

Abolition 2000

Report of the International Law Working Group, May 2017

Daniel Rietiker, John Burroughs, Bev DeLong, Rob van Riet, Andy Lichterman, Emilie Gaillard, Muna Makhamreh, Matt Robson, Aaron Tovish, Waheed Ahmad, Alyn Ware

The group works to raise the profile of International Humanitarian Law (IHL), laws of peace and security, environmental law, human rights law, rights of future generations and other sources of law applicable to nuclear weapons.

The illegality of the threat and use of nuclear weapons has been affirmed by the International Court of Justice in 1996, the [Vancouver Declaration: Law's Imperative for the Urgent Achievement of a Nuclear-Weapon-Free World](#) (2011) and more recently in the [International People's Tribunal on Nuclear Weapons and Human Civilisation](#) which was held in Sydney, Australia July 8-9, 2016.

The group also considers legal mechanisms for abolishing nuclear weapons such as national legislation, legal challenges in courts, and treaty negotiations including on a ban treaty, nuclear weapons convention and/or a framework of legal agreements.

Group members, especially from the International Association of Lawyers Against Nuclear Arms (and its national affiliates) have focused over the past couple of years on:

- the Marshall Islands cases in the International Court of Justice and US Federal Court (in cooperation with Nuclear Zero);
- commemorating the 20th anniversary of the historic ICJ advisory opinion on the legality of threat and use of nuclear weapons;
- the UN Open Ended Working Group on Taking Forward Multilateral Nuclear Disarmament Negotiations;
- the International People's Tribunal on Nuclear Weapons and Human Civilisation;
- UN negotiations on a legal agreement to prohibit nuclear weapons leading to their elimination.

There has also been some attention to the proposal to amend the Rome Statute (International Criminal Court) to include the employment of nuclear weapons as a crime against Humanity & Future Generations. It could also be added that the use of nuclear weapons leads to an ecocide which can be understood as: "causing serious damage of destroying the environment, so as to significantly and durably alter the global commons or ecosystem services upon which certain human groups rely".

The International People's Tribunal on Nuclear Weapons and Human Civilisation built on the legal arguments in the 1996 ICJ case and the 2011 Vancouver Declaration, reflected developments in international law since then, introduced criminal law and individual responsibility, and went deeper into law regarding human rights, the environment and the rights of future generations. The tribunal was held just after the new UK Prime Minister Theresa May announced her willingness to use nuclear weapons, and moved the parliament to agree to the renewal of the Trident nuclear weapons system. So it was very relevant to current political circumstances.

For the OEWG and UN negotiations on a prohibition treaty, working group members have asserted that:
a) the threat and use of nuclear weapons are already illegal under customary international law and should be affirmed as such in any new legal agreement,

b) any new legal agreement prohibiting nuclear weapons should be followed by negotiations which include the nuclear-armed States with the objective of eliminating the weapons.

We are working with IPPNW Switzerland (and others) on a major international conference to be held in Basel in September 2017 on *Human Rights, Future Generations and Crimes in the Nuclear Age*.