

Human Rights Now---June 14, 2017¹

Statement: Human Rights Now Calls for the Total Elimination of Nuclear Weapons

Human Rights Now (HRN), an international human rights NGO based in Tokyo, firmly believes that any use of nuclear weapons is a grave and unacceptable violation of human rights. HRN thus welcomes the widespread participation of states in the UN Conference to Negotiate a Legally Binding Instrument to Prohibit Nuclear Weapons Leading to Their Elimination (the PTNW Conference) and the strongly worded Draft Convention recently released. After more than 70 years since nuclear weapons were first used, there has been no treaty banning nuclear weapons, unlike other weapons of mass destruction. The PTMW Conference and Draft Convention are forceful first steps in eliminating the threat that nuclear weapons continue to pose to the rights of all humans.

The humanitarian reasons to ban nuclear weapons are simple. Nuclear weapons are the most destructive, inhumane, and indiscriminate of weapons ever invented. A single nuclear bomb can erase an entire city, kill millions of civilians, and cause enduring harms to future generations and the environment.² Their catastrophic humanitarian consequences have been indisputably established and recounted by hibakusha, scientists, physicians and nuclear experts around the world.³ Even aside from the risk of intentional state use, there are risks of accidental detonations and acts of terrorism which could trigger a nuclear exchange.

Nuclear-armed states also have compelling reasons to eliminate their nuclear stockpiles and participate in the PTNW Conference negotiations. They have a moral obligation due to the catastrophic humanitarian threat of nuclear weapons. It is in their strategic interest as the most likely targets of nuclear weapons are nuclear-armed states.⁴ They have made a political commitment to work to achieve Sustainable Development Goal 16, which calls on all states to commit to measures to achieve global peace, a commitment which is incompatible with maintaining nuclear weapons. They also have legal obligations under the Non-Proliferation Treaty to achieve disarmament, under international human rights law to respect people's right to life (confirmed by the UN Committee on Civil and Political Rights),⁵ and under international humanitarian law to protect civilians from indiscriminate harm and unnecessary suffering (confirmed by the International Court of Justice),⁶ both of which nuclear weapons egregiously violate by their very nature. Nuclear weapons indiscriminately target mass numbers of civilians and cause cruel and inhumane suffering to victims through physical trauma, burns, permanent disfigurement, cancer, and other severe illnesses. All of these give nuclear-armed states compelling reasons and duties to participate in the elimination of nuclear weapons, and they have no credible justification to abandon these duties and responsibilities.

¹ Contact Human Rights Now at info@hrn.or.jp or visit our website at hrn.or.jp/eng.

² International Campaign to Abolish Nuclear Weapons, <http://www.icanw.org/the-facts/catastrophic-harm/>.

³ Chair's Summary of the Vienna Convention, <http://www.mofa.go.jp/mofaj/files/000062699.pdf>.

⁴ Project for Study of the 21st Century (PS21), <https://projects21.org/2015/11/12/ps21-survey-experts-see-increased-risk-of-nuclear-war/>.

⁵ "CCPR General Comment No. 14: Article 6 (Right to Life): Nuclear Weapons and the Right to Life", adopted at the Human Rights Committee, 23rd Sess., 9 Nov. 1984, <http://www.refworld.org/docid/453883f911.html>, paras. 4, 6.

⁶ Legality of the Threat or Use of Nuclear Weapons, Advisory Opinion, I.C.J. Reports 1996, p. 226, 8 July 1996.

HRN is encouraged to see the current version of the Draft Convention⁷ is forceful in its categorical prohibitions and humanitarian stance. Its preamble explicitly recognizes the “catastrophic humanitarian consequences” of the use of nuclear weapons, a ban on their use “under any circumstances” (even necessity), their disproportionate impacts on pregnant women and girls, and the suffering of hibakusha and nuclear testing victims. It unequivocally and categorically bans the development, acquisition, stockpiling, deployment, transfer, use, and testing of nuclear weapons, as well as nuclear weapon transfers and assisting or encouraging other states to conduct prohibited activities, which can cover collective defense arrangements. The draft reaffirms the roles of the NPT, Comprehensive Nuclear Test Ban Treaty, and nuclear weapon free zone treaties, and it requires that safeguards prevent nuclear material be used for weapons and that all restrictions be verified with an independent body to ensure nuclear weapons do not even have a potential to be developed. It also requires that victims of nuclear weapon use or testing are given age- and gender-sensitive assistance.

HRN calls on delegates to maintain these forceful and effective provisions in the convention. The details of verification, implementation, and enforcement remain to be finalized in the next conference session. Delegates must also make these provisions forceful and effective to ensure that nuclear weapons are absolutely prohibited not only in law, but also in reality.

Recommendations

To protect future generations and our planet from the catastrophic humanitarian consequences of nuclear weapons, HRN calls on PTNW Conference delegates to:

- Maintain the categorical and unambiguous prohibitions of the Draft Convention on all activities involving nuclear weapons, which are essential to their complete elimination;
- Continue to explicitly recognize the suffering and rights of victims of the use and testing of nuclear weapons, including hibakusha, and the disproportionate impact of nuclear weapons on women and children, in particular pregnant women and girls;
- Continue to ensure that member states have a duty to provide age- and gender-sensitive assistance to victims of the use and testing of nuclear weapons;
- Add strong and effective measures to verify, implement, and enforce duties;
- Ensure the Draft Convention and existing treaties on nuclear weapons are mutually reinforcing towards the final goal of eliminating nuclear weapons; and
- Ratify the Draft Convention upon its completion.

HRN calls on nuclear-armed states in particular to:

- Join the PTNW Conference negotiations in good faith; and
- Ratify the Draft Convention upon its completion and participate in it in good faith consistent with their existing duties to eliminate their nuclear weapons.

⁷ Draft Convention on the Prohibition of Nuclear Weapons, A/CONF.229/2017/CRP.1, 22 May 2017, <https://s3.amazonaws.com/unoda-web/wp-content/uploads/2017/05/A-CONF.229-CRP.1.pdf>.