

## Nuclear nations in the dock

Written by John Hallam  
Tuesday, 24 February 2015 16:54 -

---

### Nuclear nations in the dock

<http://www.onlineopinion.com.au/view.asp?article=17110&page=0>

By Sue Wareham - posted Monday, 23 February 2015 Sign Up for free e-mail updates!

A little known court case initiated by an inconspicuous Pacific Island state might not seem very newsworthy, but when there's a David and Goliath element involving some of the world's most powerful nations, with implications for Australia, we should take notice.

The small nation state of the Republic of the Marshall Islands, with a population of just over 50,000 people, is taking the United States, the United Kingdom, Russia, China, France, India, Pakistan, Israel and North Korea to the International Court of Justice (ICJ). What do this motley lot have in common? Between them, they possess the world's 16,300 most destructive, horrific and indiscriminate weapons, nuclear weapons.

No nation has a stronger moral claim to call the nuclear armed states to account than the Marshall Islands. From 1946 to 1958, the US conducted 67 nuclear weapons tests there, all the while reassuring the local people that the tests would "with God's blessing, result in kindness and benefit to all mankind". Instead they resulted in dispossession, destruction of atolls and long term radioactive contamination.

#### Advertisement

However Marshall Islands' Foreign Minister Tony de Brum says that the lawsuit is not about compensation for past wrongs, but is an attempt to draw attention to the nuclear sword of Damocles still poised over all of humanity. He reflects the grave concern of many nations. A recent series of government conferences – in Norway in 2013, Mexico in early 2014 and Austria in December, the latter attracting 159 governments – has examined the humanitarian impact of nuclear weapons, with the unequivocal conclusion that any use of these weapons would cause human suffering on an unimaginable scale, far beyond any capacity for humanitarian response. The impacts on health, the environment, agriculture, food security, and the economy would be catastrophic, widespread and long term. There would be no winners.

The Marshall Islands claims that all nine nuclear armed states violate

## Nuclear nations in the dock

Written by John Hallam

Tuesday, 24 February 2015 16:54 -

---

their legal duty to get rid of their weapons. The claim rests in part on the 1996 advisory opinion of the ICJ on the legal status of nuclear weapons, which included the judges' unanimous declaration that "There exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects.....". This judgement in turn drew on the disarmament obligation enshrined in article 6 of the 1970 Nuclear Non-Proliferation Treaty (NPT). After nearly 45 years, and endless platitudes, it remains unfulfilled. The 5-yearly NPT review conference will be held in New York in April; signs that article 6 will be given the pre-eminent focus it deserves are not strong.

For Australia, this is anything but a quaint and esoteric legal exercise, and we are anything but an innocent bystander. Successive Australian governments pay lip service to the goal of a nuclear weapons free world, while simultaneously giving support to US nuclear weapons, under the extraordinarily foolish notion that they protect us. Goliath, with his genocidal weapons, has our unbridled loyalty and complicity. We are in fact part of the problem.

The Marshall Islands' case faces big hurdles in The Hague, including acceptance of the jurisdiction of the ICJ. However, in the court of public opinion there is no doubt. Nuclear armed states have escaped accountability for far too long.

De Brum, along with many other governments, leaders and a large civil society movement, are urging a new approach - a treaty to ban nuclear weapons, just as chemical and biological weapons are banned by treaty. Such an achievement would not be a panacea (for we have none), but it would be a powerful tool, probably the best available, to delegitimise the weapons and stigmatise any nation with the deluded belief that it has a right to retain the worst of all weapons of mass destruction.

There is a sense of urgency about this, which is hardly surprising. In January the Bulletin of the Atomic Scientists moved the hands of its Doomsday Clock to three minutes to midnight, the closest they've been to nuclear catastrophe since 1984. Meanwhile, the major nuclear armed states, meeting in London on 6 February ahead of the NPT review in April, noted their progress on a glossary of key nuclear terms. Deck chairs on the Titanic come to mind.

### Advertisement

This year marks the 70th anniversaries, in August, of the nuclear destruction of Hiroshima and Nagasaki, an appropriate if somewhat belated time to act. Decades after their own nuclear nightmares, the

## **Nuclear nations in the dock**

Written by John Hallam

Tuesday, 24 February 2015 16:54 -

---

people of the Marshall Islands are to be applauded and supported as they attempt to hold the nuclear armed Goliaths accountable for their flagrant violation of the global norm against weapons of mass destruction. The message should be heeded by countries such as Australia, for whom a nuclear alliance blinds us to the possibility of real progress.