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Editor's note: this transcript is based on the original at <http://reachingcriticalwill.org/news/latest-news/9554-law-and-morality-at-the-vienna-conference-on-the-humanitarian-impact-of-nuclear-weapons> and then modified to reflect the actual presentation from the webcast recording of the Symposium. The original webcast recording can be found inside: <http://totalwebcasting.com/view/?id=hcf>. Left-mouse click the local file recording here at – [<DPNE-RayAcheson030115.mp3>](#) – to download the mp3 file to your machine. This presentation of Ray Acheson was recorded on 1 March 2015 at [The Dynamics of Possible Nuclear Extinction Symposium](#), presented by [The Helen Caldicott Foundation](#), at [The New York Academy of Medicine](#).

The [Helen Caldicott Foundation](#) Presents

Ray Acheson

**Law and morality at the Vienna conference
on the humanitarian impact of nuclear weapons**

[Symposium: The Dynamics of Possible Nuclear Extinction](#)

The New York Academy of Medicine, 28 February - 1 March 2015

Introduction by Dr. Helen Caldicott

It's my great pleasure to introduce Ray Acheson who will be moderating today's events. Ray is the [Director](#) of [Reaching Critical Will](#). She monitors and analyzes many international processes related to disarmament and arms control. Ray is the editor of RCW's reports, and publications on a variety of subjects related to weapons and militarism. She's also on the Board of Directors of the [Los Alamos Study Group](#) and on the international steering group of the [International Campaign to Abolish Nuclear Weapons](#). She previously worked with the Institute for Defense and Disarmament Studies. Ray has an honors BA from the University of Toronto in Peace and Conflict Studies and an MA in Politics from The New School for Social Research.

From 28 February to 1 March 2015, Ray Acheson, Director of Reaching Critical Will, participated in a [symposium](#) hosted by the Helen Caldicott Foundation on “The Dynamics of Possible Nuclear Extinction.” She moderated the second day of the symposium and also delivered opening remarks to report back on the Vienna conference on the humanitarian impact of nuclear weapons. An archived video of her presentation, and the rest of the conference, is available [online](#).

Good morning. Is everyone excited to be back for another day of Nuclear Extinction? Today we are going to focus a little bit more on some things that we can do to get past the threat of extinction if at all possible, if we can, as a human



society, drag ourselves out of that. One of the things I've been asked to do this morning is to deliver a few remarks



about the most recent conference that was held on [The Vienna Conference on The Humanitarian Impact of Nuclear Weapons](#), 8-9 December 2014.

There's been a series of three conferences (as all of you probably know): [one in Norway](#), [one in Mexico](#), and the most recent in Austria in December. These series of conferences have been looking at how to articulate and refine our understanding of the catastrophic humanitarian consequences of any use of nuclear weapons.

Collectively through this process they have provided irrefutable evidence about the devastating consequences and risks. They've also given voice to international organizations and UN agencies which have emphatically reported that there is no way they could respond effectively to any use of nuclear weapons.

The last conference in Vienna added a few new dimensions. It looked at risks more closely and we heard a little bit about that yesterday. We also had more survivor testimonies at Vienna bringing not just survivors from Hiroshima and Nagasaki but also from nuclear testing.

The most important thing from my perspective that happened at the Vienna conference is that there was more of an examination of the moral, normative, and legal frameworks around nuclear weapons.

You can find [all these presentations online at reachingcriticalwill.org](#), along with all the government statements we could get our hands on and we're still collecting those.

While these presentations are extremely important, what I wanted to focus on a bit this morning is the conference's look at the moral, ethical, and legal dimensions of nuclear weapons.

We had someone from the University of Oslo [give a very interesting presentation](#). His name is Nobuo Hayashi and his point was that the law doesn't address the legality of nuclear weapons in the same way that it does biological and chemical weapons.

This is something that the International Campaign to Abolish Nuclear Weapons (ICAN) has been pointing out for a long time. Dr. Hayashi said "It is as though we can strangulate this beast from all directions, but not quite strike directly at its heart."

Many governments over the years have questioned this distinction among weapons of mass destruction. And we have too—civil society. At the Vienna conference, the Irish delegation asked, why should nuclear weapons be viewed as somehow more “necessary,” “legitimate,” or “justifiable” than other WMD? They asked, “Is that because of a belief in their value as a deterrent? Then why has this deterrent failed to prevent conflicts breaking out in various regions in which the parties directly or indirectly involved have nuclear weapons in their arsenals?”

Nuclear deterrence took a real hit at the Vienna conference (I’m pleased to say), with most states reiterating their views that nuclear weapons bring insecurity and instability, not safety or protection. There were only a handful of states that were trying to posit the argument that nuclear weapons provide some kind of “security benefit” that has to be taken into account.

The UK government has recently taken up this argument very strongly, which, if you think about it, is an argument FOR proliferation and so you think it would be counter to their interests—but they don’t seem to care about that.

But despite the consistent and overwhelming objections to the concept and practice of nuclear deterrence, we as human society have still failed to establish law prohibiting and setting out a framework for the elimination of nuclear weapons, the same way that we have for biological and chemical weapons. So why is that?

It is not because nuclear weapons have some sort of inherent, magical value that other WMD do not have. It has much more to do with the way that nuclear weapons are positioned within the political-military-academic-industrial nexus than anything else. Any “magic” that these weapons are perceived to possess has been falsely granted to them by those who benefit from them materially or politically. But like all magic, the illusion can be unmasked and its power taken away.

An important step in unveiling the truth about nuclear weapons could be through unleashing what Dr. Hayashi called our “moral imagination.” He suggested that we have been imprisoned by arguments for or against nuclear weapons that are built on an “ethics of outcome.” So we tend to look at the consequences of the use of nuclear weapons and decide whether or not the ends justify the means. He suggested instead that we might start looking at the suffering that nuclear weapons cause *per se*, rather than that which is necessary for this or that purpose and try to make arguments around that.

He looked at the shift in thinking about torture as a precedent for this approach, arguing that “most of us now agree that torture is a moral wrong in itself, and that under no circumstances do outcome-based claims ever justify it.” What was interesting was that during the Vienna conference, on this very same day the [CIA torture report](#) was released in the United States. There was of course massive outcry in the US and international media about this indicating that his approach to this could be correct. That the findings of this report were largely condemned as abhorrent and unacceptable by the majority of the world, even though certain people were still continuing to make justifications for it.

I was wondering as I was listening to this, would the reaction be the same if nuclear weapons were to be used again today? The users might claim that they had the right and the responsibility to wreak this havoc and devastation but would the rest of the world really accept it?

One of the arguments from the government of Lithuania at the Vienna conference was that the testimonies of survivors have become a powerful moral deterrent against the use of nuclear weapons. We had voices from survivors from Australia, Japan, Kazakhstan, the Marshall Islands, and the United States at the Vienna conference and they could not be denied. The reaction to them was overwhelming. The US delegation had a rather callous delay in its response to survivor testimonies but after a while decided to thank them for bringing their personal views to the conference.

But will these voices actually deter? Can they deter use? Can they deter the threat of use? Can they deter the possession of nuclear weapons?

If we cannot conceive of accepting the use of nuclear weapons and the suffering it will bring, how can we accept the ongoing practice of nuclear deterrence? How can we accept that the use of these weapons is written into “security” doctrines of states? That they are deployed, on alert, ready to use? That they still exist, in any hands?

At the end of the conference, the Austrian government delivered both a Chair’s Summary and also a Pledge.

One of most important points in the [Chair’s Summary](#) was that the suffering caused by nuclear weapons necessitates both legal and moral appraisals; and that a comprehensive legal norm universally prohibiting nuclear weapons is currently missing.

The summary also reflected the views of states including that many delegations “expressed support for the negotiation of a new legal instrument prohibiting nuclear weapons”. That’s important that many states did say that. And we tracked who said it and what they said and all the different nuances. But the most important outcome of the conference was something that Austria did in its national capacity.

Austria presented a [Pledge](#) highlighting its conviction that efforts are needed to stigmatise, prohibit, and eliminate nuclear weapons and this Pledge says that Austria will pursue measures to “fill the legal gap” for prohibiting and eliminating nuclear weapons.

ICAN believes that the best way to fill in the current context is with a treaty banning nuclear weapons. Tim Wright from ICAN is going to [talk about that later this afternoon](#). I will preface his talk by saying that this is the most exciting initiative that I’ve work on yet, and that it is happening and that we hope that all of you can get involved.

But we can’t just fill this gap with law alone. I think that’s one of the other things that was clear from the Vienna conference. One of the biggest challenges with nuclear weapons is that existing law is circumvented. If the NPT was being implemented, we wouldn’t have nuclear sharing arrangements and the nuclear-armed states parties would be engaged in a multilateral process to eliminate their nuclear weapons. To give law its power and resilience we also have to fill this gap with morality and compassion and responsibility and accountability. And that’s what all of us can think about here today.

Vienna gave us a starting point. It gave us a Pledge to pursue a legal prohibition on nuclear weapons. But it also gave us a way forward in reconstructing how we think about and approach nuclear weapons.

At the conference, the overwhelming majority of governments condemned the possession of nuclear weapons and insisted that they must never be used again under any circumstances. It’s past time that they take action to make sure of this.

Austria has invited other states to sign on to the Pledge. So far, at least 40 have done so and many more have indicated that they intend to do so. By the time of the NPT review conference we expect many countries to be signed up to this Pledge and to be ready to take action very soon. This is the most exciting opportunity we have to deal

with these weapons once and for all. We hope that we can seize this opportunity and ban nuclear weapons now.

Thank you very much,

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