

REPORT # 3

LAWYERS' COMMITTEE ON NUCLEAR ENERGY
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August 1993

COSTA RICA, MEXICO, NICARAGUA JOIN ZIMBABWE IN CO-SPONSORING WCP RESOLUTION

LCNP's Director Alyn Ware and Legal Assistant Gabriela Fried returned from a Latin American tour with agreements from Nicaragua, Mexico, and Costa Rica to join Zimbabwe in co-sponsoring the WCP initiated UN resolution which asks for an advisory opinion from the International Court of Justice confirming that the use of and the threat to use nuclear weapons are illegal.

The success of the LCNP team is almost hard to believe. Alyn and Gabriela managed to fit 28 meetings into 10 days. They met with 12 influential Latin American organizations, achieving another sweep—all 12 endorsed the WCP. The organizations included Democratic Lawyers' Association, Soynica, Foundation for Community Development, Friends' Society-Quakers, Environmental Movement of Nicaragua, Association for the UN (both Mexican and Nicaraguan chapters) Arias Foundation for Peace and Human Rights, Foundation for Disarmament and the Promotion of Peace, and Foundation for the Development of the Integral Community.

Alyn and Gabriela met with many dignitaries including Rodrigo Carazo (former President of Costa Rica), Robert Muller (former Under-Secretary-General of the United Nations), Rodolfo Piza (former legal counselor for Costa Rica to the UN), Father Miguel D'Escoto (former Chancellor of Nicaragua), Luis Echeverria Alvarez (former President of Mexico) and Antonio Stempel Paris (Director-General of OPANAL, the inter-governmental agency responsible for implementing the Treaty of Tlatelolco: Treaty for a Nuclear Weapons Free Latin America and Caribbean).

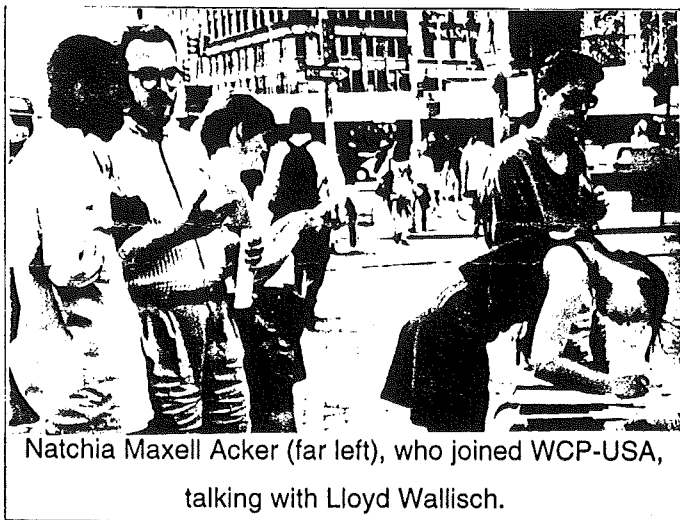
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WCP-USA Chapter Formed

Grass roots organizing is the primary objective of the recently formed World Court Project-USA Chapter (WCP-USA). In July, WCP-USA started its campaign to gather 10,000 declarations by setting up a table and canvassing the crowd at Columbus Circle, situated on the southwest corner of Central Park. The prospect of gathering many declarations appeared bleak when one of the first pedestrians approached replied: "Eliminate nuclear weapons? Impossible. They're like ants reproducing; there's nothing you can do to stop them." Lloyd Wallisch, WCP-USA Chair and a veteran of grass roots peace organizing, brushed the potentially energy depleting comment aside; it only invigorated Mr. Wallisch. The WCP-USA plans another declaration gathering—and information dispersing—session on Labor Day weekend in Central Park.

The WCP-USA plans to present the DPCs—collected worldwide by over 150 endorsing organi-



Natchia Maxell Acker (far left), who joined WCP-USA, talking with Lloyd Wallisch.

zations—to the UN. Proslav Davinic, Director of the UN Office for Disarmament Affairs, will accept the DPCs on behalf of Boutros Boutros-Ghali, UN Secretary General. The presentation date is October 27th, during Disarmament Week. ☛

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Mr. Stempel Paris will urge all Latin American and Caribbean countries to support this initiative as a way of implementing the aim of the Treaty of Tlatelolco, to eliminate nuclear weapons from their region.

Alyn and Gabriela were interviewed on Radio for Peace International (RPI) in both English and Spanish. RPI, which broadcasts globally, will air regular WCP updates for the international peace community.

However distant the threat of nuclear weapons may seem to the inhabitants of this region, they regard the WCP as a worthwhile project. ●

An educational, fundraising, and promotional event will precede the presentation of the DPCs. St. John's of the Divine is WCP-USA's first choice, with Wetlands, a music club that hosted a WCP special event, as a possible alternative site.

Gathering and presenting declarations is only a small part of the community organizing that WCP-USA intends to perform. Other planned activities include endorsing projects and distributing WCP information. The increased WCP activities of the WCP-USA enables the Lawyers' Committee on Nuclear Policy to focus on lobbying UN Missions and to prepare the case for the International Court of Justice.

If you are interested in contributing—time or money—to the WCP-USA's efforts, please send checks payable to LCNP (in memo write "WCP-USA") or contact LCNP (212.674.7790). Many assignments—writing, editing, desktop publishing, declaration gathering, media advocacy, to name a few—can be performed in any area of the country. ●

DECLARATIONS OF PUBLIC CONSCIENCE: EVIDENCE OF NUKES' ILLEGALITY AND ORGANIZING TOOL

One aspect of the WCP is gathering Declarations of Public Conscience (DPCs). DPCs are not typical petitions or letters to your representative; they're fortified for extra impact. The 1899 and 1907 Hague Conventions, treaties codifying rules of warfare, contain this clause:

Until a more complete code of the laws of war has been issued, the high contracting Parties deem it expedient to declare that, in cases not included in the Regulations adopted by them, the inhabitants and the belligerents remain under the protection and the rule of the principles of the law of nations, as they result from the usages established among civilized peoples, from the laws of humanity, and the dictates of the public conscience. (emphasis added)

Frederic Frommhold de Martens, then legal counsel for the Russian Foreign Office and a leader in the movement for the regulation of armed conflict, proposed the clause, which is commonly referred to as the "de Martens Clause."

The International Court of Justice should therefore consider, if not as a primary source of law than at least a secondary, the opinions of the people on whether a weapon or tactic of war is legal. When Commander Robert Green (Royal Navy, Retired), WCP steering committee member, met with Lieutenant Colonel Kim Carter, legal adviser to the Canadian Department of National Defense, she showed particular interest in the WCP's use of the de Martens Clause and considered the DPCs a valid, novel, and potentially effective way of strengthening our case.

The DPCs' legal influence on the Court will probably be minimal. However, Richard Falk, LCNP board member, believes the "psychopolitical pressure" of the DPCs, to which the judges claim immunity, will not be ignored. Michael Mansfield referred to this type of pres-

sure when he addressed the annual conference of MEDACT, the International Physicians for the Prevention of Nuclear War's UK affiliate. He's convinced that, in the successful appeals against wrongful conviction of Irish people for alleged IRA bombings in which he was the lawyer, the main factor in persuading the judges to overturn the convictions was the strength of public support and concern. That is what the WCP must try to do with the ICJ judges—and presenting a tally of the number of signed DPCs

to them will help achieve it.

Getting a person to sign a declaration not only helps promote the WCP and may have some influence on the court and the nations of the UN, but it does something more: It helps that person recognize the

worth of participation in the global political process. The success of the resolution in the UN and a favorable opinion from the ICJ will show people first hand how important it is to make their opinions known and, more importantly, show the importance of coordinating their signing of DPCs or petitions with other people, maximizing the impact.

Although not as dramatic as picketing or speaking out at a public gathering, signing a petition has long been a powerful tool of the peace movement. 20/20 Vision, a peace organization dedicated to increasing citizen pressure on his or her representatives, believes that the letters from its members helped shut down Yankee Rowe, the US's oldest nuclear power reactor.

If you haven't signed a declaration or written your own—please do so today! A sample declaration is included on the next page of this *WCP Report* or is available from LCNP.●

No unwritten law has ever been more binding than unwritten custom supported by popular opinion.

—Carrie Chapman Catt, in a speech on women's suffrage before the US Senate, Feb. 13, 1990

World Court Project

Declaration of Public Conscience

I affirm my desire and right to live in a world free from the threat of nuclear destruction.

Any use of nuclear weapons, as well as being an unspeakable human tragedy, would constitute a violation of international law and a gross violation of human rights.

Any use of nuclear weapons would inflict cruel and unnecessary suffering not only on the people against whom they are directed, but also on countless others not involved, their children and their descendants for many generations. It would also cause severe and long term damage to the environment.

I believe that threatening to commit such crimes against humanity is also illegal. Relations between countries should be governed by justice, peace and the observance of international law rather than through the threat or use of force or through the threat or use of weapons of mass destruction.

I therefore support the initiative to seek a World Court opinion on the legal status of nuclear weapons, and wish the court to know that I believe that nuclear weapons are illegal according to international law and the dictates of public conscience.

Signed _____ Date _____

Name _____

Address _____

Return signed declarations
(or write your own) to:
Lawyers' Committee on Nuclear Policy
666 Broadway, #625
New York, NY 10012 USA