

# The Case for Risk Education and Dissemination Provisions in the Nuclear Weapons Ban Treaty

Gathering in New York this year, the majority of the world's countries will negotiate a treaty banning nuclear weapons (meeting 27-31 March and 15 June to 7 July). Deeply concerned by the catastrophic humanitarian consequences of nuclear detonations – whether intentional or accidental – the UN General Assembly called for a new, humanitarian approach to nuclear disarmament. Humanitarian disarmament treaties (such as the 1907 Hague Conventions, Landmine and Cluster Munition Bans, and Explosive Remnants of War Protocol) differ from other arms control and nonproliferation treaties. In addition to having a humanitarian framing and strong prohibitions, they often include positive provisions such as educational and awareness-raising measures that encourage states, civil society and international organizations to ensure respect for the norms set by the treaties and limit harm caused by the weapons they address.

## Why is there a need for educational provisions?

- Citizens need information about the risks of nuclear weapons and radioactive sites in order to protect themselves and their communities from potential harm.
- Secrecy about the dangers of nuclear weapons has contributed to their humanitarian harm.
- Education assists in diffusing and universalizing the norm against nuclear weapons, generating understanding of why a ban is so important and maintaining momentum for nuclear disarmament.
- Positive obligations like dissemination and education will put the prohibition against nuclear weapons into action, ensuring that norm is reinforced regularly in a variety of settings.

## What are the precedents and normative foundations?

- Common Article 1 of the Geneva Conventions obligates states “**to respect and ensure respect**” for international humanitarian law; according to custom and state practice this includes a duty to disseminate information about humanitarian norms and cultivate respect for them.<sup>1</sup>
- The 1980 Convention on Certain Conventional Weapons includes a provision on the wide “**dissemination**” of the treaty, particularly to military personnel.<sup>2</sup>
- The 1997 Antipersonnel Landmine Ban Treaty,<sup>3</sup> 2003 Explosive Remnants of War Protocol<sup>4</sup> and 2008 Cluster Munition Convention<sup>5</sup> include **awareness raising** and **risk education** provisions.
- There have been numerous UN General Assembly Resolutions (almost all passed unanimously)<sup>6</sup> and a 2002 UN Secretary-General study<sup>7</sup> calling on states to implement “**disarmament and non-proliferation education.**” Its “importance” was emphasized in the Report of the Open-Ended Working Group on Nuclear Disarmament in 2016, particularly **regarding “the humanitarian consequences of nuclear weapons.”**<sup>8</sup> Disarmament education was also endorsed by the 2010 Nuclear Non-Proliferation Treaty Review Conference Outcome Document<sup>9</sup> and the Final Document of the 1980 UNESCO World Congress on Disarmament Education.<sup>10</sup>
- A 2016 UN Environmental Assembly Resolution emphasizes “raising greater **international awareness of the issue of environmental damage during armed conflicts** and the need to adequately protect the environment when it is affected by armed conflict.”<sup>11</sup>
- The 2001 UN Programme of Action on Small Arms and Light Weapons<sup>12</sup> endorses **education for a “culture of peace”**, including public awareness of the illicit trade in small arms; similarly the 1999 Programme of Action on a Culture of Peace<sup>13</sup> calls for **education to promote general and complete disarmament.**

## Recommendation

Diplomats and advocates must make sure that the eventual treaty meets the standards of a humanitarian disarmament treaty. **The treaty would thus benefit from positive harm-limiting educational provisions, including dissemination, public awareness raising, risk education and/or disarmament education.**

## References

- <sup>1</sup> Knut Dormann & Jose Serralvo. (2014) “Common Article 1 to the Geneva Conventions and the obligation to prevent international humanitarian law violations.” *International Review of the Red Cross*. 96(895/896). p. 731.
- <sup>2</sup> 1980 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects:
- Article 6: “The High Contracting Parties undertake, in time of peace as in time of armed conflict, to disseminate this Convention and ... include the study thereof in their programmes of military instruction, so that those instruments may become known to their armed force.”
- <sup>3</sup> 1997 Antipersonnel Landmine Ban Treaty:
- Article 6.3: “Each State Party in a position to do so shall provide assistance for the care and rehabilitation, and social and economic reintegration, of mine victims and for mine awareness programs. ....”
- Article 6.7.d “States Parties may request ... [assistance for] d) Mine awareness activities to reduce the incidence of mine-related injuries or deaths;”
- <sup>4</sup> 2003 CCW Protocol V on Explosive Remnants of War. There are several relevant articles, but this one is most clear:
- Article 5.1 “High Contracting Parties and parties to an armed conflict shall take all feasible precautions ... to protect the civilian population ... from the risks and effects of explosive remnants of war. ... These precautions may include warnings, risk education to the civilian population, marking, fencing and monitoring of territory affected by explosive remnants of war;”
- <sup>5</sup> 2008 Cluster Munition Convention:
- Article 4.2 “...each State Party shall take the following measures ... e) Conduct risk reduction education to ensure awareness among civilians living in or around cluster munition contaminated areas of the risks posed by such remnants.
- Article 6.11 “Each State Party may ... request ... [assistance with] d) Risk reduction education programmes and awareness activities to reduce the incidence of injuries or deaths caused by cluster munition remnants;”
- <sup>6</sup> There are numerous United Nations General Assembly Resolutions. From one of the earliest and one of the latest:
- A/RES/46/27. Adopted without a vote. Operative Paragraph 3: “...it is indispensable to carry out training programmes at all levels of formal education for the purpose of changing basic attitudes with respect to aggression, violence, armaments and war....”
- A/RES/71/57. Adopted without a vote. Preambular Paragraph 7: “Remaining convinced that the need for disarmament and non-proliferation education, particularly among youth, has never been greater...”
- <sup>7</sup> UN Secretary-General. (2002) “United Nations study on disarmament and non-proliferation education.” A/57/124.
- <sup>8</sup> UN General Assembly. (2016) “Report of the Open-ended Working Group taking forward multilateral nuclear disarmament negotiations.” A/71/371. Paragraphs 59, 63 and Annex 1, Paragraph 3.
- <sup>9</sup> 2010 Outcome Document of the Nuclear Non-Proliferation Treaty Review Conference:
- Action 22: “All States are encouraged to implement the recommendations contained in the report of the Secretary-General of the United Nations (A/57/124) regarding the United Nations study on disarmament and non-proliferation education, in order to advance the goals of the Treaty in support of achieving a world without nuclear weapons.”
- <sup>10</sup> 1980 UNESCO World Congress on Disarmament Education Final Document:
- Paragraph 1: “Disarmament education...implies both education about disarmament and education for disarmament. All who engage in education or communication may contribute to disarmament education by being aware and creating an awareness of the factors underlying the production and acquisition of arms, of the social, political, economic and cultural repercussions of the arms race and of the grave danger for the survival of humanity of the existence and potential use of nuclear weapons.”
- <sup>11</sup> UN Environment Assembly Resolution. (2016) “Protection of the environment in areas affected by armed conflict.” UNEP/EA.2/15. Operative Paragraph 2.
- <sup>12</sup> 2001 UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects.
- Paragraph 41: States undertake: “To promote dialogue and a culture of peace by encouraging, as appropriate, education and public awareness programmes on the problems of the illicit trade in small arms and light weapons in all its aspects, involving all sectors of society.”
- <sup>13</sup> 1999 UN Declaration and Programme of Action on a Culture of Peace. States are encouraged to take:
- Paragraph 9: “Actions to foster a culture of peace through education.”
- Paragraph 16.a: “Promote general and complete disarmament under strict and effective international control , taking into account the priorities established by the United Nations in the field of disarmament;”