

I have one more question directly related to “personalizing international law.” My colleague Janne Nijman, has recently contributed a chapter to a volume on “Portraits of Women in International Law,” focusing on Bertha von Suttner, an activist, not an international lawyer. What is the potential of individuals in contributing to nuclear disarmament, to arms control law? Is there a downside to the power of individuals?

And: the International Campaign to Abolish Nuclear Weapons (ICAN) was honored for its efforts to advance the Treaty on the Prohibition of Nuclear Weapons and awarded the Nobel Peace Prize in 2017. It is noteworthy that many nuclear disarmament movements over the past seven decades had struggled for this. With Abolition 2000 there was even a global NGO network available. But ICAN was able to get this going in less than a decade. Do we need a peace movement in the broader sense or do we have competition as between various NGOs?

REMARKS BY JODY WILLIAMS*

doi:10.1017/amp.2023.23

I. THE IMPORTANCE OF NGO PARTICIPATION IN DISARMAMENT

I have thought a lot about the extent to which civil society has underestimated the risk or probability of nuclear war. I do not think that civil society—normal human beings, if you will—has underestimated the threat of nuclear weapons, nuclear war, and the annihilation of life on the planet. Certainly, after the Vietnam period and the nuclear contest disarmament was higher on the agenda. As I contemplate, I always wondered why the anti-Vietnam movement did not solidify into a movement to bring about change consistently. We just see it as a movement to end U.S. participation in the war. This is certainly a noble goal, but it is not moving us toward a different system or view of war.

Furthermore, NGOs are still not universally loved, especially when it comes to international law, treaty-making and diplomacy. It was not until the Mine Ban Treaty, and the handful of governments that chose to step out of the UN negotiating system during the Convention on Certain Conventional Weapons (CCW), that NGOs were treated as full participants in the negotiations of that treaty. I still recall when the foreign minister of Canada had a small meeting after the CCW Review collapsed and NGOs challenged the governments in the room to meet again in Ottawa to sign the landmine ban treaty. The Great Powers were totally freaked out. Who was this upstart? How did this foreign minister of Canada dare challenge the UN structure, where decisions could be made in advance through of the consensus rule? The consensus rule also really only means that one state can dictate international law. It was not until NGOs participated, and showed that we had knowledge and were serious and committed to removing these weapons, that states grudgingly accepted NGO participation. I still believe some wish they never let NGOs participate, but their participation led us to the 2008 Convention on Nuclear Safety and the Treaty on the Prohibition of Nuclear Weapons in 2017. In my view, these have been different instruments, simply because of coordinated NGO participation. Yet, increased NGO participation does not fully change things. The system itself needs to change. We need to rebuild the international system in a different way. I think the UN definitely needs an overhaul as it reflects the international structure after World War II. We are so far away from the post-World War II structure, that it is absurd that the structure still persists in that fashion. I hope NGOs will play a big role in bringing about that debate.

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II. THE WEAKENING OF INTERNATIONAL LAW THROUGH RUSSIA'S INVASION OF UKRAINE

I certainly think international law has been weakened by Russia's invasion in Ukraine. It has huge implications for global human security, which is what I focus on. I do not focus on the security of apparatus of the state. We place a huge focus on multilateralism in international law, but international law gives assurances with "where-feasibles," that make a mockery of the law. In the old Mine Ban Treaty, pretty much every point was a "where-feasible," unless the commander of the operation decided otherwise. I am not sure that is law. It certainly could be argued that it is a road map to deciding when not to kill civilians. But, I personally do not see that as law, although I do try to work within the arena.

I think that the acceptance of the so-called "nuclear deterrence strategy" has been an absurdity since the beginning. The deterrence strategy is not proven just because nuclear war has not happened yet. And now that we have had Mr. Putin's invasion and his threats, the fact that we would continue to view the solution to nuclear weapons as "arms control" and "nuclear weapons control" frankly scares me. We do not need "control"—we need the weapons removed from this planet. As long as people think deterrence is great and point to "how safe we are," we are not safe at all. I do not understand why people think that we need nukes to keep us safe. I do understand why weapons manufacturers want to see nuclear weapons on this planet because they make a lot of money. There are the swinging doors between the Pentagon and the weapons makers. Is that security? Does that make us safe?

III. THE ROLE OF CIVIL SOCIETY IN DISARMAMENT

I believe civil society can do anything if we believe we can. It is a choice question: Do we choose to continue to live in a world threatened by annihilation of nuclear weapons? I appreciated Jeff and Emma's comments, but could not help but think how China must feel with respect to the United States and the continued modernization of its nukes and huge expenditures on its military and weapons. The NPT was a good thing, but part of it was to ensure that only a handful of states have nuclear weapons. It was not built out of generosity. If we cannot really trust where we want to go, it is hard to get there. If we do not have a vision of what a world without nuclear weapons looks like, it is hard to get there. If we continue to see the world the way it has been since World War II, if we continue to accept deterrence as a viable resolution to having nuclear weapons, how can we change anything? The International Campaign to Ban Landmines and the NPT were accomplished because people in civil society believed you could make a difference and change the world. I do believe that. I think diplomats and governments need to start envisioning another world.

IV. HUMANITY AS THE HUMANITARIAN IMPETUS FOR DISARMAMENT

The active humanitarian issue in weapons control took on a new life through the landmine clusters. During the Campaign to Ban Landmines, many land mine survivors were active participants of the campaign—not merely poster-children. This was because no one wanted to see someone blow up. I do not believe you have to have active victims to recognize the need to deal with nuclear weapons. Do we want to see another Hiroshima? Do we want to have Mr. Putin use a tactical nuke so we can see the victims? The humanitarian impetus for disarmament is about humanity and looking at the entirety of humanity—it is not just about the victims. I was looking at the multitude of photographs of Mr. Putin's attacks on the railway station in Eastern Ukraine. Here, we saw fully clothed bodies on the ground with their luggage, all of them dead. I can look at that and see tactical

nukes, giving us that. I think we really need to broaden our thinking about weapons and war. I believe peace is a human right. I know countries in the world, including my own who don't believe that.

V. ROLE FOR EXPERTS AND LAWYERS IN PEACE MOVEMENTS

Of course, there is a place for lawyers and diplomats in a peace movement. Diplomats can be—and many are—activists. I learned this myself. I used to be skeptical about diplomats during my ten years of work in Central America during which the United States controlled the region. It was wonderful learning that diplomats can be activists. Without activist-diplomats in negotiations around land mines and cluster bombs, we would not have those treaties. There is a desperate need for a new peace movement. This needs to be a proactive peace we are seeking—not a negative peace. Negative peace is simply the absence of armed conflict. That does not address the root causes of war. We need states to actually implement Article 26 of the UN Charter, which called military counsel to figure out how a peace could come about after World War II. How could social funds be diverted to social needs? The fact that this effort was a failure, before it even started, should have been a warning to us all how seriously governments took Article 26. Last I looked, 57 percent of the U.S. budget goes to U.S. weapons. Something like 3 or 4 percent goes to healthcare, 3–5 percent goes to education. How can people survive when that is the few that we need to protect ourselves from eventual or possible war, rather than take care of living beings in our country.

REMARKS BY EMMA VERHOEFF*

doi:10.1017/amp.2023.24

I. UNDERSTANDING THE LOGIC OF NUCLEAR DETERRENCE: INVESTING IN KNOWLEDGE AND EXPERTISE

Questions surrounding the logic of nuclear deterrence (as well as the subtleties of signaling and risks of inadvertent escalation) are very relevant right now. In fact, the current crisis reveals the need to invest (and to keep investing) in knowledge and expertise in this field. Nuclear threats have not been on our mind for a few years but all of a sudden, it is at the forefront again. The nuclear threat is back and we have to work with that. Regarding deterrence, in my personal opinion, NATO and the United States have been quite understanding of what deterrence means. We have been pretty clear in signaling to Russia that we are closely following the steps being taken and that a nuclear war and/or attack would be totally unacceptable. At the same time, we have been reinforcing our defense and our deterrence posture. It is about striking the right balance between words and deeds. The United State has done a good job of not escalating the situation further. For example, they decided to postpone their test of Minuteman III, which was a really smart decision. However, what this crisis has made clear is that deterrence exists not only in relation to having nuclear weapons, but also in relation to the credibility of using them—this is a balance that is really important and that has been going well so far. Though, nowadays, it is very difficult to “predict people who are unpredictable” and this is the current challenge we face.

II. UNDERSTANDING LANGUAGE USED BY ADVERSARIES

In terms of language, it is really important to focus on understanding adversaries in terms of what their actions and/or statements actually mean, for example, understanding what “steps taken”

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