

## ***What hope is there for peace...?***

Hope is a decision – and a defiant decision, if need be.

This was the message of New Zealand Red Cross humanitarian law adviser Dr Rebecca Dudley in an address entitled 'What hope is there for peace?'

Rebecca described the Red Cross and Red Crescent movement as the guardian of international humanitarian law (IHL). She believes visionary, imaginative legal frameworks provide a key to peace-building. These laws seek to ensure that even if we are insane enough to go to war, we are sane enough to set limits on warfare.

It was Rebecca's experience living in Belfast and being part of the Northern Ireland peace process that cemented her decision to make bringing down walls and building peace her vocation. This developed into a belief or personal mantra that 'imaginative law can bring down walls. It can build peace. Imagine'.

Peace, in the sense of "world peace", she said, was a process, rather than an event. "Peace can be strengthened through building democratic institutions, supporting credible and transparent elections, and promoting and upholding human rights and good governance.

The Red Cross and Red Crescent movement, she said, was guided by the fundamental principles of humanity and impartiality, neutrality and independence. "Humanitarian advocacy is about persuading decision makers and opinion leaders to act, at all times, in the interests of vulnerable people and with respect of humanitarian principles."

### **Is the world today uniquely terrible?**

It was tempting for people to think the world was uniquely terrible in 2017, Rebecca said. But one only had to go back to 1946 to discover another terrible time. One of the most shocking developments of World War II was atomic weapons, used for the first time 72 years ago. Another war could mean the destruction of the human race.

Another shocking development was the holocaust. This saw Germany, a so-called civilised country with a proud philosophical, cultural, intellectual tradition, abuse state power and enshrine discrimination in law to the point where it sponsored and implemented genocide. "The hope for world peace started from the rubble of atomic weapons and the holocaust in Europe."

From this rubble, two kinds of law emerged - human rights law and the law of armed conflict. The 1948 Universal Declaration of Human Rights was an attempt to confront nuclear Armageddon in 1946.

"The birth of the modern human rights movement is what I would call imaginative law. It was about recalibrating with a common purpose, to build justice so peace would also flourish, within nations and between nations," Rebecca said.



“The declaration of human rights has led to other international protections, for example against torture, for civil and political rights, and for the elimination of racial and gender discrimination. Countries sign these declarations as if they are peace treaties and are held accountable.”

### **The law of armed conflict**

The law of armed conflict was about reformulating and strengthening the Geneva Conventions around the means and methods of warfare, and to protect people who are not, or no longer participating in hostilities. This means protecting prisoners of war, those wounded, shipwrecked in conflicts at sea, prisoners of war and civilians.

“The law of armed conflict is born out of the extremes of battlefield experience - the last resort when diplomats have failed. Perhaps the existence of the law of armed conflict itself is a testimony to human creativity that can emerge out of dreadful necessity.”

The modern project of humanitarian advocacy, Rebecca said, was a defiant decision to salvage something human from the worst circumstances, even as the survival of the human race was at risk.

However, the continuing danger of nuclear weapons remained one of the greatest challenges to peace.

### **Climate change versus nuclear weapons**

American linguist, social critic and political activist Noam Chomsky suggests two existential challenges face all humanity today: climate change and nuclear war. One difference, identified by UN diplomat on disarmament Ramesh Thakur, is that nuclear weapons will probably kill us quicker. Thakur - a former professor of International Relations at the University of Otago - also says that long-running tensions and territorial disputes (as between China, India and Pakistan) and other features mean the relationships between nuclear powers are now more complex than during the Cold War. There are many fewer nuclear weapons now than at the height of the Cold War, with 65-70,000 in the mid-1980s and about 15,000 now. However, Thakur says there is a higher likelihood of their use, by design, accident, rogue launch or system error. “Do we really want a nuclear war launched by blips on a radar screen?” he asks.

“The first resolution of the new United Nations was to work to eliminate nuclear weapons,” Rebecca said. “Even 72 years after the bombing of Hiroshima and Nagasaki, Red Cross hospitals are still treating the wounded and their children.

“Under IHL, there is no express prohibition for the use or threat of use of nuclear weapons. Rather, the use of nuclear weapons is prohibited if it is likely to cause civilian casualties or environmental impact.

### **New treaty prohibiting nuclear weapons**

In July this year in New York, at a conference mandated by the UN General Assembly, 122 States adopted the Treaty on the Prohibition of Nuclear Weapons - a historic agreement welcomed by the Red Cross and Red Crescent movement. “This newest treaty recognises the catastrophic humanitarian consequences and contains a clear and robust prohibition of nuclear weapons based on IHL. It also sets out pathways for the elimination of nuclear weapons. By prohibiting nuclear weapons and setting a framework for their elimination,

the treaty provides a concrete step towards implementing existing international obligations on nuclear disarmament.”

Although a major achievement, there was a lot of work to be done to ensure it became a strong global norm, Rebecca said. “The first challenge is to urge states to sign the treaty when it is opened for signatures on September 20 and then we need to start the process to ratify it soon after. The treaty will enter into force after 50 states have ratified it.

“None of the nuclear States participated in the treaty process, but risk reduction is an intermediate step that nuclear-armed States must pursue, pending the fulfilment of their nuclear disarmament obligations.

Regardless of their views on a nuclear weapon ban treaty, the International Committee of the Red Cross (ICRC) argues that all states should acknowledge that any risk of use of nuclear weapons is unacceptable, given their catastrophic humanitarian consequences.

“As ICRC Director General Yves Daccord said earlier this year: ‘Ultimately, the only way to remove the risk of use of nuclear weapons, and to guarantee they will never again be used, is to prohibit and eliminate them. The current negotiations of a nuclear weapon ban treaty are the best chance for progress towards the universal goal of a world free of nuclear weapons.’

Rebecca continues to be excited about international humanitarian advocacy and its imaginative laws. “These laws try to find a way out of no way. When the door slams shut, humanitarian advocacy tries to find a window. When that window shuts, we try to find another. It’s about not giving up.

“Hope is a decision: what decision will you make?”

Winter Series co-ordinator ***Anne Manchester***

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