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The Nuclear Zero Lawsuits: Taking Nuclear Weapons to Court

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Nuclear weapons remain the most urgent threat confronting humanity. So long as they exist, there is the very real chance they will be used by accident, miscalculation or design. These weapons threaten everyone and everything we love and treasure. They are fearsome destructive devices that kill indiscriminately and cause unnecessary suffering. No man, woman or child is safe from the fury of these weapons, now or in the future. Nor is any country safe from them, no matter how powerful or how much it threatens nuclear retaliation.

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."

To understand the nature of the legal actions taken by the Marshall Islands, it is necessary to go back in time. Forty-six years ago, the Nuclear Non-Proliferation Treaty (NPT) was opened for signatures; two years later it entered into force. The treaty seeks to stop the further spread of nuclear weapons, but it does more. It also obligates its parties to level the playing field by negotiating in good faith for an end to the nuclear arms race and for nuclear disarmament. This treaty currently has 190 countries signed on, including five nuclear weapon states and 185 non-nuclear weapon states.

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 in these Nuclear Zero Lawsuits to provide declaratory and injunctive relief, by declaring that the nuclear weapon states are in breach of their obligations under international law and ordering them to begin negotiating in good faith to achieve a cessation of the nuclear arms race and a world with zero nuclear weapons.

The Marshall Islands has shown courage and boldness by taking action in filing these lawsuits. It is a country that knows firsthand the consequences of nuclear detonations. Between 1946 and 1958, the U.S. conducted 67 nuclear weapon tests in the Marshall Islands. These tests had an equivalent explosive force greater than 1.5 Hiroshima bombs being detonated daily for 12 years. The Marshall Islanders paid a heavy price in terms of their health and well-being for these destructive tests.

Now this small island nation is standing up against nine of the most powerful countries on the planet. It is "David" against the nuclear nine "Goliaths." Its field of nonviolent battle is the courtroom.

The Marshall Islands is, in effect, challenging the nuclear weapon countries to be honorable and fulfill their obligations not only to the rest of the countries that signed the Nuclear Non-Proliferation Treaty, but to all humanity.

The Republic of the Marshall Islands is offering us a way to live on a planet that is not threatened by nuclear catastrophe due to human fallibility or malevolence. This courageous small island country deserves our strong and unwavering support.

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