Ladies and Gentlemen,
Dear Colleagues,
Dear Friends of IALANA,

I must admit that it was a busy summer, full of events and activities that were aimed at promoting nuclear disarmament. A cross-section of people actively participated in peace and nuclear disarmament initiatives.

This Email circular is meant to inform and update the „IALANA FAMILY“ with information on the achievements and initiatives undertaken this summer. It contains mainly events that involved IALANA and its affiliates directly. The circular is meant to highlight the events taken. We don’t intend to take full claim of the undertakings for without your help this could not be achieved. We kindly request you to send us informations on a variety of events you participated in.

Once more we would like to express our gratitude to our IALANA Japanese counterparts for organising exemplary and unique events. Since then we are completely convinced that the Japanese peace movement is not only playing an important role in campaigning for the eradication of nuclear arms but also fighting to end the so called civil nuclear technology.

We hope that this email circular will serve the purpose it is intended to and also bring some satisfaction to you in showing you how IALANA is trying to achieve the goal of a nuclear free world through a cross section of activities.

With warm regards,

Peter Becker

Reiner Braun
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In deep mourning IALANA takes farewell of Carlos Vargas.

We have lost a great friend, a courageous lawyer, and a tireless proponent for a world without nuclear weapons.

We bow to Carlos who always was a lovely host and a humanistic activist.

For the international IALANA,

Peter Becker, Co-President
Reiner Braun, Executive Director
Condolences on the death of Prof. Carlos Vargas

First of all, I would like to extend my condolences on the death of Prof. Carlos Vargas. The sad news that he passed away suddenly on August 12, 2012 was a great shock to me. As I clearly remember that he liked running often talked smilingly about it, I never imagined that he would die from a heart attack while running.

He accepted me as an intern at his office in San Jose, Costa Rica, from February to September 2007. That was my first opportunity to get involved in the IALANA’s work.

He was very proud of being a citizen of a peaceful country that abolished military force. He had a firm belief that it is not military force but dialogue that resolves international disputes. He dedicated himself to give lectures how Costa Rica had defended the country without resorting to use of force especially during the crisis in Central America in 1980s. His lecture brought a hope and confidence to those who seek peace all over the world. When an amendment of the Article 9 of Japanese Constitution was proposed, he made a speaking tour to Japan in order to encourage Japanese people who are against the armament of Japan and seek to maintain the Article 9. For the same purpose, he attended the Global Article 9 Conference to Abolish War in Japan in May 2008, and organized the Article 9 and Article 12 Conference- Peace Constitutions for Global Disarmament in Costa Rica in July 2009.

He also made numerous efforts for the abolition of nuclear weapons, as you know he represented Costa Rica before the International Court of Justice on the Advisory Opinion on the Legality of the Threat or Use of Nuclear Weapons. In 2007, when I was working at his office, he wrote the Judgment of the International People’s Tribunal on the Dropping of Atomic Bombs on Hiroshima and Nagasaki that declared that the atomic bombings in Hiroshima and Nagasaki were illegal under the international humanitarian law and people involved in the bombing including the former US President Truman were guilty. He was proud of the work as an important step toward the world free of nuclear weapons. During his visit to Japan to hand down the Judgment, one of his Hibakusha friends passed away. He met her for the first time when she visited Costa Rica and met again in Japan a few days before she died. Then he gave her his promise that he would dedicate the rest of his life to realize the hope of all the Hibakusha: the abolition of nuclear weapons.

After coming back to Costa Rica, he made additional efforts to keep the promise. He sought a possibility that the Hibakusha sue the US government for the atomic bombings in Hiroshima and Nagasaki before the Inter-American Commission of Human Rights. At the IALANA general assembly and the international seminar in Costa Rica, 2008, Carlos welcomed two Hibakusha ladies from the bottom of his heart. When one of them was dying, he sent her an encouraging letter saying that: “you are a ‘winner’...you have been a shining star guiding others with your light to a better and safer world...I pray God will provide you with energy and patience to continue acting as a ‘peace fighter.’” She read the message again and again until the last moment. I found the source of his energy was honor to the Hibakusha, which should be the base of our activity to abolish nuclear weapons.

Finally I am honored to have privilege to see him and work together toward the common goal. I appreciate all his contributions to peace, justice, disarmament, and human rights, and I thank him again for kindly accepting a person like me who was an ordinary student without any knowledge or experience. His spirit, courage, and kindness are still vivid in our mind and will continue leading us to a better world. May his soul rest in peace!
In Memoriam: Dr. Carlos Vargas, IPB Board Member

12 August, 2012

IPB announces with great sadness the death of Dr Carlos Vargas Pizarro, IPB Board member. We will remember his passionate advocacy of nuclear disarmament, his enthusiastic participation in the World Court Project, his dedication and commitment to advancing human rights within the UN system, and his warm and charming personality. See the official message from the Costa Rican Ministry of Foreign Affairs. Condolences can be sent to his colleague Roberto Zamora: robertozamorab@gmail.com

Correction

In the previous newsletter the article titled "Appeal: "Nuclear Power Plant and Human Rights"- the Nationwide Research and Exchange Conference in Fukushima (page 6), Yaeka Inoue was mentioned as author. She is not the original writer of the appeal, but translated it. It was drafted by the executive committee of the conference and adopted at the conference.
Exchange with German IALANA

August 17, 2012

By Ken-ichi Ohkubo

(Yaeka Inoue Trans.)

Japan Association of Lawyers Against Nuclear Arms (JALANA) invited two members of German IALANA: Pres. Peter Becker and Reiner Braun, executive director. Peter is one of the co-presidents of the International Association of Lawyers Against Nuclear Arms (IALANA), and Reiner is the executive director of the association and a steering member of the International Peace Bureau (IPB), the Nobel Peace Prize laureate. Peter is the co-owner of a law firm that employs as many as 400 people, 200 of which are lawyers. You can say that Reiner is a professional activist for peace.

They met lawyers in Osaka, Hiroshima, and Tokyo, and also gave lectures vigorously at the World Conference against Atomic & Hydrogen Bombs, Osaka Association for a Non-Nuclear Government and Hiroshima Alliance for Nuclear Weapons Abolition (HANWA). I thank from the bottom of my heart all of those who welcomed the two guests at each place.

The reason why JALANA invited the two guests is to learn why Germany has established a road map toward the step-out from nuclear energy so quickly and its background.

In Germany seventeen nuclear reactors were operating at the beginning. In June last year, the Government stopped eight reactors immediately and decided to close the rest nine reactors by 2022 (the thirteenth revised the nuclear energy act). German people put an end to the play with fire of the hell.

This attitude is completely different from that of Japanese government that still depends on nuclear energy and resumed the operation of a nuclear power plant despite many opposing opinions instead of investigating the cause of the accident of the Fukushima Nuclear Power Plant.

Germany and Japan have much in common. For example, both were the Axis during the World War Two, and are highly developed country of capitalism and allied with the United States. It is a simple question why Germany reached a conclusion contrary to that of Japan regarding the energy policy.

The summary of lectures of Peter B. and Reiner B. is as follows:

In 1970s there was not only a movement against nuclear weapons (Germany was in the forefront of the Cold War) but also a movement against nuclear power plants in Germany. However, the police turned the water cannon on the activists against nuclear energy or hit them with their batons. The Government planned to build a nuclear power plant in a so-called conservative region, but a movement against nuclear power generation occurred in the conservative region. Lawsuits against nuclear power plants were also filed.

In 1980 the Green Party was established. The Party was opposed to both nuclear weapons and nuclear energy. In 1985 the Greens became a part of the government of Hessen together with the Social Democrats. However, the state government did not succeed in the step-out from nuclear energy because the federal government had the authority on the subject.
In 1998 the coalition government of the Greens and Social Democrats was born at the level of national politics. The secretary of state became the secretary of federal state. Under the administration a road map toward the step-out from nuclear energy was adopted in 2000, based on a contract with enterprises of electricity. It was difficult to estimate damage of closing nuclear plants and a legal regulation would be a constitutional risk (assurance of the right of property). This is why they chose the regulation by a “contract” in order to avoid constitutional cases. The utilities also preferred a contract because they had difficulty in the increased cost of nuclear power generation, when the federal government had reinforced the overview standard of nuclear plants.

The synchronized terrorist attacks on September 11, 2001, provoked a controversy what if an airplane struck a nuclear power plant. People started to suspect the safety of nuclear power generation. In such a circumstance the denuclearization act passed the parliament in 2002. As the act provided that each reactor had 32 years of running time, some reactors closed down immediately.

In 2009, however, the Conservatives and the Liberals won the elections. In 2010 the administration attempted to change the earlier agreement to allow the nuclear power plants to operate longer: eight more years for old plants and fourteen more years for new ones. Five states against this amendment sued at the constitutional court demanding that an amendment of the agreement should require an approval of the states. The law firm of Peter Becker received the authority to defend the interests of the five states.

In such a circumstance, the accident of Fukushima Nuclear Power Plant happened on March 11, 2011. Three days after the accident, the German Government ordered to suspend the operation of eight old reactors for three months, but its legal base was doubtful. A question arisen was whether or not it was suitable to take such a measure owing to an accident that happened in Japan.

The authority argued that the risk of civil use of nuclear energy should be estimated on a new situation and organized the Ethics Commission for a Safe Energy Supply. The Commission consisted of electrical industry, consumers, scientists, archbishops, labor unions’ leaders, and environmental organizations etc. The Commission consisted of people in such a variety of fields in the society because the social effect of a nuclear accident was taken into account. The commission suggested after one month of discussion that it was feasible to step out from nuclear energy within ten years.

Reflecting the suggestion, on June 30, 2011, the federal parliament agreed to go back to the 2002 Act, and decided to carry out a complete step-out from nuclear energy by 2022. A policy of step-out from step-out from nuclear energy was decided.

On the background where such a decision was made, there is a legislation for the renewable energies in Germany. For the last twenty years there has been a discussion on the “energy shift” in Germany.

The electricity feed law adopted in 1991 obligated the utilities to purchase electricity from renewable energy. In 1998 the act of energy and economy was radically amended, which enabled consumers to select a company from which they buy electricity.

In 2000 the renewable energy act replaced the electricity feed law. Under the new legislation, the utilities are obligated to buy and pay for electricity produced from renewable energy prior to that from other resources so that the renewable energies gain market competitiveness. The renewable energy enjoy price guarantee apart from normal electricity price. Thus the investment in the renewables was promoted.
In summer 2011 a revised act on the renewable energies entered into force, according to which the percentage of renewable energies in the total electricity consumption should become more than 35 percent by 2020. By 2050 more than 80 percent should come from renewables.

So far 800,000 people have invested in the renewable energies in Germany of 80 million of population.

My Impression

The background that led Germany to denuclearization is demand and movement of German citizens, supported by lawyers and scientists in each field. Some established a new party. Others asked the existing parties to reflect their demand on its policy (the Social Democratic Party was not against the civil use of nuclear energy at the beginning). They made a majority and carried out necessary legislation. Three words: belief, movement and system crossed my mind.

The step-out from nuclear energy is based on the sustainable society in future and today’s social justice and economic rationality. In other words, there are three principles: 1) they are trying to secure necessary energy without damaging the environment; 2) they do not bring social discrimination to the energy issues; 3) they do not deny the rule of market economy regarding a policy shift. I would like to stress that these three principles are a social agreement.

Peter Becker said that the accident of Fukushima Nuclear Power Plant brought a tragedy to Japan on one hand, but it brought a fortune to Germany on the other hand. Of course he apologized for such a remark before mentioning it.

Germany has experience and knowledge of understanding the accident in Fukushima as its own matter instead of thinking that it does not concern them.

After the speech of Peter Becker at a symposium of the World Conference Against A & H Bombs a storm of applause arose (I was also happy with this as if I myself were praised), and more than thirty questions were put to him. Most of them asked more details on the experience of Germany. I would like to meet their requests in some ways.

I think we need to learn more from progress in other countries.

Welcome to the new board members of the international IALANA

The international IALANA welcomes its new board members Matt Robson (Aotearoa-New Zealand), Alan Webb (Aotearoa-New Zealand), and Roberto Zamora (Costa Rica). We are looking forward to working together.

Matt Robson and Alan Webb were proposed by the Aotearoa-New Zealand affiliate and took the slots left open in the board at the general assembly in Szczecin 2011. Roberto Zamora took the place of Carlos Vargas. The decisions were agreed at the last IALANA conference call on August 21 2012.
Peter Becker and Reiner Braun in Hiroshima at the invitation of JALANA

On August the 6th, it’s the anniversary of the American atomic bombing on Hiroshima. 200,000 people lost their lives. Even today, 5,000 people die each year from long-term consequences. The reason for this was not to give the war a decisive turn with this horrible weapon. Rather President Truman followed the following objectives:

- He wanted to know if the weapon works.
- After winning the Second World War he wanted to show Stalin, who is predominant in the USA / USSR relation.

The news of the atomic bombing was delivered to Truman at a meeting of the four powers in Potsdam Cäcilienhof. Truman postponed the start of the meeting specially to be informed before the crucial meeting. But Stalin already knew about it. His intelligence had informed him before. The meeting was calm.

Peter Becker and Reiner Braun were invited by the Japanese JALANA to visit Japan for a week. The program was very tight. On the first day in Tokyo, Kenji Urata had invited Peter Becker, vice president of IALANA, into the private Waseda University, which looks back on a tradition of 150 years. The discussion focused on Becker’s book ‘The Rise and Crisis of the German energy companies’, which Tsunehisa Chiba, a young Japanese lawyer - he had studied in Freiburg - had already read twice. He found it very interesting. The most interesting thing was the assessment of the role of the corporations: their rise over hundred years and now its descent because of the energy transition. Earlier, they had lost the electricity dispute in the new states of Germany. What had happened? The descent of the electricity companies is just beginning in Japan. The report of the experts’ commission, appointed by the Government, on the collusive interaction between governmental oversight and the corporations has a devastating result - previously unthinkable.

Fukushima has changed Japan.

Therefore, nuclear exit and energy transition were the focus of attention at the first, crowded working day in Osaka with lectures at the "Osaka Association for a non-nuclear government", at the "Association Peace Osaka" and especially with lectures on "The constitution committee of Osaka branch of the Japan Federation of bar association" in the evening. Before, a visit in the "Osaka International Peace Center" had taken place, a museum about the war and in particular the consequences of the bombings of Osaka. While Osaka previously had a population of nearly three million, only 1.4 million remained. The city was largely destroyed. By this bombing - as in the bombing of Dresden – it was clear that Japan was already defeated and the bombing was militarily unnecessary. It is interesting that Pearl Harbour was only presented with two pictures and no comment in the exhibition, although the attack of the Japanese pilots was the American president by decrypted Japanese radio messages long been known, but was accepted to move the unwilling American to enter the Second World War. We have agreed to exchange about these events with our guide. Perhaps the museum is complemented on this crucial point.

Our lectures were about the reasons for the exit from nuclear power in Germany. Reiner Braun presented the social resistance to civilian use, which was sparked by the great unresolved issues: the
dangers of the "peaceful use" of nuclear power, the radiation risk, and in particular the question of disposal. Reiner presented very clearly how the anti-nuclear movement slowly developed from small beginnings to become an influential social movement. Today the vast majority of Germans is against the civilian use of nuclear energy. The social resistance was a crucial pillar for the nuclear exit.

The other pillar was represented mainly by the Greens, founded in 1980, who ascended mainly as an anti-nuclear party. Peter Becker’s lecture concerned on the details of the nuclear exit, showing how the Green Environment Minister Fischer, aided by his Secretary of State Rainer Baake, polled Hessen to a tightening of the nuclear oversight. Important were the documents of the approval process and the security check. These documents were present in the Wiesbaden Environment Ministry and showed in which large-scale approval processes and security checks were legally deficient. Collusive interaction may be assumed. In these years, the plan arisen to reach the exit through law.

The plan could not be realized in Hessen, because the nuclear law is federal law. By the 1998 federal elections the red-green coalition came in to power and Trittin became Federal Environment Minister and Rainer Baake State Secretary. He immediately focused the nuclear exit. The inevitable problematic results of a nuclear exit by law were compensation actions and the appeal of the Federal Constitutional Court. Therefore, it was decided to make a contract with the nuclear companies, which was concluded in 2000. Also the companies were contractually ready, because in this way they finished the ‘exit orientated nuclear oversight’, which caused with its obligations many upgrades and had driven up the costs of nuclear power. The operational life of the nuclear power plants has been generally limited to 32 years. This was followed by law in 2002. The drawback of contract and law was the agreement to a medium level of oversight. Therefore, the Federal Government resigned to draw consequences of the outcomes of 9/11, although security checks had shown that seven of the oldest nuclear reactors were not safe from the crash of a passenger plane. Nevertheless, a closure was not seen as necessary.

2009 the black-yellow government initiated the "exit from the exit" after the governmental takeover. The operational life times have been extended again: eight years for the elderly and fourteen years for the younger nuclear plants. But Fukushima was the turning point: in just three days, it was decided to shut down the seven oldest unsafe plants and Krümmel. In June, the Atomic Energy Act was changed again: The "exit from the exit from the exit" was perfect.

On the reduction in the share of nuclear power had to be followed by a rise of renewable energy. Both must be related to one another as communicating pipes. For this it is of course important that the fluctuating feed-in from wind and sun must be sustained by memory. Here the energy transition has a technical problem.

These questions of state actions, behavior of the corporations, and rise of renewable energy were the focus of attention. The laws of Japan records a lot of deficits: The newly adopted Renewable Energy Act provides only for companies a forced connection and solid - but generous - tariffs for feed-in. The next step for Japan should be the entry of privates in the renewable energy generation and the associated change of power.

In the discussion, the struggle of Japanese lawyers against nuclear power generation and its risks were crucial. The lawsuits for the victims of the accident at Fukushima and the fight against the other nuclear power plants take the place of the lawsuits for the "hibakusha," the victims of the atomic bombings. But the Japanese administrative law offer not as good job opportunities like in Germany. In addition, many lawsuits fail on the Japanese Supreme Court, which is very conservative staffed. There is no election process with parliamentary involved in Japan. There is also no constitutional
court. But the constitutional committee of lawyers from Osaka was interested on Becker’s notice on "protection of fundamental rights by lawsuits". The standards for nuclear safety should be determined by committees in which also critical nuclear expertise is represented.

One reason of the success of the Hibakusha lawsuits was to manage to convince judges that the victims must receive government assistance, even if a strictly scientific proof of the causal relationship between nuclear radiation and disease does not exist. Two former judges of high courts were present. One had left his service prematurely and is now lawyer, another works within the campaign process after his retirement. These were achievements by the lawyer Fujigawa, who is organized in JALANA and speaks good German.

The evening ended with a feudal food on the roofs of Osaka with good drinkable white and red wine. After this numerous appearances of us in Hiroshima and Tokyo took place. Very touching was the funeral on 6th August in Hiroshima, where the atomic bomb dropped 8.15 o’clock in the morning. After the beating of the ‘Peace Bell’ Japanese Prime Minister Noda spoke. This shows how important Hiroshima is still in the public perception. For us it was a very touching trip!

Peter Becker

Reiner Braun
2012 World Conference against Atomic and Hydrogen Bombs

Declaration of the International Meeting

August 4, 2012

Sixty-seven years after the US atomic bombs were dropped on Hiroshima and Nagasaki, about 20,000 nuclear weapons are still threatening the very survival of the human race. This threat must be rooted out as soon as possible. We call on people around the world to work together to achieve a world without nuclear weapons. The accident of the Fukushima Daiichi Nuclear Power Plant on March 11, 2011 has brought the horror of the nuclear dangers into sharper relief. We extend our solidarity with all nuclear victims.

Throughout the world, people are taking actions demanding their freedom and dignity, opposing social inequality and poverty, and for an end to war and occupation. In Japan, which has suffered the tragedies of Hiroshima, Nagasaki and Bikini, actions of citizens demanding zero nuclear power plants are developing on an unprecedented scale since the outbreak of the Fukushima Daiichi NPP accident, to the level of shaking the entire nation. The voices of the citizens are changing the course of the future of countries and the world.

The call for “No More Hibakusha, No More Hiroshimas and Nagasakis” is heard around the world in this development. The intense desire of the civil society, expressed by signatures collected on streets, in workplaces and campuses, is meeting positive responses in the international politics.

The present situation calls for a drastic strengthening of peace movement and public support. The NPT Review Conference in 2010 reached an agreement to achieve the “peace and security of a world without nuclear weapons”. The focus now is on the implementation of this agreement. With the start of the preparatory process for the next NPT Review Conference in 2015, many non-nuclear-weapon states governments are resolved to move the situation forward. Sixteen nations, including Non-Aligned and New Agenda Coalition states as well as NATO members, together made an appeal for a ban on nuclear weapons, focusing on the humanitarian dimension of the use of nuclear weapons. It is time now that the civil society, local governments, the United Nations and national governments should join forces to open a door of a “world without nuclear weapons”.

The use of nuclear weapons can never be justified for any reason whatsoever. One nuclear bomb, if used, would cause catastrophic consequences, which the Hibakusha called a “hell on earth”. It is a crime against humanity and civilization. The disasters of Hiroshima and Nagasaki, where people could not live as humans or die as humans, continue to warn the human race of that. The serious consequence of the nuclear power plant accident also shows how inhumane it is to use nuclear energy for military purpose. Nuclear weapons and humans cannot coexist. Retaining such weapons is morally unacceptable.

Inhuman and immoral as they are, nuclear weapons are to be banned by law and eliminated. We call for the start of negotiations for a nuclear weapons convention, to establish the rule of law. In the UN General Assembly, 130 countries voted in support of the resolution for it, and the NPT Review Conference in 2010 called on all countries to make “special effort” to establish a “framework” to create a “world without nuclear weapons”. The agreement should be honored and implemented.
With public opinion for a total ban on nuclear weapons growing, there is a strong resistance to maintain nuclear arsenals. Some nuclear powers and their allies insist on their “nuclear deterrence” and maintain their nuclear alliance and “nuclear umbrella”. The highly expensive modernization of nuclear weapons continues. In no sense does nuclear arsenal guarantee peace or security. They should face up to the reality that the nuclear deterrence policy has actually helped nuclear proliferation accelerate. Only when nuclear deterrence doctrines are overcome, can the “peace and security of a world without nuclear weapons” be achieved. Peace movements and public support will play the key role here. It is important that an international conference on a nuclear weapon-free zone in the Middle East, as set out by the NPT Review Conference, should achieve a good success. We support the call for the signing of the protocol of the South East Asian Nuclear Weapon-Free Zone Treaty by the nuclear weapon states. We oppose NATO’s nuclear doctrine and interventionism and demand the withdrawal of tactical nuclear weapons from Europe. We support the denuclearization of Korean Peninsula.

Lasting peace and security cannot be achieved by force. We oppose the use or threat to use forces and demand the resolution of all conflicts by diplomatic and peaceful means. We support a world order of peace based on the UN Charter and other instruments of international law. We oppose foreign military bases and demand their withdrawal. In solidarity with the effort for independent and democratic changes in the Middle East countries, we call for a peaceful solution of the problem in Syria without outside military intervention. We demand a peaceful and diplomatic solution on the problems on Iran.

In order for the Japanese government to take actions commensurate to the only A-bombed country, the role of the Japanese peace movement is becoming ever more important. We extend our support and solidarity to the movements for the abrogation of the Japan-US “secret nuclear arrangements”, which allow nuclear weapons to be brought into Japanese territories; for the strict observance of the “Three Non-Nuclear Principles”; for establishing a nuclear weapon-free Japan; the opposition by the people of Okinawa and other communities involving local authorities to the deployment of the dangerous US new transportation aircraft Osprey and to the deployment or port calls of US nuclear-powered warships; the movement demanding the removal of the Futenma base in Okinawa and other US military bases in Japan and for defending and having fully operated Article 9 of the Japanese Constitution.

The accident of the Fukushima Daiichi NPP has brought the danger of nuclear power plant into clear view. The procurement of the energy sources for sustainable development, without relying on NPP and without thus leaving the danger to the future generations is the necessity. We work for the eradication of the nuclear damage stemming from each stage of the nuclear fuel cycle. Noting the link between nuclear weapons and nuclear power plants, we oppose the reprocessing of spent nuclear fuel, the accumulation of plutonium and the military use of nuclear energy. We express our solidarity with the idea for a nuclear-free world.

We propose the following actions worldwide: -- Let us build up international opinion demanding the start of negotiations for a nuclear weapons convention by collecting signatures in support of the “Appeal for a Total Ban on Nuclear Weapons” and many other actions. Let us develop campaigns in different countries and regions in demand for the removal of nuclear weapons and for nuclear free zones.
Let us further develop our effort to make known to the public the consequences of the A-bombings of Hiroshima and Nagasaki through A-bomb photo exhibitions. The truth on the suffering from the A-bombs renders every excuse on nuclear weapons meaningless. Let us strengthen support and solidarity with the Hibakusha, from which the World Conference against A and H Bombs and its movement started. Struggling against cover-up or underestimation of the effects of nuclear damage, we will strengthen solidarity with all nuclear victims. Let us work in solidarity with the movements for support of the victims of Agent Orange and other war atrocities.

We will develop solidarity with a broad range of movements for a shift from nuclear power to renewable energy resources. No more nuclear victims of any kind is a shared desire of the movements against nuclear weapons and for zero nuclear power plants. Let us keep building these movements to open the way to a future with no more nuclear damage.

We oppose disparity of wealth and growing social inequality. Hands in hands with all people who stand for freedom, democracy and demilitarization, working against hunger, poverty, unemployment, illiteracy and for the resolution of social injustices, drastic cuts in military spending and armament, for the improvement of social welfare, human rights, protection of global environment, overcoming of patriarchal structure and for the rights and equal social status of women, let us open a door to a nuclear weapon-free, peaceful and just world.

With the Hibakusha, and with the young generation who bear the future, let us make strides forward.

International Meeting

2012 World Conference against A & H Bombs

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**New brochure: „Commit Universities to peace: Yes to civil clauses!”**

The brochure “Commit Universities to peace: Yes to civil clauses!” aims at communicating information on the military exploitation of science, on the responsibility of science for society, and the demand for a peaceful orientation of universities. IALANA and INES gathered articles to give an overview on – among others - military research in Germany, Great Britain, and USA.

Please download the brochure “Commit Universities to peace: Yes to civil clauses!” from the INES webpage:

ATOM Project launched at parliamentary assembly in Kazakhstan!

I myself have no arms to hug you, but a heart as big as the open space of Kazakhstan ready to embrace the world for peace and nuclear disarmament.

Karipbek Kuyukov, Honorary ATOM Project Ambassador

The ATOM Project, an exciting new initiative to build global support for nuclear abolition, was launched at a parliamentary assembly in Astana, Kazakhstan on 29 August, the International Day Against Nuclear Tests.

The project, entitled Against Testing Our Mission (ATOM), highlights the catastrophic humanitarian consequences of the use of nuclear weapons – particularly the nuclear tests conducted in Kazakhstan that have adversely affected the health and lives of nearly 2 million people. The images of the survivors, though sometimes difficult to witness, are featured in the campaign in order to raise awareness surrounding the damage nuclear testing can cause.

Kazakhstan President Nursultan Nazarbayev launched the project at the opening plenary of the assembly which included participants from over 70 parliaments from around the world including from nuclear-weapons possessing States and nuclear allies. The Assembly was organised by Parliamentarians for Nuclear Nonproliferation and Disarmament (PNND), the parliament of Kazakhstan and the Nazarbayev Centre.

“We have an opportunity to once more remind the world about the tragic consequences of the nuclear testing, and push the global community towards more decisive actions to achieve final and definitive ban of such testing” said President Nazarbayev. “In this regard, Kazakhstan launches today the International campaign The ATOM Project.”

German Foreign Minister Guido Westerwelle commended Kazakhstan at the assembly for launching the project and gave his support.

Honorary ATOM Project Ambassador Mr. Karipbek Kuyukov, an heroic survivor from the effects of nuclear tests, spoke at the assembly about the horrific impact of the tests on the lives of Kazakhstan peoples – “Many of my relations have died from the radiation from the nuclear tests” he said. “In one family first the father then the mother then all the children passed away – the whole family of 10. I myself have no arms to hug you, but a heart as big as the open space of Kazakhstan ready to embrace the world for peace and nuclear disarmament.”
Dr Lassina Zerbo, representing the Comprehensive Nuclear Test Ban Treaty Organisation (CTBTO) noted that “Since the CTBT was adopted in 1996, the genie of nuclear testing has virtually been pushed back into the bottle. In contrast to of some 400 explosions every decade since 1945, there were only two tests in the last decade. However, until we seal the bottle once and for all, until we bring the Treaty into force, none of us can feel safe.”

Douglas Roche, founding chair of PNND and the Middle Powers Initiative (MPI), called on parliamentarians to strengthen their actions in their legislatures – guided by the Parliamentary Appeal for Nuclear Abolition adopted at the assembly. Mr Roche outlined the MPI Framework Forum – an informal process of governments exploring what would be required for establishing the framework for a nuclear-weapons-free world – and announced the next meeting to be hosted by the German Foreign Ministry in Berlin in February 2013.

Roche also called for a new effort of heads of government – similar to the Six Nation Initiative of 1984-1989 – to elevate the call and commence the process to achieve a nuclear-weapons-free world. His proposal was explored in more detail by Jonathan Granoff, President of the Global Security Institute in a subsequent panel of the assembly.

“PNND is honoured to partner with the ATOM Project to educate parliamentarians, governments and civil society about the horrific humanitarian consequences of any use of nuclear weapons and the imperative this provides for their abolition,” says Alyn Ware, PNND Global Coordinator. “This assembly in Kazakhstan, which included a field trip to the former Soviet nuclear test site in Semipalatinsk, has energized parliamentarians from around the world to step up their action to abolish nuclear weapons, including through the spread of nuclear-weapon-free zones and the promotion of a global treaty to ban nuclear weapons.”
Make Nuclear Weapons the Target

Should the use of nuclear weapons be banned?

Vote now

Make Nuclear Weapons the target campaign is an advocacy and humanitarian diplomacy campaign to raise awareness about nuclear weapons and their unacceptable humanitarian and environmental consequences.

The Target Nuclear Weapons campaign has already reached more than 900,000 people through a social explosion of Facebook and Twitter posts calling for a ban on the use of nuclear weapons, and this number is still growing.

Riding on the success of the Target Nuclear Weapons campaign, Australian Red Cross spearheaded a truly historic resolution adopted in November 2011 in Geneva by the supreme governing body of the International Red Cross and Red Crescent Movement to work towards a legally binding international agreement to ensure nuclear weapons are never used again and are ultimately eliminated.

Nuclear debate - Robert Tickner address

The decision to support the initiative was made by the Council of Delegates which consists of representatives of the International Committee of the Red Cross, the 188 Red Cross and Red Crescent National Societies and the International Federation.

The decision is of critical importance as it challenges the legitimacy of nuclear weapons ever being used as a weapon of war because of the catastrophic humanitarian consequences, in particular on civilian populations, and the threat to world food production over wide areas of the world.

Geneva Delegates Bulletin

Australia and the broader international community are already responding. Earlier this year the Prime Minister of Australia tabled a motion in the House of Representatives affirming cross-party support for a nuclear free world and the exploration of legal frameworks for the abolition of nuclear weapons. A number of members of parliament noted the importance of the International Red Cross Red Crescent Movement’s resolution in setting the agenda.

At a recent planning session for the 2015 review of the Treaty on the Non-Proliferation of Nuclear Weapons, 16 countries made a joint statement on the humanitarian significance of nuclear disarmament. The statement is very much in line with Red Cross Red Crescent’s position and makes specific reference to the 2011 resolution.

More change is needed. You can make a difference. We still need your support to make nuclear weapons the target! To support a ban on the use of nuclear weapons vote now!

Friday, 26th April 2013 to Sunday, 28th April 2013

Series: Peace through Law?

The IALANA plans from 26th to 28th April 2013 an international conference on the topic - "Quo vadis NATO - A challenge for democracy and law" in Bremen. Partner in Bremen is the Centre of European Law and Politics led by Professor Fischer Lescarno. The conference will be the continuation of our successful conference on peace through law by the summer of 2009.

The focus of the event will be a comprehensive democratic theoretical, political, socio-political as well as legal analysis of the NATO strategy, as adopted at the summits in Lisbon in 2011 and Chicago in 2012. The objective of the conference is the development of peace-policy alternatives and socio-political options for action.

We have managed to attract interesting legal organizations as co-organizer of the conference. The conference starts with an introductory speech and a debate on „Military intervention for the protection of human rights?“. The conference includes exciting panels and workshops. For example politicians give an interesting insight into the parliament decision on military deployment and scientists hold short lectures on the topics “Privatisation of the military in NATO states” and “Postimperialist pluripolarity”.

Programm

Organizers:

- Zentrum für Europäische Rechtspolitik der Universität Bremen (ZERP) – (Centre of European Law and Politics – Executive Director)
- IALANA (Sektionen Deutschland und Polen) - (International Association of Lawyers Against Nuclear Arms – Section Germany and Poland)
- Vereinigung Deutscher Wissenschaftler (VDW) (Federation of German Scientists)
- AstA der Universität Bremen - (Students’ Union Executive Committee at the University of Bremen)
- Neue Richtervereinigung (NRV) - (New Association of German Magistrates and Public Prosecutors)
- Vereinigung Demokratischer Juristinnen und Juristen e.V. (VDJ) – Association of Democratic Lawyers
- RichterInnen und StaatsanwältInnen in der Gewerkschaft Ver.di – (Magistrates and Prosecutors in the Union Ver.di)
- Republikanischer Anwältinnen und Anwaltsverein e.V. (RAV) – (Association of Republican Lawyers)
- Europäische Vereinigung von Juristinnen & Juristen für Demokratie und Menschenrechte in der Welt (EJDM) - (European Association of Lawyers for
 démocratie et droits mondiaux des personnes - ELDH

- „Darmstädter Signal“ (kritische Soldaten in der Bundeswehr) – (Signal of Darmstadt – critical soldiers of the German Federal Armed Forces)
- Evtl. Arbeitsgemeinschaft der Strafverteidiger im Bremischen Anwaltsverein – (working group of defence lawyers in the Bremens’ Association of Lawyers)
- Heinrich Böll Stiftung The Green Political Foundation
- Rosa-Luxemburg Stiftung Bremen Rosa Luxemburg Foundation Bremen

**Place:** Universität Bremen, Zentrum für Europäische Rechtspolitik (University of Bremen, Centre of European Law and Politics)

**Time:** Friday evening, 26th April 2013, Saturday, (the whole day) until Sunday, 28th April 2013

**Friday evening, 26th April 2013**

19.00 – 19.30  Opening, Welcome Speeches

19.30 – 20.00  Introductory speech: „Ethics, human rights and military power“

20.00 – 21.30  Debate on „Military intervention for the protection of human rights?“

**Saturday (the whole day), 27th April 2013**

9.30 – 13.00  *Panel A: Terrorism and Anti-Terrorism*

9.30 – 9.45  I. Plenary: Short introduction (15 min) about the legal relevance of the topic

9.45 – 11.00  II. Plenary: „Experience with GLADIO and the strategy of tension within NATO states

11.00 – 12.00  III. Plenary: Historical check facts to the 9/11 debate

**Notes:**

1 ELDH Member Associations:

- Bulgaria: The Union of Bulgarian Jurists, www.sub.bg
- France: Association Française des Juristes Démocrates
- Italy: Giuristi Democratici, www.giuristidemocratici.it
- Switzerland: Democratic Jurists Switzerland [DJS], www.djs-jds.ch
- Turkey: Progressive Organisation of Jurists [ÇHD], www.cagdahukukculardernegi.org

19
12.00 – 13.00  IV. Plenary: „9/11 and the NATO-Collective defence“ - Legal demands on the decision of the NATO Council of 4.10.2001

13.00 – 14.00  Lunch break

14.00 – 16.00  Panel B: New geostrategic concepts of the U.S. and NATO
Plenary:

Plenary Lecture (20 min.): „Recent developments in the geopolitical reason of state of the United States of America“

Plenary Lecture (20 min.): „At the end of U.S. dominance? - Recent debates in the foreign policy elites of the United States by the example Zbigniew Brzezinski“

Plenary Lecture (20 min.): „New developments in the NATO strategy - from the perspective of the political scientist“

15.00 – 15.15  Coffee break

15.15 – 16.00  Plenary Lecture (25 min.):
Chair:
„New developments in the NATO strategy - from the perspective of the constitutional and international law expert“, followed by discussion (20 min.)

16.00 - 18.00  Panel C: Military operations – and their legal and democratic Control

16.00 – 16.30  Plenary Lecture (30 min.) followed by discussion:
„Democratisation of the foreign and security policy – the legacy of Immanuel Kant“(interim results from the perspective of political science and history of ideas):

16.30 – 17.00  Plenary:
Check Facts (15 min):

Parliamentary decision-making powers in selected NATO countries (Brief Reports)
17.00 – 18.00: Parallel Workshops

**Workshop 1:** Parliament decision on troops deployment - (demands of change by NATO; legal scrutiny by Parliament etc.)

**Workshop 2:** War and Peace: Participation and decision making competences of citizens – The informational and institutional requirements

**Workshop 3:** Military research at state universities and state research units

**Workshop 4:** Privatisation of the military in NATO states?

**Workshop 5:** The massacre of Kundus and its’ legal catching up in criminal law, disciplinary law and public liability

**Workshop 6:** Postimperialist Pluripolarity?

20.15 – 22.00 Public evening event
Political Cabaret – public event for members of the conference and for the public in the city of Bremen

**Sunday, 28th April 2013**

10.00 – 11.30 Plenary: “The new anti-missile shield of NATO in Europe”

1. Check Facts
2. Legal basis for deployments in Germany and other countries

11.30 - 12.45 Plenary: „Targeted Killing by NATO Allies”

12.45 – 13.00 Summarizing theses and perspectives at the end of the conference
New brochure: “THE ROLE OF THE IAEA today”

In May 2011, several international organizations conducted a symposium and public event on “The role of the IAEA - Nuclear power after Fukushima”. This included: the International Association of Lawyers Against Nuclear Arms (IALANA), International Network of Engineers and Scientists for Global Responsibility (INES), International Network of Engineers and Scientists Against Proliferation (INESAP), International Peace Bureau (IPB), International Physicians for the Prevention of Nuclear War (IPPNW), the European Nuclear Risk Cluster (ENRIC), and Forum Wissenschaft und Umwelt Österreich (FWU). The Aim was to critically discuss IAEA’s history, double role in promoting the civil use of nuclear energy while preventing diversion for military uses, disinformation on i.e. health issues, and it’s role in the Iran-conflict, and proposals of reform for IAEA.

You can find the brochure on the symposium here: http://ialana.de/files/pdf/veröffentlichungen/TheRoleoftheIAEAtoday-02-1.pdf
Tadatoshi Akiba to Take Up Duties as MPI Chairman in October

(Re-issued August 6, 2012): The former Mayor of Hiroshima, Tadatoshi Akiba, who recently was named Chairman of the Middle Powers Initiative, will take up his duties in October 2012. His first major task is to plan the next meeting of the MPI Framework Forum, which will be held in Berlin in early 2013.

As President of Mayors for Peace, Professor Akiba developed a network of 5,300 mayors in 153 countries and regions who united in calling for negotiations to start on a nuclear weapons convention. He was Mayor of Hiroshima from 1999 until 2011. He started his professional career as a mathematics professor in New York before being elected to the Japanese House of Representatives in 1990. David Krieger, Chairman of MPI’s Executive Committee, hailed Akiba, one of the world’s foremost campaigners for the abolition of nuclear weapons, as “an internationally respected leader for his stewardship of Mayors for Peace.”

Founded in 1998 by eight prominent nuclear disarmament organizations, MPI works with influential middle power countries to bridge the political divide between nuclear weapon states and non-nuclear weapon states, and to advance practical proposals for nuclear disarmament. Akiba will direct MPI’s work, which consists of delegations to capitals, publishing briefs on nuclear disarmament, and organizing and facilitating informal government consultations.

Since 2005, MPI has brought governments together in informal Article VI Forum consultations to forge an agreed pathway to a nuclear weapons-free world, based on the Non-Proliferation Treaty (NPT) Article VI obligation to achieve nuclear disarmament. MPI has started a new series of consultations, called the “Framework Forum,” for interested governments to start preparatory work leading to negotiations for a global ban on nuclear weapons.

In addition to being a leading international voice for peace and nuclear disarmament, Akiba championed environmental protection and government transparency. For his dedication to a more peaceful, just, and sustainable world, he has received many honors, including the Ramon Magsaysay Award (often considered Asia’s Nobel Prize), the Sean MacBride Peace Prize from the International Peace Bureau, and the Nuclear Age Peace Foundation’s Distinguished Peace Leadership Award.

Senator Douglas Roche, founding Chairman of MPI, welcomed the appointment of Akiba: “With his deep knowledge of nuclear disarmament issues, unending commitment to the abolition of nuclear weapons, immense personal prestige, and outstanding international reputation, Tad Akiba will lift up MPI and make it an even more effective instrument helping to produce a nuclear weapons-free world.”

MPI’s co-sponsors include: Albert Schweitzer Institute, Global Security Institute, International Lawyers Against Nuclear Arms, International Network of Engineers and Scientists Against Proliferation, International Peace Bureau, International Physicians for the Prevention of Nuclear War, Nuclear Age Peace Foundation, and Women’s International League for Peace and Freedom.

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http://www.middlepowers.org/archives/MPI-names-Akiba-chairman.html
By Helen Young

Sister Megan Rice, the 82-year-old Roman Catholic nun under federal indictment for what the New York Times recently called "the biggest security breach in the nation's atomic complex" is facing some stiff prison time: up to 16 years. But it's not a fact she's dwelling on. "It doesn't matter if we go to jail. I've been in prison before. That's beside the point. The purpose is to do what's right," says Sr. Megan who is spending her time these days nursing two broken wrists after a recent, accidental fall she took while awaiting trial.

Sister Megan, along with co-defendants, Michael Walli, 63, a Vietnam veteran and member of the Dorothy Day Catholic Worker house in Washington D.C., and Greg Boertje-Obed, 57, father of a college freshman and member of Veterans for Peace, are charged with the shocking July 28th break-in at the Y-12 Nuclear Security Complex in Oak Ridge, Tennessee -- the nation's storage site for some 300-400 metric tons of highly enriched uranium, as well as other bomb making materials. The break-in exposed glaring security loopholes at the atomic complex and has resulted in some personnel firings. The three defendants have pleaded not guilty.

Sister Megan, who serves her order of the Society of the Holy Child Jesus as a disarmament activist at the Nevada atomic test site, does not view the trio's action as a security breach at all. "We were obeying the law, the Constitution, and all the laws the Constitution upholds, which are international laws." Her defense is a familiar one for disarmament activists who have sought to raise awareness of the nuclear threat by undertaking protest actions such as this recent one at Y-12 and, three years ago, at the Kitsap-Bangor U.S. Navy Trident nuclear submarine base near Seattle.

These non-violent demonstrations, known as Plowshares actions, were started more than 30 years ago by the Roman Catholic priests, Daniel and Philip Berrigan. The term "plowshares" harkens back to the Bible's Old Testament and the Prophet Isaiah who admonished nations to abolish war and "turn swords into plowshares."

In 2009, at the Kitsap-Bangor naval base five peace activists -- all over the age of sixty, including an 84-year-old Catholic nun, two Jesuit priests (one 82 years old), and two grandmothers -- breached security and penetrated a "shoot to kill" zone reportedly housing one of the largest stockpiles of nuclear weapons in the country. The Bangor 5, so called by prosecutors, justified their actions as upholding international humanitarian law and the U.S. Constitution. Article VI of the Constitution holds that international treaties the U.S. has signed are to be abided by as the laws of the land. The U.S. has signed treaties, such as Geneva and Hague, pledging to uphold international humanitarian law (IHL). The federal judge presiding over The Bangor 5's case refused to hear any of these arguments.

Though other federal courts have largely ignored these arguments, too. The question of whether nuclear weapons violate laws the U.S. has promised to obey was front and center at the American Bar Association's International Law Section meeting in April of this year during a symposium entitled Nuclear Weapons and International Humanitarian Law. There, a panel of international law experts connected some of the dots of Sister Megan's argument.
"IHL consists of rules and principles governing the conduct of warfare," said Dr. John Burroughs, who directs the Lawyers Committee on Nuclear Policy, a United Nations NGO, and who has also served as a defense attorney on some of the disarmament activists' legal cases. IHL, also known as the "law of armed conflict," applies to all weapons in all countries.

What are the parameters for weapons under IHL? Charles Moxley, who teaches at Fordham University School of Law and has written the book, *Nuclear Weapons and International Law in the Post Cold War World*, outlined four requirements as laid out in U.S. armed services manuals: The weapons must be able to discriminate in their effects between civilian and military targets; their effects must be controllable; their level of force must be "necessary" to achieve the desired military outcome (any additional force is unlawful); they must not be used to inflict human misery and physical destruction disproportionate to the military objective.

Jonathan Granoff, co-chair of the symposium and President of the Global Security Institute, *drew this conclusion*, "The law seems to be quite clear here. You cannot bring nuclear weapons into compliance with the standards of IHL; the two are simply incompatible." The United States government *would disagree* with that assessment and, in fact, argued before the International Court of Justice in 1995, that nuclear weapons can comply with IHL in some instances, and are not inherently disproportionate, indiscriminate or uncontrollable. At the lawyers' symposium a U.S. State Department representative who was slated to appear on the panel was unable to attend.

So where does all this leave Sister Megan Rice? The elderly nun, who taught school children in Nigeria and Ghana and went to prison for a year for protesting at the School of the Americas in Georgia more than a decade ago, admits the law is not her strong suit and says she will leave that part of her federal case up to her attorneys. "I'm just there to say I did what I had to do. Couldn't not do it. I just tell the truth. That's all I have to do."

Informal Meeting of the General Assembly to mark the Observance of the International Day Against Nuclear Tests

September 6, 2012, United Nations, New York

Remarks of John Burroughs, Executive Director, Lawyers Committee on Nuclear Policy

I appreciate the opportunity to speak today. My introduction to global nuclear politics came when I attended a conference on the Comprehensive Test Ban Treaty in Kazakhstan in 1990, co-sponsored by the Kazakh group, the Nevada-Semipalatinsk Movement, and the International Physicians for the Prevention of Nuclear War. I’ll never forget visiting the Soviet test site in Semipalatinsk, where I met directly affected victims of nuclear testing, as I’ll never forget participating in protests at the US Nevada Test Site in the 1980s.

I want to touch on two important topics today: first the role of law, and second the need for a comprehensive approach to nuclear disarmament and non-proliferation.

In the debate about nuclear weapons, the tide has turned toward disarmament. Some, however, still argue that nuclear weapons on balance should be retained because they allegedly provide security and international stability.

Here I want to underline an observation made by Peter Weiss, the president of my organization, who is in the audience today. The policy debate can be endless, but the law – which all states are committed to uphold – is already clear. It is now beyond dispute that there is a legal obligation to negotiate and achieve nuclear disarmament and that nuclear weapons, like all weapons, are subject to rules governing the conduct of warfare, now often referred to as international humanitarian law, or IHL.

At both popular and diplomatic levels, there is a deepening awareness of the inherent incompatibility of reliance on nuclear weapons with states’ responsibilities to protect their populations against atrocities and to comply with IHL, the Rome Statute of the International Criminal Court, and human rights law. If states have a responsibility to protect their own populations from atrocities, why should they be able to commit or threaten to commit atrocities against the populations of other states? The Red Cross has played an important recent role in focusing normative attention on nuclear weapons.

The critique has now penetrated the NPT review process. The 2010 Conference for the first time acknowledged the humanitarian catastrophe of use of nuclear weapons and the obligation of all states at all times to comply with international law, including IHL.

The NPT declaration reflects the increasing solidification of IHL at both the national and international levels. The Nuremberg International Military Tribunal famously observed that "the very essence of the [Nuremberg] Charter is that individuals have international duties which transcend the national obligations of obedience imposed by the individual state." The principle of individual responsibility has now been definitively embedded in international law by the Rome Statute. IHL is also becoming more and more integrated into military operations and training, in the United States and elsewhere, as is made clear in the report available in the back on an April 20 American Bar Association event we organized with the Global Security Institute.
The 2011 Vancouver Declaration articulates the current application of IHL to nuclear weapons. Initiated by the International Association of Lawyers Against Nuclear Arms and The Simons Foundation, it was endorsed by many eminent international lawyers as well as leading former diplomats and officials. The declaration holds that due to their uncontrolled effects nuclear weapons cannot be used in compliance with rules protecting civilians, neutral states, and the environment against the effects of warfare. Regarding reprisals, a central element of so-called nuclear deterrence, it makes the judgment that law can now join with conscience to condemn them, stating:

Use of nuclear weapons in response to a prior nuclear attack cannot be justified as a reprisal. The immunity of non-combatants to attack in all circumstances is codified in widely ratified Geneva treaty law and in the Rome Statute, which provides inter alia that an attack directed against a civilian population is a crime against humanity.

IHL is rooted in what the International Court of Justice called “elementary considerations of humanity,” and its rules apply to all states. It therefore is a solid foundation for the norm of non-use of nuclear weapons, a norm explicitly recognized by President Obama and Prime Minister Singh in November 2010. It also is a solid foundation for building a legal framework of a nuclear weapons-free world that is universal in its approach.

Let me briefly turn to questions of policy. A step-by-step approach is favored by the NPT nuclear weapon states, and has been clearly articulated by the United States. The 2010 US Nuclear Posture Review states that post-New START negotiations will be pursued with Russia, this time encompassing all US and Russian nuclear weapons, deployed and non-deployed, strategic and non-strategic. Once there have been “substantial” further U.S.-Russian reductions, the Review envisages that the United States would “engage other states possessing nuclear weapons, over time, in a multilateral effort to limit, reduce, and eventually eliminate all nuclear weapons worldwide.” The US view is that an FMCT must be negotiated prior to consideration of any other global agreement on nuclear non-proliferation and disarmament.

As is well known, the step-by-step approach is encountering serious difficulties. In good part due to concerns about missile defenses and other strategic systems, Russia appears resistant to the bilateral negotiations on comprehensive reductions envisaged by the United States. Pakistan is blocking negotiations on an FMCT in the Conference on Disarmament. A positive development is that the NPT nuclear weapon states are engaged in discussions on transparency and other matters.

Meanwhile, however, those states along with India, Pakistan, and Israel are proceeding with modernization of warheads, delivery systems, and infrastructure, with planning horizons on the order of several decades. This is well documented by the Reaching Critical Will book released earlier this year, Assuring Destruction Forever: Nuclear Weapon Modernization Around the World. Moreover, with its indefinite and contingent timeline, the step-by-step approach is vulnerable to geopolitical tensions and disruptive events like wars and further proliferation.

My organization, together with civil society groups around the world, believes that a comprehensive approach is imperative. It would involve preparations, deliberations, and negotiations on the establishment of a convention or framework for the verified and irreversible global elimination of nuclear weapons. A comprehensive approach should be pursued in parallel with work on measures now on the agenda and would stimulate and reinforce progress on those measures. In fact,
measures like the CTBT and FMCT now apparently within reach may remain unattainable while any uncertainty remains as to the fundamental goal being sought, a nuclear weapon-free world.

A comprehensive approach has the merit of addressing now, not at some uncertain future date, the logical – and lawful - solution to the problem of nuclear weapons, achieving and maintaining zero. And it is far, far more capable than the step-by-step approach of attracting and engaging global public opinion – a crucial dimension to successful disarmament. The Abolition 2000 Global Network to Eliminate Nuclear Weapons, the International Campaign to Abolish Nuclear Weapons, Mayors for Peace, Global Zero and others are working hard to arouse the public, but it is hard going absent any concrete process in motion.

How should a comprehensive approach be undertaken? I appreciate and support the Kazakh proposal made this morning for a universal declaration on a nuclear weapons-free world followed by negotiations on a convention. Of course, a way can be found if the political will exists. But let me mention some options:

- all involved states could agree to a program at the Conference on Disarmament which includes serious work on complete nuclear disarmament
- the General Assembly, in a regular or special session, could seize control of and revitalize multilateral disarmament machinery; this possibly could be done in conjunction with the Security Council
- the 2015 NPT Review Conference, where a plan or process could be adopted; however, there is the complication of involving non-NPT nuclear weapon possessor states
- the Nuclear Security Summit process could be broadened, or a like process for nuclear disarmament established, or perhaps the current P5 consultative process could be greatly expanded

In 1990, the Nevada-Semipalatinsk Movement called for a peaceful migration into a nuclear free 21st century. Let us chart a path for a successful migration! Thank you.
The TRW Legal Project
(Manfred Mohr/Alexander Stöcker)

Workshop: Exploring a legal framework for toxic remnants of war
Freie Universität Berlin, 22nd June 2012

Summary report

The problem
With the emergence of International Humanitarian Law (IHL), the protection of civilians during war or armed conflict has improved substantially. However, towards the end of the 20th Century, it became apparent that the environment is only inadequately safeguarded. The deployment of Agent Orange in Vietnam and the burning oil fields in Iraq are only two examples of the tremendous burden that has been borne by the environment during armed conflict. This led to the appearance of this topic in the discussion forums of the international community. UN organisations (such as the Environment Programme - UNEP), NGOs and the ICRC engaged with the topic but consensus on comprehensive rules that ensure the protection of the environment during armed conflict could not be reached.

Nevertheless, there is a growing awareness that certain military materials and practices have the potential for extraordinary environmental harm, which may also affect the health of the civilian population. Explosive Remnants of War (ERW) have been dealt with to some extent (see treaties on landmines and cluster munitions), yet the diverse range of toxic remnants of war remain largely ignored.

The Toxic Remnants of War (TRW) Project was launched to counteract this. On the 22nd June 2012, the legal aspects of this approach were the focus of a workshop at the Free University of Berlin, Germany. A wide range of humanitarian and environmental lawyers, as well as military and political representatives attended, with the aim of discussing the concept’s potential, to evaluate the extent to which TRW have already been taken into account by existing rules and what their regulation might look like. The participation of experts from a variety of backgrounds reflected the need for a truly interdisciplinary approach to TRW in order to address this topic appropriately; with cooperation amongst lawyers and scientists from different fields.

The political and legal framework
The problem of TRW and more generally of the protection of the environment during armed conflict can be examined through multiple areas of law. The main focus lies in IHL, Environmental Law and Human Rights Law (e.g. Art. 12 of the International Covenant on Economic, Social and Cultural Rights with the right to a healthy environment). In order to not lose sight of the problem, it was considered that a humanitarian-centred approach that links the environmental damage to the situation of the people and the effects on their livelihoods (environment as a "living thing") would be needed.
Considerable importance is attached to customary law. In this respect, it was found that an obligation for conflict parties to consider environmental aspects appropriately (the so called “due-regard” rule) can be derived from Additional Protocol I to the Geneva Conventions. What has now become necessary is to work on detailed scenarios to clarify the due regard principle, for which – together with a so-called duty of care obligation (as to environmental protection during armed conflict) – an approach to TRW might be developed.

All this has to be considered alongside another principle for the evaluation of environmental destruction during war: the precautionary principle, or approach, which can be found both in humanitarian and environmental law. In this context, reference was made to precaution (based on scientific uncertainty) versus prevention (based on scientific predictability). It was also stressed that a precautionary approach would not amount to a ‘zero risk’ approach but would highlight the need for making thorough assessments of an action’s likelihood of environmental or civilian harm.

During the workshop, the TRW Project presented a broad working definition for TRW for discussion. According to this definition, a TRW is “any toxic or radiological substance used in or resulting from military activities that forms a hazard to human and environmental health”. Activities and/or their effects before, during and after conflicts, of an intentional or unintentional nature are all being considered. As such, the focus is not just on post-conflict scenarios – the “jus post bellum” - it is also on prevention, considering the often huge costs of the clearance of residues. There was broad agreement that environmental rehabilitation can, and should, form part of jus post bellum and one might consider TRW regulations as part of peace agreements.

It was also stressed that retrospective assessments of post-conflict scenarios where TRW have been, or continue to prove problematic, should not distract from an analysis of the rules applicable during war and the harms caused during conflict. It was also suggested that the environmental impact of unused remnants – such as stockpiled or abandoned munitions – also be considered within a TRW framework.

In general, the TRW discussion focused on general obligations to help remedy the consequences of the use of certain weapons or practices, and less on specific weapon bans. The focus on consequences reflects the responsibility to protect civilians and the environment, and the responsibility to rebuild. However, the early identification and substitution of toxic or problematic substances during weapons development was also raised.

The proportionality test, which is fundamental to the whole of IHL, should also extend to the health hazards from munitions residues after attacks. However, it was also argued that the existing test of proportionality (under art. 57 Additional Protocol), and any obligation to use the least toxic weapons is currently dependent upon its feasibility and the weapons at hand.

**Which substances are being considered?**

Due to its profile and notoriety, depleted uranium (DU) featured heavily in the debate, although the toxicity of proposed alternatives such as carcinogenic tungsten-nickel-cobalt alloys (HMTAs) was discussed – an early indication that detailed analysis of the potential risks from a range of materials is required.

Other proposed examples of potential TRW included thorium, white phosphorous, explosives such as RDX and HMX, propellants such as ammonium perchlorate and dioxins. Clearly factors such as the
quantities of these substances available in the environment and their exposure pathways will influence the risk they pose.

The TRW Project introduced its framework methodology to assess the risks posed by certain substances. It is intended that this will be used to create a preliminary list of ‘substances of concern’. The methodology will draw on existing computer models used in toxicological assessments and ultimately be used as the basis for developing case studies for different contamination scenarios.

The TRW Project will also cross check existing lists of substances that have already been identified internationally as hazardous. Similar lists exist in other areas of arms control (e.g. the Chemical Weapons Convention) or from international environmental law. A useful example is the Basel Convention on the Control of Trans-boundary Movements of Hazardous Wastes and Their Disposal of 1989. Some of these materials may also be used within a military context and lead to the generation of TRW.

Proving a causal link between a substance and a risk to human health could prove challenging, particularly where field access for environmental and health assessment might be constrained by post-conflict insecurity. Naturally there was a debate on the role of precaution and the presumption of harm, especially where substances have been identified as highly problematic.

Still on definitions and terms, there was discussion on whether toxic might be too narrow or too broad a notion; similarly, the need for clear differentiation between the intrinsic toxicity of a material and contamination – its unwanted presence within a geographical area. Nevertheless, the fundamental question is and remains: what constitutes a hazard?

International Environmental Law, including existing “soft-law”, is of particular relevance for the TRW problem. Here, the principles of the Stockholm Declaration of 1972 have to be considered: No. 6 prohibits the discharge of toxic substances, which lead to serious and irreversible damage to nature. Principles 21 and 22 cover the responsibilities of states and their obligations to ensure that activities under their “jurisdiction and control” do not lead to environmental damage in areas outside their national jurisdiction.

Unfortunately, due to time constraints, domestic environmental law and its applicability could not be discussed extensively. But in considering different TRW scenarios, either the domestic laws of the country where TRW are present could be applied or, perhaps more controversially, the laws of the country that is responsible for the generation of TRW. If that is the case, the issue of extraterritoriality must be evaluated. If considering the toxic footprint of military bases and firing ranges on foreign soil, one could argue for such an approach as it fits with the aforementioned concept of “jurisdiction and control”.

**Recommendations**

The development of solutions for the TRW issue was beyond the scope of the workshop; however some general steps were outlined. Three key principles were identified that could provide the basis of a framework approach to reducing and managing TRW. The framework should be based on the principle of intergenerational equity.
**Principle 1 – Reduction**

The development of rules to avoid the generation of TRW. This would review methods and means of warfare, targeting and assess best practice for reducing the toxic footprint of military activities.

**Principle 2 – Responsibility**

Balancing the responsibility to protect and remediate between the state affected by TRW and the obligations on those responsible for generating TRW, even where they no longer exercise territorial control; this would also consider the means through which international assistance could be provided and focused.

**Principle 3 - Assistance and compliance**

To promote assistance, capacity building and best practice for the transparent assessment, monitoring, decontamination and rehabilitation of affected sites. This would require some means of governance, or “compliance” structure to ensure transparency and information sharing.

**Reflections and next steps**

The consensus in the room was that the TRW approach was a timely development and worth pursuing further. Crucially it offers an opportunity to scrutinise what environmental protection during armed conflict really means and how environmental damage can be prevented in the future.

It was also apparent that this topic has the potential to be both politically sensitive and extremely broad in scope.

Next steps were discussed, including a declaration on TRW. This would serve the purpose of boosting the profile of the issue and be seen as a political and conceptual signpost, which in turn could help persuade states and civil society to accelerate the search for solutions to this important and most practical problem. Ultimately this could be achieved through national legislation, or through developing a new and specific international TRW-instrument, perhaps modelled on Protocol V of the Convention on Certain Conventional Weapons (CCW) regarding ERW.

Although no stranger to problems and complexities, the CCW setting could at least be used for initiating processes. It would certainly accelerate data gathering and analysis of the scope of the TRW issue.

Considering the tremendous scientific, legal, philosophical, financial and political challenges involved in resolving the TRW issue, it is fair to say that it has the potential to remain stimulating for some time. These challenges and the need for an approach that improves the protection for human health and the environment from the toxic legacy of military activities add impetus and urgency to the development of solutions to the problem of TRW.
Introduction to report „Living Under Drones”

The report is divided into five chapters: Background and Context, Numbers, Living Under Drones, Legal Analysis, and Strategic Considerations. Immediately following is a brief account of the methodology of this study, including challenges faced by our research team. The report then turns to the five main chapters:

‘Background and Context,’ Chapter 1, provides brief background and context on: the nature of unmanned aerial vehicles; drones and targeted killings as a response to 9/11; Obama’s escalation of the drone program; the decision-making process behind drone strikes; the Pakistani government’s divided role; conflict, non-state groups, and military forces in northwest Pakistan; the Federally Administered Tribal Areas (FATA); and the limits on access to FATA.

‘Numbers,’ Chapter 2, assesses the debate on drone casualties, outlining the factors that produce conflicting and often unreliable reporting by government and media sources. Examining the methods and content of three well-known and widely cited drone data aggregators, this chapter explains what information can be gleaned from these sources, and challenges the oversimplified civilian/”militant” binary reproduced in many accounts.

‘Living under Drones,’ Chapter 3 sets forth the core findings of this report. The Chapter begins with firsthand narrative accounts of three specific drone strikes. For each of these strikes, there is significant evidence of civilian casualties. It further examines the broader impacts of drone surveillance and strikes in North Waziristan, including on the families of those killed, education and economic opportunities, emotional trauma, widespread fear, and the undermining of community institutions.

‘Legal Analysis,’ Chapter 4 provides an overview of the terms of debate on the legality of the US targeted killing program and drone campaign in Pakistan under both international and US domestic law. It describes the law related to key issues: whether US drone practices violate Pakistan’s sovereignty; when and which individuals may lawfully be targeted; and the extent to which the US has met, or failed to meet, its international legal obligations related to transparency and accountability.

‘Strategic Considerations,’ Chapter 5 examines the strategic implications of US drone strike policies in Pakistan. In particular, it considers available evidence about their effectiveness in hampering attacks by armed non-state actors, their impact on attitudes in Pakistan and the surrounding region toward the US, their geopolitical implications, and their effect on decision-making related to war and the use of force in the US.

The report includes several appendices. The first appendix provides additional narratives from victims and witnesses to drone strikes, as well as others directly affected by drones. The second appendix charts the timing and intensity of drone attacks between January 2010 and June 2012 in light of parallel political events and key moments in Pakistani-US relations. The third appendix compares statements of US officials on drone strikes with strike data reported by a leading strike data aggregator.

Methodology

This report is based on over 130 detailed interviews with victims and witnesses of drone activity, their family members, current and former Pakistani government officials, representatives from five
major Pakistani political parties, subject matter experts, lawyers, medical professionals, development and humanitarian workers, members of civil society, academics, and journalists. Our research team also engaged in extensive review of documentary sources, including: news reports; legal, historical, political, medical, and other relevant scholarship; civil society and analysts’ reports; court filings and other legal documents; government documents; and physical evidence.

Our research team conducted two separate investigations in Pakistan (including in Islamabad, Peshawar, Lahore, and Rawalpindi) in February-March 2012 and May 2012. Investigations included interviews with 69 individuals (‘experiential victims’) who were witnesses to drone strikes or surveillance, victims of strikes, or family members of victims from North Waziristan. These interviewees provided first-hand accounts of drone strikes, and provided testimony about a range of issues, including the missile strikes themselves, the strike sites, the victims’ bodies, or a family member or members killed or injured in the strike. They also provided testimony about the impacts of drone surveillance and attacks on their daily lives, and their views of US policy.

Interviews were arranged through local contacts in Pakistan, including journalists, lawyers, tribal leaders, experts, and civil society members. The majority of the experiential victims interviewed were arranged with the assistance of the Foundation for Fundamental Rights, a legal nonprofit based in Islamabad that has become the most prominent legal advocate for drone victims in Pakistan. Those interviewees, who undertook an extremely unsafe, time-consuming, and difficult trip in order to be interviewed, were all male, as poor security conditions, together with cultural norms of purda (separation of men and women), restricted women’s ability to travel. One of the experiential victims interviewed is a female Waziri now residing outside Federally Administered Tribal Areas (FATA). Nine of the 69 experiential victims are clients of the Foundation for Fundamental Rights. None of the interviewees were provided compensation for participating in investigations for this report.

The interviews were conducted by teams that included at least one Stanford or NYU researcher, as well as a translator. Some interviews also included a researcher from either Reprieve or the Foundation for Fundamental Rights. The interviews with individual Waziris were semi-structured, and lasted from approximately thirty minutes to two hours.

Security, confidentiality, and privacy for those interviewed were key concerns. Our research team applied informed consent guidelines to all interviews, and interviewees chose if or how they wished to be identified in this report. We do not include the names and other identifying information of interviewed individuals in this report when so requested by the person concerned, or when the research team determined that doing so might place the individual at risk. Thus, many of the experiential victims have been given pseudonyms in this report. All of the medical and humanitarian professionals, and most of the journalists with whom we met, also expressed concerns for their safety, and requested anonymity.

In addition to our interviews with medical professionals in Pakistan, medical experts at Stanford reviewed this report’s sections concerning the psychological and physiological impacts of drones. These experts also met with our research team to discuss our findings and assist in our analysis of the classification of symptoms.

As part of our effort to speak with relevant stakeholders, our research team requested the input of the US government, and sought to share our findings in advance of this report’s release. Via letter sent July 18, 2012, we requested a meeting with the National Security Council (NSC), “the President’s principal arm for coordinating [national security and foreign] policies among various government agencies.” At this writing, we had not received a response to our request.
Challenges

The foremost challenge the research team faced was the pervasive lack of US government transparency about its targeted killing and drone policies and practices in Pakistan. This secrecy forced us to conduct challenging primary research into the effects of drones in Pakistan. Primary research in FATA is difficult for many reasons.

First, it is very difficult for foreigners physically to access FATA, partly due to the Pakistani government’s efforts to block access through heavily guarded checkpoints, and partly due to serious security risks.

Second, it is very difficult for residents of Waziristan to travel out of the region. Those we interviewed had to travel hundreds of kilometers by road to reach Islamabad or Peshawar, in journeys that could take anywhere from eight hours to several days, and which required passing through dozens of military and police checkpoint stops, as well as, in some cases, traveling through active fighting between armed non-state groups and Pakistani forces.

Third, mistrust, often justifiable, from many in FATA toward outsiders (particularly Westerners) inhibits ready access to individuals and communities.

Fourth, many residents of FATA fear retribution from all sides—Pakistani military, intelligence services, non-state armed groups—for speaking with outsiders about the issues raised in this report.

Fifth, practices of purda in FATA make it extremely difficult for women to travel, for outsiders to speak directly to Waziri females, or to obtain information about females through male family members. It is often considered inappropriate, for example, for men to provide the names of female victims of drone strikes. In addition, strict segregation can mean that neighbors or extended family members may not know how many women and children were killed or injured in a strike. Because of these obstacles to speaking directly with women, most of the information the research team obtained about the impacts of drones on the daily lives of women came second-hand through husbands, sons, fathers, and in-laws, as well as by health care providers and members of civil society working in the area. Following interactions and the building of trust between our researchers and interviewees, a number of those interviewed expressed an interest in facilitating interviews with female witnesses and victims in future investigations.

Sixth, and as documented in the ‘Background and Context’ Chapter, FATA has very low literacy rates. This, in conjunction with the fact that much information about incidents in Waziristan is not recorded in written form, made it difficult for some interviewees to pinpoint the exact dates of certain strikes or to identify in terms that could be related to outsiders the precise geographical locations of small villages. The research team has made extensive efforts to check information provided by interviewees against that provided in other interviews, known general background information, other reports and investigations, media reports, and physical evidence wherever possible. Many of the interviewees provided victims’ identification cards and some shared photographs of victims and strike sites, or medical records documenting their injuries. We also reviewed pieces of missile shrapnel.

Full report you can find and download here
http://livingunderdrones.org/download-report/
According to the Final Statement of the 2011 IALANA General Assembly, supported in particular by Judge Weeramantry:

IALANA is uniquely qualified to present to policy makers and to the general public the one incontrovertible argument for the elimination of nuclear weapons: their total incompatibility with international humanitarian law, as demonstrated by the Vancouver Declaration of February 11, 2011.

At its 2011 General Assembly IALANA agreed “to bring its message to bar associations and universities and to law students and young lawyers, to carry on the work which it has been pursuing since 1988, to carry to the general public the message of the total illegality of nuclear weapons, and to further peace education at all levels.”

There is a strong drive towards concentrating on illegality of use derived from the unpredictability of the effects of any nuclear strike. The Swiss paper for the 2010 RevCon, Delegitimising Nuclear Weapons, goes some way towards this and the Mexican proposal to amend the Rome Statute of the ICC is very clear on this issue.

At the diplomatic level there is a growing demand for urgent action to be taken on the global abolition of nuclear weapons based on international humanitarian law.

Reporting on the 2012 Vienna NPT Preparatory Committee Rebecca Johnson (Acronym Institute) drew attention to the joint statement on the “humanitarian dimension of nuclear disarmament” sponsored by 16 governments. This quoted the Final Statement from the 2010 NPT Review Conference, which expressed its “deep concern at the catastrophic humanitarian consequences of any use of nuclear weapons” and reaffirmed “the need for all states at all times to comply with applicable international law, including international humanitarian law”.

The joint statement also referred to the resolution adopted by the Council of Delegates of the International Red Cross and Red Crescent movement in November 2011, which emphasised that “it is difficult to envisage how any use of nuclear weapons could be compatible with the rules of international humanitarian law”. It concluded by calling on states to “intensify their efforts to outlaw nuclear weapons and achieve a world free of nuclear weapons”.

Descriptions from the Red Cross stress the “horrendous effects” and “immeasurable suffering” if nuclear weapons are ever used. Even a ‘limited nuclear exchange’ would provoke global climate change with serious and long-lasting impact on the environment and food production, which could cause...global famine affecting over a billion people.”

We have strong grounds for arguing that any use of nuclear weapons would not only be illegal; it would also be criminal. In a recent Symposium, Nuclear Weapons and International Law: A Nuclear...
Nonproliferation Regime for The 21st Century recorded in the Fordham International Law Journal, the authors, Charles J. Moxley Jr., John Burroughs and Jonathan Granoff state:

... In short, review of the matter reveals that the use of nuclear weapons would violate IHL and that the threat of such use, including under the policy of nuclear deterrence, similarly violates such law. Analysis further reveals that the nuclear weapon states’ existing obligation to bring their policies into compliance with IHL is reinforced by the NPT disarmament obligation as spelled out by the 2010 NPT Review Conference, in particular by its declaration of the need to comply with IHL.

The authors conclude that:

... it is only a cognitively creative exception to real-world practice that can even describe an instance in which the use of a nuclear weapon would not violate IHL. Is it not time that the nations and people of the world demanded that states with nuclear weapons bring their practices into strict compliance with the law?

The U.S. Army’s Law of Land Warfare defines “war crime” as “the technical expression for a violation of the law of war by any person or persons, military or civilian,” and declares that “[e]very violation of the law of war is a war crime”. (Army Law of Land Warfare, par.499). The Naval Commander’s Handbook states that violations of the laws of armed conflict are war crimes. (Naval Commander’s Handbook § 6.2.6.).

In the light of this, the Criminality of Nuclear Weapons campaign (CNW), launched by the Institute for Law and Peace (INLAP) and World Court Project UK, wants citizens across the world to affirm in their millions that any use of nuclear weapons by anyone under any circumstances would not only violate their basic human values; it would also be a war crime. The campaign is thus firmly based on International Humanitarian Law.

Signed Affirmations from citizens and civil society organisations represent the Public Conscience in action. The Public Conscience itself underpins International Humanitarian Law and therefore supports the growing weight of opinion outlined above.

We thus aim to engage the public and inform them of the crucial role they have to play. Signed Affirmations will be used as evidence and presented at suitable events in support of the growing momentum for the global abolition of nuclear weapons as required by International Humanitarian Law.

We urge readers to visit our website on www.nuclearweapons-warcrimes.org to sign up personally and encourage their own contacts to do the same. In order to further spread the word please like and share our Facebook page Nuclear Weapons= War Crimes and follow us on Twitter @WorldCourtUK.
Nobel Peace vision - Swedish authority orders Norwegians to change Prize

Fredrik S. Heffermehl
Norwegian IALANA

Writing his will in 1895 Alfred Nobel wished to lift civilization to a new level by a prize for a new, demilitarized international system, a global peace order, Nobel called it a "brotherhood of nations." Disarmament and peace congresses were key elements in his description the "champions of peace" whose work was to receive the prizes, as a financial stimulus to their work.

In 2007 I ALANA director Fredrik S. Heffermehl rediscovered the true intention of Nobel and asked the Nobel Committee to keep within its mandate. His further research revealed that Norwegian parliamentarians entrusted with appointing the five-member Nobel Committee - even if some prizes have been relevant - never was very enthusiastic about the demilitarized world system Nobel described in his will. In a book in 2008, Nobel’s will, Heffermehl analyzed the content of the prize, the mandate from Nobel, and an evaluation of all 120 selections for the prize to check the Committee’s loyalty to Nobel. This analysis shows great loyalty in the early years after 1901, and negligible loyalty after 2001. The 2009 Nobel speech of Barack Obama was the worst affront to Nobel in the history of the prize. Obama used his Nobel peace award as a platform to defend freedom for the US to wage "necessary" wars with little mention of such small considerations as the UN Charter and the international law prohibition of war.

Over time Norwegian parliamentarians have transformed the prize and started using it to promote their own ideas rather than the Nobel peace vision. Official Norway did not like the legal study at all, the first ever in the history of the prize, and ignored to all reminders of the basic rules for interpretation of wills and the evidence of what Nobel really wanted. As a result Heffermehl decided to take the case to the wider world. A new book in English (Praeger, 2010) has been published in Chinese, Finnish and Swedish, and will appear in Russian, Spanish and probably in German (discussions with several publishers).

See more on http://www.nobelwill.org - the book was reviewed as "Buch des Monats" by Justice Dieter Deiseroth in Blätter für deutsche und internationale Politik, and in English version of Zeit-Fragen.

The Nobel Committee is made up of retired parliamentarians diametrically opposed to the vision of peace Nobel wished the prize to promote and Heffermehl has asked for replacements to ensure respect for the Nobel purpose. Since the Parliament and Nobel Committee were absolutely deaf to all arguments Heffermehl took his books to the Swedish Foundations Authority which - after years of reluctance and hesitation - finally published a decision in the matter on March 21, 2012, ordering the Nobel Foundation Board in Stockholm to analyse the purpose described by Nobel, and then instruct the peace awarders in Oslo to ensure compliance, and also introduce new routines (possibly advance screening of candidates before the Oslo committee may decide). This outcome puts in question generations of Norwegian management of the Nobel
awards - and was treated with absolute silence in Norwegian media.

The 2012 prize will show whether the Norwegian awarders will dare to defy even the direct orders of Swedish authorities. They are bound by Swedish law giving the Nobel Foundation, seated in Sweden, the supreme and ultimate responsibility to ensure that all five prizes comply with the purposes Nobel described. The Peace Prize 2012 will be announced on Oct. 12 at 11 am in Norway (UTC/GMT + 2)

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Book Review of Frederik Heffermehl`s book on the Nobel Peace Prize by Dieter Deiseroth:

https://viewer.zoho.com/docs/view.do

Fredrik Heffermehl’s books on the Nobel peace prize are being published in

1. 7 languages and contain the first known legal analysis of the legal mandate of the Norwegian Nobel Committee.

2. The main claim in the book, that the Nobel Committee must give the award for those who promote the global peace order Nobel had in mind (expressed in the IALANA motto: Peace through law), was recently confirmed in a decision of the Swedish authority supervising foundations.

3. The 2012 Nobel peace prize is going to be announced on Oct. 12 at 11.

The decision this year is of particular interest since the Norwegian committee has been ordered by the Swedish authorities to pay respect to Alfred Nobel’s intention as expressed in the words of the will. Nobel intended to support those who work for a global peace order, Peace through law. IALANA and all activists working for peace and disarmament will be served by a renewed respect for the original intention of Alfred Nobel.
Report from Norway

Nobel vision – a global peace order
See separate article, Fredrik S. Heffermehl is publishing books containing the first ever legal analysis of the mandate of the Nobel Committee – and how it has been mismanaged – in 6 languages (English, Chinese, Finnish, Norwegian, Swedish are out, Spanish and Russian coming). His complaint to the Swedish Foundation Authority led to an order for major reforms of the Nobel Foundation management of all the five prizes. See separate article.

New book on International Crimes
Professor of Criminal Law Ståle Eskeland has analyzed international crimes in his new book on "De mest alvorlige forbrytelser" (The Most Serious Crimes - only available in Norwegian). The book studies war crimes, crimes against humanity, torture, use of weapons of mass destruction under both Norwegian and international law, with several examples of the Norwegian government as accomplice in aggressive war in the last decade.

Mass murder in Norway: political, not mental insanity
Even if not very nuclear, the national tragedy Norway experienced on July 22, 2011, may contain lessons on peace and law. There was no call for revenge, but rather for more democracy, togetherness and inclusion. The Oslo City Court managed the ten weeks trial in an excellent way and wrote a highly respected, and immediately accepted judgment. The mass murderer was sentenced to up to 21 years in jail, with a minimum 10 years, and a possible prolongation every five years beyond 21 if he is still a danger to society. This was seen as political, not mental insanity.

A number of elements surprised the world. At the opening of the trial the prosecution and the medical experts shook hands with the killer. It may seem solid excess in human treatment, but I am not sure it can hurt (but must have been hard on the relatives). There is a wonderful essay about "Make peace with crime" that suggests that to reduce the level of violence in law enforcement one should resort to peace movement thinking.

IALANA co-president Peter Weiss - Guest lecture
A number of younger law academics and some veteran lawyers on Sept. 19 heard Peter Weiss giving a most inspiring guest lecture at Oslo University, Institute of Public and International Law. Illustrated with the current trial that may limit the utility of the Alien Tort Claims Act of 1789 in trying HR violations worldwide in the US and past other CCR cases, and IALANA´s antinuclear work and efforts for a new convention banning and abolishing nuclear weapons, Peter´s combination of a successful practice of law with extensive work for a better organized - and less risky - world is an example that ought to have reached many an active counsel too.

Fredrik S. Heffermehl
Norwegian IALANA
Disarmament for Sustainable Development as a world wide goal

An international appeal for Disarmament

This appeal was edited after the Rio+20 conference

In 1992 the United Nations Conference on Environment and Development (the Earth Summit) connected the challenges concerning environmental threats and development around the world. It named this connection, following the Brundtland Report “Our common future” of 1987, sustainable development, a term that was at once accepted internationally as “the challenge of the decade”. 2012 took place the world summit on sustainability Rio + 20 where the related challenges of peace and disarmament should have been discussed. However, these issues t were excluded.

Disarmament for Development – today’s challenge

In 2011 global military spending amounted to $1730 billion – despite the fact that 1 billion people suffer from hunger, even more do not have access to safe water or adequate health care and education, and even in the developed world millions are without work. The Millennium Development Goals cannot be realized while the world squanders its wealth on militarism.

Today’s climatic and environmental conditions exacerbate this imbalance. Ecological disasters pile up; the loss of biodiversity and the destruction of the eco-system are increasing dramatically. In addition, the current economic crisis has made the world’s governments reduce spending on critical human needs and is once again hitting the weakest the hardest.

However, apparently unlimited financial resources seem to be available for military jets, tanks, ships, bombs, missiles, landmines and nuclear weapons. The technological developments in the armaments field are becoming more and more sophisticated and murderous.

How to reverse this process is the challenge of today.

The signatories of this Appeal demand that the governments of the world seriously address this neglected issue, and agree on a global plan for disarmament even more after the failure of the Rio Summit in June 2012. The freed-up funds should be used for social, economic and ecological programmes in all countries. Starting in 2013, military spending should be cut back substantially, that is, by a minimum of 10 percent per annum. The aim is to launch a dynamic towards sustainable development, which could start by establishing an internationally-managed Fund with a capital of more than $170 billion.

“Disarmament for Sustainable Development” should be announced as one of the sustainable development goals. The discussion about sustainable development goals was one of the results of the Rio + 20 conference.*

Without disarmament, there will be no adequate development; without development, there will be no justice, equality and peace. We must give sustainability a chance.

* One of the outcomes of Rio+20 was the discussion on the continuation of the MDGs. These had the initial deadline of 2015 but are still far from being achieved three years from then. In addition, they do not cover all of the world’s challenges. The concept of “Sustainable Development Goals” (SDGs) was brought up in Rio and is currently discussed. We want the inclusion of Disarmament and Peace in this list of SDGs as they are a fundamental condition for development.