



Nuclear weapons, climate change & human rights

Universal Periodic Review: 41st Session Questions to the Netherlands

Follow-up to the [submission](#) made to the Human Rights Council by the following organizations:

Aotearoa Lawyers for Peace, Association of Swiss Lawyers for Nuclear Disarmament, Basel Peace Office, Council of Churches in the Netherlands, International Association of Lawyers Against Nuclear Arms, Pugwash Netherlands, Tribunal for Peace, World Future Council, World's Youth for Climate Justice and Youth Fusion. Contact: Alyn Ware, alyn@pnnd.org Phone +41 788 912 156

Introduction

In January 2022, the Bulletin of Atomic Scientists set the Doomsday Clock to 100 seconds to Midnight indicating the severe existential risk to humanity from the dual threats of climate change and nuclear weapons. Since then, things have only gotten worse. The Russian invasion of Ukraine has elevated the risk of nuclear war, and recent figures from the International Energy Agency indicate that carbon emissions continue to climb reaching a colossal 36.3 gigatonnes in 2021.

In 2018, the Human Rights Committee affirmed in General Comment 36 on the Right to Life that:

The threat or use of weapons of mass destruction, in particular nuclear weapons, which are indiscriminate in effect and are of a nature to cause destruction of human life on a catastrophic scale, is incompatible with respect for the right to life and may amount to a crime under international law. States parties must take all necessary measures to stop the proliferation of weapons of mass destruction, including measures to prevent their acquisition by non-state actors, to refrain from developing, producing, testing, acquiring, stockpiling, selling, transferring and using them, to destroy existing stockpiles, and to take adequate measures of protection against accidental use, all in accordance with their international obligations. They must also respect their international obligations to pursue in good faith negotiations in order to achieve the aim of nuclear disarmament under strict and effective international control. (paragraph 66).

The Human Rights Committee also held that *Environmental degradation, **climate change** and unsustainable development constitute some of the most pressing and serious threats to the ability of present and future generations to enjoy the right to life.* (Paragraph 62).

Netherlands nuclear weapons policies

The Netherlands is engaged in a number of activities relating to nuclear weapons that appear to be in violation of their obligations under human rights law and other international law. These include:

- hosting nuclear weapons on their territory and under their control;
- plans and preparation for the use of these weapons in armed conflict;
- participation in North Atlantic Treaty Organization (NATO) plans and preparations for use of nuclear weapons including possible first-use.

Regarding the obligations to reduce the risk of accidental use of nuclear weapons and to pursue negotiations in good faith to achieve the elimination of nuclear weapons, the Netherlands has made some efforts, including as a member of the *Stockholm Initiative on Nuclear Disarmament* and as the only NATO country to participate in the negotiations of the Treaty on the Prohibition of Nuclear Weapons.

We recommend that Netherlands take further steps to implement their nuclear risk reduction and disarmament obligations, including to end the deployment of nuclear weapons on their territory, support the adoption of no-first-use policies by the nuclear armed states and NATO, and advance a timebound framework for the global elimination of nuclear weapons.

QUESTIONS:

- *What plans is Netherlands undertaking to phase out the deployment of nuclear weapons by the Dutch air force? Do these plans include not adapting the successor of the F-16 nuclear fighter planes for the delivery and use of nuclear weapons;*
- *What is Netherlands doing to advance the NATO commitment to reduce nuclear risks and create the conditions for a nuclear-weapon-free world? Does this include proposing to the next NATO Summit the adoption of a policy of no-first-use of nuclear weapons and a goal for NATO to eliminate nuclear deterrence (any threat or use of nuclear weapons) from its security policy within 10 years?*
- *How is Netherlands advancing nuclear risk reduction and disarmament at the 2022 Review Conference of States Parties to the Non-Proliferation Treaty (NPT) taking place at the UN from August 1-26, 2022? Does this include calling on NPT States Parties to commit to never initiate a nuclear war (by adopting no-first-use policies) and to achieve the global prohibition and elimination of nuclear weapons no later than 2045, the 75th anniversary of the NPT and the 100th anniversary of the United Nations?*

Netherlands and climate change

On 20 December 2019, the Dutch Supreme Court, the highest court in the Netherlands, upheld the previous decisions in the Urgenda Climate Case, finding that the Dutch government has obligations to urgently and significantly reduce emissions in line with its human rights obligations. National implementation of these obligations is incumbent on the Netherlands. However, to successfully impact on global carbon emissions, legal affirmation that such obligations apply to all governments is important. Such legal affirmation could be found in the International Court of Justice, the world's supreme judicial organ.

Vanuatu has announced that they will submit a draft resolution to the UN General Assembly to request an Advisory Opinion from the ICJ on the legal responsibilities of states to protect the human rights of current and future generations from climate change. This is already supported by the Organisation of African, Caribbean and Pacific States (78 countries). **We recommend that Netherlands supports this initiative.**

QUESTION:

- *Will Netherlands support the Vanuatu proposal to take the issue of climate change and human rights to the International Court of Justice, for example by co-sponsoring the UNGA resolution on this initiative?*