

December 2012, No. 11: **Openings at the United Nations & LCNP's Contributions**

From: John Burroughs, Executive Director, Lawyers Committee on Nuclear Policy

It has been a most interesting fall at the United Nations, with definite signs of movement on breaking the nuclear logjam. For the past several years, UN member states have debated how to overcome the long-running stalemate in the Geneva-based Conference on Disarmament, which is stymied by a rigid rule of unanimity. (See July 2011 [memorandum](#) by LCNP and Reaching Critical Will/WILPF.)

The General Assembly just voted on December 3 to [establish](#) “an open-ended working group to develop proposals to take forward multilateral nuclear disarmament negotiations for the achievement and maintenance of a world without nuclear weapons.” The US, UK, France, and Russia cast the only negative votes. On top of that, the US, the UK and France had earlier [declared](#) themselves “unable to accept” the working group or “any outcome it may produce.” *The next Obama administration needs to remember the [spirit of Prague](#), jettison the tired insistence on an exclusively “step-by-step” approach, and participate constructively!*

In another important development, in the General Assembly's First Committee on Disarmament and Security 35 nations – including eight from Europe – signed on to a “[Joint statement on the humanitarian dimension of nuclear disarmament](#)”. The lead point concerns nuclear explosions’ “immense humanitarian consequences” as well as the inability to provide emergency relief. Those matters will be the subject of a conference to be held in Oslo by the Norwegian government in March, preceded by a civil society forum organized by the International Campaign to Abolish Nuclear Weapons - ICAN, of which LCNP is a member.

The joint statement also quotes the Red Cross position that it is “difficult to envisage how any use of nuclear weapons could be compatible with the rules of international humanitarian law” governing the conduct of warfare. *LCNP has had a similar but stronger position on illegality since its founding in 1981, and in 2011 with The Simons Foundation [released](#) the [Vancouver Declaration](#) setting forth the current state of the law.*

The joint statement's final point is that all states “must intensify their efforts to outlaw nuclear weapons and achieve a world free of nuclear weapons.” For my commentary, see Reaching Critical Will's [First Committee Monitor](#), pp. 5-6. For other developments in the General Assembly, including a decision to hold a high-level meeting on nuclear disarmament next year and a resolution on resumption of negotiations on the Arms Trade Treaty, see the Monitor's [final edition](#).

LCNP has been making real contributions to the ongoing deliberations. At a Middle Powers Initiative [event](#) at the German mission to the UN, I [discussed](#) the question of conditions for nuclear disarmament, as well as the question of the nature of a global agreement to eliminate nuclear weapons (framework agreement, convention, etc.). I said that the “proliferation of conditions by the Permanent Five is at bottom a defense of an unconscionable status quo. While the P5 have identified issues that need to be addressed within a disarmament process, resolution of those issues is not a prerequisite for undertaking a comprehensive approach.” Such alleged conditions include prevention of further proliferation, resolution of regional disputes, and maintenance of strategic stability.

UN High Representative for Disarmament Affairs Angela Kane made highly substantive opening [remarks](#). She said that there are *criteria* that quality disarmament agreements must satisfy:

verification, irreversibility, transparency, universality, and bindingness in law. On the other hand, insisting on *preconditions* for disarmament “is viewed by other observers as little more than a thinly veiled formula for postponing disarmament indefinitely.”

As the UN office of the International Association of Lawyers Against Nuclear Arms (IALANA), an MPI co-sponsor, LCNP is a key contributor to MPI work. The event previewed a two-day forum to be held in Berlin in February entitled “Creating the Conditions and Building the Framework for a Nuclear Weapons-Free World.”

In other recent LCNP activities:

- **LCNP President Peter Weiss and International Coordinator Alyn Ware** spoke on a [panel](#) on prospects for a Middle East Zone Free of Weapons of Mass Destruction (an international conference on the zone has just been indefinitely postponed by the US as one of its conveners).
- **Alyn** organized and co-chaired a dynamic [meeting](#) of the Abolition 2000 Global Network to Eliminate Nuclear Weapons, with remarks by leading diplomats, parliamentarians, UN officials, and activists, among them **Jacqueline Cabasso**, director of Western States Legal Foundation, an IALANA affiliate, and member of LCNP’s Consultative Council.
- I [spoke](#) about international law in a Breaking the Nuclear Chain [Webinar](#) (access is ongoing) on nuclear weapons and nuclear testing; other presenters were **Rebecca Johnson** of the Acronym Institute, **Ira Helfand** of International Physicians for the Prevention of Nuclear War, and **Susi Snyder** of IKV Pax Christi.
- I briefed diplomats on the application of international humanitarian law to nuclear weapons at a session organized by the UN Institute for Training and Research and similarly briefed fellows of the UN Office for Disarmament Affairs, and [spoke](#) at a well-attended UN [meeting](#) marking the International Day Against Nuclear Tests co-sponsored by the President of the General Assembly and Kazakhstan.
- **Board member James Ranney** and I contributed articles on nuclear abolition and global governance to the journal [Cadmus](#):
[How Reliance on Nuclear Weapons Erodes and Distorts International Law and Global Order](#) - John Burroughs
[World Peace Through Law: Rethinking an Old Theory](#) - James Ranney
- **Board member Anabel Dwyer** has continued her work of advising non-violent anti-nuclear weapons protesters on the law of nuclear weapons.

Finally, I highly recommend the interactive [Nuclear Disarmament Map](#) which went online in July. It was developed and designed by The Simons Foundation; former LCNP research associate **Sameer Kanal** and I contributed the content. Other [maps](#) concern Arctic Security, Genocide, and Space Security.

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Best wishes for Happy Holidays,

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