



NUCLEAR BAN DAILY



Reaching Critical Will

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Nuclear Ban Daily is produced by Reaching Critical Will, the disarmament programme of the Women's International League for Peace and Freedom (WILPF) during meetings related to the UN conference to negotiate a legally binding instrument to prohibit nuclear weapons, leading to their elimination, taking place 15 June-7 July 2017. The views expressed in this publication are not necessarily those of WILPF.

Editor: Ray Acheson
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CONFRONTING PROFITS AND LEGACIES OF NUCLEAR VIOLENCE

Ray Acheson | *Reaching Critical Will, Women's International League for Peace and Freedom*

As the majority of the world's countries have been gathered at the United Nations negotiating the nuclear weapon ban treaty, the Center for Public Integrity has been releasing installments of a new report about workplace hazards at the US nuclear weapon laboratories. Monday's installment of the report reveals a "litany of mishaps" across the eight sites that involve workers inhaling radioactive particles, receiving electrical shocks, being burned by acid or in fires, splashed with toxic chemicals, or cut by debris from exploding metal drums. Los Alamos National Laboratory, where the plutonium cores for nuclear warheads are produced, has "violated nuclear industry rules for guarding against a criticality accident three times more often last year" than any of the country's other 23 nuclear installations combined.

Contractors run Los Alamos and the other nuclear weapon labs. These corporations make between 15–60 million USD a year in pure profit. The work of making nuclear weapons is viewed as "extremely low risk," financially-speaking—"contractors commit 'virtually no financial investment,' contribute only a limited number of top executives, enjoy legal indemnification protections, and have 'relatively few' costs that are not completely reimbursed," explains the report. Violating safety standards and exposing workers or local communities to risk does not seem to hamper these profits at all. Los Alamos' criticality safety shortcomings have been so persistent that two years ago the National Nuclear Security Administration (NNSA) threatened to fine the lab's managing contractors more than a half-million dollars. However, "In the end, the NNSA administrator decided to not to impose the fine, exemplifying what critics allege is a climate of impunity for mistakes."

Before Los Alamos took over the production of the plutonium component for US

nuclear bombs, Rocky Flats near Denver Colorado was the nation's sole facility for plutonium core manufacturing. This facility, also managed by various contractors, had multiple fires including two major accidents involving plutonium in 1957 and 1969; on-site storage and burial of transuranic materials in leaking drums and unlined trenches contaminating the land and groundwater; radioactive contamination of nearby creeks and reservoirs; plutonium trapped in building ductwork, missing plutonium and so-called infinity rooms deemed too highly radioactive and dangerous to enter; and the incineration of plutonium contaminated waste—which eventually brought the attention of the FBI, leading to a raid.

In 1989, Rocky Flats shuttered its operation, the buildings were taken down, and much radioactivity was borne away from the site, but much remains. The first six feet of level earth were partially "cleaned" of contamination, but below that, any amount of plutonium and other radioactive and toxic materials have been left on-site. The surface of land that comprises the former facility shifts often due to bioturbation, the handy work of burrowing animals. Ecologists have documented the presence of some 22 such species at Rocky Flats. These animals play a significant role in the redistribution and further dispersal of radioactive contaminants that remain in the ground. Despite all of this, in 2017 the re-named Rocky Flats Wildlife Refuge is slated to open, complete with a visitors center, picnic areas and 20 miles of hiking, biking, and riding trails.

These cases clearly demonstrate that while a handful of corporations make profits from building the bomb, their workers and the surrounding public suffer immediate, direct health-related costs. Meanwhile the rest of the world lives under the risk of environmental and humanitarian catastrophe.

This is where the ban treaty comes in.

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Editorial, continued

Banning nuclear weapons is a threat to the nuclear weapon complex. Several of the draft treaty's proposed legal prohibitions—such as on assistance, development, production, manufacture, testing, and of course possession—will impact directly on the economic, political, and social sustainability of this enterprise. An explicit prohibition against the financing of nuclear weapons, as a form of assistance, would be significant in terms of putting pressure on the companies currently running the nuclear weapon labs in the United States and equivalents in other countries. Taking the profitability out of manufacturing weapons of genocide is critical for impeding “modernisation” programmes and divert-

ing human and economic resources away from weapons and towards meeting social needs.

Right now, nuclear ban negotiators are waiting for the release of the revised draft treaty text from the conference President. This revised text will be the basis for the remainder of negotiations. We have eight days left to achieve a ban treaty by 7 July. Keeping in mind the physical, economic, operational context of nuclear weapons out in the world is important for shaping an effective treaty inside the conference room. •

Thanks to Kathleen Sullivan for her contributions to this article.

SIDE EVENT: VICTIM ASSISTANCE AND ENVIRONMENTAL REMEDIATION

Matthew Bolton | International Disarmament Institute, Pace University

His Excellency Ambassador David Donoghue, Permanent Representative of the Republic of Ireland and Deputy Permanent Representative Tim Mawe, both expressed Ireland's strong support for positive obligations of victim assistance, environmental remediation, disarmament education and international cooperation and assistance in the Nuclear Weapons Ban Treaty at a side-event on positive obligations on 21 June 2017. They suggested that similar provisions in the Convention on Cluster Munitions could serve as useful models. The panel was co-hosted by Pace University's International Disarmament Institute and the Irish Mission.

Roland Oldham, president of Moruroa e Tatou, an association of victims of nuclear testing in Tahiti, spoke of the struggles people face in French Polynesia to have their rights recognized and medical and psycho-social needs met. He offered examples of his association's work doing risk reduction education and called for the treaty's victim assistance provisions to be rights-based and include the active participation of victims themselves.

Erin Hunt of Mines Action Canada offered analysis of the victim assistance provisions in the current draft treaty, calling on states to strengthen the rights-based framing by removing the “in a position to do so” loophole and ensuring that there is clear indication that victim assistance will be non-discriminatory. She also indicated that the eventual treaty should elaborate in more detail the principles and mechanisms for implementation, including national action plans, budgets, focal points, standards and the participation of victims.

Bonnie Docherty of Harvard Law School's International Human Rights Clinic then elaborated on how the treaty's provisions on environmental remediation also needed to be strengthened. In particular, the treaty needs to establish clearer legal responsibility for how such remediation (and victim assistance) will be managed, placing primary control and responsibility with affected states. But to make sure the burden is shared, the treaty needs robust international cooperation and assistance provisions to address humanitarian harms. She suggested that the treaty could have language encouraging states that have used or tested nuclear weapons bear especial responsibility for providing cooperation and assistance. Nothing in the current draft, nor in the her recommendations, would preclude affected states from pursuing redress through other peaceful measures.

In order to promote the humanitarian, human rights and environmental norms of the treaty, Elizabeth Minor of Article 36 called for provisions that encourage states to promote the norms, condemn violations, educate the public and raise awareness of the treaty. She also suggested such provisions could enable civil society to monitor implementation.

The event was chaired by Dr. Matthew Bolton, director of Pace University's International Disarmament Institute. The event was co-sponsored by Article 36, Mines Action Canada, Friedrich-Ebert-Stiftung and Harvard Law School International Human Rights Clinic. •



LAWYERS' LETTER RELEASED

John Burroughs | Lawyers Committee on Nuclear Policy

The below letter from lawyers declaring that “the nuclear ban treaty effort constitutes an important affirmation of the norms against nuclear weapons” was released 22 June at a side-event on threat and deterrence. The nearly 500 signatories include Geoffrey Palmer, former Prime Minister of New Zealand; Herta Däubler-Gmelin, former Minister of Justice of Germany; Richard Falk, Emeritus Professor of International Law at Princeton University; and Peter Weiss, human rights lawyer and President Emeritus of the International Association of Lawyers Against Nuclear Arms (IALANA). Initiated by IALANA, the letter remains open for signature by members of the legal profession at www.ialana.info.

LAWYERS' LETTER ON THE ABOLITION OF NUCLEAR WEAPONS

Nuclear arms are the only weapons of mass effect and destruction not yet prohibited by an international convention, even though they are the most destructive and indiscriminate weapons ever created.

People are capable of good-faith, law-guided, problem solving at all levels of society: family, neighborhood, national, international. Cooperative global systems have been devised for the protection of human rights, protection of the environment and prevention of climate change, prohibition of specific weapons, and more. These skills must now be applied to the next obvious step: the prohibition and elimination of nuclear weapons.

As lawyers we underline that the abolition of nuclear arms is required by an international legal obligation set forth in Article VI of the Nuclear Non-Proliferation Treaty and embedded in United Nations practice going back to the very first General Assembly resolution, in 1946. The International Court of Justice unanimously concluded in 1996 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.” That obligation is unconditional and universal.

We also emphasize that the use of nuclear weapons is presently incompatible with international humanitarian law regulating the conduct of warfare. Above all, due to their uncontrollable blast, heat, fire, and radiation effects, nuclear weapons cannot meet the requirement of distinguishing between the civilian population and combatants and between civilian objects and military objectives. Indeed, the catastrophic consequences of use of nuclear weapons vastly exceed the ordinary boundaries of armed conflict and adversely impact populations in neutral states, the natural environment necessary to sustain human life, and future generations. The use

of nuclear weapons accordingly also violates international human rights law, most centrally the right to life. If a use of force is illegal under the UN Charter or humanitarian law, the threat to use such force is also illegal. However, the nuclear-armed states refuse to acknowledge these patent legal truths; hence the need to codify the illegality of use and threatened use of nuclear arms in a global prohibition.

The Emergency Committee of Atomic Scientists, including Albert Einstein, warned in 1947: “Through the release of atomic energy, our generation has brought into the world the most revolutionary force since prehistoric man’s discovery of fire. This basic power of the universe cannot be fitted into the outmoded concept of narrow nationalisms.” Yet today we face this incendiary combination once again.

Faced with the ongoing and intensifying planetary danger and no longer willing to accept a two-tier world, this year about 130 countries have joined together at the United Nations to negotiate a treaty to prohibit nuclear weapons, leading to their elimination. The nuclear-armed states and their closest allies have refused to participate. Nonetheless, the nuclear ban treaty effort constitutes an important affirmation of the norms against nuclear weapons.

We call on all nations to participate in the negotiations and to join the treaty once adopted. It will be a major step towards negotiation of a comprehensive agreement on the achievement and permanent maintenance of a world free of nuclear arms.

We also call for implementation of well-known measures to reduce nuclear dangers and facilitate nuclear disarmament, including ending nuclear sharing, in which Belgium, Germany, Italy, Netherlands, and Turkey host US nuclear bombs, and ratification of the Comprehensive Nuclear Test Ban Treaty by hold-out states, including China, India, Pakistan, and the United States, to bring it into legal force.

The abolition of nuclear weapons is a responsibility the present generation owes to the Hibakusha, the survivors of the 1945 atomic bombings, and to all past and future generations. •





*International Queers Against Nukes at the NYC Pride March, 25 June 2017
Photo © Alex Moulis. Follow IQAN on Twitter @NoNukesQueers*

NUCLEAR WINTER, NUCLEAR FAMINE AND THE NUCLEAR BAN TREATY



Alan Robock
*Distinguished Professor
of Environmental
Sciences, Rutgers
University*



Ira Helfand
*International Physicians
for the Prevention of
Nuclear War*

**Tuesday, June 27
13:15-14:30
Conference Room B**

A limited nuclear war using only a fraction of the nuclear weapons in existence today would disrupt the global climate, with catastrophic effects on food production. As many as two billion people would be at risk of starvation. A nuclear war involving the massive arsenals of the US and Russia would condemn the world to a nuclear winter and the destruction of the fundamental ecosystems on which life depends. Prohibiting and eliminating nuclear weapons is the only way to remove this existential threat.

Prof. Robock and Dr. Helfand will present the scientific evidence about the impacts of nuclear weapons on climate and nutrition, and will explain its relevance to the negotiations on the Convention on the Prohibition of Nuclear Weapons.



International Physicians
for the Prevention of Nuclear War