

Failure To Disarm

By Rick Wayman

The theme of today's event is "Failure to Disarm."

Those who live around here know about the failure to disarm, as the U.S. government pours billions of dollars into new nuclear weapon programs and relatively little into environmental cleanup.

Those who live around the U.S. know it. The U.S. government is spending more on nuclear weapons now than during the Cold War, while critical needs like health, education and infrastructure see frequent cuts.

Those who live around the world know it, as we all live under the constant threat of a nuclear famine. Even if only 100 nuclear weapons are used against cities on the other side of the world, we could still be killed here due to the drastic global cooling that would accompany the tons of smoke in the stratosphere.

The people of the Marshall Islands know it. They endured 67 nuclear weapon tests by the U.S. from 1946-1958. They continue to suffer health and environmental consequences. The leaders of the Marshall Islands want to make sure that nobody ever again suffers from the use of a nuclear weapon.

That's why, on April 24, the Marshall Islands filed the Nuclear Zero Lawsuits for failure to disarm. They filed one case against the United States in U.S. Federal District Court, and cases against each of the nine nuclear-armed nations at the International Court of Justice.

The lawsuits allege breach of Article VI of the Non-Proliferation Treaty (NPT), as well as breach of customary international law.

Article VI of the NPT states:

Each of the Parties to the Treaty undertakes to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control.

These lawsuits are unprecedented. They seek to force nuclear-armed nations to answer in a public, on-the-record way about how their actions (modernizing nuclear arsenals, planning for deployments many decades in the future, boycotting multilateral disarmament initiatives) square with their legal obligations under the NPT and customary international law.

I want to stress: it's not just the U.S. that is guilty of failure to disarm. It is all nine of the nuclear-armed nations, plus their enablers, such as certain non-nuclear "Weasel" states and corporations that profit from the continued nuclear arms race.

Also, Marshall Islands Foreign Minister Tony De Brum has stressed that the RMI has not filed these lawsuits to try to make enemies. They are doing this as a friend, much like a person would not let their friend drive drunk because it puts themselves and untold others at risk.

You will hear the counter-argument from people at the State Department that they ARE disarming, that they have achieved an 85% reduction in the number of nuclear weapons compared to the height of the Cold War. However, a nuclear arms race does not have to be simply quantitative. It can also be qualitative, and that's what we have today.

The lawsuits in the International Court of Justice are moving along as expected, though at a rather slow pace. Three countries (United Kingdom, India and Pakistan) have compulsory jurisdiction at the ICJ, meaning those cases must be heard. The other six nuclear-armed countries (United States, Russia, France, China, Israel and North Korea) have been invited to participate in this particular case, and have the choice whether or not to accept.

The lawsuit in the U.S. Federal District Court is moving more quickly at this time. The U.S. government filed a Motion to Dismiss on July 21. They call the lawsuit a manufactured claim and state that the relief sought from the court would be “contrary to the public interest.”

The Marshall Islands will submit its response to the Motion to Dismiss on August 21, and a hearing is scheduled at the Federal Court in Oakland on September 12.

Here are some things that you can do to help support the Nuclear Zero Lawsuits:

1. Sign the petition supporting Nuclear Zero at www.nuclearzero.org.
2. Follow NAPF on Facebook and Twitter and share the frequent updates about the lawsuits.
3. Write letters to the editor of your local newspapers about the Nuclear Zero Lawsuits and nuclear disarmament.
4. Encourage groups (civic, religious, etc.) that you are a part of to sign on in support of the Nuclear Zero Lawsuits by emailing rwayman@napf.org.