



CONFERENCE STATEMENT OF INTENT

Humanitarian Law, Human Security: The Emerging Paradigm for Non-Use and Elimination of Nuclear Weapons

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A remarkable and welcome outcome of the 2010 Nuclear Non-Proliferation Treaty Review was the Conference's expression of "deep concern at the catastrophic human consequences of any use of nuclear weapons" and reaffirmation of "the need for all states at all times to comply with applicable international law, including international humanitarian law."

The resurgence of international humanitarian law in the nuclear context presents an opportunity that must not be missed to demand that governments definitively rule out use and possession of nuclear weapons. Already, the International Committee of the Red Cross has stepped forward, stating in April 2010 that it "finds it difficult to envisage how any use of nuclear weapons could be compatible with the rules of international humanitarian law." The establishment over the last decade of the International Criminal Court and the codification of IHL in its Statute adds another promising dimension.

And there is a rich, decades-old history to draw upon, not least relating to the 1996 advisory opinion of the International Court of Justice. In his dissenting opinion, Judge Christopher Weeramantry, now president of IALANA, observed: "Humanitarian law is not a monument to uselessness in the face of the nuclear danger. It contains a plethora of principles wide enough, deep enough and powerful enough to handle this problem." But if the challenge is not met, international law is undermined. President Mohammed Bedjaoui wrote in his declaration: "Nuclear weapons, the ultimate evil, destabilize humanitarian law which is the law of the lesser evil. The existence of nuclear weapons is therefore a challenge to the very existence of humanitarian law"

Conversely, international humanitarian law challenges the existence – the possession – of nuclear weapons. If the effects of nuclear explosions are off the human scale and unacceptable from a legal or any other standpoint, then the devices producing those effects should not exist. The application of IHL to nuclear weapons thus opens up a path to a nuclear-weapons-free world.

IHL is not a numbers game. It is not a technical capacity game. IHL demands the prohibition and elimination of an inhumane and illegal weapon. The application of IHL to landmines and cluster munitions helped changed the debate from one of controlling the weapons to one of abolishing them. It was a key factor in moving the focus from national security to human and environmental security, from military requirements and doctrines to effects on human beings, their societies, and their environments. This can now be true of nuclear weapons.

This conference will bring together, from around the world, international lawyers, experts in humanitarian disarmament of landmines and cluster munitions, nuclear policy experts, and diplomats to develop and specify the emerging IHL and human security paradigm for non-use and elimination of nuclear weapons. The conference will produce a declaration laying out the governing principles with the aim of informing and catalyzing the campaign for abolition of nuclear weapons.