



[Publications](#): eNews No. 13

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## June 2014, No. 13

It's been a momentous spring for Lawyers Committee on Nuclear Policy, with a return to the [International Court of Justice](#), a memorable [event to honor President Emeritus Peter Weiss](#), and [a conference on the centenary of the first World War](#) that we co-organized.

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Sincerely,

John Burroughs  
Executive Director

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*International Court of Justice in The Hague*

### Back to the International Court of Justice

On April 24, 2014, the Republic of the Marshall Islands (RMI) filed applications in the International Court of Justice (ICJ) against the nine nuclear-armed states, claiming they have violated their nuclear disarmament obligations under the Non-Proliferation Treaty (NPT) and customary international law. The respondent states are the United States, United Kingdom, France, Russia, China, India, Pakistan, Israel, and North Korea.

This is the first time the Court has been asked to address issues relating to nuclear weapons since its 1996 advisory opinion, in which it unanimously concluded that there "exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control."

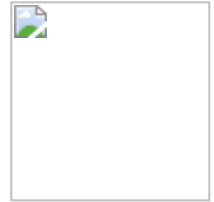
LCNP and its international body, the International Association of Lawyers Against Nuclear Arms (IALANA), were deeply involved in the 1996 case, and we are now well represented on the International Legal Team for the Marshall Islands in the current cases.

A few days after the cases were filed, on April 28, the first day of the NPT PrepCom preparing for the 2015 review, Tony de Brum, RMI Foreign Minister, [spoke](#) in the Trusteeship Council at the United Nations. He asked whether anyone else in the room had witnessed a nuclear explosion - nobody responded - and said he remembers vividly

seeing as a nine-year old "the white flash of the Bravo detonation on Bikini atoll, six decades ago in 1954, and one thousand times more powerful than Hiroshima". He explained that the lawsuits were filed because "international law - and legal obligations - are not hollow and empty words on a page" and the NPT's "collective and universal" purpose of disarmament must be achieved. Diplomats and civil society representatives alike reacted with resounding applause, unusual in a UN setting. (See IPS [story](#) on his speech and the PrepCom.)

The United States conducted 67 atmospheric nuclear explosive tests in the Marshall Islands in the 1940s and 1950s, and still conducts missile tests there - one is [scheduled](#) for June 23.

Then on April 29, Phon van den Biesen, an Amsterdam-based lawyer, longtime member of IALANA, and Co-Agent for RMI before the ICJ, made one of the non-governmental presentations to the PrepCom. He [explained](#) that the cases filed by the Marshall Islands involve a claim of breach of contract - the bargain struck in the NPT in which the vast majority of states agreed not to acquire nuclear weapons in exchange for the promise of possessor states to negotiate their elimination.



Phon van den  
Biesen

The news of the RMI's filings in the ICJ, and the presentations by de Brum and van den Biesen, were the most dramatic developments of the PrepCom.

The International Legal Team is headed by Co-Agents de Brum and van den Biesen. Other members are Laurie Ashton, Keller Rohrback; Nicholas Grief, Doughty Street Chambers, London, and Professor of Law, University of Kent; John Burroughs, LCNP Executive Director; David Krieger, President, Nuclear Age Peace Foundation; and Peter Weiss, Co-President, IALANA, and LCNP President Emeritus. Keller Rohrback also represents the RMI in a companion case against the U.S. filed in U.S. federal court in San Francisco.

For the filings in the ICJ, background information, and media coverage, see [www.nuclearzero.org](http://www.nuclearzero.org), where you can sign a petition supporting the Marshall Islands' cases, and [www.lcnp.org/RMI](http://www.lcnp.org/RMI).

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## Law's Imperative: A World Free of Nuclear Weapons

On April 2, at Downtown Community TV in New York City, LCNP held a well-attended forum and reception to honor Peter Weiss, President Emeritus, and to raise funds for LCNP's future work. A distinguished human rights and international lawyer, Peter retired in 2013 as President of LCNP, having served in that position since 1981. He remains very active, as illustrated by his March *Huffington Post* [op-ed](#). A booklet, [Tributes to Peter](#), released at the event contains numerous appreciations of Peter and fascinating bits of history.

The forum featured a stellar cast of speakers offering incisive analyses of law and the abolition of nuclear weapons. See the video with excerpts of remarks by Hans Corell, former UN Legal Counsel; Virginia Gamba, Director of the UN Office for Disarmament Affairs; Roger Clark, Rutgers Professor of Law; Elizabeth Shafer, LCNP Vice-President; and Peter Weiss.



**LCNP Forum - April 2, 2014 at DCTV**

from **DCTV2**

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[Full texts of remarks and a summary report are available on our site.](#) The *Nation* published an online story about the forum, "[Climate Change Isn't the Only Thing That Threatens the Whole Planet's Future.](#)"

At the reception, which was moderated by Cora Weiss, President of Hague Appeal for Peace and Peter's wife, friends and colleagues offered short remarks, including Jennifer Simons, The Simons Foundation, Vancouver; Phon van den Biesen; Peter Becker, Co-President of IALANA, Kassel, Germany; Amb. Pierre Schori, Stockholm; and Brooke Adams, actress. Lawyer and chanteuse Nancy Stearns performed a Phil Ochs song, "When I'm Gone," with the pertinent lyrics: "Won't be asked to do my share when I'm gone/So I guess I'll have to do it while I'm here".

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## Facing the Risks of Great Power War: A Conference on the Centenary of World War I



*John Burroughs on international law and war prevention  
(click for video)*

With our German IALANA colleagues, Western States Legal Foundation, American Friends Service Committee, International Peace Bureau, and the Rosa Luxemburg Stiftung - New York Office, we organized a terrific conference on May 3, 2014, in New York City, examining the lessons of the great power wars of the twentieth century for building peace and effectuating disarmament in the twenty-first century. Speakers also addressed possible contexts for great power conflicts in this century, including interactions among emerging and established powers in Asia and stresses arising from resource scarcities and a warming climate.

It's well worth taking a look at the insightful presentations available in [video and text](#) by Michael Klare, Andrew Lichterman, Irene Gendzier, Zia Mian, Judith LeBlanc, M.V. Ramana, Joseph Gerson, and others. You won't come away thinking - if it's even possible in the midst of the Ukraine crisis - that great power conflicts are necessarily a thing of the past. LCNP's John Burroughs offered some [thoughts](#) on the inadequacies of international law in the twentieth century and how it should be approached to meet the challenges of this century.

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## More LCNP Activities

In other education and advocacy this year:

- In April, President Guy Quinlan gave a talk, "[A Nuclear Tipping Point](#)," at Rock Tavern Unitarian Universalist Church.
  - With Western States Legal Foundation, we have taken the lead in a series of letters, signed by many groups, to President Obama urging that the US engage constructively in multilateral disarmament forums. See the most recent letters in [January](#) and [April](#).
  - LCNP wrote a [letter](#) urging leniency in the February [sentencing](#) of the Transform Now Plowshares protesters.
  - LCNP has been a source for several news stories. Among them: International Coordinator Alyn Ware commented on the Nuclear Security Summit in a February [Inter Press Service story](#), and John Burroughs explained the Marshall Islands cases in an April [Associated Press story](#).
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## In Memoriam: Jonathan Schell (1943-2014)

We mourn the passing of [Jonathan Schell](#) on March 25. He was a guide and inspiration, on the abolition of nuclear weapons and much more, and will continue to be so. He was also a friend.



*(Courtesy: David Shankbone,  
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