

Nuclear Energy and Weapons: Uncontrollable in Time and Space

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The earthquake and tsunami in Japan devastated a whole region. Radioactive emissions from the damaged nuclear reactors are very serious, and have already contaminated food and water, prompting a ban on food exports from four prefectures and a government warning not to give Tokyo tap water to babies. The crisis could impact human health and the environment on an even wider scale -- across Japan and around the globe.

Whether or not the brave technicians in Fukushima are successful in containing the bulk of the radiation in the six reactors, the message is clear: natural disasters and accidents will happen. If it can go wrong sooner or later it will go wrong, and Murphy's law and nuclear energy do not mix.

In Japan, the fear of radiation spreading is connected to the memory of the nuclear bombs dropped on Hiroshima and Nagasaki over 65 years ago. Over 100,000 people died from radiation exposure -- nearly as many as from the blast. The genetic effects continue down through the generations.

Japan's nuclear crisis has brought back to public consciousness the basic truth that the effects of nuclear disasters -- whether from nuclear energy or nuclear weapons -- are uncontrollable in time and space.

Current events at Fukushima remind us of the negligence of nuclear power companies in building nuclear power plants on earthquake fault lines or vulnerable coastlines. But they should also remind us of the even greater negligence of the nuclear weapon states in maintaining their arsenals of 20,000 nuclear weapons -- most with yields over 10 0 times greater than the Hiroshima and Nagasaki bombs, and many on hair trigger alert, ready to launch within minutes. Any accidental, unauthorized, inadvertent or intentional use today (or tomorrow) would have a catastrophic, widespread, unprecedented and unimaginable impact on humanity and the environment.

A recent statement [released](#) by international law experts from around the world, including former judges from the International Court of Justice, affirms that maintaining nuclear weapons and a readiness to use them is not only negligent, but given the dire consequences of any use, also against the law. [The Vancouver Declaration on "Law's Imperative for the Urgent Achievement of a Nuclear-Weapon-Free World,"](#) notes that the use of nuclear weapons would be "contrary to the fundamental rules of international humanitarian law (laws governing use of force in wartime) forbidding the infliction of indiscriminate harm and unnecessary suffering."

In other words, during war one can attack military targets and personnel, but not civilians. One can inflict harm on military personnel, but not such harm that would last long after the conflict is over. In addition, it is illegal even in wartime to inflict long-term and severe damage on the environment. Nuclear weapons, with their uncontrollable blast, heat and radiation effects, could not be used without violating these laws. And if such an act is illegal, the *threat* to commit such an act is also illegal.

Thus, in 1996 the International Court of Justice (a. k. a. the World Court) [determined](#) that the threat or use of nuclear weapons would be generally illegal, and that there is an unconditional obligation to achieve the complete prohibition and elimination of nuclear weapons through good-faith negotiations.

Since then, failure of the nuclear weapon states to comply has had predictably disastrous results for global proliferation and nuclear danger, convincing India, Pakistan and North Korea that if they can't cajole the nuclear weapon states to give up nuclear weapons, then they might as well join their nuclear club. Others are bound to follow suit.

Until recently, states that wanted to hang onto their nuclear arsenals and their policies to use them argued that such policies were legal by misrepresenting a clause in the Court's opinion. That clause stated that the ICJ could not reach a conclusion on the legality of threat or use in the extreme circumstance of self-defense when the very survival of a state is at stake. So by stating that they would only use nuclear weapons in "extreme circumstances," the nuclear weapon states avoided applying the general ruling of illegality to their nuclear weapons policies.

But they can no longer avoid this. In May 2010, the parties to the nuclear Non-Proliferation Treaty (NPT), which includes the major nuclear weapon states, affirmed that any use of nuclear weapons would cause catastrophic humanitarian consequences, and that states must comply with international humanitarian law "at all times." They also agreed that all states must make special efforts to build the framework for a nuclear weapons-free world, citing the United Nations Secretary-General's proposal for negotiations on a global nuclear abolition treaty.

Now governments have to choose: hang onto their nuclear arsenals, or uphold the rule of law to which they have agreed. They can't do both. We all know which will make us safer. Nuclear possession is a recipe for proliferation and corrosive to international humanitarian law, which, as the Vancouver Declaration says, "is essential to limiting the effects of armed conflicts, large and small, around the world."

The nuclear crisis in Japan has debunked the claims of authorities that their nuclear power stations, built with inferior containment on fault-lines, are safe and fully under control. Before something goes horribly wrong on the weapons front, we must also debunk the claims of the nuclear weapon states that nuclear weapons are safe as long as they are in the 'right hands.'

States including the US take the position that we should just trust them to take small steps towards nuclear disarmament sometime in an indefinite future. That's like trusting the nuclear power industry to police itself and voluntarily phase itself out in deference to public safety. It simply won't happen without a global prohibition enforced by the rest of the world, like the one outlined in the draft treaty circulated by the UN Secretary-General.

In 1996, the President of the International Court of Justice called nuclear weapons an "absolute evil." We have already applied international humanitarian law to other inhumane and indiscriminate (read "evil") weapons such as landmines and cluster munitions in order to achieve global treaties for banning them. Now it's time for absolute prohibition and elimination of nuclear weapons.

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