

20 JUNE 2016

## PEOPLE FOR NUCLEAR DISARMAMENT

IT'S REALLY TRUE: DESTRUCTION OF CIVILISATION (AND MUCH MORE) IS NOT AN ISSUE THIS ELECTION.

It's really true: In spite of the presence of nuclear disarmament protestors outside the Lowy institute this afternoon, and even in spite of an item on Lowy's own website, the life-and-death issue of nuclear disarmament, as far as can be seen from the inadequate press coverage, seems to have been completely absent from Foreign Minister Julie Bishop's remarks to that distinguished body.

If she mentioned it at all nobody mentioned that she had mentioned it.

Yet this means that the entire election is taking place in a reality-free zone – at least as far as the most immediate threat to the continuance of human civilization and even human survival, is concerned.

The ugly, scary, reality is that according to a range of policy-wonks, the Bulletin of the Atomic Scientists with its Nobel-heavy board of sponsors, retired secretaries of state, and retired commanders of both US/NATO and Russian nuclear forces, the danger of a nuclear exchange involving a number of thousands of nuclear weapons is as great or greater now than it was in 1983.

In 1983, the hands of the Bulletin's 'Doomsday Clock' stood at 3 minutes to 'midnight', 'midnight' being the end of the world. In 1983, the world did indeed nearly end twice in a less than two month time-span, in September and early November. And in 1983, in Sydney, disarmament rallies had attendances of over 100,000.

Today, the Doomsday Clock also stands at 3 minutes to midnight. Yet to get anyone at all to a disarmament rally is so well-nigh impossible that organizations who were able to magic a hundred thousand into the streets back in '83 don't even try.

Yet at the very highest levels, there is widespread recognition that the situation is dire. Back in May over 100 governments and over 100 NGOs met at the Open-Ended Working Group in Geneva to plot the way to a world free of the threat of extinction that nuclear weapons pose.

While the overwhelming majority of the world's governments want to take decisive steps to a world without nuclear weapons, Australia distinguished itself by 'leading' a group derisively called the 'weasels' who argue that nothing can, or should be done that would take us toward elimination other than banging our heads on various brick walls – the entry into force of the CTBT, a fissile materials treaty, a middle-east nuclear weapons-free zone, and just maybe further reductions between the US and Russia, and the lowering of alert status of nuclear

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weapon systems currently kept at 'hair-trigger' alert. While the last measure – a lowering of nuclear weapons alert status – might just be critical to human survival the main feature of all of the others is that there's almost no prospect of them actually happening.

Julie Bishop has written that the nuclear weapon states must be 'engaged' but not 'enraged'. But the fact is that very little real engagement on serious nuclear disarmament measures has taken place and Australia has not been notable by its leadership in that area.

Whether Australia and the 'weasels' like it or not, a ban, or at least an instrument of some kind that amounts to a ban – a 'nuclear weapons abolition something-or-other' – is coming. The nuclear weapons states will of course, refuse to have anything to do with it. But the overwhelming majority of the world will join it whatever it turns out to be, and nuclear weapons will bit by bit become marginalized, stigmatized, and illegal.

Unless of course in the meantime, someone in Strategic Command Omaha, or Kosvinsky Mountain in the Urals, has the ultimate bad day.

And then we won't be here to talk about it.

In the meantime, while nuclear disarmament is the ultimate non-election-issue, the Human Survival Project and the Center for peace and Conflict Studies are putting together a Peoples Tribunal on the Nuclear Powers and the Destruction of Civilization.

Its on the 6th, 7th, and 8th of July at the Common Room of the Woolley Building, Sydney University.

Do please come and learn why nuke weapons are, and remain, an 'end-of-the-world' issue and what to do about it.

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Media Briefings on the Tribunal:

(1) 4.30-5.00pm, Wed 6 July 2016, Tutorial Room 401, Woolley Building, University of Sydney

(2) 18:00-18:30pm, Fri 8 July 2016 Common Room, Woolley Building

**INTERNATIONAL PEOPLES' TRIBUNAL ON THE NUCLEAR POWERS AND THE  
DESTRUCTION OF HUMAN CIVILISATION**

Human Survival Project  
People For Nuclear Disarmament  
Aotearoa Lawyers For Peace

An International Peoples' Tribunal announced today is laying charges against the leaders of the nuclear-armed states for threatening the end of human civilization and possibly even

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human extinction. 'We are indicting the nuclear powers in light of the increasing evidence of the risks of nuclear weapons use arising from their policies and practices, and the catastrophic consequences of such use,' says Prof Peter King, a founder of the Center for Peace and Conflict Studies and convener of its Human Survival Project at Sydney University, and one of the Tribunal organizers.

The Tribunal is being convened by Peter King, and People for Nuclear Disarmament (PND) UN lobbyist, John Hallam.

It has a cast of distinguished international lawyers, including the Hon. Matt Robson, former NZ Minister for Courts; international law expert Alan Webb; US lawyer David Krieger, adviser for the Marshall Islands case against the nuclear weapons states at the International Court of Justice (ICJ); French law professor Emilie Gaillard, expert on law protecting future generations; Daniel Reitiker, President of the Association of Swiss Lawyers for Nuclear Disarmament and expert in human rights law, and Alyn Ware, consultant to the International Association of Lawyers Against Nuclear Arms (IALANA) and lead prosecutor for the Tribunal. Mr Ware played a key role in the 1996 ICJ case on the legality of the threat or use of nuclear weapons.

The Tribunal aims to focus attention on the potential that multiple use of nuclear weapons will have to destroy human civilization completely; the spiraling current risks of such an exchange, and the possibility, however remote, (or otherwise) that such an event sequence might even lead to human extinction.

The Tribunal Hearings will be held on July 7-8 2016, July 8th being the 20th anniversary of the ICJ case on nuclear weapons and the first day of Chain Reaction, a series of nuclear disarmament events happening around the world from July 8 until October 2, the International Day of Non-Violence.

Says the Hon. Matt Robson, a Tribunal judge:

"Political power has so far prevented the testing of the criminality of nuclear weapons in an established official international tribunal such as the International Criminal Court...As judges in a Peoples' Tribunal we will not shy away from our duty to examine this issue of vital importance for human kind."

Says Alan Webb LLB, a member of the prosecution team:

"Nuclear weapons are not exempt from the laws of warfare, and if the threat or use of nuclear weapons is clearly illegal, as we intend to demonstrate, then it's an international crime of the most serious nature for individuals responsible for such nuclear weapons policies to continue upholding these policies."

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According to American lawyer, David Krieger, legal adviser for the Tribunal:

“The Republic of the Marshall Islands (RMI) has filed cases against the nine nuclear-armed States in the ICJ and American courts for their failure to comply with international law on disarmament. This Peoples' Tribunal will complement the RMI cases, and will highlight the fact that individuals responsible for illegal policies cannot hide under the cloak of ‘national security’. Such a spurious defense was rejected in the Nuremberg and Yugoslavia Tribunals and should be rejected by this Peoples' Tribunal.”

Says French law professor Emilie Gaillard, legal adviser for the Tribunal:

“The International Court of Justice concluded in 1996 that ‘the destructive impact of nuclear weapons cannot be contained in time or space’. To threaten such use by maintaining nuclear weapons or subscribing to nuclear deterrence doctrines is a crime against future generations. This tribunal will provide a voice for the voiceless who are threatened through time and space by the leaders of nuclear weapon states today.”

Says Daniel Rietiker, legal adviser for the Tribunal,:

“The UN Human Rights Committee has affirmed that designing, testing, manufacture, possession and deployment of nuclear weapons are among the greatest threats to the right to life which confront mankind today.”

And Alyn Ware, lead prosecutor for the Tribunal, says:

“The Peoples' Tribunal will hold its second day of hearings on July 8, the 20th anniversary of the decision of the International Court of Justice affirming the illegality of the threat or use of nuclear weapons. Both the ICJ case and the tribunal have arisen as civil society initiatives to hold governments and leaders accountable for illegal actions.”

According to Tribunal conveners, John Hallam and Peter King:

“This Tribunal comes as part of a long process in which it is being demonstrated that nuclear weapons possession, nuclear threats and actual use not only violate international law in a massive way, but also jeopardize human civilization and even human survival. This is not a new idea – it has been around since at least the 1955 Einstein/Russell Manifesto – but it has legal implications...We are sending an indictment to the nine states that have nuclear weapons (faxed to their Canberra and UN missions and their ministries of foreign affairs) to the following effect:

--In light of the increasing evidence of the risk of nuclear weapons use and the catastrophic impact of any such use, the Tribunal will consider the following charges with regard to States possessing nuclear weapons and individual responsibility for nuclear weapons policies.

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1 The use of nuclear weapons would be illegal and a crime;

as a weapon of mass destruction (multiple use):

in or affecting populated areas;

in any circumstances.

2 The threat to use nuclear weapons would be illegal and a crime;

as a weapon of mass destruction (multiple use);

in or affecting populated areas;

in any circumstances.”

Charges will be laid against heads of state or government of the nine nuclear armed states (China, France, India, Israel, North Korea, Pakistan, Russia, the United Kingdom and United States) and also Australia (a nuclear reliant state).

Based on its decision regarding these charges, the Tribunal will decide on state and individual responsibility, including measures required to ensure compliance with the law.

As this Tribunal is not an 'official' body, its decisions are not, clearly, legally enforceable. Nonetheless they will represent the results of consideration of a substantial body of legal and civil society opinion. As such they will be influential in determining what is, in fact, the state of the law, and can thus influence legal and political thinking. We aim to demonstrate that nuclear weapons are a threat to everything that humans find important, and that as such they are illegal. If the Tribunal succeeds to further marginalize and discredit nuclear weapons it will all be worthwhile.

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