

Oslo, 30. January 2009

Den Norske Nobelkomite
Henrik Ibsens gt. 51
0255 Oslo

NOMINATION 2009 – PROFESSOR, DR. RICHARD FALK, USA

Introduction

I hereby nominate professor of law dr. Richard Falk to receive the 2009 Nobel Peace Prize for his unique contribution both to disarmament and to developing its necessary foundations in international law and global governance.

The impressive scope of Mr. Falk's career, his enormous academic production and practical work is outlined below, organised in relation to the three different aspects of peace work described in Nobel's will.

Work to reduce weapons and military forces

Richard Falk's commitment to disarmament efforts began early in his career, with his work as consultant to the US Arms Control and Disarmament Agency, and edited book *Security in Disarmament* (1965).

His writing and speaking on the immorality and illegality of nuclear weapons has made Dr. Falk a key figure in the international struggle to rid the world of nuclear weapons. He early questioned the legality of nuclear weapons and was inspirational to the civil society effort that led to an advisory opinion from the World Court in 1996 confirming the illegality of nuclear weapons. It was Dr. Falk who discovered the important *Shimoda* case (Japan 1963), the only legal assessment by a court of law of the atomic bombs used against Hiroshima and Nagasaki, which he then brought to the attention of the English-speaking world.

Richard Falk collaborated with Robert Jay Lifton on a widely read book entitled *Indefensible Weapons: The Political and Psychological Case Against Nuclearism* (1982), and more recently with David Krieger on an edited volume entitled *At the Nuclear Precipice*. In 1985 he served in the four-member Panel of Judges at the Nuclear Warfare Tribunal in London, chaired by Nobel laureate Sean MacBride, reported in *The Bomb and the Law* (1989).

In later years he has strived to get the public more involved in the struggle against nuclear weapons as Chair of the Board of the Nuclear Age Peace Foundation, an NGO that has been in existence for the past 25 years.

Work to produce and cultivate fraternity among nations

Since his student days Richard Falk has sought to provide a practical foundation for a peaceful world, proceeding on the belief that ‘fraternity’ as a credible, trustworthy reality depends on transforming relations among states, and ending the war system of conflict resolution.

In a pioneering project Richard Falk has been founding member of the World Order Models Project (WOMP) based on the search for a preferred world for the 1990s, taking account of diverse cultural, ideological, and regional perspectives. His principal work along these lines, *On Humane Global Governance: Toward a New Global Politics* (1995), developed the link between ethics and global governance in an innovative way. *The Constitutional Foundations of World Peace* (with Samuel Kim and Robert Johansen) also was an exploration of how to realize ‘fraternity among nations’. The WOMP received the UNESCO prize for peace research about 20 years ago.

Richard Falk has seen that citizenship and nationalism need to be premised on an affirmation of human solidarity or else a negative nationalism will provide the fuel for militarism, xenophobia, anti-immigrant outlooks. His ‘citizen pilgrim’ is dedicated to achieving politics of reconciliation as well as protecting the prospects of future generations and able to, within the nation, contribute to ‘positive nationalism’

Such dedication to fraternity and human solidarity also depends on enlisting the constructive sides of religious experience, and to enlist this religious potential on behalf of fraternity he wrote the book *Religion and Human Global Governance* (2001).

Much of Richard Falk’s recent work has concentrated on the importance of democratizing the organization of security on a global level. In this regard, he has promoted both the idea of Global Law and supported in various ways moves to establish a Global Parliament or Global Assembly. His most relevant writing is contained in a book entitled *Law in an Emerging Global Village* (1998).

With his interest in peaceful relations among nations Richard Falk deplored the damage done to world order by the Iraq War and the ways in which the United States responded to the 9/11 attacks. See *Costs of War: International Law, the UN, and World Order After Iraq* (2008) and *The Great Terror War* (2003).

Work to promote peace congresses in a modern form

In his teaching in many universities around the world Richard Falk has emphasized the values associated with humane global governance. Opposing illegal arms and illegal use of military force, he has advocated peace, justice and non-violence. His teaching, books, articles, international investigative bodies, expert commissions, public lectures and debates, expert testimony in courts etc. have had an enormous impact, amounting to the type of internationalism to build bridges and mobilize ideas and action for peace that emulate, in our modern time, the “peace congresses” of the 1890s that Nobel mentioned in his will.

Richard Falk has worked with the very prestigious American Society of International Law for 50 years, and served as Vice President and an active member of the Editorial Board of the American Journal of International Law during this period.

He has promoted peace ideas through a variety of journalistic outlets, including the American weekly, *The Nation*, and the Turkish paper, *Zaman*, and collaborated over five decades with likeminded scholars seeking an improved world order, especially WOMP and the United Nations University project ‘Peace and Global Transformation’ centered in New Delhi. This is just picking a few examples, to get a full and fair idea of the scope of his publishing activity one must go to his full CV, the 8 page CV annexed to this nomination letter is just a brief extract (we will later be able to provide an URL for the full CV).

Concluding remarks

It seems to me obvious that the three different criteria in the will of Nobel are interrelated and interdependent. In Norwegian: de utgjør et organisk hele. Progress towards reduction of “armies” shall result from “peace congresses” and “fraternity among nations”. The trust necessary to achieve progress in disarmament requires a type of good and respectful relations that can only be credible and lasting if they are founded in treaties and bind states to orderly, just and non-violent relations. This is what Bertha von Suttner saw, what Alfred Nobel saw when he wrote his will, and what Richard Falk has seen. I enclose an annex where I have elaborated somewhat on the legal obligations that follow from Nobel’s will and the limits they represent on the committee’s margin of discretion.

With unequalled devotion, skill and energy Richard Falk has, throughout his professional life, sought to realize the law-based international system that is a necessary precondition for progress towards arms reductions.

A prize for Richard Falk will honour his work for disarmament and even more his unique effort to lay the legal foundations of a peaceful, just and non-violent world order that are a precondition for progress towards disarmament.

In 2008 professor Falk was appointed by the UN Human Rights Council to be Special Rapporteur on "the situation of human rights in the Palestinian territories occupied since 1967", an important effort that would benefit greatly from international recognition. He was also actively pursuing nuclear disarmament as Chair of the Board of the Nuclear Age Peace Foundation, as co-editor of a book entitled *AT THE NUCLEAR PRECIPICE*, 2008 (Palgrave Macmillan) and launching a major campaign encouraging the Obama presidency to initiate a process of nuclear disarmament.

In December 2008 professor Falk also published a book entitled *ACHIEVING HUMAN RIGHTS* (Routledge) where he tries to show that achieving a peaceful world is inseparable from social, political, and economic justice as embodied in the implementation of human rights.

Richard Falk puts his views and arguments forward with eloquence in a strong, yet mild and disarming form, combining professional prowess with a most endearing, warm and generous personality. His non-aggressive and non-fanatic advocacy of peace means that his form is in harmony with the goal. With his captivating and imaginative speaking style – a unique and humane voice – he would give a marvellous Nobel lecture.

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Ståle Eskeland
Professor of Law, University of Oslo,
Department of Public and International Law

Annex: Some remarks on legal aspects of Nobel' will