratify and implement the treaty is a right and responsibility of all UK citizens.
28. In view of its responsibilities as a host nation for nuclear weapons, Scotland should be properly represented in the negotiations.
29. If the UK Government decides to participate in the negotiations, the Scottish Government needs to request the FCO to include places on the delegation for relevant Scottish diplomats and experts, so that Scotland's security and interests can be properly represented.
30. If the UK decides to boycott the multilateral negotiations, the First Minister should write to the appropriate UN authorities and request that Scotland be accorded a seat at the negotiations, in view of its status as a reluctant nuclear weapon host country, Scotland's responsibilities for humanitarian and environmental safety and security, and taking into account overwhelming public and political support to make Scotland nuclear free, including strong support for the nuclear prohibition treaty negotiations. There are precedents for the UN to provide observer seats in similar (but not identical situations), and a strong case can be made for Scotland under these particular circumstances, especially if the Westminster government fails to participate in the negotiations or recognise Scotland's special interests and the very different policies of its democratically elected government.
31. Since the NPT begins its review cycle for 2020 with a Preparatory Committee meeting in Vienna in May 2017 and subsequent meetings in 2018 and 2019, it is also worth Scotland making the case with the UK government and/or the NPT Secretariat to have a recognised role in this and future NPT meetings, either with Scottish government representatives on the UK delegation or as an observer. The NPT review cycle will run in parallel with the UN negotiations to prohibit and eliminate nuclear weapons.

### **Education**

32. All three working groups emphasised the importance of public and social education about nuclear weapons. Peace education could be mainstreamed in schools and media could be harnessed to provide more information, debate and

communication about Trident, current and historical civil society actions, the development and progress of international and UN initiatives to negotiate a Nuclear Ban Treaty (NBT) and the facts, evidence and arguments about the risks, insecurity, humanitarian and environmental impacts of nuclear weapons.

### **Civil Society Engagement**

33. The UN resolution mandating negotiations to prohibit nuclear weapons explicitly emphasised the full participation of civil society. With over 440 partner organisations in nearly 100 countries, ICAN will be coordinating civil society's strategies, tactics and participation in negotiations. There are also important roles for civil society activists, academics and elected representatives to play.
34. For example, citizens can highlight the UN negotiations, advocate a strong and effective Nuclear Ban Treaty and raise legal challenges to Trident deployment through nonviolent activism and demonstrations relating to nuclear transports and bases in Scotland and the rest of the UK.
35. Civil society academics in universities or organisations could do more to spread information about the NBT and humanitarian initiatives. Useful research, which could be commissioned or supported by the Scottish government, local councils, academic institutions or funded NGOs, could include:
  - a. the risks, dangers and liabilities for Scotland of hosting Trident nuclear weapons;
  - b. technical capabilities, security and safety requirement and political considerations relevant to determining the most feasible timetable for withdrawing, dismantling and eliminating Trident;
  - c. developing jobs for local areas and workforces that would be affected by ending reliance on nuclear weapons;
  - d. ways and means for Scotland to reduce risks and promote nuclear disarmament, nonproliferation and security without nuclear weapons; and so on.

### **Engagement with elected representatives**

36. Building on the participation of elected representatives and parliamentary initiatives discussed by the Green Vice President of the European Parliament Ulrike Lunacek and Dutch Socialist MP Harry van Bommel, as well as recent initiatives in Norway, Belgium and other NATO parliaments, Scottish parliamentarians (from all parties) who support multilateral negotiations should do more to make common cause with elected representatives in Westminster, the European Parliament and NATO host countries to encourage and pressure European governments to participate constructively in the UN negotiations and achieve a strong and effective Nuclear Ban Treaty.

## Report of the plenaries and working groups of the Conference<sup>3</sup>

### Opening Plenary

Gari Donn, Executive Director of UNHouse Scotland opened the Conference by reminding participants of the central role of the Sustainable Development Goals (SDGs) which the UN adopted in 2015. She emphasised that this conference addressed SDG 16 which promotes peace, justice and strong institutions. She urged us all to make sure the SDGs are known to everyone because these UN goals are not only for other countries but for Scotland as well. In concluding, she said that by working for SDG 16, we - in civil society as well as in parliament - can make Scotland more just, secure and peaceful.

### First Minister Nicola Sturgeon

Bill Kidd MSP delivered First Minister Nicola Sturgeon's message. The First Minister noted that today's conference follows a meeting last year (2015) which she held with the Austrian Ambassador, Mr Alexander Kmentt, Scottish CND, WILPF and ICAN. She also noted that this conference is timely as it comes two months after the UN adopted a resolution to launch negotiations on a treaty banning nuclear weapons.

There is indeed a large consensus in Scotland and around the world against nuclear weapons, as 123 nations voted in favour of the resolution. The First Minister underlined that the issue of nuclear weapons is not only one of the SNP's most important issues, it is also a very important issue for her personally as this year marks the 30<sup>th</sup> anniversary of her SNP membership. Earlier this year, she proudly stood alongside members of CND, Leanne Wood and Caroline Lucas as well as thousands of people in London to make her opposition to nuclear weapons crystal clear.

The First Minister then iterated the reasons for opposing nuclear weapons. First and foremost, she pointed to the fact that nuclear weapons are morally wrong. The use of nuclear weapons would be devastating and cause suffering on an unimaginable scale. Secondly, she noted that nuclear weapons have no strategic value. Trident is impractical and outdated as it does not protect us from modern-day threats to security and does not prevent conflicts between nuclear and non-nuclear states.

She made clear, however, that beyond moral and strategic arguments, Trident is financially unjustifiable. At a time of political and economic crisis and unprecedented cuts to public services by the UK government, Prime Minister Theresa May chose to make the commitment to spend billions of pounds on the Trident nuclear system, and told the House of Commons that she would be willing to press the nuclear button and kill hundreds of thousands of innocent people.

Finally, Nicola Sturgeon reminded us that the vast majority of countries do not possess nuclear weapons. She asked how we can expect other nations to disarm if we continue to send the message that our security depends on nuclear weapons.

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<sup>3</sup> Compiled by Marie Bellanger and Kelly Phillips, UN House.

The norm is to be nuclear free, while nuclear weapons possession is the exception to the rule. She concluded her message by underlining that there is no moral, economic or military case for the possession of nuclear weapons.

### **Paul Wheelhouse MSP, Minister for Business, Innovation and Energy**

Paul Wheelhouse opened his presentation by expressing regret that the continuing presence of nuclear weapons had necessitated the holding of a conference about the humanitarian and environmental impacts and responsibilities of hosting such weapons of mass destruction. He emphasised that the Scottish Government is firmly opposed to the possession, threat and use of nuclear weapons, and that in the interests of the Scottish people the government has repeatedly called on the UK Government to cancel Trident renewal and ensure the safe and complete withdrawal of nuclear weapons.

Paul Wheelhouse argued that nuclear weapons are morally and financially wrong as well. First, the indiscriminate nature of nuclear weapons would cause unspeakable humanitarian suffering. Second, he castigated the £167 billion price tag for the Trident Successor programme, arguing that this will be at the expense of conventional defence means, which have far more utility to deter and respond to any realistic threats. It is estimated that 8.5 % of that cost would be borne by Scotland's 5.3 million people.

Not only is Trident strategically, militarily and economically wrong but it is also unable to deter terrorism and sends unhelpful signals rather than discouraging proliferation. There is no justification for Scotland to continue hosting nuclear weapons. The Scottish Parliament supports defence diversification to provide defence workers with alternative training and employment, but in any case, to suggest that numbers of jobs is a reason to have nuclear weapons is morally wrong. HMNB Clyde has a stronger future as a conventional naval base.

Notwithstanding the strong public and political support for making Scotland nuclear free, the Scottish Government chairs the Scottish Nuclear Resilience Group, and takes its safety and security responsibilities very seriously.

The responsibilities of response in case of an emergency are divided between the Ministry of Defence (MOD) and the Lead Governmental Department (LGD). In the event of a civil nuclear emergency the Scottish Government is the LGD for response and recovery. Responsibility of transportation of nuclear weapons lies with the MOD. Other responsibilities are outlined in the Nuclear Emergency and Response Guidance documents. In addition, the documents on local authority and emergency services information (LAESI) are reviewed and updated on a regular basis.

Alongside the emergency response plans of the UK MOD, Scotland has its own emergency response plan as well. Preparing Scotland (Preparing for and Dealing with Emergencies) forms the basis of Scotland's emergency arrangements. For example, it details how responders in local and regional circumstances can react to nuclear emergencies. The Scottish Government keeps its arrangements under continuous review. This, he argued, is a continuing process to allow for improving procedures in the event that the unimaginable would happen.

Looking at the emergency arrangements themselves, if a radiation emergency were to happen, dedicated structures would be needed. These currently exist at various locations. In circumstances where there's a serious emergency, Scotland will have its own emergency response, the role of which will be dependent on the nature of the emergency. An important characteristic of the emergency response is that key emergency responders will be given a forum which will act as a focus point to consider key issues of the response program and can enable responders to raise issues requiring resolution.

Paul Wheelhouse underscored that the Scottish Government has been consistent not only in its opposition to Trident and its Successor programme, but also in doing everything in its power to work with the UK Government to build resilience to any potential nuclear incident threat and to keep the people of Scotland safe.

Concluding that the possession of nuclear weapons has not prevented conflicts between nuclear and non-nuclear states, and their continued presence drives and facilitates other countries that may seek to acquire them, he concluded that there was no conceivable scenario in which nuclear weapons could be lawfully or morally used. He called on the UK Government to work with Scotland to lead by example on disarmament and work together for the safe and complete withdrawal of Trident.

### **Ulrike Lunacek, Green MEP from Austria (by video)**

Ulrike Lunacek MEP is a Vice President of the European Parliament and eminent Green MEP from Austria, as well as member of the committee for foreign affairs and the committee on civil liberties.

In her video message to the Conference, Ulrike Lunacek first noted that the world is at a crossroads today. Russian president Vladimir Putin, for example, has expressed willingness to use nuclear weapons as a threat against neighbours and NATO countries. Russian strategic bombers often simulate attacks against NATO or Scandinavian countries, even violating these nations' air space. On the other side, newly-elected US President-designate Donald Trump recently said countries like Japan and South Korea should develop their own nuclear weapons and become responsible for their own security. Even in Europe, we have witnessed a very hawkish French position on nuclear weapons and an end to the debate on the withdrawal of tactical US nukes in officially nuclear unarmed countries like Germany, Belgium, Netherlands, Italy and Turkey.

In view of the heightened instability, unpredictability, tension and threats, Ulrike Lunacek argued that that a wise and strategic security policy would not promote more weapons of mass destruction, but instead do whatever is possible to take forward the process of their total elimination. Citing the dangers that could arise if more countries pursued nuclear arsenals as Mr Trump suggested, or if he carried out his declared intention to cancel the nuclear deal brokered with Iran by the US, European Union and others, she said there was no time to lose.

At the same time, Ulrike Lunacek was encouraged that more and more citizens of very different backgrounds were becoming more active against nuclear weapons, spurred on by growing information about the terrible human loss and pain, and the environmental consequences, as highlighted in the Vienna Conference of December 2014. These humanitarian impacts would be especially hard on less developed countries, with consequences for global, regional and national economies, for health systems, the insurance sector and much more.

These figures also show that in Europe we have no adequate civil protection measures and capabilities to counter nuclear detonations. Our governments have the responsibility to protect populations but most are not even trying to do that with regards to nuclear weapons.

So what is the major hope we have? It is based on the humanitarian pledge, this historic UNGA vote of 123 states on 27<sup>th</sup> October 2016 and on the very same day, the vote on the same issue in the European parliament. These two votes and the documented facts and evidence associated with them are our chance.

Concluding her message, Ulrike Lunacek reiterated that we have to do our utmost to prevent a nuclear arms race and we have to start the process that will lead to the total elimination of nuclear weapons. She recognized that Scotland is in a difficult situation regarding its role in the UK's nuclear infrastructure. In her view, Scotland has legitimate aspirations to be nuclear free and independent. As an Austrian and MEP, she assured the Conference participants of her support in the European Parliament. Saying that she would very much welcome a nuclear-free Scotland as an EU member, she noted that this would also help strengthen the work Ireland and Austria are already doing on nuclear disarmament.

### **Harry van Bommel, member of the Netherlands Parliament (by video)**

Harry van Bommel, a Socialist Party member of the Netherlands parliament since 1998, also gave a video message, drawing from his work on matters of foreign policy, the EU and peaceful resolution of conflicts.

Speaking to Scotland's concerns as a host country, he noted that the Netherlands was also in the difficult position of being a NATO host for US nuclear weapons that the majority of the population thinks should be removed, banned and eliminated.

For decades, nuclear disarmament processes have been blocked by nuclear weapon states and their allies. Therefore, he welcomed the start of negotiations on the nuclear weapons ban treaty in 2017. Nuclear armed countries have avoided their responsibilities when it comes to disarmament. The ban treaty will put pressure on countries that claim protection from an ally's nuclear weapons to end such doctrines and practices. This, in turn, will create pressure for disarmament action by the nuclear armed countries.

Highlighting that the majority of members of the Dutch parliament have been supporting the humanitarian initiative and the start of international negotiations on a legally binding instrument to prohibit nuclear weapons, Harry van Bommel explained that in April 2016, the House discussed the PAX citizen's proposal 'Ban nuclear

weapons in the Netherlands' during a parliamentary debate. Among several motions that were put forward, four received majority support during the voting session. One of the most important outcomes of this debate was the clear demonstration that the vast majority of the House wants the Dutch government to work internationally for a nuclear weapons ban.

In the week leading to the UN vote in October, the Socialist Party, along with six other groups in the Dutch parliament, called for their government to vote in favour of the multilateral nuclear disarmament resolution. The Netherlands ultimately abstained. While recognising the role of the House debate and vote in clearly instructing the government to support the UN resolution, he nevertheless found it remarkable that the Netherlands was the only NATO member to go against the Alliance's political pressure to vote against the UN resolution for multilateral negotiations to commence. In welcoming initiatives such as from PAX citizens, described as a good example of how civil society can put the nuclear ban onto national political agendas, he pledged his continuing support for the ban treaty process and will ask the Dutch government to do the same.

Emphasising that it is of the utmost importance that parliamentarians and civil societies from European nations and all nations work together to raise awareness of humanitarian risks and dangers of nuclear weapons, Harry van Bommel concluded by saying that working together, we should bring the nuclear armed and nuclear host countries into active and constructive participation in negotiations to prohibit nuclear weapons. Together we must free our countries of the dangers of hosting and transporting nuclear weapons and accelerate efforts to eliminate nuclear weapons from Europe and from the whole world.

### **Janet Fenton, Parliamentary Liaison for Women's International League for Peace and Freedom (WILPF, Scottish branch) and Vice Chair, Scottish CND**

Janet Fenton said she was very happy to have been active in nuclear disarmament since the early days and was lucky to be in New York for the UN First Committee historic negotiations along with Beatrice Fihn, Rebecca Johnson and of course Bill Kidd. She also thanked Beatrice Fihn for speaking at a meeting the previous evening where she gave a comprehensive update on ICAN and the very significant Ban Treaty Negotiations, noting that Beatrice has started her disarmament career with WILPF, has been a significant actor in getting the ban treaty on the international agenda, through its Reaching Critical Will disarmament programme and more recently, through ICAN.

She described how WILPF began in 2015, noting that it has consultative status at the UN, originating from its roots, when the first international congress came together in the Hague in an attempt to halt the First World War and develop diplomatic solutions, as well as campaigning for human rights, in particular women's suffrage, which they hoped would enable their participation in the decisions. They also wanted a permanent negotiation and communication process between the world's states to prevent the use of force in cases of conflict. These women's delegations from many countries were the start of WILPF's efforts to bring first the League of Nations and then the United Nations into existence in order to prevent war.

The very first resolution of the UN in 1946 aimed to prevent the use of atomic energy as a weapon, but sadly that has not been realised in a context where the use of force is an accepted norm. WILPF has brought women and ideas to the UN ever since, maintaining an approach that is nonviolent and internationalist, promoting implementation of international legal and political frameworks and encouraging the development of new ones. The focus is on achieving fundamental change in the way states conceptualise and address issues of gender, militarism, peace and security. WILPF's real strength lies in our ability to link the international and local levels, the grassroots and the diplomats, informing the UN of ordinary people's suffering, their needs and their opinions and communicating to campaigners on the ground how the processes used by the diplomats can be accessed and implemented locally. In this way, WILPF's disarmament project, Reaching Critical Will, has been instrumental in bringing about UN Security Council Resolution 1325 (2000) and since then in its monitoring and advocacy for nuclear disarmament.

Nuclear weapons are a women's issue, she argued, because women are affected by the weapons, the testing, the radiation accidents to a far greater degree than men in their bodies and in the social stigma towards victims and the impact on their ability to work. But even more in that it is the highly gendered discourse around the meaning and value of power and strength that makes it so difficult for nuclear weapons states to choose a path that is about co-operation and negotiation, that addresses the real needs and dangers we face in co-operation as global citizens.

Probably the greatest threat facing the planet and life on it is climate change, which is already increasing food insecurity, fresh water scarcity, human migration and severe weather crises. These are all factors that increase conflict and add to the pressures on vulnerable populations and fragile governments. The likelihood of nuclear weapon use is increasing and that would have the potential to trigger and accelerate climate change to a point of no return.

Turning to Scotland, Janet Fenton said that Scottish people have opposed the UK's basing of nuclear weapons on the Clyde from the beginning. The lack of consultation or regard for the views or the safety of the people who live here has always been a catalyst for nuclear disarmament campaigning and never more than now. She considered that the discourse around Brexit has given a strong message about Scotland's own views on what constitutes human, rather than border security, whatever side you were on in the independence referendum. The Scottish Government is responsible for the safety of the people of Scotland, whether we are independent or not. Despite the Scottish Government's best efforts, how can we be kept safe with nuclear weapons on our soil?

She noted the work done by small states at the UN negotiations, particularly, for instance, our near neighbours in Ireland. Arguing for more resources to bring the facts and evidence to the attention of parliamentarians and the public in Scotland, she said this was something that ICAN and UNA can contribute to.

In conclusion, Scotland's concerted efforts are not focussed only on what happens here; we have the potential to work beyond borders to prohibit nuclear weapons and

disarm a nuclear weapon state, and therefore we have a responsibility to the world to do our best to achieve that.

**Dr Rebecca Johnson, Director of the Acronym Institute for Disarmament Diplomacy, and ICAN International Steering Group**

Dr. Johnson began by recalling how this Conference had been hatched in a nearby pub in July, when she met with Bill Kidd MSP and Gari Donn of UN House and UNA Scotland. They felt at that time – and this year's developments confirm – that Scotland faces particular risks, dangers, challenges and responsibilities as a host country where nuclear weapons are kept and transported by road and sea.

The term "host country" is normally applied to NATO countries Germany, Italy, Belgium, Netherlands and Turkey, where US nuclear weapons are sited. The situation of Scotland is somewhat different, but the decision by the UN First Committee a few weeks ago to launch negotiations on a legally binding nuclear weapons prohibition treaty in 2017 has important consequences for Scotland as well as the UK government, as such a treaty would be likely to ban activities that currently take place in Scotland.

Under the 1998 Scotland Act, the Scottish Parliament does not have sovereign decision-making powers regarding defence and foreign policies. These are reserved to the Westminster Government and Parliament. However, there are devolved responsibilities covering a number of health, safety, environmental and transport aspects of deploying and stockpiling the UK's nuclear weapons.

This Conference is intended to contribute to thinking about the current situation regarding the risks and responsibilities of Scotland's role in Trident deployment, and the likely future impact of UN negotiations aimed at bringing a Nuclear Ban Treaty into force as International Humanitarian Law in the next few years.

Dr. Johnson recalled that it has been 71 years since two small (by today's standards) atomic weapons flattened the cities of Hiroshima and Nagasaki in 1945. And as the Edinburgh takes place, it is less than six weeks since 123 UN Member states voted in the UN General Assembly's First Committee on Disarmament and International Security, to convene a multilateral UN conference in 2017 "to negotiate a legally binding treaty to prohibit nuclear weapons, leading towards their total elimination".

Building on the Non-Proliferation Treaty (NPT), the new multilateral treaty will for the first time provide a comprehensive approach to prohibiting activities such as the use, deployment, production, transporting, stockpiling and financing of nuclear weapons. It will also extend the NPT's nuclear disarmament obligation by creating a clear, unequivocal legal obligation to eliminate existing arsenals. Negotiations will be under UN General Assembly rules – open to all UN Member states, but blockable by none – and will apply equally to non-NPT and NPT states.

The resolution for "taking forward multilateral nuclear disarmament negotiations", was led by Austria, Brazil, Ireland, Mexico, Nigeria and South Africa, with 57 co-sponsors. The UK was among 38 states that voted against, though diplomats

privately acknowledged that they were unable to prevent negotiations from going ahead. A further 16 governments decided to abstain.<sup>4</sup>

The International Campaign to Abolish Nuclear Weapons (ICAN) coordinated much of the civil society input and encouragement to states to vote for this vital resolution, and – as you will hear later from Beatrice Fihn – will continue to strategise and coordinate civil society engagement with the negotiations when they get underway in March.

For Dr. Johnson, it has been a privilege since 2009 to develop ICAN's nuclear ban strategy, working with civil society and parliamentarians, and from that time to serve as co-chair of ICAN's international steering group, responsible for establishing ICAN's campaign team and office in Geneva. There's an important Scottish connection to how the new humanitarian strategies came about, which made her especially pleased to be in Edinburgh and to share this platform with Janet Fenton and Bill Kidd, and see friends from Nukewatch and Trident Ploughshares, and others who participated in the Faslane 365 year of nonviolent action for disarmament.

During 2006-08, she lived in Clynder and then Rhu. It was an educative experience to live near the Gareloch, close to Faslane and Coulport, and to see the nuclear-armed submarines come and go. Together with local activists like Jane Tallents, present at the conference, they tracked, filmed and protested against the nuclear warhead convoys. Most of all, it was inspiring that so many people from around the world organised demonstrations and blockades as part of Faslane 365, including a number of past and present members of the Scottish Parliament.

The following year, she served on the Scottish government's Working Group on Scotland Without Nuclear Weapons, which was both interesting and frustrating. Two kinds of legal questions kept coming up: nuclear weapons' status in international law and the devolution settlement. So in February 2009, along with Janet Fenton and Angie Zelter, she organised an international conference here in Edinburgh on Trident and International Law, with international and Scottish lawyers and practitioners, the proceedings of which they published the following year.<sup>5</sup> She noted that the experiences on these issues while in Scotland convinced her that even if activists and some lawyers assert that existing law associated with the NPT and International Humanitarian Law make the use of nuclear weapons already prohibited, the sad fact is that the language of the NPT and the 8 July 1996 International Court of Justice (ICJ) advisory opinion have left troublesome gaps. These legal gaps allowed nuclear-armed states like the UK, and various pro-nuclear politicians and lawyers to continue to argue that they were entitled to possess, modernise and rely on deterrence policies based on using and threatening to use nuclear weapons. They used the legal gaps to behave as if they were permitted to research and

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<sup>4</sup> When the full UN General Assembly confirmed this resolution on 23 December 2016 after considering the financial implications, the final vote was 113-35-13. The slight change in numbers was mainly due to smaller delegations being absent from the vote due to the start of seasonal holidays.

<sup>5</sup> Rebecca Johnson and Angie Zelter (eds.), *Trident and International Law – Scotland's Obligations*, Luath Press, Edinburgh 2011

manufacture, transport, deploy and stockpile nuclear weapons for as long as they wanted, while proclaiming their support for nonproliferation and disarmament under the NPT.

During Dr. Johnson's time in Scotland, she became convinced that the unclear meaning of existing international law left loopholes that were used by certain governments to avoid implementing undertakings to eliminate nuclear arsenals. To create the conditions for real disarmament, and the protection of countries and citizens who actively work for disarmament, we have to have a treaty that unequivocally bans nuclear weapons. That was the key – and untried step – to change the legal and normative status of nuclear weapons. And to do this we needed to build a coalition of civil society, states and parliamentarians to negotiate and bring into force a globally applicable nuclear prohibition treaty using international humanitarian law approaches that involved all states and governments equally.

While recognising that nuclear weapons were regarded as fundamentally strategic and political, we connected with lawyers and civil society who had successfully carried through treaty negotiations to ban landmines and cluster munitions in 1997 and 2008 respectively. Though some responded with scepticism, even derision, she built on previous work with diplomats from Norway, Austria, and some of the New Agenda Coalition governments.<sup>6</sup> Then she was able to persuade a group of Australian doctors to change the strategy of their ICAN project and work with her at the 2010 NPT Review Conference to lay the groundwork for a humanitarian disarmament approach that would advocate prohibiting nuclear weapons as the next step towards eliminating the arsenals.<sup>7</sup> The 2010 NPT final document contained important references to humanitarian consequences of the use of nuclear weapons, international humanitarian law, and a legally binding instrument or convention for the prohibition and elimination of nuclear weapons. With assistance from Norway and others, ICAN was relaunched with the nuclear ban strategy and hired staff in Geneva to build a global campaign – which now comprises some 440 organisations in nearly 100 countries.

October 27 2016 should go down in history. Not only was this the date for the historic UN First Committee vote for negotiations to be convened in 2017, but it was also the day on which a ground-breaking resolution endorsing nuclear prohibition negotiations was passed by the European Parliament with 415 MEPs in favour. Just 124 MEPs (mainly from the far right parties) voted against, while 74 abstained. As we heard from Green MEP Ulrike Lunacek, a Vice President of the European Parliament, this resolution called for EU governments to participate constructively in the proposed UN multilateral negotiations "to prohibit nuclear weapons in 2017". It then invited "Vice-President/High Representative Federica Mogherini and the

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<sup>6</sup> The New Agenda Coalition comprising Brazil, Egypt, Ireland, Mexico, New Zealand, South Africa and Sweden, was initiated by Ireland in 1998 and played the leading role in achieving the 'Thirteen Steps' disarmament programme agreed by consensus at the 2000 NPT Review Conference.

<sup>7</sup> ICAN was founded in Australia in 2007 as a project of the International Physicians for the Prevention of Nuclear War (IPPNW), with the initial objective of a comprehensive nuclear weapons convention, and from 2010 changed the strategy to promote a first-stage nuclear ban treaty, building a broad international network to campaign for this objective.

European External Action Service to contribute constructively to the proceedings of the 2017 negotiating conference". This EP endorsement of the UN's efforts to prohibit and eliminate nuclear weapons is important for Scotland and other host countries in Europe as it situates nuclear prohibition negotiations in the context of enhancing nuclear security and the nonproliferation regime, helping to undermine the self-serving accusations from the UK and a handful of nuclear-dependent governments that a nuclear ban treaty would somehow undermine security and the NPT.

These developments show the growing relevance of humanitarian understanding of nuclear impacts, and set the scene for today's conference in Edinburgh.

**i) Humanitarian and Environmental Impacts of Nuclear Weapons Use and Accidents**  
**Peter Herby, Arms Control Consultant, Petersburg Partnerships, Geneva**

Peter Herby spent thirty years working in arms control in Geneva, first for the Quaker UN Office and then the International Committee of the Red Cross, promoting disarmament and negotiations on all kinds of inhumane weapons, from chemical and biological to nuclear, landmines and cluster munitions.

Highlighting how civil-society driven initiatives brought states together for the first time in the nuclear age to address the humanitarian consequences of nuclear weapons, he summarised key findings and outcomes that came out of the three international conferences on the humanitarian impacts of nuclear weapons held in 2013 and 2014 in Oslo, Mexico and Vienna. Starting with 127 states in Oslo, by the third conference in Vienna there were 158 states, as well as international organisations.

The conferences were given up-to-date research showing that in today's world, a small nuclear war involving 100 nuclear weapons involving cities – for example in South Asia - roughly 20 million people would die in the first week. If 300 nuclear weapons were used by Russia against urban targets in US, it would lead to 75-100 million people dying in the first half hour. Similar impacts would occur in Europe or Russia if nuclear weapons were fired against European or Russian cities.

This alone should be an adequate basis for deciding that these weapons are immoral, unacceptable and should be prohibited. So far that hasn't been enough. However, during the international conferences on the humanitarian impacts of nuclear weapons we learned several things.

**Impacts of the environment on the atmosphere and food production/ agriculture**

Because of new types of technology which allows for more sophisticated projections re ash in the upper atmosphere, we are able to learn more. The most cited scenario focussed on the use of 100 Hiroshima-sized weapons (at 13-15 kilotons, small in comparison with today's weapons) against urban targets in a projected war between India and Pakistan.

Not only would this immediately kill millions of people in South Asia. It is predicted than 6.5 million tonnes of ash and soot would be released into the upper atmosphere. It doesn't get washed away by the rain as in the lower atmosphere. It circulates for years. It is projected it would lead to a drop in temperatures in the N atmosphere by 2 degrees for a decade and this would shorten the growing seasons in Eurasian belt and North Asia. It would also lead to a 12 per cent drop in the production of maize in US, 16 per cent grain production drop in China and a 31 per cent drop in winter wheat production in China. As a result of the reduction of food production in the Northern hemisphere, it is estimated that the 800 million people who currently live at northern line of malnutrition would perish. Around 300 million people who live in countries like North Africa and are dependent on food important from other parts of the world, would be at risk of dying of starvation. Expected due to dramatic food reduction, countries would hoard and other populations would not have access. There are hundreds of millions of people living in roughly 5 dollars a day. This population would be at risk. The estimate of 100 nuclear weapons in South Asia – between 1 and 2 billion people would likely perish.

### **Absence of an International Humanitarian response capacity**

The International Committee of Red Cross in 2008 and 9 did an analysis of the international committee of red cross capacity to respond to use of chemical, biological, radiological and nuclear weapons. It also looked at the response capacity of other international agencies; such as international atomic agency, UNDP, WHO and the UN office of coordination of humanitarian affairs.

It was concluded by self-audit of ICRC that although there are some capacities to respond to small scale and isolated radiological events, like Fukushima, there is no international capacity and no international plan to deal with the use of nuclear weapons. Not even one, let alone many. No capacity and no plans. Why?

Because the capacities that are required are different than what is needed to respond to humanitarian impacts of conventional weapons. The logistics are different, protocols, training of staff to be able to operate a contaminated environment. Materials needed to function under those conditions are different. For conventional weapons impact, there are stock worldwide for health, transport etc. The same does not exist for radiological or nuclear weapon detonation emergencies.

Even states which are considered to have highly advanced defence systems (such as Switzerland) don't have the capacity to respond. In all of Switzerland, there are only around 40 beds for burns patients. With one bomb, they would be faced with tens of thousands of burns victims.

These findings of ICRC were initially confirmed by all UN agencies. UN office for coordination of humanitarian affairs, WHO and a system wide survey conducted by disarmament research institute. This means – there is no cure, there is only prevention. Nuclear weapons must never be used again.

## **Potential for effects of second generation survivors (children of "Hibakusha" survivors of the Hiroshima and Nagasaki bombings and subsequent nuclear tests)**

There have been numerous effects on the children of survivors. Japan Red Cross society has run hospitals for atomic bomb survivors since 1956 and 1959. Over years, over 2 and a half million in-patients from survivors seeking treatment. Last year, 70<sup>th</sup> anniversary, they were treating 11,000 patients. There has also been a rise of cancer among population. The DNA damage is now beginning to manifest itself through increased cancers among children who are reaching middle age. Nuclear weapons not only have the immediate effects but seems likely to have effects on future generations.

Five times since 1979, US and Russian or Soviet nuclear forces prepared to launch their nuclear weapons because they believed that they were under attack by the other side. Sometimes this was a result of computer errors, computers sounding an alert that there was an incoming attack. Once it was because a research missile satellite was launched by Norway.

There have also been (since 2014) 320 military incidents in Europe and in East and South Asia involving nuclear weapon states and their allies. Increasing tensions in world today have implications for potential conflict among states with nuclear weapons. Of these states, 25 were considered to be high risk incidents which could have escalated to the use of nuclear weapons.

Turning to what all of this means, Peter Herby offered the following conclusions: We need to think again anytime people talk about the word nuclear weapons in relation to security. What kind of security? How can this be associated with the security of a nation or humanity as a whole? How can weapons with such impacts be reconciled with international humanitarian law (which first should protect civilians). How can the continued possession and even now, modernisation of nuclear weapons be reconciled with the obligations contained in the MPT treaty to negotiate in good faith for nuclear disarmament and the obligation which the international court of justice confirmed in 1996, that nuclear states have an obligation to conclude and prohibit the use of nuclear weapons.

### **ii) Preventing Nuclear Use and War: Humanitarian Approaches to End Reliance on Nuclear Weapons** **Beatrice Fihn, Executive Director, ICAN<sup>8</sup>**

Looking at nuclear use from a humanitarian perspective, the floor was opened to ICAN's Director, Beatrice Fihn said that she became involved in ICAN through her work with the Women's International League for Peace and Freedom (WILPF) and Reaching Critical Will, which joined ICAN's steering group. She highlighted the important role taken by ICAN and its partner organisations to 'inspire, persuade and pressure their governments to initiate negotiations for a treaty banning nuclear

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<sup>8</sup> For coherence, this summary includes part of the presentation made by Beatrice Fihn in Working Group 3.

weapons', recognising the importance of learning from other humanitarian disarmament and civil society initiatives that had challenged the status quo and banned inhumane weapons systems.

She discussed the recent passing of the UN General Assembly's First Committee resolution to begin negotiations on a nuclear weapons prohibition treaty, and shared her thoughts on achieving the ground-breaking victory of 123 votes in favour, noting potential of the ban treaty to bring about far-reaching change. Reflecting on what she witnessed while at the UN in New York, she described her feeling of hope for the future as she saw so many states vote in favour of the resolution, despite receiving heavy pressure from the key nuclear players who desperately tried to get them to vote against. This illustrated the power of the General Assembly, where all states are of equal standing with one vote each, and therefore have the power to pass decisions with a simple majority vote, unlike the Security Council or Conference on Disarmament. The desperate pressure tactics by nuclear states prior to the passing of the resolution served to reinforce the view that they fully recognised that whether they acceded or not, a nuclear ban treaty would change the status quo and constrain the freedom of action enjoyed by the nuclear-armed states under the current non-proliferation regime.

By way of example, she described the effects of the 'Convention on Cluster Munitions' which came into force in 2010. Even though the USA vigorously opposed to the treaty being negotiated and has still not signed, the only remaining US company to produce cluster munitions, Textron, has just recently announced it will stop due to the associated stigma and the resulting effects on their shares. This example demonstrated the potential and power of campaigners to shape public opinions and, regardless of your Government's position on nuclear weapons, there is potential to create change through humanitarian and diplomatic action.

This was particularly pertinent given the unique situation that the people of Scotland face. With the SNP Government, who are determinedly opposed to the use of nuclear weapons, having no devolved powers related to nuclear weapons, Scotland has become a nuclear host state bearing the risk, responsibility and liability that come with hosting them, yet are afforded no decision-making rights regarding their presence or use.

Beatrice's plenary presentation was augmented in greater depth in Breakout Session I, on which this summary also draws. Discussing the importance of educating people about the humanitarian consequences of nuclear weapons, she argued that language like labelling nuclear weapons "deterrents" lulled people into a sense of false security by the false presentation of these weapons of mass destruction like Trident as something that can prevent violence. Even in situations when we were threatened or faced a military or even a nuclear attack, can we really envisage using them being the best course of action? Reflecting on the disastrous effects of the use of nuclear weapons on Hiroshima and Nagasaki in 1945, it seems unthinkable that today there are more than 15,000 nuclear weapons with an even greater destructive capacity, possessed by nine states including the UK. Not just morally wrong, deploying these weapons of mass destruction contradicts everything that International Humanitarian Law stands for, which is to protect humans against

weapons with indiscriminate effects. We have progressed from the idea that civilian casualties are an unfortunate consequence of war, and in this post-Cold War age, we must work together to develop other ways of dealing with conflict.

Discussing the near term priorities for ICAN as the leading pro-ban civil society network, she highlighted the necessity of education. Working towards March, it is key that the meeting is widely publicised and people are aware it is happening. Campaigners are being encouraged to engage with their parliamentarians and governments to maximise the number of countries that will participate constructively in the negotiations with the aim of ensuring that the treaty is written with the most effective and progressive pledges. ICAN will work with governments, parliamentarians and relevant organisations before and during all the negotiating sessions. Once a treaty is concluded, ICAN will encourage civil society to pressure their governments to sign and ratify the treaty. This will also put pressure on those who do not sign it, to change their stance.

Beatrice Fihn spoke frequently about the power Scotland has through its voiced opposition to nuclear weapons, amplified because it is a reluctant 'host state'. Whilst NATO 'host states' and their ambassadors may appear to support nuclear weapons, there is in fact much public disquiet regarding their use, which shows promise and hope, as the power and voice of the people are not to be taken lightly. Keeping the pressure on Government and the topic in the public eye, parliaments and civil society can change the perception of nuclear weapons. It is important that they are widely recognised to be both unnecessary and dangerous for all countries, not just host countries, and that the negotiations set a new norm in which we no longer accept that nuclear weapons are simply what a variety of countries possess, but rather instead we actively recognise to be needlessly harmful and importantly, something that can be stopped. By creating this norm and being mindful of the fact that countries are sensitive to how they are perceived on a global platform, this will challenge a host country's reputation, and in turn should mount the pressure on them to rethink their nuclear position.

**iii) Rob Edwards, Environment editor of the Sunday Herald and co-founder of the investigative journalism co-operative, The Ferret.**

Rob Edwards presented the key findings of his recently-published report for ICAN and Acronym Institute, titled Nukes of Hazard. In this regard he highlighted:

Convoys of military vehicles carrying nuclear bombs are often on Britain's roads, thundering through cities and towns. Comprising up to 20 vehicles, they take Trident warheads between the south of England and central Scotland two to six times a year. Although they are meant to be secret, they are tracked on social media and photographed en route. Yet most of the millions of people in the communities they pass by are unaware of what's happening – and of the risks they could be facing. An opinion poll by YouGov found that nearly two thirds of adults did not know that nuclear bomb convoys travelled via cities and towns.

The Ministry of Defence (MoD) says the convoys are safe. But there are good reasons to be concerned about the dangers. Emergency exercises run by the MoD

imagine disaster scenarios in which horrific multiple crashes lead to fires, explosions and the spread of radioactive contamination over cities. Post-mortems of seven exercises reveal that the MoD and the emergency services would have serious difficulties dealing with such disasters.

The MoD has confessed to eight real accidents involving nuclear weapons convoys between 1960 and 1991. In response to requests under freedom of information law, it has given outline details of a further 137 safety incidents that have plagued the convoy between 2000 and 2012. The convoy has crashed, broken down and got lost. Its brakes have failed, it has leaked fuel and suffered a range of other mechanical failures. Bad luck, poor weather, human error and computer software glitches have all been to blame.

Bomb convoys are dogged by pressures that could increase accident risk. According to the MoD's internal safety watchdog, the UK's nuclear weapons programme is suffering from a chronic shortage of skilled nuclear engineers that could threaten safety. It has been under pressure from government spending cutbacks.

The demands of secrecy and security could compromise safety. Local authorities and fire services are not forewarned about convoy movements, and are unforthcoming about their emergency plans. In an accident the MoD may initially be more concerned to ensure the security of its bombs than to protect the public.

There are a series of credible accident scenarios that could trigger fires, explosions and the breach of bomb containment. Plutonium and other radioactive materials could leak from the warheads and contaminate communities, increasing cancer risks. Evidence from an MoD report suggests that in extreme circumstances an accident could trigger a nuclear reaction, known as "inadvertent yield", which would deliver lethal radiation doses. A terrorist attack on a nuclear convoy, according to the MoD, could cause "considerable loss of life and severe disruption both to the British people's way of life and to the UK's ability to function effectively as a sovereign state".

Convoy accidents could spread radioactive contamination over at least 10 kilometres, depending on the direction of the wind. Hundreds of thousands of people could find their lives seriously disrupted, as communities are evacuated, essential infrastructure disabled and emergency services overwhelmed. Contamination, and worries about cancer, would linger for decades.

Within 10 kilometres of five imagined accident sites in Birmingham, Preston, Wetherby, Newcastle and Glasgow there are a total of 2.8 million people who could be at risk. There are also 1,181 schools, 131 railway stations, 56 hospitals, 47 major roads, 12 universities and three airports. They are all potentially vulnerable to the after-effects of a major convoy accident. Up and down the country, hundreds more communities and millions more people along convoys routes are also at risk, should there be a crash. Yet they get no warnings, and have never agreed to accept the dangers.

A serious accident resulting in radioactive contamination from the nuclear bomb convoy is credible. The MoD should be more open, and communities along convoy routes need to be more aware of the dangers. The MoD says the risks are “tolerable when balanced against the strategic imperative to move nuclear weapons”. But many may disagree. Accidents happen, and sooner or later there will be a serious crash.

Internationally, important moves are being made to ban nuclear bombs, and their movement. The majority of states in the United Nations have recommended that multilateral negotiations commence in 2017 on a nuclear ban treaty that will prohibit the use, deployment, transporting and manufacture of nuclear weapons.

If the UK chooses to keep deploying Trident - and to keep driving its warheads up and down the country - the risk of a catastrophic accident or attack will persist. Whether the risk is tolerable is not a judgment that should be left to the MoD alone. It is one for the millions of people through whose towns and cities the convoys pass. They have the right to decide what’s tolerable – and what’s not.

## **Discussion**

During the lively discussion that followed with conference speakers and participants, five groups of questions were raised:

1. the relevance and enforcement of a Nuclear Ban Treaty if some or all nuclear-armed states refused to sign;
2. reforming the UN to reduce the power of nuclear states and strengthen the role of the UN in disarmament;
3. how to make the UK recognise that it isn't in anyone's security or economic interests to carry on having and financing nuclear weapons; and how to ensure effective participation in the negotiations from the Scottish government, parliamentarians and civil society;
4. lessons drawn from previous disarmament treaty negotiations; and
5. the dangers of other nuclear materials being transported around Scotland.

In response the speakers made the following points:

### **A1) Making treaties work effectively**

There is no world police that can force states to do what we want them to do. That does not diminish the value of international treaties. We cannot look at human rights treaties and say they are meaningless because of their lack of enforcement mechanisms. The normative power of treaties is essential. A lot has happened since 1945 in how states behave in war and conflict. One treaty (to ban nuclear weapons) will not fix all the problems in the world, it is a work in progress. However, we know that states are very sensitive to how they are perceived by other countries. For example, many companies have divested from landmines and cluster munitions because they have been stigmatised through international treaties.

There is a need to distinguish between enforcement and the effectiveness of treaties. We want effective treaties that change behaviour. Of course it would be desirable if there were a real system with international capacity to enforce when necessary but we also have to be careful, as enforcement may entail threats, which

are not necessarily appropriate. It's more useful to focus on effectiveness. Once treaties enter into force, they help change behaviours. It is very hard to force a state to do something, so it's necessary to create a situation in which the state wants to change its policies. We have to use initiatives like the nuclear ban treaty to create conditions that make governments and companies in the UK, US and other nuclear-armed states realise it is in their interests to stop having and investing in nuclear weapons.

The fact that all laws may at times be violated does not invalidate the rule of law or the importance of particular laws. People continue to commit murders, but that just makes it more important for societies to have laws against murder. Another example would be international humanitarian law. In was like Syria, international humanitarian law is being violated every day by the involved parties. The situation may make it difficult to enforce, but that doesn't make international humanitarian law useless: it is the normative context in which everyone functions.

One of ICAN's project is "*Don't bank on the bomb*", with reports from ICAN's Netherlands partner PAX into financing of nuclear weapons by banks from many different countries. Banks respond to public pressure and they do get embarrassed. RBS is one of the main investors in the bomb The RBS theoretically is owned by the people of the UK because of the system which rescued it in 2008. However, it has been continued to be run as a private company. It was rescued from implosion by money that came from people across the UK, taxpayers, and therefore it should theoretically have to answer to Westminster. However, since Westminster is dedicated to the idea that we should have nuclear weapons, they are unlikely to put pressure on RBS to divest from nuclear weapons. This pressure would have to come from the clients and the public. RBS is mostly still in the public sector so that is something the public and politicians can influence. International enforcement will always remain difficult, but pulling money from companies and banks is an effective way of getting a message across that can create real change. The fossil fuel divestment actions for instance has had real impact. It makes a real difference. The same thing could happen with the money that's been invested in nuclear weapons.

The way we impact the states is by making it more difficult and inconvenient to keep nuclear weapons than to get rid of them. All kinds of activities can help. The ban treaty is not about solving everything immediately but it is another way of making it difficult for states by asking questions, having media coverage and demanding explanations. Using pension funds to make an impact will be crucial. A lot of banks have said that if there would be an international prohibition on nuclear weapons, they would have to adjust to that in terms of their investments. So we hope that the ban treatment would make a difference in the investment behaviour of the banks.

The prospect of a new treaty to prohibit nuclear weapons is already changing behaviour. Debates in various parliaments including the Netherlands, Norway, Japan and the European Union, Dutch and Norwegian governments have already been driven by civil society to support the negotiations, and these political impacts will intensify as the negotiations are taken forwards.

As for the Scottish Parliamentary Pensions Scheme, this issue has been raised before but it didn't make its way through because those who were in charge of the scheme said they would invest in the ways that would be best for their clients, which are the staff of the parliament. Now would be a perfect time to bring the issue up again with Scottish parliamentarians.

### **A2) Reforming the UN and increasing its role in disarmament.**

Most people would agree that it is time to reform the UN. The shape of the Security Council was set a long time ago and doesn't reflect what the world looks like today. However, those in power and advantaged by the current status quo won't give up power voluntarily. The five nuclear-weapon states with Security Council vetoes don't want to change the system which favours them. They might let some extra countries into the veto club, but will having more veto countries be better?

For disarmament to move ahead, all states need an equal vote because all states have an equal state in security. That's why it's more relevant to expand use of the General Assembly for negotiations instead. That gives us a whole other way of controlling the situation, because you don't need the approval of the problematic veto states. You can do it without them. In the past it has been difficult for countries to rally around the General Assembly. Because the countries with power have been telling the other countries that they have no power. As civil societies it's our job to convince other countries that they can participate as equals in the UN through the General Assembly, and that they have power to influence states behaviours through diplomacy and by making treaties that are strong and effective.

There were differences of view about how achievable it is to reform the UN Security Council, but agreement that the humanitarian initiatives to ban nuclear weapons has been changing the game after 40-50 years in which the nuclear-armed states block diplomatic efforts and don't keep promises they make under the NPT. Just as civil society have felt empowered by how many governments voted for nuclear ban negotiations, defying strong pressure that they received from the nuclear-armed states, the same sense of empowerment is slowly reaching small countries. If it is too difficult to change the Security Council, we can at least form coalitions to change things where we can change them, as governments and ICAN are trying to do with the Nuclear Ban Treaty.

### **A3) UK and Scottish participation in UN disarmament negotiations**

The panel answered that there are a lot of complicated issues with statehood, UN representation, Scottish people's right to democratic representation following the Brexit and independence referenda. After considerable discussion, useful proposals that were put forward to promote effective engagement and representation in the UN's multilateral negotiations have been included in the Executive Summary of this report.

### **A4) Lessons drawn from previous disarmament treaties**

In response, the panel reminded that at the time of the mine ban campaign, its proponents – governments and NGOs in the International Campaign to Ban Landmines (ICBL) – were told that their ambitions were impossible, because landmines and cluster bombs were considered militarily indispensable and practically

all countries had them. As momentum grew towards the landmines – and the same can be said for the cluster munitions campaign a decade later – the stigmatisation of the weapons and tactics of ban campaigners resulted in country by country coming to renounce and condemn the use of landmines and cluster munitions. States looked around and saw other countries getting rid of landmines and cluster bombs. This led them to ask themselves: if they can do it, why couldn't we also do it? That's how the behaviour of states was changed. The reality is that if you plan ways to do without them you become able to do without them. Things change when the parts of the puzzle change.

#### **A5) The dangers of other nuclear materials in Scotland**

The questioner explained his group's campaigns to raise concerns and halt civil transports of nuclear materials by sea, rail and air across Scotland, and that people aren't sufficiently aware of these. Panellists agreed about these dangers, but also pointed out the differences between these and the nuclear warhead transports that Rob Edwards will be talking about in the following session.

#### **Breakout Workshops**

Three breakout workshops on different themes related to nuclear weapons were then held, with reports from each session delivered to the audience afterwards.

#### **1) Can the Nuclear Dangers to Scotland be Reduced?<sup>9</sup>**

Breakout Session I focused on whether the nuclear dangers to Scotland can be reduced. It was led by Rob Edwards, Jane Tallents and Clare Conboy. There were substantive discussions arising from Scottish participants' practical experiences of tracking, monitoring and protesting about the nuclear warhead convoys, as well as issues raised in the previous session.

While all agreed that it was important to reduce risks and dangers to people and communities in Scotland and elsewhere, there were concerns not to misrepresent to people that the dangers can be solved or mitigated through better resilience and safety measures. It has to be recognised that Scottish risks arise mainly because of the UK's Trident nuclear weapon system, and therefore any interim practical steps to minimise those risks should be in the context of ending Trident deployment, making Scotland nuclear free, and promoting negotiations to achieve the global prohibition and elimination of all nuclear weapons. Therefore strengthening safety and resilience need to be accompanied by education about Scottish risks and involvement in activities such as the basing, deployment, stockpiling, transport and threat of use of nuclear weapons, and public and governmental support for the proposed Nuclear Ban Treaty to prohibit these dangerous activities and facilitate the removal of nuclear weapons from Scotland and the UK.

Three main issues were highlighted during the session:

- First, participants noted a need to increase information and communication about the nuclear convoys, so as to reduce risks and dangers to the civilian population. There needs to be a wider dissemination of information. Local authorities also need to engage with the civilian population and raise awareness as to their role and actions.

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<sup>9</sup> Rapporteurs: Andrew Dickie & Atishay Mathur, UN House

- The second point raised was that of education, particularly of young people. More efforts to integrate issues relating to nuclear weapons in school curriculums are needed. Engaging students on civil responsibilities and political topics is crucial and digital activism can assist to reach out more widely, especially to youth.
- Thirdly, the workshop agreed that lobbying with the lord advocate is important. A precedent was set with Brexit and legal action from Scotland. It becomes clear, then, that Scotland cannot be excluded from discussions relating to the deployment of Trident and any Successor nuclear weapons in Scotland.

## **2) Responsibilities and Roles of Host Countries in Preventing Nuclear Dangers and Complying with National and International Law<sup>10</sup>**

The second break-out session focused specifically the issues relating to the responsibility and roles of host countries in preventing nuclear dangers and complying with national and international law. Facilitated by Dr Rebecca Johnson and Malcolm Spaven, the break-out session discussed the legal context and identified some of the key issues regarding the responsibilities of host countries.

Three main issues were highlighted:

- The relationship between the UK and the Scottish government
- The assessment of risks
- The knowledge and education of the public

### Legal Context

The proposed Nuclear Ban Treaty is intended to build on and reinforce the existing regime of nuclear-related norms and laws based around the 1968 Treaty on the Non-Proliferation of Nuclear Weapons (NPT). The NPT was the best product of its time that could be achieved by Cold War diplomacy, but it was silent about important issues like the use of nuclear weapons, and their deployment, production, transport etc, which are relevant for Scotland, as a host country. Moreover, it created the precedent of providing different obligations and rules for states defined as nuclear weapon states, and others defined as non-nuclear-weapon states in 1968.

Privileging states that are nuclear-armed in the NPT has made real nonproliferation and disarmament very difficult, also acting against the possibility of making the NPT into customary law applicable to all states. The proposed Nuclear Ban Treaty is intended to fill the current legal gaps and, by codifying prohibitions and obligations that are equally applicable to all states, to reduce the value attached to nuclear weapons, encourage their stigmatisation, and reinforce customary law and norms to act on the behaviour of states even if they are reluctant to sign and accede to the treaty. It is possible that by 2020 a treaty will have entered into force that prohibits the use, stockpiling, and transportation of nuclear weapons. Once the treaty is on the book it will open up possibilities of creating protocols that can deal with further issues.

### Relationship between UK and Scottish Government

Discussion continued into the 1998 Scotland Act and associated devolution settlement. Since matters of defence and foreign affairs are reserved to Westminster, is Scotland completely reliant on the UK Government to sign and ratify a Nuclear

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<sup>10</sup> Rapporteurs: Dagmar de Medeiros & Alec Baillie, UN House

Ban Treaty, or are there steps Scotland can take to apply the provisions of such a treaty even if the UK government were to decide not to ratify the treaty? What are the implications for the Scottish government, if it is legally determined that Scotland carries legal liabilities and responsibility for local, health and environmental impacts of hosting nuclear weapons but has none of the rights that would normally be coupled with those 'burdens'. Regardless of the legal status, the people of Scotland say that, as a host nation and as dutiful and responsible citizens, they feel they are responsible and should try to stop any future incidents by prohibiting nuclear weapons bases and activities.

There was some discussion of the Scottish government's need to maintain communication even in devolved matters, and should continue to exercise its responsibilities and coordinate multi-level consequence management in Scotland. While responsibilities of the Scottish government need to focus on pre-emergency education as well as post-emergency response, this does not preclude civic and public education and democratic pressure on elected representatives in Holyrood and Westminster to support and participate constructively in UN negotiations on nuclear disarmament.

In terms of the relationship between Westminster and the Scottish government the ban treaty could have an interesting impact. Even if the UK doesn't sign the treaty, the treaty has the potential of becoming accepted as common international law. In other words, once the treaty becomes by and large accepted, banning nuclear weapons could become the international legal and normative standard. If in such a situation the UK refused to respect the treaty and pressured Scotland to violate its provisions through, for example, the basing, deployment and transporting of nuclear weapons, a norm of international law, there may be ways that the international community could intervene to support Scottish efforts to uphold international humanitarian law, including the Nuclear Ban Treaty.

#### Assessment of Risk

Driving nuclear convoys on the road creates a big risk. One needs to take into consideration that general traffic is never completely safe (accidents happen for a variety of reasons all the time) and in addition to that factor in the risks of somebody intentionally targeting the convoy as a strategic target. The assumption of risks was also questioned. A Chatham House analysis revealed that although there have always been risks, the rise of suicide terrorist threats have increased the probabilities and level of risk. Even one 'minor' detonation in a single city would have intolerable consequences. The consequences of even one thing going wrong mean that if the probability is above zero then the risk is too high. The probabilities of potential attacks that could be aimed towards creating a massive impact have definitely risen.

The room also discussed whether Scotland might be willing to keep the nuclear weapons if the risks associated with that could be minimised. The answer was a resounding no. This indicates that the risk of unwanted detonation itself is not the primary cause of the Scottish peoples' opposition to nuclear weapons, which is based also on the inhumanity and immorality of their use. Hosting nuclear weapons is contrary to the vision the Scottish people have of themselves as being a country that promotes international peace and welfare.

## Communication

Another area of interest that was identified as the discussion proceeded was the exploration of potential ways of improving communication with the public about the issues concerning the reality of hosting nuclear weapons in one's country. It was deemed necessary to better educate the public in order to empower them to participate more effectively in nuclear debates and put pressure on the Government to negotiate and implement the prohibition and elimination of all nuclear weapons, starting with Trident.

### **3) National and International Humanitarian Approaches to Prevent Nuclear Dangers by Prohibiting and Eliminating Nuclear Weapons<sup>11</sup>**

The third session followed on from Plenary Session II, and was led by Beatrice Fihn and Janet Fenton, with further participation by Peter Herby. Building on what these three presenters had said in their plenary interventions, the group focussed on the importance of pressuring the UK to take part and diminishing UK efforts to undermine and oppose the treaty. Though some raised concerns that having ambassadors from countries like the UK, US, Russia or NATO who were opposed would lengthen the time to create a treaty and potentially make the process of achieving a progressive treaty covering the salient prohibitions and obligations, it was still necessary for the international community and civil society and parliamentarians in these countries to pressure these governments to participate constructively in the UN negotiations. ICAN provided resources and briefings to enable civil society to engage constructively and effectively with these governments and also the governments and diplomats who are working to achieve the Nuclear Ban Treaty.

In response to doubts expressed in the workshop about the influence that Scotland can and will have in working towards nuclear prohibition, the speakers underscored the power that Scotland has through its voiced opposition to nuclear weapons, especially as it is a 'host state' without which the UK would not be able to deploy Trident or its successor.

Three key issues were also highlighted throughout the session. First, there was a question of what can be done before March when nations gather to start the negotiations agreed by the UN Resolution on multilateral disarmament negotiations adopted in October. Participants advocated an increase in protests around Scotland in order to have a unified voice. Scotland must keep up the momentum and continue to voice its opinion otherwise this issue will fall out of politicians' minds. Secondly, many agreed that the UK needs to be present during the negotiations in March, even if negotiations might be hampered by the U.K.'s voice. Scotland must therefore pressure the UK to attend the negotiations.

Secondly, the session discussed how arguments based on deterrence or national security had to be challenged and refuted. By focussing on the humanitarian impacts, participants considered it important to turn the arguments around and ask fundamental questions about what makes us secure, and the conditions under which

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<sup>11</sup> Rapporteurs: Amy Christison & Fionnuala Mendham, UN House

we would want any leader to use nuclear weapons, and how this could possibly make any of us more secure. Humanitarian facts, evidence and arguments provide the key to counter militaristic experts used by pro-nuclear lobbies and unlock public and political imperatives to prohibit and disarm nuclear weapons.

Thirdly, the process and timelines to achieve disarmament were analysed, with discussion of how the prohibition, dismantling and elimination of nuclear weapons could be accomplished far more quickly than the pro-nuclear establishment wants people to realise.

## ***Special Thanks***

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## **Conference on the Humanitarian and Environmental Impacts and Responsibilities of Hosting Nuclear Weapons Scottish Parliament, 9 December 2016 PROGRAMME**

Chairs: **Dr Gari Donn** UNA Scotland and **Bill Kidd MSP**

*9.30 - 10.00 Arrival and Registration*

*10.00 – 11.00 Opening Plenary*

**First Minister Nicola Sturgeon (message to be read by Bill Kidd MSP)**

**Keynote: Paul Wheelhouse MSP**, Minister for Business, Innovation and Energy, Scottish Government

Brief Messages From:

- **Ulrike Lunacek**, MEP from Austria - by video
- **Harry van Bommel**, member of the Netherlands Parliament – by video
- **Janet Fenton**, Scottish WILPF and SCND
- **Dr Rebecca Johnson**, Acronym Institute and ICAN Steering Group Member

*11.00 – 12.00 Session I - Plenary on Humanitarian Risks and Consequences*

i) Humanitarian and Environmental Impacts of Nuclear Weapons Use and Accidents  
**Peter Herby**, Arms Control Consultant, Petersburg Partnerships, Geneva

ii) Preventing Nuclear Use and War: Humanitarian Approaches to End Reliance on Nuclear Weapons  
**Beatrice Fihn**, Executive Director, ICAN

*12.00 – 13.00 Lunch*

*13.00 – 14.00 Session II – Risks and Responsibilities of Transporting Nuclear Weapons*

**Rob Edwards**, Environment editor of the Sunday Herald and a co-founder of the investigative journalism co-operative, The Ferret.

*14.00 – 15.30 Breakout Workshops:*

i) Can the Nuclear Dangers to Scotland be Reduced?

Led by Rob Edwards, Clare Conboy (Acronym Institute) and Jane Tallents (Nukewatch)

ii) Responsibilities and Roles of Host Countries in Preventing Nuclear Dangers and Complying with National and International Law

Led by Malcolm Spavin (Aviatica Ltd) and Rebecca Johnson

iii) National and International Humanitarian Approaches to Prevent Nuclear Dangers by Prohibiting and Eliminating Nuclear Weapons

Led by Beatrice Fihn, Janet Fenton and Peter Herby

*15.30 – 16.00 Tea Break*

*16.00 – 17.30 Final Plenary on Practical Ways Forward*

- Reports from Breakout Workshops
- **Dr Rebecca Johnson**, Acronym Institute for Disarmament Diplomacy Director
- All Participants - Commentary and Discussion