

# **Acronym Institute for Disarmament Diplomacy**

## **International Campaign to Abolish Nuclear Weapons (ICAN) Founding Partner**

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**Written Evidence Statement and Testimony regarding: Legislation Resolution 0976-2019 on nuclear disarmament; and INT1621-2019, a bill to create a nuclear disarmament and nuclear weapons-free zone advisory committee, in conjunction with the public hearing on Tuesday, January 28 at 1 p.m., Council Chambers, New York City Hall, City Hall Park, New York, NY 10007.**

**From Dr Rebecca E. Johnson**, Executive Director of the Acronym Institute for Disarmament Diplomacy (UK) , Co-Chair and first President of the International Campaign to Abolish Nuclear Weapons (ICAN) and member of the International Panel on Fissile Materials (University of Princeton)

Submitted by email *via* [hearings@council.nyc.gov](mailto:hearings@council.nyc.gov) to the **Committee on Governmental Operations and the Committee on Civil Service and Labor, New York City Council**

**25 January 2020**

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Dear Council and Committee Members,

Thank you for inviting me to give evidence to the public hearing on Resolution 976-2019 on nuclear disarmament and INT1621-2019, a bill to create a nuclear disarmament and nuclear weapons-free zone advisory committee, to be held at New York City Hall on 28 January 2020. I regret that I am unable to travel to New York to give testimony in person, and therefore submit this written statement relating to the objectives and subject matter of this legislation.

1) My name is Rebecca Johnson. I write as director of the Acronym Institute for Disarmament Diplomacy, which holds ECOSOC accreditation with the United Nations, Co-chair and first president of the International Campaign to Abolish Nuclear Weapons (ICAN), and serving member of ICAN's International Steering Group (2017 Nobel Peace Laureate). I hold a Ph.D in international relations from the London School of Economics and Political Science (LSE), University of London. My doctoral dissertation explored the conditions for successful nuclear diplomacy, international law treaties and verification. Relevant capacities in which I have served include: Board Member and Vice Chair of the Bulletin of Atomic Scientists (2001-07); senior advisor to Dr Hans Blix, Chair of the International Weapons of Mass Destruction Commission (2004-2006); member of the Scottish Government's Working Group on nuclear issues (2008-11); and Green Party (England and Wales) Spokesperson on Security, Peace and Defence. I am a widely published author of books, reports, essays and articles, and commentator for the BBC, CNN and Al Jazeera on nuclear and security issues. I am currently UK representative on the International Panel on Fissile Materials (IPFM), which is based at the University of Princeton.

2) I also write as someone who fell in love with New York City when visiting in 1961. As a seven year old Hutterite girl from Pennsylvania, I was excited by the vibrant streets and views

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from the Empire State Building. Fears about New York were especially in my mind when everyone got frightened about the Cuban Missile Crisis the following year. I have continued to visit New York many times as an adult, and since 1990 have enjoyed the privilege of spending around 2-8 weeks per year in your wonderful, vibrant city due to my UN-related work on disarmament, human rights and environmental advocacy. For most of these visits, I have been participating in negotiations under the 1970 Non-Proliferation Treaty (NPT) and, more recently, the TPNW, which was negotiated and adopted in New York by two thirds of the UN General Assembly. I have so many friends here, and think of New York as my home from home (after London). For these personal reasons, I am writing to support your efforts to take forward nuclear free zone commitments, apply the humanitarian disarmament provisions of the 2017 Treaty on the Prohibition of Nuclear Weapons (TPNW), and end financial support for nuclear programmes.

3) My experience with nuclear free zone legislation and disarmament treaties dates back to the 1980s, when I became a full time nuclear disarmament campaigner, living for five years at the Greenham Common Women's Peace Camp in England and undertaking nonviolent initiatives to prevent the deployment of intermediate-range Cruise Missiles and other nuclear weapons in Europe.

4) In November 1983, a few months after NYC Council adopted Resolution 364 declaring the City a NWFZ, I was a plaintiff in the US Federal Court case 'Greenham Women Against Cruise Missiles and others v. President Ronald Reagan and others' which took place in New York. I appeared in person and spoke about the nuclear devastation of Hiroshima and Nagasaki and our efforts to stop such weapons being used again.<sup>1</sup> New York Congressman Ted Weiss and another US legislator joined the Greenham plaintiffs in this case, where we were represented by the New York based Center for Constitutional Rights (CCR). Though Judge Edelstein eventually dismissed our application for an injunction to prevent the imminent deployment of Cruise Missiles, the humanitarian and legal arguments we brought together for this US Federal Court helped achieve the 1987 Intermediate-Range Nuclear Forces (INF) Treaty, signed by President Ronald Reagan and Soviet General Secretary Mikhail Gorbachev, and later fed into the 1996 Advisory Opinion of the International Court of Justice (ICJ) on the Legality of the Threat or Use of Nuclear Weapons<sup>2</sup> and subsequent legal initiatives and nuclear treaties, including the TPNW.

5) Learning from the past can help us create a more secure future. I strongly support Resolution 0976-2019 and INT1621-2019. Both will make important contributions to disarmament and security. Resolution 976 recognises the past and looks forward to NYC's future at the forefront of US implementation of the TPNW through exercising municipal powers, education on nuclear abolition and peace, and divestment.

6) Having served on the Scottish Government's nuclear advisory committee, I also believe that it will be beneficial for New York City to have a nuclear disarmament and nuclear weapon free zone (NWFZ) advisory committee to provide a forum for discussions, oversight and

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<sup>1</sup> Rebecca Johnson, 'Alice Through the Fence: Greenham Women and the Law'; Jane Hickman, 'Greenham Women Against Cruise Missiles and others v. President Ronald Reagan and others'; and Peter Weiss, 'Nuclear War in the Courts'; in John Dewar, Abdul Paliwala, Sol Picciotto and Matthias Ruete, *Nuclear Weapons, the Peace Movement and the Law*, Macmillan Press, 1986, pp 158-218. See also Owen Greene, Barry Rubin, Neil Turok, Philip Webber, Graeme Wilkinson, *London After the Bomb*, Oxford University Press, 1982; *The Effects of Nuclear War*, Office of Technology Assessment, Congress of the United States, Croom Helm, 1980; *Protect and Survive*, HMSO (UK Government, 1980).

<sup>2</sup> 'Advisory Opinion of the International Court of Justice on the legality of the threat or use of nuclear weapons', International Court of Justice, Legality of the Threat or Use of Nuclear Weapons, Advisory Opinion, I.C.J. Reports 1996. [Reported for July 8, 1996, General List No. 95].

accountability on matters relating to humanitarian disarmament, nuclear free security and implementation of the TPNW.

7) In 1987-88 I had direct experience of working for a NWFZ local authority when I was employed by the Borough of Lambeth, London, as an Emergency Planning Officer with responsibilities relating to 'Peace and Nuclear Affairs'. My post was established as a result of the Council legislation to make Lambeth a nuclear free borough. My duties included representing Lambeth on the London Fire and Civil Defence Authority (LFCDA), with responsibilities for advising elected officials, staff and other stakeholders on matters pertaining to nuclear threats and responses. My remit included: responsibility for the two nuclear command bunkers based in Lambeth Borough; research and public education on nuclear dangers that could affect health, environment, transportation, public facilities such as schools, hospitals etc.; emergency planning and response in the event of any nuclear or military threats and dangers; minimising risks from nuclear waste transports through the borough; advising on investment recipients of local authority funds; nonviolence training; and legal initiatives to facilitate peace and security.

8) After the Cuban Missile Crisis, civil society and municipal initiatives in many cities and countries raised awareness and advocated for divestment and disarmament. These people-based, civic initiatives were necessary because Cold War governments were failing to put our real security needs first. Dependent on their military-industrial establishments, nuclear leaders were caught up in arms racing and deploying nuclear missiles that they described as more "usable" -- as we are seeing again today. Military and governmental officials made miscalculations about each other that brought the world to the brink of nuclear war on several occasions.

9) When Presidents Reagan and Gorbachev signed the INF Treaty in 1987, it was a much-needed disarmament step that contributed to changing the world. Reagan and Gorbachev pulled back from the brink due to a combination of economic and political pressures from civil society activists, and hardhitting analyses about nuclear effects and consequences from scientists and doctors. As Gorbachev told an international publication in 1994: *"...There was an emotional side to it... I knew the report on 'nuclear winter'... Models made by Russian and American scientists showed that a nuclear war would result in a nuclear winter that would be extremely destructive to all life on Earth; the knowledge of that was a great stimulus to us, to people of honor and morality, to act in that situation."*

10) Since today's nuclear armed governments lack the necessary leadership qualities, we must look to ourselves and other democratic means to bring the nuclear ban into force and apply its provisions. Through Cities appeals and legislation such as Resolution 976 and INT1621-2019, we must increase uptake and implementation of TPNW obligations that fall within municipal powers. Divestment campaigns contributed towards stigmatising and ending apartheid in South Africa. When used in the 1980s to boycott and stigmatise companies involved in the financing, manufacture and deployment of nuclear weapons, divestment campaigns created economic and public relations pressures that are credited with putting domestic political pressure on President Reagan, contributing to his decision to meet General Secretary Gorbachev in Reykjavik in 1986, where banning and eliminating nuclear weapons was put on the table.<sup>3</sup>

11) Nuclear war and climate destruction are the greatest threats to human security, with political inaction and new technologies multiplying and accelerating the dangers. No wonder the Bulletin of the Atomic Scientists has moved the Doomsday Clock to just 100 seconds to Midnight. The

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<sup>3</sup> Timmon Wallis, "Dialogue and Resistance: An Evaluation of Two Approaches to Peace Campaigning at RAF Molesworth (1980-1987)", unpublished PhD thesis, Bradford: Bradford University, 1992, cited in Timmon Wallis, Briefing on "Economic Pressures and the INF Treaty: How Boycott and Divestment Campaigns Helped Halt the Nuclear Arms Race in the 1980s", nuclearban.US and Acronym Institute for Disarmament Diplomacy, January 2020.

INF Treaty has been killed off by US President Donald Trump and Russian President Vladimir Putin. Freed of its constraints, both are pursuing enhanced, more "usable" new weapons, including some that were prohibited by the INF Treaty. Non-proliferation cannot be progressed and sustained without nuclear disarmament. With most if not all nuclear armed leaders increasing the status and value they attach to nuclear WMD, enhancing their arsenals and trading nuclear threats, it is up to nuclear free governments and civil society to pull them back from the brink.

12) NYC Council backing for Resolution 0976-2019 and INT1621-2019 will send a powerful message to Presidents Trump, Putin and other nuclear weapon possessors and endorsers. Your proposed legislation will have positive legal, normative, awareness-raising and practical impacts, and will strengthen both the TPNW and the non-proliferation regime. This is vital, as the nuclear ban is now an essential legal, normative and political tool to prevent nuclear proliferation, use and war.

13) Passing your NYC Council legislation would be a positive contribution, building on what local governments and municipalities can do to devalue nuclear weapons, diminish their risks, close off sources of nuclear-weapon financing, and create the environment for your government - and others -- to take significant steps towards nuclear disarmament and strengthen local and global security. Where national leadership is lacking, it is important to keep moving forward at local, regional and international levels.

14) The TPNW is rooted in the humanitarian imperative to prevent nuclear use, war and proliferation. Paragraph 4 of the TPNW preamble sums up why state and municipal authorities must assume responsibility to take forward its relevant provisions even if federal and national governments are not yet ready: "the catastrophic consequences of nuclear weapons cannot be adequately addressed, transcend national borders, pose grave implications for human survival, the environment, socioeconomic development, the global economy, food security and the health of current and future generations, and have a disproportionate impact on women and girls, including as a result of ionizing radiation..."<sup>4</sup>

15) As well as its clear prohibitions on the development, testing, production, manufacture, acquisition, possession, stockpiling, stationing, transfer, use and threat of use, the Treaty enshrines principles and mechanisms for ending reliance on nuclear policies and eliminating arsenals. Applicable to non-state actors as well as states, the TPNW makes it illegal for anyone to assist others to violate the prohibitions.

16) The TPNW is no longer an abstract aspiration but an existing Treaty. To date the TPNW has 80 signatories and 35 states parties and is on schedule to enter into force in 2020 or soon after. As the most important legal addition to the global non-proliferation and disarmament regime since the NPT, it has to be taken seriously.

17) Of particular relevance to New York City Council legislation and responsibilities, the TPNW emphasised "the importance of peace and disarmament education in all its aspects and of raising awareness of the risks and consequences of nuclear weapons for current and future generations, and committed to the dissemination of the principles and norms of this Treaty".<sup>5</sup>

18) The TPNW recognises the "unacceptable suffering of and harm caused to the victims of the use of nuclear weapons (hibakusha)", including those affected by nuclear testing, indigenous

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<sup>4</sup> Treaty on the Prohibition of Nuclear Weapons, United Nations text adopted New York, 7 July 2017 (preambular paragraph 4).

<sup>5</sup> Treaty on the Prohibition of Nuclear Weapons, United Nations text adopted New York, 7 July 2017 (preambular paragraphs 22 and 23)

people and women and girls (disproportionately affected by nuclear radiation).<sup>6</sup> Also relevant for diversity, health, equality and human rights, the TPNW calls for "the equal, full and effective participation of both women and men" in promoting and attaining sustainable peace and security, and makes commitment "to supporting and strengthening the effective participation of women in nuclear disarmament".<sup>7</sup>

19) Since the TPNW was adopted, several cities and regional authorities in Britain have joined ICAN's Cities Appeal, starting with Manchester, which coordinates nuclear free local authority activities in the UK.

20) In 2013, when ICAN partners were briefing parliamentarians and communities about the humanitarian risks and consequences of nuclear programmes, we published a study on the humanitarian impacts if a nuclear warhead were detonated in Manchester with an explosive power of a hundred thousand tonnes (100 kilotons). The population of Manchester is just below 587,000. Taking into account the city's topography and population density the blast and thermal effects of such a bomb would cause around 81,000 immediate deaths, leaving 212,000 injured. It would destroy vital infrastructure, hospitals, schools, businesses, housing and commercial buildings, as well as irreplaceable historic, cultural and natural treasures.<sup>8</sup> Imagine this scenario scaled up for London or New York.

21) The Manchester study deliberately focussed on the 'minimised' case of an average UK warhead exploding on a medium sized city. British nuclear warheads are frequently driven past Manchester when taken to Scotland for Trident deployment, so such an event might occur by accident, terrorism or miscalculations short of nuclear war. The study showed that the capacity of medical and local emergency services would be severely degraded. In the case of a weapon exploding at ground level, radioactive fallout would inflict further serious health impacts, adding radiation-induced problems for survivors and responders, ranging from acute sickness to immune suppression and impaired healing. Even outside the zones of direct damage, systems of communication and transport would be left inoperable. Survivors and people made homeless or fleeing the disaster zone in fear and desperation would overwhelm services in the rest of the country. Medical and blood transfusion services would be quickly overwhelmed, with the added complexity of massive disruptions to transport, computing and communications services that would severely restrict the ability of external providers to assist, resulting in the death of many "short-term survivors" who would not be able to receive the help that could save their lives.<sup>9</sup>

22) We also briefed elected officials on other relevant impact studies. One examined the impacts if just one UK nuclear submarine fired its Trident payload of 40 warheads on Moscow and four other Russian cities (in accordance with the so-called 'Moscow Criterion' that still influences UK nuclear policies).<sup>10</sup> In addition to causing the direct deaths of some 10 million people, firing Trident in this way would cause devastating climate disruption that would adversely affect agriculture, natural ecosystems and the food resources of billions of people around the world. The UK reports drew on studies of nuclear weapons effects by US climate

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<sup>6</sup> Treaty on the Prohibition of Nuclear Weapons, United Nations text adopted New York, 7 July 2017 (preambular paragraphs 6 and 7)

<sup>7</sup> Treaty on the Prohibition of Nuclear Weapons, United Nations text adopted New York, 7 July 2017 (preambular paragraphs 22-23)

<sup>8</sup> Richard Moyes, Philip Webber and Greg Crowther, *Humanitarian Consequences: Short case study of the direct humanitarian impacts from a single nuclear weapon detonation on Manchester, UK*. Article 36, February 2013

<sup>9</sup> Frank Boulton, *Blood Transfusion Services in the wake of the humanitarian and health crisis following multiple detonations of nuclear weapons*, Medact, UK, February 2013

<sup>10</sup> John Ainslie, *If Britain Fired Trident: The humanitarian catastrophe that one Trident-armed UK nuclear submarine could cause if used against Moscow*, Scottish CND, February 2013; and Philip Webber, *The climatic impacts and humanitarian problems from the use of the UK's nuclear weapons*, Scientists for Global Responsibility, February 2013.

scientist Alan Robock and colleagues, which found that a nuclear winter could result from a relatively limited number of nuclear detonations on major cities<sup>11</sup>, and follow up work on nuclear-induced famine by US physician Ira Helfand,<sup>12</sup> and other research. These studies help people understand what is at stake. They played a vital role in mobilising governments around the world to negotiate the TPNW and ban nuclear weapons. But they are still being ignored or dismissed by nuclear armed governments. Cities, however, cannot afford to dismiss these risks.

23) By applying the science and methodologies of these studies to cities people know or live in, responsible civic authorities, academics and campaign groups help citizens understand the nature and size of nuclear dangers and consequences. Away from the abstract theories of deterrence, this is what nuclear weapons are designed to do. This is what nuclear war looks like. In nuclear armed countries we often have to work from the bottom up and build local legislation and awareness to create pressures on federal and national decision-makers. It is to be hoped that NYC Council will facilitate similar studies for New York that could raise citizens' awareness of nuclear dangers and what is at stake.

24) TPNW entry into force will soon make it possible for the International Criminal Court (ICC) to legally recognise that any use or threatened use of nuclear weapons constitutes a crime against humanity and war crime. This would be consistent with what is already legally recognised with regard to biological, toxin and chemical weapons. In the ICC, charges and penalties fall on individuals. Nuclear weapons use would undoubtedly give rise to prosecution if there are survivors. Anyone that had assisted or enabled such a crime against humanity to be committed, including through financing weapons production, acquisition or stationing, would be considered criminally liable.

25) Many people and institutions are risk averse, especially if the consequences would affect them personally. The TPNW stigmatises nuclear weapons even when leaders are not ready to sign states up to its prohibitions. Initiatives such as 'Don't Bank on the Bomb' have already persuaded several banks to stop funding companies involved with activities that are prohibited under the TPNW.<sup>13</sup> NYC Council legislation would strengthen global as well as local efforts to divest from nuclear weapons.

26) Finally, in giving support to NYC Council's initiatives Resolution 976 and INT1621-2019, I am conscious of how helpful it will be for other cities and countries, including mine, if NYC Council adopts and implements these important resolutions and decisions. Though London is in Mayors for Peace, partisan politics have dominated in recent years, making it very hard for us to get nuclear weapons risks and the TPNW meaningfully addressed in the London Assembly and Westminster Parliament. **Where New York leads, we hope London will follow.**



Dr Rebecca E. Johnson

Dated: 25 January 2020

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<sup>11</sup> Alan Robock, I. Oman, G.I. Stenchikov, O.B. Toon, C. Bardeen, and R.P. Turco, "Climatic consequences of regional nuclear conflicts"; and C. Bardeen *et al.*, 'Climatic Consequences of Regional Nuclear Conflicts', 7 Atmospheric Chemistry and Physics (2007), available at <http://www.atmos-chem-phys.net/7/2003/2007>

<sup>12</sup> Ira Helfand, *Nuclear Famine: Two Billion People at Risk*, International Physicians for the Prevention of Nuclear War (IPPNW), Boston, December 2013.

<sup>13</sup> Don't Bank on the Bomb is a project of ICAN, coordinated by Pax. See <https://www.dontbankonthebomb.com/>