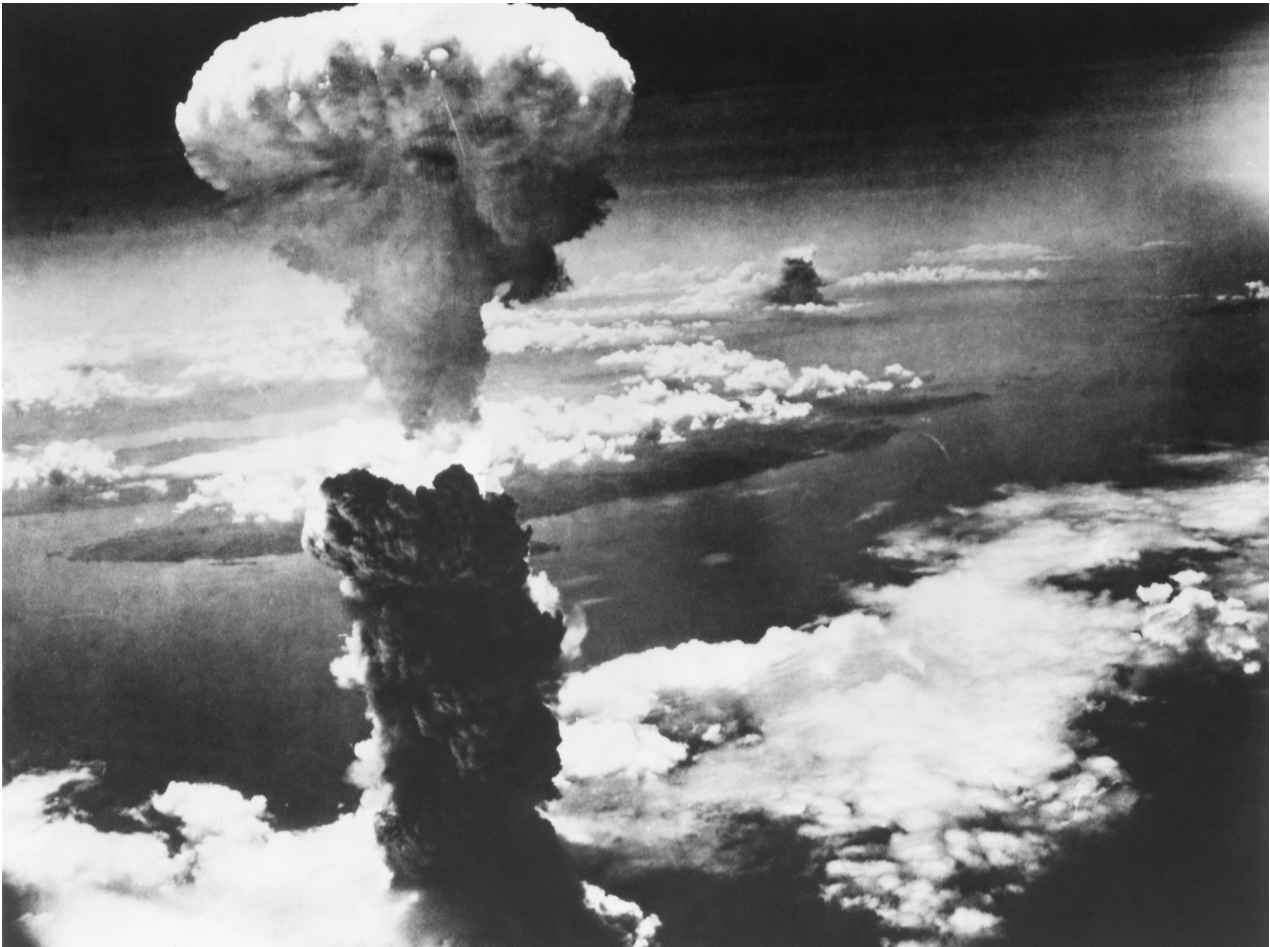

WHY THE NUCLEAR DANGER GROWS FROM DAY TO DAY

Judge C.G. Weeramantry



Atomic bombing of
Nagasaki on 9 August
1945 | Image: US
Government



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A Flashback

6th and 9th August 1945: Each of these fateful days contained a dreaded mini-second which altered for ever the course of human history. The concentrated package of death and destruction delivered on Hiroshima and Nagasaki had no parallel in the long and battle scarred story of the human race. Nothing like this had happened before and nothing like this could happen again if the fabric of human civilisation was to remain intact.

Those two mini-seconds carried a message to all humanity from that time forward that war had ceased forever to be the method of resolving disputes. That message, so obvious even to the mind of a child, has not penetrated to the centres of authority which still function largely in pursuit of international power, national interest and short term gains. The nuclear weapon has become the most important component of the element of international power.

We need to see such acts of destruction in historical perspective. Jenghiz Khan, generally regarded as one of the most brutal of medieval conquerors, once proclaimed that he would flatten everything that stood in his way and not permit one human being, one dog or cat, or one flicker of life to remain in regions that defied him. He carried out this threat to the best of his ability. Yet, he fell far short of the standards of destruction set in those two fateful mini seconds, for nuclear technology went far beyond anything Jenghiz could do to flatten landscapes and wipe out life. A new benchmark of human destructiveness had now been set.

Paradoxically, nations valuing their adherence to humanitarian and civilised rules of warfare have vied with each other to give themselves the ability even to surpass such medieval brutality.

We have come a long way since Jenghiz Khan in the art of destruction. What causes surprise, if we pause to contemplate it, is that the intervening centuries of civilisation have been singularly unable to place moral or legal restraints upon this phenomenal power. This is all the more remarkable because the gruesome power of the bomb to impose incalculable human suffering has been twice demonstrated on human beings in bustling and crowded cities and the results are there for all the world to see.

The intensity of damage and suffering imposed on hundreds of thousands of human beings in each of those two dreadful mini-seconds defies all attempts at description. Just as these two mini-seconds stood out as pinnacles of destructiveness in all the millennia of history, so also they reached out into the indefinite future, threatening unpredictable damage to generations yet unborn. They were also an announcement to all generations yet to come that humans will stop at nothing in inflicting damage on fellow humans if they see the end as justifying the means. It was also an announcement of the imperative need for effective legal and moral restraints. Furthermore it put mankind on notice, in the words so tellingly used by President Kennedy, that "mankind must put an end to war or war will put an end to mankind."

President Kennedy was clearly making these observations in the context of nuclear power. It is self evident that the use of nuclear weaponry anywhere, anytime, leads us down the slippery slope towards Armageddon in an age when nuclear weaponry is not the monopoly of just one state. The use of one weapon today, unlike the days of Hiroshima and Nagasaki, will lead inevitably to retaliation in kind. When the nuclear weapons start flying, civilisation is at an end.

For decades, some of the survivors (the *hibakusha*), lingered on, bravely standing up to the excruciating suffering, the disfiguring keloids, the radiation injuries and the psychological traumas that have tortured their lives for decades. They were a defiant band and pledged their lives to the theme of 'no more Hiroshima's, no more Nagasaki's'. They knew better than all others what nuclear war really means. These voices that come to us from the abyss of human suffering need to be heeded.

Those who have had the intense educative experience of visiting the museums at Hiroshima and Nagasaki carry indelible memories of the harrowing nature of the nuclear tragedy. It is indeed a pity that this mind-searing experience is not shared by the generality of the world's population on whom in the last resort rests the responsibility for preventing any further use of nuclear weapons. Least of all is this experience known or heeded in the corridors of power, where decisions are taken which have the potential to exterminate humanity.

The world public lacks these perspectives and in any event tends to dismiss these events as having occurred too far away in time and place to be of immediate relevance. Particularly in America and Western Europe people have scarcely paused to think how they would have reacted had a nuclear bomb exploded in their neighbouring town, killing tens of thousands in an instant and imposing lingering suffering on the survivors, not to speak of genetic deformities on generations yet to come. Had this happened in one's own town, even in time of war, the reaction of anger, hatred and life-long bitterness would have been looked upon as a reasonable response. This act of indiscriminate slaughter would be seen as a violation of every known canon of civilisation. But this has happened in far away Japan in the midst of a hard fought war against a resolute enemy. The bomb has saved thousands of lives and there was no cause to regret its use. Such sentiments, combined with the remoteness of this experience in space and time, cloud the issue and produce an attitude of complacency and indifference to the greatest man-made danger humanity has ever faced since the race began.

The Uniqueness of Nuclear Weapons

Even among weapons of mass destruction nuclear weapons are unique for numerous reasons, any one of which would suffice to place these in a category of their own. Here are some of them:

1. They cause death and destruction on an unprecedented scale.
Hiroshima – 140,000 killed immediately and shortly after, an estimated 230,000 to date.
Nagasaki – 39,000 killed immediately and 100,000 to date.
2. They cause congenital deformities, mental retardation and genetic damage for generations.
3. They carry the potential to cause a nuclear winter which blots out the sunlight, destroys crops globally and causes freezing cold and darkness over large segments of the earth's surface.
4. They damage the environment not only for the present generation but for future generations as well.
5. They contaminate and destroy the food chain.
6. They produce multiple physical effects, inducing cancers, leukaemia, keloids and related afflictions, as well as gastro-intestinal, cardiovascular and related afflictions.

7. They continue for decades after their use to induce the health related problems mentioned above.
8. They imperil the entire eco system.
9. They produce lethal levels of heat and blast.
10. They produce a destructive electromagnetic pulse which cuts all communication lines, throws all electronic devices out of action and causes all organised life to collapse.
11. They span a time range of thousands of years. The half-life of plutonium 239, one of its by-products is over 20,000 years. Several of these half life periods are required before radioactivity becomes minimal.
12. They produce social disintegration.
13. They irreversibly damage the rights of future generations.
14. They imperil all civilization and threaten human survival.
15. The vast bulk of the victims are civilians, thus violating a central principle of international humanitarian law.
16. They cause similar damage to neighbouring states which are not at war with either party, thereby violating another rule of international humanitarian law.
17. They produce psychological stress and fear syndromes which last throughout the victims' lives.
18. They wreak cultural devastation, destroying historical monuments, historical documents and works of art.

The Brutality of Nuclear Weapons

Here is an eyewitness description from the first use of the weapon in the nuclear age – one of hundreds of such scenes which no doubt occurred simultaneously, and many of which have been recorded in contemporary documentation. The victims were not combatants.

“It was a horrible sight. Hundreds of injured people who were trying to escape to the hills past our house. The sight of them was almost unbearable. Their faces and hands were burnt and swollen; and great sheets of skin had peeled away from their tissues to hang down like rags on a scarecrow. They moved like a line of ants. All through the night they went past our house, but this morning they had stopped. I found them lying on both sides of the road, so thick that it was impossible to pass without stepping on them.

And they had no faces! Their eyes, noses and mouths had been burned away, and it looked like their ears had been melted off. It was hard to tell front from back. One soldier, whose features had been destroyed and was left with his white teeth sticking out, asked me for some water I didn't have any. (I clasped my hands and prayed for him. He didn't say anything more.) His plea for water must have been his last words.”

Multiply this a thousand-fold or even a million-fold and we have a picture of just one of the many possible effects of nuclear war. Those who contribute in any way to the failure of the NPT negotiations will carry an awesome burden of guilt for the rest of their lives.

Massive documentation details the suffering caused by nuclear weapons – from the immediate charring and mutilation, to the lingering after-effects – the cancers and the leukaemias which imperil human health, the genetic mutations which threaten human integrity, the environmental devastation which endangers the human habitat, the disruption of all organisation, which

undermines human society. Many of these after effects were experienced by people who were several miles from the centre of the explosion.

The Hiroshima and Nagasaki experience were two isolated incidents three days apart. They tell us very little of the effects of multiple explosions that would almost inevitably follow in quick succession in a nuclear war today. Moreover, 60 years of development have intervened, with bombs being available now which carry 70 or even 700 times the explosive power of the Hiroshima and Nagasaki bombs. The devastation of Hiroshima and Nagasaki could be magnified several-fold by just one bomb today, let alone a succession of bombs.

The Illegality of Nuclear Weapons

Nuclear weapons violate every humanitarian principle worked out by international law in the course of the centuries. These principles were only established after many wars and the sacrifice of millions of lives and they need to be cherished and respected. We betray the memory of those millions if we neglect to do all in our power to obliterate this scourge of humanity from the face of the planet.

Among these are:

- The prohibition against indiscriminate killing of civilians.
- The prohibition against the causing of cruel and unnecessary suffering.
- The prohibition against genocide.
- The prohibition against environmental damage.
- The prohibition against intergenerational damage.
- The prohibition against the use of noxious gases and analogous material.
- The prohibition against causing damage to neutral states.
- The nullification of a return to coexistence and cooperation.
- The prohibition against damage to medical centres and centres of religious worship.

Humanitarian principles have long been recognised as governing warfare between “civilised states”. So much is this the case that in 1899 The Hague Declaration Concerning Expanding Bullets banned the dum dum bullet as being too cruel a weapon to be used in civilised warfare. The dum dum bullet is a bullet which explodes on entering the human body and thereby aggravates the victim’s suffering. All the “civilised” states of the time agreed that this should not be permitted.

Yet today some of these same states maintain that the nuclear weapon which incinerates whole cities with their populations is legal. The absurdity is self evident, for anyone to see.

The Immediacy of the Nuclear Threat

The object of this booklet is to alert the global public to the fact that contrary to popular belief, nuclear weapons are indeed a growing threat, not a reducing one. The possibility of their use is increasing by the month and time is running out for meaningful action to rid the world of this scourge.

The public of all countries needs to be alerted to the very real danger of the use by some one, some where, some time, of a nuclear device. It may be used in the course of a battle or a

terrorist attack or even a tribal conflict. But once used, the entire international context changes forever because it is impossible to predict what events will occur and the chances of escalation are extremely great. What is certain is that it will not be an isolated incident beginning and ending with one nuclear weapon, as was the case in Hiroshima and Nagasaki.

What is not generally realised is that the current world situation is encouraging the nuclear danger rather than retarding it. It is not a remote possibility lurking somewhere in the distant future. It is steadily becoming more immediate. It is not necessarily an event in some distant part of the world but could occur in one's own market place, public square or anywhere in the vicinity of our homes. The danger is immense and, like some awful spectre of fictional melodrama, is closing in on us. What is remarkable is that so few among the general public and even among concerned citizens are taking meaningful steps to avert this threatened danger to the human race and indeed to all civilisation.

What is remarkable also is that we have it in our power to curb the progress of this spectre but choose to remain inert even as it makes its perilous advance almost by the day. It encounters a seeming lack of resistance from a complacent global community. There can scarcely be a better illustration of the old adage that we are paying this awful price not for the wickedness of the evildoers but for the inactivity of the well-meaning. Thereby we are imposing suffering not merely upon ourselves but upon our children and our children's children for unnumbered generations yet to come. A greater betrayal of trust can hardly be imagined.

The Folklore of the Nuclear Age

We are all, to some extent brainwashed by the mythology of the nuclear age. Look at Hiroshima and look at Nagasaki! Those two cities were flattened, but see how they have risen triumphant from the ashes of nuclear attacks. Again we are told nuclear weapons have saved the world from nuclear war and that thanks to their presence we have had more than sixty years without the actual use of nuclear weapons. Nuclear weapons are thus a proved preventive against the use of nuclear weapons by others. See how well this has worked! Again we are told the decision to use nuclear weapons will never be taken without the due deliberation of the statesmen responsible. In fact nuclear decision making goes all the way up to heads of states and they will act responsibly. Such is the tissue of misrepresentation and falsehoods propagated by the advocates of nuclear weapons

We are told further that pessimists and scare mongers have advanced the view that nuclear weapons may be used at anytime, but all the weight of experience is against their scare mongering. Do not be misguided by Utopian thinkers who do not know the world of reality and condemn nuclear weapons on purely idealistic grounds!

We are also told that the International Atomic Energy Agency is there to monitor nuclear waste and that the materials for manufacture of nuclear weapons are not available owing to this monitoring system. If any nation steps out of line it could be brought back to the right path.

The nuclear powers are responsible states. It is perfectly legitimate for them to have weapons for purpose of deterrence but there are rogue states that should not have nuclear weapons in any circumstances whatsoever. That would amount to a serious contravention of International Law.

This in short is the folklore of the nuclear age. Not only will the weapons not be used, but it indeed has a positive value and serves a useful purpose. Unfortunately most of us have fallen victim to this skilfully orchestrated campaign of subtle indoctrination.

One Law for Some and Another Law for Others

The nuclear weapons problem, which is perhaps the most important problem of international law and international relations, is being addressed by the world's most powerful nations on the basis of one law for themselves and another law for others.

We then have the situation, the absurdity of which is apparent to any school child, that those who violate international law by having nuclear weapons are severely chastised, punished and brought to book, and those who administer the punishment are powers which have the greatest arsenals of that very weapon, thereby violating the very rule that they seek to enforce on others. Not without reason did a child of ten once write in a school essay "everyone says they do not want nuclear weapons, but still there are more nuclear weapons than ever. Somebody somewhere must be lying"

This is the paradox that underlies the current world situation. In a smaller forum such a scenario would attract ridicule but we do not see it as such owing to the power and the prestige and the interest involved. Yet we are dealing with the most serious danger to humanity that ever existed. The world cannot function effectively, just as no government can function effectively, on the basis of one law for the powerful and one law for the weak. Such a regulatory system will immediately cease to command respect. If on the other hand we have a consistent attitude toward nuclear weapons by all states, their control and elimination becomes a distinct possibility. Without such consistency it is virtually impossible, and that is why the Nuclear Non-Proliferation Treaty, our best vehicle thus far to this end, needs the most careful consideration and support.

Reference should also be made in this context to the unanimous Opinion of all the judges of the International Court of Justice (the World Court), the world's highest tribunal in international law. This opinion was delivered in the case where the General Assembly sought the World Court's opinion on the Legality of Nuclear Weapons. Every single judge (and they are representative of all continents, all traditions, all legal systems and all religions) held 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."

This is an imperative obligation lying upon every single state. If the nuclear states do not pursue the Nuclear Non-Proliferation Treaty in good faith with a view to total disarmament they are in clear violation of their basic obligations under treaty law, under customary international law, under general principles of law and under the law evidenced by judicial decisions. In short they are in violation of their obligations under every source of international law. If they do not observe their obligations as laid down unanimously by the World Court, how then can they expect non-nuclear powers to obey international law and keep away from nuclear weapons? Nor will they be able to speak to other nations with authority or credibility.

Reasons for the Growth of the Nuclear Danger

Why is the danger of the use of nuclear weapons steadily rising? More than a dozen reasons can be adduced;

1. The number of states having access to nuclear weapons is ever on the increase. There are states that have nuclear weapons and have not declared them and there are others who seek nuclear weapons but have not declared their intentions.

Not even the most careful observer of the international weapons scene can venture to say exactly

- a) how many states actually have the weapon
- b) how many states are close to acquiring it
- c) how many states have launched on nuclear weapon research
- d) how many states are negotiating with smugglers or others to have access to nuclear weapons.

What is clear however is that all these processes are in progress, encouraged by the double standards that seem to prevail on this world shattering issue.

There are some who are thought to have nuclear weapons and are punished on this basis but then are found not to have them – thereby proving that the enterprise of acquiring nuclear weapons is impossible to police unless all states act with one accord in pursuance of a common policy towards nuclear weapons.

At the time of Hiroshima and Nagasaki there was only one nuclear state and the weapon could be used without any fear of a nuclear retaliation. But, the number soon increased to two, three, four, and five and then India and Pakistan entered the ranks of admitted nuclear powers. Other states such as South Africa and Israel are also thought to have developed the weapon. South Africa has in exemplary manner renounced its nuclear status and abolished its arsenal. Concerns are now being raised about the weapon being acquired by other states such as Iran and North Korea. There are also other states which are thought to have nuclear weapons or to be on the road to achieving them. There are others still who are secretly working on them.

There can be no doubt that all this illegitimate activity could be restrained if the nuclear powers showed an intention to comply with international law and take meaningful steps to eliminate their arsenals. So long as they continue in breach of their obligation to do so, they would lack the moral authority to urge other states to desist from acquiring nuclear weaponry.

2. There is a phenomenal increase in the power and spread of terrorist groups. They are often in league with arms manufacturers, drug runners and other elements of society which pay scant regard to humanitarian values. They are sometimes funded by interested organisations, sometimes by expatriate groups and sometimes by those with a vested interest in the conflict. Their assets run in some cases to hundreds of millions of dollars. They would dearly love to have a nuclear weapon available to them. They have the funds wherewith to purchase the necessary material and expertise and even to purchase a

bomb itself from a derelict collection of nuclear weapons.

It is increasingly within the reach of terrorist groups to acquire nuclear material, if not a bomb itself, and the day is fast approaching when this will be a reality. Indeed, it is not beyond the realm of possibility that we may wake up one morning in the near future to the news that such a weapon is in the hands of such a group who are using it as a threat. Once in their hands there will be no compunction in the use of it.

The current world situation breeds new terrorists – people who see their loved ones killed before their very eyes, wedding parties destroyed, children blown to pieces and friends and neighbours decimated. They will only be incited to fresh acts of violence and so the spiral of violence escalates.

3. The knowledge necessary to make a nuclear weapon has ceased to be the preserve of a few experts walled within the security establishments of states. With the proliferation of information technology the know-how necessary to make a nuclear weapon has spread to the extent that a clever university student or code buster/hacker could break into the necessary information. I once made this point at a talk which I gave in London on the subject and after the lecture I asked a physics professor who was present whether I had overstated the position. His answer was that in his view a physics student who was unable to acquire the basic knowledge to make a nuclear device was not worthy of a higher degree in physics. It is an alarming thought that such perilous knowledge is so widely available.
4. There are numerous scientists who were once employed in nuclear programs which have been disbanded, especially scientists of the former Soviet Union. Some such scientists are on the market offering their skill and expertise to any organisation or individual who is willing to pay them adequately. To reach them is by no means an impossibility, especially because states or organisations who desire this knowledge have vast sums of money at their disposal.

The world has no inventory of these scientists, for the establishments they were involved with functioned under conditions of complete secrecy. Who they are, where they are and what they are involved in, after their establishments were disbanded, is anybody's guess.

5. The materials necessary for putting together a nuclear weapon, especially the by-products of nuclear reactors, are available in increasing quantities, with the proliferation of nuclear reactors all over the world. There are now over 400 reactors with more than 50 more under construction across the world, using a total of 68,646 tons of uranium, and the discharge of waste fuel from these reactors is ever on the increase. There are no records of these materials and those who are willing to pay the price can quite easily acquire them. The International Atomic Energy Agency (IAEA) does not have a proper record of this material and trafficking in them is a profitable business. Some of the new reactors appearing in various parts of the world are built from substandard materials, are inadequately supervised and do not keep careful and transparent inventories of their waste materials. Amongst the countries with nuclear reactors are Ukraine, Slovakia, Russia, India, Pakistan, China, and South Korea. To expect clear inventories and policing of these vast quantities of waste in 400 sites is obviously impossible without full global co-operation.

Many of these materials are conveyed from one site to another and the possibility of their being hijacked is a very real one. They are transferred by rail, motor vehicles, ships and aircrafts, and no declarations are made to the local authorities even within the country regarding their movement, thus keeping the public grossly unaware of this tremendous danger that often passes along the highways which they regularly use.

6. Some nations have put their defence systems on alert in accordance with what is known as a Launch On Warning Capability (LOWC). This means there are hair trigger devices in those countries which are set to detect incoming objects entering their air space, of which they have no prior notice. If the object is a suspicious one and is thought to be a nuclear device, the LOWC is set to respond within minutes, if not seconds. This explodes the myth that a responsible presidential or prime-ministerial decision is required before a nuclear response is launched. It is the machine which decides and the machine must decide within minutes. Machines can make mistakes and we all know that no machine is one hundred percent perfect. There could also be errors of judgement, for an unannounced incoming object can be wrongly thought to be nuclear when in fact it could be perfectly innocent. There have been actual examples of this as when the Russian LOWC nearly responded to an innocent observation satellite from Norway which was entering its air space and was under a wrong impression regarding its character for six of the eight minutes available before response. It was only by a happy accident that the error was detected when the time for the response had nearly run out.

Such a response if wrongly triggered would mean the commencement of a real war since the nuclear weapon thus released could be mistaken for a nuclear attack and the missile system at the receiving end could automatically trigger off a nuclear response, thus leading to a real nuclear exchange.

Having regard to the large number of objects in air space for one reason or another, the possibility of their accidentally entering the air space of a nuclear state is ever present and the risk of unintended war is consequently ever on the rise.

7. Nuclear accident is an ever-present possibility. There have been numerous such accidents in the past, and considering the fact that there are tens of thousands of these weapons around, the dangers are grave. The numerous accidents that have occurred in the past are little known to the general public. Here are a few of them;
 - August 5, 1950: B29 Bomber carrying a nuclear weapon without its fissile core crashed and burned in the US. Weapons detonated 15 minutes after the crash killing 18 personnel and injuring 60 others.
 - January 24, 1961: B52 caught fire over North Carolina and accidentally dropped two H bombs. They did not explode.
 - April 10, 1963: US nuclear submarine Thresher sank in Boston Harbour, 129 died. This was the world's first nuclear submarine catastrophe.
 - August 19, 1965: Trident missile catches fire in US, 53 died.
 - January 17, 1966: B52 carrying H bombs crashes while flying over Spain. Radioactive contamination.
 - 1960: Accident at atom bomb plant in China.

- 1970: Explosion at Nuclear Submarine Factory at West Gorky. Several died, radioactive contamination.
- October 25, 1976: Underground nuclear explosion at Soviet Navy Base on Baltic. Over 40 deaths.
- January 29, 1978: Soviet nuclear powered satellite crashes into a lake in North East Canada. Radioactive contamination.
- July 6, 1979: Accidental explosion at a French nuclear test in Mururoa.
- September 28, 1988: Information emerges that in 28 years thirty major accidents had occurred at Savannah River Nuclear Weapons Plant.
- April 9, 1989: Soviet Nuclear Submarine burns and sinks off shore of Norway, 42 died.

These are just a few from a very long list. Since this booklet was first published five years ago, there have been many nuclear accidents in US alone. In February 2009 two nuclear submarines belonging to Britain (Royal Navy) and France collided in the Atlantic Ocean, thus highlighting the enormous and ever present danger of an accident of enormous proportions. Fortunately there were no fatalities among the 250 sailors on board both submarines. Providentially there was no series of explosions which could have affected all marine life and affected the global food supply. As long as the nuclear enterprise continues, these accidents will continue to occur and the danger of their occurrence is ever present. Any one of them has the potential to trigger off a dangerous chain of consequences which no one can predict.

8. The number of occasions when the world was on the verge of nuclear war in the past sixty years is considerable. In well over a dozen crises it was hovering on the brink, and it was only by a series of happy accidents that the world was saved from nuclear war. Once the first bomb flew, that was the point of no return and there could only have been an escalation of the conflict with other nuclear powers being drawn in, resulting in all out nuclear war.

Examples are:

- The erection of the Berlin Wall 1948
- The outbreak of the Korean War 1950
- The Suez Crisis 1956
- The Taiwan Straits Crisis 1958
- The Cuban Missile Crisis 1962
- The seizure of the USS Pueblo by North Korea in 1968

As everyone knows, the Cuban Missile Crisis was an eyeball to eyeball confrontation between the leaders of Soviet Russia and the United States. Looking back on it now, the conclusion seems inescapable that the probable outcome was certainly a confrontation and that the actual outcome was only a remote possibility. It was the world's phenomenal good fortune that it ended the way it did.

9. Another reason why this danger is increasing is that the number of mini wars throughout the world is on the increase. Even as this booklet goes to press there are around forty substantial conflicts in progress throughout the world, some of them capable of drawing in other participants. In such rivalries there is always the possibility of drawing in states

which have nuclear capabilities. When that will happen no one knows. Nearly every seemingly small conflict has some bigger states or interests operating behind the actual contesting parties and if they are drawn in, the proximity to the use of nuclear weapons grows ever closer.

10. Increased disregard of International law. There has been a trend in recent years for International Law to be disregarded as and when it suited those who feel they are in a position to disregard it. An instance is the invasion mounted on Iraq by two of the Permanent Members of the Security Council in disregard of the several rules that have grown up in International Law forbidding precisely the sort of action that was resorted to. The rule prohibiting use of force, the rule against unilateral action by individual states without Security Council authorisation, the principle that no state has the right unilaterally to displace the government of another state, the principle that architectural and historical objects and sites are to be preserved – these are all well established rules of International Law and some of them are enshrined in the UN Charter itself. They were built upon the sacrifice of millions of lives and needed to be respected.

When international law is disregarded especially by powerful states this removes restraints that would otherwise operate on those who desire to use force illegally and flout the rules of international law.

11. Another reason is that there is a huge gap between the rich world and the poor world and this gap is constantly widening. There are many nations in a state of desperation, unable to acquire even the basic necessities for their sustenance. A time may come when they, or irresponsible groups within them, seek to mount an attack on the centres of privilege which they perceive as being the source of their deprivations. Hundreds of millions live below the poverty line and millions of preventable deaths continue to take place for sheer lack of resources. The affluent world and its many multi-national corporations which operate within the poor world and in fact extract wealth from them, turn a blind eye to this, resulting in global tensions between the 'haves' and the 'have-nots'.

This is one of the most urgent global problems to which inadequate attention is presently devoted and it affords a prolific breeding ground for terrorists and others who are prepared to take the law into their own hands.

12. Another factor to be borne in mind is that research on the improvement and refinement of nuclear weapons is proceeding across the world. The weapon is constantly being made more precise, less cumbersome and more easy to deploy. Its portability is increasing steadily and the day is not far distant when it would be so small that it could be carried quite easily in a traveller's baggage or even on his person. When that stage is reached one suicide bomber - and of suicide bombers there is no shortage - can hold the rest of the world to ransom.
13. It should be remembered also that any conflict of the future in which nuclear weapons are used will be totally unlike Hiroshima and Nagasaki where there was the certainty that there would be no nuclear response. The next nuclear weapon wherever used will draw a nuclear response and this means a further retaliation, multiple nuclear exchanges, a nuclear winter and all the dreaded scenarios so often predicted of the extinction of

organised life as we know it.

14. Nuclear stockpiles number over twenty thousand weapons. Inventorying them, storing them and policing them in a world where so many want them is becoming an increasingly difficult task. Some of the storage depots are far from the metropolis of the nuclear power as was the case with the Soviet arsenals in various distant parts of the former Soviet Union. Likewise, nuclear materials are not inventoried and are being continually produced. Nuclear smuggling has become a very real danger. The only way in which such nuclear smuggling can be thwarted and prevented is a universal agreement by all nations, nuclear and non-nuclear, for the surveillance and policing of nuclear material and know-how. That can never happen so long as the nuclear nations cling to their present policies of not keeping to their commitment to work towards the complete elimination of nuclear weapons.
15. The increasing number of suicide bombers now available for carrying out desperate tasks is a phenomenon of our times. Their ranks are being constantly increased as a result of current international events and policies.

Suicide bombers are committed persons; they are desperate and will stop at nothing. They can operate as individuals, thus diverting suspicion. They are bred by conditions in which they see all their values, all their loved ones, all their cherished hopes shattered by acts of violence. They are people fired with dedication, driven by hatred, smarting under a sense of injustice to their people and regardless of the consequences to themselves or to the thousands of innocents at the receiving end. They do not have the information that will soften their view of what has happened. Global conditions today are swelling their ranks as never before.

Nuclear Non-Proliferation Treaty: Five Yearly Review

All this becomes extremely relevant and urgent in the context of the approaching five-yearly review of the Nuclear Non-Proliferation Treaty, due to take place in May 2010. This review is the best opportunity the world community will have for taking stock of all the dangers outlined above, which make this review year more critical than any previous reviews. If this opportunity is not fully used we may have lost one of the last chances we may have for taking some constructive decision to halt the progress of the nuclear danger.

When this booklet was produced for the last NPT Review in 2005, it seemed a distinct possibility that the 5 year period before the next review could produce such a destructive nuclear incident, which was indeed a real possibility. We have fortunately survived this period but there is no guarantee we shall have another 5 years without such an incident. Indeed such an incident has progressed from the level of a mere possibility to the level of a real probability. The risk we are taking in not reaching agreement in 2010 is several multiples of the risk we took when we failed to reach agreement in 2005.

The Nuclear Non-Proliferation Treaty was in a sense a bargain between the nuclear powers and the non-nuclears. The nuclears prevailed upon the non-nuclears not to acquire nuclear weapons. As their share of the bargain, they were to take meaningful steps to reduce their arsenals systematically with a view to the eventual elimination of such weapons. The nuclears hold the

non-nuclears to their obligation under the treaty but have failed to keep their part of the bargain. This is unacceptable to the non-nuclears and removes the restraint they feel towards the acquisition of nuclear weapons themselves. This in itself is an added source of danger.

The nuclear nations need to realise that their current policies are thus hastening the day when they themselves will be threatened with the use of a nuclear weapon. The citizens of nuclear states need to have a more general awareness that these short-sighted policies are producing a danger to their own village or city with a potential loss of tens of thousands of lives. It is only then that they will be able to place sufficient pressure on their governments to abide by their obligations under the NPT.

One of the purposes of this booklet is to bring home this realisation to the vast mass of peace-loving, law-abiding citizens of these countries who have not been sufficiently aware of the magnitude of this danger.

For all these reasons then, the nuclear danger is not a remote problem, distant from us in space and time. It is with us now and growing by the month if not by the day. Complacency and indifference are the prime factors which accelerate the growth of the danger and bring it progressively nearer to us.

The problem cannot be solved unless it is approached in good faith by all states, nuclear as well as non-nuclear. The fundamental principle of international law, namely one rule for all, needs to be observed if any credibility is to attach to the steps that need to be taken.

If nuclears and non-nuclears join their resources, united by a resolve to banish this scourge from the face of the earth, we can control proliferation, inventorise stocks, track down offenders and render planet earth a safer place for all. If on the other hand, the nuclear powers insist on a dual legal regime – one for themselves and one for the others – the proliferation will continue, more hands will get a grip on the weapon and irresponsible fingers will be twitching on the nuclear trigger.

One incident will lead to another and a nuclear exchange can obliterate all civilisation and end all organised society and perhaps end all life itself.

Children in their simplicity see the enormity of this danger, without any obfuscation of the issues. As a six year old child once observed “Adam was the first man, I hope I will not be the last”. That danger, so clearly seen through the eyes of a child, needs to be more widely perceived.

The Nuclear Non-Proliferation Treaty is thus far our principal step towards the end result of abolishing this threat to humanity. We all need to approach it with sincerity and determination, for the writing on the wall is clear. With increasing stocks of the necessary materials, increasing access to the necessary knowledge, increasing availability of the necessary finances, increasing numbers of potential users, increasing anger and discontent to drive them, increasing risk of accidental use and increasing conflicts around the world, the danger grows.

How long our luck will hold is anyone's guess. If all of humanity does not collectively act to abolish this weapon, this weapon can single-handedly destroy all of humanity.

This could happen any day at any time from now onwards. The urgency is self evident and the moral imperatives are clear as day light. The betrayal of trust involved is of colossal proportions. We are the generation that is betraying this trust which is our solemn responsibility to all generations to come.

The NPT five yearly review is our greatest and probably our last major opportunity to review this betrayal and halt it.

If we fail to do so we are all participants in this betrayal.

THE TIME TO ACT IS NOW

URGENCY

No international obligation has greater urgency than the obligation to eliminate nuclear weapons. This booklet has set out several reasons for fulfilling this obligation now. As long as we fail to do so, the reality is that any day we might awaken to the news that a nuclear weapon has exploded somewhere, whether by accident or by design.

It has been our singular good fortune to avoid this dire scenario thus far. If such a situation should occur, however, it would quite clearly be the direct result of the irresponsibility of nuclear powers in not complying with their basic obligations under international law.

Never in the history of humanity has such urgency existed in relation to any issue and never were the consequences so devastating to the human future and to all that we hold dear. The danger grows not from year to year or from month to month but from day to day. We cannot act any longer on the myth that the nuclear weapon has protected us from global war. This is rather the high road to global destruction at any moment and it is the road we take if the NPT negotiations end in failure.

BETRAYAL

Failure to bring the NPT conference to a successful conclusion would be a total betrayal of responsibilities owed to the community of states, the global population and the generations yet to come. It would be a betrayal of legal obligations, of moral obligations and of express undertakings given to the international community.

In addition more than six billion of the world's 6.8 billion people are adherents of the different world religions. Support of the nuclear bomb with its potential to destroy all civilizations and all the values we cherish, is a gross betrayal of the basic teachings of every religion. Every one of them is categorically opposed to the use of weapons which cause cruel and unnecessary suffering. No government in the world can afford to be guilty of this fundamental breach of the teachings to which the bulk of its people are committed.

Such conduct is also an absolute betrayal of every concept on which international humanitarian law is based. This is the living law and represents the high water mark of legal achievement in the difficult task of imposing some restraints on the brutalities of unbridled war. It has been forged by the community of nations under the impact of the sufferings of untold millions in two global cataclysms and many smaller wars. As with all legal principles, it governs without distinction all nations great and small. Retaining a nuclear weapon arsenal is a flagrant violation of these rules and a betrayal of the duties owed by powerful states to the entire world community.

Any use of nuclear weapons is also a complete betrayal of the duties we owe to future generations. The adverse effects on the environment would last for multiples of 24,000 years, which is the half life of just one of the residual elements of a nuclear explosion. Other adverse effects will cause birth defects and horrible deformities for several generations. A nuclear winter destroying all food crops and causing famine on a worldwide basis would be the inevitable

consequence of nuclear war. Creating all this peril to the entire human race is the greatest betrayal of humanity that can possibly be imagined.

The retention of nuclear weapons is also in utter contradiction of the unanimous pronouncement of the International Court of Justice which categorically lays down the obligation of every nuclear power to take meaningful steps to eliminate their nuclear arsenals. No higher pronouncement of an international law obligation is possible than such a unanimous opinion of the world's principal international tribunal. It would be a sad example to the entire world community and a gross betrayal of international obligations if this pronouncement should be ignored, particularly by the world's leading powers.

Any nation which does not take the steps to fulfil its obligation to rid the world of nuclear weapons cannot claim any longer to be concerned with human welfare and the human future. No state would want to be so regarded by the world community and to incur the further opprobrium of having been a party to the destruction of human civilisation.

In short, failure to bring these negotiations to a successful conclusion would be a betrayal of all the values we cherish and of all that human civilisation has built up through millennia of effort and sacrifice.

“One wonders whether, in the light of common sense, it can be doubted that to exterminate vast numbers of the enemy population, to poison their atmosphere, to induce in them cancers, keloids and leukemias, to cause congenital defects and mental retardation in large numbers of unborn children, to devastate their territory and render their food supply unfit for human consumption – whether such acts as these can conceivably be compatible with elementary considerations of humanity. Unless one can in all conscience answer such questions in the affirmative, the argument is at an end as to whether nuclear weapons violate humanitarian law, and therefore violate international law.”

Dissenting Opinion of Judge Weeramantry, in *Case Concerning the Illegality of Nuclear Weapons*, International Court of Justice, 1996

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