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David against Goliath : nine nuclear states, sued for the first time, risk being ordered to destroy their arsenals

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Today as Western Europe commemorates the armistice of 1945, the end of the war against Nazism, and as Russia prepares to do the same tomorrow - at a time when eastern Ukraine is tense and threatens to explode and when yesterday's "partners" seem about to return to a cold war if not a hot one - a hope for peace comes to us from the Pacific.

The new event went unnoticed in France, as always when there is mention of nuclear disarmament. People will perhaps laugh at it. But they would be wrong: it's as serious as anything can be.

On 24 April last, the Republic of the Marshall Islands brought a case to the International Court of Justice against the nine states possessing nuclear weapons : USA, Russia, UK, France, China, Israel, India, Pakistan, North Korea, asserting that they have infringed their obligations in the matter of nuclear disarmament. Nine nations, nine cases, each one matching the state in question. There is also an "internal" case, against the USA, brought before the Federal Court of California. One remarkable feature of this is that all nine nuclear states are being targeted, not just the first five, the ones that are parties to the NPT (Non-Proliferation Treaty).

Thus a tiny Pacific state, comprising a sprinkling of atolls, islets and islands, with hardly more than 60000 inhabitants living on less than 400 sq. km (but scattered over a space larger than metropolitan France) is standing up against nine powers that represent several billion inhabitants, on the grounds that they are threatening humanity with their atomic bombs. The Marshall Islands gained independence and UN member status only as recently as 1991.

And that's the point: these islands lay for a long time under US control, and the US took advantage of this to conduct numerous nuclear tests, both atmospheric and undersea, on atolls like Bikini and Eniwetok. One test was Castle Bravo, on March 1, 1954 - a 15 megaton explosion a thousand times more powerful than the Hiroshima bomb. It mortally contaminated some Japanese fishermen and provoked a worldwide movement of revolt.

The total power of the 67 tests conducted by the US on the Marshalls between 1946 and 1958 was equivalent to one explosion 50% greater than the Hiroshima bomb every day for twelve years! The local population paid a huge price in radioactive contamination, and so the Republic of the Marshall Islands has excellent reasons for wanting to carry the struggle for nuclear abolition into the world's high courtrooms.

That background is recalled by [David Krieger](#), the president of the Nuclear Age Peace Foundation, the North American NGO that has given decisive support to the Marshall Islands initiative. Their Minister of Foreign Affairs, [Tony de Brum](#), who was present as a child during those tests, recalled it also on 28 April when speaking to the representatives of the NPT member states who had gathered at the UN headquarters in New York for the preparatory conference in the lead-up to the next NPT Revision Conference, scheduled for 2015.

We can count on those two Davids to defy to the end those nine Goliaths that threaten us all. For on 8 July 1996 the International Court of Justice delivered its advisory opinion saying that: "There exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control".

This time the Court may not be content to call the states to order, but may even condemn them outright.

The International Court at The Hague will take time to judge on all these cases, but it is no longer said that the

nuclear states will be able to flout their commitments indefinitely in this matter. France in particular, during this gathering in New York, showed once again what she really is: the champion in all categories for hypocrisy, double-talk and bad faith.

These states will perhaps be obliged to be present in Vienna at the end of 2014 for the 3rd "Conference on the 'humanitarian' consequences of nuclear weapons" - an intergovernmental and NGO conference which they had twice stayed away from. Over 140 governments had already attended the 2nd conference in Nayarit, Mexico. With this audacious, courageous initiative by the Marshall Islands, the non-nuclear states and international civil society are squeezing their vice-grip around the nuclear states, that pack of highway bandits.

Saintes, 8 May 2014

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See: [Are Nuclear Weapons authorized by International Law?](#)

See also: [A Time for Boldness](#)