

SUNFLOWER NEWSLETTER

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NUCLEAR AGE PEACE FOUNDATION



#nuclear **ZERO**

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On April 24, 2014, the Republic of the Marshall Islands filed lawsuits against all nine nuclear-armed nations for failure to negotiate nuclear disarmament. The Nuclear Age Peace Foundation has stood by the side of the Marshall Islands and played an important role as their consultant in the "Nuclear Zero Lawsuits." This issue of The Sunflower is intended to give readers more in-depth information about the lawsuits and is dedicated to the courageous leaders of the Marshall Islands who filed these lawsuits.

To learn more about the Nuclear Zero Lawsuits, [click here](#).

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Perspectives

The Nuclear Zero Lawsuits: Taking Nuclear Weapons to Court

by David Krieger

Given the extreme dangers of nuclear weapons, we might ask: why isn't more being done to eliminate them? There has been talk and promises, but little action by the nine nuclear-armed nations – United States, Russia, United Kingdom, France, China, Israel, India, Pakistan and North Korea. All nine countries are modernizing their nuclear arsenals.

One small Pacific nation, the Republic of the Marshall Islands, has decided to take legal action against the nine nuclear-armed countries, which are threatening our common future. As Tony de Brum, Foreign Minister of the Marshall Islands, points out, "The continued existence of nuclear weapons and the terrible risk they pose to the world threatens us all."

The Marshall Islands is taking its case to the International Court of Justice in The Hague and, in addition, filing against the U.S. separately in U.S. Federal District Court in San Francisco. The lawsuits argue that the nuclear disarmament obligations apply to all nine nuclear-armed states as a matter of customary international law. The courts are being asked to declare that the nuclear weapon states are in breach of their obligations under international law and order them to begin negotiating in good faith to achieve a cessation of the nuclear arms race and a world with zero nuclear weapons.

To read more, [click here](#).

Speech at the Non-Proliferation Treaty Preparatory Committee

by Tony de Brum

Tony de Brum, Foreign Minister of the Marshall Islands, delivered this speech at the opening session of

the Non-Proliferation Treaty Preparatory Committee on April 28, 2014.

Ministers and Disarmament Ambassadors and experts have gathered here from around the world with the serious responsibility to achieve ultimate disarmament under the NPT – but I must ask how many people in this room, here today, have personally witnessed nuclear detonations?

I, for one, have – I am a nuclear witness and my memories from Likiep atoll in the northern Marshalls are strong. I lived there as a young boy for the entire 12 years of the nuclear testing program, and when I was 9 years old, I remember vividly the white flash of the Bravo detonation on Bikini atoll, 6 decades ago in 1954, and one thousand times more powerful than Hiroshima – and an event that truly shocked the international community into action.

Disarmament is only possible with political will – we urge all nuclear weapons states to intensify efforts to address their responsibilities in moving towards an effective and secure disarmament. The Marshall Islands affirms important bilateral progress amongst nuclear powers – but further underscores that this still falls short of the NPT's collective and universal purpose. International law – and legal obligations – are not hollow and empty words on a page, but instead the most serious form of duty and commitment between nations, and to our collective international purpose.

It is for this reason why I have participated as a co-agent in recent filings at the International Court of Justice and elsewhere against the world's major nuclear powers. Those that make binding obligations within international treaties, and those who are bound by customary international law, must and will be held accountable for the pursuit of those commitments and obligations.

To read more, [click here](#).

You can also watch a video of Tony de Brum's speech that he delivered later the same day during NAPF's lunchtime event at the United Nations in New York. [Click here](#) to watch the video.

Russia and the U.S. Respond to Nuclear Zero Lawsuits

by Rick Wayman

Very little has been said thus far about the Nuclear Zero Lawsuits by representatives of the offending nations. However, the Russian Foreign Ministry did issue a statement about the lawsuit. One excuse they made is: "Russia has reduced its strategic nuclear potential by more than 80 percent and its non-strategic nuclear weapons by three-quarters from their peak numbers."

Given what is widely known about the humanitarian impact of nuclear weapons, it is inexcusable for any nation to maintain an arsenal of any size. Perhaps Russia does not realize this because it actively chose to boycott the conferences on humanitarian impacts organized by Norway in 2013 and Mexico in 2014. Russia's continued boycotting of multilateral initiatives for nuclear disarmament (including the Open-Ended Working Group) demonstrates a lack of good faith effort.

The U.S. State Department also released a short statement about the lawsuits, saying, "The U.S. is dedicated to achieving the peace and security of a world without nuclear weapons, consistent with our obligations under the [NPT]."

This might be the first time the Obama administration has written the words "peace and security of a world without nuclear weapons" and not immediately followed it with some version of "not in my lifetime." If the U.S. is dedicated to a world without nuclear weapons, why is it modernizing its nuclear arsenal and planning which nuclear weapons it will deploy in the 22nd century?

To read more, [click here](#).

Comments from a Nuclear Zero Lawyer

by Phon van den Biesen

On April 24, in my capacity as Co-Agent of the Republic of the Marshall Islands (RMI), I submitted nine Applications to the International Court of Justice against each of the nine states possessing nuclear weapons. The legal team advised the RMI that this was an entirely responsible thing to do given the state of the law today.

In litigation, breach of contract is one of the common grounds to sue. This is not different in international litigation. If any one State is not getting what it is entitled to, based on a contract, a treaty or norms of customary international law, in spite of the clarity of the language in which the obligations are stated, there comes a day that such a State will stop requesting politely and will bring the State that is not delivering to Court. Since July 1996, some three quarters of the UN General Assembly have, indeed and over and over again, been asking politely for a beginning of negotiations leading to leading to an early conclusion of a convention prohibiting and eliminating nuclear weapons. However, most of the nuclear armed States wouldn't have it and ignored the polite request. And so these cases are now in Court.

To read more, [click here](#).

[Click here](#) to watch a video of Phon van den Biesen's comments at the NAPF lunchtime event at the United Nations on April 28, 2014.

Selected Media Coverage of Lawsuits

Television: Fox News

On April 24, Laurie Ashton, Counsel to the Republic of the Marshall Islands on the Nuclear Zero Lawsuits, appeared on Fox News with Shepard Smith. Fox News has the largest viewing audience of any U.S. news station during the middle of the day when this report aired.

"[Marshall Islands Launch Lawsuit Against Nuclear Nations](#)," Fox News, April 24, 2014.

Newspaper: Associated Press

The tiny Pacific nation of the Marshall Islands is taking on the United States and the world's eight other nuclear-armed nations with an unprecedented lawsuit demanding that they meet their obligations toward disarmament and accusing them of "flagrant violations" of international law.

The island group that was used for dozens of U.S. nuclear tests after World War II filed suit Thursday against each of the nine countries in the International Court of Justice in The Hague, Netherlands. It also filed a federal lawsuit against the United States in San Francisco, naming President Barack Obama, the departments and secretaries of defense and energy and the National Nuclear Security Administration.

"I personally see it as kind of David and Goliath, except that there are no slingshots involved," David Krieger, President of the California-based Nuclear Age Peace Foundation, told The Associated Press. He is acting as a consultant in the case.

The country is seeking action, not compensation. It wants the courts to require that the nine nuclear-armed states meet their obligations.

Cara Anna, "[Tiny Pacific Nation Sues Nine Nuclear-Armed Powers](#)," *The Associated Press*, April 24, 2014.

Radio: Voice of Russia

Rick Wayman, NAPF Director of Programs, and Laurie Ashton, Counsel to the Marshall Islands, appeared on Voice of Russia radio to discuss the Nuclear Zero Lawsuits. Ashton explained that the premise of the Marshall Islands' claims is that the nuclear-armed nations have failed to engage in negotiations to end the nuclear arms race at an early date and have not had negotiations about complete nuclear disarmament. She said, "In fact, in the 44-year history of the treaty such negotiations have never been convened."

Wayman said that the Nuclear Age Peace Foundation along with other prominent anti-nuclear weapons organizations had started an advocacy campaign to support the Marshall Islands called "[Nuclear Zero](#)."

Sean Nevins, "[Marshall Islands Sue Nuclear States for Complete Disarmament](#)," *Voice of Russia*, April 25, 2014.

Online: Slate

In an intriguing case, the Marshall Islands - a Pacific Island nation of about 68,000 people - filed suit in the International Court of Justice at the Hague against the world's nine nuclear-armed nations over their failure to work toward eliminating these weapons. A separate U.S. federal lawsuit was also filed in a court in San Francisco against President Barack Obama, the secretaries of defense and energy, and the National Nuclear Security Administration.

"Our people have suffered the catastrophic and irreparable damage of these weapons, and we vow to

fight so that no one else on earth will ever again experience these atrocities," said Marshallese Foreign Minister Tony de Brum.

Laurie Ashton, one of the American attorneys representing the country in the suit, said that measures such as the New START Treaty, under which the United States and Russia agreed to reductions of their nuclear arsenals, don't pass muster.

"Reducing certain categories of arms does not satisfy the obligation to cease the nuclear arms race," she said. "If you're reducing certain categories of your arms while you are modernizing and creating weapons in other categories, you're still arms racing. Secondly, the Non-Proliferation Treaty calls for good-faith negotiations on complete nuclear disarmament, and the United States as refused to even call for such negotiations."

Joshua Keating, "[Why the Marshall Islands Is Suing the World's Nuclear Powers](#)," *Slate*, April 25, 2014.

Resources

Be a Hero for Nuclear Zero: Sign the Petition

Add your voice to support the courageous action by the Marshall Islands to hold the nine nuclear-armed nations accountable for nuclear disarmament. Go to www.nuclearzero.org, where you can sign the petition, learn more about the Marshall Islands and the lawsuits, and share the good news with your friends.

Zero is the only safe number of nuclear weapons in the world. The leaders of many nations know this, but until now, no country has been willing to stand up to the "Nuclear Nine." [Let the Marshall Islands know](#) that you think they made the right decision, and let the leaders of the Nuclear Nine know that you demand that they negotiate for nuclear disarmament.

A Guide for NGOs and Campaigners

The Nuclear Age Peace Foundation has published a 12-page guide as a resource for non-governmental organizations and campaigners around the world who support the Nuclear Zero Lawsuits. The guide contains a summary of the lawsuits, frequently asked questions, a sample article and press release, and suggested social media content.

To download a copy of the guide, [click here](#).

[Click here](#) to watch a short video of NAPF President David Krieger explaining how individuals and organizations can help support the Marshall Islands in this campaign.

Official Copies of All Ten Lawsuits

The Marshall Islands filed nine separate applications in the International Court of Justice - one for each of the nine nuclear-armed nations. They an additional lawsuit against the United States in U.S. Federal District Court.

[Click here](#) to download all of the official filings.

Quotes

"The failure of these nuclear-armed countries to uphold important commitments and respect the law makes the world a more dangerous place. We must ask why these leaders continue to break their promises and put their citizens and the world at risk of horrific devastation. This is one of the most fundamental moral and legal questions of our time."

-- **Archbishop Desmond Tutu**, Nobel Peace Laureate and member of the NAPF Advisory Council, speaking about the Nuclear Zero Lawsuits.

"The continuing recalcitrance displayed by the nine nuclear weapon states not to disarm as promised in the NPT places life on earth on the cusp of annihilation every second of every day. The world is in a perpetual state of psychic numbing edging unconsciously as lemmings towards the cliff of nuclear extinction."

-- **Dr. Helen Caldicott**, member of the NAPF Advisory Council, speaking about the Nuclear Zero Lawsuits.

"These applications to the International Court of Justice constitute an action by one friend to remind another to abide by its legal obligations to secure a world of peace, free of nuclear weapons. It is the least we can do for our children and other living things on Earth."

-- **Tony de Brum**, Minister of Foreign Affairs of the Republic of the Marshall Islands, speaking about the Nuclear Zero Lawsuits.

"Nuclear weapons - the antithesis of humankind's yearning for peace - should have no place in a world community determined to achieve mutual security on a global scale."

-- **H.E. Archbishop Francis Chullikatt**, Permanent Observer of the Holy See to the United Nations, in a [statement](#) delivered at the 2014 Non-Proliferation Treaty PrepCom.

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