



International Association of Lawyers Against Nuclear Arms  
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## NEWSLETTER April, 2016

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**Editorial Team:** Fernando Monte Abrahao, Reiner Braun, Pascal Luig, Amela Škiljan, Lucas Wirl

## Instead of a Prologue

In the struggle for a non-nuclear world many things were on the move in the past months. The global modernization of nuclear weapons now faces stronger resistance by the peace movement and by many other social movements and is now even increasingly being contested by governments. The quest for paths towards a world without nuclear weapons grew particularly stronger especially regarding the search for an entrance into negotiations for an encompassing abolition of nuclear weapons. IALANA takes part of these processes and is competently involved.

This newsletter aims to give impressions of the following manifold activities:

- The Republic of the Marshall Islands law cases at the International Court of Justice
- The first meeting of the Open Ended Working Group and IALANA's contribution
- The Nuclear Security Summit in its ambivalence
- The law case of the US Air Base Ramstein supported by IALANA in front of the Federal Administrative Court of Germany
- The impressive anti-nuclear-weapons protest "Stop Trident" with more than 70,000 participants in London in February.

There are many more topics which could be included and added to this list now.

We would like to highlight a future event of the International Peace Bureau of which IALANA is a member organization, the world congress: "Disarm! For a Climate of Peace- Creating an Action Agenda" taking place in Berlin from the 30<sup>th</sup> of September until the 2<sup>nd</sup> of October. Further impulses for a world without nuclear weapons and war will be stimulated by this congress.

The general assembly of IALANA will surely be the place for an evaluation of the activities of IALANA and for an optimistic look into the future tasks and challenges.

Peter Becker

Reiner Braun

Lucas Wirl

## Republic of the Marshall Islands and the Nuclear Zero law suits

- a. Liberty or Death? The Marshall Islands vs. the Nuclear-Armed States by Jacqueline Cabasso

Hubris and hypocrisy on one side, courage and vision on the other were on global display in The Hague last month, as the tiny Pacific nation of the Marshall Islands took on three nuclear-armed giants before the highest court in the world.

In April 2014, the Republic of the Marshall Islands (RMI) initiated proceedings in the International Court of Justice (ICJ) against all nine nuclear-armed nations, the United States, Russia, the United Kingdom, France, China, India, Israel, Pakistan and North Korea, contending that each of them is in breach of its obligations under the Nuclear Non-Proliferation Treaty (NPT) and/or customary international law to end the nuclear arms race and to engage in negotiations on nuclear disarmament.

Regrettably, only three of the nine would-be defendants – the UK, India and Pakistan – accept the compulsory jurisdiction of the Court. The other six declined the RMI's invitation to defend their records on nuclear disarmament. Oral proceedings in the three separate cases were held 7 – 16 March, 2016. While these proceedings were limited to preliminary objections, the merits were in plain view. The ICJ is expected to issue rulings in three to six months. If the Court rules in favor of the RMI, the cases will proceed to the merits; if the Court rules against the RMI in any case, that case will be over.

In his opening observations in the case against India, Phon van den Biesen, Co-Agent for the RMI and lead attorney for its international legal team, noted that “the elimination from national armaments of atomic weapons and all other weapons of mass destruction” was called for in the very first resolution of the United Nations, and he lamented: “It's a shame that the other six nuclear-armed States have decided that, for them, there was no need to respond to the Marshall Islands' Applications of 24 April 2014.”

This was particularly true in the case of the United States, which from 1946 – 1958 conducted 67 nuclear weapons test explosions over the Marshall Islands, the equivalent of 1.7 Hiroshima-sized bombs daily for 12 years. Birth defects never seen before and other radiation-related health effects continue to plague the Marshallese people. Describing his own experience, Tony deBrum, former Foreign Minister and Co-Agent for the Marshall Islands told the Court that in March 1954, as a nine-year old child fishing with his grandfather, he witnessed the entire sky turn “blood red” as a result of the 15-megaton Bravo test 200 miles away. “While these experiences give us a unique perspective that we never requested, they are *not* the basis of this dispute,” he said. “But they do explain why a country of our size and limited resources would risk bringing” the cases. Article VI of the NPT requires States parties 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.” The UK is a founding member of the NPT, which entered into force in 1970. The Marshall Islands joined the Treaty in 1995 as a non-nuclear-weapon State. India and Pakistan have refused to join the NPT, calling it a discriminatory two-tier treaty. In its 1996 Advisory Opinion on *Legality of Threat or Use of Nuclear Weapons*, the ICJ, referring to Article VI and the long history of UN General Assembly resolutions on nuclear disarmament, unanimously found: “There exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control.” The RMI contends that this opinion recognized an obligation binding on all states, not only NPT members, as a matter of customary international law.

Pakistan withdrew from participation in the oral pleadings at the last minute, declaring it had nothing to add to its written submission. However, the RMI did make an opening presentation in the Pakistan case, responding to Pakistan's written arguments.

During the hearings, the UK and India claimed strong records of support for nuclear disarmament, arguing therefore that there is no dispute for the Court to adjudicate. The RMI countered that actions speak louder than words, citing the UK's consistent record of voting against nuclear disarmament resolutions in the UN General Assembly and its plans to replace its Trident nuclear weapons system. With respect to India and Pakistan, the RMI cited programs underway for expansion, improvement and diversification of their nuclear arsenals.

The UK and India also argued that the cases cannot proceed without other states possessing nuclear arms being before the Court; that the relief requested (declaratory relief and within one year of the Judgement, the pursuit of negotiations in good faith aimed at the conclusion of a convention on nuclear disarmament under strict and effective international control) would be ineffective; and that various exceptions to their declarations accepting the jurisdiction of the Court apply, excluding jurisdiction.

In his opening preliminary objections for the UK, Sir Daniel Bethlehem asserted that there "is no dispute" between the RMI and the UK: "We agree with the objective at the heart of their Application, namely, that more should and must be done towards the objective in Article VI of the Non-Proliferation Treaty (NPT) to pursue negotiations in good faith on effective measures towards nuclear disarmament. We also acknowledge our obligation under Article VI of the NPT, in common with all the other NPT parties. This case should never have reached the Bar of the Court."

"Indeed," Sir Daniel continued, "the United Kingdom had thought, although naively, as it now appears, that we had a strong record on nuclear disarmament," concluding, "This is an artificial case." A ruling by the Court against the UK, he argued, could force the United Kingdom to "be the one hand clapping" for good faith nuclear disarmament negotiations among the five nuclear-armed NPT signatories.

Phon van den Biesen countered for the RMI: "The standard against which the conduct of the United Kingdom needs to be tested in this case is not 'less' or 'more', but is whether or not the United Kingdom is 'pursu[ing] in good faith, and bring to a conclusion, negotiations leading to nuclear disarmament in all its aspects under strict and effective international control'. The United Kingdom is not engaged in just this, on the contrary, it is explicitly opposed to such negotiations."

The appearance of the UK's legal team, wearing powdered wigs and gowns, only added to the impression of arrogance on their part. In contrast, Tony deBrum exuded gravitas and authenticity. In response to the UK he described the "very genuine nature" of his country's claims and its motivation. Citing the RMI's written submission in the 1995 nuclear weapons case before the ICJ, he quoted Lijon Eknilang, a woman from Rongelap Atoll: "[W]omen on the island have given birth to babies that look like blobs of jelly. Some of these things we carry for eight months, nine months. There are no legs, no arms, no head, no nothing. Other children are born who will never recognize this world or their own parents. They just lie there with crooked arms and legs and never speak. Already we have seven such children."

Minister deBrum described the significance of the NPT to the Marshall Islands: "The RMI eagerly joined the NPT in 1995 as a non-nuclear-weapon State and in return received the binding legal promise of the States parties to the Treaty, including the UK. The fact that the obligation is multilateral does not immunize the United Kingdom from a legal action based on its own conduct." He added: "We heard in oral pleadings from the United Kingdom that a hypothetical order requiring it to comply with its obligation to pursue in good faith such negotiations would force it to be the 'one hand clapping.' So the point we take from that is that the United Kingdom's position is that *no hands, including its own, are clapping — or negotiating — yet.*" And he concluded: "Given what the Marshall Islands knows first-hand about these weapons, how could it not bring this legal dispute to this Court?"

Responding for the UK, Sir Daniel condescendingly recalled his own reaction to hearing Lijon Eknilang's testimony in 1995. "It was the most affecting testimony that anyone could hear.... No one who heard that testimony, or who read it, or who is aware of the legacy of nuclear weapons, whether used in anger or in experiment, could fail to recognize and to endorse, and to take to heart to pursue the injunction towards good faith negotiations on effective measures of nuclear disarmament that is found in Article VI of the NPT.

Like the UK, India argued that it has no dispute with the RMI and that the cases cannot proceed without other states possessing nuclear arms being before the Court. India also claimed exceptions, including self-defense, to its declaration accepting the jurisdiction of the Court. India additionally emphasized the obvious point, fully acknowledged by the RMI, that as a non-member of the NPT, it is not subject to Article VI as a treaty obligation. India did not squarely accept a nuclear disarmament obligation under customary international law.

Amandeep Singh Gill, Co-Agent for India, and other members of India's legal team repeatedly insisted that India, alone among the nuclear-armed states, is fully committed to global nuclear disarmament. Only India, they said, co-sponsors the annual UN General Assembly resolution, "Follow-up to the advisory opinion of the International Court of Justice on the legality of the threat or use of nuclear weapons." Reciting a long list of India's public statements since 1964 and votes on disarmament resolutions in the UN General Assembly, India argued it is fully aligned with the Marshall Islands on the need for disarmament. Curiously, India's Co-Agent claimed: "Among the nuclear weapons states, India's nuclear programme is unique in being technology driven rather than weapons driven." In a stunning example of Orwellian doublespeak, he stated: "Even when India declared itself a nuclear-weapon State in 1998, India's commitment to nuclear disarmament, a basic tenet of its foreign policy, was reiterated at the highest level solemnly in parliament and in the United Nations General Assembly."

The huge gap between India's lofty disarmament rhetoric and the reality of its commitment to nuclear weapons was revealed during the course of the proceedings. As Phon van den Biesen told the Court (quoting from a news story in the New Indian Express): "On the first day that India, before this Court, was publically criticized for not acting in good faith in relation to its obligation to pursue negotiations towards nuclear disarmament, India 'conducted a test of its home grown intermediate range Submarine Launched Ballistic Missile – secretly from an undersea platform in the Bay of Bengal'.... [O]ne is tempted to call this 'contempt of Court' simply because naming this an 'unfortunate coincidence' would be grossly understating the meaning of this event."

He continued: "The newly developed missile is the 'best in the world in its class and it's faster and stealthier' and it is 'capable of delivering a two tonne [nuclear] warhead up to a distance of 3,500 kilometres'.... [T]his provides some additional evidence in support of the Marshall Islands and also it provides some context for India's pleadings of last Thursday, in which it claimed, 'it is ironic, indeed perverse, that India should be here at this tribunal in this manner to speak about its commitment to nuclear disarmament'."

The hearings generated a fair number of news stories in the mainstream international press. Unfortunately, most of them included some variant of language used by the New York Times in a 27 March 2016 editorial: "Though no one expects the court to force the nuclear states to disarm, a verdict against them could increase pressure on them to exercise more restraint." On the contrary, the Marshall Islands fully expects that the respondent states would comply with judgments on the merits, in accordance with their legal obligation under the UN Charter, Article 94(1): "Each member of the United Nations undertakes to comply with the decision of the International Court of Justice in any case to which it is a party."

The indomitable courage of the Marshall Islands in bringing the cases was evident throughout the hearings. That spirit was captured when, following the UK's 14 March presentation, in the hallway outside the courtroom, Tony deBrum was overheard quoting from Patrick Henry's famous "Give Me Liberty Or Give Me Death" speech: "They tell us, sir, that we are weak; unable to cope with so formidable an adversary. But when shall we be stronger?"

Jacqueline Cabasso is Executive Director of the Western States Legal Foundation, a U.S. affiliate of IALANA. She attended the 7 – 16 March hearings in The Hague. In addition to Tony deBrum and Phon van den Biesen, other members of the RMI legal team who argued before the Court were Professor Roger Clark, Lawyers Committee on Nuclear Policy Executive Director John Burroughs, Professor Luigi Condorelli, Professor Paolo Palchetti, Professor Christine Chinkin, Laurie Ashton of Keller Rohrback, and Professor Nicholas Grief.



*Mr. Tony de Brum, Co-Agent of the RMI*

b. Q&A: The Marshall Islands' Nuclear Disarmament Cases at the ICJ

**“Obligations concerning Negotiations relating to Cessation of the Nuclear Arms Race and to Nuclear Disarmament”**

**Marshall Islands v. United Kingdom; Marshall Islands v. India; Marshall Islands v. Pakistan**

**March 7 – 16, 2016; The Hague**

**What is the source of the International Court of Justice's legal authority?**

The International Court of Justice (ICJ) is the principal judicial organ of the United Nations (UN). It was established in 1945 by the UN Charter. The seat of the Court is at the Peace Palace in The Hague, Netherlands. The Court's role is to settle, in accordance with international law, legal disputes submitted to it by States and to give advisory opinions on legal questions referred to it by authorized UN bodies and agencies. The Court's 15 judges are elected by the UN General Assembly and the Security Council.

**Which countries are the Marshall Islands suing, and why?**

The Republic of the Marshall Islands (RMI) has a unique and devastating history with nuclear weapons. From 1946 – 1958 the United States conducted 67 nuclear weapons test explosions over the Marshall Islands, the equivalent of 1.7 Hiroshima-sized bombs daily for 12 years. Castle Bravo, the largest bomb ever tested, was 1000 times more powerful than the Hiroshima bomb. Birth defects never seen before and other radiation-related health effects continue to plague the Marshallese people.

On April 24, 2014 the RMI filed individual Applications in the ICJ instituting proceedings against the nine nuclear-armed States: the U.S., Russia, the UK, France, China, India, Israel, Pakistan and North Korea. The RMI contends that each of these States is in breach of its obligations under the Nuclear Non-Proliferation Treaty (NPT) and/or customary international law to end the nuclear arms race and to engage in negotiations on nuclear disarmament. Article VI of the NPT states: “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.” The UK is a founding member of the NPT, which entered into force in 1970. The U.S., Russia, France and China are also nuclear-armed members of the NPT; nuclear-armed India, Israel, Pakistan and North Korea are not. The RMI joined the Treaty in 1995 as a non-nuclear-weapon State and in turn received the binding legal promise of the States parties to the Treaty, including the nuclear-armed States.

In a 1996 Advisory Opinion, the ICJ issued an authoritative interpretation of Article VI and recognized a parallel customary international law obligation, concluding unanimously: “There exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control.” This Opinion is not limited to NPT members; it applies to all States.

No negotiations on nuclear disarmament have ever been initiated and all of the nuclear-armed states are currently engaged in programs to modernize and qualitatively improve their nuclear arsenals, with an eye toward their indefinite retention. India and Pakistan are also engaged in quantitative arms racing.



**Why were hearings held only in the cases of the UK, India and Pakistan?**

At this time, only the UK, India and Pakistan – among the nuclear-armed states – accept the compulsory jurisdiction of the ICJ. The other nuclear-armed states were invited to respond to the Applications submitted by the RMI. China declined; the others did not respond.

**What was the scope of the hearings?**

This stage of the cases was limited to preliminary objections. The UK and India claimed that they have strong records of support for nuclear disarmament, arguing therefore that there is no dispute for the Court to adjudicate. The RMI countered that actions speak louder than words, citing the UK's consistent record of voting against nuclear disarmament resolutions in the UN General Assembly and its plans to replace its Trident nuclear weapons system. With respect to India and Pakistan, the RMI cited programs underway for expansion, improvement and diversification of their nuclear arsenals. The UK and India also argued that the cases cannot proceed without other states possessing nuclear arms being before the Court; that the relief requested would be ineffective; and that various exceptions to their declarations accepting the jurisdiction of the Court apply, excluding jurisdiction.

Pakistan withdrew from participation in the oral pleadings at the last minute, declaring it had nothing to add to its written submission.

**What will happen next?**

The ICJ will issue separate rulings in each case, probably within three to six months. If the Court rules in favor of the RMI, the cases will move to the merits phase and more written arguments and hearings will be scheduled. If the Court rules against the RMI in any case, that case will be over.

**What relief is the Marshall Islands seeking?**

The RMI is asking the Court to declare that the UK is in violation of its obligations under Article VI of the NPT and customary international law by failing to pursue in good faith negotiations leading to nuclear disarmament, by taking action to qualitatively improve its nuclear weapons system and to maintain and modernize for the indefinite future, and by failing to pursue negotiations that would end nuclear arms racing. The RMI also requests the Court to order the UK to take all steps necessary to comply with its obligations under Article VI of the NPT and under customary international law within one year of the Judgement, including the pursuit of negotiations in good faith aimed at the conclusion of a convention on nuclear disarmament under strict and effective international control.

The RMI is asking the Court to declare that India and Pakistan are in violation of their obligations under customary international law, by failing to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament, by failing to pursue negotiations on cessation of the nuclear arms race, and by engaging in the quantitative buildup and qualitative improvement of their nuclear forces to maintain them for the indefinite future, contrary to the objectives of nuclear disarmament and cessation of the nuclear arms race. The RMI also requests the Court to order India and Pakistan to take all steps necessary to comply with its obligations under customary international law with respect to cessation of the nuclear arms race at an early date and nuclear disarmament within one year of the Judgement, including the pursuit of negotiations in good faith aimed at the conclusion of a convention on nuclear disarmament strict and effective international control.

The RMI is not seeking monetary compensation in these cases.

**Where can I get more information?**

A. General information about the cases is available at: [nuclearzero.org](http://nuclearzero.org). Written submissions by the RMI, UK, India and Pakistan, and verbatim records of the oral pleadings are posted at <http://www.icj-cij.org/docket/index.php?p1=3&p2=3> Videos and photos from the oral pleadings are posted at [www.icj-cij.org/multimedia](http://www.icj-cij.org/multimedia).

This entry was posted in [Press Releases](#) and tagged [nuclear zero](#) on [March 16, 2016](#) by [NAPF Press Office](#).



*Protesters in The Hague calling out for peace and the disarmament of nuclear weaponry*

c. Report by Rick Wayman on the RMI Law Cases

Nearly two years after the Republic of the Marshall Islands (RMI) filed applications at the International Court of Justice against all nine nuclear-armed nations, oral hearings in the cases against the United Kingdom, India and Pakistan took place from 7-16 March 2016.

The Republic of the Marshall Islands (RMI) originally filed the lawsuits in April 2014 against all nine nuclear-armed nations (United States, Russia, United Kingdom, France, China, Israel, India, Pakistan and North Korea). These are the first contentious cases about nuclear disarmament to be brought before the world's highest court.

The RMI claims that the nuclear-armed nations are in breach of nuclear disarmament obligations under existing international law. This applies to the P5 nations that are signatories to the nuclear Non-Proliferation Treaty (NPT), as well as to the four non-NPT signatories (Israel, India, Pakistan and North Korea) under customary international law.

"We are, basically, asking the Court to tell the respondent states to live up to their obligations under international law and to conduct negotiations leading to the required result: nuclear disarmament in all its aspects," said Phon van den Biesen, Co-Agent for the RMI and attorney at law in Amsterdam, who is leading the International Legal Team. Mr. van den Biesen is also Vice President of IALANA.

The three respondents are the only nations among the "Nuclear Nine" that accept the compulsory jurisdiction of the ICJ. The other six nuclear-armed nations were invited to accept the jurisdiction of the Court in this case, but either explicitly declined (China) or ignored the application (U.S., Russia, France, Israel and North Korea).

The UK filed preliminary objections to the RMI's application, while India and Pakistan dispute the Court's jurisdiction in this matter, as well as the admissibility of the case. Pakistan chose not to attend the oral hearings. In a letter to the Court, Pakistan wrote, "The Government of Pakistan does not wish to add anything further to its statements and submissions made in its Counter-Memorial and therefore does not feel that its participation in the oral proceedings will add anything to what has already been submitted through its Counter-Memorial."

Tony de Brum, co-agent of the RMI and former foreign minister, opened the oral arguments against India on 7 March with a strong statement explaining why the case is before the ICJ. He said, "We are here in peace, and our goal is no smaller than to obtain the required negotiations in good faith for nuclear disarmament."

Mr. de Brum went on to describe his personal experience as a witness to many of the 67 U.S. nuclear tests that were conducted in the Marshall Islands from 1946-58. He then told the court:

"To be clear, while these experiences give us a unique perspective that we never requested, they are *not* the basis of this dispute. But they do help explain why a country of our size and limited resources would risk bringing a case such as this regarding an enormous, nuclear-armed state such as India, and its breach of customary international law with respect to negotiations for nuclear disarmament and an end to the nuclear arms race."

To me, the most impactful moment of the seven days of Court hearings took place on the second morning, as the RMI presented its oral arguments in the case against Pakistan. Mr. de Brum said:

*Yesterday was a beautiful morning here in The Hague that featured a picture-perfect snowfall. As a tropical State, the Marshall Islands has experienced 'snow' on one memorable and devastating occasion, the 1954 Bravo test of a thermonuclear bomb that was one-thousand times the strength of the Hiroshima bomb. When that explosion occurred, there were many people, including children, who were a far distance from the bomb, on our atolls which, according to leading scientists and assurances, were predicted to be entirely safe. In reality, within 5 hours of the explosion, it began to rain radioactive fallout at Rongelap. Within hours, the atoll was covered with a fine, white, powdered-like substance. No one knew it was radioactive fallout. The children thought it was snow. And the children played in the snow. And they ate it. So one can understand that snow, while beautiful, has a tragic and dark history in the Marshall Islands.*

This series of oral hearings was to address issues of jurisdiction and admissibility, not the merits of the cases. The Marshall Islands' legal team, consisting of eight lawyers from Italy, the Netherlands, New Zealand, the UK and U.S., did a brilliant job of splitting up the issues that made up their arguments. The team addressed numerous prior ICJ cases and countering the assertions of India and the UK's legal teams.

Most impressive to me was the team's ability to turn around a full set of oral pleadings in a very short amount of time, in some cases less than 48 hours after hearing the opposing side's presentation. The members of the legal team have shown an honorable dedication to the Marshall Islands' interpretation of the Non-Proliferation Treaty and customary international law. Their outstanding work thus far in both the written and oral proceedings is available on the ICJ website ([www.icj-cij.org](http://www.icj-cij.org)).

The ICJ's panel of 16 judges (15 regular judges, plus Mohammed Bedjaoui, who was appointed judge *ad hoc* by the Marshall Islands) will now deliberate over the written submissions and oral pleadings and will announce a judgement on jurisdiction and admissibility in the coming months.

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Rick Wayman is Director of Programs and Operations at the Nuclear Age Peace Foundation, a consultant to the Republic of the Marshall Islands in its nuclear disarmament cases at the International Court of Justice and against the United States in U.S. federal court. He attended all seven days of oral arguments in The Hague and wrote daily articles for *Presenza*. These articles are available online at [www.wagingpeace.org/nuclearzero-at-the-icj-our-daily-summaries-of-the-hearings](http://www.wagingpeace.org/nuclearzero-at-the-icj-our-daily-summaries-of-the-hearings).

- d. Opening Statement of the Republic of the Marshall Islands in „RMI vs Pakistan“ by Tony de Brum

### **Opening Statement**

1. Mr. President, Members of the Court, it is again a privilege and honor to appear before you as Co-Agent for the Republic of the Marshall Islands, this time in the case of the Marshall Islands versus Pakistan.
2. Yesterday was a beautiful morning here in The Hague that featured a picture-perfect snowfall. As a tropical State, the Marshall Islands has experienced “snow” on one memorable and devastating occasion, the 1954 Bravo test of a thermonuclear bomb that was one-thousand times the strength of the Hiroshima bomb. When that explosion occurred, there were many people, including children, who were a far distance from the bomb, on our atolls which, according to leading scientists and assurances, were predicted to be entirely safe. In reality, within 5 hours of the explosion, it began to rain radioactive fallout at Rongelap. Within hours, the atoll was covered with a fine, white, powdered-like substance. No one knew it was radioactive fallout. The children thought it was snow. *And the children played in the snow. And they ate it.* So one can understand that snow, while beautiful, has a tragic and dark history in the Marshall Islands. I will speak more of the Bravo explosion in a few minutes.
3. But first, Mr. President, Members of the Court, I wish to confirm that this dispute with Pakistan has been submitted to this Court because the Marshall Islands is committed to the principles of the Charter of the United Nations, including specifically that nations resolve their legal disputes peacefully pursuant to Article 33 of the United Nations Charter. The Marshall Islands’ counsel will address the legal arguments made by Pakistan and I will address my Country’s decision to bring this case, including specifically the risks that Pakistan’s conduct creates for the Marshall Islands.

4. Article 33 of the UN Charter provides States a list of options to take when seeking a peaceful solution to their disputes.<sup>1</sup> While that provision lists “negotiation” [«négociation»] between the parties as an option, it also lists “judicial settlement” [«règlement judiciaire»] and makes clear that the selection of the preferred option is a matter of a State’s “own choice” [«de leur choix»].<sup>2</sup> The Marshall Islands’ choice here is reflected in its filing of the Application against Pakistan, and the Marshall Islands seeks “judicial settlement” [«règlement judiciaire»]. Our goal is to resolve this dispute with Pakistan peacefully and obtain the required negotiations in good faith for nuclear disarmament.
5. Mr. President, Members of this Court, the Marshall Islands is a very small State, with a population of under 70,000 people; Pakistan, by comparison, is very large, with an approximate population of 200 million people. Before this Court, however, and as a member state in the United Nations, the Marshall Islands stands as an equal with Pakistan. Specifically, as reaffirmed in the Preamble to the UN Charter, nations “large and small” [«grandes et petites»] have “equal rights” [«l’égalité de droits»].<sup>3</sup> Indeed as elaborated in Article 2 of the Charter, the United Nations “is based on the principle of the sovereign equality of all its Members” [«est fondée sur le principe de l’égalité souveraine de tous ses Membres»].<sup>4</sup> To the Marshall Islands, the rule of international law, and the equality of all States under such law, cannot be overstated and is acutely significant. The Marshall Islands rely on that rule of law before this Court.
6. I have spoken publicly for many years about the unique and devastating history that the Marshall Islands has with nuclear weapons. While it was designated as a Trust Territory by the United Nations, no fewer than 67 atomic and thermonuclear weapons were deliberately exploded as “tests” in the Marshall Islands, by the United States. When the Marshall Islands brought their objections to this testing to the United Nations and called for it to stop, the United Nations did not heed the call and the so-called testing continued. Several islands in my Country were vaporized and others are estimated to remain uninhabitable for thousands of years. Many, many Marshallese died, suffered birth defects never before seen and battled cancers resulting from the contamination. Tragically the Marshall Islands thus bears *eye-witness* to the horrific and indiscriminate lethal capacity of these weapons, and the inter-generational and continuing effects that they perpetuate even 60 years later.

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<sup>1</sup> UN Charter, Chapter VI, Art. 33 (1).

<sup>2</sup> *Id.*

<sup>3</sup> Preamble, UN Charter.

<sup>4</sup> UN Charter, Art. 2(1).

7. One “test” in particular, called the “Bravo” test was one-thousand times stronger than the bombs dropped on Hiroshima and Nagasaki. From approximately 200 miles away, I witnessed this shocking explosion as a 9-year old child while fishing with my grandfather on the beach of Likiep Atoll: the entire sky turned blood red. This distance from which I witnessed this explosion was, in rough terms, approximately equal to the distance between The Hague and Paris—so a significant distance.
8. Scientists have estimated that the nuclear and thermonuclear explosions in the Marshall Islands are estimated to be the equivalent of 1.6 Hiroshima-sized bombs every single day for twelve years. And our people continue to bear the horrific brunt of these exposures, which we described in more detail in our written Statement to the United Nations, in the *Legality of Threat or Use of Nuclear Weapons* proceedings in 1995.<sup>5</sup> As Foreign Minister John Silk publicly confirmed in 2010:

There is no question that the U.S. Government’s detonation of sixty-seven atmospheric nuclear weapons in our country created profound disruptions to human health, the environment, as well as our economy, culture, political system, and virtually every aspect of life.<sup>6</sup>

9. Mr. President, Members of the Court, to be clear, while these experiences give us a unique perspective that we never requested, they are *not* the basis of this dispute. But they do help explain why a Country of our size and limited resources would risk bringing a case such as this regarding a nuclear-armed State such as Pakistan, and its breach of customary international law with respect to negotiations for nuclear disarmament and an end to the nuclear arms race.
10. The trusteeship of the Marshall Islands, authorized by the United Nations, was not terminated until December, 1990, and the Marshall Islands was not admitted to the United Nations until 17 September 1991.

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<sup>5</sup> Letter dated 22 June 1995 from the Permanent Representative of the Marshall Islands to the United Nations, together with Written Statement of the Government of the Marshall Islands, <http://www.icj-cij.org/docket/files/95/8720.pdf> [accessed on 9 February 2016]

<sup>6</sup> May 2010 Testimony on Marshall Islands Supplemental Nuclear Compensation Act: RMI Minister of Foreign Affairs John Silk to the Senate Committee on Energy and Natural Resources, available at <http://yokwe.net/index.php?module=News&func=view&prop=Main&cat=10003&page=24>

11. As early as 2010, my Country began evaluating the potential for this Court to hear disputes concerning the existential threat to my Country's very existence caused by rising sea levels and climate change. This was even reflected in the press. For example, I was quoted on 5 April 2013 as follows:

“We will leave no stone unturned in our search for justice in this manner. If that means approaching the ICJ—the International Court of Justice—that will be an option that’s left on the table”.<sup>7</sup>

This press report is at Tab 1 of the Judges’ Folders, and reflects my Country’s consideration of this Court for climate change proceedings. Such action to date has not occurred, as the States most susceptible to rising sea levels focused their efforts on the Paris Conference of last year.

12. In April of 2012, the International Physicians for the Prevention of Nuclear War published a study regarding the global effects that likely would ensue if even a “small” or regional nuclear battle occurred between India and Pakistan. This was based on a “nuclear famine” that would ensue and threaten at least one billion people. In November, 2013, this Report was updated, and projected a loss of not one—but two—billion people, and disruption not only to the global food supply but also likely to the global economy, political structure and rule of law. We referred to this in our Memorial.<sup>8</sup> This November, 2013 Report confirmed what this Court had observed earlier in its Advisory Opinion on Nuclear Weapons, that “[t]he destructive power of nuclear weapons cannot be contained in either space or time” [«[l]e pouvoir destructeur des armes nucléaires ne peut être endigué ni dans l'espace ni dans le temps»]<sup>9</sup>.

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<sup>7</sup> Pacific RISA—Managing Climate Risk in the Pacific, Hawaii Conference on Pacific Islands Climate Change Featured in Climate Wire, 9 April 2013, available at <http://www.pacificrisa.org/2013/04/09/Hawaii-conference-on-pacific-islands-climate-change-featured-in-climatewire/>, Judges’ Folders, Tab 1.

<sup>8</sup> See RMI Memorial, paras. 8-10.

<sup>9</sup> *Legality of the Threat or Use of Nuclear Weapons, Advisory Opinion, I.C.J. Reports 1996*, pp. 226, 243, para. 35.



13. The Report also provided grounds, among others, for the Marshall Islands to seek judicial settlement of the disputes threatening its people—and humankind in general—such as this dispute involving whether Pakistan, including by its nuclear arms racing, is in breach of its international legal obligation to negotiate in good faith nuclear disarmament and an end to nuclear arms racing. In other words, the Report is an additional basis for why a nuclear-armed nation such as Pakistan is of such great significance to the small nation of the Marshall Islands. Even a limited nuclear war involving Pakistan’s nuclear arsenal would threaten the already diminished safety of the Marshallese.
14. Mr. President, Members of this Court, a key issue in the dispute in this case concerns Pakistan’s current nuclear arms racing—including the production of new nuclear weapons.<sup>10</sup>
15. The Marshall Islands officially and publicly declared in February 2014 at the Conference on the Humanitarian Impact of Nuclear Weapons in Mexico, that the States possessing nuclear arsenals are failing to fulfil their legal obligations under customary international law.<sup>11</sup> That official statement is at Tab 2 of the Judges’ Folders. Pakistan attended this Conference, and indisputably Pakistan is a State possessing a nuclear arsenal.
16. Prior to that Conference, in 2005, Pakistan alleged to the United Nations that, while “not a state party to the NPT, it is strongly committed to the objectives of Non-Proliferation” and, with respect to weapons of mass destruction, including nuclear weapons, it has a “[s]trong long-standing commitment to the objectives of disarmament and non-proliferation”.<sup>12</sup>
17. Mr. President, Members of the Court, the Marshall Islands’ claims in this dispute are based on Pakistan’s own breach of customary international law based on its own conduct, not the conduct or breaches of other States. In particular, the Marshall Islands alleges that contrary to the obligation to pursue in good faith negotiations on nuclear disarmament, including cessation of the nuclear arms race, Pakistan’s conduct includes the quantitative build-up and qualitative improvement of its nuclear arsenal.

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<sup>10</sup> RMI Application, paras. 27-29, 55-59.

<sup>11</sup> Second Conference on the Humanitarian Impact of Nuclear Weapons, *Nayarit, Mexico, 13-14 February 2014* (<http://www.reachingcriticalwill.org/images/documents/Disarmament-fora/nayarit-2014/statements/MarshallIslands.pdf>), Judges’ Folders, Tab. 1.

<sup>12</sup> Pakistan Annex to the note verbale dated 19 September 2005 from the Permanent Mission of Pakistan to the United Nations addressed to the Chairman of the Committee, readily available at <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N05/542/40/IMG/N0554240.pdf?OpenElement>

18. Pakistan alleges, on the contrary, that the Marshall Islands' claims are without legal merit or substance.<sup>13</sup> The dispute is clear. The Marshall Islands brings this dispute to this august body with the sincere hope and expectation that it can be resolved peacefully and to the benefit not only of the Marshall Islands, but all of humankind.
  
19. Mr. President may I kindly request that you give the floor to my colleague Mr. Phon van den Biesen. Thank you very much.



*Legal team of IALANA and observers at the RMI court case in The Hague, credit: Nick Grief*

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<sup>13</sup> See Pakistan Counter-Memorial, paras. 1.3(4), 1.8.

## **Nuclear weapons**

### a. 2016 Open Ended Working Group by Alyn Ware

'A very little key will open a very heavy door'

*Charles Dickens*

In December 2015, the United Nations General Assembly established an [Open Ended Working Group to Take Forward Multilateral Nuclear Disarmament Negotiations](#) (OEWG). The OEWG is open to participation of all UN member countries, and also to representatives of relevant international bodies and civil society organisations. It met for a week in February, and will meet again for 10 days in May (May 2-13) with its final sessions in late August.

The mandate of the OEWG is to:

(i) substantively address concrete effective legal measures, legal provisions and norms that would need to be concluded to attain and maintain a world without nuclear weapons; and  
(ii) also substantively address recommendations on other measures that could contribute to taking forward multilateral nuclear disarmament negotiations, including but not limited to

- transparency measures related to the risks associated with existing nuclear weapons;
- measures to reduce and eliminate the risk of accidental, mistaken, unauthorized or intentional nuclear weapon detonations; and
- additional measures to increase awareness and understanding of the complexity of and interrelationship between the wide range of humanitarian consequences that would result from any nuclear detonation.

The opening sessions in February 2016 were substantive and productive, with useful [working papers](#) and [dialogue/interventions](#) amongst the participating delegations. IALANA was represented by Daniel Rietiker who made an intervention on [Implementing the legal norm for abolition](#).

However, the nuclear-armed States stayed away, and huge gaps remain between non-nuclear States and the nuclear allies on which legal measures should be negotiated in the near future. [Security and nuclear deterrence – talking past each other at the OEWG](#).

The Basel Peace Office has noted, in a [working paper for the May session](#), that some measures could be undertaken by non-nuclear States without waiting for agreement of the nuclear allies and nuclear-armed States, especially those to strengthen the norm against nuclear weapons. But that most effective nuclear risk-reduction and disarmament measures will require participation of nuclear allies and/or nuclear-armed States.

The next sessions could determine whether the gaps between the governments can be bridged, whether the OEWG can determine the next nuclear disarmament measures to be negotiated and adopted, and whether there is any possibility of moving some of the nuclear-armed States to agree to some of these. The proposals in the OEWG are flowing over into the Conference on Disarmament, in which all nuclear-armed States participate, and which resumes its session the week after the OEWG.

In preparation for the May sessions, IALANA will hold a [dialogue of law experts with NGOs](#) in Geneva on April 18 to discuss legal measures and actions for nuclear disarmament.

The Middle Powers Initiative (a joint project of IALANA and six other international organisations) will hold a [Framework Forum roundtable event](#) for 20-25 key government delegations. The event, which will be hosted by the Permanent Mission of Canada to the UN, will consider *Issues and proposals for taking forward nuclear disarmament* and will include sessions on *Political and Security Challenges and Opportunities*, *Possible Measures to take Forward Nuclear Disarmament*, and *Prospects for success*. John Burroughs will present to the roundtable on behalf of IALANA.

[UNFOLD ZERO](#), established by the Aotearoa Lawyers for Peace (the NZ section of IALANA), PNND, Mayors for Peace and other international NGOs, provides a global civil society platform for the OEWG. For the February session, UNFOLD ZERO hosted a pre-OEWG strategy session for NGOs, [welcomed all delegates with origami cranes](#) (with a message inside), organized a briefing by the Chair of the OEWG for NGOs, organized the [presentation of A Nuclear-Weapon-Free World: Our Common Good to the OEWG](#) and published a number of reports on the session.

For the May session, UNFOLD ZERO is organizing a global action *Let's Talk*, and organizing two side events – one for NGOs to discuss strategy and another to present the global movement for nuclear abolition to the delegates.

UNFOLD ZERO will also highlight key proposals such as those in the [Basel Peace Office working paper](#). The paper offers analysis of the deliberations to date, and proposes that the OEWG:

1. *Recommend to the UN General Assembly to adopt a resolution at its 71<sup>st</sup> Session renewing the Open Ended Working Group and giving it a mandate to commence negotiations, or pre-negotiations (preparatory work), on a framework agreement or package of agreements for the achievement of a nuclear-weapon-free world;*
2. *Recommend that negotiation of a treaty to prohibit the use of nuclear weapons be included in the framework agreement or package of agreements to be negotiated by the renewed Open Ended Working Group;*
3. *Encourage governments to take national, regional and multilateral initiatives to strengthen the legal norm against nuclear weapons, including national prohibition legislation, establishment of additional nuclear-weapon-free zones, criminalization of nuclear-weapons-use through adoption of a protocol or amendment to the Rome Statute (International Criminal Court), and possibly the negotiation of a treaty prohibiting the threat, use and possession of nuclear weapons;*
4. *Recommend the establishment of a multilateral project to examine the specific security roles played by nuclear weapons, evaluate the effectiveness of nuclear weapons to fulfill those roles, and highlight better non-nuclear alternatives to filling those roles;*
5. *Recommend to the UN General Assembly to elevate to summit-level the UN High Level Conference on Nuclear Disarmament to be held no later than 2018.*

IALANA members who would like to participate in the OEWG May sessions please contact Alyn Ware [alyn@lcnp.org](mailto:alyn@lcnp.org) and register with [OEWG-NDN@unog.ch](mailto:OEWG-NDN@unog.ch).

- b. IALANA statement to the OEWG



*International Association of Lawyers Against Nuclear Arms*

## **Implementing the legal norm for abolition**

### **Presentation to the United Nations Open-ended Working Group on Taking Forward Multilateral Nuclear Disarmament Negotiations**

*Delivered by Dr Daniel Rietiker PhD*

*President of the Association of Swiss Lawyers for Nuclear Disarmament  
(Swiss affiliate of IALANA)*

Your excellencies,

I have the honour to make an intervention on behalf of the International Association of Lawyers Against Nuclear Arms, an organisation of lawyers and law organisations that has been active on nuclear disarmament since 1988.

IALANA welcomes the establishment of the 2016 Open-ended Working Group and supports your vital work on the legal measures and norms to achieve and maintain a nuclear weapon free world.

In IALANA's assessment, because of their very nature, the use of nuclear weapons is and always has been illegal under customary international law. They cannot be used in compliance with fundamental principles protecting civilians and neutral states from the effects of warfare, protecting combatants from unnecessary suffering, protecting the environment from severe and irreversible damage, and safeguarding the interests of future generations. Use of nuclear weapons would constitute war crimes under the Rome Statute of the International Criminal Court, and in many circumstances, crimes against humanity as



well. For more analysis, please see the 2011 Vancouver Declaration appended to this statement.<sup>1</sup>

The 1996 Advisory Opinion of the International Court of Justice supports this assessment. The Court stated that “the use of [nuclear] weapons in fact seems scarcely reconcilable with respect for [the strict] requirements” of “the principles and rules of law applicable in armed conflict -- at the heart of which is the overriding consideration of humanity.”<sup>2</sup>

Though nuclear weapons have not been used in war since World War II, the nuclear-armed states and states in nuclear alliances have yet to squarely accept the illegality of use of nuclear weapons. Indeed, the use of nuclear weapons has been threatened, directly or implicitly, on numerous occasions, to say nothing of doctrines of ‘deterrence’. It is therefore desirable to codify the prohibition of use and threat of use in a legal instrument. The best way to do so would be through negotiation of a nuclear weapons convention that would codify the prohibition of use and threat of use from entry into force and provide for verified elimination to occur over a phased period. In so doing states would fulfil their obligation under NPT Article VI and customary international law, as stated by the International Court of Justice, “to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control.”

In 1997, IALANA led a group of experts to prepare a Model Nuclear Weapons Convention to outline the legal and technical elements required for complete nuclear disarmament.<sup>3</sup> This Model, updated in 2007, has been circulated as a UN document, and was described by UN Secretary-General Ban Ki-moon as a “good point of departure” for negotiations.<sup>4</sup> We encourage you to make use of the Model Convention in your deliberations.

Thank you for your attention.

[See attached appendix: *Vancouver Declaration, February 11, 2011: Law’s Imperative for the Urgent Achievement of a Nuclear-Weapon-Free World*]

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<sup>1</sup> Released by IALANA and The Simons Foundation, the declaration was signed by many international lawyers and others around the world. For a list of signatories, see [http://www.lcnp.org/wcourt/VanDecl\\_Signatories\\_Feb15\\_2013.docx](http://www.lcnp.org/wcourt/VanDecl_Signatories_Feb15_2013.docx).

<sup>2</sup> *Legality of the Threat or Use of Nuclear Weapons, Advisory Opinion, I.C.J. Reports 1996, p. 226, para. 95.*

<sup>3</sup> [http://inesap.org/sites/default/files/inesap\\_old/mNWC\\_2007\\_Unversion\\_English\\_N0821377.pdf](http://inesap.org/sites/default/files/inesap_old/mNWC_2007_Unversion_English_N0821377.pdf). For translations and background, see <http://lcnp.org/mnwc/index.htm>.

<sup>4</sup> [http://www.un.org/apps/news/infocus/sgspeeches/search\\_full.asp?statID=351](http://www.un.org/apps/news/infocus/sgspeeches/search_full.asp?statID=351).

## c. Strange Spectacle: Nuclear Security Summit 2016

Lawyers Committee on Nuclear Policy  
April 2, 2016

At the invitation of President Obama, on April 1 more than 50 leaders of countries, including all states possessing nuclear arsenals except Russia and North Korea, gathered in Washington for the fourth Nuclear Security Summit. The focus was on securing civilian highly enriched uranium (HEU) and similar modest and voluntary steps aimed at preventing terrorists from acquiring nuclear and radiological weapons. HEU intended for use in civilian nuclear reactors is a small fraction of the total amount of weapons-usable HEU and plutonium in the world.

It was a strange spectacle indeed to have so much political capital invested in limited measures which do not address:

- the estimated 15,000-plus nuclear weapons in the possession of states which say they are prepared to use them; there are no safe hands, state or non-state, for these horrific devices
- the large stocks of HEU and plutonium in military programs
- the large stocks of reactor-grade but weapons-usable plutonium
- ongoing production of HEU and plutonium and construction of new reprocessing plants to yield plutonium

The contrast is stark with the global negotiations on prevention of climate change that culminated in the Paris Agreement last December. While that agreement is only a start, at least those negotiations acknowledged the reality of climate change and sought to address the entire threat.

Also remarkable and deplorable is that the United States and the other nuclear-armed states are boycotting the United Nations Open-ended Working Group on Taking Forward Multilateral Negotiations on Nuclear Disarmament. Established by the General Assembly with the support of 138 countries, the Working Group is charged with discussing legal measures and norms needed to attain and maintain a world without nuclear weapons.

The United States and five other nuclear-armed states (France, Russia, China, Israel, North Korea) have additionally refused the Marshall Islands' invitation to appear in the International Court of Justice to defend their compliance with the obligation, under the Nuclear Non-Proliferation Treaty and customary international law, to pursue in good faith negotiations on the elimination of nuclear arsenals. Only the nuclear-armed states which have accepted the general jurisdiction of the Court, the United Kingdom, India, and Pakistan, are defending their records before the Court in cases brought by the Marshall Islands.

The world would have been far safer if this had been the fourth Nuclear **Abolition** Summit. It is past time for the United States, Russia, and other states to embrace and urgently implement a broader agenda to achieve without delay a world free of nuclear weapons.

## d. Vancouver Declaration, February 11, 2011

Vancouver Declaration, February 11, 2011<sup>1</sup>**Law's Imperative for the Urgent Achievement of a Nuclear-Weapon-Free World**

Nuclear weapons are incompatible with elementary considerations of humanity.

Human security today is jeopardized not only by the prospect of states' deliberate use of nuclear weapons, but also by the risks and harms arising from their production, storage, transport, and deployment. They include environmental degradation and damage to health; diversion of resources; risks of accidental or unauthorized detonation caused by the deployment of nuclear forces ready for quick launch and inadequate command/control and warning systems; and risks of acquisition and use by non-state actors caused by inadequate securing of fissile materials and warheads.

Despite New START there are more than enough nuclear weapons to destroy the world. They must be abolished and the law has a pivotal role to play in their elimination. In 1996 the International Court of Justice (ICJ) spoke of "the nascent *opinio juris*" of "a customary rule specifically prohibiting the use of nuclear weapons." Fifteen years later, following the establishment of the International Criminal Court, the entry into force of the Chemical Weapons Convention and the achievement of treaty bans on landmines and cluster munitions, the legal imperative for non-use and elimination of nuclear weapons is more evident than ever.

Reasons advanced for the continuing existence of nuclear weapons, including military necessity and case-by-case analysis, were once used to justify other inhumane weapons. But elementary considerations of humanity persuaded the world community that such arguments were outweighed by the need to eliminate them. This principle must now be applied to nuclear weapons, which pose an infinitely greater risk to humanity.

We cannot forget that hundreds of population centers in several countries continue to be included in the targeting plans for nuclear weapons possessing many times the yield of the bombs dropped on Hiroshima and Nagasaki. The hibakusha – survivors of those bombings – have told us plainly, "No one else should ever suffer as we did." The conventions banning chemical and biological weapons refer to them as "weapons of mass destruction." WMD are, by definition, contrary to the fundamental rules of international humanitarian law forbidding the infliction of indiscriminate harm and unnecessary suffering. As set out in the Annex to this Declaration, that label is best deserved by nuclear weapons with their uncontrollable blast, heat and radiation effects.

The ICJ's declaration that nuclear weapons are subject to international humanitarian law was affirmed by the 2010 Nuclear Non-Proliferation Treaty (NPT) Review Conference. In its Final Document approved by all participating states, including the nuclear-weapon states, the Conference "expresses its deep concern at the catastrophic humanitarian consequences of any use of nuclear weapons, and reaffirms the need for all states at all times to comply with applicable international law, including international humanitarian law."

It is unconscionable that nuclear-weapon states acknowledge their obligation to achieve the elimination of nuclear weapons but at the same time refuse to commence and then "bring to a conclusion," as the ICJ unanimously mandated, "negotiations leading to nuclear disarmament in all its aspects under strict and effective international control."

In statements made during the 2010 NPT Review Conference, one hundred and thirty countries called for a convention prohibiting and eliminating nuclear weapons globally. And the Conference collectively affirmed in its Final Document "that all states need to make special efforts to establish the necessary framework to achieve and maintain a world without nuclear weapons," and noted the "five-point proposal for nuclear disarmament of the Secretary-General of the United Nations, which proposes, *inter alia*, consideration of negotiations on a nuclear weapons convention or agreement on a framework of separate mutually reinforcing instruments, backed by a strong system of verification."

An "absolute evil," as the President of the ICJ called nuclear weapons, requires an absolute prohibition.

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<sup>1</sup> Developed with the input of a conference convened February 10-11, 2011, in Vancouver, Canada, by The Simons Foundation and the International Association of Lawyers Against Nuclear Arms, entitled "Humanitarian Law, Human Security: The Emerging Framework for the Non-Use and Elimination of Nuclear Weapons," in acknowledgement of the Simons Chairs in International Law and Human Security at Simon Fraser University.



### Annex: The Law of Nuclear Weapons

Well-established and universally accepted rules of humanitarian law are rooted in both treaty and custom; are founded, as the ICJ said, on “elementary considerations of humanity”; and bind all states. They are set forth in armed service manuals on the law of armed conflict, and guide conventional military operations. They include:

- The prohibition of use of methods or means of attack of a nature to strike military objectives and civilians or civilian objects without distinction. As put by the ICJ, “states must never make civilians the object of attack and must consequently never use weapons that are incapable of distinguishing between civilian and military targets.”
- The prohibition of use of methods or means of warfare of a nature to cause superfluous injury or unnecessary suffering.
- The Martens clause, which provides that in cases not covered by international agreements, civilians and combatants remain under the protection and authority of the principles of international law derived from established custom, from the principles of humanity and from the *dictates of public conscience*.

Nuclear weapons cannot be employed in compliance with those rules because their blast, heat, and radiation effects, especially the latter, are uncontrollable in space and time. The ICJ found that “radiation released by a nuclear explosion would affect health, agriculture, natural resources and demography over a very wide area” and that it “has the potential to damage the future environment, food and marine ecosystem, and to cause genetic defects and illness in future generations.” Moreover, as the International Committee of the Red Cross has observed, the suffering caused by the use of nuclear weapons in an urban area “is increased exponentially by devastation of the emergency and medical assistance infrastructure.” Use of nuclear weapons in response to a prior nuclear attack cannot be justified as a reprisal. The immunity of non-combatants to attack in all circumstances is codified in widely ratified Geneva treaty law and in the Rome Statute of the International Criminal Court, which provides *inter alia* that an attack directed against a civilian population is a crime against humanity.

The uncontrollability of effects additionally means that states cannot ensure that the force applied in an attack is no more than is necessary to achieve a military objective and that its effects on civilians, civilian objects, and the environment are not excessive in relation to the concrete and direct military advantage anticipated. Other established rules of the law of armed conflict excluding use of nuclear weapons are the protection of neutral states from damage caused by warfare and the prohibition of use of methods or means of warfare that are intended, or may be expected, to cause widespread, long-term and severe damage to the natural environment. Recent studies have demonstrated that the detonation of a small fraction of the global nuclear stockpile (*e.g.*, 100 warheads) in cities and the ensuing fire storms would generate smoke causing a plunge in average global temperatures lasting years. Agricultural production would plummet, resulting in extensive famine.

That nuclear weapons have not been detonated in war since World War II contributes to the formation of a customary prohibition on use. Further to this end, in 2010 the United States declared that “it is in the US interest and that of all other nations that the nearly 65-year record of nuclear non-use be extended forever,” and President Obama and Prime Minister Singh jointly stated their support for “strengthening the six decade-old international norm of non-use of nuclear weapons.”

Threat as well as use of nuclear weapons is barred by law. As the ICJ made clear, it is unlawful to threaten an attack if the attack itself would be unlawful. This rule renders unlawful two types of threat: specific signals of intent to use nuclear weapons if demands, whether lawful or not, are not met; and general policies (“deterrence”) declaring a readiness to resort to nuclear weapons when vital interests are at stake. The two types come together in standing doctrines and capabilities of nuclear attack, preemptive or responsive, in rapid reaction to an imminent or actual nuclear attack.

The unlawfulness of threat and use of nuclear weapons reinforces the norm of non-possession. The NPT prohibits acquisition of nuclear weapons by the vast majority of states, and there is a universal obligation, declared by the ICJ and based in the NPT and other law, of achieving their elimination through good-faith negotiation. It cannot be lawful to continue indefinitely to possess weapons which are unlawful to use or threaten to use, are already banned for most states, and are subject to an obligation of elimination.

Ongoing possession by a few countries of weapons whose threat or use is contrary to humanitarian law undermines that law, which is essential to limiting the effects of armed conflicts, large and small, around the world. Together with the two-tier systems of the NPT and the UN Security Council, such a discriminatory approach erodes international law more generally; its rules should apply equally to all states. And reliance on “deterrence” as an international security mechanism is far removed from the world envisaged by the UN Charter in which threat or use of force is the exception, not the rule.

e. Stop Trident Report by Kate Hudson

This year the British parliament will vote on whether or not the Trident nuclear weapons system should be replaced. The Trident missiles and warheads, which are carried by submarines, were introduced in the 1990s, and the submarines are now reaching the end of their shelf life. If Britain is to remain nuclear armed then the process of building new submarines will have to start in the near future. But the issue is highly controversial and much contested, across society and across the political spectrum.

There has been long standing opposition to Trident on moral and legal grounds: after all, these are weapons of mass destruction, the use - or threat of use – of which is illegal; in 1996 the International Court of Justice advised that: ‘the threat or use of nuclear weapons would generally be contrary to the rules of international law applicable in armed conflict, and in particular the principles and rules of humanitarian law’. Under the nuclear Non-Proliferation Treaty (NPT), which came into force in 1970, Britain is required, along with other nuclear weapons states, to disarm its nuclear weapons, not build a new generation. Indeed, there is legal advice which demonstrates that replacing Trident would be illegal as it contravenes Article VI of the NPT: “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.”

But much of the current debate around Trident centres on two other factors: the cost of Trident and what could be bought instead, either militarily or in terms of social spending, and whether it is required for our security - what really makes us safe? The government’s harsh public spending cuts have thrown plans to spend £100 billion or more replacement cost (new figures show possibly as much as £183 billion) into sharp relief. Across society there is a huge demand for that money to be spent instead on health, education, homes and jobs. But the alternative spending demands don’t just come from a social perspective.

Senior military figures describe Trident as useless and call for it to be scrapped. They want the money spent instead on military equipment and troops. Crispin Blunt MP, Conservative chair of Parliament’s Foreign Affairs Select Committee and a former army officer, is outspokenly against replacing Trident. As he points out, “The price required, both from the UK taxpayer and our conventional forces, is now too high to be rational or sensible.” In any case, Trident is irrelevant to the security risks we face – as recognised in the government’s National Security Strategy, published last autumn. ‘Tier one’ threats include cyber warfare, terrorism, climate change, health pandemics which cannot be met in any sense whatsoever by nuclear weapons. The threat of nuclear war is relegated to tier two.

New evidence shows that Trident is not only irrelevant to our needs, it is likely to be rendered obsolete. Former Labour Defence Secretary Lord Des Browne - who helped former prime-minister Tony Blair push the first step towards Trident replacement through Parliament in 2007 – has pointed out that cyber attack could knock out Trident. And industry experts agreed that "any national public or private infrastructure service or defence facility" could be hacked. The MoD has rushed to assure us that appropriate safeguards will be made but the fact is, this is a twentieth century system and it looks and acts like one. When those subs were first built they were undetectable under water so enemies never knew where they were. How can that possibly be the case in the twenty-first century? What about under-water drones? This is old times technology, and attempts to update it are not going to offset these huge security risks.

The debate in Britain has moved on and so has the debate globally. The majority of the world is organised in nuclear weapons free zones and the overwhelming majority of states back a global nuclear weapons ban treaty. After all, if there is a nuclear exchange, all countries will be affected, irrespective of whether they are involved in the conflict or not. Rearming Britain with a new nuclear weapons system goes against the trend. It also goes against what is proven to work in complex international and regional conflicts and disputes – painstaking diplomacy and the willingness to go the extra mile for a peaceful solution.

The extensive opposition to Trident came together on 27th February this year at CND's Stop Trident demonstration, marching across London to a rally in Trafalgar Square. As many as 70,000 people joined the largest anti-nuclear demonstration in a generation, bringing together faith communities, trade unionists, anti-cuts campaigners, climate activists – a massive societal alliance against the replacement of Trident. Political leaders – Jeremy Corbyn from the Labour Party, First Minister of Scotland Nicola Sturgeon, Leanne Wood from Plaid Cymru and Caroline Lucas from the Green Party – demonstrated a new political consensus against nuclear weapons. This is an enormous opportunity for Britain – and for the rest of the world. We urge you to write to your own governments, asking them to write to the British Prime Minister seeking his government's compliance with the NPT, both by cancelling Trident replacement and participating in international calls for a global nuclear ban. This is something that can be achieved, but it requires cooperative working across borders – a universal human demand!



*Image taken during Kate Hudson's speech during the Stop Trident protest, credit: Lucas Wirl*

- f. Speech by Reiner Braun, Co-President of the International Peace Bureau IPB, on the manifestation of the Stop Trident demonstration, February 27<sup>th</sup>, London

Dear Colleagues and friends,

The "world of peace", the international peace movements are looking at you.

You are the "avant-garde" in the worldwide fight against the modernization of nuclear weapons.

What a scandal: the nuclear weapons countries want to spend more than one billion Dollars for new nukes which can destroy our planet several times. While modernizing, every second 12 000 Children are dying of hunger and billions of people are without health care, decent education, or sanitation. In full brutality, the modernization of nuclear weapons rears the ugly head of the militarism worldwide. Militarism is war and destruction – each and every day.

Your struggle is one for peace and humanity and the peace movements in all countries are by your side. Nuclear weapons are against international law, against humanity, against environment and the right to peace. Nuclear deterrence is a political crime.

Together we can overcome the old story of nuclear weapons, of modernization and of the circle of arms race and war.

We can stop the modernization of Trident. Trident is the weakest link in the strategies of all nuclear weapons countries in the world. Your actions, your struggles of the past years have turned Trident into this weakest link. And we are here to say to you:

Continue, you can succeed!

We will support you by enlarging our solidarity, above all by increasing our fight against nuclear weapons in our countries.

You know that in Germany, thanks to NATO's nuclear sharing, we have 20 US nuclear weapons lying in Büchel in the beautiful landscape between Rhine and Mosel. Several weeks ago we started a new campaign against the modernization of these nuclear arsenals. We will block Büchel every single day over the summer. We will demonstrate in Ramstein against the largest US base in Germany which is the command center for these nuclear weapons. With civil actions of civil disobedience, with more demonstrations, we will win the fight against the US/NATO military forces.

Your great demonstration is a big and huge support for us. It will give us new power and shows that it is really possible to develop a mass movement against nuclear weapons, that it is possible to bring many people on the streets.

We are here because we have a vision: a world without nuclear weapons is possible, feasible, realistic and reachable – in our life time. We are supporting the work of the open ended working group which met this week in Geneva; we are supporting the Austrian pledge for humanitarian consequences of nuclear weapons. We are in favor of a ban treaty: But our great goal, our aim, the reality of our visions is a nuclear weapons convention which legally, verifiably, and eternally will ban nuclear weapons from our planet.

Your demonstration shows by heart and facts, by emotions and words: a nuclear weapons free world is possible.



Let us continue fighting for this big goal: We can be the winners.

No Trident, no modernization. For Peace and a world free of war and nukes.

Thank you .



*Image from the Stop Trident protest in February, photo credits: Lucas Wirf*



*Image from the Stop Trident protest in February, photo credits: Lucas Wirf*

**Stopp Ramstein**

## a. Ramstein Campaign Appeal



# Ramstein Campaign: No Drone Wars! Never again war from German soil

Appeal

The US Air Force base at Ramstein, Germany, is a central pivot for preparing and executing wars of aggression violating international law. Most of the lethal missions of US combat drones, e.g. in Iraq, Afghanistan, Pakistan, Yemen, Syria, and Africa, are conducted via Ramstein's satellite relay station.

US drone pilotes from a multitude of military bases use Ramstein for operating killer drones in illegal war missions around the world. In Ramstein itself, about 650 personnel continuously analyze, update and pass on data from the surveillance of alleged targets.

With drones, the US government has extrajudicially killed almost 5,000 people in Pakistan, Yemen, and Somalia as well as more than 13,000 in the war in Afghanistan. US drones have killed countless victims in Iraq, Syria, and Libya. The large majority of the victims were innocents such as women, children, and old people. The orders to murder are transmitted from joysticks via Ramstein's satellite relay station to the specific drones. Without Ramstein, the whole drone war would be obstructed decisively sine die.

At the same time, Ramstein was indispensable for logistically executing the brutal US/NATO war in Afghanistan and the US war of aggression in Iraq. The same is true for looming US interventionist wars, including at the borders of Russia.

The components of the US missile defense shield are stationed in different NATO states. One of its commando centers is incorporated into Ramstein's AIRCOM, headquarters of all NATO air forces.

Extrajudicial executions of citizens of foreign countries on their own soil do not only violate the UN's human rights charter and international law, but they also violate the German constitution if the crime emanates from German territory. We will not accept this any longer: neither the illegal goings-on of the US in Germany, nor their crimes against international law emanating from German territory, nor their support by the German government.

We thus demand of the German parliament and government:

- to ban the US from using Ramstein as the basis of their drone wars by law;
- to close down Ramstein's satellite relay station;
- to renounce the purchase of combat drones for the Bundeswehr;
- to proscribe the acquisition of combat drones for military;
- to end the illegal spying of NSA, in cooperation with the German intelligence agency BND, for which Ramstein is a focal point.

Only individual commitment and determined action can put an end to the German government's highly dangerous military politics and the US/NATO acts of war.

Hence we call for a human chain from Kaiserslautern to Ramstein Air Base on June 11<sup>th</sup>, 2016, for public events in Kaiserslautern on June 10<sup>th</sup>, and for a peace camp from June 9<sup>th</sup> to 12<sup>th</sup>.

**First Signatories:**

(Affiliation only serves purposes of information)

**Roland Blach** (DFG-VK Baden-Württemberg); **Reiner Braun** (IALANA); **Monique Broquard** (NaturFreunde Saarland); **Dr. Diether Dehm** (MP, Song writer, Treasurer European Left); **Dr. Sabine Farrouh** (IPPNW); **Leonore Fuger** (Mahnwache Berlin); **Wolfgang Gehrcke** (MP, DIE LINKE); **Karin Gottlieb** (Freidenkerverband Rheinland-Pfalz/Saarland); **Toni Groß** (Friedensmahnwache Erfurt); **Andreas Grünwald** (Hamburger Forum für Völkerverständigung und weltweite Abrüstung); **Klaus Hartmann** (Deutscher Freidenker-Verband); **Claudia Haydt** (IMI); **Klothilde Hinz** (VVN/BdA Kreisvereinigung Bad Kreuznach); **Inge Höger** (MP, DIE LINKE); **Willi Hoffmeister** (Ostermarsch Rhein Ruhr); **Andrej Hunko** (MP, DIE LINKE); **Matthias Jochheim** (IPPNW); **Peter Jüriens** (Mahnwache Bochum, Friedenskreis Wanfried); **Wolfgang Jung** (LUFTPOST); **Kristine Karch** (No to War – No to NATO); **Nico Kern** (Piraten MdL NRW); **Hans Georg Klee** (OCCUPEACE München); **Dr. Ansgar Klein** (Aachener AG „Frieden jetzt!“); **Helene Klein** (Würselener Initiative für den Frieden); **Anna Kowalke** (Mahnwache Berlin); **Bruno Kramm** (Piratenpartei Berlin); **Sabine Leidig** (MP, DIE LINKE); **Ekkehard Lentz** (Bremer Friedensforum); **Ulrich Lenz** (Jenny Marx Gesellschaft für politische Bildung e.V. Rheinland-Pfalz); **Manfred Lotze** (IPPNW); **Pascal Luig** (NaturwissenschaftlerInnen-Initiative – Verantwortung für Frieden und Zukunftsfähigkeit); **Jürgen Lutterkordt** (Bildung für Frieden e.V., RegenbogenTv, Friedenskreis Wanfried); **Prof. Dr. Mohssen Massarrat** (Wissenschaftlicher Beirat Attac); **Prof. Dr. Maria Mies** (international renowned author, eco-feminist, peace activist); **Dr. Amir Mortasawi** (MD, author); **Albrecht Müller** (NachDenkSeiten); **Michael Müller** (NaturFreunde Deutschlands); **Mike Nagler** (Attac); **Dr. Alexander Neu** (MP, DIE LINKE); **Prinz Chaos II** (Song writer); **Doris Pumphrey** (antiwar-activist); **George Pumphrey** (antiwar-activist); **Christiane Reymann** (author); **Bernd Rixinger** (Chair DIE LINKE); **Prof. Dr. Werner Ruf** (Political Scientist, Peace Researcher); **Rainer Rupp** (Author); **Dr. Sabine Schiffer** (Institut für Medienverantwortung); **Torsten Schleip** (DFG-VK Landesverband Ost); **Pedram Shahyar** (Speaker Mahnwache); **Fee Strieffler** (Ramsteiner Appell); **Tanja Tede** (Heidelberg zieht in den Frieden); **Hannelore Tölke** (Speaker DFG-VK NRW); **Bernhard Trautvetter** (GEW, Peace Activist); **Alexander Ulrich** (MP, DIE LINKE); **Kathrin Vogler** (MP, DIE LINKE); **Peter Wahl** (Scientific Council Attac); **Renate Wanie** (Staff Werkstatt für Gewaltfreie Aktion); **Gunda Weidmüller** (AGORA Hamburg); **Jens Wernicke** (NachDenkSeiten); **Lucas Wirl** (NaturwissenschaftlerInnen-Initiative – Verantwortung für Frieden und Zukunftsfähigkeit)

The appeal **Stop Ramstein Campaign: No Drone Wars! Never again war from German soil** may be signed online (in German) at: [www.ramstein-kampagne.eu](http://www.ramstein-kampagne.eu)

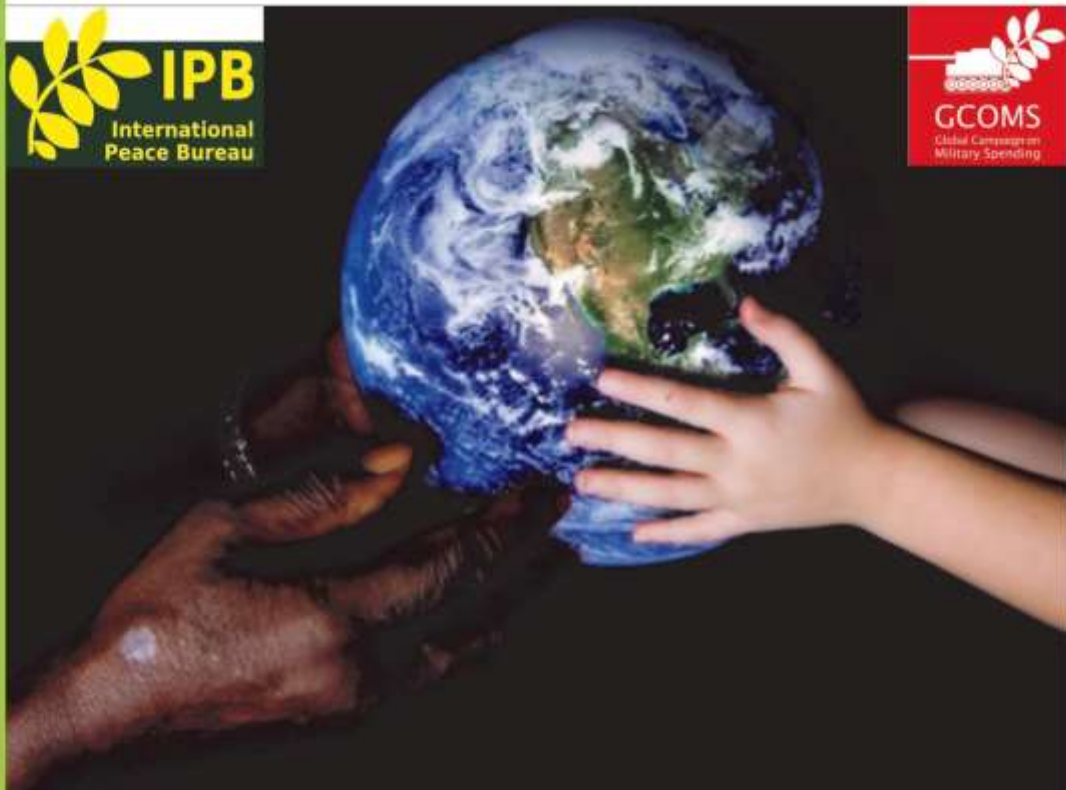
**Contact:**

Action Office Ramstein-Campaign  
 Marienstraße 19/20  
 10117 Berlin  
[www.ramstein-kampagne.eu](http://www.ramstein-kampagne.eu)

Telefon: 030 20 65 48 57  
 Fax: 030 31 99 66 89  
[info@ramstein-kampagne.eu](mailto:info@ramstein-kampagne.eu)

**IPB Congress: “Disarm! For a Climate of Peace”**

a. World Congress Programme



Initial Draft: 01.03.2016

# Disarm! For a Climate of Peace

*Creating an Action Agenda*



WORLD CONGRESS

30 Sept - 03 Oct 2016

Technische Universität Berlin, Germany

INTERNATIONAL SUPPORTERS:







International Association of  
Lawyers against Nuclear Arms



NATIONAL AND LOCAL SUPPORTERS:



Progressive Fraction of TU Senate



COORDINATING FOUNDATIONS:



With research advisory support from the  
Stockholm International Peace Research Institute



## **“The world is over-armed and peace is under-funded”**

*Ban Ki-moon*

In 2014 the world’s governments spent over \$1,700 billion on the military sector. The Congress organisers believe this money must instead be spent on:

- ◆ Climate change mitigation/adaptation, preserving biodiversity;
- ◆ Humanitarian programs to support the most vulnerable;
- ◆ Peace: disarmament, conflict prevention & resolution, human security;
- ◆ Public services/social justice, human rights, gender equality and green job-creation;
- ◆ Sustainable development, new production and consumption patterns, anti-poverty programs, UN Sustainable Development Goals.

We strongly believe the absolutely necessary ‘great transformation’ of global human society can only be achieved when also reallocating military expenditure and handling conflict differently. After all, we are facing a crisis of civilization, which is more far-reaching than an ecological and economic crisis alone.

We are living on one single Planet Earth but exploiting its resources as if we had three. We witness how our predominant economic and developmental model has failed to provide justice, livelihood and human security for all. We now also face the resurgence of militarism and confrontational politics.

Hence, we view this priority shift in government spending as one element in a much broader global transformation towards a green, socially just and peaceful society.

The main aim of this congress is to bring the issue of military spending, often seen as a technical question, into broad public debate and to strengthen the global community of activism.

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## Friday, 30<sup>th</sup> September 2016

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**7 pm**      **Musical Opening by Berlin Metropol Orchestra**

**Welcome by the Organizers** by **Reiner Braun**, *IPB Co-President*

**Welcome by the Technical University Berlin** by **Christian Thomsen**, *President of the Tech Univ*

**Greeting from the City of Berlin** by **Matthias Kollatz**, *Senator of Finances*

**Opening speeches (alphabetical order):**

**Samir Amin** , *Economist*

**Sharan Burrow**, *General Secretary ITUC - International Trade Union Confederation*

**Noam Chomsky** (video), *Author*

**Angela Kane**, *UN High Representative for Disarmament Affairs (2012-2015)*

**Álvaro García Linera**, *Vice President of Bolivia (tbc)*

**Frederico Mayor Zaragoza**, *Former Director-General of UNESCO (1987 - 1999)*

**9.30 - 11.30 pm**    **Reception**

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## Saturday, 1<sup>st</sup> October 2016

### Analytical Approach

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**10 am**      **Plenary Session**

**Frank Bsirske**, *President of ver.di (Multi-service Trade Union)*

**Jayantha Dhanapala**, *President of the Pugwash Conferences on Science and World Affairs*

**Aude Fleurant**, *SIPRI*

**James Galbraith**, *Economist*

**Mikhail Sergeyevich Gorbachev** (video), *Nobel Peace Prize Laureate (1990)*

**2.30 - 4.00 pm** Panel Discussions

**4.30 - 7.00 pm** Workshops

**8 pm** Cultural Program: Music & Media Show  
*by Berlin Metropol Orchestra & PEN Germany*

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## Sunday, 2<sup>nd</sup> October 2016

### Strategic Approach

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**9 am** Plenary Session

**a. Transformation**

**Jakob von Uexküll**, *Founder of the World Future Council and the Right Livelihood Award*

**Jean Ziegler** (video), *Former UN Special Rapporteur on the Right to Food*

**11.45 - 1.45 pm** Panel Discussions

**b. Strategies**

**Philip Jennings**, *General Secretary UNI Global Union*

**Jody Williams** (video), *Nobel Peace Prize Laureate (1997)*

**1.30 pm** Action for Peace

**Gabriele Krone-Schmalz**, *Author*

**Vandana Shiva**, *Environmental activist*

**Presentation of the IPB Action Plan**

## Workshops

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1. **The Nuclear-Climate Nexus and Sustainable Peace**  
*by INES*
2. **Military Research and Responsibility of Scientists**  
*by INES*
3. **The Future of Imperialist Politics and International Law**  
*by IALANA*
4. **Climate Change and Militarism**  
*by Friends of the Earth International*
5. **Disarmament of Small Arms and Light Weapons**  
*by Rosa-Luxemburg-Foundation*
6. **Refugees and Conflicts**  
*by Transform*
7. **Arms Trade Treaty**  
*by Friedrich-Ebert-Foundation*
8. **Sustainable Development Goals and Peace**  
*by SIPRI*
9. **Missile Defense and Missiles in Space**  
*by INES*
10. **Environmental Destruction by Conflicts and the Military**  
*by ICBUW*
11. **Peace Process in Colombia**  
*by IPB - Latin America*
12. **Peace Economics**  
*by Italian Disarmament Network*
13. **Militarism of the EU**  
*by European Left*
14. **Militarism in Europe against Refugees and Migrants**  
*by European Left*
15. **Women as Weapons of War**  
*by UNI Global Union*
16. **Cyberwar - Cyberpeace (working title)**  
*by Hans-Jörg Kreowski*

\* The lists of plenaries, panel discussions and workshops are not final (as of February 2016).



## Side events

This is just an initial list. We expect many more.

Contact: [info@ipb2016.berlin](mailto:info@ipb2016.berlin)

- ◇ **Youth Gathering** (starting on Friday 30.09. at 12 pm)  
*by Youth Preparatory Group offering special youth events*
- ◇ **Workshop “Militarization in Australia and the Region”**  
*by IPAN*
- ◇ **Workshop “Out of the Dark, into the Light - Exploring the Natural Law”** (Thomas Aquinas)  
*by Tom Baxter*

## Cultural Program

- ◇ **Exhibition “Der Königsweg”** (Royal’s Road)  
*by Word Future Council*
- ◇ **Book Exhibition**  
*by Wissenschaftsverlag Berlin*
- ◇ **World Music & Media Show**  
*by Berlin Metropol Orchestra (multicultural music group)  
& PEN Germany*

### Registration

E-Mail: [register@ipb2016.berlin](mailto:register@ipb2016.berlin)

Subject: Registration IPB Congress

or use the registration tool at the website

[www.ipb2016.berlin](http://www.ipb2016.berlin)

Contribution Fee: 50,- €

Reduced: 10,- €

### Venue

Technical University of Berlin

Straße des 17. Juni 135

10623 Berlin

Germany



[facebook.com/ipb1910](https://www.facebook.com/ipb1910)



[twitter.com/IntlPeaceBureau](https://twitter.com/IntlPeaceBureau)



[www.ipb2016.berlin](http://www.ipb2016.berlin)

### IPB World Congress 2016 Secretariat

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Initial Draft: 01.03.2016

Design: International Peace Bureau, March 2016 - Cover Image © Flickr

## b. Programme NATO Counter Summit, July 2016

**A Call For Actions During the NATO Summit in Warsaw July 8-9 2016****No to War**

**No to NATO Bases | No to the Defence Missile Shield | No to Arms Race | Disarmament - Welfare Not Warfare | Refugees Welcome Here | Solidarity with peace and anti-war movements**

The next NATO summit is planned to take place in Warsaw on 8-9 July. This summit will be held during a period of wars, heightened global instability and conflict. The wars raged by the West in the Middle East and Afghanistan have left hundreds of thousands dead; destroyed these countries' infrastructure and ruined the conditions for political stability and social peace. The terrorism that has spread around the world is a terrible legacy of these conflicts. Millions of refugees have been forced to flee their homes in search of a safe place for them and their families to live. And when they reach the shores of Europe and the USA, they often meet hostility and racism from those very countries that started the wars from which they are escaping.

The promise of peaceful Europe in a peaceful world that was developed after the end of the Cold War has failed. One of the reasons is the enlargement of the NATO to the east. We are presently in the middle of a new East-West arms race, seen clearly in the area of Central and Eastern Europe. The war in the east of Ukraine, in which thousands have lost their lives, is a terrible example of this rivalry. The proposals of NATO to expand further to the East further threaten to escalate this conflict. The proposals of the present Polish government to station permanent NATO bases in Poland and build a new Missile Defence Shield in the country would not guarantee the country's safety but rather place it on the frontline of these new hostilities. NATO is urging all member states to rise its military spending to at least 2% of GDP. Not only will this intensify the arms race in the world, but it will mean that during a time of economic austerity more funds will move from welfare to war. When the governments and Generals meet in Warsaw in July an alternative voice must be heard. A coalition of the peace and anti-war movements in Poland and internationally plan to hold a number of events during the NATO summit in Warsaw:

- On Friday 8 July we shall hold a conference bringing together the organisations and activists of the peace and anti-war movements. This will be an opportunity to discuss and debate alternatives to the policies of militarisation and war being proposed by NATO. In the evening we shall hold a large public meeting. We already have a number of prominent speakers (both international and from Poland) confirmed, including former Colonel Ann Wright, Maite Mola, and Tarja Cronberg.
- On Saturday we will take our protest to the streets of Warsaw to express our opposition to the NATO summit.
- On the Saturday evening a cultural/social event will be held.
- On Sunday a meeting of peace activists and organisations will be held to give us a chance to discuss our further cooperation and activity in the pursuit of a peaceful world.

We invite you to participate and urge you to mobilise for this important event. If you wish more information or have any suggestions or questions please write to us: [info@no-to-nato.org](mailto:info@no-to-nato.org) / [www.no-to-nato.org](http://www.no-to-nato.org).

Our goal is a world without war and nuclear weapons. We are fighting to overcome NATO through the politics of common security and disarmament and solidarity with global peace, anti-war & anti-militaristic movements.

**International Network No to War – No to NATO, Stop the War Initiative Poland, Social Justice Movement Poland, Warsaw Anarchist Federation, Workers Democracy Poland**

**Program of Alternative Summit (as of March 17)**

**Friday July 8th**

**12:00 opening of the alternative summit**

- NN Poland
- Kristine Karch, No to War – No to NATO

**12:15 – 14:00 Plenary: Why we are against NATO**

- NN Poland
- Ludo de Brabander, vrede, Belgium
- Kate Hudson, Campaign for Nuclear Disarmament, GB
- Joseph Gerson, American Friends Service Committee, USA
- Natalie Gauchet, Mouvement de la Paix, France
- Claudia Haydt, Information Centre Militarization, Germany
- Tatiana Zdanoka, MEP, Green Party, Latvia (tbc)
- Jan Majicek, Czech Republic

**LUNCH**

**15:00 – 17:00 Working groups**

- Military spending
- Nuclear weapons and weapons in space
- How to overcome the war against terror?
- Militarization and women rights

**19:00 Public event: Peace politics in Europe – for a Europe of peace and social justice, for a common security**

- Barbara Lee, Member of the U.S. House of Representatives, USA (video message)
- Ann Wright, former Colonel of the US army, USA
- Maite Mola, Vice President of the European Left, Spain
- Reiner Braun, International Peace Bureau/ IALANA, Germany
- NN Poland
- Ilya Budraiskis, Russia
- Tarja Cronberg, former MEP, Green Party, Finland

**Saturday July 9<sup>th</sup>**

- **Demonstration**
- **Peace gathering: exchange of information and lesson learnt from peace movements in Europe**
- **Cultural evening event**

**Sunday July 10<sup>th</sup>**

**9:30 till 11:00 Special forum on refugees, migration and wars**

Introduction: Lucas Wirl, No to War – No to NATO

**11.30 till 13:30 How to come to peace in Europe? Ideas for strategy**

With 10 minute introduction

**13:30 END**, Afterwards: common lunch

**REGISTRATION and further information: [info@no-to-nato.org](mailto:info@no-to-nato.org)**