

Nuclear Weapons, ICAN and the Nobel Prize

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*“There are no right hands for the wrong weapons.” - **Beatrice Fihn**, ICAN Executive Director, Oct 6, 2017*

Few times in history show the remarkable gulf between international civic action and international political constipation. The will of approaching a world without nuclear weapons has been matched every step of the way with the desire and wish to acquire or keep them.

The International Campaign to Abolish Nuclear Weapons hardly sounds like the paragon of coherence, even if its purpose is crystal and unmistakable. It flies in the face of the Machiavellian world order; it speaks of an aspiration that seems, in a world of 15,000 nuclear weapons, charmingly foolish yet paramount.

ICAN’s purpose has certainly been bolstered by various international documents that take strong issue with the continued existence of nuclear weapons. The final document of the 2010 Nuclear Non-proliferation Treaty (NPT) Review Conference referenced those “catastrophic humanitarian consequences of any use of nuclear weapons” while affirming the need “for all States at all times to comply with applicable international law, including international humanitarian law.”[1]

The Noble Prize Committee was likeminded, feeling that ICAN deserved the award “for its work to draw attention to the catastrophic humanitarian consequences of any use of nuclear weapons and for its ground-breaking efforts to achieve a treaty-based prohibition of such weapons.”[2]

In the words of Nobel committee chairwoman **Berit Reiss-Andersen**,

ICAN “has been a driving force in prevailing upon the world’s nations to pledge to cooperate... in efforts to stigmatise, prohibit an eliminate nuclear weapons.”[3]

Those punting on the usual surprises from the committee would have been left disappointed, though it did surprise ICAN’s executive director Beatrice Fihn, who was left reeling in the wake of the announcement. “This. Is. Surreal.” There was no scandal to be found, no war criminal turned noble to identify. (The resume of the Noble Peace Prize winner can be a bloody one.) The winner, in short, was not one customarily tarnished.

Perhaps the ICAN would not have won the Nobel Peace Prize for 2017 had it not been for the potential danse macabre between the petulant US **President Donald J. Trump** and North Korea’s defiant **Kim Jong-un**. The times, in other words, demand it.

The organisation is one of Australia's better humanitarian exports. In 2007, it assumed a tangible presence in its official launch in Vienna, becoming a poster child of international mobilisation, engaging some 468 non-governmental organisations across 101 countries involving peace, environmental, development and rights groups. It is as much an entity as a sentiment.

This sentiment sometimes assumes the power of objective force. ICAN members tend to take it as a given that the nuclear scourge is a form of existentially threatening criminality, the use of which would be nothing less than the gravest of international crimes.

“Nuclear weapons,” states Fihn emphatically, “is illegal. Having nuclear weapons, possessing nuclear weapons, developing nuclear weapons, is illegal, and they need to stop.”

Nuclear-armed states, however, continue to act on a presumptive basis that nuclear weapons are needed, that their role remains, within a certain space of international conduct, desirable. To remove them would be to hobble sovereignty.

Possession, in of itself, is a matter of political necessity, not black letter legality. Even the problematic 1996 advisory opinion of the International Court of Justice suggested that “an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament” did not constitute a prohibition.[4] The central premise can be found in the NPT process itself, which is described, tiringly, as the “grand bargain” between nuclear powers (the haves) and those yet, or never, to acquire them.

The treaty privileged five official nuclear powers as of January 1, 1967, while promising states not in possession of such weapons under Article VI to “pursue negotiations in good faith on effective measures” towards nuclear disarmament. Article IV also enclosed an undertaking to facilitate the development of nuclear energy for peaceful purposes for those who had missed out on this particular military lottery.

The very fact that this gulf grew, closing only with the next state's acquisition of nuclear weapons, suggests the built-in contradiction of the nuclear dilemma in international relations. Even former British **Prime Minister Tony Blair** would insist that the NPT “makes absolutely clear” that a country such as the United Kingdom “has the right to possess nuclear weapons.” Hardly a ringing endorsement for illegality.

Left with prime ministers, premiers and presidents with fingers on the nuclear trigger and secret key codes to world annihilating arsenals, ICAN is left to muster the frontal assault on apathy and indifference that has become the norm in the world of nuclear speak. More to the point, the NGO movement has been left to nurture a consciousness that finds such weapons revolting, and those who entertain their use dangerous and ill.

Its greatest effort, arguably, is encouraging the UN General Assembly to consider a treaty that prohibits nuclear weapons altogether, a legal instrument that effectively takes a stab at the acquiescent and the unclear regarding nuclear weapons. States with nuclear weapons who join the treaty can undertake a process by which they can eliminate nuclear weapons in a verified, irreversible manner.

When sessions on concluding such a treaty ended in June 2017, 122 states were found to be in favour. 69 were not, including, unsurprisingly, the nuclear weapons states. The

Netherlands, while not supporting it for its lack of toothier provisions, explained that it “placed nuclear disarmament in the limelight and created a broad momentum for disarmament.”[5]

The gap between the abolitionist movement, and states wishing to partake in the abolition program, is best illustrated by Australia itself. The country that produced the budding inspiration of ICAN has shown a profound unwillingness to ratify the fruits of ICAN’s efforts. As one of Washington’s client states and a commodities power, the temptation to keep the door open to matters nuclear is never far away, despite official opposition. The legal gap, and with it, the dangers of acceptability and use, remain.

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Notes

[1] https://www.armscontrol.org/ACT/2016_03/Features/A-Legal-Gap-Nuclear-Weapons-Under-International-Law#note1

[2] https://www.nobelprize.org/nobel_prizes/peace/laureates/2017/

[3] <http://www.abc.net.au/news/2017-10-06/anti-nuclear-campaign-wins-nobel-peace-prize/9024908>

[4] <http://www.icj-cij.org/files/case-related/95/095-19960708-ADV-01-00-EN.pdf>

[5] <https://s3.amazonaws.com/unoda-web/wp-content/uploads/2017/07/Netherlands-EoV-Nuclear-Ban-Treaty.pdf>

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