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Reiner Braun, *Germany*

Dear Colleagues,

It was more than disappointing, even though we had no great illusions when we set off for New York. The failure of the NPT Conference merely reflects the reality of a world which is slipping into ever more confrontation.

In this Newsletter, we will provide more comprehensive information about the NPT Conference and document the diverse range of activities which IALANA actively and enthusiastically took part in.

The peace movement's large international congress and the impressive demonstration for a world without nuclear weapons both revealed the strength and stamina of the anti-nuclear movement. Of course, substantive differences still exist, but all are united by the necessity to become stronger in our efforts to ensure that negotiations start on an internationally binding legal agreement for a world without nuclear weapons. The long-term goal remains a nuclear weapons convention. New coalitions with governments who are "willing to disarm" are on the horizon and discussions on the humanitarian dimension of nuclear weapons are good opportunities to continue the development of new types of coalition. The Humanitarian Pledge drawn up by the Austrian government is very promising and will surely play an important role in the future. Over 100 governments have endorsed it and these are important points of contact for future anti-nuclear considerations and activities.

And for the first time in a long time, we can again present a new affiliate in the Newsletter: the Swiss IALANA. Welcome! I am optimistic that we will soon be able to welcome even more.

What remains after the NPT Conference: forces working towards a world without nuclear weapons have to network more intensely and become more visible in joint or parallel worldwide actions.

International events and actions to mark the 70th anniversary of the dropping of atomic bombs on Hiroshima and Nagasaki are a good opportunity for this. The Conference planned for 2018 by the Non-Aligned Movement will surely be a highlight.

IALANA will keep the issue of nuclear disarmament on the political agenda, especially by means of continued support for the Marshall Islands case. The next General Assembly of IALANA in Spring 2016 is a good opportunity to conduct a review and to consider and consult with each other on possible next steps.

Reiner Braun

Words for George Farebrother

*Peter Weiss, for the Lawyers Committee on Nuclear Policy
February 19, 2015*

George was always there. Even before any of us “oldtimers”. Frederick Douglas said nothing happens without struggle. George would say nothing happens without organization, which is the implementation of struggle. He went about it calmly, methodically, dependably. History teacher that he was, he made sure the struggle was based on truth, a weapon more powerful than even the atom bomb.

It is doubtful that nearly four million declarations of public conscience could have been collected without him and Jean for the ICJ nuclear weapons case. They not only helped to collect them for the movement. They were the public conscience of the movement. .

Unlike other social scientists, who tend to be skeptical of the role of law in promoting progress, George had a deep abiding faith in law as necessary to progress. Which made it such a joy for us lawyers to work with him.

George was always there and he will continue to be. If he were a hero of the Latin American struggle, rather than the somewhat more staid British one, we would be shouting “George Farebrother, presente!” from the rooftops.

Update on the Marshall Islands’ Nuclear Zero Cases

By John Burroughs, Lawyers Committee on Nuclear Policy



*John Burroughs,
Source: <http://goo.gl/Jtt3aO>*

“It should be our collective goal to not only stop the spread of nuclear weapons, but also to truly achieve the peace and security of a world without them, and thus end the cycle of broken promises,” said Tony de Brum, Foreign Minister for the Marshall Islands, in the opening session of the 2015 Nuclear Non-Proliferation Treaty (NPT) Review Conference, on 28 April. “That is why,” he continued, the Marshall Islands presently has cases before “the International Court of Justice (ICJ) which have brought this matter to the direct attention of the world’s nuclear powers. After decades of diplomacy, the NPT’s defining purposes remains unfulfilled, and those who are unwilling to negotiate in good faith will be held to account.”

The Republic of Marshall Islands (RMI) filed applications in the ICJ against the nine nuclear-armed states over one year ago, on 24 April 2014. The applications maintain that NPT Article VI and customary international law obligate the nuclear-armed states to enter into multilateral negotiations

on the elimination of nuclear weapons, and to do so soon, not in some distant future.

The five NPT nuclear-weapon states, who also serve as the Permanent Members of the Security Council, refused to participate in the 2013 UN Open-Ended Working Group on taking forward proposals for multilateral negotiations on nuclear disarmament. That is an egregious example of their lack of good faith in meeting the Article VI obligation. How can the Permanent Five say that they are “pursuing” – as Article VI expressly requires – negotiations when they will not even discuss what form multilateral negotiations should take?

The RMI also claims that planning and budgeting for long-term maintenance of nuclear arsenals is contrary to the Article VI objective of nuclear disarmament and therefore is contrary to the fundamental international law requirement of good faith – all the more so when negotiations are not being pursued. Similarly, modernization of nuclear arsenals adding to military capabilities is contrary to the Article VI objective of cessation of the nuclear arms race at an early date and therefore violative of the requirement of good faith.

As for nuclear-armed states outside the NPT, Israel, Pakistan, DPRK, and India, the RMI position is that they are bound by customary international law obligations of nuclear disarmament and cessation of the nuclear arms race. That position is supported by the Court’s 1996 opinion, which refers to the extensive participation of states in the NPT and the history of UN resolutions on nuclear disarmament.

India, Pakistan, and the DPRK are engaged in quantitative build-up of their fissile materials and warheads even as they proclaim their support for the commencement of multilateral negotiations on nuclear disarmament. Further, all four non-NPT states are qualitatively improving and diversifying their arsenals. Along with the P5, they generally are not pursuing negotiation of measures that would halt arms racing, for example a ban on deploying missiles with multiple warhead capabilities. All of this, the RMI maintains, places the non-NPT nuclear-armed states in breach of the obligations relating to nuclear disarmament, cessation of the nuclear arms race, and good faith.

Cases are proceeding in the ICJ against the three nuclear-armed states which have accepted the compulsory jurisdiction of the Court, the UK, India, and Pakistan. The RMI has urged the other six states to come before the Court’s in this matter and defend their view of the nuclear disarmament obligation, but so far none have done so. In the India and Pakistan cases, in December and January the RMI filed briefs on preliminary issues relating to whether the cases are suitable for decision on the merits; hearings probably will be held in early 2016. In the UK case, in March the RMI filed an opening brief on all issues, from jurisdiction to merits; how the case unfolds will depend on how the UK responds.

As a country whose people have suffered the effects of extensive nuclear testing – conducted by the US when the Marshall Islands was a UN trust territory – the RMI is particularly well qualified to uphold the interest of the international community in seeing fundamental obligations fulfilled and avoiding use of nuclear weapons that would negatively impact the entire world. As Tony de Brum said when the applications were filed, “Our people have suffered the catastrophic and irreparable damage of these weapons, and we vow to fight so that no one else on earth will ever again experience these atrocities.”

The RMI would welcome other states joining the initiative. Indeed, states have a responsibility to do so, to uphold their view of the NPT and international law. In June of 2014, the Court sent a notice to all NPT members of their

right to intervene in the UK case because it involves interpretation of the NPT. It is also possible to seek to intervene in the India and Pakistan cases, or to file parallel cases against those countries.

The US law firm Keller Rohrback is representing the RMI in a companion action against the United States filed in US district court. The district court dismissed the case in February on the ground that it has no authority to order compliance with Article VI; that ruling is now on appeal.

IALANA is well represented on the RMI's international legal team, by Co-Agent Phon van den Biesen, an Amsterdam-based attorney with long experience before the ICJ, and an IALANA Vice-President; John Burroughs, Executive Director of the Lawyers Committee on Nuclear Policy, the IALANA UN Office in New York City; and Peter Weiss (consultant), Co-President of IALANA. IALANA also assists Nuclear Age Peace Foundation with outreach and organizing. For more information, see www.lcnp.org/RMI and www.nuclearzero.org.

The 2015 NPT Review Conference: Robust Debate But No Agreement

By John Burroughs, Director, Lawyers Committee on Nuclear Policy, UN Office of IALANA

26 May 2015

Late on 22 May 2015, the last day of the five-year Nuclear Non-Proliferation Treaty (NPT) Review Conference, the diplomats and civil society representatives assembled at United Nations Headquarters in New York City learned that there would be no agreed outcome. The US, UK, and Canada stated that they could not accept the agreement, contained in the draft Final Document, on convening of a conference to advance a zone free of Weapons of Mass Destruction in the Middle East.

The agreement provided that if states in the regions could not agree on an agenda, the conference would nonetheless be convened by the UN Secretary-General by 1 March 2016. Thus it could have taken place without Israel's consent or participation.

The US position has consistently been that it cannot allow the possibility of such a development, on the theory that it would isolate Israel and subject it to unwarranted criticism. The 2010 NPT Review Conference had committed to the holding of a conference on a WMD Free zone in the Middle East by 2012. This has been resisted by Israel, which insisted that regional security issues must be addressed along with WMD issues, and no conference was held between the 2010 and 2015 Review Conferences.

Based on closing statements, notably from the Non-Aligned Movement and the Permanent Five, it appears there would have been consensus by all states parties present on a Final Document if there had been agreement on the Middle East portion. However, it must also be said that most non-nuclear weapon states took a very critical view of the draft outcome, for good reason.

The problem with NPT Review Conference commitments on disarmament made over the last 20 years is not so much that they have not been strong enough. Rather the problem is that they have not been implemented by the NPT nuclear weapon states. Coming into the 2015 Review Conference, many non-nuclear weapon states were focused on mechanisms and processes to ensure implementation, as well as timelines for completion. The Non-Aligned Movement proposed a standing body to monitor compliance, and the immediate commencement of

negotiations on a convention to prohibit and eliminate nuclear weapons. Neither were acceptable to the nuclear weapon states. However, there could have been some at least modest gains.

Quite detailed reporting by the nuclear weapon states was “encouraged” by the draft Final Document. And it “recommended” that the General Assembly establish an open-ended working group to “identify and elaborate” effective disarmament measures, including a stand-alone or framework agreement for the achievement and maintenance of a world free of nuclear weapons. However, the provision also recommended that the working group proceed by consensus, which could have given nuclear weapon states the ability to block progress.

Another important push, led by Austria, was for the Final Document to reflect the results of the three conferences on the humanitarian impacts of nuclear weapons held since 2013 in Oslo, Nayarit, Mexico, and Vienna. While preferred language was considerably watered down, the humanitarian initiative figured prominently in the draft Final Document. Notably, the first point of the forward looking plan declared that in light of the consequences of nuclear explosions, “it is in the interest of humanity and the security of all peoples that nuclear weapons never be used again”. Austria and other states had strongly urged the addition of the phrase “in any circumstance,” reflecting the language of the prohibition in the Chemical Weapons Convention. This was resisted by the nuclear weapons states. Nonetheless, as a matter of common understanding, as the Marshall Islands indicated in its closing statement, “never” is quite clear.

In general, debate in the Review Conference revealed deep divisions over whether the nuclear weapon states have met their commitments to deal, reduce and eliminate their arsenals and whether modernization of nuclear arsenals is compatible with achieving disarmament. The nuclear weapon states largely succeeded in keeping provisions on these issues out of the draft Final Document.

Thus a reference in an earlier draft to the “slow pace” of implementation of disarmament commitments was struck. Also struck was a call for the cessation of qualitative improvement of nuclear arsenals designed to support new military missions or provide new military capabilities. A provision emphasizing the need for a phased removal of all nuclear weapons from high alert levels was greatly watered down to encouragement of consideration of further practical measures to reduce the operational status of nuclear weapons. Additionally cut was a restatement of the 2010 affirmation of the need for compliance with international law, including international humanitarian law.

In its closing statement on behalf of 49 states, Austria well captured the widespread frustration with the positions of the nuclear weapon states, stating: “The exchange of views that we have witnessed during this review cycle demonstrates that there is a wide divide that presents itself in many fundamental aspects of what nuclear disarmament should mean. There is a reality gap, a credibility gap, a confidence gap and a moral gap.”

If the nuclear weapon states displayed a business as usual attitude, the approach of non-nuclear weapon states was characterized by a sense of urgency, illustrated by the fact that by the end of the Conference over 100 states had signed the “Humanitarian Pledge” put forward by Austria. It commits signatories to efforts to “stigmatize, prohibit and eliminate nuclear weapons in light of their unacceptable humanitarian consequences”.

NPT Review Conferences have failed in the past to produce consensus outcomes, in 1980, 1990, and 2005, without irreparably damaging the non-proliferation and disarmament regime. The consequences of the failure this time around are hard to assess. It may be a real blow to progress in the Middle East. This is unfortunate in view of the opportunity presented by the emerging agreement on Iran’s nuclear program, which had elements that can be applied region-wide (for example, no reprocessing of plutonium).

On the other hand, due to the positions of nuclear weapon states, the disarmament provisions in the draft Final Document did not advance much beyond previous Final Documents, and an agreed outcome could have been used as a shield by the nuclear weapon states. The lack of an agreed outcome may serve to spur further determined action by non-nuclear weapon states, in the General Assembly, where for example an open-ended working group could still be established, and outside of the UN and NPT frameworks as well.

The Total Illegality of Nuclear Weapons and the Imperative Need for Their Abolition



Jackie Cabasso at the Peace and Planet Conference; ©Lucas Wirl

24 April 2015

Message of Judge Christopher Weeramantry,
Former Vice-President, International Court of
Justice.

Co-President, International Association of
Lawyers Against Nuclear Arms.
Weeramantry International Center for Peace
Education and Research.
Colombo, Sri Lanka
*(read out loud by Jackie Cabasso in the opening
plenary)*

It gives much pleasure to send a message to the Peace and Planet Conference, held by civil society on the eve of the 2015 NPT Review Conference.

Never since the human race evolved has it faced a danger so devastating to all its past achievements and so destructive of its future expectations as it faces today. Thousands of weapons are today assembled in the arsenals of the world, each of which, even by itself, is fraught with greater peril to all humanity and to future generations than all the brutality of all the weapons cumulatively used in the wars of past centuries. The cruelty of all the tyrants of the past pales into insignificance in comparison with the proven cruelty of the nuclear weapon.

Yet, the legal professions of the world, the governments of the world, the religious assemblies of the world, the educational systems of the world and the general public of the world, who should be crying out from the rooftops for the immediate abolition of the weapon, are not even heard in the corridors of power.

It is amazing that this danger should have continued not merely to exist but also to expand in intensity through nearly three generations after the brutality of the weapon was demonstrated to all the world through its use in Hiroshima and Nagasaki. We, who should now be at the very apex of human civilization, seem on the contrary to be ready at a moment's notice to plunge all humanity into the very depths of brutality.

This is what the nuclear weapon means to every citizen on planet earth and every citizen who will inhabit the planet for a thousand generations to come. Future generations, whose inherent rights to health and a pure environment are being trampled under-foot by our generation, would raise their hands in disbelief that a weapon of such known brutality should have been permitted to remain on the planet. They would be even more shocked to know that these weapons were permitted to increase in intensity through three generations, and even more

surprisingly through three generations during which human rights and the rights of future generations have been the subject of much attention.

The next time a nuclear weapon is used it will not be on a helpless target, with no possibility of retaliation. In a world of multiple conflicts, of proliferation of nuclear weapons, of burgeoning terrorist movements, of spreading knowledge regarding their manufacture, of easy availability of raw materials and of a plenitude of funds for this purpose, the need for control and elimination of nuclear weapons is a thousand times greater than it was in the days of Hiroshima and Nagasaki.

Moreover, when the weapons start flying in both directions, all scientific studies make it patently clear that a nuclear winter will result, blotting out sunlight from large sections of the planet, devastating crops, depriving all humanity of food and reducing human life to the darkness of the Stone Age.

It is remarkable also that world religions and systems of humanitarian thought for thousands of years have condemned the use of hyper-destructive weapons. For example Hinduism, over three thousand years ago, condemned the use of a hyper-destructive weapon which was said to have the potential to ravage the enemy's countryside and decimate its population. The Lateran Council in the twelfth century condemned the use of even the crossbow as being too cruel to be used in warfare. Islamic law condemned even the use of a poisoned arrow.

Humanitarian law has for centuries condemned the use of weapons that cause unnecessary suffering. Yet, strangely enough, the nuclear weapon defies all these prohibitions and hangs like the sword of Damocles over the entire human race. The Dum-dum bullet which explodes on entering the victim's body was condemned in the 19th century as too cruel to be used amongst civilized nations, yet strangely enough the nuclear weapon persists.

The weapon contradicts every principle of humanitarian law, every principle of international law and every principle of religious teaching. Either its days are numbered or the days of human civilisation are numbered.

It is for us to make the choice.

The NPT Phoenix – Success from the ashes of failure? Nuclear disarmament initiatives may survive the failure of the 2015 NPT Review Conference. United Nations forums could move them forward

Unfold Zero, <http://www.unfoldzero.org/npt-phoenix-success-ashes-failure>

The States Parties to the nuclear Non-Proliferation Treaty failed spectacularly to reach agreement on a final conference document on 22 May after four weeks of negotiations at the United Nations in New York. The failure masks the fact that some real gains were made during the course of the negotiations. This included a number of proposals in the draft final document that appeared to have found agreement by the NPT Parties. If acted upon, these proposals might be able to produce a phoenix from the ashes of the failed conference.

The conference collapsed on the Middle East issue. The United States, UK, Canada and possibly some others could not accept a call for the United Nations to convene a conference in March 2016 on establishing a Middle East zone free of nuclear weapons and other weapons of mass destruction. Their objection arose because it has not

yet been possible to secure agreement by Israel to participate in such a conference. According to the UN guidelines on establishing nuclear-weapon-free zones, they should be arrived at freely by the States in the region.



UN Security Council meets with Phoenix mural behind

On the other hand, the establishment of such a zone was a core part of the agreement in 1995 to extend the NPT indefinitely, and was a vital part of the agreements of the 2000 and 2010 NPT Review Conferences. Progress on this issue is important to all States Parties to the NPT, and especially to the Arab countries and Iran. They perceive Israel's undeclared nuclear weapons program as threatening their security and undermining the nuclear non-proliferation regime. Indeed, the Arab countries and Iran are required to accept NPT verification and compliance measures as non-nuclear States, while Israel – a State believed to be nuclear armed - is exempt from these. This is seen as a double standard and discriminatory.

The collapse of the NPT Review Conference over the Middle East nuclear weapon free zone (NWFZ) issue is, therefore, very serious. However, it has not appeared to derail the warming relationship between Iran and the six power countries (China, France, Germany, Russia, UK and the US) which have succeeded in an interim agreement on the control and verification of Iran's nuclear energy program. Indeed, when the US and UK announced on May 22 their unwillingness to support a 2016 conference on a Middle East NWFZ, Iran did not immediately condemn these countries for their double standards. Instead, Iran called for a suspension of the NPT Review conference to allow further negotiations to try to reach a compromise. Although unsuccessful, this sign of good faith from Iran bodes well for the continued negotiations with the six powers, who aim to reach a final deal with Iran.

The proposal to hold a UN conference on a Middle East NWFZ in 2016 regardless of whether Israel will join is not necessarily dead. It could be taken up by the UN General Assembly, a forum which unlike the NPT, does not always operate by consensus. However, to move ahead without agreement of Israel and without the support of all NPT Parties could weaken the conference, turning it into a grandstanding event, and possibly reducing further the likelihood of Israel joining any process to establish such a zone.

There were a number of other developments at the NPT Review Conference that could make a breakthrough in multilateral negotiations for global nuclear disarmament. Such negotiations have been blocked in the Conference on Disarmament (CD) for nearly 20 years. The developments include the increased support for the Austria Pledge (now re-named the Humanitarian Pledge), a shift in focus from the CD to the United Nations as a whole to advance nuclear disarmament initiatives, and a general agreement (paragraph 154 (19) of the NPT draft outcome document) to establish a UN Open Ended Working Group on nuclear disarmament.

The Humanitarian Pledge, announced by Austria at the end of the Vienna Conference on the Humanitarian Impact of Nuclear Weapons in December 2014, includes a commitment to 'close the legal gap' to prohibit and eliminate nuclear weapons. During the course of the NPT Review Conference the number of countries endorsing the pledge increased from 65 to over 100. This elevates the political commitment to nuclear disarmament by those States signing. It also provides flexibility for the options for the legal gap to be filled, in order to ensure a critical mass and maximum effectiveness on which-ever legal instrument or instruments are negotiated.



Global 'wave goodbye to nuclear weapons' launched at the Peace and Planet rally in New York on the eve of the NPT Review Conference

Austria, along with members of the New Agenda Coalition (Brazil, Egypt, Ireland, Mexico, New Zealand and South Africa), emphasized that the pledge is not a specific call for a ban treaty (that could be negotiated without waiting for the nuclear-armed States). Rather, the NAC submitted a working paper outlining a range of options. These include a nuclear weapons convention (i.e. a treaty which includes all nuclear-armed States), a framework agreement, a ban treaty (as an interim measure), or a hybrid arrangement including a range of measures.

Another group of countries (Australia, Belgium, Canada, Colombia, Czech Republic, Denmark, Estonia, Finland, Germany, Hungary, Italy, Japan, Lithuania, Netherlands, Poland, Portugal, Slovakia, Spain, Sweden and Ukraine) submitted a proposal for the pursuit of a range of 'building blocks' toward a nuclear weapon-free world. UNIDIR and the International Law and Policy Institute (ILPI) advanced ideas in this proposal further in a research paper on Effective Measures: Builders and Blockers. A key point in the paper is that 'States have different roles to play to complete the nuclear disarmament puzzle' and can therefore focus on different 'building blocks' in a complementary fashion.

Previous NPT Review Conferences have tasked the Conference on Disarmament to negotiate nuclear disarmament steps and/or a comprehensive agreement on nuclear disarmament. However, the CD operates by consensus and has been blocked from undertaking any such negotiations for nearly 20 years. At the 2015 NPT review Conference there was a shift towards advancing nuclear disarmament in the full range of UN disarmament bodies. This was promoted by a number of groups including the Nordic Five (see recommendation 15 of the working paper of Denmark, Finland, Iceland, Norway and Sweden), and was included in the draft final outcome document.

Indeed, there was a call in the document for the UN General Assembly (UNGA) to re-establish an Open-Ended Working Group (OEWG) to develop effective measures (legal and other) for the achievement and maintenance of a nuclear-weapon-free world. Civil society groups including the International Association of Lawyers Against Nuclear Arms and UNFOLD ZERO, promoted the re-establishment of an OEWG at the NPT Conference, and will now focus on getting this agreed at the UNGA in October. If such a body is established by the UNGA, it could provide a forum to discuss the options outlined by the NAC and Building Blocks groups, find common ground between them and pave the way for actual negotiations.

Cuba has proposed that such negotiations should aim to draft a comprehensive nuclear abolition treaty (nuclear weapons convention) ready for adoption at the UN High Level Conference which will be held no later than 2018. Ireland, in its concluding statement at the NPT Review Conference, indicated that, regardless of the NPT Conference outcome, the New Agenda Coalition would continue developing the options outlined in their working papers.

Nuclear disarmament initiatives are also moving ahead in other UN bodies. The Marshall Islands has launched a case against the nuclear armed States in the International Court of Justice on implementation of their nuclear disarmament obligation. Marshall Islands, which was very active in the 2015 NPT Review Conference, is calling on the Court to instruct the nuclear weapon States to initiate multilateral negotiations for a nuclear weapons convention within one year of the court's judgement.

UNFOLD ZERO was also promoting other UN-based nuclear disarmament initiatives at the NPT Review Conference, including a proposal for the UN Security Council and UNGA to affirm the illegality of targeting populated areas with nuclear weapons.

The International Day for the Total Elimination of Nuclear Weapons on September 26 will provide a good opportunity to build public awareness, elevate the nuclear disarmament issue up the political ladder and publicize these initiatives at the United Nations. Other civil society coalitions involved in the NPT Review Conference are joining UNFOLD ZERO to focus on September 26 and the United Nations as a key opportunity to take forward nuclear abolition proposals. These include Peace and Planet and Global Wave, which presented a nuclear abolition petition signed by over 7 million people to the Conference, organized a huge rally and march in New York and inspiring actions in more than 50 other countries.

Nuclear Disarmament: The Fierce Urgency of Now

Statement of Peter Weiss

Co-President of the IALANA

Civil Society Presentation, May 1, 2015



Peter Weiss,

Source: <http://goo.gl/i7KW2h>

Madam President, Your Excellencies, Ladies and Gentlemen, my name is Peter Weiss and I am Co-President of IALANA, the International Association of Lawyers Against Nuclear Arms. I call your attention to our paper, “Nuclear Disarmament: The Road Ahead”, which is available outside this room. It contains our legal analysis of the nuclear weapons issue and our recommendations for going forward.

But I want to speak to you today more as a citizen of this endangered world than as a lawyer. I had the privilege of addressing an NPT Review Conference once before, in 2000. Not a great deal has changed since then, except that I am 15 years older and approaching my 90th birthday. I therefore have an urgent request to put before you, dear distinguished delegates: Make the nuclear weapons free world happens, which, to listen to their speeches, all world leaders desire, but make it happen in my lifetime.

It should not be difficult. You, more than any other body, have the power to do it. Every long march requires a first step. This conference should end with a decision to launch a process to start drafting a convention or treaty that will define the path leading to the total elimination of the thousands of nuclear weapons that now threaten a catastrophe of unimaginable proportions. That path should be subject to effective verification and be completed within a reasonable, fixed time line.

Oslo, Nayarit and Vienna have demonstrated that continuing the nuclear arms race is the devil’s work, while a child could understand that a world without nuclear weapons is infinitely preferable to one in which such weapons exist. The failure to take a first step toward total nuclear disarmament can only be understood as unwillingness to embark on the road to zero.

The nuclear weapons story has had its heroes. The Hibakusha who keep the memory of Hiroshima and Nagasaki alive so that no one else will ever have to suffer as they did; Lt. Col. Petrov, who paid with the loss of his career for refusing to carry out a procedure that could have plunged the world into nuclear holocaust; the tiny Republic of the Marshall Islands which has taken all nine nuclear armed states to the International Court of Justice for their failure to carry out their disarmament obligation; Sister Megan Rice, the 85 year old nun who is spending three years in prison for pouring some of her own blood on the wall of a building housing enough weapons grade uranium to manufacture thousands of nuclear weapons.

What we need now is a heroic state, or coalition of states, who will risk the displeasure of the powerful nuclear weapon states by leading the way to a world not just free of, but liberated from, the curse of nuclear weapons. I have faith that such states are represented in this chamber today. But please remember: In my lifetime.

Peace & Planet – Comprehensive Report for American Friends Service Committee

By Joseph Gerson, May 27, 2015

The 2015 Nuclear Non-Proliferation Treaty Review Conference ended in what is widely understood as “failure” on May 24. After a month of speeches and diplomacy, the United States blocked the necessary consensus refusing to accept the draft final document’s call for the convening of a conference within six months to advance the long promised process toward the creation to a Middle East Nuclear Weapons and WMD-Free Zone.

An analysis can be found at <http://www.truth-out.org/opinion/item/31010-obama-administration-sabotages-nuclear-nonproliferation-conference>

Despite this apparent “failure” Peace and Planet contributed to two signal successes: the widening gap between the non-nuclear weapons states and the nuclear powers and taking important steps toward the creation of more issue-integrated nuclear weapons abolition, peace, justice and environmental movements. This report summarizes the activities and outcomes of the Peace & Planet mobilization.



Building from the mandate received at the 2014 Abolition 20000 annual general meeting and our call

(<http://www.peaceandplanet.org/about-us/call-to-action/>)

Peace & Planet call, organized an International Peace & Planet Conference for a Nuclear-Free, Peaceful, Just and Sustainable world attracted 600 leading activists, scholars and diplomats from more than a dozen countries, including Angela Kane, U.N. High Representative for Disarmament Affairs.

Presentation of 8 million petition signatures to U.N. High Representative For Disarmament Affairs Angela Kane and NPT Review Conference President Ambassador Taous Feroukhi. Also pictured: Hiroshi Taka of Gensuikyō, Joseph Gerson of AFSC and Kevin Martin of Peace Action

Our International Interfaith Convocation held at the Church Center for the United Nations drew a standing room audience of more than 600, and has been described as exceptional and beautiful by long-term religious leaders in the disarmament movement, as well as those new to the movement. Between 7,000 and 10,000 people participated in our International Rally, March and Festival, with Angela Kane and NPT Review President Ambassador Taous Feroukhi receiving nearly eight million petition signatures from our Peace & Planet member organizations the Japan Council against A- & H- Bombs, Mayors for Peace (whose petitions were presented by the Mayor of Hiroshima,) and by Peace & Planet’s Co-Conveners.

Essential to our mobilization were our social and mainstream media campaigns. Via social media, we reached thousands of young people with our messages and built up participation in our events. The high points of our traditional media work were an Associated Press article about the Mobilization (which seriously under-reported our numbers) that appeared in 250 media outlets and an excellent Huffington Post article which was widely reprinted, as well as an article published in Truthout about the Obama Administration's sabotage of the Review Conference that was widely circulated: <http://www.truth-out.org/opinion/item/31010-obama-administration-sabotages-nuclear-nonproliferation-conference>

Peace and Planet rally, Union Square North, New York City, April 26, 2015



One expression of the impact of our April 24-26 activities, grew from our engagement with U.N. High Representative for Disarmament Affairs Angela Kane and NPT Review President Taous Feroukhi. In their speeches during the opening days of the Review Conference, they described our actions, saying that they reflected the expectations and hopes of international civil society. We were able to make one of the NGO statements to the Review Conference in the United

Nations. A marker of our movement building success was the Abolition 2000 Network's decision to continue the development of Peace and Planet as an A-2000 project.

Perhaps more importantly, our education and organizing served to revitalize community-based nuclear disarmament and peace movement organizing in the United States and internationally. We created, identified and popularized a number of strategies for future nuclear weapons abolition advocacy, and brought a number of young activists into the nuclear disarmament movement and/or deepened commitments of young activists through "life changing" events.

Although we are still laboring to overcome a financial deficit, it should be noted that critical to our successes was an early and significant anonymous donation that made it possible to hire additional staff and meet other expenses. Also critical to our success was the participation of 1,200 Japanese activists, including 80 A-bomb survivors who brought their testimonies, commitments, eight million petition signatures, banners and resolute spirits. They also made critically important financial contributions.

Our Events:

Our International Conference for a Nuclear-Free, Peaceful, Just and Sustainable World was held at the Cooper Union in New York City, April 24-25, with about 600 participants.

We are in the process of conducting a thorough evaluation of the conference and other events. Having said this, the feedback we have received about the conference shows that, despite our having to schedule workshops at

three different colleges, it was experienced by many as “the best conference I’ve ever attended.” The video of our plenary sessions, the Global Hibakusha workshop, and the “Doomsday Machine” workshop that featured a lecture by Daniel Ellsberg are all on the Peace & Planet web page.

To ground the conference in its painful and sacred contexts we began with an original cello composition performed by Eric Friedlander. This was followed by a speech by U.N. High Representative Angela Kane and a message from U.N. Secretary General Ban Ki-moon as well as greetings from former World Court Vice President Christopher Weeramantry, Mayor Kazumi Matsui of Hiroshima, Mayor Inamine of Nago, Okinawa, and Mairead McGuire, the Irish Nobel Laureate. Two of the world’s leading Hibakusha, Taniguchi Sumiteru and Setsuko Thurlow, were each honored and spoke, as did Daniel Ellsberg. This was followed by an exceptional plenary in which Zia Mian, Walden Bello, Jo Comerford, Manuel Pino and Rev. Osagyefo Sekou framed the five themes of our mobilization (nuclear weapons abolition, peace, Move the Money, environmental sustainability, and challenging racism and police impunity). The panel’s responses to interview questions about the relationship of these themes to one another and their implications for organizers took us to profound analyses about challenges posed by the nuclear powers and the structures of our societies - challenges that need to be overcome.

Our Saturday morning plenary opened with talks by Shin Jae Tae and Kim Bong Dae, Korean survivors of the Hiroshima A-bombings. The following panel featured government officials who are campaigning for nuclear weapons abolition. The session served to reinforce collaborations between movement activists and these political leaders who are committed to nuclear weapons abolition. Speakers included Marshall Islands Foreign Minister Tony de Brum; Japanese Diet Member Yoshiko Kira; Scottish Assembly Member Bill Kidd; and Mayors for Peace Vice President - Mayor Thore Vesby.

The high points of this session from my perspective were the speeches by Tony de Brum and Yoshiko Kira. Tony, described the suffering inflicted on the people of the Marshall Islands as a result of 64 U.S. nuclear weapons detonations and why the Marshall Islands initiated its breach of contract law suit in the International Court of Justice and national courts to hold the nuclear powers accountable to the NPT Article VI obligations and to traditional international humanitarian law. The combination of his physical courage in the face of illness and of the decision to pursue the ICJ law suit communicated his courage and commitment, which serves as a model for us all. In addition to explaining how she had become an anti-nuclear activist and the importance of Japan breaking free of the U.S. “nuclear umbrella”, the visible determination with which Yoshiko Kira delivered her speech in understandable English was exemplary. It conveyed the kind of determination needed to achieve a nuclear weapons-free world.

Following this session, our conference participants scattered across lower and mid-Manhattan to 44 workshops. In some cases, where reluctance of some participants to explore New York’s subway system led to fewer participants in workshops at Hunter College and Pace University, workshops merged spontaneously and successfully to have a critical mass.

We look forward to receiving more detailed evaluations of the workshops as we conduct our assessment of the Mobilization events. I was surprised that the two which I initiated (on nuclear weapons and Asia-Pacific militarization, and on working diplomatically within the NPT Review Conference) each had standing-room only audiences. We have received kudos for many of the other workshops, especially the Global Hibakusha, Ellsberg, and movement history workshop that was designed for young and new activists.

The closing plenary focused on providing models and strategies for community-based and issue integrated organizing. We led the way with the most powerful speech of the session, Reiner Braun, President of the International Peace Bureau, stresses the importance of countering “the new era of confrontation” that has come

with NATO expansion and the Ukraine War and the need to develop new strategies to overcome the refusal of the nuclear powers to fulfill their NPT Article VI obligations. Thomas de Toledo from Brazil focused on integrating work for peace, justice and the environment. Michael McPherson of Veterans for Peace spoke about the importance of being present with others – in this case peace activists in solidarity with movements related to Black Lives Matter - if we are to build the kind of movements needed to prevail.

Kyoko Nishikawa described the remarkable issue-integrated model of the New Japan Women's Association, and Sofia Wolman talked about the methods and achievements of youth organizing for peace and justice. In closing we were joined by peace walkers who had come on marches from Oak Ridge in Tennessee, the New England Peace Pagoda, and California. They brought new energy into the hall and provided a bridge to Sunday's rally, march and festival.



Reiner Braun, Co-President of International Peace Bureau speaks on the "new era of confrontation" between the U.S. and Russia, with a focus on Ukraine

One measure of the deep appreciation for the conference came when I took advantage of an unexpected comment by Sofia Wolman about the need for financial support. I followed with a fundraising appeal and passed a top hat around the conference hall. More than \$1,500 was placed in the hat!

The Interfaith Convocation was held in the Tillman Chapel of the Church Center for the United Nations on Sunday morning, September 26.

When I was in Japan for the World Conference against A- & H- Bombs, a Buddhist priest who has long been active in the Japanese peace movement and who attended the interfaith convocation on the eve of the 2010 NPT Review asked if there would be another such service this year. I turned to Mark Johnson, the International Fellowship of Reconciliation's representative to the U.N., to ask if he could organize it, as he had done in 2010. He built a very diverse planning group of Christian, Jewish, Muslim, Buddhist, Hindu and Native American religious leaders, who in turn organized what has been universally described as a beautiful, inspired and extremely well spiritually integrated convocation. The service was video taped and will soon be posted on the Peace and Planet web page. A copy of the program, including the litanies and prayers of the service are already there.

Early in the service C. Frank Ortloff, chairman of the New York Friends Center, described the 1955 Hiroshima Maidens, Quakers including AFSC, worked with Norman Cousins in bringing 25 women victims of the atomic bombings, aged 17-31 to New York for plastic surgery and to help people in the United States understand the consequences of the bombing and the need for nuclear disarmament. Frank's reading included the testimony of Miyoko Matsubara, who was 12 years old when she was severely burned by the bomb and witnessed hell on earth. This was followed by a series of prayers, liturgies the readings of creeds and statements from all of the religious traditions represented in the convocation.

Following the convocation, most of its participants joined the rally, march and festival. In the coming months we will be exploring ways to build from this rich event.

The rally, march and festival provided the opportunity for many more activists to demonstrate their commitments to nuclear disarmament and expectations of the NPT Review Conference. Since image is a dimension of reality, our emcees were a combination of young and older, men and women, U.S. and international. Kevin Martin and I served as stage managers, assisted by several marshals, including Paul Shannon, of AFSC's Peace & Economic Justice program.

Proposal for the creation/continuation of Abolition 2000 Peace & Planet Campaign

Submitted by Joseph Gerson, AFSC, Kevin Martin, Peace Action, and Jackie Cabasso, Western States Legal Foundation

May 1, 2015

This is a hastily written proposal urging that the 2015 Abolition 2000 Annual General Meeting authorize the creation/continuation of a Peace & Planet Campaign as a project of Abolition 2000. As described below, the international planning group for the 2015 NPT Review, initiated at the 2014 A-2000 annual general meeting fulfilled its mandate, in the course of which it took important steps in building a more issue-integrated international movement, created expectations, and forged relationships which can be the foundation for longer-term movement building for nuclear weapons abolition and related issues. As the press has reported, "Peace and Planet showed the commitment of international civil society to peace and disarmament, as thousands of people from around the world gathered in New York on the eve of the NPT RevCon."

The 2014 Mandate

The 2014 A-2000 annual general meeting charged co-conveners Joseph Gerson (AFSC,) Jackie Cabasso (WSLF, UFPJ & Mayors for Peace,) and Judith LeBlanc (Peace Action) who was later replaced by Kevin Martin of Peace Action to - take the criteria established at the A-2000 AGM as a base – and then create an international coordinating committee to implement the following:

- a. Organizing an inclusive* international Nuclear Weapons Abolition conference on the eve of the Review Conference,
- b. Organizing an inclusive mass rally and march on the eve of the Review Conference to demand nuclear weapons abolition, peace and justice – including reducing military spending and the funding of essential human needs,
- c. Organizing an inclusive peace festival at the conclusion of the rally and march,
- d. Facilitating organizing by the rising generation of young nuclear abolitionists,
- e. Facilitating delivery of millions of Japanese petition signatures urging negotiations without delay for a nuclear weapons abolition convention,
- f. Facilitating the organization of an international interfaith service on the eve of the Review Conference,
- g. Facilitating the visits of Hibakusha and international peace activists to communities in the United States to encourage nuclear weapons abolition organizing,

- h. Explore addition nonviolent actions, bold and otherwise, that can reinforce our demand for nuclear disarmament,
- i. Engage the climate change and other movements, and make outreach to the rising generation of activists a priority.

Summary of Implementation

1. An International Planning Group comprised of representatives from 11 international organizations and 42 organizations based in 12 countries was created. Efforts were made to create a diverse planning group. It issued our Call to Action on Sept. 26, 2014, the first International Day for the Total Elimination of Nuclear Weapons urging the 2015 NPT Review Conference to mandate the commencement of the “good faith” negotiations required by Article VI of the NPT. Recognizing the need to overcome the siloing of our and other movements in order to build more issue integrated movement, the Call urged “all people who hope to build a fair, democratic, ecologically sustainable and peaceful future” to join us. A petition based on the Call to Action was developed (used mainly by groups in the US). Numerous in-person and conference-call meetings of the International Planning Group’s coordinating and advisory committees, subcommittees and working groups were held to plan what became the Peace & Planet Mobilization. Short-term staff was hired by AFSC, UFPJ and Peace Action to help implement the mobilization.
2. A unique dimension of the Peace & Planet mobilization was its engagement with related peace, economic and social justice and environmental movements. To greater and lesser degrees they were represented on the coordinating and advisory committees, gave input into the shape and content of our events, held Peace & Planet events of their own and assisted in outreach and implementation. While the depth of these new relationships should not be overstated, they do provide an additional new foundation for our organizing and campaigning. With care and reciprocity, they can be built on for the longer-term.
3. Early on, both to engage younger activists and for general mobilization, we put a high priority on social media. In addition to creating our Peace & Planet web page and Facebook page, we initiated a “Fact Countdown”, sending out a compelling fact or quotation that addressed each of our five themes (nuclear weapons abolition, peace, moving the money, environmental sustainability and racial justice/opposing police militarization.) A social media subcommittee, comprised almost entirely of young activists helped to build the mobilization via twitter, Instagram and Facebook. The AFSC also created a remarkably 2 ½ minute video which focused on the role of young people in the nuclear disarmament and other movements and was circulated widely via social media.
4. An International Conference for a Nuclear-Free, Peaceful, Just and Sustainable World was held at the Cooper Union in New York City, April 24-25, with about 600 participants. Plenary speakers included: Angela Kane, Taniguchi Sumiteru, Setsuko Thurlow (Japanese Hibakusha) Daniel Ellsberg, Prof. Zia Mian, Walden Bello, Jo Comerford Manuel Pino, Rev. Osagyefo Sekou (Ferguson) Yoshiko Kira (Diet member from Japan,) Tony de Brum (Marshall Islands Foreign Minister) Mayor Thore Vesby (Mayors for Peace Vice President, Bill Kidd (Scottish Assembly,) Shin Jin Tae, Reiner Braun, Thomas de Toledo, Michael McPherson), Kyoko Nishikawa and Sofia Wolman. The conference also included 44 workshops, organized by the groups that proposed them, held at the Cooper Union, Pace University, and Hunter College. All

plenaries were live-streamed and recorded, as were two of the workshops. An evaluation will be conducted, but the oral feedback was that the conference was exceptional.

5. Mark C. Johnson took the lead in organizing an International Interfaith Convocation, which was held at the Church Center for the United Nations, with standing room only in the 600-seat chapel. Those who participated talked about how beautiful, compelling and inspiring the convocation was. Nearly all of the convocation participants later participated in the International rally, march and festival.
6. After overcoming considerable resistance from the NYPD and Parks Dept., involving months of negotiations and with the help of the ACLU an international rally was held at Union Square North on April 26. The Square was completely filled, with estimates running between 7,500 (Co-Conveners) and 10,000 (Gensuikyo) participants. The rally included more than 1,000 Japanese activists, including 80 Hibakusha. Speakers and performers included Tetsu Kitagawa, Leslie Cagan Nakamura Yuko (a Hibakusha). Manny Pino, Jean Lambert (MEP), Rev. Osagyefo Sekou, Rev. Dr. Herbert Daughtry Megacith, Reiner Braun, Judith LeBlanc, Walden Bello, Dan Ellsberg, Thomas de Toledo, Mayor Matsui of Hiroshima, Thore Naerland (Bikers for Peace). An emotional and visual highlight of the rally was the launching of the Global Peace Wave Action by Rimma Velikanova of the Basel Peace Office and Karipbek Kuyokov, a second-generation Kazakh nuclear weapon-test victim.
7. The march from Union Square North to Dag Hammarskjold Plaza was led by about eight Hibakusha in wheel chairs, who – together with other Hibakusha – they traversed the entire distance. Spirits were high, even as German participants remarked on the heavy police presence which reflected a lack of full democratic rights and freedom.
8. The Festival at Dag Hammarskjold was more impressive than in 2010. We had overcome intense opposition from the NY Parks Dept. to hold it. 35 organizations had literature tables. The high point was the presentation of nearly 8 million petition signatures by Gensuikyo, Mayors for Peace and Peace and Planet to High Representative for Disarmament Kane and NPT Review President Ambassador Feroukhi. The presentation was swamped by media and has been a focal point of media reports about the mobilization. Unlike 2010, great attention was given to arranging Festival musicians and performers, and it carried people's attention to the end.
9. Under the leadership of Alyn Ware, the Global Peace Wave – which had been launched at the NY rally went westward, time zone by time zone, with more than 100 actions around the world, it arrived back at the UN 24 hours later for the opening of the NPT Review Conference. The Global Wave provided organizations and activists in more than 20 countries the opportunity to focus the attention of movements and media on the Review Conference and our demand for the Conference to mandate the commencement of negotiations for the complete elimination of nuclear weapons. Kite flying for Peace & Planet – in the Philippines and the ringing of the bells in the Bethlehem Christmas church are just two examples of events that provided a means for local organizations to build their movements.
10. A number of Peace & Planet-related organizations arranged for Hibakusha talks in schools and other venues in New York, Boston, Washington, D.C., Chicago, San Francisco and Nevada, as well as in Peace & Planet events. Thousands of high school students were thus reached with lessons about Hiroshima and

Nagasaki, the human consequences of nuclear weapons, the continuing dangers of nuclear weapons and nuclear war, and the imperative of working for a nuclear-free world.

11. Among the other activities feeding in to the Peace and Planet Mobilization were three walks (from Oak Ridge, Tennessee, New England and California,) a Bike for Peace/Mayors for Peace ride from Washington, DC to New York, and a Shadows and Ashes civil disobedience action at the U.S. Mission to the U.N. organized by the War Resisters League.
12. Media: See attached initial summary of media coverage of the Peace & Planet activities

Our Proposal

The Review Conference has just completed its first week, so its outcome is anything but certain. Given the resistance of the nuclear powers to fulfilling their Article VI obligations and the new era of confrontation and other forces that are fueling new nuclear arms races, the prospects for the Review Conference are less than rosy, and we do not expect our demand that the Review Conference mandate the commencement of the good faith negotiations will be met. It should come as no surprise that our struggle for nuclear weapons abolition (as well as for peace, justice and environmental sustainability) will be for the long term.

In this context we seek A-2000 approval for the creation of a Peace & Planet Campaign. As with this year's mobilization, it will work to help build an issue-integrated movement to maximize the power of the nuclear weapons abolition, peace, justice and environmental movements. Among the next steps will be:

1. Collecting and posting documentation of the Peace & Planet Mobilization events, including media report, texts of speeches, photos and videos on the Peace & Planet website,
2. Conducting an evaluation of the 2015 Peace & Planet Mobilization,
3. Launching "Peace & Planet Summer" covering the period from the end of the NPT Review Conference to the 70th anniversaries of Hiroshima and Nagasaki,
4. Organizing a Peace & Planet workshop at the US Social Forum,
5. Continuation of the Peace & Planet social media campaign,
6. Continued development of relationships across issue areas, including encouraging reciprocity among our movements,
7. Convening a strategy consultation with international partners during the World Conference against A- & H- Bombs in Hiroshima or Nagasaki,
8. Organizing a strategy development meeting with coordinating and advisory committee members and key allies in the Fall of 2015,
9. Implementation of strategy developed in the Fall of 2015.

Peace through Law Needs Changes in Conditions

By Peter Becker, International Association of Lawyers Against Nuclear Arms



Peter Becker,

Fotoquelle: <http://goo.gl/7ql7Co>

In 1997, the Project for the New American Century (PNAC) was founded by some prominent members of other think tanks, including the Enterprise Institute. With close connections to the Republicans, its founders included Robert Kagan, husband of American diplomat Victoria Nuland (“Fuck the EU”, “Merkel’s Moscow stuff”). Other members included Dick Cheney, Donald Rumsfeld, Paul Wolfowitz, Richard Perle and Gordon Libby. The primary aim of the PNAC was to consolidate the USA’s worldwide hegemony, primarily through building up its military superiority and increasing the importance of its military bases all over the world.

The PNAC had a particularly unilateral view when it came to the role of international law, with its belief that US American standards should be adopted. This view is summarized concisely in the German Wikipedia article on the PNAC as follows: “As the ‘world’s geo-politician and its geo-police’ [quoting Kagan], the United States had the power, in a ‘Hobbesian world of anarchy’ to ensure the observance of law and the upholding of standards set by the US – if necessary even without consultation with or consideration for allies and other supranational organizations, treaties or other legally binding agreements (‘unilateralism’). In this, all critics see a clear historical relapse, reversing the progress in international law arduously achieved since the Peace of Westphalia.”

In 1998, the PNAC sent an open letter to the US President Bill Clinton calling for a regime change in Iraq. In 2003 this then actually occurred – after prominent members of the PNAC such as Cheney and Rumsfeld had entered positions of power. The consequences of that regime change would turn out to be terrible and it was obviously of no concern to the signatories of the letter that using military power to force a regime change in this way constitutes a violation of the prohibition of the use of force in Article 2 Clause 4 of the United Nations Charter. In other words: The political leadership of the USA in power since 2001 more or less announced an intention to no longer uphold international law as part of its program of government.

How can worldwide compliance with international law be enforced? The most important aspect must surely be to ensure that politicians and governments know what this international law is and that they are duty-bound to uphold it. As far as US politics is concerned, it is obviously not sufficient for the President to have legal expertise: both Bill Clinton and his wife are lawyers but this did not stop Bill Clinton from forcing a change of regime in Yugoslavia. At least, he did nothing to counter the intention of his Secretary of State Madeleine Albright: to carry out the war against Yugoslavia without a mandate from the Security Council, and to persuade the rest of NATO, including Germany, to follow this course although Article 1 of the North Atlantic Treaty obliges it to comply with the UN Charter. Instead, it was claimed that this type of war is permissible as a “humanitarian intervention”. However, this represents a form of self-authorization which cannot be justified on the basis of the UN Charter. So

we see that the existence of a UN Charter is necessary but not sufficient: the UN members still have to fulfil their obligation to actually comply with it.

It is my conviction that the struggle for a binding commitment in international law has to be tackled in a bottom-up way, i.e. by the nation states. One way is to ensure that the basic principles of international law – in particular their peace-preserving nature – are included in higher education curricula. It needs to be recognized as a simple matter of fact that a nation state has to comply with international law. However, even for a constitutional state such as Germany this does not seem to be something we can take for granted. This is illustrated by the decision passed by the German Federal Parliament on October 16, 1998, as a large majority of the members of parliament voted for the “humanitarian intervention” that was a violation of international law. Dissenting voices were nonetheless present in the form of two prominent lawyers: Burkhard Hirsch (FDP) and Edzard Schmidt-Jortzig (FDP), at that time the Minister of Justice in the yellow-black coalition cabinet. It was the German branch of IALANA in particular which arranged for and publicized statements of position from experts in international law regarding this parliamentary decision. Dieter Deiseroth, member of the IALANA Scientific Advisory Board, was the first jurist to attempt a classification of this “humanitarian intervention” in terms of international law and publish this in a legal periodical.

The German constitution (Basic Law) incorporates a peace imperative comprised of the elements in Articles 25 and 26. According to Article 25, the basic principles of international law are an integral part of German federal law, which includes the prohibition of the use of force. Article 26 clearly states that a “war of aggression” is both criminal and unconstitutional. Article 25 also states that German citizens have the right to invoke the rules of international law. However, it is still disputed whether a citizen can initiate a censure of a violation of the prohibition of the use of force and oblige the state authority to prohibit or bring an end to violations of this prohibition. For example, this would apply to the conduct of war performed by the United States from its Air Base Ramstein (ABR) in Germany. In German case law there has yet to be a single case of a citizen successfully exercising this constitutional right to take to court a violation of the law prohibiting military aggression. This is in spite of the fact that in the 2+4 Treaty of 1990, Germany made a commitment to ensure that war was never conducted from German territory again.

For a long time now, I have been proposing the establishment of the specialist area “Peace Law” in our country’s law and legal education. However, even within our association, we initially could not agree whether there is in fact such a thing as “peace law”. We then reached the first milestone by holding our congress “Peace through Law” in 2009 at the Humboldt University in Berlin. A book of the same name was then published after the conference (available in German from IALANA, “Frieden durch Recht?”) which included essays such as one from Dieter Deiseroth on the Peace Imperative in the Basic Law and the UN Charter, and from Andreas Fischer-Lescano on Subjective Law and the Prohibition of Aggression in International Law, or my essay on Legal Protection against Unconstitutional Warfare. However, it is still a long way before we see the establishment of “Peace Law” as a specialist subject in higher education or a genuine feeling for the significance of international law among German judges.

Peace education has to be provided in schools. What educational approaches are needed to help school pupils (and their teachers) develop an understanding of how conflicts arise and how they can be resolved? How can we manage to convey the complexity involved in the actions of nation states? And how can we help school pupils to see through the delusion that military force is the only way to “solve” conflicts? The opposite is true. However, “civil conflict resolution” – especially by means of the law – has to begin at school if it is then to become part of

our country's parliament. This is also why I am appealing for parliament's involvement to be increased: at current it only has a say when it comes to deployment of the Bundeswehr but this needs to be expanded to cover the state's commitment to settling disputes.

IALANA Board meeting

By Rainer Braun

3 May 2015

During the NPT Conference the IALANA Board also held a meeting.

In addition to a critical review of the first week of the NPT Conference, where the states with nuclear weapons were strongly criticized for blocking nuclear disarmament, the Board dealt with the next activities that International IALANA is going to initiate.

As a result, the following decisions were made:

1. The newly established IALANA Section in Switzerland was warmly welcomed into the IALANA Family,
2. The next "General Assembly" of the International IALANA was set for the period March – May 2016 in Switzerland. It should be connected with a seminar with the topic "Peace through Law",
3. All IALANA Sections were kindly asked to punctually pay their membership fees in the highest possible amount. The funding of an annual deficit by the German Section is no longer possible,
4. Judge Weeramanty, who has been President for many years, was thanked for his outstanding contribution, and he was appointed as President Emeritus. Further changes to the governance structure are underway but not yet final,
5. IALANA will continue to strongly support the Marshall Islands Nuclear Zero cases in the International Court of Justice.

Report from JALANA

By Toshinori Yamada & Yaeka Inoue

April 2015

First of all, we apologize for our absence at the IALANA board meeting scheduled on May 3, 2015 in New York. This paper reports on our recent activities.

1. Memorial Symposium for the 50th Anniversary of the Shimoda Case Judgment

On December 8, 2013, JALANA hosted a memorial symposium for the 50th anniversary of the Shimoda Case Judgment in Tokyo. In the Judgment Tokyo District Court declared illegality of the atomic bombings. At the event, we reaffirmed the significance of the Judgment and issued a "Statement on the Humanitarian Impact of Nuclear Weapons Use and the Illegality of Atomic Bombing¹." A summary of the keynote speech delivered by Yoshiro Matsui, professor emeritus in international law at Nagoya University, is available in our booklet "*Japanese Lawyers' Recommendation for the 2015 NPT Review Conference.*"

¹ http://www.hankaku-j.org/data/jalana/131208_english.html

2. Second Nationwide Research and Exchange Conference in Fukushima on Nuclear Power and Human Rights

JALANA held the two-day-long “Second Nationwide Research and Exchange Conference in Fukushima on Nuclear Power and Human Rights” on April 5 and 6, 2014 at Fukushima University, in cooperation with other NGOs. After the plenary sessions on the first day, JALANA and Japanese Lawyers International Solidarity Association (JALISA) organized a break-out session entitled “Human beings cannot coexist with nuclear energy or weapons” for the second day. An introductory report from that session is available at our website².

The First “Nationwide Research and Exchange Conference in Fukushima on Nuclear Power and Human Rights” was held April 7 and 8, 2012; the final statement is available in IALANA NEWS July/ August 2012.

3. Nuclear Zero Lawsuits by the Marshall Islands

JALANA adopted a statement in support of the lawsuits and delivered it to the RMI Embassy in Tokyo. His Excellency Mr. Tom D. Kijiner, the Ambassador to Japan, welcomed and appreciated our initiative. We also introduced important points of the cases in our journal and at a seminar held by Japan NGO Network for Nuclear Weapons Abolition.

4. JALANA General Assembly and Discussion Meeting

On November 8, 2014, JALANA held a discussion meeting after our annual assembly. We invited activists who represented civil society organizations advocating nuclear disarmament. After the reports by guest speakers, we discussed the inhumanity and illegality of nuclear weapons use and sought ways of establishing a legal framework for the abolition of nuclear weapons.

5. Vienna Conference on the Humanitarian Impact of Nuclear Weapons

In December 2014, JALANA sent delegates to the Vienna Conferences on the Humanitarian Impact of Nuclear Weapons and the ICAN Civil Society Forum as well as the Oslo Conference in 2013. During the Conferences, delegates distributed flyers that covered the Statement adopted at the memorial symposium for the 50th anniversary of the Shimoda Case Judgment and the “Statement in Support of the Marshall Islands’ Cases against Nuclear Weapon States in the International Court of Justice.” They also made a presentation at a session held by Japanese NGOs during the Civil Society Forum.

6. Website Update

JALANA updated its website, adding information in English on our association, activities and resources. A list of board members will be available soon. Please visit our website

<http://www.hankaku-j.org/english/about.html> .

Any comments and advices are welcome for further improvement.

² http://www.hankaku-j.org/data/jalana/140406_e.html

7. Meeting with Reiner Braun and Lucas Wirl.

Reiner Braun and Lucas Wirl visited Japan to attend a conference hosted by Japan Scientist Association in March, 2015. We invited them to have a small meeting at our new office, and we frankly exchanged opinions regarding current nuclear issues. We thank them for their dedication.

8. 2015 NPT Review Conference

JALANA sent delegates to the 2015 NPT Review Conference, its side events, and the “Peace and Planet” International Conference and Mobilization. During the events, delegates distributed copies of a booklet “*Japanese Lawyers’ Recommendations for the 2015 NPT Review Conference.*” It will be available also on our website soon. Table of Contents reproduced here:

1. To My American Friends (Takeya Sasaki, lawyer, president of JALANA);
2. Striving Toward Nuclear Disarmament, and the Humanitarian Approach (Toshinori Yamada, LL. M., lecturer in international law at Meiji University, Tokyo);
3. Abolition of Nuclear Weapons and the UN Declaration of the Right to Peace (Jun Sasamoto, lawyer);
4. The Historical Significance of the Shimoda Case Judgment, in View of the Evolution of International Humanitarian Law (Yoshiro Matsui, professor emeritus in international law at Nagoya University);
5. Steps Toward the Enactment of an Anti-Nuclear Weapons Law (Kazue Mori, lawyer);
6. The Impossibility of Responding to Nuclear Weapons Use, and the No More Hibakusha Lawsuits (Masayoshi Naito, lawyer, Head of Tokyo Legal Counsel for No More Hibakusha Lawsuits);
7. What the Next Generation Can Do to Abolish Nuclear Weapons (Yui Kayano, lawyer);
8. For a World Without Nuclear Arms Or Nuclear Energy – A Discussion Including Judicial Precedents from Japan (Kenichi Okubo, lawyer, secretary general of JALANA).

Furthermore, delegates to the NPT Review Conference attended the side events and contributed remarks to the session “Strategies for Nuclear Weapons Abolition” hosted by the IALANA and other organizations.

SCHWEIZER ANWÄLTE FÜR NUKLEARE ABRÜSTUNG (SAFNA)/AVOCATS SUISSES POUR LE DÉSARMEMENT NUCLÉAIRE (ASDN)/SWISS LAWYERS FOR NUCLEAR DISARMAMENT (SLND)

By Daniel Rietiker

What is behind SAFNA’s establishment?

Swiss Lawyers for Nuclear Disarmament (hereafter: SAFNA) is a very young Swiss association, a think-tank with the vision and objective of a world without nuclear weapons. It was founded in December 2014 by Dr. Daniel Rietiker (President) and Andrey Maklakov (Vice-President). December 2014 was the month of the Vienna Conference on the “Humanitarian Impact of Nuclear Weapons”, which Daniel participated in. It was the third of a series of three conferences (Oslo and Nayarit) analyzing and discussing the disastrous effects of nuclear weapons on humans, their natural environment and their future generations. In Daniel’s eyes, this rather recent humanitarian approach to nuclear disarmament is a promising alternative, or complement, to the traditional nuclear disarmament efforts that have proven unsatisfactory in the recent years. In particular Article VI NPT has

largely remained unfulfilled to date. The humanitarian, or victim-oriented approach, combined with the vision of a “general and complete disarmament under strict and effective international control”, shall remain one of the driving forces and guiding principles for the future activities of SAFNA.

Legal status and structure

SAFNA is an association under Swiss law (Articles 60 and seq. of the Swiss civil code). From an institutional point of view, it consists of the General Assembly (GA) of its members, the Committee and a Scientific Board. The GA is the supreme body of the association and the Committee administers and leads the activities of the organization. The Scientific Board is composed of recognized specialists in the field of arms control, disarmament or public international law. It shall advise and assist the Committee in its activities and decisions. Several renowned scholars and practitioners have already agreed to be member of the Scientific Board, such as a former Swiss Ambassador, a member of the UN International Law Commission (ILC), as well as several law professors and researchers in the field of arms control, humanitarian law or human rights law.

Mission

The approach that the association takes is above all a legal one. It therefore fully welcomes the applications lodged before the International Court of Justice (ICJ) by the Marshall Islands against all Nuclear Weapons States, assisted by IALANA. SAFNA is politically and religiously neutral and places the humanitarian aspect and the victims of nuclear weapons at the center of its activities. It supports all efforts towards the fortification of international humanitarian law, friendly settlement of disputes and the regulation of international arms trade. Its activities and interests are not limited to nuclear weapons, but cover other WMD as well as conventional weapons.

Tools and activities

According to its Statutes, SAFNA encourages all efforts towards general and complete disarmament, including nuclear disarmament. It raises awareness among the larger public, including legal and academic circles, of the dangers of nuclear weapons through publications, seminars, conferences, summer schools etc. SAFNA offers information and advice with a view to advancing the cause of disarmament. For this purpose, it has already established its own homepage (<http://safna.org/>).

SAFNA also wishes to build coalitions with other organizations, in particular in Switzerland, in order to lobby more effectively in favor of the cause of nuclear disarmament. On an international level, it will follow and analyze the developments and negotiations in the various arms control and disarmament forums.

Activities and projects planned for the near future

On 26 June 2015, SAFNA will organize its first “Arms Control and Disarmament Seminar” in Lausanne. It will deal with two topics: the cases introduced by the Marshall Islands at the ICJ, and an analysis and discussion of the 2015 NPT Review Conference. It features Alyn Ware (from New Zealand) and Phon van den Biesen (from the Netherlands), both members of or consultants to IALANA. Possible other projects concern a film screening event in cooperation with IPPNW Switzerland in autumn 2015.

SAFNA will also cooperate with other members of Swiss civil society in adhering to the “Humanitarian Pledge” initiated by Austria. It will also closely follow the developments in the field of nuclear disarmament, in particular the follow-up to the 2015 NPT Review Conference, including the possible establishment of a working group on

nuclear disarmament, as well as future efforts towards a conference charged with negotiating the establishment of a nuclear-free zone in the Middle East. SAFNA is also interested in the development of the Arms Trade Treaty (ATT) that entered into force only recently, namely in December 2014. It hopes that its Secretariat will be established in Geneva.

SAFNA is also willing to and interested in assisting IALANA with regards the pending Marshall Islands applications or in future cases of strategic litigating.

Letter to the Russian Ambassador in Germany

23 March 2015

Your Excellency the Ambassador,

For decades IALANA has been committed to opposing the deployment and the use and the threat of use of nuclear arms and other weapons of mass destruction. We also campaign against "Nuclear Sharing" by Germany and other non-nuclear NATO member states and we have called for compliance with and strict fulfilment of the Non-Proliferation Treaty, particularly the binding disarmament obligations detailed in Art. VI NPT. Currently we are extremely worried about reports of the possibility of the use of Russian nuclear weapons during the conflicts in Ukraine.

According to media coverage of a TV interview broadcast on March 15, 2015, the president of the Russian Federation, Vladimir Putin, is reported to have told the inter-viewer that at the peak of the crisis in Ukraine he could not exclude the possibility of putting his country's nuclear weapons into a state of combat readiness if necessary. When the journalist asked if he meant that Russia would have been ready to use nuclear weapons, President Putin is reported to have answered: *"We were prepared to do this. I was talking with Western colleagues and saying to them that [Crimea] is our historical territory, that Russian people live there, that they were in danger, and that we could not abandon them."*

If these reports are true, then in our opinion President Vladimir Putin was in direct contravention of applicable international law, as detailed in the Advisory Opinion of July 8, 1996, from the International Court of Justice (ICJ) in The Hague. The principal judicial organ of the United Nations, which is responsible for binding interpretation of international law, decided 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 international humanitarian law" (*ius in bello*).

The first of these principles aims to ensure the protection of the civil population and civilian areas, defining a distinction between "combatants" and "non-combatants"; states are prohibited from making civilians the target of their attacks and therefore are never allowed to use weapons which affect civilian and military targets in an indiscriminate way – such as nuclear weapons. According to the second principle of proportionality, it is forbidden to inflict excessive harm upon combatants. Thus it is strictly forbidden to deploy weapons which cause avoidable pain, injury and suffering. A further principle prohibits the use of weapons whose effects cannot be limited to particular state territories, which would violate the principle of neutrality by involving neighbouring countries. As a consequence, states do not have a completely free choice of weapons for use as a means to conduct war. All of

our knowledge regard-ing nuclear weapons implies they cannot fulfil the stipulations of international humani-tarian law.

As explained in its Advisory Opinion of July 8, 1996, “in view of the current state of in-ternational law, and of the elements of fact at its disposal”, the ICJ “cannot conclude definitively whether the threat or use of nuclear weapons would be lawful or unlawful in an extreme circumstance of self-defence, in which the very survival of a State would be at stake”. Therefore, its judgment cannot be seen as leading to the exist-ence of a right to use nuclear weapons. Several nuclear powers advocated the legali-ty of the use of nuclear weapons under circumstances where the future development of such weapons allowed for a “clean” use, but the Court observed that they did not provide sufficient evidence for a determination of the validity of this argument. This was expressly stated on multiple occasions by the then President of the ICJ, Prof. Mohammed Bedjaoui. As yet, there has been no development of these smaller, low-yield, nuclear weapons, supposedly “clean” because they do not result in long-term radioactive contamination and cannot trigger any major cross-border nuclear dam-age. The nuclear weapons currently held ready for deployment in the arsenals of the nuclear powers do not have these characteristics.

We would like to add: Neither during the conflict in Crimea nor during the crisis in Ukraine was the “very survival” of the Russian Federation at stake. Even the argu-mentation used by the Russian government in order to legitimate its politics aimed and aims “only” at the protection of Russian populations from breaches of their hu-man rights and also the protection of Russian geostrategic security interests in the face of the expansion of “NATO’s area” in Eastern Europe. However, this conclusion is not changed even when we consider the fact that this eastward expansion of NATO is happening in blatant contravention of political promises made to Russia by the USA and other NATO states in connection with the German reunification and the Paris Charter of 1989/90.

We should all be aware that the use of nuclear weapons by Russia or any nation could lead to a “tit-for-tat” exchange between nuclear powers which could only end in a catastrophe for humanity and a threat to the “very survival” of us all.

We therefore request Your Excellency the Ambassador Vladimir Grinin to clarify the veracity and authenticity of the reports on statements made by President Putin and where necessary also to issue a statement concerning how these statements can be reconciled with applicable international law.

We would also be very grateful if you would grant us the opportunity to discuss this in person with yourself,

We remain respectfully yours,



Otto Jäckel



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