



# IALANA NEWS

INTERNATIONAL ASSOCIATION OF LAWYERS AGAINST  
NUCLEAR ARMS  
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March 2005

## Jimmy Carter calls for disarmament efforts to save the NPT

Former US President Jimmy Carter, at a diplomatic consultation in Atlanta organized by the Middle Powers Initiative (MPI), announced his support for efforts to preserve and strengthen the Non-Proliferation Treaty by calling on the nuclear weapon States (NWS) to abandon their double standards and start to disarm their stockpiles of the same type of weapon which they are trying to prevent others from acquiring.

*"Our common goal is simply stated: to exert leverage on the nuclear powers to take minimum steps to save the non-proliferation treaty in 2005"* said President Carter on January 27 to a group of seventy diplomats and disarmament experts from around the world including three representatives from IALANA. *"The five historic nuclear powers and Pakistan, India and Israel, refuse to*

*initiate or respect restraints on themselves while ...raising heresy charges against those who want to join the sect. This is indeed an irrational approach."*

President Carter distinguished the current US administration from previous US governments both Democratic and Republican. *"All of us American Presidents, from Eisenhower to George Bush Sr., were avidly seeking to restrict and reduce nuclear arsenals – some more than others. So far as I know, there are no sincere efforts underway by any of the nuclear powers to accomplish these crucial goals."*

President Carter praised the Middle Powers Initiative and the New Agenda Coalition – a group of seven governments including Brazil, Egypt, Ireland, Mexico, New Zealand, South Africa and Sweden – for providing an urgently required bridge



Jimmy Carter speaking at MPI consultation, January 27

across the *"deep divisions between the nuclear powers who seek to stop proliferation without meeting their own disarmament commitments, and the Non-Aligned Movement whose demands include firm disarmament commitments and consideration of the Israeli nuclear arsenal."*

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## Editorial—The Tsunami and Nuclear Weapons C.G. Weeramantry (Sri Lanka), President of IALANA

On December 26 the force unleashed from a major shift in the Indian Ocean tectonic plates hit South Asia with an unimaginable force that destroyed whole villages, swept away countless families and scarred our landscapes and our souls. The total number of deaths in the tsunami has been estimated at around 150,000. It will take years for communities in Sri Lanka, Indonesia, India and Thailand to rebuild.

The global response to this devastation has been one of overwhelming compassion and generosity. People from all walks of life, at great cost to themselves, have given generously to the survivors to help them rebuild their lives. The whole world has rallied to the assistance of the countries affected in a massive demonstration of international support and sympathy. Governments have forgiven some of

the foreign debt 'owed' by the already impoverished South Asian peoples. Armed forces from many countries have taken a break from the dubious profession of war to contribute their skills and resources to the much more honorable vocation of service to others.

It is these acts of compassion, cooperation and service which

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## UN Security Council Resolution 1540: NZ adopts Ju-Jitsu approach

Alyn Ware, IALANA Consultant

*In the 16<sup>th</sup> Century Shirobei Akiyama, a Japanese man studying medicine in China, noticed that in a heavy blizzard branches of most strong trees broke while the elastic branches of the willow tree bent and efficiently freed themselves from the snow. He thus developed a martial art called Ju-Jitsu, which aims not to neutralize power with power but rationally absorb an attack and convert that energy to the opponent's own detriment.*

On April 28, 2004, the UN Security Council adopted Resolution 1540 requiring all States to take measures to prevent non-State actors from acquiring or developing nuclear, chemical and biological weapons, and to prevent the general proliferation of these weapons.

The resolution was proposed by the US to support its counter-proliferation efforts, and some critics fear that it provides a mandate for the powerful countries that already possess nuclear weapons, particularly the permanent members of the Security Council (P5), to impose pressure or even use force to prevent other States and non-State actors from acquiring such weapons themselves.

However, last minute changes in the resolution, made at the insistence of non-P5 Security Council members, provide opportunities for countries to adopt a *Ju-Jitsu* approach and utilize the political momentum for action required by the UN resolution to strengthen the norms and controls not only against the spread of nuclear, biological and chemical weapons, but also against those possessed and deployed by the P5.

### Disarmament obligations

The resolution notes that proliferation means '*proliferation in all its aspects of all weapons of mass destruction,*' and that action to prevent proliferation includes the implementation of '*multi-lateral treaties whose aim is to eliminate or prevent the proliferation of nuclear, chemical or biological weapons,*' and the need for '*all member States to implement fully the disarmament treaties and agreements to which they are party.*'

The resolution can thus be read to refer to efforts to prevent both horizontal proliferation (spread of weapons and related materials to those who do not yet have them) and verti-

cal proliferation (continued possession, deployment and development of weapons by those who already have them).

### State and Non-State actors

UNSC Resolution 1540 requires all States to adopt and enforce laws which prohibit any non-State actor to manufacture, acquire, possess, develop, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery. However there is nothing in the resolution which legitimizes the manufacture, acquisition, possession, development, transport, transfer or use of such weapons by State actors.

The recent revelations of the Khan nuclear market indicate that both State and non-State actors can be engaged in proliferation activities and thus prevention measures should address both. This would be consistent with the objectives of the resolution, as outlined in the pre-amble, which does not distinguish between State and non-State actors in determining proliferation risks.

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## The Tsunami and nuclear weapons (continued from page 1)

***we have done nothing to prevent that man-made tsunami from devastating our cities and civilizations on an infinitely larger scale.***

indicate the capabilities of the human race to rise above the egoistical pursuits of greed and power and the anachronistic institutions of war. The universal response to this tragedy indicates how strongly humanity could respond to avoid similar or greater devastation purposefully caused by other humans. It shows that humans care enough about each other to do their utmost to prevent such devastating tragedies – whether natural or human caused – from happening again.

More lives were extinguished in a few moments in Hiroshima and Nagasaki than in all the countries affected by the tsunami. Still, for nearly 60 years we have done little to prevent that man-made tsunami from devastating our cities and civilizations on an infinitely larger scale.

Today's nuclear weapons are much larger than those used in Hiroshima and Nagasaki. Moreover if the bomb were ever used today it would likely

not be the only bomb used, but the first in a nuclear exchange, which would geometrically multiply these figures and cause more destruction than a hundred tsunamis – and possibly the destruction of civilization or the extinction of humanity.

We can do little to curb the awesome powers of nature. But we can do much to curb the awesomely destructive powers of humans – especially when that power is irrational in its conception, illegal in its use and unconscionable in its consequences. This is the work that IALANA will continue to do in South Asia and around the world until we have eliminated nuclear weapons and achieved a significantly more peaceful world.

### See also:

*Tsunami and nuclear threats in South Asia p10*  
*When nature stole my dignity p22*

## Jimmy Carter supports NPT (continued from page 1)

Marian Hobbs, New Zealand Minister of Disarmament, called on all eyes to focus on the 2005 NPT Review Conference, and the “goal that we agreed to in the Non-Proliferation Treaty—the end/abolition of nuclear weapons.”

She noted that the division between advocates of disarmament and advocates of non-proliferation “could be bridged, and progress made on both non-proliferation and disarmament fronts, by adopting an abolition framework, i.e. through advancing norms which further de-legitimise nuclear weapons regardless of who may possess or aspire to possess them, and further developing the mechanisms which prevent their acquisition and provide for their systematic and verified elimination.”

Jane Goodall, respected primatologist, noted that humans, somewhat like other primates, had the capacity for both peaceful co-existence and violence, but that humans had the intelligence to create the conditions where needs were

met and security achieved without recourse to mass murder including the use of weapons of mass destruction.

The consultation provided an opportunity for diplomats from a range of countries including NATO States, NAM members and other non-NWS, to informally discuss proposals made to strengthen the NPT and generate momentum for NWS to implement their disarmament obligations.

The discussions were guided by a working paper drafted by John Burroughs from the Lawyers’ Committee on Nuclear Policy, and presentations by a number of experts including Bruce Blair (de-alerting), Alyn Ware (nuclear terrorism), Nobuyasu Abe (non-proliferation initiatives) Rose Gottemoeller (obstacles to disarmament), Detlev Wolter (space weaponisation), Frank von Hippel, (fissile materials) and Werner Bauwens (verification).

As well as considering proposals by the New Agenda Coalition, other non-NWS, the IAEA

and others, a number of new ideas were suggested including using the UN Security Council 1540 reporting process to strengthen reporting and transparency in the NPT, returning to the International Court of Justice with a case on compliance with disarmament obligations (see *Time to return to the World Court?* p6) and placing a deadline on the Conference on Disarmament (CD) to commence disarmament negotiations before swinging to an alternative forum.

The final report and recommendations from the consultation will be personally taken to NATO capitals by an MPI delegation consisting of Senator Douglas Roche, Jonathan Granoff, Zachary Allen and Alyn Ware. In addition, President Carter pledged to assist in promoting the recommendations and will be continuing to consult with MPI on the best way to do this.

For more information including the speeches and presentations see [www.gsinstitute.org/mpi](http://www.gsinstitute.org/mpi)



*This split (between nuclear weapon States and non-nuclear weapon States) could be bridged, and progress made on both non-proliferation and disarmament fronts, by adopting an abolition framework*

Hon Marian Hobbs,  
New Zealand  
Minister for  
Disarmament

## US nuclear-powered attack sub runs aground in the Pacific.

The USS San Francisco, a US nuclear-powered attack submarine, ran aground on January 7 while en route from Guam to Australia, killing one crew member and injuring 23 others according to US naval officials.

The reason for the incident has not been disclosed but US Pacific Fleet command spokesman Jon Yoshishige said from Pearl Harbour, Hawaii that the submarines single reactor had suffered no damage during collision. Lt. Arwen Consaul, a U.S. Navy public affairs officer on Guam stated that there was no leak of radioactivity and there will be “no environmental effects whatsoever” as a result of the incident.

The USS San Francisco is a Los Angeles (LA) class “fast attack” submarine with a submerged water displacement of 6,900 tonnes. It carries four torpedo-tubes, which can launch Tomahawk cruise missiles capable of carrying nuclear warheads.

Non-governmental analysts believe that LA class submarines no longer carry nuclear weapons, but this is neither confirmed nor denied by the US Navy. Yoshishige would not comment on the condition or type of weaponry the USS San Francisco was carrying.

For more information see <http://www.bellona.no/>



USS San Francisco in dry dock to assess damage sustained after running aground approximately 350 miles south of Guam. Photo by Mate 2nd Class Mark Allen U.S. Navy

## Declarations for a Nuclear-free World

### *George Farebrother, World Court Project*

For many months individuals and groups have been collecting signed *Declarations for a Nuclear-free World*. These Declarations have been initiated by the World Court Project as one of their efforts to implement the 1996 International Court of Justice Advisory Opinion on the legality of the threat or use of nuclear weapons.

The Nuclear Non-Proliferation Treaty (NPT), the most widely supported non-proliferation and disarmament

treaty ever with 188 signatory States, is under threat as the nuclear weapon States (NWS) have not implemented their solemn disarmament promises made in the treaty and reaffirmed at the last NPT Review Conference in 2000.

In the lead-up to the make-or-break NPT Review Conference in May this year, everyone who wants to see the NWS honour their legal obligations and abolish these terrible weapons forever can sign a Declaration. These

will be presented at UN headquarters in New York during the Conference.

The Declarations are not petitions. They are personal commitments, individually signed, intended to reflect the 'dictates of public conscience' recognized under international law as an important component of customary legal restrictions on weapons systems.

To make a declaration see [www.abolition2000europe.org/](http://www.abolition2000europe.org/).

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## IALANA and the UN High Level Panel on Threats Challenges and Change

*"...the biggest security threats we face now... extend to... the spread and possible use of nuclear, radiological, chemical and biological weapons..."*

Report of the UN High Level Panel on Threats, Challenges and Change

In his address to the General Assembly in September 2003, United Nations Secretary-General Kofi Annan warned Member States that the United Nations had reached a fork in the road. It could rise to the challenge of meeting new threats or it could risk erosion in the face of mounting discord between States and from unilateral actions by them. He thus established a High Level Panel on Threats, Challenges and Change to generate new ideas about policies, actions and institutions required for the UN to be effective in the 21st century.

The IALANA Pacific Office became actively involved in the work of the High Level Panel by:

- providing recommendations to the New Zealand government for its input to the panel,
- meeting on separate occasions with panel member Gareth Evans, former foreign minister of Australia, and with the chair of the panel Anand Panyarachun, former Prime Minister of Thailand, and
- providing recommendations and support documents to all panel members at one of its meetings in New York.

Perhaps the hottest topic debated over the year by the High Level Panel was the issue of UN Security Council reform. It is universally accepted that the powerful 15 member body, established in 1945 when there were only 51 UN member States, no longer represents the number and diversity of the world's nations. However, numerous attempts to cross the political minefield of

UN Security Council reform have in the past failed over key issues such as whether there should be an increase in permanent members and if so which countries should they be and should they also obtain the right of veto.

The final report, presented to the United Nations General Assembly by Secretary-General Kofi Annan on 2 December 2004, included two options on reform: Option A would increase the membership of the Security Council to 24 members with three categories of membership – permanent with veto (current P5), permanent without veto (6 new members) and two year membership (13 seats). Option B would also increase membership to 24 but would be divided amongst permanent with veto (P5), four year renewable seats without veto (8 seats) and two year membership without veto (11 seats).

The report also included recommendations on reform of other UN organs and recommendations relating to weapons of mass destruction, terrorism, poverty, the use of force and the environment. UN reform proposals included the creation of a peace-building commission, and a new ECOSOC Committee on the Social and Economic Aspects of Security Threats.

With respect to nuclear disarmament the report is disappointing. While it pays some attention to the problems of proliferation and the risks of the production of fissile materials through nuclear

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## UN High Level Panel (continued from page 4)

power facilities, scant attention is given to the robust nuclear doctrines of the Nuclear Weapon States, their large stockpiles and their refusal to implement their disarmament obligations. The report calls for “*negotiations towards disarmament*” but the only disarmament initiative mentioned are a treaty on non-production of fissile materials and de-alerting of nuclear arsenals. Despite this, the report and its follow-up provide opportunities to press governments to take further action on nuclear disarmament.

Mr Annan noted that he would be able to implement some of the recommendations that fell under his authority. However, he noted that other recommendations ‘*demand attention at the highest levels of government*’, and will thus require actions by such bodies as the Security Council, General Assembly and ECOSOC, or the 2005 summit on implementing the UN Millennium Declaration. To assist in the adoption of the panel’s recommendations Mr Annan plans to conduct ongoing consultations with governments and release an implementation plan in March.

### Documents:

Summary of the UN High Level Panel Report: [www.un.org/secureworld/brochure.pdf](http://www.un.org/secureworld/brochure.pdf)

UN High Level Panel Report: [www.un.org/secureworld/report.pdf](http://www.un.org/secureworld/report.pdf)

UN Secretary-General press release: [www.un.org/secureworld/pressrel\\_2.html](http://www.un.org/secureworld/pressrel_2.html)

RCW Analysis of the UN Report and nuclear disarmament: : <http://www.reachingcriticalwill.org/political/highlevelpanel.html>



*Alyn Ware presenting IALANA Pacific's submission to Anand Panyarachun, Chair of the High Level Panel on Threats, Challenges and Change*

## International campaign to de-alert nuclear weapons and rescind launch-on-warning

Despite the end of the Cold War, thousands of nuclear weapons remain deployed on alert status capable of being used within minutes. In addition, the US and Russia maintain policies of Launch-on-Warning (LOW), i.e. the readiness to retaliate to a nuclear attack with a nuclear response as soon as notification of approaching missiles or imminent launch is received and prior to any detonation. To cap this off, nuclear weapon States, in particular the US, are developing new rationales and potential scenarios for the threat and use of nuclear weapons.

This triple combination of high alert status, LOW and new

scenarios for threat or use, generates a very high risk of the potential use of nuclear weapons by design or miscalculation.

States agreed at the 2000 Non Proliferation Treaty Review Conference to take concrete steps to reduce the operational status of nuclear weapons. However, since 2000 there has been zero progress in implementation of this commitment. Thus, IALANA and others are launching an international campaign this year calling on States possessing nuclear weapons to reduce their operational status.

This could include, among other things, removing the

nuclear warheads from the delivery systems (such as missiles), abandoning the launch-on-warning policy and pledging not to use nuclear weapons first. Such steps would build a firebreak between the emergence of any conflict involving NWS and the possible use of nuclear weapons.

IALANA has helped draft a model United Nations resolution and an international appeal which has been endorsed by Nobel Laureates, parliamentarians, disarmament experts and civil society representatives from around the world.



*Trident missile, primed and ready for launch*

For more information see <http://www.lcnp.org/disarmament/policypractice/index.htm>

## Time to return to the World Court?

On 8 July 1996 the International Court of Justice (ICJ), at the request of the United Nations General Assembly, delivered an advisory opinion on the legality of the threat or use of nuclear weapons in which it concluded that the threat or use of nuclear weapons was generally illegal and that there is 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 decision addressed two key aspects of nuclear weapons policy –

doctrine on threat or use, and commitment to disarmament. Nearly nine years later little seems to have changed in either area. At the 2000 NPT Review Conference the Nuclear Weapon States (NWS) made an unequivocal undertaking to achieve the elimination of nuclear arsenals and agreed on a number of steps towards that goal, including reducing the role of nuclear weapons in security policies.

However, these agreements could have been written in invisible ink and they would have had more impact on the NWS actual policies

and practices than what has occurred since 2000. The major NWS have no further disarmament plans and collectively possess tens of thousands of nuclear weapons. If anything, they have broadened the role of nuclear weapons in their doctrines to include the threat or use of nuclear weapons in a wide variety of circumstances, most of which would likely be in violation of the ICJ's decision. In addition they maintain nuclear sharing arrangements with non-NWS members of NATO, which possibly violate the NPT prohibition on transfer of nuclear weapons.

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## Doubts about legality of renewed US-UK nuclear collaboration

The U.S.-British Mutual Defense Agreement (MDA), established in 1958 and up for renewal in late 2004, establishes procedures for the US and UK to “communicate to or exchange with the other party such classified information, sensitive nuclear technology, and controlled nuclear information” needed for the allies' nuclear defense plans, delivery systems and military reactors.

While details of the nuclear exchanges remain classified, experts believe the United States passed on warhead designs for its submarine-based Trident ballistic nuclear missiles. Opponents say the agreement undermines the two countries' stances on non-proliferation, while representatives of both governments argue that it supports the safety, security and reliability of their respective nuclear arsenals.

On 27 July 2004 Rabinder Singh QC and Professor Christine Chinkin issued a legal opinion concluding that “it is strongly arguable that the renewal of the Mutual Defence Agreement ... is in breach of the Nuclear Non-Proliferation Treaty”. The MDA is directed towards “improving the UK's state of training and operational readiness ... [and] atomic weapon design, development or fabrication capability”, not progress towards its discontinuation. But Article VI of the NPT requires all parties to pursue nuclear disarmament.

A British American Security Information Service report *Time to put Article I under the Spotlight*, argues that US/UK collaboration under the agreement could be in violation of Article I of the NPT, which prohibits *transfer to any recipient whatsoever nuclear weapons or other nuclear explosive devices or control over such weapons or explosive devices directly, or indirectly.*

Miguel Marin-Bosch, Mexico's former deputy foreign minister and the country's ambassador to the 1995 NPT Conference, told *New Scientist* that he believes the agreement violates the NPT, and prior to its renewal its legality should be tested at the International Court of Justice in The Hague.

A number of members of the UK House of Commons, including Alan Simpson MP, Llew Smith MP and David Chaytor MP, tried to open a debate on the agreement renewal but their request was rebuffed by the government, as was an Early Day Motion co-sponsored by 43 MPs which raised concerns that the MDA could undermine the NPT.

The US Congress took no action on the U.S.-British Mutual Defense Agreement when it was submitted by the



*Professor Christine Chinkin*



*Rabinder Singh QC.*

administration for a required 60 session days for consideration prior to renewal. The agreement was thus renewed in November 2004 for another decade.

*For more information see:*  
PNND Updates 9 and 11 at [www.pnnd.org](http://www.pnnd.org), and World Court Project [www.gn.apc.org/wcp](http://www.gn.apc.org/wcp)

## Return to the World Court (continued from page 6)

Thus the question to be asked, especially if there is no progress at the 2005 NPT Review Conference in May, is whether it is time to return to the ICJ to ascertain whether the NWS are in compliance with their obligations under international law as determined by the 1996 Advisory Opinion and the NPT, and if not, what measures should they be required to take?

Such a case could also consider whether the allies of the NWS are in compliance with their obligations, considering the facts that they subscribe to extended nuclear deterrence doctrines and most of them have joined the NWS in blocking proposed negotiations on nuclear disarmament. It could also consider the legal obligations of States not parties to the NPT, on the grounds that the ICJ's conclusions applied to all States regardless of whether or not they were NPT Parties.

As such, IALANA has started exploring the possibilities and potential political impact of lodging a follow-up case in the ICJ.

IALANA Netherlands has prepared a model application to the ICJ for a case on the issue of compliance with nuclear disarmament obligations. Rebecca Netter and Alyn Ware of the IALANA Pacific Office are preparing legal briefs considering cases against the States mentioned above covering issues of compliance with disarmament obligations as well as questions on a) the transfer of nuclear weapons and nuclear weapons technology from NWS to any other recipient, b) withdrawal from the NPT, c) development of nuclear weapons programs by States not parties to the NPT, d) policies of threat or use of nuclear weapons, and e) transparency of nuclear weapons development and doctrines.

The political issues being considered by IALANA include: a) against which countries to lodge a case, b) whether to pursue and advisory or contentious case, c) whether a case will have a positive impact on the disarmament agenda, d) what progress is being made in the various disarmament fora, and e) whether a case against only the most

***These agreements could have been written in invisible ink and they would have had more impact on the nuclear weapon States***

serious violators would have more chance of success but more likelihood of being perceived as discriminatory.

IALANA will thus be ready to consult with States and non-governmental organisations following the 2005 NPT Review Conference on the potential for such a case if little progress is made in May.

## South Asia Office Report

IALANA's South Asia office was opened in 2003 by Judge Weeramantry with a primary focus on advancing nuclear disarmament and non-proliferation in the South Asian region. Its first event in 2003, held on UN Day (Oct 24) was a seminar on the Illegality of Nuclear Weapons. It included top lawyers, scientists and officials from Sri Lanka. This was followed by a book on the Illegality of Nuclear Weapons, which serves as a very useful educational tool for people in the region who might not know much about the topic.

IALANA is now planning a more focused regional conference in April

2005 on nuclear risk reduction and disarmament measures in South Asia that will engage government officials, parliamentarians, lawyers, disarmament experts and advocates from India, Pakistan, Sri Lanka and other South Asian countries. The conference is designed to stimulate continued engagement of these sectors of the community with each other transcending the political divides between parties and governments of the region.

In preparation for this conference IALANA representatives including Judge Weeramantry, Kalana Senaratne and Alyn Ware, have made trips to India and Pakistan to meet with key government officials, lawyers, parliamentarians and

disarmament experts. IALANA has appointed staff and interns in Delhi (Neha Naqvi), Bombay (Sherin Koshy) and Colombo (Kalana Senaratne, Tharanga Jayawardena) to assist in developing the South Asia program. IALANA also has developed a collaborative relationship with the Parliamentary Network for Nuclear Disarmament which is building a network of parliamentarians in the region to promote progress in nuclear disarmament.

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## The NPT and a Nuclear Weapon Free Regime

On October 29, 2004, the Permanent Mission of Malaysia to the United Nations and the International Association of Lawyers Against Nuclear Arms organised a roundtable and dinner on *The NPT and a Nuclear Weapon Free Regime* which was attended by approximately twenty-five government delegations, six parliamentarians and fifteen non-governmental experts.

The roundtable was held to encourage delegations to the 2005 NPT Review Conference to begin a process for considering and mapping the legal, technical and political elements required for complete nuclear disarmament. Such a process could stimulate progress by NWS and non-NWS on a range of unilateral, bilateral, pluri-lateral and multilateral measures for nuclear disarmament.

Malaysia used the opportunity to release a draft working paper to the 2005 NPT Review Conference, exploring the utility of a comprehensive-incremental approach to disarmament and outlining some of the elements required for the establishment and maintenance of a nuclear weapon free world.

**Peter Weiss**, Vice-President of the International Association of Lawyers Against Nuclear Arms, and chair for the first session, called on governments to consider the very practical measures presented in the Model Nuclear Weapons Convention (Model NWC) to control nuclear weapons and fissile material and thus prevent the occurrence of a nuclear tragedy from the use of nuclear weapons by either a State or terrorist organisation.

**H.E. Datuk RASTAM Mohd Isa**, Malaysian Ambassador to the UN, noted that a key aim of the working paper released by Malaysia was to assist States parties to the NPT to develop, at the 2005 NPT review Conference, an effective program for action encompassing and extending the practical disarmament steps agreed in 2000.

**Hon. Paul Meyer**, Permanent Representative of Canada to the United Nations in Geneva, identified some steps in which he believed progress could be made in the

short term, including completion and implementation of the Trilateral Initiative, arrangements by all nuclear weapon States to place all fissile material under IAEA verification, and the further development of verification capabilities. He also called for action to reduce the operational status of nuclear weapons.

**Rebecca Johnson**, nuclear analyst from the Acronym Institute for Disarmament Diplomacy, noted that current non-proliferation initiatives such as the measures called for in United Nations Security Council resolution 1540 and the Proliferation Security Initiative, focused on trying to keep nuclear weapons out of the 'wrong' hands. She believes that this approach is not sustainable as it implies a discriminatory norm outside of the parameters of international law. Such should apply equally to everybody. The only way to prevent the proliferation of nuclear weapons to the 'wrong' hands is to establish a universal norm against nuclear weapons, as envisaged in the nuclear weapons convention (NWC) approach.

**Jürgen Scheffran**, Senior Research Scientist at the University of Illinois, noted that the threat of acquisition or use of nuclear weapons arises from both capability and motivation, and that verifying both would enable a much greater degree of confidence.

Dr Scheffran referred to the Model NWC as providing a comprehensive mix of verification technologies and mechanisms for verification of both capability and intent. This included technical verification, preventive controls, organization verification, transparency and confidence building, and societal verification. The latter has been identified by Josef Rotblat as possibly the most important element in the maintenance and verification of a nuclear weapons free world. For this reason it is important to build civil society - including scientists, parliamentarians and NGOs - into the disarmament negotiating process.

**George Perkovich**, from the Carnegie Endowment for International Peace, introduced a recent report on compliance with non-proliferation and disarmament obligations (*Universal Compliance: A Strategy for Nuclear Security*) which called on the nuclear weapon States, and especially the United States, to produce white papers indicating the procedures and technologies that would be required in order to verifiably eliminate their nuclear arsenals. He argued that probably the most important considerations in moving towards a nuclear weapons free world would be how to address the security concerns of States like Israel, Iran, India and Pakistan. A nuclear weapons free regime would need to be able to meet their security needs without reliance on nuclear weapons.

**Merav Datan**, lawyer and a principal drafter of the Model NWC, re-emphasised the importance of steps towards both prohibition and elimination. She noted that a key benefit of the Model NWC was that, while it was not perfect, it demonstrated the feasibility of nuclear disarmament. Ms Datan noted that a value in the NWC approach was that it put the question of how to achieve nuclear disarmament before the question of whether, when or why nuclear disarmament should be achieved. Such an approach is both non-confrontational and practically oriented, and thus more likely to be able to engage the NWS in working collectively with non-nuclear weapon States on a common goal.

**Ambassador Rastam** concluded the roundtable by noting that Malaysia would continue to engage with delegations to expand and improve the working paper and build support for it so that it could become a useful contribution to the 2005 NPT Review Conference.

See [www.lcnp.org](http://www.lcnp.org) for a copy of the draft working paper *Legal, technical and political elements required for the establishment and maintenance of a nuclear weapons free world*.



## The U.S. Report on UNSC 1540: Dubious Progress

Elizabeth Shafer, J.D., Board Member, LCNP

In September 2004 the U.S. issued its report on progress in its efforts to implement United Nations Security Council Resolution 1540. The resolution, proposed by the U.S. and adopted in April 2004, requires States to prohibit and criminalize the possession, transfer, and use, by non-state actors, of nuclear, biological, and chemical (NBC) weapons, and to adopt measures to prevent or control the transit and transfer of such weapons, delivery systems and related materials.

There was initial resistance by some Security Council members to support the draft resolution on the grounds that NBC proliferation, including to non-State actors, could not be adequately prevented without progress on comprehensive prohibition and disarmament. As a result, text was added to the resolution “*encouraging all Member States to implement fully the disarmament treaties and agreements to which they are party*” and calling on States to “*adopt national rules and regulations, where it has not yet been done, to ensure compliance with their commitments*

*under the key multilateral nonproliferation treaties;*” (which includes the disarmament obligation in the Nuclear Non-Proliferation Treaty).

The U.S. 1540 Report, however, reflects the current administration focus against terrorism and horizontal proliferation (the spread of NBC weapons and related materials to countries not in possession of them) and lack of steps to reverse vertical proliferation (in particular the continued possession and development of nuclear weapons and related materials by the nuclear weapon states). The US report ignores the disarmament provisions in the resolution and can only be viewed as limited, incremental and of minimal effectiveness. On the other hand, the US has developed sophisticated mechanisms for control of materials which, although designed for non-proliferation, could have potential use in the development and promotion of disarmament steps.

For example, the US reported on radiation detection equipment and non-intrusive inspection imaging technology



Elizabeth Shafer

which it has developed for screening containers. Such equipment could complement International Atomic Energy Agency methods for verifying a fissile material cut-off treaty. The US also reports on its accounting of nuclear warheads, information which would be useful for an international inventory of nuclear weapons – a key precursor to comprehensive nuclear disarmament agreements.

The US report to the 1540 Committee is of much greater detail and interest than the US reports to the NPT Review Conferences, as are most other country reports.

*Continued on page 21*

## Citizens Weapons Inspections Update

Following the conclusion of the International Court of Justice in 1996 that the threat or use of nuclear weapons is illegal and that there exists an unconditional obligation to achieve the elimination of nuclear weapons, groups of ‘Citizen Weapons Inspectors’ have attempted to verify whether the nuclear weapon States (NWS) are implementing their obligations by inspecting nuclear weapons production, deployment or control sites in the US, Europe and Israel. A number of such inspections were undertaken in 2004 including in Belgium, Germany, the Netherlands and the UK.

In Germany three people were imprisoned and ten others were

fined for inspections conducted at Buechel Air Force Base in April and May, and another two were imprisoned for actions in November.

On November 27, 1000 Belgian citizens lodged complaints at police stations in 50 cities about the deployment of illicit weapons (i.e. the nuclear weapons stationed at Kleine Brogel Air Base).

On April 16, 2005, just prior to the opening of the Non-Proliferation Treaty Review Conference, thousands of Europeans are expected to participate in ‘Bombspotting’ actions at a number of sites including NATO military headquarters in Brussels, SHAPE (NATO headquarters in Mons), and Kleine Brogel.



*Bomb-spotters about to lodge complaints at Gent police station (Belgium) about illegal nuclear weapons possession, Nov 27.*

For more information contact [bomspotting@vredesactie.be](mailto:bomspotting@vredesactie.be).  
[www.bomspotting.be](http://www.bomspotting.be)

## India and the Congress Government: Opportunities for Disarmament?



*Mani Shankar Aiyar, drafter of the Rajiv Gandhi Plan for a Nuclear Weapons Free World and a member of the Cabinet in the Indian Parliament*

On December 14 while visiting Seoul, India's foreign minister K. Natwar Singh commented to the Korea Times that even though India was a nuclear weapons power it supported complete nuclear disarmament for Korea. At first glance this may seem somewhat hypocritical. However, Singh went on to distance the new Congress-led government from the decision of the previous government, led by the Bharatiya Janata Party (BJP), to test nuclear weapons and become a declared nuclear weapons power. He noted that the former government was, for example, *"responsible for the decision to enter the nuclear standoff with neighbouring Pakistan. We hadn't crossed the threshold for 50 years. And the Congress Party didn't, it was the other party"*.

While such comments can be read as criticism of the previous BJP led government's decision to test nuclear weapons and adopt a declared nuclear weapons policy, they do not indicate that the current administration will reverse such developments. As Singh went

on to say, *"... regret would be futile... you can't put it back in the tube, it's out."*

Prime Minister Manmohan Singh, for example, followed the foreign minister's statements with a clarification in parliament that: *"India is a nuclear power and a responsible nuclear power... I categorically say there is no uncertainty in our nuclear policy."* On the other hand, the Prime Minister, when in opposition had led the parliamentary criticism of the BJP decision to test where-as other opposition members, such as opposition leader Sharad Pawar congratulated India's nuclear scientists for their "achievement." And it appears he has endorsed a previously dormant plan developed by Rajiv Gandhi for the global abolition and elimination of nuclear weapons.

Mani Shankar Aiyar, one of the principal drafters of the plan and now a cabinet minister in the Congress led government, has for the past year or so been promoting the plan within Congress and amongst

parliamentary colleagues internationally through the Parliamentary Network for Nuclear Disarmament in preparation for a time when it could be revived and possibly implemented.

When Rajiv Gandhi was leader, his plan, along with the Six Nation Initiative of which he played a lead role, may have had some influence in the thinking of Gorbachev to end the nuclear standoff between USSR and the USA, and in the promotion of a Comprehensive Test Ban Treaty. Breathing life into the plan again could provide a positive new initiative for nuclear disarmament on the international scene.

However, having now crossed the nuclear threshold, India has huge credibility problems in promoting global nuclear disarmament unless they take some regional or unilateral disarmament initiatives. The Coalition for Nuclear Disarmament and Peace has outlined a number of such initiatives in-

*Continued on page 11*

## Tsunamis and a Nuclear Threat in the South of India

J. Sri Raman from South Asians Against Nukes reported over the new year that the coastal city of Chennai in India survived a double peril on December 26 - the tsunami disaster and a nuclear threat. According to Raman, the tsunami inundated a part of the nuclear plant located in the city outskirts and close to the sea and killed a number of its employees.

The Kalpakkam complex comprises two pressurized heavy water reactors and a test reactor, a reprocessing plant and an under-construction prototype fast breeder reactor. One of the heavy water reactors had been closed for "re-

tubing" before the tsunami, the other was shut down the moment sea water was detected entering the pump-house for the coolant unit.

Even before the tsunami concerns had been raised about the complex. According to a survey under by V. Puugazhendi of Doctors for a Safe Environment, the incidence of multiple cancers of blood and bone in the Kalpakkam region rose to eight times higher than the national average in the years since the complex started its operations.

Doctors for a Safe Environment believe that the tsunami - and pos-

sible future ones - could lead to "land subsidence" in coastal areas like Chennai which host nuclear facilities. They note, for example, that the site of the fast breeder reactor under construction is just three to 5.6 meters above the sea level. They therefore call for such facilities to close. As they say, King Canute of England and Denmark, could not stop the waves - and neither can the government of India. They could however stop tsunamis from wreaking nuclear havoc if they closed the nuclear facilities.

South Asians Against Nukes Website: [www.s-asians-against-nukes.org](http://www.s-asians-against-nukes.org)

## India and the Congress Government (continued from page 10)

cluding closing Pokharan test site, agreements with Pakistan not to deploy nuclear weapons, a moratorium on missile test-flights for one year with possible extension, and an accord to keep nuclear warheads *separated* from delivery vehicles. Another important step would be to review India's nuclear doctrine to reflect the International Court of Justice's determination on the illegality of the threat or use of nuclear weapons, and the customary obligation to achieve nuclear disarmament.

In initiating any nuclear disarmament measures, the Congress led government has to contend with an opposition and media that tends to embrace nuclear weapons with nationalistic pride.

However, a number of developments since the nuclear tests in 1998 could dampen the political power of this nationalism and assist the government in pursuing nuclear disarmament. These include:

- An increasing momentum for peace with Pakistan
- A potential, arising from current UN reform proposals, for India to place its case for Security Council membership without having to attract international attention

through its nuclear weapons programme

- A growing opposition to nuclear weapons from the Indian public
- Concerns about nuclear terrorism and the understanding that the risks are increased, not reduced, by India continuing a nuclear weapons programme

It is within this climate that IALANA is stepping up its South Asia programme with consultations in India and Pakistan and a regional conference planned in Sri Lanka in April (See South Asia Update).

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***"... regret would  
be futile...  
you can't put it  
back in the tube,  
it's out."***

K. Natwar Singh,  
Foreign Minister of  
India

## Working Group for a United Nations Emergency Peace Service

Global Action to Prevent War (Global Action) continues to work on the prospects of adding another tool to the prevention toolbox: a rapid reaction United Nations service, alternatively termed a UN Emergency Peace Service (UN EPS).

Despite the need for the UN to move promptly to prevent genocide, "ethnic cleansing," and other crimes against humanity, or to take emergency actions following natural disasters and environmental accidents, the UN has no reliable capacity to move quickly, even if halting a catastrophe could save hundreds of thousands of lives. Genocide in Rwanda illustrates this incapacity, as do the killings of innocent

people in Cambodia, the former Yugoslavia, East Timor, Sierra Leone, the Democratic Republic of the Congo, Liberia, the Sudan, and elsewhere.

The time has come to create a permanent UN Emergency Peace Service to ensure that the next preventable humanitarian disaster will not occur. If such a service had been established earlier, it probably could have prevented many of the atrocities that have killed millions of civilians, wounded millions more, forced tens of millions from their homes, destroyed entire economies, and wasted hundreds of billions of dollars. Of course, such a service would not be a panacea for

security problems in general; indeed, it would be designed to complement -- not replace -- other essential national, regional, and United Nations efforts. Yet an emergency service could provide immediate, full protection in some crises and serve as an advance peace service that would also prepare the way for subsequent additional help, if needed, in larger conflicts -- a vital function that is not provided by any existing agency.

Because governments have not created the necessary UN capability, the responsibility for



*Sudanese people displaced by war wait to receive food from the World Food Program in Kalma Camp. A UN Emergency Peace Service could help prevent such conflicts escalating (AFP/File/Jose Cendon)*

Continued on page 22

## Court Cases: German Prosecutor dismisses case against US commanders over Abu Ghraib



*Peter Weiss, who along with Michael Ratner submitted a complaint against US commanders in the German Federal Court*

On February 10, 2005, the German Federal Prosecutor dismissed a complaint filed by the Center for Constitutional Rights (CCR) and four Iraqis against high ranking United States civilian and military commanders over abuses committed at Abu Ghraib prison and elsewhere in Iraq.

The initial complaint, submitted by CCR Vice-President Peter Weiss (also IALANA Vice-President) and CCR President Michael Ratner, named Secretary of Defense Donald Rumsfeld, former Central Intelligence Agency chief George Tenet and eight other officials as defendants. Recently-confirmed US Attorney General Alberto Gonzales was added to the complaint on January 31.

CCR argued that German courts had jurisdiction to consider such a complaint because German law allows war criminals to be investigated regardless of their citizenship or country of residence. The German Code of Crimes against International Law grants German Courts universal jurisdiction for the above-described crimes in Article 1, Part 1, Section 1 which states: *"This Act shall apply to all criminal offenses against international law designated under this Act, even when the offence was committed abroad and bears no relation to Germany."*

This means that those who commit such crimes can be prosecuted wherever found: they, like pirates of old, are considered ene-

mies of all humankind. *"German law in this area is leading the world,"* Peter Weiss was quoted in *Frankfurter Rundschau* on November 29. Michael Ratner notes that *"the existence of 'torture memos' drafted by administration officials and the authorization of techniques that violated humanitarian law by Secretary Rumsfeld, Lt. General Sanchez and others make clear that responsibility for Abu Ghraib and other violations of law reaches all the way to the top."*

The German Prosecutor did not deny the possibility of jurisdiction for such crimes, but dismissed the case on the basis that such crimes should be dealt with in the countries in which the crimes are committed or of which the alleged perpetrators are nationals, and only taken up by German courts if there is a clear failure of such legal systems to act. In this case the Prosecutor determined that it is up to the United States to pursue initial legal action against the alleged perpetrators of torture and their superiors and that German prosecutors would intervene only if U.S. authorities failed to act.

However, CCR contended that there was no intention by the US to try these crimes. Peter Weiss said *"It is clear that the U.S. government is not willing to open an investigation into these allegations against these officials. We view Germany as a court of last resort. We file these cases here because there is simply no other place to go."* Weiss pointed out that Congress has failed to seriously investigate the abuses and none of the various commissions appointed by the military and the Bush administration has been willing to look unflinchingly up the chain of command to consider what criminal responsibility lies with the military and political leadership. Instead, they asserted that the abuses and torture were the exclusive responsibility of rogue lower-level military personnel.

CCR criticised the dismissal as purely political and designed to evade justice. *"The prosecutor did not even discuss the*

*materials, obvious to all, that demonstrate that the Bush administration is unwilling to prosecute anyone up the chain of command."*

Peter Weiss noted *"The Prosecutor's statement that there is no reason to believe that Rumsfeld will not be prosecuted in the United States reaches a new height in the annals of incredibility."*

CCR suspects that the quick dismissal of the case was a result of intense political pressure placed on the German legal system by the United States. When questioned about the case at a Pentagon press conference earlier this month, Rumsfeld said that he might refuse to attend the annual security conference in Munich because of CCR's lawsuit. He stated ominously, *"whether I end up there, we'll soon know."*

CCR submitted hundreds of pages of new documents to the suit on Feb 7 when they added newly-confirmed Attorney General Alberto Gonzales to the complaint. CCR said the prosecutor could not have even read these materials, which shows how anxious they are to please the Bush Administration—dismiss first, read later.

However, CCR believes that this is only a temporary setback to the case. Michael Ratner said *"We will absolutely contest this decision by launching an appeal. It is a temporary setback. We will pursue Rumsfeld and others. They should be worried; if not today, tomorrow. Just look at what happened to Pinochet."*

**For more information, and to add your voice to the 11,000 others who have already sent a message to the German Prosecutor, see [www.ccr-ny.org](http://www.ccr-ny.org)**

## Vanunu re-arrested on Christmas eve

Israeli nuclear whistleblower Mordechai Vanunu, still under severe restrictions imposed by the Israeli government after his April 2004 release from prison, was rearrested and temporarily detained by Israeli police when he tried to go to Bethlehem for mass on Xmas eve.

Vanunu, a nuclear technician at Israel's Dimona nuclear facility in the 1970s and early 1980s, released information to the British media about Israel's nuclear weapons programme when he was in the UK in 1986. He was kidnapped from Rome by Israeli secret service agents, taken against his will to Israel and convicted to 18 years in prison.

Despite completing his prison term, Vanunu is still prohibited from talking to journalists and foreigners and from leaving Israel. However, in defiance of one of the restrictions, Vanunu has been granting interviews to international media, prompting Israeli

authorities to apprehend and detain him on a number of occasions since his release from prison.

On an earlier arrest in November, police confiscated his computer and other records to search for supposed illegal communications with foreigners, prompting considerable international outcry including a motion tabled in the UK parliament and sponsored by 111 parliamentarians. Vanunu remarked then that "They may take my computers, but they cannot take my email address."

Earlier in December Yoko Ono named Vanunu as a recipient, along with investigative journalist Seymour Hersh, of the Lennon Ono Peace Award. He was forbidden to travel to New York to receive the award, and so his adoptive American parents, Nick and Mary Eoloff, attended the October 7 private dinner at the U.N. to accept it on his behalf.

For more information see:  
<http://www.nonviolence.org/vanunu>



Mordechai Vanunu (L) escorted by an Israeli policeman, flashes a victory sign in Jerusalem, December 24, 2004. The Israeli nuclear whistleblower was detained as he tried to enter the West Bank city of Bethlehem for Christmas in defiance of restrictions imposed after his release, Israeli police said. (Flash 90/Reuters)



## Court Cases:



*Pit-stop Ploughshares activists Karen Fallon, Deirdre Clancy, Ciaran O'Reilly, Damien Moran & Nuin Dunlop with Martin Sheen who plays the US President in the TV show 'West Wing'.*

## Pit-Stop Ploughshares trial delayed

On Monday 3 February 2003, five members of the pacifist Catholic Worker Movement were arrested at Shannon Airport, Ireland after conducting symbolic 'ploughshares' actions, damaging the runway and a US military plane. The action was to protest the use of Irish facilities servicing U.S. military flights, troop and munition deployments to U.S. military bases in Kuwait and Qatar for the planned war against Iraq.

The ploughshares action contributed to public pressure which forced three of the four companies contracted to ferry US troops and weapons through Ireland to leave the country within a month. The protestors, Karen Fallon, Deirdre Clancy, Ciaran O'Reilly, Damien Moran & Nuin Dunlop are currently free on bail. Their trial is scheduled for March 7, 2005,

following a number of delays resulting from pre-trial actions including an 'order of discovery' given by the trial judge into the nature of US military flights through Shannon airport, and a challenge to this by the prosecution.

The protestors face a possible sentence of up to 10 years if convicted, but have already received a 'presidential pardon' from Martin Sheen, who plays the US President in the TV show *West Wing*. The protestors have also received support from Nobel Peace Prize winner Desmond Tutu and Xanana Gusmao, the president of East Timor.

For more information see [http://geocities.com/pit\\_stop\\_ploughshares/pitstop.html](http://geocities.com/pit_stop_ploughshares/pitstop.html)

## Aldermaston: Defendants found guilty but international law recognized.

Six 'Trident Ploughshares' activists charged with criminal damage for entering and blockading Burghfield/Aldermaston Weapons Establishment, one of Britain's WMD bases, were found guilty on October 27 in Reading Magistrates' Court, UK, and ordered to pay £380.

However, the magistrate recognized that the defendants actions were valid under international law and explained the guilty verdict on the basis of a precedent judgment from a higher court for which he did not have authority to overturn.

The defendants had argued that the very ownership of assembled and ready-to-use nuclear weapons is not only immoral but criminal under international law, and that they had taken the action partly to inform all Burghfield personnel of their rights and responsibilities under the Geneva Conventions and the Nuremberg Laws, including the responsibility to refuse illegal orders.

The magistrate agreed that Britain's having joined the International Criminal Court (ICC) was a new factor, which opened up the possibility of activities that aided and abetted internationally illegal activities being adjudged criminal. This might include Geoff Hoon's statements last year that the threat or use of nuclear weapons against Iraq was a possibility. If so, then acting to prevent that crime – the crime of maintaining our nuclear threat, as Burghfield/Aldermaston does – might not after all constitute criminal damage.

The Magistrate also made very clear that, under the Nuremberg principles, simply obeying orders is no defence in law. However, the Magistrate found the activists guilty anyway, concluding that the case of the six was still not sufficiently dissimilar to a previous case decided against a Trident Ploughshares activist ('Hutchinson') in a higher Court on a previous occasion, a decision which (at least in similar cases) is binding on magistrates.

Rupert Read, press contact for the defendants, said after the verdict, "*American Supreme Court Justice John P. Stevens recently declared, in relation to the detention and torture at Guantanamo Bay, that "We must not wield the tools of tyranny even to resist the forces of tyranny."* Nuclear blackmail, which Geoff Hoon recently employed against Iraq, is an obscene tool of tyranny. It must be stopped. 'The Burghfield six' have played a real part in the gradual process of stopping it."

For more information see <http://www.tridentploughshares.org>

***We must not wield the tools of tyranny even to resist the forces of tyranny.***

US Supreme Court Justice  
John P. Stevens

## Court Cases: Santa Claus arrested at nuclear weapons base

On December 22, 2004 four people, including one dressed as Santa Claus, were arrested at Faslane, home to the UK's Trident missile submarines, after blockading the main gate of naval base for two hours. The action was part of a series of protests organized by Trident Ploughshares, a campaign to disarm the UK Trident nuclear weapons system in a direct, non-violent, open, peaceful and fully accountable manner.

This brings the number of arrests in Trident Ploughshares actions to over 2000 with nearly 500 trials.

A Trident Ploughshares spokesperson said: *"Today's blockade may or may not be the last disruptive action at the Clyde WMD bases in 2004. We are determined to maintain the pressure on Britain's illegal nuclear weapons for as long as it takes. Next year will be especially significant, given the Non Proliferation Treaty (NPT) Conference in May. The nuclear weapon states, including Britain, have totally failed to fulfil their commitment under the NPT to eliminate their nuclear arsenals. This undermines the credibility of the Treaty and simply encourages further proliferation. We cannot let them away with this hypocrisy."*

For more information see [www.tridentploughshares.org](http://www.tridentploughshares.org)



*Santa Claus being arrested at Faslane nuclear submarine base in Scotland, December 22, 2004.*

## Uranium weapons protesters acquitted using international law

On December 14 four weapons protesters charged with trespass at the site of a depleted uranium weapons contractor were acquitted by a jury in Hennepin County District Court on the grounds that the protestors had a 'claim of right' to be on the property arising from their belief that the weapons being manufactured violated international law.

John Heid, 49, Jane Hosking, 36, John LaForge, 48, and Mike Miles, 51, all of rural Luck, Wisconsin, were arrested after refusing to leave the property of Alliant Tech Systems (ATK) in Edina. ATK is the largest defense contractor in the state of Minnesota, and a supplier to the U.S. military of land mines, cluster bombs, and "depleted" uranium munitions (DU), all weapons that blur the line between attacking military combatants and innocent civilians.

The defendants claimed that various provisions in treaties to which the United States is a party, such as the Hague Regulations, Geneva Conventions, and the Nuremberg Charter, prohibit ATK from producing poisonous, indiscriminate weapons. They went on to argue that these same treaties

give individuals legal rights to take reasonable actions to prevent war crimes, crimes against peace, and crimes against humanity.

The Minnesota State trespass statute contains a provision that if an individual can prove they have a "claim of right" to be on private property, they can remain there without violating the law. In legal instructions given to the jury, Hennepin County Judge Jack Nordby informed them that permission to be on the property of another can be granted by "a statute, rule, regulation, or other law." Judge Nordby explained that this meant "any law enacted by the federal or state government, any treaty to which the United States is a party, or any binding rule of international law."

In 1997, seventy-nine people were found not guilty of trespass at ATK when they claimed landmines manufactured by the company also violated international law. The recent acquittals in Hennepin County court bring to 27, the number of consecutive not guilty verdicts reached by juries in similar depleted uranium cases.

*"This is definitely a chink in the armor of Alliant Tech hiding their manufacturing of weapons of indiscriminate destruction behind state statutes,"* said Mike Miles, one of the recently vindicated defendants. *"We are hoping to persuade corporate executives at Alliant that they must stop producing certain weapons or they may be in danger of joining employees of I.G. Farben as convicted war criminals,"* said Miles. I.G. Farben was a German company that produced the gas used in Nazi concentration camps to kill millions of civilians. Farben executives claimed they were just filling government contracts but the tribunal at Nuremberg convicted them as participants in war crimes.

*"These aren't 'tank busters' like the company says, but gene busters that attack children with toxic and radioactive pollution during the shooting war, and for eons afterwards,"* said defendant John LaForge, a staff member of the peace group Nukewatch.

Nukewatch PO Box 649 Luck, WI 54853  
Phone 715-472-4185 Fax 715-472-4184  
Web: [www.nukewatch.com](http://www.nukewatch.com)

## Court Cases: Scottish Member of Parliament jailed for anti-nuclear action



*Scottish Member of Parliament Carolyn Leckie emerging from jail after serving a sentence for blockading a nuclear submarine base.*

On 20 January 2005, Scottish member of parliament Carolyn Leckie was sentenced to seven days in prison for refusing to pay a £100 fine imposed on her for taking part in a blockade of the Faslane nuclear submarine base in August 2004. After spending a night in jail, Ms Leckie noted that the conditions in Scottish prisons were designed to humiliate prisoners, but that she had no regrets for taking her stand.

Because of the offence Carolyn is also under investigation by her professional body, the Council of Nursing and Midwifery, for "conduct unworthy of a midwife," and could be stricken from the body.

Ms Leckie, worked as a midwife before becoming an MSP, and said it would be an "affront to democracy for political activity to undermine her professional standing."

*"If the worst happened and I was struck off as a midwife, the message that sends to health professionals and public sector workers across the country is that they are not expected to express a view, protest or dissent. That effectively is a gag on public servants and an affront to democracy."*

Frances Curran, a fellow member of the Scottish parliament, noted that: "Carolyn is a woman in public life with principles who is prepared to risk her livelihood in order to take a stand in the best democratic traditions. She has been criminalised for dissent and that is an outrage."

## Russian Supreme Court upholds conviction for Arms Control Researcher

On August 17, 2004 the Russian Supreme Court upheld a lower-court conviction of espionage against Igor Sutyagin a researcher with Russia's USA-Canada Institute. Sutyagin was arrested nearly five years ago while doing legal freelance arms control research into public documents for a British company. Though Sutyagin never had clearance to access secret documents, prosecutors charged that the contractor, Alternative Futures, was a CIA front group, and that the researcher had passed along secret information about nuclear submarines and missile warning systems. Last April, Sutyagin was convicted and sentenced to 15 years of hard labor in prison for spying for the United States.

Sutyagin's defense team charged that the jury that convicted Sutyagin included agents of the FSB, Russia's successor to the Soviet KGB. An FSB

colonel, told Bellona, a Norwegian environmental organisation which has led the support campaigns for Russian nuclear whistleblowers Aleksandr Nikitin and Grigory Pasko, that "This should serve as warning to scientists, ecological organizations, journalists and others who often exchange information with foreigners. There has been far too much of that over the past few years and that will change."

Sutyagin's case is also supported by Human Rights Watch and Amnesty International. An appeal to the Presidium of the Supreme Court remains, and possibly also a case before the European Court of Human Rights in Strasburg.



*Igor Sutyagin, arms control researcher convicted of espionage in Russia*

For more information, visit <http://sutyagin.org/eng> or e-mail [support@sutyagin.org](mailto:support@sutyagin.org)



## Successful challenge to foreign-State immunity in Italy

On 6 November 2003 the Italian Supreme Court issued a groundbreaking judgment (n. 5044/2004) eroding foreign-State immunity from public suit in the case of war crimes. The decision reversed that of a lower court – brought against the German Federal Republic State by an Italian national - 79 year-old Mr. L. Ferrini.

The suit was filed in 1998 in the local Court of Arezzo with the assistance of IALANA Vice-President Dr Joachim Lau. It claimed compensation from the German government for Mr Ferrini's illegal deportation to a German concentration camp during the second world war, where he was subjected to forced labour to build underground warplane construction facilities and Messerschmitt airplanes.

The suit was rejected by the lower Court, as well as the Court of Ap-

peals, on the grounds that the defendant – a foreign State – exercised a right of immunity before a court of another State.

The Supreme Court, in revoking the former judgment, declared that a foreign State cannot claim immunity when it has violated *jus cogens* rules and committed international crimes. The Court further ruled that, in light of the conclusions of the Nuremberg war crimes trials, the deportation and forced work was an international crime in which local courts could exercise jurisdiction. The question of amount of compensation was sent back to the lower court to decide.

The decision, which was published in full on 11 March 2004, is likely to result in additional lawsuits being lodged. Approximately 650,000 Italians were imprisoned and subjected

to forced labour in German industries during the second-world war, and a number of these people are still alive.

IALANA Italy has established a working group to examine whether this judgment could open the door to a case against the US government relating to the stationing of nuclear weapons in Italy. It could be argued that such deployment violates existing international law, based on the 1996 International Court of Justice Advisory Opinion which declared 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.

Such a case lodged in an Italian court could help generate sufficient legal and political weight to force the removal of the remaining nuclear weapons from Italian territory.

## Sacred Earth & Space Ploughshares case Anabel Dwyer and Alyn Ware

In August 2003 three Dominican sisters Carol Gilbert (58 years), Jackie Hudson (68 years) and Ardeth Platte (68 years) were sentenced to 30-41 months imprisonment and 3 years of supervised release (during which time they are not allowed to return to their homes) following their conviction for sabotage arising from a Citizens' Weapons Inspection they had conducted at a Minuteman III site in northern Colorado on 6 October 2002. The sisters had lowered 32 feet of chain-link perimeter fence and symbolically marked the silo cover of the missile with six crosses in their own blood. The action was undertaken to expose the fundamental immorality, illegality and criminality of the high-alert threat to use this 335 kiloton nuclear weapon.

The sisters believed the criminality was even more pronounced as the main culprit, the President of the United States, was making plans to illegally attack Iraq on the unfounded grounds

that Iraq possessed nuclear weapons less devastating than those ready to be used by the United States themselves.

Sister Gilbert explained that *"The timing of our action was critical. We acted as the Bush Administration was moving the country to a pre-emptive war against Iraq. We needed to expose the immorality and illegality of that war, the illegality and immorality of which has been tacitly admitted by the C.I.A. when it confirmed that Iraq had no weapons of Mass Destruction. As a US citizen and as a Dominican Sister I am committed to the truth – Iraq had no such weapons but the US does and we sought only to expose one of those weapons on high alert in Colorado."*

The sisters appealed on grounds that 1) the trial court erred by applying an unconstitutionally vague and over-broad definition of "national defense" without legally proscribed limits; 2) the record is devoid of evidence establishing specific intent to commit the crime of sabotage; 3) the Sisters were entitled to a good faith jury instruction when



Ardeth Platte in Danbury prison

they interposed the defense of good faith; and 4) the charge was overly severe compared to the nature of the protest.

At the appeal, which was heard by the 10th Circuit Court of appeals on Oc-

*Continued on page 18*

## Sacred Earth & Space (continued from page 17)

tober 1, 2004, Judge Hartz questioned the prosecution's charge of sabotage. The prosecutor had admitted that if a farmer had done the same amount of damage because he wanted the fence out of the way for some reason, that that would not be sabotage even if the same level of security forces responded (helicopters, dozens of troops and multiple vehicles). This assertion seemed to

trouble the judges. Judge Hartz asked whether *"the fact that this was a protest case is what made it sabotage and only damage done in a protest case can rise to the level of sabotage?"*

A decision from the 10th Circuit is expected within 2-3 months. They are currently in federal prisons in Alderson (West Virginia), Victorville (California)

and Danbury (Connecticut)

Prison writings of the women are available at [www.jonahhouse.org/sacred\\_earth.htm](http://www.jonahhouse.org/sacred_earth.htm)

*Anabel Dwyer is a board member of the Lawyers' Committee on Nuclear Policy and is one of the trial attorneys for the Sacred Earth and Space Ploughshares defendants.*

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## Effect of US Elections on Disarmament

### Jacqueline Cabasso

***"It is often an unstated premise that if nuclear weapons are needed at all, they are needed only to deter the nuclear weapons of others. I am not sure that this unstated premise is true."***

Stephen Hadley, incoming National Security Adviser to US President Bush

George W. Bush's election to a second term as U.S. President removed any perceived ambiguity about prospects for nuclear disarmament in the foreseeable future. While many had hoped that a John Kerry Presidency would open the way to progress on nuclear disarmament, it probably would only have muddied the waters. While candidate Kerry stated his opposition to "new" nuclear weapons and espoused vaguely progressive ideas like alliance-building and being prepared to talk directly with North Korea, it was in the context of a national security policy premised, in his own words, on "modern[izing]" the world's most powerful military to meet new threats."

In terms of U.S. nuclear weapons policy, a Kerry Presidency would have looked a lot like the Clinton Presidency. Despite the unprecedented historical opportunity at the end of the Cold War, Democratic President Bill Clinton's regressive 1994 Nuclear Posture Review set the stage for current U.S. nuclear policy. Clinton's 1997 Presidential Decision Directive reaffirmed the threatened first use of nuclear weapons as the "cornerstone" of U.S. national security, and contemplated an expanded role for nuclear weapons to

"deter" nuclear, chemical or biological weapons.

The Bush Administration reinforced and expanded this policy. Knowing with virtual certainty that we expect more of the same during the second Bush term requires a critical evaluation of past approaches to arms control and disarmament, and development of new strategies that that will be sustainable over many years.

Although George W. Bush declared a popular mandate following his re-election, nearly half of American voters voted against him. But there were significant gains by Republicans in the Senate and, for the first time in many years, the Republican Party solidly dominates the Administration and both Houses of Congress. Further, all indications from the post-election Bush White House are that new appointments will favor those who support a unilateral, militarist world view of a U.S. empire determined to bring "freedom" and "democracy" to the Middle East and other volatile regions, through whatever means it deems necessary.

Bush's loyal National Security Advisor, Condoleezza Rice, has been promoted to Secretary of State. Her replacement,

Stephen Hadley, is a nuclear hawk who has expressed a hegemonic view: *"[B]ecause we cannot be confident that the world will ever be . . . permanently 'devoid of nuclear weapons,' some nations, such as the United States, must continue to possess them to deter their acquisition or use by others."* Hadley has also written that it is *"often an unstated premise that 'if nuclear weapons are needed at all, they are needed only to deter the nuclear weapons of others. I am not sure that this unstated premise is true."*

In the current situation, at best what can be accomplished through conventional methods of lobbying in Washington, DC, is defending against the most egregious nuclear weapons programs. Somewhat surprisingly, Republican House members led efforts last year to cut funding for the Robust Nuclear Earth Penetrator (RNEP) and Advanced Weapons Concepts, but the FY 2006 budget request reinstates funding for the RNEP. It also establishes a new Reliable Replacement Warhead program ("nukes forever"), which has the enthusiastic support of the same Republicans who last year opposed the RNEP and Advanced Weapons Concepts.

Continued on page 23

## The World Tribunal on Iraq—New York Hearing by John Burroughs

The World Tribunal on Iraq (WTI) is a global process, with hearings in cities around the world, culminating in a final session in Istanbul, June 23-26, 2005. The aims of WTI, in brief, are to act against the crime of silence; to create a counter-history; and to strengthen the global anti-war movement. According to the Platform Text, the legitimacy of WTI derives in part from the failure of official international institutions to hold accountable those who committed grave international crimes and constitute a continued menace to world peace.

World Tribunal sessions have been held in London, Mumbai, Copenhagen, Brussels, New York (two), several cities in Japan and Germany, Istanbul, Stockholm (with participation by Judge Weeramantry), and Rome. More are scheduled for Lisbon, Cairo, Genoa, Spain, Palestine, and Pakistan. Diverse topics have been examined, extending for example to crimes against cultural heritage (Istanbul), the role of the media (Rome) and the ideological origins of the war in the Project for a New American Century (Brussels).

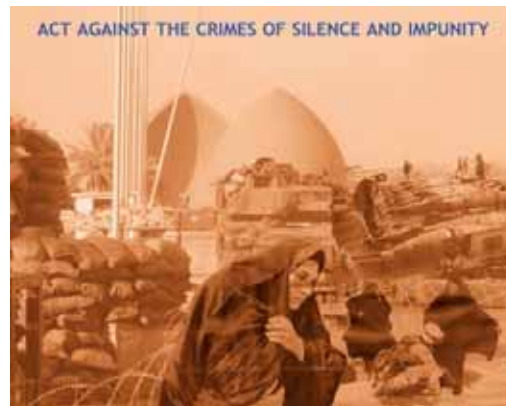
The November 2003 London inquiry coordinated by Peacerights resulted in a report submitted to the prosecutor for the International Criminal Court urging that he open an investigation into alleged crimes committed by British forces. The prosecutor has declined to take action. Because Britain, unlike the United States, is a party to the Rome Statute, British nationals in principle are subject to prosecution.

Lawyers' Committee on Nuclear Policy (LCNP) was a core organizer of the first New York session along with the Turkish Peace Initiative, Students for Justice in Palestine, and other groups. Held May 8, 2004, it was an all-day event at the historic Cooper Union in Manhattan attended by over one thousand people and attracting some media coverage.

In several long planning meetings months earlier, the organizers had hashed out the basic concept of the session: it would be a legally informed

moral and political inquiry into the initiation and conduct of the war and occupation. While the inquiry would employ an international law framework, it would not be a mock tribunal. There was no "defense counsel," nor were formal procedures employed for examination of witnesses, and the outcome of the session was not called a judgment or indictment, but rather a statement of the jury. While it was acknowledged that the Baathist regime committed crimes for which responsible individuals should be held accountable, it was expressly only the actions of the United States and its allies which were at issue. The jury comprised activists, writers, lawyers, and academics. Most were predisposed to be sympathetic to - even to want to go beyond - the arguments of the advocates. Given all of this, the session did not have the "objective" tone of either a court or an academic symposium. Rather it was infused with passion, yet based upon facts and arguments.

The presentations employed large screen projections of text, photos, and videos, as well as live witnesses and audio tapes of persons in Iraq. The topics were violation of the UN Charter in the launching of the war; violations of international humanitarian law (war crimes) committed during the period of declared hostilities, March 20 - May 1, 2003; and violations of international humanitarian and human rights law committed during the occupation. Among the presenters were LCNP's **Peter Weiss**, who addressed the initiation of the war, and **John Burroughs**, who addressed the failure to prevent looting of the Iraqi nuclear complex, the use of DU munitions, and the killing of Iraqi soldiers as well as civilians.



After explaining the lack of a rationale for the war under the UN Charter and Security Council resolutions, Mr. Weiss declared: "*The United States therefore is left only with its newfangled doctrine of 'preventive war,' which not only lacks any foundation in international law, but undermines the entire war-regulating structure of the Charter. What is more, as is well known by now, this arrogant doctrine as applied to Iraq was based on a tissue of prefabricated lies.*"

One must ask, what difference do the New York session and other sessions held around the world make? Certainly the New York session contributed to the making of a record regarding the Iraq war, including the development of evidence that could be used in actual cases. On the issues, it educated those involved and those who visit the website or see the video. It empowered its organizers. And it contributed to the global WTI process, whose outcome remains to be seen.

*The images of bombs falling like grapes from the sky and children playing in barrels of uranium, the language of not calling it torture, and the failure to provide security, water, health and to protect the ancient cultural property of Iraq shatters my heart: I hold a human shame, a sorrow that is so vast and so deep there is a physical aching in all of me.*

Eve Ensler, author of *The Vagina Monologues* and a member of the NY jury

*For further information see: WTI website: [www.worldtribunal.org](http://www.worldtribunal.org)  
NY Tribunal website (including presentations, video info and evidence): [www.worldtribunal-nyc.org](http://www.worldtribunal-nyc.org)  
LCNP and IALANA articles and activities related to Iraq war: [www.lcnp.org/global/iraqindex.htm](http://www.lcnp.org/global/iraqindex.htm)  
Peacerights Report: [www.inlap.freeuk.com/peacerights-inquiry.pdf](http://www.inlap.freeuk.com/peacerights-inquiry.pdf)*

*John Burroughs is the Executive Director of the Lawyers' Committee on Nuclear Policy.*

## NZ adopts Ju-Jitsu approach (continued from page 2)

Many countries, including some P5 members, have already adopted criminal laws relating to both State and non-State actors with respect to chemical weapons as part of their actions to implement the Chemical Weapons Convention. The P5 are not supportive of criminal law prohibiting State actors from involvement in nuclear weapons activities as that could impact on State agents involved in their own nuclear weapons programs, especially if a norm of universal jurisdiction developed. Some countries, e.g. New Zealand, have already adopted laws prohibiting State actors from engagement in nuclear weapons activities (much to the displeasure of some of the Nuclear Weapon States). UNSC 1540 provides opportunities for more States to do so.

### Customary abolition norm

Of significance in Resolution 1540 is that it requires States to implement domestic measures in order to prevent proliferation. On the one hand, this raises questions about whether the Security Council is authorized to act as a global legislating body. There has been some criticism that such obligations to enact domestic implementing measures can not be imposed by the Security Council except in a specific situation addressed to the specific States concerned when there is a clear threat to peace and security. Such was the case, for example, with disarmament measures required of Iraq following the 1991 conflict, but does not apply to the more generalized threat from proliferation globally. The appropriate mechanism for developing domestic obligations in other circumstances would be through negotiating a treaty where the obligations are not imposed on States, but are assumed by States parties to the treaty. Thus, some critics believe that UNSC Resolution 1540 indicates a move away from legitimate non-proliferation measures through such agreements as the Non-Proliferation Treaty, International Atomic Energy Agency and Convention on Nuclear Terrorism (still being negotiated) towards measures developed and policed by an unrepresentative and unaccountable body (the Security Council).

On the other hand, in requiring States to implement non-proliferation measures

irrespective of whether States concerned have accepted such obligations under treaties, the Security Council has helped to strengthen a universal and customary norm against nuclear, chemical and biological weapons. While the P5 has attempted to restrict this norm to horizontal proliferation, and will continue to do so, other countries and the global peace movement has the opportunity to ensure that the norm for prohibition will be strengthened along with the norm against proliferation.

### Reporting

Under the resolution, the Security Council established a Committee of the Security Council, consisting of all members of the Council, and called on all States to present a first report to the Committee by the end of October 2004 on steps they have taken or intend to take to implement the resolution.

The reporting process provides an opportunity to encourage other governments to take strong nuclear abolition steps. In its report, New Zealand, for example, stated that “*all weapons of mass destruction should be eliminated*” and that New Zealand had adopted legislation ‘*making it an offence to aid, abet or procure any person to manufacture, acquire, possess, or have control over any nuclear explosive device.*’ New Zealand reported that these prohibitions “*apply to both State and non-State actors under New Zealand’s jurisdiction,*” and also “*apply extra-territorially to agents or servants of the Crown outside the New Zealand nuclear free zone.*”

### Disarmament Education

The resolution calls upon all States to ‘develop appropriate ways to work with and inform industry and the public regarding their obligations under such laws [arising from multilateral treaties to which they are parties].’

This provides an opportunity for States to report on actions undertaken to inform and educate industry and public on non-proliferation issues including work done to implement the recommendations of the United Nations Study on Disarmament and Non-Proliferation Education.

New Zealand reported that “*New Zealand’s non-government organisations (NGOs) play a vital role in disseminating information about disarmament issues and New Zealand’s obligations and the government has recently allocated some funding to assist them in carrying out the recommendations of the UN Study on Disarmament and Non-Proliferation Education.*” Other governments could be encouraged to also allocate funding to NGOs in their countries to do the same.

### International Cooperation

The UN resolution calls on States to promote dialogue and cooperation on non-proliferation. While some critics saw this as possibly supporting coalition actions such as the Proliferation Security Initiative, New Zealand saw it as an opportunity to reinforce multilateral approaches stating that “*ad hoc measures and activities are however, in our view, in no way a substitute for the development of strong and effective multilateral instruments*” and that “*the most effective non-proliferation moves we could make collectively would be to ensure and enhance compliance with the NPT in all its aspects including nuclear disarmament, to bring the Comprehensive Nuclear Test Ban Treaty into force, and to negotiate a Fissile Material Cut-Off Treaty with strong verification provisions.*”

### Conclusion

UN Security Council Resolution 1540 provides opportunities for significant disarmament steps by States, including opportunities to put pressure on nuclear weapon States to implement their disarmament obligations. The degree to which States act on these opportunities will depend mostly on how much encouragement and support they receive from disarmament advocates globally. So in short, it is up to us to make this happen and to ensure that Resolution 1540 is used as an effective tool for disarmament.

See:

*NZ submission to the UNSC 1540 Committee: [www.pnnd.org](http://www.pnnd.org) Update 11*

## U.S. Report on UNSC 1540 (continued from page 9)

As such, perhaps the NPT Review Conferences could make further progress on the consideration of verification and control measures for disarmament if they use the information from the 1540 reports.

The US Report goes into considerable detail about the mechanisms the US has developed and implemented to control fissile materials, bio-toxins and chemical precursors. These include, for example, cooperative agreements between the U.S. Department of Health and Human Services (HHS) and the World Health Organization and the Pan American Health Organization, to enhance capabilities for early detection, reporting, and response to infectious disease threats related to bio-terrorism (U.S. Report, p. 18). Another example is the container Security Initiative, involving cooperation with the governments of twenty foreign ports to implement detailed screening procedures in order to address the threat of containerized shipping concealing NBC weapons (*Ibid.*, p. 16). In general it would seem that such U.S. efforts are cooperative, transnational ones involving international public health and safety. Other States may be able to adopt or join some of these. Collectively such measures will have some positive effect in preventing proliferation of NBC weapons and related materials.

However, so long as the NWS retain stockpiles of nuclear weapons and related materials, there is the potential for non-State actors and additional States to acquire nuclear materials and develop nuclear weapons. In the case of non-State actors there is even the possibility of stealing warheads or infiltrating nuclear control systems in order to acquire control over nuclear weapons. In the case of proliferation to States, the continued possession of nuclear weapons by some States provides a stimulus to others to acquire them in response.

Thus, as Ronaldo Mota Sardenberg, the UN ambassador for Brazil said, *“limiting the resolution to the question of non-proliferation as the overriding threat was inadequate. At the same time, disarmament must be pursued in good faith. Without such a comprehensive approach, all efforts to make the world*

*safer were bound to fall short.”*

(UN Security Council Press Release SC/8076, *Security Council decides all States shall act to prevent proliferation of mass destruction weapons*. 28 April 2004, <http://www.un.org/News/Press/docs/2004/sc8076.doc.htm>)

The basic problem in the U.S. approach, therefore, is its total disregard of its disarmament obligations, (notwithstanding the lip-service paid to disarmament in its report). Regarding the Nuclear Nonproliferation Treaty (NPT) the U.S. statement that it *“actively and strongly promotes universal adoption, full implementation, and strengthening of the NPT”* is at best disingenuous. Its statement that *“(t)he United States abides by all of its NPT obligations and participates fully in the NPT review process”* is patently false. The reality is that for the past thirty-seven years, since signing the NPT in 1968, the U.S. has evaded its obligation under Article VI of the NPT, to undertake *“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 mandatory nature of these legal obligations was underscored by the International Court of Justice, in its 1996 Advisory Opinion, that *“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”*

There are similar, if less glaring, inconsistencies between the glowing statements in the U.S. report of continued progress in its support and promotion of multinational treaties such as the Biological Weapons Convention (BWC) and the Chemical Weapons Convention (CWC); and its history of delays and obstructions regarding them.

In introducing the resolution, one of the key aims of the US was to increase participation of other States in coop-

erative counter-proliferation efforts led by the US. While this may occur to some degree, it will be limited by a growing dissatisfaction by States with US antipathy towards multilateral mechanisms to deal with these issues. The US, for example, has walked away from the Comprehensive Test Ban Treaty, blocked negotiations for a verification protocol to the Biological Weapons Convention, blocked negotiations on a fissile material cut-off treaty, stalled negotiations of the Draft Convention on the Suppression of Acts of Nuclear Terrorism and refused to join the International Criminal Court.

In addition, the lack of credibility in the U.S. rationale for invading Iraq (illusory Weapons of Mass Destruction) and U.S. denials of links between official policies and the torture of prisoners by American soldiers in Guantanamo Bay and Abu Ghraib-- as documented by Seymour Hersh in *Chain of Command* (HarperCollins, 2004), has further eroded the international reputation of the U.S., whether this concerns issues of security or human rights.

Thus, vis-a-vis the U.S. and UNSC 1540, it would seem that any positive future role for the U.S. in the field of nonproliferation would begin with its turning toward an approach of genuine cooperation and respect for multilateral treaties. Such action could eventually lead toward an international resumption of credibility in the integrity of the U.S., and progress on U.S. policy could be measured in its change from incremental steps on nonproliferation to a multilateral, comprehensive approach to nuclear disarmament.

### Documents and contacts:

*US Report to the UN Security Council 1540 Committee*  
[www.state.gov/t/np/rls/37375.htm](http://www.state.gov/t/np/rls/37375.htm)

*UN Security Council Resolution 1540*  
[http://disarmament2.un.org/Committee1540/Res1540\(E\).pdf](http://disarmament2.un.org/Committee1540/Res1540(E).pdf)

*UN Security Council 1540 Committee*  
<http://disarmament2.un.org/Committee1540/index.html>

## UN Emergency Peace Service (continued from page 11)

breathing life into the United Nations Emergency Peace Service now lies with civil society, working with allies in the UN and interested governments. Global Action is working with key partners in a Working Group for the establishment of such a service. We are researching the possibilities and challenges of such a service, and creating a plan for moving forward. Interested parties please contact coordinator@globalactionpw.org

### Global Partnership for the Prevention of Armed Conflict (GPPAC)

Global Action has joined the GPPAC, a network organization working on drawing out the roles of civil society in preventing armed conflict, and the connections between conflict prevention civil society organizations and the United Nations. GPPAC was established when the European Center for Conflict Prevention (ECCP) answered the call of the Secretary General in Recommendation 27 in his Report on the Prevention of Armed Conflict (2001). He asked NGOs "with an interest in conflict prevention to organize a conference of local, national, and international NGOs to determine the role of civil society in prevention and its relation with the work of the UN".

The ECCP is now acting as the Secretariat for this work, and has identified 15 regions around the world, each with a regional initiator. The regions are each developing their own process for identifying recommendations to bring to the 2005 conference, and most have already held Regional Conferences and adopted regional recommendations. At the conference, NGOs, in discussion with supportive Member States and UN officials, will work out global recommendations on the role of civil society in conflict prevention, and an action plan to begin to implement those recommendations. All these will then be submitted to the UN. Working with the UN has the advantages of making sure they know what is happening at the local level, magnifying the audience and the potential for assistance on individual projects, and increasing the potential to influence the decisions that affect our lives.

The UN office of Global Action is working with the UN-NGO Conflict Prevention Working Group on logistics for a conference at the UN in 2005.

### Security Council Resolution 1325

SC Resolution 1325 on Women Peace and Security, a collaborative effort of NGOs introduced in the Security Council by Namibia, is approaching its fourth anniversary this October 31, 2004. This resolution, the first to mention women and security, says that women have a particular and crucial role to play in security, and that they must be involved in all aspects and stages of it. Importantly, it means that women must be at the negotiating table in conflict situations. The full implementation of Resolution 1325 is point number 9 of the Global Action Program and is one of our first five-year priorities.

The Working Group decided that Global Action could be most useful by:

- 1) Asking missions how their governments are implementing 1325
- 2) Assisting in disseminating material on 1325, including a survey for NGOs around the world that asks how 1325 is

being implemented in their locale, and  
3) Including 1325 in our advocacy work  
More information is available at:  
[www.peacewomen.org](http://www.peacewomen.org) and  
[www.womenwarpeace.org](http://www.womenwarpeace.org)

### US National Steering Committee

The US National Steering Committee is developing a large public education campaign about war, peace, and international law and cooperation. This campaign will be aimed at two segments of the US population: young people who face possible military service, and older allies. The appeal to the young folks will be aimed at their feelings about serving in the military. It will work to bridge the gap between the self-oriented resistance the draft and an understanding that many other people their age are being forced to fight wars. The appeal to older allies will work to bridge the gap between resistance to the war and working for peace, by introducing practical plans for peace, like the Global Action Program Statement.

### When nature stole my dignity

Sherin Koshy, IALANA Intern, India  
*Heaps of blankets plunder me  
and devour the biting cold that grasps me.  
Amidst the raging euphoria of human generosity,  
lays my pride stretched out for burial.*

*I watched as the sea drowned my home  
and swiftly fragmented my existence.  
The government went about providing aid,  
as some made money off my plight*

*They threw food packets on my face  
and told me to eat, to stay alive.  
Yet they rape my daughter as she weeps  
and sell her child to the highest bidder.*

*While the humans hastily satiate their greed,  
calm slowly returns to the sea.  
I wait now to understand which of the two  
was the greater tsunami?*

## Nuclear Calendar

### Inter-governmental events:

**24 January-1 April.** First session of the Conference on Disarmament, Geneva  
The CD currently has proposals to negotiate a fissile material cur-off treaty and to consider the prevention of an arms race in outer space and the issue of nuclear disarmament. However, it has not been possible to start negotiations on any of these. Other sessions for 2005, 30 May-15 July and 8 August-23 September. For more information see <http://disarmament2.un.org/cd/>

**Feb. 28:** International Atomic Energy Agency board of governors meeting.  
Vienna, Austria. [www.iaea.org/About/Policy/Board/](http://www.iaea.org/About/Policy/Board/)

**March 16-18:** International Atomic Energy Agency, International Conference on Nuclear Security: Global Directions for the Future. London  
<http://www-pub.iaea.org/MTCD/Meetings/Announcements.asp?ConfID=136>

**April 26-28**  
Conference of States Parties to the Regional Nuclear Weapon Free Zones  
Mexico City. Mexico has invited States Parties to the regional NWFZs to a conference to consider ways to strengthen and extend nuclear-weapon-free-zones and to achieve a nuclear-weapon-free world. The conference will be hosted by OPANAL (Organisatoion for the Prohibition of Nuclear Weapons in Latin America and the Caribbean)  
For more information see [www.opanal.org](http://www.opanal.org)

**May 2-27, 2005.** Nuclear Non-Proliferation Treaty Review Conference  
New York,  
States Parties to the NPT meet every five years to review the operation of the treaty. They also have preparatory meetings in other years. Several issues have arisen since the 2000 Review Conference that threaten the non-proliferation regime including withdrawal of North Korea from the treaty, development of counter-proliferation activities including the Proliferation Security Initiative and the use of force against Iraq, development of ballistic missile defence programmes and Iran's uranium enrichment programme.  
For more information see [www.reachingcriticalwill.org](http://www.reachingcriticalwill.org)

### Other key meetings/events

**March 12-May 1** International Peace Walk from the Oak Ridge Y-12 National Security Complex plant in Tennessee (responsible for production of thermonuclear warheads) to the United Nations to support the Mayors for Peace call for the elimination of nuclear weapons.  
<http://peacehq.tripod.com/OSSTBIPW/stbipw-home.html>

**March 14-16: Fifth meeting of the Weapons of Mass Destruction Commission**  
New Delhi, India. The WMD Commission was launched by the Government of Sweden in Stockholm on December 16, 2003 to respond to the recent, profoundly worrying developments in international security, and in particular to investigate ways of reducing the dangers from nuclear, biological, chemical and radiological weapons. Chaired by Dr Hans Blix, the former head of UNMOVIC and the IAEA, the WMD Commission, which comprises 15 eminent members, will present its Final Report to the UN Secretary-General in early 2006.  
<http://www.wmdcommission.org/>

**April 29-30.** Global Network Against Weapons and Nuclear Power in Space, "Full Spectrum Resistance: An International Space Organizing Conference." Church Center, 777 United Nations Plaza, New York (April 29), and Musicians Union Hall, 322 W. 48th St., New York (April 30). Contact [www.space4peace.org](http://www.space4peace.org)

**May 1** Abolition Now and United for Peace and Justice, rally and march for nuclear disarmament. Central Park's Great Lawn (location tentative), New York  
[www.abolitionnow.org/may1.html](http://www.abolitionnow.org/may1.html)

For a more detailed nuclear calendar for 2005 see  
[www.fcni.org/NuclearCalendar/index.php](http://www.fcni.org/NuclearCalendar/index.php)

## Effect of US Elections on Disarmament (continued)

The U.S. will spend nearly \$7 billion this year to maintain and modernize its nuclear warheads, and many billions more to operate and upgrade its delivery and command and control systems. And U.S. deployment of anti-ballistic missile interceptors in Alaska and California is well underway.

In understanding what will be required to halt this juggernaut, it is essential to recognize that the Bush doctrine is a continuation and extension of programs and policies carried out by every U.S. administration, Democrat and Republican, since President Harry Truman – a Democrat – authorized the U.S. atomic bombings of Hiroshima and Nagasaki 60 years ago. Today, more than 2,000 "old" U.S. strategic nuclear warheads remain on hair-trigger alert, deployed on land-based missiles and Trident submarines still patrolling the seas at Cold War levels, ready to instantly target locations around the globe upon receiving a few short computer signals. It was recently reported that the U.S. maintains some 480 nuclear bombs in six NATO countries.

If the most powerful country in history reserves for itself the threatened first use of nuclear weapons in the name of "national security," we shouldn't be surprised if others follow suit. Following the 9-11 attacks, the Bush doctrine of preventive war, carried out and disastrously continuing to unfold in Iraq, makes clear that we urgently need a new understanding of what security means. It is too little and too late to campaign narrowly against individual weapons like bunker busters and mini-nukes. As responsible global citizens, we must demand a more sustainable concept of "human security" based on the promise of food, shelter, health care, education, clean water and air for all people everywhere, and on the resolution of international conflicts through multilateral institutions and non-violent mechanisms rather than through the threat or use of force.

*-- Jacqueline Cabasso is Executive Director of the Western States Legal Foundation, a U.S. affiliate of IALANA; [www.wslfweb.org](http://www.wslfweb.org)*



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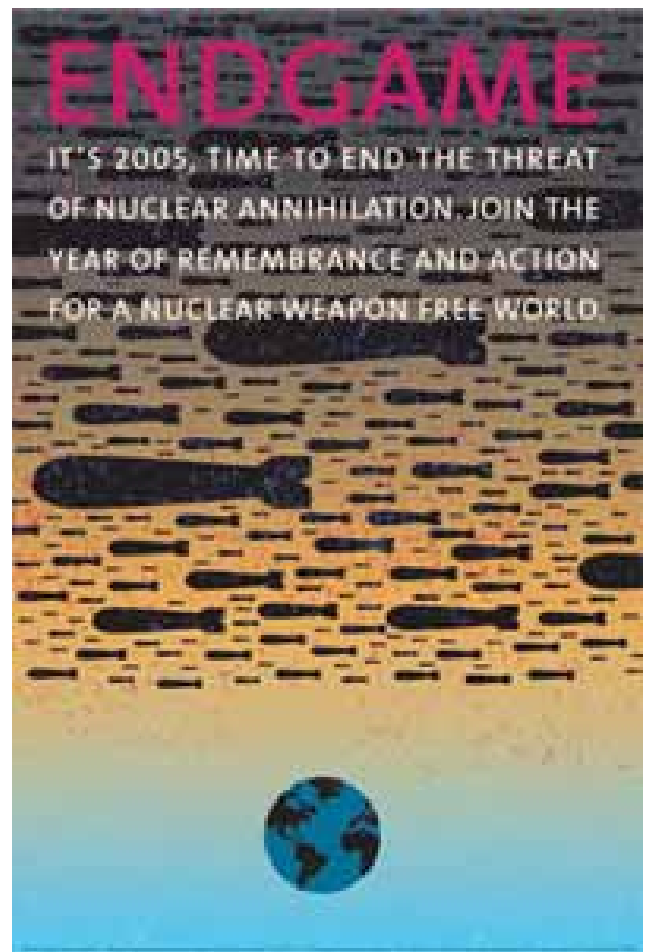
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