



CARNEGIE
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INTERNATIONAL PEACE

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Theo van Toor

Griffier, Vaste Commissie voor Buitenlandse Zaken

Algemene Commissie voor Buitenlandse Handel en Ontwikkelingssamenwerking

Tweede Kamer der Staten-Generaal

Postbus 20018, 2500 EA Den Haag

Dear Mr. van Toor,

Thank you and your colleagues from the Committee on Foreign Affairs for inviting me to participate in a round table discussion on the future role of nuclear weapons. I regret that I cannot travel to attend the meeting. I hope, instead, that you might find these brief thoughts to be useful.

My central message is to applaud the Executive Summary of the Advisory Council on International Affairs' report, "Nuclear weapons in a new geopolitical reality." This document insightfully and succinctly analyzes the central challenges the international community faces in reducing the dangers posed by threats of aggression and reliance on nuclear weapons to deter or defeat them. While the report focuses specifically on these challenges in Europe, its insights can be applied more broadly.

I particularly commend the summary's discussion of legal and ethical dilemmas posed by the possession of nuclear weapons, threats to use them, and actual use. In affirming the legitimacy of nuclear deterrence the summary also wisely opines that "there are very few if any situations or locations conceivable where the use of a nuclear weapon would not contravene international humanitarian law." I might amend this statement by focusing on the "escalatory use" of nuclear weapons. That is, nuclear-armed states might plausibly posit scenarios where their use of one or a few low-yield weapons against military targets far from populations would not directly violate international humanitarian law. But this does not address the key problem of escalatory cycles of nuclear attacks that could ensue would probably violate humanitarian law. Nuclear-armed states should be pressed to clarify on what basis anyone should have confidence that these states' nuclear forces and doctrines will not produce escalation with massively destructive consequences if and when they are unleashed.

A corollary of the foregoing point is that nuclear-armed states (including the NATO alliance) should be asked whether and how they are prepared to accept accountability for the consequences if and when their use of nuclear weapons produces massive harm. Non-belligerent non-nuclear-weapon states feel this risk acutely. They worry that other states' uses of nuclear weapons in conflicts could gravely harm them through radioactive fallout, nuclear-winter effects, and refugee flows. If nuclear-armed states insist that they are responsible stewards of these weapons, and cannot and should not be compelled to prohibit them, then

shouldn't they accept post-facto accountability for consequences of their use? This issue is raised directly in the 2017 Treaty on the Prohibition of Nuclear Weapons. Article 7 establishes "a responsibility" for any State Party that "has used or tested nuclear weapons...to provide adequate assistance to affected States Parties, for the purpose of victim assistance and environmental remediation."¹ The fact that no nuclear-armed state has become party to this treaty only underscores the non-nuclear-weapon states' concerns that the risks of nuclear war are unfairly and irresponsibly being imposed on them by states that do not yet accept accountability for their potential use of these weapons. This set of issues, in my opinion, merits further international debate.

The foregoing point does not detract from the AIV's important assessment that "from the point of view of consequentialist ethics...there may also be important arguments in favour of not fully eliminating nuclear weapons as long as potential adversaries continue to possess or aim to possess them, and exploit that to their strategic advantage." Indeed, the AIV's ensuing argument deserves even more attention, in part because Russia, the United States, Pakistan, and India now appear to disregard it in deed if not word, as they pursue strategies of nuclear escalation dominance: "The possession of nuclear weapons is justified only for the purpose of preventing war and as a precondition and starting point for negotiations to achieve mutual nuclear arms control, arms reduction and, ultimately, disarmament." And, "central to this view...is the duty to organize defence efforts in a way that reduces the risk of any war in which the use of nuclear weapons is a possibility, and the risk of accidents with nuclear weapons in peacetime, to a minimum."

The AIV report makes more specific policy recommendations regarding the Netherlands' role in NATO's nuclear deterrent. I find these very persuasive. More than many analyses of the current security environment, including in the United States, the AIV report also treats with admirable nuance the challenges posed by new conventional, cyber, and subconventional capabilities and practices. The advice neither to panic nor to mimic Russia's acquisition and use of such capabilities is particularly well taken, not least because the AIV report does not downplay the need for more robust defensive and diplomatic efforts by NATO.

Finally, I am by no means an expert on Dutch affairs, but my impression is that leaders of civil society organizations in the Netherlands, including the Dutch chapter of International Physicians for the Prevention of Nuclear War, have played a constructive role in respecting the position of the government as a member of NATO while pressing it to advance progress toward nuclear disarmament. Reciprocally, the Netherlands government, unlike other allies of nuclear-armed states, participated in the negotiations of the Treaty on the Prohibition of Nuclear Weapons. In my view, this participation was commendable and reflected a welcome respect for the diversity of international perspectives and interests regarding how to reduce and eventually eliminate the threats of existential aggression and nuclear war.

Thank you, again, for the invitation to comment.

Respectfully,



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¹ Article 7, para 6.