Strengthening the Preamble’s Humanitarian, Human Rights, Environmental and Sustainable Development Foundations for Positive Obligations

NGO Statement to United Nations Conference to Negotiate a Legally Binding Instrument to Prohibit Nuclear Weapons, Leading Towards their Total Elimination

To be delivered 15 June 2017 by Dr. Emily Welty, Vice Moderator, World Council of Churches Commission on International Affairs

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The World Council of Churches (WCC) has continually expressed moral and ethical concern about the nuclear age, calling for the abolition of nuclear weapons, accompaniment of affected people and care for Creation that has been abused by nuclear weapons production, use and testing. In 1983, the WCC Vancouver Assembly passed a statement declaring that “the production and deployment as well as the use of nuclear weapons are a crime against humanity and that such activities must be condemned on ethical and theological grounds.” In 2014, a WCC statement asserted that “To use the energy of the atom in ways that threaten and destroy life is a sinful misuse of God’s creation. We are called to live in ways that protect life instead of putting it at risk .... We must listen to all who suffer nuclear harm.”

The WCC and other NGOs endorsing this statement thus celebrate the humanitarian framing of the draft nuclear weapons ban treaty which offers the potential for tremendous normative and practical progress in addressing the harms caused by nuclear weapons through victim assistance, environmental remediation, promotion of norms and international cooperation and assistance. We appreciate the recognition of the important work by NGOs and other voices of public conscience and welcome their mention in the text.

We welcome the language in the Preamble that notes that “the catastrophic humanitarian consequences” of nuclear weapons “transcend national borders” and “pose grave implications for human survival.” It is crucial that the finalized text of the treaty retains the Preamble language that laments the “grave implications for human survival, the environment, socioeconomic development, the global economy, food security and for the health of future generations.”

It is particularly encouraging that the draft text expresses mindfulness of the suffering of victims and specifically acknowledges the hibakusha. Reference to the “disproportionate impact of ionizing radiation on maternal health and on girls” is also important. Victims and survivors of the use, testing and production of nuclear weapons have been key voices of public conscience that have brought us to this process. We must honor their rights and contributions.

We welcome the Preamble’s acknowledgement of the impact of nuclear weapons on the environment and the requisite need to protect it. This is an important normative step.

However, there is room for improvement. The Preamble must establish clear normative foundations on which to build strong positive obligations that address the humanitarian harm of nuclear weapons, recognize rights, remediate contaminated environments and promote the norms of the treaty.

Our ethical and moral obligation to address unacceptable harms mean that the humanitarian framing of the Preamble must be augmented by a recognition that people affected by nuclear weapons are not objects of pity but holders of human rights. The Preamble must thus reference human rights law and the need to fully realize the rights of all victims. Examples of potential language can be found in the
Preamble of the Convention on Cluster Munitions, which expresses a determination “to ensure the full realisation of the rights of all” victims and recognizes “their inherent dignity.”

Vulnerability to the impact of nuclear weapons is not uniform. The preamble should acknowledge differing levels of vulnerability in protecting the human rights of those exposed to the impact of nuclear weapons use or testing. In particular, the Preamble needs a more comprehensive recognition of the threat that nuclear weapons pose to gender equality. Indigenous peoples have been particularly subject to the devastating humanitarian impact of nuclear weapons production and testing. Specifically referencing the rights of indigenous peoples in the preamble will ensure that the collective rights of indigenous communities are considered as well as the rights of the individuals affected.

The current draft Preamble frames the need to protect the environment only in the discourse of humanitarian law, neglecting the potential contributions of human rights and environmental law. Indeed, framing the treaty as part of a collective effort for sustainable development could provide a useful additional rationale for the treaty. As a result, we call on this conference to include references to human rights law, environmental law, and sustainable development in the finalized Preamble.

**Supporting Organizations**

Article 36

Mines Action Canada

Project Ploughshares

World Council of Churches