

## **SECURITY IN A GLOBALIZING WORLD: NUCLEAR WEAPONS, THE LAW AND US AS GLOBAL CITIZENS**

**By Thomas Weber**

We face many problems in the world at present. All of us know of the issues surrounding global warming and climate change. We are aware of an impending food crisis and are probably feeling the start of the potentially huge problems that will come as we pass the marker known as “peak oil.” But one large issue, one that is over 60 years old and of special significance to us meeting in this city, although not as often spoken of as it once was is still with us. Obviously, I am talking of nuclear weapons here. We do not live under the fear of imminent nuclear war that so coloured the lives of those who lived through the Cold War, especially in the late 1950s to early 1960s and again in the early 1980s. It was almost taken for granted that we would not reach this next century, that we would obliterate life on this planet of ours. Of course, that we are here attests to the fact, thank goodness, that the predictions were wrong. But the weapons are still here, and more countries seem to be acquiring them regardless of Nuclear Non Proliferation Treaties. Some regimes that are not overly stable, for example Pakistan and North Korea have them, and others such as Iran may be working towards getting them. Is our complacency misplaced? And to the degree that it is, what can we do about this state of affairs?

It has been argued that nuclear weapons in fact acted as a deterrent between the super powers during the Cold War and prevented it from becoming a “hot war” saving many of us from death and the world from destruction. For some they increased rather than decreased security. While primary school children in the 1950 who had to hide under their desks as part of nuclear defense exercises may have been terrified, they were safe because mutually assured destruction (aptly termed MAD) created by the large stockpiles of weapons on both sides ensured that they would never be used. I propose here to look at this situation in the present context of nuclear proliferation and new thoughts about the meaning of security. Let me start with security.

### **Security**

In the discipline of international relations, security has been seen in different ways. For some,

especially those who see the world as an intrinsically dangerous place, security is seen as stemming from power - if you have enough power to reach a dominant position you will acquire security as a result. Others see security as a consequence of peace - a lasting peace would provide security for all. Is it possible in this day and age to have enough power to ensure security? And if not, and it appears to be ever more obvious that we cannot, how do we achieve a lasting peace that might guarantee security?

In general the theorists, and especially those who see security resulting from power, have had a very state-centric theory of the world. They have tended in the past to discuss security in terms of security of the state and in particular in terms of war. Security is often defined as a freedom from war and a high expectation that if there was a war our side would not lose.

This is of course not unreasonable - the frequency and destructiveness of armed conflicts throughout history explains why states are so preoccupied by perceived threats to their security, and why national security is seen in military terms.

The one huge problem with all this is that all states have to grapple with the knowledge that other states can also muster force to protect their values and this can mean they can be a threat. This leads to what is known as the **security dilemma**. Countries spend money on armament in order to increase their security. But there is a problem here: one state's security is another state's insecurity. So if one country acquires arms, it can, and often does, mean a counter armament program by opponents and neighbours. Both feel that their actions are defensive and necessary for their security. Both feel that the actions of their opponents are offensive. Yet, if these actions develop into arms races, the security of both parties is reduced.

Of course threats can come from other places than a neighbouring state. For example **ecological threats** that have been very much in the news in the last few years can be the outcome of global warming as a result of the overproduction of greenhouse gasses. In cases like this the threat is generally a threat to all (although low-lying countries such as Tuvalu which may be swallowed up

by rising sea levels may feel the reality of the threat earlier than other places).

While other types of threats are beginning to be taken seriously, traditionally military threats have been thought of as the most important in security considerations and while the international system is anarchically structured, that is without any international police or enforceable international law, they will remain vitally important. While the relevance of outside military threats, especially for the most developed states, may be declining when compared to the other forms of threats such as ecological ones or internal conflicts, they have not gone away and with increasing numbers of states joining the nuclear club, the dangers of nuclear war or accident multiply.

Besides the quest for naked power as a means to security, or at least security from certain threats, states have taken other measures to provide for security by lessening the anarchical nature of international society. For example they have joined together to collectively oppose aggression. The main experiment in this approach to what has been called **collective security** has been the **United Nations**, and **International law** has been one of the main institutionalised frameworks for regulating the behaviour of the international community. There are of course newer approaches to security that are emerging and must be taken seriously. The end of the Cold War perhaps provided a window of opportunity, a chance to look at security in different ways. And the growth of globalisation with its interdependence, economically and technologically, and the fairly rapid destruction of the environment, means that perhaps the very idea of what security means has changed.

Some of the newer approaches have been termed Common Security and Comprehensive Security.

**Common Security** posits the idea that in a state system, the security of one state is tied up with the security of others. The proponents of this approach say that a zero-sum approach where the gain of one automatically means the loss for another is no longer adequate. In other words that the emphasis must be on security for everyone rather than national defence, and that this security must be more than merely military security. Common security aims to ensure that the security interests

of weaker less privileged states are not marginalised by the priorities of stronger states. This further means that security is viewed in more than just its military manifestations. It includes not just defence of territory but also the preservation of social, political and ecological values which are crucial to material and psychological well-being, which in turn is important for long-term peace.

**Comprehensive Security** is a newer and more radical idea about which there has been much written in the past quarter century. It goes back to the fundamentals by asking what exactly it is that we are talking about when we talk of security. Security for who? The answer has to be for people not states or governments. State security must only be a means to an end, the real measure is how people feel. And security for people must encompass all security threats that people feel, and these need not, and in fact are not, restricted to military security. Think of security in several dimensions - military, and economic, and environmental, and even political security - after all your own government can be a great cause of insecurity. The agenda here is very wide and very complicated but it allows for links between different dimensions which were neglected in the past, for example the rights of ethnic minorities and human rights in general, as well as such issues as human exploitation and environmental degradation. The state can be quite secure from invasion while many of the population feel insecure. For example when you feel insecure are you more worried about your country being invaded or about not having a job when you finish your university degree?

The question becomes: what is to be defended, society or the state? And if it is society, what does defence mean when for a large proportion of the population the major threat to security comes from a system of patriarchy that disadvantages the female half of the population? Or what does security mean to aboriginal peoples? And of course, what does security mean when environmentally the whole planet is slowly, or not so slowly, being destroyed?

Are we more secure from nuclear attack say, in Japan, Britain or Australia, because we have US bases on our territory, or less secure? Is the average Pakistani more secure in having costly nuclear

weapons when President Zulfikar Ali Bhutto pledged that his country would become nuclear armed if his people had to eat grass? Can we really expect North Korea not to strive to acquire a nuclear arsenal when it feels threatened America? Can India, as the country that gave us Mahatma Gandhi and was to a large degree the architect of the Non-Aligned Movement, be blamed for declaring the hypocrisy of the nuclear powers who don't want other countries to get nuclear weapons but are not getting rid of their own, when it refuses to sign anti-nuclear treaties that we would expect it to sign?

Being here in Hiroshima, having visited the atom bomb dome and the been touched by our experiences at the Peace Museum I have decided to revisit the issue of nuclear weapons and security, and hopefully this will serve as something of an introduction to the role play which will be the culmination of this seminar. Hopefully it will give us some new ways to look at an old problem, and hopefully it will at least hint to us that although we are only individuals in a vast game in which we may seem not even to be bit players, we can do something.

As mentioned above, collective and other forms approaches to security are probably the only ways of dealing with the dangers that threaten us. The great British philosopher Bertrand Russell, and perhaps the most creative intellect in human history, Albert Einstein, thought that we would have been destroyed in a nuclear war by this stage if we had not formed some form of world government. We are still here but world government is not as much talked about these days. Nevertheless, bonds of world governance have been strengthening, almost imperceptibly but steadily since their time. And perhaps it is this growing fact of world governance that will ensure our future. One manifestation of this is the degree to which international law is taken ever more seriously. We now have various international courts and the notion of sovereignty is no longer allowed to cover all sorts of national sins.

### **The World Court Project**

Today I want to look an example of international law in action. An example that has to do with the topic of nuclear threat, and has to do with us, ordinary people who wonder how we can have our

voices heard. What I will do is outline the history and achievements of what has become known as the World Court Project. This is a case of very ordinary people, people just like us, with a concern about nuclear weapons deciding to do something about them. This was not a case of storming a nuclear plant or fasting outside a military establishment. This was a case where some activist took part in what may simply be called lobbying - but they kept it up for years with great determination. And eventually, to a large degree through their efforts, got the International Court of Justice to make a decision on nuclear weapons, a decision that some have called the most important judicial decision in history, yet one, regrettably, that far too few of us have even heard about. As I recount this history, you should bear in mind that the ICJ is a court in which individuals have no standing.

As we well know, nuclear proliferation did not end with the Cold War - three former Soviet states ended up with nuclear weapons (fortunately however the Ukraine and Kazakhstan dismantled the weapons they inherited after the break up of the Soviet Union), Israel has very probably got many of them, North Korea may have several of them, South Africa developed them in secret (but got rid of them before the advent of Black majority rule), in 1998 India and Pakistan detonated nuclear weapons, becoming the first two countries to have them while being engaged in shooting war against each other, we have had a war with Iraq because some people thought they had them, and we can only guess how far Iran has progressed down the development track.

It appears ever more likely that this proliferation cannot be stopped by force - the only alternative seems to be some form of control through the UN. And many peace activists have thought that the necessary first step is to explicitly outlaw nuclear weapons in the same way as biological and chemical weapons have been. Once they are outlawed, they will be seen as unacceptable and will eventually be done away with.

### **Can Nuclear Weapons be Thought of as Illegal?**

There is an interesting question here. Are nuclear weapons in fact already illegal? The question of whether nuclear weapons are legal or not should have come up exactly 63 years ago in August 1945 following the bombing of Hiroshima, however, it seems to have been first mooted in 1959 by

Nagendra Singh, who also served as a President of the ICJ, in a book entitled *Nuclear Weapons and International Law*.

Singh argued that nuclear weapons were illegal: by analogy to the most well established principle of weapons and war - the prohibition against the use of poison; because they infringed the rights of neutral states - the effects of nuclear explosions are uncontrollable; because of the prohibition against causing unnecessary suffering; because they violate the Genocide Convention and because they Contravene the Hague Convention of 1907 and Geneva Conventions of 1949 - by not distinguishing between legally permissible objects of destruction and belligerents on the one hand, and innocent neutrals or civilians on the other.

In fact it has been estimated that nuclear weapons violate at least 14 treaties and 35 articles of international law. Just to take a few of them:

The Declaration of St.Petersberg 1868 Outlaws weapons which cause unnecessary suffering. Think again back to what you saw in the peace museum.

The Hague Conventions 1907 state that the right to injure the enemy is not unlimited. They prohibit poisoned weapons, weapons which cause unnecessary suffering and the destruction of enemy property and they prohibits the attack or bombardment of undefended towns. Exactly what nuclear weapons are designed to do. They further prohibit attack on buildings dedicated to religion, art, science, historic monuments and hospitals, and these cannot be avoided if nuclear weapons are used. Further they declare the territory of neutral powers inviolable. Where does this leave nuclear fallout?

The United Nations Charter outlaws the threat or use of force against the territorial integrity or political independence of any state, exactly what is threatened by strategic nuclear arsenals.

The Genocide Convention 1948 outlaws genocide and conspiracy to commit genocide. Nuclear weapons can cause omnicide, not just genocide.

The Geneva Protocol of 1977 reiterates the basic rules of warfare, that is the right to choose means or methods of warfare is not unlimited; it prohibits infliction of superfluous injury and unnecessary suffering; prohibits warfare which causes widespread, long-term and severe damage to the environment. It tells us that there is an obligation to distinguish between combatants and civilians and to protect civilian objects such as schools, and things like foodstuffs, agricultural areas, crops, livestock, drinking water installations and irrigation works as well to protect the natural environment against widespread, long-term and severe damage. Again think of this in terms of nuclear weapons.

Of course, none of these conventions or treaties is specifically about nuclear weapons. The arguments are by way of analogy, but that does not mean that they are invalid – this is the essence of legal reasoning.

By the way, recently Iran and India, despite great pressure, refused to sign the nuclear non-proliferation treaty. India has always stated that it would sign if the other nuclear states looked like they were getting rid of their own weapons - as it stands the treaty is hypocritical allowing nuclear powers to keep theirs, not letting others get them.

There is of course a counter claim to these arguments - that nuclear weapons are quite legal under international law. And these points were pushed heavily by the UK Solicitor General in 1990 when it looked like the World Court Project, aimed at having nuclear weapons declared illegal in international law, might be getting somewhere. He stated that as there is no treaty outlawing the weapons, there is no general prohibition. Of course as a lawyer he knows that international law is generally recognised as being based on far wider considerations than merely treaties. It also comes from “usage established among civilised peoples, from the laws of humanity, and the dictates of the public conscience.”



It was also argued that in some way the Non-Proliferation Treaty and the Partial Test Ban Treaty demonstrated the legality of nuclear weapons. If they were illegal we would not have treaties about them, so they must be legal! Well, no - treaties merely recognise the possession of the weapons; nowhere do they recognise their legality.

The Solicitor General went on to argue that whether the use of nuclear weapons was legal or not would have to be judged in light of the circumstances in which they are actually used as is the case with other weapons - but then it is a bit late! And of course, not all other weapons usage is judged in this *ex post facto* way - the weapons which may be considered closest in character to nuclear weapons, that is chemical and bacteriological weapons, are not so judged. *Any* use is criminal. Why was Britain so tough on this? (Would they still be a world power if nuclear weapons were illegal and they could not possess them?)

Edward St. John, international lawyer, judge, ex Conservative Federal politician, and leading Australian supporter of the Project makes the following pointed observation: If nuclear weapons had been first developed and used by Japan or Germany, but the Allied powers had still won the Second World War, there would probably have been a very different history of these weapons. The leaders who had authorised their use would probably have been charged with war crimes under existing rules of international law (and, we may add, would probably have been executed!).

### **Further Background: The International Court of Justice**

The International Court of Justice, headquartered in the Hague, is the principle judicial organ of the UN. Since 1946 the ICJ (also known as the World Court) has dealt with some 100 plus cases - 70 odd contentious cases where, essential countries are suing each other, and about 30 advisory opinions given in response to requests by other UN bodies. In this later category, the one that interests us here, under the UN Charter the General Assembly or the Security Council may request the ICJ to give an advisory opinion on any legal question. The other avenue is for a UN organ or specialised agency, which has been so authorised by the General Assembly, to request an advisory

opinion of the Court on legal questions arising within the scope of its activities.

The ICJ itself is composed of 15 full-time judges who take an oath to serve impartially and conscientiously. Their salaries, pensions and diplomatic immunity are guaranteed by the UN and a judge can only be removed by a unanimous vote of the others. This is to ensure their independence.

In mid-1996, at the time of the World Court Project, 4 judges were from Western Europe, 2 from Eastern Europe, 2 from sub-Saharan Africa, 1 Arab, 2 from South and Central America, 1 from North America, and 3 from Asia (which, incidentally, contains over half the world's population). One of the Asian judges was Sri Lankan Christie Weeramantry who had been a professor of law at a university in Melbourne and who has written extensively on the illegality of nuclear weapons.

Of course, theoretically, composition should not affect court outcomes as judges are not supposed to represent their countries' political positions, but serve impartially and with full independence.

### **The World Court Project**

The seeds of a World Court challenge to have nuclear weapons declared illegal were sown by the visit by the eminent international lawyer Professor Richard Falk of Princeton University to New Zealand. During a 1986 lecture tour to that country, Falk suggested that New Zealand should test its anti-nuclear ship legislation and the US response to it in the World Court. Later Harold Evans, a retired New Zealand magistrate and other NZ peace activists set about trying to turn an expanded version of the idea into reality.

In 1987 Evans presented the case for the World Court giving an opinion on the legality or otherwise of nuclear weapons in an open letter to the Prime Ministers of New Zealand and Australia. The letter was mainly a compilation of fully argued opinions from six eminent and experienced jurists of world standing (including Falk, Evans and Weeramantry) making the case that nuclear weapons were illegal at international law. A few months later the letter was sent to every UN member country having representation in NZ or Australia (a total of 71 countries). The

Project, through the persistent lobbying of Project members soon received strong support from the International Physicians for the Prevention of Nuclear War at both the national and international level.

Early in 1989 the then still Soviet Union announced that it would recognise the jurisdiction of the World Court in human rights matters - in effect a vote of confidence in the ICJ. On the other side of the coin, a few years earlier, in 1985, the US withdrew its recognition of the Court when the Nicaraguans brought an action against it for aggression that amounted to alleged breaches of international law.

Despite New Zealand's anti-nuclear stance, the NZ Minister for Foreign Affairs was equivocal in his response. He claimed that the case could go the way of actually recognising the legitimacy of nuclear weapons - resulting in a major setback to the anti-nuclear cause, and may hurt NZ's international reputation. Further, he added, even if the ruling went against the legality of nuclear weapons it would have no effect in practical terms and would be ignored by nuclear weapons states. In short the NZ foreign affairs establishment were tending to oppose taking the matter further.

Australia had more or less stated that it wanted to have little to do with the Project - and may even have been ready to pressure NZ not to take it up. As a response to the first letter, Australian Prime Minister Bob Hawke had claimed that deterrence was important and that the way to proceed was through negotiations between the US and Russia rather than via the path of legal opinion. He declared that Australia could not give the Project "a high priority."

Professor Weeramantry, not yet a World Court judge, informed Evans towards the end of 1988 that he believed that "the majority of states are...ready in principle to vote for such a move but are reluctant to be its sponsors."

Again, after much lobbying by Project members, in October 1993, 110 members of the Non-Aligned Movement (NAM) decided to sponsor the UN resolution calling on the ICJ to

declare on the legality or otherwise of nuclear weapons.

### **The Case in the World Court**

The five permanent members of the UN Security Council just happen to be the five originally declared nuclear powers. And it is not surprising to find that they have been the least happy about the Project. The US, Britain and France are extremely sensitive about the question of the legality of nuclear weapons. If they were declared illegal where would this leave Britain and France as world powers? On what basis could they keep their positions as permanent members? Surely Japan and Germany would have a more legitimate claim to membership.

Britain maintained that legality must be judged in each given circumstance of use (a little late perhaps!) and that “therefore it would be wrong to burden the ICJ with this hypothetical question.” The US claimed that nuclear weapons had kept the peace for half a century and, with tortured logic, that they would not have been developed in the first place if they had been illegal.

Mexico's disarmament counsellor, in the heat of battle over the case, declared that “the nuclear powers are scared shitless,” and the Canadian disarmament ambassador noted that “hysteria is not too strong a word to describe the nuclear weapons states' point of view around here.”

Under “incredible pressure” from Western nuclear powers (according to a Latin American UN delegate), pressure that seems to have included threatening individual NAM countries that trade and aid would be at stake if they pressed ahead, Resolution L25, the request by the UN General Assembly to the ICJ to advise if the threat or use of nuclear weapons in any circumstances is permitted under international law, was dropped late in 1993. Within the NAM (110 out of the 187 countries represented at the UN) a small group of countries with ties to Washington, London and Paris (including Indonesia - very heavily pressured by the US; Ghana, heavily pressured by Britain; and Benin, heavily pressured by France) blocked the consensus necessary to bring a NAM resolution to the floor for a vote. Although 80% of the global population seemed to want the resolution to go through, (Russia and China played no significant role in the drama - probably they

did not want to alienate their allies in the Third World) it seemed that it was all over and the issue would not be put to the vote. In mid-1994 the NAM foreign ministers again decided to re-table the Resolution and put it to the vote. It eventually got through.

A senior American arms expert declared that “we are shooting ourselves in the foot. We are refusing to accept as illegal what 98% percent of the world is being asked to accept as illegal - an elite view that we are the only ones who can hold on to nuclear weapons...It makes us look like a double-faced nuclear power, talking one game and playing another. It plays into the hands of the North Koreans' efforts to obtain nuclear weapons, and countries like the Ukraine's efforts to hold on to them.” (If nuclear weapons are legal how is it that North Korean weapons are illegal, or, put the other way, if nuclear weapons are illegal why does this not include those of the US? This always makes India and other Third World powers angry). What the US wants is an indefinite extension of the Nuclear Non-Proliferation Treaty which would preserve the status quo - the current powers could keep their nukes but others can't acquire any.

While this was going on, there was also another prong in the WCP attack. While the straightforward challenge to the legality of nuclear weapons looked like it would fail, another indirect one, the Project's fallback position, was starting to seem as though it was more likely to succeed. An advisory opinion, asking if the use of nuclear weapons would be a breach of international law, including the constitution of the World Health Organisation was also being considered. This approach was spearheaded by Zambia and Mexico. It, too was strongly opposed by the three western nuclear nations, and was postponed later in the year following a large number of abstentions due (it seems) to the efforts of the nuclear powers.

In short, for a while it seemed that the question of the threat of nuclear weapons was no longer a live legal issue and the use was only being considered on health and environmental grounds. But even this caused deep concern among the powers, and the US State Department had reportedly set aside \$1 million to challenge the submission of the question to the ICJ by pressuring the medical profession and threatening to withhold funds from the WHO if the project proceeded. When

eventually the case from the General Assembly did get through, it was decided to hear both cases together.

Of course the proponents of the project realise any ruling by the ICJ is advisory only, without any power of enforcement. Many argued that the nuclear powers would ignore a judgement going against them, or that disarmament is governed by reality not legality and that laws are useless unless they can be enforced. In the end perhaps this is what happened but perhaps not quite. The fact appears to be that the recognition of criminality has preceded agreements prohibiting the use or possession of arms, rather than the other way around.

And if the doomsayers were right, why was the US trying so hard to block the World Court Project? An advisory opinion from the ICJ is of great symbolic value and, in the long run, will probably be seen as a major milestone in ridding the planet of nuclear weapons.

### **What was the Judgement?**

By a majority of 11/3, the ICJ decided that it could not give an opinion in the WHO case because of a technicality of law. The advisory judgement of the Court on the question brought by the General Assembly was finally handed down in July of 1996. It was held unanimously that a threat or use of force by means of nuclear weapons that is contrary to the UN Charter (which says use of force against another state is illegal) and that fails to meet all the requirements for necessary for self-defence, is unlawful. This is perhaps a little weak, but there were other findings also.

Possibly the central one, which at first glance only passed by seven votes to seven (with the casting vote of the President of the Court, the Algerian judge), stated that “the threat or use of nuclear weapons would generally be contrary to the rules of international law applicable in armed conflict, and in particular the principles of humanitarian law” (which state that civilians must never be targeted and that even combatants cannot be caused unnecessary suffering). The court added that it could not decide whether it would be lawful or not to use nuclear weapons in extreme circumstances of self-defence, in cases where the very survival of the State is at stake. Some have

read this as saying that the weapons themselves did not violate international law and that nations might be able to use them lawfully in self-defense if they were threatened with extinction.

Although there would not be many such cases, this decision does not seem as strong as it could have been, both on the reading and because of the narrowest of margins by which it was passed. It, however, should be pointed out that of the judges who voted against this decision, one did so because he thought that the court should not have dealt with the matter, and three, not surprisingly including Weeramantry, made it clear that the reason for their dissent was that the opinion did not go far enough. They stated that there could be no exception whatsoever to the principle of general illegality at all. So, it could be said that the 7/7 decision on the principle of general illegality was in fact 10/4 with only three judges dissenting from the principle. And, although it should not have made a difference, guess where those three judges came from: the US, France and the UK (the Russian and Chinese judges voted in favour)!

In their dissenting judgements, Weeramantry said that the use or threat of use of nuclear weapons is illegal in any circumstances whatsoever and Koroma of Sierra Leone said the issue at hand was not the survival of the state but the illegality of the weapons, adding that their use in any circumstances is illegal under international law.

In short, the decision tells us that the threat and use of nuclear weapons are subject to humanitarian, environmental and human rights law, that the threat and use are generally prohibited under international law with only a very narrow and highly speculative possible exception, and that nuclear deterrence cannot be said to be sanctioned by law.

There was one other unanimous finding by the Court. And in the long run perhaps this one will prove to be the most significant. The Court stated that there is a solemn obligation to conduct and conclude negotiations leading to the complete abolition of nuclear weapons - not at some distant time but now: "There exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspect under strict and effective international

controls.” To the degree that the nuclear armed states are not doing this, they are acting illegally.

### **Upshot**

It has been argued by many that the decision of the ICJ will go down as one of the most important decisions in the history of the Court and of the law of warfare in general. This advisory opinion gives encouragement to peace movements, and strengthens the legal case of those taking direct action in the anti-nuclear cause. It shows that activists can get issues onto the international agenda at the very highest level by working with concerned organisations and a large number of concerned Third World states. Since the case was decided there have been several incidents of activists demonstrating at nuclear bases and factories (see the pages of *Peace News*) declaring that they are upholding international law. And now they may have a more convincing defence than the usually employed necessity defence. In the British cases that I have read about, the protesters were merely removed from the sites rather than being charged and taken through the courts - imagine the legal cases where they are claiming to be upholding international law that their own governments were contravening. The International Court of Justice decision also highlights the inconsistency of nuclear states who claim to abide by international law, and helps to strengthen the moves towards nuclear non-proliferation. And not least, the entire history of the World Court Project demonstrates the strength of committed grass-roots activism. The power of the global citizen can make a difference. Nuclear weapons will not give us security and if we want security we should do something about it.