

REPORT # 5

LAWYERS' COMMITTEE ON NUCLEAR POLICY

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FEBRUARY 1994

United States May Attempt to Stop the World Health Organization's Case

The International Physicians for the Prevention of Nuclear War reported recently that the USA State Department may be planning to legally challenge WHO's request to the International Court of Justice (ICJ) for an advisory opinion on the legality of the use of nuclear weapons.

The USA may base its action on their claim that the WHO has no authority to ask a question on a political matter and that the Director-General, Dr. Nakajima, was advised of this by his legal counsel before the vote took place in May, 1993.

Reportedly, the USA or through one of its allies intends to pressure WHO to withdraw its request to the ICJ. The USA might even withhold funding for various WHO projects if the WHO's request is not withdrawn.

The WHO Executive Board, which meets from January 17-23, sets the agenda for the full assembly of WHO which is held in early May.

Action: Write to Dr. Hiroshi Nakajima, Director General, World Health Organization, 20 Avenue Appia, CH 1211, Geneva 27, Switzerland. Letters should express support for WHO's request to the ICJ.

World Court Project Presents Declarations to the United Nations



Miguel Marin Bosch, Mexican Disarmament Ambassador to the UN speaking at the Declaration Presentation. See next page for story.

Declaration Presentation at UN Church Center

Over 100,000 World Court Project declarations from all over the world, plus 42 million signatures against nuclear weapons from Japan were presented to Mr. Prvoslav Davinic, Director of the United Nations Office of Disarmament, on October 27.

The presentation came the day after the Non-Aligned Movement decided by consensus to submit to the UN the resolution requesting an advisory opinion from the International Court of Justice on the legality of the threat or use of nuclear weapons.

In a two and a half hour ceremony at the United Nations Church Center Chapel, notable speakers from around the world presented their visions for a non-nuclear world and described how the World Court Project was an important and effective step towards achieving that goal.

Speakers included: Hilda Lini (former Health Minister from Vanuatu), Miguel Marin Bosch (Mexican Disarmament Ambassador to the UN), Katie Boanas-Dewes (World Court Project Aotearoa), Chief Raymond Yowell (Western Shoshone Nation), Pauline Tangiora (Maori elder, Aotearoa), Robert Muller (Chancellor for the University for Peace, Costa Rica and former Under Secretary-General of the UN), Lorraine Canoe Kanaratitake (Mohawk elder) and Peter Weiss (Co-President of the International Association of Lawyers Against Nuclear Arms).

If you missed the presentation you can see it on video. \$15 to buy. \$5 to hire. Contact LCNP, 666 Broadway, #625, New York, NY 10012.

The World Court Project will re-present the declarations to the International Court of Justice in mid-1994.

World Court Project on TV

A program on the World Court Project was aired on Manhattan Cable TV, Channel 69 (Planetary Issues Network) on November 2, 4, 9, and 11. The program was hosted by Lisa Algian and featured interviews with Professor Richard Falk, Dr. Vic Sidel, Peter Weiss, Professor Saul Mendlovitz, Gail Rowan, Pete Waack, Alyn Ware, and Alice Slater. Gregory Wendt and Gabriela Fried produced the video. **Next Screening: Manhattan Neighborhood Network, Channel 34, February 20 at 8 P.M..**

Have a screening party. For a mere \$10 you can buy a copy of the program and invite your friends around to see it. At the showing, please gather donations for the project and declarations of public conscience. See back page for ordering information.

LCNP meets the US Mission to the United Nations

Peter Weiss, Chair of the Lawyer's Committee on Nuclear Policy had a "frank exchange of views" on the World Court Project with Robert Rosenstock, Legal Counsellor at the US Mission to the UN, and Dorothy Donnelly, Arms Control Office, US Department of Energy, on November 12.

Mr. Rosenstock explained the opposition of the US to the project with the following points:

- the question is political, not legal, so should not be handled by the Court;
- taking the matter to the Court would be confusing and divisive; and
- putting the question to the Court would damage the Court's reputation.

Mr. Rosenstock also predicted that the Court would either refuse to deal with the question or would not come down with an opinion against nuclear weapons. Mr. Weiss asked why the US was afraid of the question going to the Court if the Court's handling of the question would be supportive of the US's position. Mr. Rosenstock replied that the US did not want to take any chances.

When Mr. Weiss asked about US pressure on the Non-Aligned Movement to withdraw the United Nations General Assembly resolution (L. 25), Mr. Rosenstock replied "... we found in talking to them that they (the Non-Aligned countries) had very little understanding of what this was all about; besides, it's difficult to stand up to all five permanent members when they're united on something."

“Quotes”

“Supporters of the World Court Project should not feel unduly disheartened by the withdrawal of the draft General Assembly resolution. Disarmament diplomacy in the UN operates at a snail’s pace. The exercise proved valuable in smoking out contrasting intensities of support and opposition to the initiative.”

Rod Alley, Senior Lecturer in Politics, Victoria University, Aotearoa/New Zealand.

“For the moment the WCP has suffered a reverse. Yet it remains alive through the World Health Assembly’s successful request - with a life more viable than nuclear deterrence.”

Retired Judge Harold Evans (Aotearoa/New Zealand), “parent” of the World Court Project.

“We headed you off at the pass in Geneva last year, but you got us this year.”

Robert Rosenstock, Legal Counsellor, US Mission to the UN speaking about the US success in blocking the WHA resolution in 1992, but their failure to stop its adoption in May 1993.

“Pacts with the devil are hard to break. You can’t stop dancing once you’ve put on the red shoes. The World Court Project will help the nuclear haves to return to their better natures, and the nuclear have nots to realize how fortunate they are.”

Peter Weiss, Chair of the Lawyer’s Committee on Nuclear Policy

“It’s time to put pressure on the Clinton Administration and Congress to allow the Court to rule on the issue of the illegality of nuclear weapons. What are we afraid of? Even President Reagan and Mikhail Gorbachev agreed at Reykevik that nuclear weapons should be eliminated by the year 2000. If the World Court rules that their use or threat of use is illegal, why can’t they be eliminated sooner? Does our government really want to continue the nuclear arms race?”

Robert Boehm, Treasurer of Lawyers’ Committee on Nuclear Policy.

Quote of the Month

“The nuclear powers are scared shitless. Their turn is up and they are holding on to the only toys that have been the guarantee of their legitimacy.”

Miguel Marin Bosch, Mexican Disarmament Ambassador to the UN (Nation Dec. 27, 1993)

Please join LCNP and help cover World Court Project expenses.

WCP Video (\$10 to buy) _____ WCP Legal Memo (\$8) _____ (\$5 Collectors Edition, with cover error) _____
 Sustainer (\$100) _____ Member (\$30) _____ Low Income (\$15) _____ Unable But Interested (\$0) _____

Non-lawyers are welcome. All you need to do is respond.

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World Court Project launched in India

The World Court Project Indian launch and a seminar on "Illegality of Nuclear Weapons" was held at the Parliament House Annex with 50 eminent people participating. They included jurists, physicians, members of the government, journalists, and peace activists.

The program was inaugurated by Mr. R.L. Bhatia, Minister of State for External Affairs and chaired by Professor Upendra Buxi, Vice-Chancellor of Delhi University. Among the speakers were Justice V.R. Krishna Iyer, former judge of the Supreme Court and President of the Indian Lawyers Association, Dr. John Rhode, regional director of UNICEF, Mr. Mubassir Hassan, former Finance Minister of Pakistan and founding member of the Pakistan People's Party and Dr. Bernard Lown, President of the International Physicians for the Prevention of Nuclear War.

Dr. Lown met with Prime Minister P.V. Narasimha Rao, Cabinet Minister for External Affairs Mr. Dinosh Singh, and Foreign Secretary Mr. Dixit to discuss IPPNW campaigns. The Prime Minister pledged the full support of India for the World Court Project.

World Court Project Summary:

An initiative to seek an advisory opinion from the International Court of Justice confirming that the threat or use of nuclear weapons is illegal.

Memorandum outsells Trivial Pursuit?

Astound your friends with your legal expertise. Add spice to dinner party conversations. For only \$8 and 40 minutes reading time you can become an expert on the World Court Project and the laws of warfare.

The World Court Project Legal Memorandum is a clear, concise, and yet comprehensive account of the laws of war which pertain to the legality of nuclear weapons and the procedure and utility of seeking an advisory opinion on this question from the International Court of Justice.

This popular paperback is now into its third printing. See back page for ordering information.

Printer's mistake creates collectors items!

A printing mistake on the cover of the World Court Project Legal Memorandum has resulted in us receiving an extra 2000 copies (albeit with the printing error). You can have this version for only \$5 per copy. In a few years these copies will be collectors' items.

Buy Five and Archive!

World Court Project #5

Highlights:

US efforts to Stop WHO Case.....	1
Declaration Presentation.....	2
WCP Launch in India.....	4

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