

Nuclear Weapons and the Human Right to Life
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World Peace Congress, Barcelona, 16 October 2021

The right to life. It's a human right which seems like it should go without being said. How can we possibly have any rights at all, if we don't have life? Nevertheless, the United Nations felt the need to enshrine the right to life in the International Covenant on Civil and Political Rights, or the ICCPR.

The ICCPR is one of the most widely signed treaties in the UN System. Almost all states have signed it, including all states with nuclear arsenals other than China and North Korea. The ICCPR, Article 6, states: "every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life."

And yet, we face a constant threat of being deprived of our right to life as long as nuclear weapons exist. There are over 13,000 nuclear weapons in the world, controlled by just nine countries. If 50 were used, they could kill an estimated 200 million people. Exposure to radioactivity produced by already-completed nuclear testing is estimated to eventually cause the death of around 1.5 million people.

It is hard to argue, in the face of these facts, that nuclear weapons do not violate the right to life. So today, I'd like to talk to you about how the use or threat of nuclear weapons violates both treaty-based and customary human rights law, specifically, the human right to life.

Historically, nuclear disarmament has been based in international humanitarian law, but I'll explain how human rights law conceptualizes nuclear weapons as violating the right to life; what states should do about the continuing existence of nuclear arsenals and populations who have been affected by the use of weapons; and finally, how activists are using human rights tools to abolish nuclear weaponry, and fold nuclear abolition into wider social movements.

The UN Human Rights Committee - that's the body of independent experts that oversees the implementation of the ICCPR - recently affirmed what common sense could tell us all: that the threat or use of nuclear weapons violates the right to life.

The Committee issues "general comments," which represent the experts' interpretation of the ICCPR. In its "General Comment 36," issued in 2018 and focusing on the Article 6 right to life, the Human Rights Committee stated that the threat or use of nuclear weapons violates the right to life. Further, the committee said that states must take measures to stop the proliferation of weapons of mass destruction, including by destroying existing stockpiles. Finally, the comment said that states must pursue negotiations to achieve nuclear disarmament, and provide reparations to victims who have been affected by the testing or use of nuclear weapons.

General Comment 36 is remarkable, because the Human Rights Committee firmly stated that nuclear weaponry is contrary to the most supreme human right: that of life.

Next, I want to draw attention to article 6 of the Treaty on the Prohibition of Nuclear Weapons, or TPNW, which is a beacon in the humanitarian disarmament movement. In article 6 of the treaty, states party to the treaty are obligated to provide victim assistance and environmental remediation for areas affected by nuclear weapons. Victim assistance includes age and gender sensitive assistance, including medical care, rehabilitation, psychological support, and social and economic inclusion. Environmental remediation involves working towards cleaning up contamination.

These sections are complemented by the International Court of Justice's advisory opinion on nuclear weaponry and human rights. The court noted that the consequences of nuclear weapons: "pose grave implications for human survival, the environment, socioeconomic development, the global economy, food security and the health of current and future generations, and have a disproportionate impact on women and girls, including as a result of ionizing radiation."

The recognition of the differential impacts of nuclear weapons on age, gender, and proximity to environments contaminated by nuclear radiation is crucial, because nuclear weapons have a discriminatory impact on certain populations. For example, nuclear weapons have often been tested on indigenous peoples' lands, wreaking terrible consequences on communities to this day.

Last year, on the 75th anniversary of the United States' nuclear testing in New Mexico - which they carried out before bombing Hiroshima and Nagasaki - the UN special rapporteur on toxics stated: "from the detonation of hundreds of nuclear bombs over vulnerable communities in the Pacific, to the disposal of hazardous radioactive waste on lands and territories of indigenous peoples, the legacy of nuclear testing is one of the cruelest examples of environmental injustice witnessed."

Likewise, in the "Indigenous Statement to the U.N. Nuclear Weapons Ban Treaty Negotiators," a number of indigenous groups stated the following (and I am reading some excerpts here – here is the full statement <https://reachingcriticalwill.org/images/documents/Disarmament-fora/nuclear-weapon-ban/statements/IndigenousStatement.pdf>):

"Governments and colonial forces exploded nuclear bombs on our sacred lands... In pursuit of ever-deadlier weapons of mass destruction, the authorities have subjected our peoples to epidemics of cancers, chronic diseases and congenital abnormalities... nuclear wastes that remain toxic into eternity have been dumped on our lands and in the ocean against our will... We have lost many loved ones. We have lived with the anguish of not knowing what impact the unleashed radiation might one day have on our children and grandchildren. Our suffering cannot be undone. Our lands can never be fully restored. Some of our customs will never be revived and will forever remain disrupted. But we hope that, in this new treaty to ban

nuclear weapons, governments will at last acknowledge and make reparations for the harm inflicted upon Indigenous peoples, communities, lands and sea.”

Current human rights law paves the way to do exactly what these indigenous groups have called for: acknowledge harm and make reparations to front-line communities, including indigenous peoples.

The disproportionate impact on indigenous peoples highlights a truth about nuclear weapons: the weapons are a part of a larger world order which privilege a few powerful actors by wreaking violence on everyone else, and threaten us all with the deprivation of life.

It is part of a patriarchal order, which associates the possession and use of deadly weapons with masculine power. It is part of a racist order, disproportionately testing and using weapons on people of color. It is part of a colonial order, patronizingly framing non-nuclear states as unable to handle the power of weapons, while upholding an oppressive security apparatus in the name of “keeping everyone else safe.” It is part of a hyper-capitalist order which is destroying our planet, our water, and our air while spending billions of dollars enriching private corporations instead of providing people with the things they actually need to live.

As a consequence, nuclear abolition must exist side-by-side with other human rights movements, including feminism, anti-racism, anti-colonialism, anti-poverty and climate protection.

Human rights lawyers and activists are already using general comment 36 and the TPNW to fight for the abolition of nuclear weapons and the right to life alongside and as a part of other social movements.

For example, the Lawyer’s Committee on Nuclear Policy has focused in recent years on making submissions to human rights bodies, highlighting the legal arguments against the harmful practices of various nuclear weapons states. Our work continues to pursue new avenues to highlight the incompatibility of nuclear weapons with international human rights.

Reverse the Trend is a youth and frontline community-led initiative, of which LCNP is a primary partner, addressing the interwoven threats of climate change and nuclear weapons. They engage with peer groups, grassroots groups, governments, and the UN to educate and increase awareness while promoting the enforcement human rights.

There is a long history of African Americans organizing against nuclear weapons, making connections between antiracism, anticolonialism, and civil rights with nuclear disarmament.

Many indigenous activists have also long held that nuclear weapons are a part of the colonization of lands and peoples, and have resisted nuclear testing and uranium mining on their territories.

Only by working together can we dismantle the dangerous nuclear apparatus; only by working together can we use the law to enforce human rights and hold violators accountable; and only together can we secure our human right to life.

Thank you.