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The Influence of the United States on Nuclear Laws

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Abstract

The United States government has influenced the laws surrounding the use of nuclear weapons from the moment of their first use against a civilian population in 1945. These efforts include countless measures taken to absolve the United States from responsibility for their actions. This is especially seen in the Marshall Islands where US government efforts to abjure legal responsibility to help those directly impacted by radioactive fallout resulting from weapons testing between 1945 and 1962 abound as do efforts to attend the natives that were completely displaced from their home islands destroyed in the name of nuclear testing. These actions span to current day warfare. In so doing, the United States government defies international laws prohibiting the use of nuclear weapons in war in the form of armor piercing rounds of munitions made out of depleted uranium (used as recently as 2015 in Syria). The legality of these weapons is something that remains a gray area in international law, and a major contributor to that is the fact that the United States has used its power and history with nuclear weapons to influence the creation of new precedents and disregard the laws that have already been in place.

The Influence of the United States on Nuclear Laws

Three major types of deadly weapons and bombs that could be used during wartime consist of chemical, biological, and nuclear weapons. In 1969, the United States signed a treaty agreeing to destroy their stockpile of biological weapons, and similarly in 1997, the country signed a treaty to rid itself of all its chemical weapons as well.¹ However, this process has yet to occur for nuclear weapons which, as of 2019, there were 13,890 total nuclear warheads in the world.² Although this is a decrease from the high of 70,300 active weapons in 1986, the simple existence of these weapons poses a major threat not only to specific countries, but to existence of the human race as a whole. At a glance, it may seem puzzling why there hasn't been a ban on these deadly weapons, but upon further examination into the history and the actions of the United States regarding nuclear weapons, it becomes clear that the United States came to be a major influencer upon the laws that have been made in response to these weapons. One instance that illustrates an influence that the US had on the laws surrounding these weapons came from the International Court of Justice (ICJ) on July 8th, 1996 where it was determined that the legality of weapons could not be determined in certain circumstances of self-defense which was a decision that directly benefitted the United States and their past actions in World War 2. Going beyond this decision, there are numerous ways to examine the individual actions of the United States that would lead to this logical conclusion of nuclear laws being influenced by the nation. A prime example of this is the circumstances surrounding the Marshall Islands

¹ United States. (n.d.). Retrieved March 24, 2021, from <https://www.nti.org/learn/countries/united-states/>

² Fact sheets & briefs. (n.d.). Retrieved March 24, 2021, from <https://www.armscontrol.org/factsheets/Nuclearweaponswhohaswhat>

and how the US has treated both the victims and the situation as a whole following their nuclear testing. A present-day action that helps in setting the precedence of nuclear laws is the practice of using depleted uranium as weapons in Iraq and Syria and the ways in which they have responded to the legality of these weapons. Additionally, a final aspect is the present-day action that the United States is taking towards laws regarding nuclear weapons. This could be seen through their response and failure to sign the Treaty on the Prohibition of Nuclear Weapons (TPNW) which would solidify the government's stance on nuclear war and further demonstrate how they influence the laws that are in practice as a whole.

The first time that nuclear bombs were deployed in war was on August 6th, and August 9th, 1945 when the United States attacked Hiroshima and Nagasaki Japan during World War 2. This would mark a major attempt by the United States to influence the laws regarding nuclear weapons and warfare in general. With this act, the United States directly violated international law written in article 25 of the Hague Conventions which stated that "The attack or bombardment of towns, villages, habitations or buildings which are not defended, is prohibited."³ Being that there was no warning whatsoever, this act was a direct violation and an attempt to influence international law through the use of nuclear warfare. Fifty-four years later, the International Court of Justice was tasked with determining whether or not nuclear weapons are legal under international law which would lead to a crucial decision regarding nuclear weapons. "The first of 8 July 1996, the Court rendered its Advisory Opinion...in view of the

³ Treaties, States parties, and Commentaries - Hague Convention (ii) on the laws and customs of war on Land, 1899 - 25 -. (n.d.). Retrieved March 24, 2021, from <https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/ART/150-110031?OpenDocument>

current state of international law and of the elements of fact at its disposal, [it] cannot conclude definitively whether the threat or use of nuclear weapons would be lawful or unlawful in an extreme circumstance of self-defense.”⁴ This was a decision that seemed to both be directly influenced by the United States actions as well as benefit the United States and their claims that they have made since World War 2. Following the dropping of the bombs the US, President Harry Truman seemed to take a stance of self-defense to justify the use of the atomic bomb which is exemplified in a radio statement where he states, “we have used it in order to shorten the agony of war; in order to save the lives of thousands and thousands of young Americans.”⁵ He would later go on to claim that upwards of 300,000 Americans were saved by using the bombs as he clearly tries to cite self-defense in order to justify his decision. This decision marks one of the most important influences that the United States had on the legality of nuclear bombs. The claims of self-defense seemed to play a part in this decision and by using this strategy to justify their actions, the US was able to avoid any true responsibility and blame that would be placed on them if it were ruled completely illegal.

Another major aspect of nuclear laws that have been influenced by the United States comes out of its actions surrounding the Marshall Islands and their testing procedures, as well as their practices after the tests had been done. The Marshall Islands Radioecology program states that the location was chosen because “coral atolls in the northern Marshall Islands

⁴ Latest developments: Legality of the threat or use of nuclear Weapons: International Court of justice. (n.d.). Retrieved March 24, 2021, from <https://www.icj-cij.org/en/case/95>

⁵ The national Archives learning Curve: Leaders & controversies: TRUMAN & the atomic bomb: Firebombing. (n.d.). Retrieved March 24, 2021, from <https://www.nationalarchives.gov.uk/education/leaders-and-controversies/transcript/g5cs2s1t.htm>

offered the best advantages of stable weather conditions, fewest inhabitants to relocate, and isolation with hundreds of miles of open-ocean to the west where trade winds were likely to disperse radioactive fallout.”⁶ Further details of the pre-test actions could be found in the documentary film titled “Radio Bikini” which works to document this situation and give an in depth look at the before and aftereffects of the testing through firsthand accounts of the people who experienced it. One of the most telling signs of the United States manipulating the laws of nuclear weapons into their favor comes from a man who was there at the time and recounts his experience with the soldiers who came to tell them about the operation. The man states that “An American came to Bikini, he said he was the most powerful man in the world, he said...America wanted to use bikini and that we would all have to leave.”⁷ This quote coming from an American demonstrates the hubris that was held by each person involved in this project. There is a clear disregard for the human lives being displaced and the claim of being “the most powerful man in the world” clearly demonstrates that the leaders of this operation placed themselves above any laws that may have been in place during the time. The next scene cuts to images of people being forced to move off the island with an account of how the soldiers burnt down everything on the island as the people were leaving, marking another clear violation of the law, all in the name of nuclear weapons.⁸ As the tests commence the military personnel who were uninformed about the true dangers of the bomb and were effectively used

⁶ Freitas21@Ilnl.gov, G. (n.d.). Marshall islands Program: Test history. Retrieved March 24, 2021, from <https://marshallislands.lnl.gov/testhistory.php>

⁷ Stone, R. (Director). (1987). *Radio bikini* [Video file]. New York, NY: The Project.

⁸ Stone, R. (Director). (1987). *Radio bikini* [Video file]. New York, NY: The Project.

as test dummies to see how the bomb would affect different people who would be exposed to the radiation after the bomb had exploded. The effects of this practice as well as the effects that were felt by the relocated citizens of the island would lead to the attitudes and actions that would demonstrate the United States' true desire to create and influence any and all laws regarding nuclear weapons.

The first issues of the treatment of the displaced natives came with the island that they were all relocated to. According to Jack Niedenthal's journal article on the Bikini Island testing, "the Bikinians were sent 125 miles eastward across the ocean on a U.S. Navy LST landing craft to Rongerik Atoll. Rongerik Atoll was uninhabited because traditionally the Marshallese people thought the islands were unlivable due to their size (Rongerik is 1/6 the size of Bikini Atoll) and due to an inadequate water and food supply."⁹ He states that they were only given a few weeks' worth of food from the United States and that they very quickly "began to suffer from starvation and fish poisoning due to the lack of edible fish in the lagoon."¹⁰ In response to this, the United States conducted tests on Bikini and according to the Atomic Energy Commission's study in 1969 "The exposures of radiation that would result from the repatriation of the Bikini people do not offer a significant threat to their health and safety."¹¹ This caused the people to slowly move back to Bikini where it was then claimed by the United States that it would be too harmful for them to consume any local grown foods, crabs and some of the ground water, as it was all contaminated. These conflicting reports would lead to the first lawsuit to be filed by the

⁹ Niedenthal, J. (page 29). A HISTORY OF THE PEOPLE OF BIKINI FOLLOWING NUCLEAR WEAPONS TESTING IN THE MARSHALL ISLANDS: WITH RECOLLECTIONS AND VIEWS OF ELDERS OF BIKINI ATOLL. Retrieved from <https://www.bikiniatoll.com/Health%20Physics%20paper%20JMN.pdf>

¹⁰ Ibid

¹¹ Ibid

Bikini Natives which would “demand that a complete scientific survey of Bikini and the northern Marshalls be conducted...The effect of the lawsuit was to convince the U.S. to agree to conduct an aerial radiological survey of the northern Marshalls in December of 1975.”¹² This lawsuit would not come to help the natives but would rather show the United States’ efforts to ignore this issue and deny any responsibility for the damage done by the nuclear blasts. Niedenthal goes on to document this situation surrounding the legal case as he states that “unfortunately, more than 3 years of bureaucratic squabbles between the U.S. Departments of State, Interior and Energy over costs and responsibility for the survey, delayed any action on its implementation.” The act of refusing to conduct this survey which was very much a reasonable request by the natives who had been lied to about the dangers of the radiation level demonstrates another instance of the United States attempting to deny any blame that could be placed on them for their actions using the nuclear bomb. This refusal, in turn, also works to show how the US was attempting to sway any legal ramifications, as they did anything possible to avoid a situation where they would admit guilt and be liable for the damage that they had caused.

Bikini Atoll would not be the only island effected by the nuclear testing of the United States, however. In total, the United States went on to conduct 67 nuclear tests on different islands throughout the Marshalls from 1946-1958.¹³ The consequences of these tests and the

¹² Niedenthal, J. A HISTORY OF THE PEOPLE OF BIKINI FOLLOWING NUCLEAR WEAPONS TESTING IN THE MARSHALL ISLANDS: WITH RECOLLECTIONS AND VIEWS OF ELDERS OF BIKINI ATOLL

¹³ Roscini, M. (2015, May 12). The cases against the nuclear weapons states. Retrieved March 24, 2021, from <https://www.asil.org/insights/volume/19/issue/10/cases-against-nuclear-weapons-states>

radiation exposure that resulted from them would unfortunately be felt in the coming years among the Marshall Island people, as well as the soldiers who were tasked with cleaning it up. A study of the Marshall Islands people done by the National Library of Medicine states an alarming conclusion at the end of its research. They predict that “About 170 excess cancers (radiation-related cases) are projected to occur among more than 25,000 Marshallese, half of whom were born before 1948. All but about 65 of those cancers are estimated to have already been expressed.”¹⁴ Another alarming statistic comes from a different study conducted by the same institution which claims that “The projected proportion of cancers attributable to radiation from fallout from all nuclear tests conducted in the Marshall Islands is 55%.”¹⁵ This is a similar fate that has been felt by the approximate 4,000 US soldiers who were sent to clean up the Enewetak Atoll between 1977 and 1979. Many of the veterans who were placed on cleanup duties have faced countless cancers and medical issues that have been dismissed by the United States government. Mark Takai, who is a U.S. representative from Hawaii “estimates that the cancer rate among the cleanup workers is about 35 percent.”¹⁶ Each of these two scenarios represents yet another instance of the United States failing to take any responsibility for their actions on the Marshall Islands. It is stated that “Unlike veterans who participated in actual

¹⁴ Simon, S., Bouville, A., Land, C., & Beck, H. (2010, August). Radiation doses and cancer risks in the Marshall Islands associated with exposure to radioactive fallout from bikini And Enewetak nuclear weapons tests: Summary. Retrieved March 24, 2021, from <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4042840/>

¹⁵ Land, C., Bouville, A., Apostoaei, I., & Simon, S. (2010, August). Projected lifetime cancer risks from exposure to REGIONAL radioactive fallout in the Marshall Islands. Retrieved March 24, 2021, from <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3892964/>

¹⁶ Raughter, J. (2016, February 19). Toxic paradise. Retrieved March 24, 2021, from <https://www.legion.org/magazine/231267/toxic-paradise>

nuclear testing that occurred at sites throughout the Pacific and in remote areas of the United States, Enewetak Atoll cleanup veterans are not designated 'atomic veterans,' even though plutonium has a half-life of 24,000 years. Veterans who apply for benefits related to illnesses possibly connected to radioactive exposure during the cleanup are routinely denied."¹⁷ This is similar to the United States' response to the cancer rates in the Marshall Islands which is a failure to accept the responsibility and deny any health coverage of those affected. This precedent that they have set allows the U.S. to avoid any legal repercussions for the countless lives that they displaced as well as those who would eventually be harmed as a result of their numerous nuclear tests.

A final aspect of the Marshall Island that relates to the legality of nuclear weapons is a lawsuit filed against the United States on behalf of the Marshall Islands for violating the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) that had been signed and ratified in 1970. According to the United Nations, "The NPT is a landmark international treaty whose objective is to prevent the spread of nuclear weapons and weapons technology, to promote cooperation in the peaceful uses of nuclear energy and to further the goal of achieving nuclear disarmament and general and complete disarmament."¹⁸ The treaty is the only one of its kind in which the nuclear weapon states have agreed upon, making it the only binding commitment that they

¹⁷ Raughter, J. (2016, February 19). Toxic paradise. Retrieved March 24, 2021, from <https://www.legion.org/magazine/231267/toxic-paradise>

¹⁸ Treaty on the non-proliferation of nuclear weapons (npt) – unoda. (n.d.). Retrieved March 24, 2021, from <https://www.un.org/disarmament/wmd/nuclear/npt/>

have to achieve disarmament of nuclear weapons entirely.¹⁹ The Marshall Islands case, which was filed on April 24, 2014, claims “a violation of Article VI of the treaty...and of the obligation to perform their legal obligations in good faith.”²⁰ The exact wording of the article in question is “Each of the Parties to the Treaty undertakes to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control.”²¹ Although the stockpile of the United States began to shrink after this treaty, the nuclear tests conducted continued to persist and sent a clear message to other nations that the United States was not going to end the arms race like the treaty had required, marking a clear violation of the agreement. To put this into further context, the United States has conducted 408 nuclear tests since the signing of this treaty which represents 39.6% of all conducted tests in US history.²² This action alone demonstrates a clear attempt to influence the nuclear laws as the United States clearly wanted to show that they were willing to violate this treaty and expected no retaliation in return. This is a notion that would only be reinforced by the justice system when this case would come to an end in 2015. “On February 3, 2015, a US

¹⁹ Treaty on the non-proliferation of nuclear weapons (npt) – unoda. (n.d.). Retrieved March 24, 2021, from <https://www.un.org/disarmament/wmd/nuclear/npt/>

²⁰ Roscini, M. (2015, May 12). The cases against the nuclear weapons states. Retrieved March 24, 2021, from <https://www.asil.org/insights/volume/19/issue/10/cases-against-nuclear-weapons-states>

²¹ Treaty on the non-proliferation of nuclear weapons (npt) – unoda. (n.d.). Retrieved March 24, 2021, from <https://www.un.org/disarmament/wmd/nuclear/npt/text>

²² Nuclear Testing Tally. (n.d.). Retrieved March 24, 2021, from <https://www.armscontrol.org/factsheets/nucleartesttally>

Federal District Court judge dismissed the suit...ruling that the Marshall Islands lacked standing to bring the suit, the case was 'nonjusticiable because it involved a political question,' and the injury claimed could not 'be redressed by compelling the specific performance by only one nation to the Treaty'.²³ There are a few very telling conclusions that could be made from this ruling which benefitted the United States and was also heard and dismissed by a US judge. The first is the fact the United States again avoided any legal responsibility as it claimed that this was not a legal question, but rather a political one. This is a clear attempt to influence nuclear laws as it is evident that the if any nuclear case was brought against the United States in regard to this treaty that they would simply claim that it is a political question that is not to be answered in a court of law. The second conclusion is that the US was unwilling to accept any blame because they were not the only nation guilty of the violation that was being claimed. This is an interesting ruling because it is basically an admittance of guilt by the United States, yet it is also another way to avoid legal ramifications as they claim that they cannot be held liable as long as other nations are partaking in the same activities.

While nuclear bombs represent the main use of nuclear warfare and testing, they are not the only weapons that the United States has used in an attempt to influence the laws surrounding them. These weapons come in the form of depleted uranium, which, according to the Department of Veterans Affairs, was used "for tank armor and some bullets due to its high

²³ Moyo, M. (n.d.). U.S. federal Judge Dismisses Marshall Islands suit ALLEGING U.s. breach of Non-Proliferation of nuclear Weapons TREATY (February 3, 2015). Retrieved March 24, 2021, from <https://www.asil.org/blogs/us-federal-judge-dismisses-marshall-islands-suit-alleging-us-breach-non-proliferation-nuclear>

density, helping it to penetrate enemy armored vehicles.”²⁴ The uranium being used is depleted of about 40% of its radioactivity, but is still just as toxic as natural uranium, presenting an immense health hazard.²⁵ In fact, “The half-life of Uranium-238 is 4.5 billion years, the age of the earth. And, as Uranium-238 decays into daughter radioactive products, in four steps before turning into lead, it continues to release more radiation at each step.”²⁶ This process means that it is impossible to clean up once deployed and the areas that have been affected remain affected to this day, and for the foreseeable future. Regarding its legality, “the United States has staged four wars using depleted uranium weaponry, illegal under all international treaties, conventions and agreements, as well as under the US military law.”²⁷ These weapons violate international laws in four different criteria of the laws of weaponry. These violations include, the Temporal Test, meaning that weapons must not continue to act after the battle is over. The Environmental Test, ruling that weapons must not be unduly harmful to the environment. The Territorial Test which determined that weapons must not act off the battlefield, and the Humanity Test, stating that weapons must not kill or wound inhumanly.²⁸ As it could be seen, depleted uranium clearly violates all four of these set laws and is yet another clear

²⁴ US Department of Veterans Affairs, V. (2013, December 09). VA.gov: Veterans Affairs. Retrieved March 24, 2021, from https://www.publichealth.va.gov/exposures/depleted_uranium/

²⁵ Moret, L. (2004). DEPLETED URANIUM: THE TROJAN HORSE OF NUCLEAR WAR. *World Affairs: The Journal of International Issues*, 8(2), 101-118. Retrieved from https://www.jstor.org/stable/pdf/48504795.pdf?ab_segments=0%252Fbasic_search_gsv2%252Fcontrol&reqid=excelsior%3A23bc65a9a21a6fcfd7fe21b56ea5ef5

²⁶ Moret L. DEPLETED URANIUM: THE TROJAN HORSE OF NUCLEAR WAR

²⁷ Ibid

²⁸ Ibid

indication that the United States was willing to disregard any nuclear laws in order to influence and create new ones for their own benefit.

Much like the nuclear testing sites, these weapons also affected those who both used them and who they were used against. According to research this is described by Leuren Moret, “Nearly 700,000 American Gulf War veterans returned to the US from a war that lasted just a few weeks. Today, more than 240,000 of those soldiers are on permanent medical disability, and over 11,000 are dead.” To further this, the affects could be felt on further generations as well as “post-Gulf War babies born to 251 veterans, 67 per cent of the babies were reported to have serious illnesses or serious birth defects... Depleted uranium in the semen of the soldiers internally contaminated their wives. Severe birth defects have been reported in babies born to contaminated civilians in Iraq, Yugoslavia, and Afghanistan and the incidence and severity of defects is increasing over time.”²⁹ Despite being declared illegal however, the United States displayed a clear disregard for the laws as they redeployed these weapons in Syria in 2015. This was admitted by U.S. Central Command spokesman Maj. Josh Jacques who stated that “5,265 armor-piercing 30 mm rounds containing depleted uranium were shot from Air Force A-10 fixed-wing aircraft on Nov. 16 and Nov. 22, 2015, destroying about 350 vehicles in the country’s eastern desert.”³⁰ Despite having the knowledge of both the laws forbidding the use of the weapons, as well as knowing the aftereffects, the United States still went forward with the use

²⁹ Moret L. DEPLETED URANIUM: THE TROJAN HORSE OF NUCLEAR WAR

³⁰ Oakford, S. (2017, February 14). The United States used depleted uranium in Syria. Retrieved March 24, 2021, from <https://foreignpolicy.com/2017/02/14/the-united-states-used-depleted-uranium-in-syria/>

of depleted uranium rounds, a further attempt to write their own laws regarding nuclear warfare, and another example of how their actions have failed to result in any legal ramifications.

Present day actions represent another form of resistance against nuclear laws that could be observed from the United States. The most telling form of this comes from the actions surrounding the Treaty on the Prohibition of Nuclear Weapons. This treaty was created at a United Nations conference in 2017 and represented a “legally binding instrument to prohibit nuclear weapons, leading towards their total elimination.”³¹ Furthermore, the treaty strictly prohibits the development, testing, production, acquisition, possession, stockpiling, use or threaten to use of any nuclear weapons.³² For any nation who strives for peace and to uphold the laws that have been established with the Treaty on the Non-Proliferation of Nuclear Weapons, this would seemingly be the next step forward. However, the United States has refused to sign this treaty, and, as a result, will not recognize a ban on nuclear weapons that would lead to a disarmament across the world. This seems to be a very distinct effort of the United States to influence the laws surrounding nuclear weapons. Although the government has claimed a desire to rid the world of nuclear weapons, this action shows that the United States does not truly want this ban, as it would force the country to accept the consequences

³¹ Treaty on the prohibition of nuclear weapons – unoda. (n.d.). Retrieved March 24, 2021, from <https://www.un.org/disarmament/wmd/nuclear/tpnw/>

³² Ibid

for many of its practices that it has managed to deny legal responsibility for throughout its history with nuclear weapons.

A final aspect that can be seen of the United States influence on nuclear laws is evident in the actions of the United States towards other, smaller countries that possess and create nuclear weapons. In 2008 the United States invaded Iraq and removed “550 metric tons of ‘yellowcake’ uranium that had been processed from uranium ore during the Hussein regime and could have been enriched for a nuclear weapon.”³³ The material that was confiscated was not radioactive in its current state and yet the United States still confiscated it on a “secret three-month project.” The question then comes to light, if nuclear weapons are legal in the eyes of the United States, why doesn’t every nation have the right to own them as well? A similar situation arises with North Korea as it developed its own nuclear program. The United States heavily denounced this development and since its inception has “imposed sanctions on individuals and entities linked to North Korea’s nuclear and missile programs.”³⁴ One of the major driving forces behind North Korea’s development of a nuclear program came from the fact that the United States never gave North Korea diplomatic recognition. The development of nuclear weapons brought North Korea onto the world’s stage and gave itself legitimacy among other nations. The threat that these nations hold as they develop their weapons is very serious, however, it is also the same threat that the United States poses by possessing their own

³³ “U.S. Removes Iraqi ‘Yellowcake’ Uranium.” *Nuclear Threat Initiative - Ten Years of Building a Safer World*, 7 July 2008, www.nti.org/gsn/article/us-removes-iraqi-yellowcake-uranium/.

³⁴ Fact Sheets & Briefs.” *Chronology of U.S.-North Korean Nuclear and Missile Diplomacy | Arms Control Association*, www.armscontrol.org/factsheets/dprkchron.

weapons. The act of confiscating materials from one country and denouncing the actions of another as if to declare nuclear development an illegal act perfectly shows how the United States is attempting to create and influence the legality of nuclear weapons to work in their own favor.

There are many advantages for the United States if it were to keep its nuclear stockpile which very much explains why there is a desire to influence nuclear laws in their favor. The idea of being a nuclear powerhouse helps to solidify the United States as a world power and as a nation that is to be feared by others on the basis of military strength. However, the United States has been very inconsistent with its actions surrounding the legality of nuclear weapons and the rights of those who have been personally injured as a result of them. The first instance of this could be seen after the bombings of Hiroshima and Nagasaki where the U.S declared it was not violating any laws due to a claim of “self-defense.” The nuclear program then evolved into numerous tests in different locations such as the Marshall Islands where countless people were displaced and exposed to deadly radiation that would pose life threatening health risks down the road. The International Court of Justice stated in its decision in 1996 that “that there is an obligation to pursue in good faith and to conclude negotiations leading to nuclear disarmament in all its aspects under strict and effective international control.”³⁵ This has never come to fruition and the United States only continues to use its nuclear weapons in different, yet just as dangerous ways. This is evident through the use of depleted uranium which became a common use and was deployed as recently as 2015 and continues to ravage the people

³⁵ Latest developments: Legality of the threat or use of nuclear Weapons: International Court of justice. (n.d.). Retrieved March 24, 2021, from <https://www.icj-cij.org/en/case/95>

exposed with very serious health problems. The overarching similarity that is present through each of these different nuclear time periods is the fact that the United States has denied any legal responsibility for the laws that they have broken and the people that they have injured along the way. This attitude of indifference towards those affected by nuclear testing is perfectly summed up by former National Security Adviser Henry Kissinger as he exclaimed “There are only 90,000 people out there. Who gives a damn?”³⁶ This influence of nuclear laws is still present in everyday actions as the United States continues to denounce nations for creating or possessing nuclear weapons as it has no plans of completely ridding itself of its own or signing the treaty that would officially ban nuclear weapons completely in the eyes of international law. Nuclear warfare is one of the biggest threats to the continuation of humanity that currently exists in our world. The legality of these weapons is something that remains a gray area in international law, and a major contributor to that is the fact that the United States has used its power and history with nuclear weapons to influence the creation of new precedents and disregard the laws that have already been in place. If there is ever to be a true peace with no threat of nuclear warfare the United States, along with other nations will need to accept all legal responsibility and accept a ban on nuclear weapons entirely.

³⁶ Petersen-Smith, R. (1970, January 01). Twenty-first century colonialism in the Pacific. Retrieved March 25, 2021, from <https://isreview.org/issue/82/twenty-first-century-colonialism-pacific>

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