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Contact: Jennifer Simons (778) 782-7779; jsimons@sfu.ca

Peter Weiss (212) 818-1861; petweiss185@gmail.com

John Burroughs (212) 818-1861; johnburroughs@lcnp.org

Vancouver Declaration Affirms the Incompatibility of Nuclear Weapons with International Humanitarian Law

Released today by The Simons Foundation and the International Association of Lawyers Against Nuclear Arms (IALANA) and signed by eminent experts in international law and diplomacy, the Vancouver Declaration affirms that nuclear weapons are incompatible with international humanitarian law, the law stating what is universally prohibited in warfare. The declaration observes that with their uncontrollable blast, heat, and radiation effects, nuclear weapons are indeed weapons of mass destruction that by their nature cannot comply with fundamental rules forbidding the infliction of indiscriminate and disproportionate harm.

Entitled “Law’s Imperative for the Urgent Achievement of a Nuclear-Weapon-Free World,” the declaration concludes by calling on states to commence and conclude negotiations on the global prohibition and elimination of nuclear weapons as mandated by the legal obligation unanimously proclaimed by the International Court of Justice (ICJ) in 1996. An annex to the declaration specifying the applicable law states: “It cannot be lawful to continue indefinitely to possess weapons which are unlawful to use or threaten to use, are already banned for most states, and are subject to an obligation of elimination.”

The many signatories include Christopher G. Weeramantry, former Vice President of the ICJ and current President of IALANA; Mohammed Bedjaoui, who was ICJ President when it handed down its advisory opinion on nuclear weapons; Louise Doswald-Beck, Professor of International Law, Graduate Institute of International and Development Studies, Geneva, and co-author of a major International Committee of the Red Cross study of international humanitarian law; Ved Nanda, Evans University Professor, Nanda Center for International and Comparative Law, University of Denver Sturm College of Law; Geoffrey Robertson, QC, founder and head, Doughty Street Chambers; Jayantha Dhanapala, former UN Under-Secretary-General for Disarmament Affairs; and Gareth Evans, QC, former Foreign Minister of Australia who recently served as Co-Chair of the International Commission on Nuclear Non-proliferation and Disarmament.

The Simons Foundation and IALANA developed the declaration with the input of a conference convened by the two organizations in Vancouver, Canada, on February 10-11, 2011, that brought together some 30 experts in international law, diplomacy, and nuclear weapons.

Dr. Jennifer Simons, President of The Simons Foundation, said: “It is my hope, shared by IALANA, that in the debate about the road to zero, the Vancouver Declaration will serve to underline the essential element - the inhumanity and illegality of nuclear weapons - and hasten their elimination. The possession of nuclear weapons should be an international crime.”

Peter Weiss, IALANA Vice President, who has litigated international human rights cases in U.S. and other courts and advised governments on their submissions to the ICJ in the nuclear weapons case, commented: “Overwhelming problems, like ensuring the survival of the planet, cannot be resolved by law alone. But nor can they be dealt with by ignoring the law altogether. The drafters of the declaration, and those who have signed and will sign it, offer it to governments and civil society as a contribution to the debate. The horrific events occurring in Japan serve to accentuate the danger of continuing to live with the risk of exposing humanity to nuclear radiation, whether emanating from nuclear meltdown or nuclear bombs.”

Dr. John Burroughs, Executive Director of the New York-based Lawyers Committee on Nuclear Policy, the UN Office of IALANA, said: “President Obama and Prime Minister Singh last year jointly stated their support for ‘strengthening the six decade-old international norm of non-use of nuclear weapons.’ The Vancouver Declaration demonstrates that the non-use of nuclear weapons is not only wise policy; it is required by law.”

The declaration and a list of initial signatories are online at <http://www.thesimonsfoundation.ca> and <http://www.lcnp.org>.

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The International Association of Lawyers Against Nuclear Arms works to prevent nuclear war, abolish nuclear weapons, strengthen international law and encourage the peaceful resolution of international conflicts. For more information, visit <http://www.ialana.net> and <http://www.lcnp.org>.

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