

Western States Legal Foundation Congratulates ICAN on Nobel Peace Prize



Western States Legal Foundation (WSLF) congratulates the Norwegian Nobel Committee on its decision to award the 2017 Nobel Peace Prize to the International Campaign to Abolish Nuclear Weapons (ICAN), and we congratulate ICAN on receiving the prize.

In announcing the award, the Nobel Committee rightly recognized the growing dangers of wars among nuclear-armed nations:

“We live in a world where the risk of nuclear weapons being used is greater than it has been for a long time. Some states are modernizing their nuclear arsenals, and there is a real danger that more countries will try to procure nuclear weapons, as exemplified by North Korea. Nuclear weapons pose a constant threat to humanity and all life on earth.”

President Trump’s darkly confrontational speech denouncing the Iran nuclear deal only underscores the global nuclear crisis.

The Nobel Committee also recognized that ICAN “has been a driving force in prevailing upon the world’s nations to pledge to cooperate with all relevant stakeholders in efforts to stigmatise, prohibit and eliminate nuclear weapons.”

This effort culminated in adoption, on July 7, 2017, by 122 UN member states, of the Treaty on the Prohibition of Nuclear Weapons, which prohibits the possession, development, testing, use and threat of use of nuclear weapons. As soon as the treaty has been ratified by 50 states, the ban on nuclear weapons will enter into force and will be binding law for all the countries that are party to the treaty.

The Ban Treaty represents the total repudiation of nuclear weapons and nuclear deterrence by most of the states that don’t possess or rely on nuclear weapons. It is tragic that the US and the

eight other nuclear-armed states boycotted the negotiations, along with Japan, Australia, South Korea and all but one of the 28 NATO member states (The Netherlands) – all countries under the US nuclear umbrella. In a joint statement following the vote, the US, France and the United Kingdom declared: “We do not intend to sign, ratify or ever become party to [the Treaty].”

The intransigence of the nuclear-dependent states notwithstanding, the Ban Treaty is already providing new impetus to disarmament movements in the nuclear-armed and umbrella states, providing a new tool for the stigmatization and delegitimization of nuclear weapons and the perilous doctrine of deterrence (threat of use) – vital for the achievement of nuclear disarmament.

To its credit, in its statement upon receiving notice of the Nobel Peace Prize, ICAN highlighted the role of earlier nuclear disarmament efforts and the essential leadership of A-bomb and nuclear testing survivors:

“This prize is a tribute to the tireless efforts of many millions of campaigners and concerned citizens worldwide who, ever since the dawn of the atomic age, have loudly protested nuclear weapons, insisting that they can serve no legitimate purpose and must be forever banished from the face of our earth.

It is a tribute also to the survivors of the atomic bombings of Hiroshima and Nagasaki – the hibakusha – and victims of nuclear test explosions around the world, whose searing testimonies and unstinting advocacy were instrumental in securing this landmark agreement.”

WSLF is proud to have played a role over the last 35 years. As we congratulate ICAN and redouble our efforts to rid the world of the most terrible weapons of all, we honor the legacy of those no longer with us, whose shoulders we stand on: Sumiteru Taniguchi, Honorable Tony DeBrum, Mike Veiluva, Dr. Bob Mtonga, Judge Christopher Weeramantry, Ak Malten, Jonathan Schell, Bill Olin, Gene Case, Corbyn Harney, Mayor Iccho Ito, Janet Bloomfield, William Sloan Coffin, Satomi Oba, Ted Taylor, Father Bill O’Donnell, Justice Frank Newman, and so many others.

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Western States Legal Foundation (WSLF), based in Oakland, California, grew out of the movement against nuclear power and weapons in the early 1980’s, and has been in the forefront of efforts to abolish nuclear weapons since its inception in 1982. We have been actively present at every Preparatory Committee meeting and Review Conference (RevCon) of the Nuclear Nonproliferation Treaty (NPT) since 1994. And we have been documenting and warning of US nuclear weapons modernization plans since 1994. During the 1995 NPT RevCon we were a founding member of the Abolition 2000 Global Network to Eliminate Nuclear weapons, still going strong, which in its founding statement called upon all states to: “Initiate immediately and conclude negotiations on a nuclear weapons abolition convention that requires the phased elimination of all nuclear weapons within a timebound framework, with provisions for effective verification and enforcement.”

The Abolition 2000 statement inspired an international consortium of lawyers, scientists, disarmament experts and activists, including WSLF, to draft a Model Nuclear Weapons Convention (NWC) that was submitted to the United Nations by Costa Rica in 1997 and circulated to member states as an official UN document. The Model NWC prohibits the use, threat of use, possession, development, testing, deployment and transfer of nuclear weapons and provides a phased program for their elimination under effective international control. The Model NWC was updated in 2007, and submitted to the UN by the governments of Costa Rica and Malaysia.

WSLF was centrally involved in the World Court Project, a global civil society effort that culminated in the 1996 unanimous finding of the International Court of Justice that: “There exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control”.

In 2007 the UN General Assembly adopted a resolution, “Follow-up on the advisory opinion of the International Court of Justice on the Legality of the Threat or Use of nuclear Weapons,” citing the Model NWC and calling for early commencement of “multilateral negotiations leading to an early conclusion of a nuclear weapons convention prohibiting the development, production, testing, deployment, stockpiling, transfer, threat or use of nuclear weapons and providing for their elimination.” 127 countries voted in favor. It has been adopted annually since.

WSLF took part in all three international conferences on the humanitarian impact of nuclear weapons leading up to the 2016 UN General Assembly resolution mandating the Ban Treaty negotiations in 2017. We took part in both sessions of the Ban Treaty negotiations earlier this year, contributing to working papers submitted by the International Association of Lawyers Against Nuclear Weapons and addressing the participating governments. We believe that we contributed directly to the Ban Treaty’s prohibition of the threat of use, and its recognition of the illegality of nuclear weapons under existing international law applicable to all states whether or not they join the treaty.