

CVV-WEERA CENTRE LECTURE SERIES

Humanisation of Arms Discourse Should Inform Nuclear Disarmament- Argues Daniel Rietiker

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Dr. Daniel Rietiker is well known across the globe as an ardent advocate of a world without nuclear weapons. As the co-president of the International Association of Lawyers against Nuclear Arms, he is also a senior lawyer at the European Court of Human Rights (Strasbourg, France) where he has been dealing with high profile cases in various fields, such as asylum and migration, international terrorism, international child abductions, freedom of religion and freedom of expression. An expert on the subject, he published a book in 2017/2018 titled *Humanization of Arms Control, Paving the Way for a World Free of Nuclear Weapons*.

There is much debate surrounding nuclear weapons off late especially with regards to the Treaty on the Prohibition of Nuclear Weapons (TPNW, 2017) that is poised to gain required ratifications in January 2021. Dr. Rietiker deconstructed the treaty and simplified the need for the total annihilation of nuclear weapons. For him, *the destructive power of nuclear weapons cannot be contained in either space or time* is perhaps one of the most prominent reasons to forgo nuclear weaponry. He explained the unparalleled effect of nuclear weapons on health, agriculture, natural resources, the present and even future demography on the whole.

He explained the 'Humanisation' of arms control and gave examples of international conventions and treaties where humanization was already incorporated. Treaty Banning Nuclear Weapons Tests in the Atmosphere, in Outer Space and Under Water, 1963; Treaty on the Non-Proliferation of Nuclear Weapons (NPT, 1968); Convention on the use of Chemical Weapons (CWC, 1993); Comprehensive Test Ban Treaty (CTBT, 1996); Ottawa Convention, 1997, Convention on Cluster Munitions at Oslo, 2008, the 2013 Arms Trade Treaty and five treaties on the Denuclearization of Certain Regions (Nuclear-Weapon-Free Zones) were presented as examples of efforts concerning humanisation of arms.

Dr Daniel also opined that the existing 'traditional' arms control treaties are the victims of insincere commitments on the part of States. The barrier to the CTBT coming into force lies in the fact that eight States that hold nuclear weapons i.e. the USA., China, Pakistan, India, Israel, North Korea and Iran, have not yet ratified it. Of these, India, Pakistan and North Korea are

yet to sign the CTBT. He brought in diverse perspectives on the impact of use and possession of nuclear weapons through the lens of humanitarian law, human rights law, and also economic, social and cultural rights. He also pointed out that the impact of nuclear weapons also particularly affects the human rights of vulnerable groups such as women, children and the indigenous people.

The destructive power of nuclear weapons coupled with the deficit in the political will to offer reparations to the victims and the destruction these weapons cause for generations to come are reasons enough to eliminate the possibilities of their usage. They go against the core human rights values such as the right to life, prohibition of degrading and inhuman treatment, respect for private life, home and the right to property. The focus was also drawn on the duty to respect human rights post-explosion because this remains a largely unexplored area. The impact of a nuclear war is scathing and impinging upon the idea of global development, health and environment; as a result affecting the right related to health, healthy environment, an adequate standard of living, food, water etc.

The drafters of the treaties surrounding nuclear weapons-destruction, use and tests have seemingly taken into consideration this human aspect of the use of nuclear weapons. Much of this can be seen in TPNW. The ultimate objective of the TPNW is to prohibit and stop the development, testing, production, acquisition, possession, piling and use of nuclear weapons for the ultimate good of society. The treaty aims to provide a safer world for humanity at large. The drafters of the TPNW have managed to ensure that careful consideration to cope up with the humanitarian consequences after the use of nuclear weapons. It is done by incorporating obligations on State Parties to provide adequate assistance to individuals affected by the use and/or testing of nuclear weapons as well as to take necessary or appropriate measures of environmental restoration in areas under their jurisdiction that may get adversely affected. Dr. Rietiker strongly believes that the impact of nuclear weapons would become a concrete topic of discussion only when victims are in the forefront and the individual lives become the centre of attention.

In a highly engaging and gripping lecture, the attendees seemed convinced of the reasons offered in favour of nuclear disarmament. Mr. Nizamuddin Ahmad Siddiqui from Weera Centre welcomed the gathering and introduced the lecture series. Mr. Nithin Ramakrishnan from Chinmaya Vishwavidyapeeth moderated the question-and-answer round that saw interesting discussions. He also rendered a vote of thanks for the lecture.

As mentioned during the lecture, for those of us who are inspired by the life and work of late Judge Christopher Weeramantry, strong advocacy for disarmament is a cause that we hold very close to our hearts. Dr. Rietiker managed to ensure that he furthered this cause and left his audience with a profound food for thought. He ended the presentation on a positive note that in a long battle of ending the nuclear threat, the inclusion of humanising ideas in the Human Rights Committee's General Comment No. 36 is one of the critical steps forward.
