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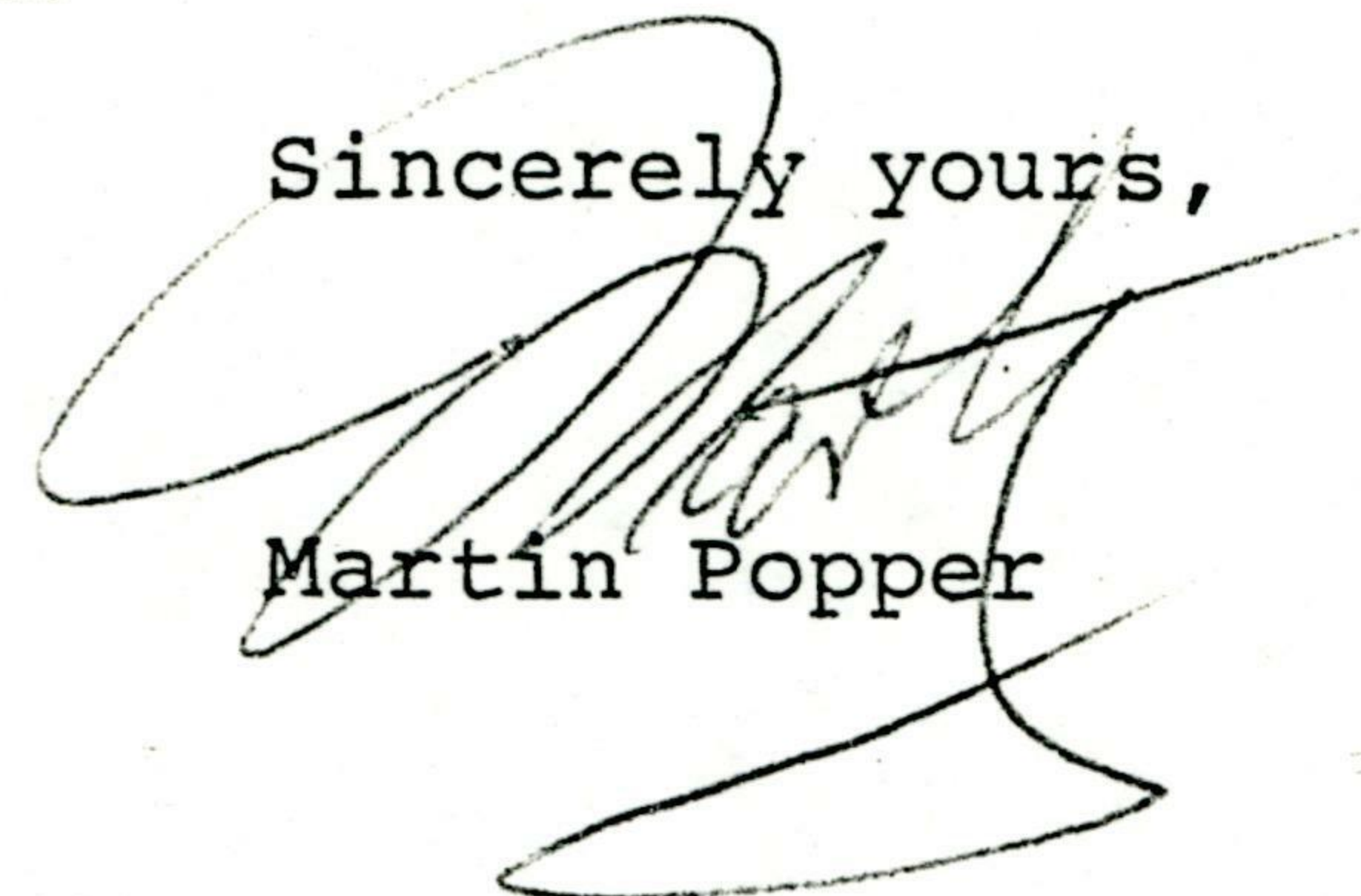
CABLE "WOPOROW" NEWYORK

March 22, 1984

Dear Colleagues:

Enclosed is outline of a possible Soviet-US Conference drafted by Dick Falk for discussion at the meeting with the Soviet delegation at my home, 322 Central Park West, Apt. 11A, on Sunday April 1st at 4 P.M. Buffet will be served.

Sincerely yours,



Martin Popper

MP:mlj

Encl.

cc: Elliott L. Meyrowitz
John H. E. Fried
Peter Weiss
Jean G. Zorn
Robert L. Boehm
Richard A. Falk

International Law and Nuclear Weapons:
A Conference Proposal

(drafted III/18/84 by Richard Falk)

There exists an opportunity for international law and lawyers to reinforce and help shape a growing societal consensus around the central proposition that nuclear weapons are inconsistent with the security and well-being of society at the state and global level. In this setting, initiatives within the state have taken place during the last few years. The Lawyers Committee on Nuclear Policy is illustrative of an attempt by lawyers to mobilize support for national and international prohibitions on all phases of reliance on nuclear weaponry. These efforts were always receptive to the need for transnational coordination, especially with respect to the two superpowers. Just as medical specialists from the United States and the Soviet Union have cooperated to warn the peoples of the world that there is no medical recovery from nuclear war, it is time for cooperation between lawyers and jurists of these two countries on matters of international law. This cooperation should be extended to other nuclear powers, and beyond, in the spirit of transnational professional concern and in a mood of urgency.

There should be adequate effort to balance a serious discussion of the issues, including cross-national differences of approach, with the use of conference to make an impact on public opinion. Selected journalists and representatives of professional lawyers' organizations should be invited as observers. A small committee should be designated at the outset to draft a joint statement for approval. A second committee might meet to develop a joint research and publications program. Efforts should be made to tape and disseminate proceedings (WBAI, WGBH, etc.). The conference record should be published rapidly and distributed widely. Existing literature should be available in some convenient form to participants, including translations of some leading Soviet writings.

What follows is a proposed outline of a conference between law specialists from the Soviet Union and the United States on international law and nuclear policy (weapons, tactics, strategic doctrine, production, testing, research and development, individual responsibility).

Day One: Introduction and Analysis

Opening Plenary: Welcoming Speech and Response on the Challenge, Urgent Need, and Political Opportunity (representative leaders of lawyers' groups in both countries) (also leading figures should be solicited for statements and participation)

Lunch

Afternoon Plenary: Nuclear Weapons and International Law: An Introduction (one main presentation from each country on the general relevance of international law to the use and threat of nuclear weapons) (relation to wider purposes of United Nations, including the goal of elimination of war as a social institution)

Dinner (invited public figure as speaker)

Evening Workshops (optional?)

Workshop I: The Law of War and Indiscriminate Warfare (taking account of World War II, Hiroshima and Nagasaki, and the absence of a treaty of prohibition; explaining the relevance of international law under these circumstances)

Workshop II: Nuclear Weapons and Self-Defense (evaluating claims that deterrence is "defensive"? examining role of nuclear weapons in post-1945 superpower relations and diplomacy; can nuclear weapons be safely abolished?)

Day Two: Working Toward Prohibition and Abolition of Nuclear Weapons

Morning Plenary: Taking Steps to Promote the Goals of Prohibition and Abolition (role of legal experts, calls for official action to implement No First Use, Freeze, other specific proposals) (panel of 4-6 speakers dealing with various aspects)

Lunch (call for cooperative efforts by leaders of both delegations)

Afternoon Plenary: Report of Committees on Conference Statement and on Permanent Joint Working Group for Cooperation by Lawyers to Achieve an Effective, Total Prohibition on Threats and Uses of Nuclear Weapons (introductions to discussion by rapporteurs or chairpersons of each committee)

Conference Conclusions: Descriptive Summary by Conference Rapporteur and Inspirational Summary by Co-Chairpersons (including research and action programs, including if possible, subsequent follow-up meeting in the Soviet Union).

Agenda is on p. 3

rec'd Oct. 10, 84

Report of Martin Popper to Executive Committee
re Conference Between Association of Soviet Lawyers
and Lawyers Committee on Nuclear Policy
in Moscow July 23 to July 26, 1984

At the invitation of the Association of Soviet Lawyers three representatives of the Lawyers Committee on Nuclear Policy were delegated to meet with a committee of the Soviet lawyers to discuss the possibility of organizing a conference on subjects of mutual interest.

The representatives from the Lawyers Committee were Martin Popper, Saul Mendlowitz and Richard Falk. Richard Falk cancelled at the last moment because of professional commitments in Geneva, Switzerland. The representatives from the Association of Soviet Lawyers were Professor Vadim Sobakin, Vice President, Professor Grigori Tunkin, Vice President, Rafael Saakov, Vice President, Abraham Jorish, Deputy Editor-in-Chief, Magazine, "Soviet State and Law", and Sergei Plekhanov, Chief of a Department, Institute of U.S. and Canadian Studies, USSR Academy of Sciences. The meetings took place over a three day period and were held at the Headquarters of the Association of Soviet Lawyers.

The discussions were extensive and lively. Each member of both delegations took an active part in the discussions. At the opening session, the representatives from the Lawyers Committee suggested that the conference take place in 1985 in the United States on the basis of the proposal which had been submitted at a

prior meeting held in New York City. A copy of that proposal is attached. We made clear that our proposal was submitted for discussion purposes only and that we understood that the ultimate agenda would have to be agreed upon by both organizations.

The Soviet lawyers stated that, in the main, they were in agreement with our proposal. They emphasized their interest in making the conference as multilateral as possible. In that connection, they suggested the value of observers from other countries and international legal organizations, particularly from countries possessing nuclear weapons. They also urged participation by scientists and physicians. To our suggestion that public figures from both countries should be involved, they agreed to make efforts to persuade important public figures from the Soviet Union to participate but were not certain about how successful they would be in this connection. The Soviet lawyers felt that the conference should be carefully prepared and suggested the autumn of 1985 as the earliest feasible time. They urged that both they and we should know well in advance of the conference what the positions of the various participants will be. They suggested that it would be advisable to exchange papers before the end of this year on the two major reports to be delivered, one by the American lawyers and one by the Soviet lawyers.

Our Soviet colleagues stressed that the major reports should not be considered as the official position of either organization. It was also agreed that the conference itself issue a statement and that, if possible, a very preliminary draft of such a statement be exchanged by the end of this year.

At our penultimate meeting the Soviet lawyers proposed the following agenda for the conference:

1. Norms of Relations Between the Nuclear Powers.
2. Prohibition of First Use.
3. Total Test Ban.
4. Consolidation of the Regime of Non-Proliferation of Nuclear Weapons.
5. Freezing Nuclear Arsenals.
6. Preventing the Militarization of Outer Space.
7. Insuring Safety of Nuclear Objects - Power Stations.
8. Increasing the Efficiency of the Principle of Non-Use of Force.

We added the following items to which the Soviet lawyers reacted favorably:

1. Self-defense, reprisal and retortion.
2. Illegality.
3. Criminality.
4. Crimes against humanity.
5. Individual responsibility.
6. International institutions.
7. War, the abolition thereof.

if no first use pledge

We agreed to submit the proposals to our Executive Committee at the earliest possible opportunity and to inform the Soviet lawyers of our views.

It was suggested that the length of the reports be from 10 to 15 pages. There was agreement that simultaneous translation

facilities were important and that everything possible should be done to reach a broader area of the legal community and the public through the use of adequate press and public relations personnel.

There was considerable discussion of financial problems. The Soviet lawyers indicated that they were ready to finance their travelling expenses to the conference but beyond that sought information as to how the conference itself and expenses connected therewith would be financed. There were discussions as to whether the conference should be sponsored by our committee or jointly sponsored. Our Soviet colleagues were willing to do either and we said that we would raise this question with our Executive Committee. There were strong feelings on the part of the Soviet lawyers that the conference should not be an end to itself but that it should be thought of as the beginning of an on-going collaboration among lawyers on a worldwide scale. They suggested that, based upon the experience of the physicians, the conference should lay the ground work for the formation of an international organization of lawyers against nuclear war.

We told our Soviet colleagues that we have given thought to Princeton or Columbia University as possible locales for the conference and we emphasized the considerable task we had ahead of us to raise the necessary funds. We also impressed upon them the importance of public figure participation both for fund raising and the impact of the conference.

In addition to the meetings with the Soviet lawyers, we met with leaders of the Soviet Physicians for the Prevention of Nuclear

War, the Scientific Research Council for Peace and Disarmament, the Science Information Coordinating Council of the State Committee for Science and Technology of the Soviet Academy of Sciences, and the Institute of the United States and Canadian Studies.

We were impressed with the level of all of the discussions and with the efforts which are being made to acquaint the entire Soviet population about the consequences of nuclear war. As in our country the physicians have been the leading force in these efforts and their work in the international field has been extremely significant.

Conclusions and Recommendations

It is reasonable to draw the following conclusion from the meetings held in Moscow. The Soviet lawyers have an affirmative attitude towards participating in a conference such as we proposed provided that the conference is carefully prepared, that the reports and papers have a substantial quality, that the organization and form of the conference are such that it will reach a reasonably broad audience and that the conference will lay the groundwork for continued international collaboration, including the possibility of the formation of an international legal organization dedicated to the reduction and ultimate elimination of nuclear weapons.

Obviously, the task is a formidable one and we must decide immediately whether we are up to it and ready to undertake the many responsibilities involved in organizing it.

I suggest that there be no further delay on the matters of the agenda and sponsorship. These should be decided at the October 10th meeting of the Executive Committee. I suggest also that a Conference Committee be established consisting of members of the International Committee plus such other members as the Executive Committee decides should be added. It should be composed of people who are capable of dealing with the scholarly and administrative tasks which must be undertaken and who have the kind of relationships outside our Executive which will help to raise the necessary finances and insure the kind of participation needed to make the conference a success. In other words, the Conference Committee cannot be simply a talking and policy making group. It must be prepared to dedicate a substantial amount of time between now and a year from now to the organization of the conference. We must decide whether such a group is available. If not, and I am serious about this, we should decide now that we cannot pull it off. Our credibility is at stake. Of course, as you know, I believe that a well organized conference can make a very valuable contribution to the movement against nuclear war.

The matter of finances is crucial. I estimate that between \$50,000 and \$100,000 must be raised for the various expenses involved, including rent, equipment, lodgings, travel expenses, entertainment, etc., etc.

I do not believe we can raise the necessary funds except through foundations. At present we are not equipped to deal with that problem without the services of an expert who knows how to

draft effective presentations, has some experience as to which foundations are most likely to respond favorably and, with our help, will establish the necessary kind of relationships with the right people. You will note that I said "with our help." That is because I believe that among us and members of our Consultative Council there are persons who are in a position to open doors to the right places.

We must decide also how the Executive Director and Administrative Secretary are to be involved in all this, keeping in mind that our organization has many items on its agenda. I ask you to give thought to all of the above before the meeting on October 10th so that our discussion can be as concrete as possible.

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3-

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and Inspirational Summary by Co-Chairpersons (including research
and action programs, including if possible, subsequent follow-up
meeting in the Soviet Union).

List of Soviet visitors, members of the Association of
Soviet Lawyers (ASL)

1. Mr. Saakov, Rafael R.
(leader of the group) Vice-President of the ASL;
Head of the Department of Cultural
Affairs, Union of Soviet Societies
for Friendship and Cultural
Relations with Foreign Countries
2. Mr. Shakhmuradov, Konstantin F. Executive Secretary of the ASL
3. Mr. Vlasihin, Vasilii A. Member of the Board of the ASL;
Senior Research Fellow (Law),
The Institute of U.S. & Canadian
Studies (Moscow)
4. Mme. Zhigulenkova, Valentina V. Member of the Board of the ASL;
Judge, Deputy Chairperson of
the Moscow Regional Court (in
charge of civil panel)
5. Mr. Plekhanov, Sergey M. Professor of Political Science;
Head of the Department, The
Institute of U.S. & Canadian
Studies (Moscow)
6. Mr. Zhigulin, Boris F. Vice-President of the Leningrad
Chapter of the ASL; Head of
the Office of Justice, Leningrad
City Council
7. Mme. Krylova, Ninel S. Professor of Comparative &
Constitutional Law, The Institute
of State & Law (Moscow)
8. Mme. Tolkunova, Vera N. Professor of Labor Law, Moscow
Juridical Institute
9. Mr. Nikitinsky, Vasilii I. Professor of Labor Law, The Institu-
te of Soviet Legislation (Moscow)
10. Mr. Critsuk, Igor P. Advocate, Moscow Regional College
of Advocates; Head of the Legal
Aid Bureau, Town of Balashikha
11. Mr. Khuntsaria, Ramaz A. Senior Procurator, Department of
the Procurator of Georgia
12. Mr. Gukasyan, Georgy K. Professor of Criminal Law, Erevan
University School of Law
13. Mr. ~~Samarkhodzhaev, Bilyal~~ ^{Shakhmerov, Shaakbar} Professor of Civil Law, ^{VICE-DEAN} ~~Head of~~
~~the Department of Civil Law,~~
Tashkent University School of Law
14. Mr. Changuly, Gleb I. Professor of Criminal Law, Kiev
Institute of State & Law
15. Mrs. Znosko, Tamara N. Faculty Member, Moscow Institute
of International Relations

GENERAL ASSEMBLY OF

THE INTERNATIONAL ASSOCIATION OF DEMOCRATIC LAWYERS

Athens, 18 October 1984

D R A F T R E S O L U T I O N

To establish a code of conduct for the states
owning nuclear weapons

The XIIth Congress of the International Association of Democratic Lawyers

- Expressing its deep concern about the deterioration of international relations and the growing danger of a nuclear war, wherever that outbreak may occur;
- Aware that it would have disastrous consequences for the fate of entire mankind since it would jeopardise the very existence of life on earth;
- Noting the incessant growth of nuclear arsenals;
- Expressing its firm conviction that the possession of nuclear arms entails, for the states owning such arms, a special responsibility to all humanity;
- Estimating that this state of affairs must reflect on international law beyond the standards that are presently in ~~use~~ *force*;
- Estimating also that the elaboration, adoption and strict observance of a code of conduct for the nuclear states would most certainly contribute to ensure peace and well-being all over the world and to create legal guarantees to prevent a nuclear war;

Decides to create a commission charged with the drawing up of a code of conduct for the states owning nuclear weapons.

+ + + +



The Lawyers Committee on Nuclear Policy, Inc.

225 Lafayette Street, Suite 207, New York, NY 10012 (212) 334-8044

Nuclear Weapons Policies and International Law:

Proposal for a Multinational Conference

Draft

(Daniel Arbess, October 22, 1984)

Since 1981, the Lawyers Committee on Nuclear Policy has contributed to efforts to reduce the likelihood of nuclear war by analyzing and publicizing the legal ramifications of existing nuclear weapons policies. In its initial phase, the Lawyers Committee helped to reinforce and to shape an increasingly significant consensus within the United States that reliance on nuclear weapons is inconsistent with the security and well-being of the American people, and with the rule of law on which the American social contract is constructed.

Recognizing the need for transnational understanding, in recent years the Lawyers Committee has participated in conferences and programs with individual lawyers and groups around the world. These efforts have produced a greater

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CO-CHAIRPERSONS

Martin Popper
Peter Weiss

VICE-CHAIRPERSONS

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Elliott L. Meyrowitz
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Dinah Shelton
University of Santa Clara, CA
Burns H. Weston
University of Iowa

understanding of other national and international perspectives on the legal aspects of nuclear weapons policies as well as exposing a great necessity for increased coordination and dialogue between non-state professionals, particularly those of the Soviet Union and the United States. Just as U.S. and Soviet medical specialists have cooperated to warn the people of the world of the likely medical and ecological consequences of nuclear war, lawyers and jurists must fulfill their professional responsibility to apply unique skills of conflict resolution and conciliation to produce agreement on measures to reduce the risk of nuclear war as well as to forge international consensus on the relevant principles of law which all nuclear powers are obliged to observe.

In light of the deterioration of relations between the two major nuclear powers, the steady drift in the policies of both states away from adherence to basic principles of law and morality, and the general increase in the level of threat to human life and values which has resulted, a conference of prominent Soviet and American lawyers could hardly be more timely. Such a conference would engage lawyers from both countries in a serious, business-like discussion of the issues, including cross-national differences in approach.

Soviet and American lawyers will discuss, in a manner directly responsive to the policy-making processes and environments of both powers, a broad range of legal issues relevant to nuclear weapons, their function in relation to

the pursuit of national interests, and their role in influencing norms of relations between the superpowers. Various approaches will be considered in analyzing and discussing the legality of the use of nuclear weapons, as contemplated by the current doctrines and capabilities of both powers. Specific attention will, for the first time in such a forum, be paid to questions concerning the legality of the possession and threatened use of nuclear weapons, particularly in light of the claim that such threats are essential to the "deterrence equilibrium" by which the balance of superpower relations and hence avoidance of the outbreak of conventional and illegal nuclear war, are ensured. Finally, the conferees will consider possible measures to enable the abolition of nuclear weapons, and specific steps -- a legal regime -- for their reduction and eventual elimination.

The conference will be designed to engender the advancement of the legal discussions on matters of nuclear policy and international relations, while at the same time performing an educational role with respect to global public opinion, and the national political debates. Toward these ends, the proceedings will be recorded for dissemination via local, national and international media. During the conference, existing literature in the field will be available to members of the media, as well as to participants and to selected representatives of professional lawyers organizations who will be invited to attend as observers. A joint statement,

approved by delegates from both the Soviet Union and the United States, will be issued at the conclusion of the conference.

Attached is a proposed agenda of topics to be discussed at the conference of law specialists from the Soviet Union and the United States on international law and nuclear policy (weapons, tactics, strategic doctrine, production, testing, individual responsibility, and implications).

Nuclear Weapons Policies and International Law:

Proposed Conference Agenda

Draft

- I. Nuclear Weapons and International Law
 1. The Use of Nuclear Weapons: Would nuclear use ever be legally acceptable?
 - a) Relationship between jus in bellum and jus ad bellum.
 - b) The Law of War in the 1980's: continuing relevance in light of World War II, Hiroshima and Nagasaki, and the absence of treaty prohibition.
 - c) Contextual analysis: balancing principles of military necessity and humanity.
 - i. U.S. and Soviet doctrines and capabilities
 - ii. Some contextual possibilities (first strike, second strike, counterforce, countervalue, battlefield escalation and the integration of nuclear and conventional forces).
 2. Manufacture, possession, and threatened use of nuclear weapons: Under what circumstances (if any) are threats to use nuclear weapons legally justified?
 - a) The Nuremberg Principles, Genocide Treaty, U.N. Charter, Kellog-Briand Pact and criminalization.
 - b) The "paradox of deterrence"- threatened use of nuclear force to dissuade comparable evil.
 - c) Offensive versus defensive threats- first use and basic deterrence

3. Individual Responsibility and Superior Orders.

II. The Arms Control Dimension

1. Compliance With Existing Arrangements

- a) Ratification of existing agreements and binding force in absence thereof
- b) Space weaponization and the ABM regime
- c) Obligations to negotiate toward cessation of testing
- d) Obligations to negotiate toward complete and general disarmament.

2. Negotiating Principles.

3. Verification Matters.

III. Toward a Legal Regime for Nuclear Weapons:
Possible Steps Toward Abolition

1. Stabilization and Minimization of Deterrence

- a) A "no-first-use" regime
 - i. Norms of relations between the superpowers-
the connection between conventional intervention
and nuclear threats
 - ii. Increasing efficiency of principles of non-
intervention and non-use of force
 - iii. Nuclear and Conventional force posturing-
elimination of tactical nuclear weapons
and confinement of conventional forces to defense.
- b) Comprehensive test ban

- c) Comprehensive freeze
 - d) Prevention of space militarization
 - i. Strategic implications of ABM development
 - ii. ASAT development and the safety of satellite verification mechanisms
 - e) Strengthening and consolidating the Non-Proliferation regime
2. Reduction and Elimination of Nuclear Weaponry
- a) Negotiated reduction, common security (McCloy-Zorin)
 - b) Alternative methods of conflict resolution- abolition of the war system
 - i. Strengthening of existing mechanisms
 - ii. Alternative security systems, possibilities.

DJA: 22/10/84.

AGENDA FOR US-SOVIET LAWYERS CONFERENCE

In view of the limited time the Conference will have, it seems desirable to consolidate the agenda proposed by Dan Arbess' draft of 20 November, perhaps as follows :

DAY ONE

- 9.00-9.30 AM: Opening Speeches by a US and a Soviet speaker.
- 9.30-noon: THE USE OF NUCLEAR WEAPONS IN THE LIGHT OF EXISTING INTERNATIONAL LAW
- A) Relation between jus ad bellum and jus in bello (or, less technical: The Significance of Law for the Maintenance of Peace.
 - b) Can nuclear warfare (first use, second use, counterforce use, limited or battlefield use, integrated "conventional" & nuclear warfare) be permissible in the light of the existing international law on armed conflict ?
- 12.30 - 2 00 PM: Luncheon. Invited American speaker (Sagah? Ehrlich? Warnke?) on Nuclear Arms Control & Disarmament
- 2.30 - 5.30 PM: THREAT of NUCLEAR WAR as DETERRENCE. Does Nuclear Deterrence increase national security ? Is the concept self-contradictory ? Is the threat compatible with existing international law ?
- 5.30 PM - Reception

DAY TWO

- 9.00 AM - noon: THE PARTICULAR RESPONSIBILITIES OF NUCLEAR-WEAPON STATES (or: REDUCING, AND ELIMINATING THE DANGER OF NUCLEAR WAR)
- a) Prevention of First Use (or: Prevention of Unleashing Nuclear War). The legal Nature of Unilateral No-First-Use Pledges.
 - b) Comprehensive Test Ban Treaty
 - c) Freezing Nuclear Arsenals
 - d) Tightening the Measures for the Prevention of Nuclear Weapons Proliferation
 - e) The Importance of the "Plan for Action" of the U.N.G.A. Special Sessions on Disarmam.
- Noon - 2.00 PM: Invited speaker on Prevention of Militarization of Outer Space
- 2.30 5.30 PM: TOWARD A COMPREHENSIVE CODE OF CONDUCT FOR NUCLEAR-WEAPONS STATES. (JF: this formulation prevents any misunderstanding that at present there exists no legal regime --no law--on nuclear weapons)
- 7.00 PM - Dinner. Soviet Speaker on Nuclear Arms Control & Disarmament.

DAY THREE

- 9.00 AM - Noon: a) Submission by Conference Committee A of Draft Joint Declaration. Debate, and Vote.
- b) Submission by Conference Committee B of Proposal to establish a Permanent Joint Working Group of Lawyers for the Reduction and Elimination of Nuclear Weapons and Other Weapons of Mass Destruction. Debate, and Vote.

- Questions to be Clarified :
- a) Title of the Conference
 - b) Locale of the Conference
 - c) Will all agenda topics be discussed (in prepared papers and/or oral presentation ?) by both US & Soviet lawyers, OR will the topics be distributed between them ? If the latter, should we already now propose the distribution ?
 - d) by what deadline (if any) prior to the Conference should papers be exchanged (and if so, also in translation, respectively, into Russian and English?).
 - e) Very important : Should the Joint Declaration emanate from the Conference contain specific proposals (such as Freeze, No-First-Use Pledge, etc.) or will it not be better to refer in it to the "Program for Action" (of course, with very brief summary) enshrined, after most careful preparation & debate, in the Final Documents of the UNGA Special Sessions?
- ***

Some possible points to include in the Final Declaration of the

US/Soviet Lawyers Conference on the Prevention of Nuclear War

(perhaps in different sequence)

1. We consider it as our professional duty to emphasize the crucial role of International Law - the sum-total of the rules ~~from the international law~~ which the nations of the world have themselves created for their conduct and for their mutual relations-- for the prevention of nuclear war and of war altogether.

Special reference to : Art.2(4) U.N.Charter;

Prohibition of (Definition of) Aggression,

(G.A.Res.3314(XXIX) of 14 Dec.1974;

Declaration on Principles of International Law concerning Friendly Relations...among States...(GA Res.2625(XXV)1970 ;

G.A. Resolutions prohibiting and ~~condemning~~ condemning the use of nuclear weapons : (Res.1653 (XVI) of 24 Nov. 1961 ; Res. 33/71 B of 14 Dec.1978 ; Res. 34/83 G of 11 Dec.1979 ; Res. 35/152 D of 12 Dec. 1980 ; Res. 36/92 of 9 Dec. 1981 ; Res. 37/100 C of 13 Dec.1982 ; Res. 38/75 of 15 Dec 1983 (these are listed in the 1984 Report of the International Law Commission, p. 23). Another such Resolution might still be passed at the end of the current 1984 Session of the General Assembly.

the Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of their Independence and Sovereignty, Rs.2131(XX) of 21 Dec.1965; etc.

2. We consider the view that, because the use of nuclear weapons has not been banned by a specific international Treaty, such weapons may legitimately be used in disregard of the general rules of the international law on armed conflict, to ~~be untehable~~ be untehable
3. We draw special attention to the warnings of professionals in other fields (medical, military, religious, ecology, etc.) and of the international peace movement against the catastrophic consequences of nuclear war. (Mention Cold War)
4. We draw special attention to the condemnation of the use of nuclear weapons and other weapons of mass destruction, contained in the Final Documents of the U.N. G.A. Special Session on Disarmament, and to the numerous constructive proposals and recommendations contained in them for a peaceful future of humanity.
5. We draw special attention also to the policies and proposals of States and of Governmental and non-governmental organizations (perhaps as example: Inga Thorssen, "In Pursuit of Disarmament Conversion from Military to Civil Production in Wamseden", 2 vols.1984) to this end.
6. We consider it a major task of jurists, not to litigate, but to aid in bringing about friendly settlements.

September 23, 1986

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7. Both sides agreed it would be desirable to appoint in advance of the Conference a Drafting Committee to prepare the Final Communique of the Conference. The American side would like to suggest the Drafting Committee consist of the following international law experts:

- A. Sean MacBride, Chairman of the Committee (Ireland)
- B. Richard Falk (U.S.A.)
- C. Francis Boyle (U.S.A.)
- D. Igor Blishenko (U.S.S.R.)
- E. A Second Soviet Expert from A.S.L. (U.S.S.R.)
- F. A Mutually Agreeable Expert from a Third World Country

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9. All panels at the Conference will consist of no more than four experts, if possible one each from (1) U.S.A., (2) U.S.S.R., (3) Europe/Japan/Developed Country, (4) Third World Country. Each speaker shall have no more than fifteen (15) minutes to present his paper, or twenty (20) minutes if there are only three panelists. Time limitations will be "ruthlessly" enforced no matter how distinguished the speaker. At the end of the presentation of the papers a coffee break will occur. The Conference will then reconvene to discuss the papers in plenary session. The Chair for the five panels will alternate between Soviet and American lawyers.

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2. Morning Panel: Conceptions of Security in the Nuclear Age
3. Lunch Speaker: American International Law Expert
4. Afternoon Panel: The Use of Nuclear Weapons Under International Law
5. Reception

Day Two

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4. Dinner Speaker: Keynote Address by Sean MacBride

Day Three

1. Morning Session: Toward a Legal Regime for Nuclear Weapons
2. Afternoon Session: Presentation of Joint Communique by Drafting Committee
3. Concluding comments by leaders of the Lawyers' Committee and ASL
4. Reception

Formation of International Association

Francis A. Boyle

Prepared by Francis A. Boyle
September 20, 1986
Moscow, U.S.S.R.

LAW OFFICES
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845 THIRD AVENUE
NEW YORK, N. Y. 10022

(212) 759-4600

CABLE "WOPOROW" NEWYORK
TELEX NO. 239515

October 8, 1986

Mr. Konstantin Shakhmuradov
Executive Secretary
Association of Soviet Lawyers
14, Avenue Kalinine
Moscow, K-9 USSR

Dear Konstantin:

First, I want to thank you and your colleagues for the wonderful reception that was accorded to Professor Francis Boyle. He has made a complete report about his lectures and his discussions and it is clear that they were constructive and productive. I am deeply sorry for the initial confusion about the date of his arrival. I still do not understand how that happened but I accept the responsibility.

There is one bit of news brought by Professor Boyle that is disturbing. He informed me that Professor Sobakin had a heart attack. I ask you to convey to Professor Sobakin my heartfelt wish for his complete and speedy recovery. His leadership of your association and his important work in many fields are needed more than ever and all of the members of the Lawyers Committee look forward to many more years of his participation in the movement for peace.

Regarding the discussions between Professor Boyle and the members of your Association about the conference to be jointly sponsored by our two organizations, the Executive Committee of our organization would like to make the following observations:

1. We propose that the conference be held during the second week of September 1987. The months of May and June are impractical for some of us because at that time we will be celebrating the 50th Anniversary of the National Lawyers Guild. I happen to be Co-Chair of the 50th Anniversary Committee and as you can understand, will be one of a number of lawyers who will be preoccupied with that historic occasion. Incidentally, representatives of the IADL will certainly be attending the 50th Anniversary Convention which will take place

during the latter part of May in Washington, D.C. Our proposed suggestion for the second week of September is agreeable to Professor Boyle.

2. We are disappointed that the conference will not take place in the United States since it is here that we strive to influence public opinion and governmental policy. A conference in Brussels will have little immediate impact here. Nevertheless, since we understand the problems confronting members of your Association, we accept your proposal.

3. We agree enthusiastically with the idea of inviting representatives from other countries. In fact, we would like to go one step further by suggesting that one of the specific aims of the conference should be the organization of an international lawyers association dedicated to the ultimate elimination of nuclear weapons. You may remember that this idea was first proposed by one of your representatives at our last meeting in New York. Our Executive proposes that there be added to the agenda of Day Three the item "Formation of An International Association of Lawyers" and that this decision also be made part of the official communique. We believe that the path for this has been made easier by the success of the international organization of physicians.

5. We note from Professor Boyle's report that you will be making a rough estimate of a budget for the conference. It is important that we receive your estimate at the earliest time so that we can analyze it in advance of our meeting in December in Paris.

6. We agree with the idea of a drafting committee which will prepare the final communique in advance of the conference. We suggest for your consideration the following names:

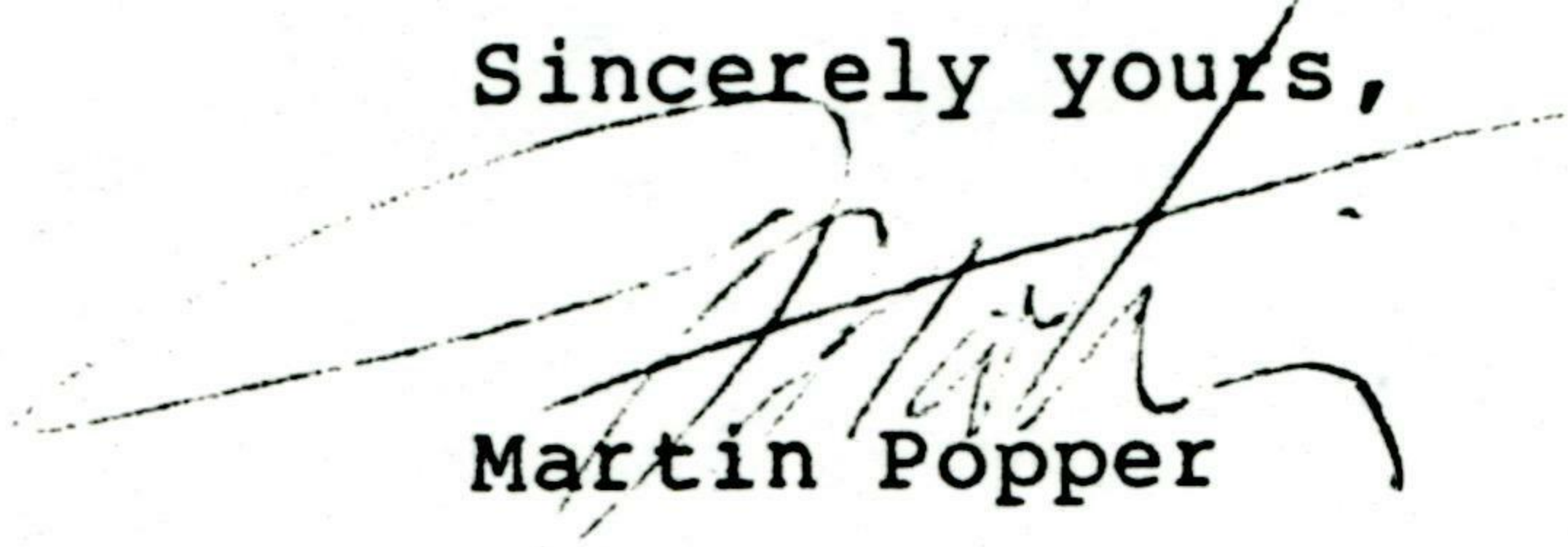
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Professor Boyle also makes the suggestion, and I agree, that a sub-committee consisting of himself and someone like Professor Blishenko start to work on a draft as quickly as possible.

I look forward to your observations about the above.
With warmest personal regards,

Sincerely yours,



Martin Popper

MP:mlj

September 23, 1986

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4. Dinner Speaker: Keynote Address by Sean MacBride

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Francis A. Boyle

Prepared by Francis A. Boyle
September 20, 1986
Moscow, U.S.S.R.

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Francis A. Boyle

Prepared by Francis A. Boyle
September 20, 1986
Moscow, U.S.S.R.

Endorsement of the Appeal by Lawyers Against Nuclear War

The Lawyers' Committee on Nuclear Policy and the Association of Soviet Lawyers, having initiated and sponsored the International Conference on Nuclear Weapons and International Law and also having agreed that nuclear war is prohibited by international law and is a crime against humanity, urge all lawyers to sign and disseminate the attached Appeal by Lawyers Against Nuclear War.

The appeal, already signed by thousands of lawyers throughout the world, was sponsored by the International Peace Bureau, originated and inspired by Nobel Prize Recipient Sean MacBride, and has been of great importance in coalescing the international movement of lawyers against the nuclear arms race.

**A Draft Report on the Principles of
International Law and Nuclear Weapons**

**Presented at the International Conference on
Nuclear Weapons and International Law
New York City
August 31, 1987**

**We welcome your responses and suggestions:
The Lawyers' Committee on Nuclear Policy,
225 Lafayette Street, New York, New York 10012**

1. Introduction

The human race stands on the verge of self-extinction as a species, and with it will die most if not all forms of intelligent life on the planet earth. In the hope of preventing a nuclear Armageddon, we the lawyers of the world have come together to proclaim the following basic principles concerning the requirements of international law with respect to nuclear weapons. It is our hope that this document will serve to define in legal terms the stark dilemma of nuclear extinction that confronts the human race today. We also seek to establish an agenda for our fellow lawyers around the world to pursue by applying their unique training, skills, and expertise in a productive and meaningful way toward the progressive yet complete elimination of nuclear weapons from the face of the earth. Realistically speaking, we do not expect this to happen in the immediate future. Nevertheless, as lawyers we owe a duty to our fellow men and women around the world to struggle toward this goal with all the powers of our profession.

It is for these reasons, then, that we hereby adopt this *Report on the Principles of International Law and Nuclear Weapons*. Some of these principles represent generally recognized principles of international law. Other principles represent interpretations of generally recognized principles of international law that are subject to good-faith discussion. But all of these principles must be taken into account in any attempt to eliminate nuclear weapons and institute a new international legal order.

2. Hiroshima and Nagasaki

Any attempt to dispel the ideology of nuclearism and its attendant myth propounding the legality of nuclear weapons must directly come to grips with the fact that the nuclear age was conceived in the original sins of Hiroshima and Nagasaki on August 6 and 9, 1945. The atomic bombings of Hiroshima and Nagasaki constituted crimes against humanity and war crimes as defined by the Nuremberg Charter of August 8, 1945, and violated several basic provisions of the Regulations annexed to Hague Convention No. IV Respecting the Laws and Customs of War on Land (1907), the rules of customary international law set forth in the Draft Hague Rules of Air Warfare (1923), and the United States War Department Field Manual 27-10, *Rules of Land Warfare* (1940). The start of any progress toward resolving humankind's nuclear predicament must come from the realization that nuclear weapons have never been beneficial instruments of state policy, but rather have always constituted illegitimate instrumentalities of internationally lawless and criminal behavior first of all.

3. The Use of Nuclear Weapons

The use of nuclear weapons in combat is absolutely prohibited under all circumstances by both conventional and customary international law: e.g., the Nuremberg Principles, the Hague Regulations of 1907, the International Convention on the Prevention and Punishment of the Crime of Genocide (1948), the Four Geneva Conventions of 1949 and their Additional Protocol I of 1977, etc. In addition, the use of nuclear weapons would also specifically violate several fundamental resolutions of the United Nations General Assembly that have repeatedly condemned the use of nuclear weapons as an international crime. For example, on November 24, 1961, the U.N. General Assembly declared in Resolution 1653 (XVI) that "any State using nuclear or thermonuclear weapons is to be considered as violating the Charter of the United Nations, as acting contrary to the law of humanity, and as committing a crime against mankind and civilization." In

Resolution 33/71-B of December 14, 1978, and Resolution 35/152-D of December 12, 1980, the General Assembly again declared that "the use of nuclear weapons would be a violation of the Charter of the United Nations and a crime against humanity." Finally, the International Peace Bureau's *Appeal by Lawyers Against Nuclear War* (1986) -- which has already been endorsed by thousands of lawyers around the world -- declared that "the use, for whatever reason, of a nuclear weapon would constitute (a) a violation of international law, (b) a violation of human rights, and (c) a crime against humanity."

We are compelled by the Nuremberg Principles to point out the following inescapable conclusions of law to all government decision-makers in the nuclear weapons states: First, all government officials and military officers who might launch a nuclear war would be personally responsible for the commission of crimes against peace, crimes against humanity, war crimes, grave breaches of the Geneva Conventions and Protocol I, and genocide, among other international crimes. Second, such individuals would not be entitled to the defenses of superior orders, act of state, *tu quoque*, self-defense, etc. Third, such individuals could thus be quite legitimately and most severely punished as war criminals, up to and including the imposition of the death penalty.

Under article 38(1)(d) of the Statute of the International Court of Justice, this *Report* -- which has been subscribed to by some "of the most highly qualified publicists of the various nations" -- constitutes a "subsidiary means for the determination of rules of law." It could therefore be relied upon by some future international war crimes tribunal. As lawyers, however, our primary concern is to prevent a nuclear war from ever happening.

4. The Threat to Use Nuclear Weapons

Article 2(4) of the United Nations Charter prohibits both the threat and the use of force except in cases of legitimate self-defense as recognized by article 51 thereof. But although the requirement of legitimate self-defense is a necessary precondition for the legality of any threat or use of force, it is certainly not sufficient. The legality of any threat or use of force must also take into account the customary and conventional international laws of humanitarian armed conflict. Thereunder, the threat to use nuclear weapons constitutes ongoing international criminal activity: namely, planning, preparation and conspiracy to commit crimes against peace, crimes against humanity, war crimes, genocide, as well as grave breaches of the Four Geneva Conventions of 1949, Additional Protocol I of 1977, and the Hague Regulations of 1907, *inter alia*. Here we wish to single out three components of the threat to use nuclear weapons that are especially reprehensible from an international law perspective: counter-ethnic targeting; counter-city targeting; and first-strike weapons and contingency plans.

5. Counter-ethnic Targeting.

It has been reported that various government officials in some nuclear weapons states have supervised the construction of war-plans for the threat and use of nuclear weapons systems that incorporate a philosophy known as "counter-ethnic targeting." In other words, major population centers inhabited primarily by members of certain ethnic groups were selected for repeated and especially severe nuclear destruction because of their constituent ethnicity alone. Whatever the alleged political justification for this practice, all government officials who were involved in the nuclear targeting of ethnic groups as such actually committed the international crime of conspiracy to commit genocide, as recognized by articles 1, 2, 3 and 4 of the 1948 Genocide Convention.

6. Counter-city Targeting.

A nuclear attack by a state upon another state's civilian population centers is absolutely prohibited under all circumstances, and even if undertaken in retaliation for a prior nuclear attack against the first state's civilian population centers. Consequently, the doctrine of "mutual assured destruction" (MAD) must be abandoned as an element of any strategic nuclear policy currently pursued by some nuclear weapons states. Nevertheless, any plan to substitute for MAD the development of a "protracted nuclear war-fighting" or "war-prevailing" capability is not a licit direction in which to move under international law. Rather, the correct approach is prescribed by Article 6 of the 1968 Treaty on the Non-Proliferation of Nuclear Weapons (NPT), which the United States, the Soviet Union and the United Kingdom are strictly bound to obey as parties: "Each of the Parties to the Treaty undertakes to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control."

In the meantime, however, while moving toward the goals set forth in NPT article 6, the nuclear weapons states are obligated to recognize that in the event of a nuclear or conventional attack upon them or the members of their respective alliances, they could not under any circumstances lawfully use their nuclear weapons against civilian population centers. Although this is already the legal situation, we consider it desirable to reconfirm it by the nuclear weapons states immediately concluding an international convention specifically prohibiting both a nuclear attack upon, as well as the strategic nuclear targeting of, civilian population centers. This treaty would then need to be implemented by the nuclear weapons states' respective national parliaments making it a serious criminal offense under domestic law for their government officials or military officers to threaten or plan to use nuclear weapons against civilian population centers.

7. First-strike Weapons and Contingency Plans

A surprise, preemptive nuclear strike by one country against another would be a crime against peace and therefore is absolutely prohibited for any reason whatsoever. Consequently, all first-strike strategic nuclear weapons as well as their concomitant command, control and communications systems and first-strike contingency plans are prohibited, illegal and criminal. In order to strengthen that prohibition, we call for the nuclear weapons states to conclude a treaty that (1) prohibits the further deployment of first-strike nuclear weapons systems, (2) requires the destruction of those already deployed, and (3) mandates the removal of all first-strike contingency scenarios from governmental war-plans.

Pursuant thereto, the nuclear weapons states' respective national parliaments must pass implementing legislation making it a serious criminal offense under domestic law for government officials and military officers to design or practice first-strike scenarios during war games or otherwise. These developments would facilitate the conclusion of an international convention specifically prohibiting the nuclear weapons states from adopting a "launch-on-warning" nuclear response doctrine as well as all forms of command, control and communications systems supportive thereof and any forms of testing incidental thereto. It is our hope that such measures would lessen the likelihood of any nuclear weapons state feeling compelled by the circumstance of

a severe international crisis to seriously consider being the first to resort to the use of nuclear weapons.

8. Strategic Arms Control and Reduction Agreements.

If any new strategic arms reduction agreement is to be reached between the United States and the Soviet Union, it will have to be based upon the 1972 SALT I Interim Agreement freezing the number of ballistic missile launchers and the SALT II Treaty of 1979. If the United States government were to ratify SALT II, then strategic arms reductions could occur by both parties agreeing to modify such a ratified SALT II by means of lowering its numerical limitations on strategic nuclear delivery vehicle launchers and its sublimitations on multiple independently targetable reentry vehicles (MIRVs) by fifty percent (50%) over a period of five years. Next, it would then be possible for these two nuclear weapons states to create a formal mechanism that would mandate a percentage reduction in the SALT I and SALT II limitations on launchers and sublimitations on MIRVed systems on a periodic basis (e.g., 5-10% per annum). The implementation of such a procedure should be designed to result in the complete elimination of strategic nuclear weapons systems in the foreseeable future (e.g., by the year 2000 AD).

9. The Strategic Defense Initiative

Unfortunately, the prospects for genuine strategic nuclear arms reductions have been seriously set back by the 1983 proclamation of so-called Strategic Defense Initiative (SDI). The SDI program will eventually result in the commission of numerous material breaches of the 1972 US-USSR Anti-Ballistic Missile Systems (ABM) Treaty, and therefore actually constitutes an anticipatory repudiation of the ABM Treaty. In addition, SDI would probably violate the 1967 Outer Space Treaty, which prohibits the deployment of some of SDI's envisioned weapons of mass destruction in outer space. Moreover, field testing some of SDI's proposed technologies (e.g., the x-ray laser) would violate the pathbreaking 1963 Limited Test Ban Treaty, which specifically prohibits any type of nuclear explosion in outer space.

We call upon the United States government to reaffirm its commitment to the clear language as well as to its longstanding interpretation of the ABM Treaty, and therefore to immediately terminate the SDI program. Furthermore, the ABM Treaty must be strengthened by the conclusion of a separate international convention that prohibits the development, testing and deployment of anti-satellite weapons systems, which can also be used for SDI purposes. Finally, the US and the USSR must clarify the limited scope of permissible "research" under the ABM Treaty by means of concluding a supplementary protocol for that purpose.

10. The Denuclearization of Europe.

Significant progress in the areas of strategic nuclear weapons and space weapons can facilitate the complete elimination of nuclear weapons systems at the regional level. The responsive use of nuclear weapons to repel a conventional attack would be totally disproportionate and indiscriminate to the threat presented and therefore constitute an impermissible act of self-defense. Therefore, both NATO and the Warsaw Pact must phase out all of their battlefield, short-range and theater nuclear weapons systems from Europe as part of a mutually negotiated process. We applaud the efforts by the United States and the Soviet Union to eliminate so-called theater or intermediate nuclear weapons systems deployed on that continent. We encourage them to initiate negotiations

over the elimination of so-called battlefield nuclear weapons from Europe. The immediate and complete denuclearization of Europe by the respective members of NATO and the Warsaw Pact is a political, legal and moral imperative. However, we emphatically reject the notion that the denuclearization of Europe will require the increased conventional militarization of that continent.

11. The Demilitarization of Europe

Such negotiations for the complete denuclearization of Europe should be tied into the future successor to the Mutual and Balanced Force Reduction (MBFR) negotiations, which are currently taking place at Vienna. In the proposals on the table so far, both sides are in basic agreement on the principle that NATO and the Warsaw Pact should each reduce to the identical level of 900,000 men, with no more than 700,000 ground troops. The achievement of a rough equality in conventional forces at such lower levels between NATO and the Warsaw Pact would materially reduce any incentive for either to launch a conventional attack while at the same time it would obviate the need for a massive buildup in European conventional forces. In this manner, an effective conventional deterrent could be maintained at lower levels of potential violence on both sides without the need for either to field a nuclear deterrent to a conventional attack.

Nevertheless, we wish to reiterate that such a situation can only constitute a temporary expedient. All members of NATO and the Warsaw Pact which are likewise parties to the Nuclear Non-Proliferation Treaty are under an absolute obligation to "pursue negotiations in good faith...on a treaty on general and complete disarmament under strict and effective international control." In regard to the achievement of this goal, we wish to emphasize the continued utility of the US-USSR Joint Statement of Agreed Principles for Disarmament Negotiations of 20 September 1961, the so-called McCloy-Zorin Accords.

12. No First Use of Nuclear Weapons

The Soviet Union and China have each already given a unilateral pledge of "no-first-use" of nuclear weapons that creates a binding international legal obligation on its own accord. The United States and the concerned NATO members must respond in kind by doing the same, and then expressing their readiness to conclude an international convention to that effect with the members of the Warsaw Pact. Considerations of international law would fully support such a "no-first-use" treaty as a preliminary step toward the denuclearization of Europe. Other nuclear weapons states could then join this convention for the purpose of initiating a denuclearization of their respective regions in the world.

13. Nuclear-Free Zones

In this regard, we commend the efforts by governments, statesmen and private individuals around the world to establish so-called "nuclear-free zones" in Europe, Latin America, and the South Pacific, etc. We believe it would be a positive development to establish nuclear-free zones at the national, state, and local levels as well. In addition, building upon existing treaties, that same principle should be applied on a permanent and universal basis to Outer Space, Antarctica, the Deep Seabed, the Arctic Ocean, the Indian Ocean, Africa, the Middle East, *inter alia*. The progressive development of the nuclear-free-zone movement has the potential to close off large sections of the world to illegal activities by the nuclear weapons states and to the further proliferation of nuclear weapons.

14. Comprehensive Test Ban Treaty

We call upon all the nuclear weapons states to impose an immediate moratorium on the design, testing, development, deployment and modernization of all forms of nuclear weapons and their attendant delivery and communications system. We urge the concerned nuclear weapons states to return to the negotiations for the conclusion of a Comprehensive Test Ban Treaty (CTBT), that were unfortunately suspended in 1980. The successful conclusion of a CTBT under strict national and international verification would serve as a significant impediment to the faster acceleration of the nuclear arms race as well as to the further proliferation of nuclear weapons around the world.

15. Nuclear Proliferation

To a significant extent, the proliferation of nuclear weapons and the capability to produce them can be directly attributable to the failure of the concerned nuclear weapons states "to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament..." as required by article 6 of the 1968 Nuclear Non-Proliferation Treaty. We call upon the concerned nuclear weapons states to discharge their solemn obligations under NPT Article 6, including by means of implementing the terms of this *Report*. We urge those acknowledged nuclear weapons states that have not yet accepted the NPT to become parties. Finally, we encourage those states which possess the capability to construct nuclear weapons but have not yet accepted the NPT to become parties and thereby expressly renounce any nuclear intentions. We believe that the security of states is fatally threatened, not protected, by the acquisition or development of a nuclear weapons capability. In addition to joining the NPT regime, the security of non-nuclear weapons states in various regions around the world can best be promoted by means of the mechanisms envisioned by Chapter VIII of the United Nations Charter on Regional Arrangements.

16. Civil Resistance

In light of the fact that nuclear weapons systems contradict fundamental norms of international law, all citizens of the world possess the basic right under international law to engage in nonviolent civil resistance activities for the purpose of preventing or terminating the ongoing commission of international crimes. We call upon all the national parliaments of the world to enact implementing legislation that would expressly affirm this right as a defense to the prosecution for any alleged breach of domestic laws with respect to nonviolent antinuclear protests. All citizens of the world community have both the right and the duty to oppose the existence of nuclear weapons systems by whatever nonviolent means are at their disposal.

17. The Rule of International Law

We reaffirm our unswerving commitment to the rule of international law, to the peaceful settlement of international disputes, to upholding the integrity of the United Nations Organization, and to respecting the authority of the International Court of Justice. Pursuant to this commitment, we hereby urge the membership of the UN General Assembly to give serious consideration to the conclusion of an international convention banning both the threat and the use of nuclear weapons. Moreover, the General Assembly must give urgent consideration to further steps that would lead to the complete elimination of nuclear weapons from the face of the earth. In addition to the agenda

set forth in this *Report*, the General Assembly should request an Advisory Opinion from the International Court of Justice on the general subject of *Nuclear Weapons and International Law*. We believe that a sound repudiation of the alleged legality of the threat or use of nuclear weapons and of the nuclear arms race by the International Court of Justice would go a long way toward convincing the entire international community that nuclear weapons are not legitimate instruments of state policy, but rather manifestations of lawlessness and criminality.

18. Conclusion

We call upon all lawyers and lawyers' organizations around the world, as well as all men and women of good faith everywhere, to join us in this endeavor. Otherwise, the human race will suffer the same fate as the dinosaurs, and the planet earth will become a radioactive wasteland. *The time for preventive action is now!*

The New York Anti-Nuclear Declaration

31 August 1987

The Lawyers' Committee on Nuclear Policy and the Association of Soviet Lawyers have agreed to issue the following document, in the belief that it represents the spirit of the "International Conference on Nuclear Weapons and International Law."

Convinced that lawyers and the legal profession could contribute to the struggle of the peoples of the world to end the nuclear arms race and avoid the threat and use of nuclear weapons, The Lawyers' Committee on Nuclear Policy (USA) and the Association of Soviet Lawyers (USSR) initiated and sponsored the International Conference on Nuclear Weapons and International Law between August 29 and 31, 1987, in New York City.

The conference was throughout a serious scientific meeting in which views were exchanged on the range of problems associated with implementing a legal prohibition on nuclear weaponry. Many prominent scholars and legal practitioners spoke at the panels and workshop sessions, prominent personalities active in law and diplomacy gave addresses at luncheon meetings, and participating lawyers came from many parts of the world, including non-nuclear states and Asian, African and Latin American countries.

We who participated in this conference were very encouraged by the growing signs of commitment on the part of influential figures in the legal profession to become a part of the worldwide movement against nuclearism. Our efforts build upon an earlier momentous contribution made by the International Peace Bureau, which has obtained the signatures of thousands of leading international figures on its International Appeal, originated and inspired by Sean MacBride and called "Lawyers Against Nuclear War."

Our understanding has also been helped by the developing concern of many sectors of public opinion about the menace of nuclear weaponry and the arms race and by the growing attention given to these issues on the part of governments seeking to reach negotiated arms control agreements.

As legal specialists and professionals, we are committed to the ideal of a world free from all nuclear weapons. We believe this ideal can be reached safely, and that all countries and all peoples can increase their security through the process of denuclearization. We feel a responsibility as

citizens of our particular country and as an expression of our shared humanity to work toward such a goal, and we call upon others throughout the world to join us in this momentous work.

We have reached certain fundamental conclusions that guide our work:

That nuclear war would destroy life as we know it, and is therefore contrary to the most basic of human rights, the right to life.

That the use or threatened use of nuclear weapons would violate existing international law and would constitute a severe crime against humanity.

That because nuclear war is the ultimate negation of the rule of law, we as lawyers have a special responsibility to prevent nuclear war and to enforce, develop and strengthen the international legal order.

International law currently prohibits weapons or tactics in war that fail to discriminate between combatants and civilians, cause long-term damage to the environment, result in genocide, and inflict damage that is disproportionate to any legitimate military objective. Any foreseeable use or threatened use of nuclear weapons would violate these principles.

Our analysis is based on international agreements signed and ratified by many of the world's nations. These include the *Hague Land Warfare Convention* of 1907; the *Geneva Protocol* on gas, chemical, biological and germ warfare of 1925; the *Geneva Conventions* of 1949 and their Additional Protocol I of 1977; the *Genocide Convention* of 1948, the *Environmental Modification Convention* of 1977, and the *United Nations Charter*. The principles embodied in these accords were confirmed by the Nuremberg Tribunals after World War II, and reflect generally accepted humanitarian norms. These laws, which were drafted with the horrors of war fresh in mind, are meant to protect us from unwarranted attack and inhumane cruelty -- and to maintain peace between nations.

Therefore, we announce today that we are establishing an organizing committee of prominent lawyers from the United States, the Soviet Union, and other nations, to begin the process of forming a worldwide organization of lawyers against nuclear war. Its immediate goals will be the elimination of nuclear weapons and the prevention of nuclear war. It will strive to engender respect

for international law and all arms control treaties by all nations, encourage the steady development of effective mechanisms for the peaceful settlement of international disputes, and promote steps by way of norms and institutions that will produce a peaceful world. Although our priority is the avoidance of nuclear war, we recognize that great human suffering is associated with all forms of warfare and that we can never reliably be rid of the nuclear menace without being rid of the scourge of war altogether.

As lawyers, we are proud of law as a vocation. The most noble achievement of law is to promote values, rules, institutions, procedures and structures for peaceful and just relations among individuals, groups, economic associations and corporations, and sovereign states. We pledge our commitment to these goals and hope that many others in the legal profession all over the world will join with us in this exciting and valuable work.

FOR US/USSR LAWYERS JOINT STATEMENT

We wish to ~~reemphasize~~ point out some salient points :

There is a simplistic, and at first sight seductive theory (view,) that the worth or security of a nation depends on the number & horror of its weapons.

It is an insult to the gratuitous clumsiness and insult to the intelligence of leaders, to

It is deeply deplorable, and hardly understandable that so shortly after the worst of history's catastrophe-WWII-- the view is constantly being hammered into the minds of people that only by an ever more feverish accumulation of ever more fiendish weapons will the leaders of either of our nations deliberately decide on their own respective country's suicide by unleashing a nuclear war. Equally nonsensical is the view that a so-called conventional war, or a small nuclear war

Nefarious

1)

The notion is being uncritically accepted that relations between sov. states or at least of states of different social systems / are by their nature relations of force and that

2) peaceful coexistence between countries of different social systems

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ad ALTERNATIVES.

after: it would be amateurish or presumuous..

What we should do, is to ~~promulgate~~ draw attention (now almost completely lacking) to the positive, constructive ^{US} ~~pledges~~ and promises to reduce the threat of nuclear war.

US/Sov.

Illustration: The Nixon-Brezhnev ^{US/Soviet} "Agreement on the Prevention of Nuclear War" ~~was~~ signed in Wash. on 22 June 1973 which came into force upon signature and is of unlimited duration, obligates the 2 Powers ^{to} to make the removal of the danger of nuclear war and of the use of ~~weapons~~ ^{of} ~~weapons~~ on 'objective of their policies,' to practice restraint in their relations ~~toward~~ toward each other & towards all countries (i); very significantly, ~~in~~ ⁱⁿ situations involving the risk of nuclear war between the ^{USA & USSR or between} ~~US & USSR~~ and any other countries ('), the ^{U.N. Secr-Gen. & the 2 Powers} ~~Agreement specifically~~ demands ~~that~~ ^{the} ~~superpowers~~ ^{shall} immediately enter into consultations "shall (') immediately enter into urgent consultations..to avert this risk." ~~the~~ (see, ~~i.e.~~, Alessandro Corra. in UN "Disarmament" Review, VI/2, summer 83, pp.37/38) ^{e.g.} In ~~this~~ ^{the} presence of deprecating the United Nations, ~~the~~ this acknowledgment of the Secr, Gen.'s usefulness for dealing such crises ~~is~~ should be made more widely known. *)

*) ~~the~~ usefulness has been empirically proven by U Thant's role in the solution of the Cuban missile crisis. ~~Together~~, the U.N. ~~was~~ acted as a last resort ~~in~~ in 3 situations where ~~and~~ ~~the~~ ~~USSR~~ ~~crisis~~ ~~was~~ ~~imminent~~ ~~in~~ ~~the~~ ~~Cuban~~ ~~missile~~ ~~crisis~~ ~~is~~ war between major Powers was imminent: The Cuban missile crisis; the Xuez Caal crisis; and the Berlin crisis of 1947/8.

This, I believe, should be mentioned in the ~~Final~~ Statement ~~from~~ emanating ~~from~~ from the ICNP meeting with Sov. jurists.

ABSILUTELY EASY ARTICLE FOR ME TO WRITE I 1985:
HAS NUCLDAR DETERRENCE PREVENTED WIIII, OR DOES IT MAKE WWII MORE :ROBABLE?

Typical: as thoughtful an analyst as Tom Wicker, in NYT, of Jan. 6, 85 p. E23 Op Edge
on eve of Schultz-Gromy, o meeting in Geneva
" ("Shifting to Defense")

" Wicker points out that Reagan's "Undoubted sincerity" that his
"Strtaegid Defense Initiative" (ich: the misleading Maidson Ave. false label for Star Wars
does not make any the less dismaying his instructions to Mr. Shultz "to resist (in the
forthcoming negotiations with the Syrrians) any Soviet proposal to limit space-based
defese systems" whereas "Just as clearly, Moscow has stated that ~~the~~ the Geneva talks should
lay the groundwork for banning nuclear weapons in space."

Reagan simply "wants to shift from a strtaegy of deterrence to
by offensive nuclear ~~weapons~~ forces to greater --if not total-- reliance on ~~space~~
~~base~~ a space-based /nuclear/ defense screen."

Wicker calls this a "momentous change in Amer. nuclear strtaegy" which will
probaboy doom this tragucally delayed Geneva meeting ,

Also critiizes the very poability of "success of the space war
idea: "And despite Mr. Reagan's misleading assertions that the S.D.I.
Might ultimately make nuclear weapons 'obsolete', it cannot conceivably do that.
It offers no defense at all against low-flying cruise missiles, manned bombers or
nuclear bombs smuggled into the country by terrorists or anyone elase."

It would be hyperbolic to ssert that the world owes its existsnecedepite
of the nuke threat, to the U.N. but it is correct to say: the Njkerace has ~~made~~
creaed the ever-present danger of ultimate disatser, & the UN orevented
the very high probabality of nuclear war at least 3 times: Cjba Missile crisis;
Sue z Canal crisis Berlin crisis 1947/48.

"Nuclear deterrence, ,oreover, distateful and risky as it is,
has PREVENTED NUCLEAR WAR FOR 40 YEARS."

Why has the nucler arms, axiomaitllt revented WWII for 40 years? Because ~~un~~crevibly
the main argument goes, sithout that there would have been an incentive (for either
side''') to start WIIII.

Fried: This is (a) slur, calumny it implies ~~that~~ uncontrolable seducitveness
to destroy an adversary, at the cost of the destruction of one own country

ake this later a
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ake this later a
separat article'

Mr. Sherr's statements, I am afraid, are not encouraging:
~~-I-am-afraid-that-the-sacrifications-given-to-you-by-Mr-Sherr-are~~

Three

~~not-encouraging;~~ The Coalition of the ~~Associations~~ (PSR, LANAC & UCS)

intends (a) to develop an educational program throughout the country (apparently
and () mainly to lobby the Congress
on the horror of nuclear war) & (b) ~~to concentrate on lobbying Congress people~~

on specific nuclear weapons legislation - apparently focusing on the freeze,

oppose first strike weapons (but that cat is already out of the bag and ~~support~~

and at least LANAC "will not deal with" -- will not even advocate -- a no-first

strike pledge)

Am In all the distressing news, there was a somewhat
consoling aspect in the 4-col. article NYT 12/19/83-.6-A by
E.J. DIONNE, JR. "U.S.-Soviet Contacts Remain Strong at
Lower Level " starting:

"Sov-Am contacts at the non-governmental level have shown remarkable
resiliency despite the breakdown in official negotiations in such areas as arms
control...." "The remaining contacts encompass a broad range of activity
from scholarly exchanges to athletics, and some private American groups are increas-
ing their exchange efforts to make up for the decline in official
programs

OUR DELEGATION:

22 NOV. - 2 Dec. 1982

NAME	ORGANIZ.	ADDRESS
Frank Clemente	Jobs with Peace	77 Summer St. #1111 Boston, MA 02110
Mark Belkin	Iowa AFL-CIO Des Moines	2935 Rutland D.M. - Tu. 5030
FRANK CHAPMAN	NAT'L ALLIANCE AGAINST RACIST & POLITICAL REPRESSION	27 UNION Sq. W N.Y., N.Y. 10003
Susan Walter	West Virginians for the Freeze	813 Beech Ave Charleston WV 25302
Teola Hunter	House of Representatives Michigan	State Capital Lansing, mi. 48909
ANNE MITCHELL	NAT'L ALLIANCE AGAINST RACIST & POLITICAL REPRESSION WILPF	1213 RACE ST PHILA PA 19107
Ann Marchand	CALC Seattle Religious Peace Action Coalition	4759 15th NE Seattle, WA. 98105
PAUL E. DINTER	PAX CHRISTI 280-5110	110 EARL Hall Columbia Univ NY 10027
Kathy Abel	Jobs with Peace / WBCN Radio	87 Tonawanda St. Dorchester MASS 02124

Central W-est Trade Union House
of Trade Unions Moscow (Dec. 82)

1) Large Delegation USA, USSR, etc. met
in Oct/Nov 82 in Denmark in big
Peace Conf. Also in The Hague ^{pet}
Auto Workers (Mr. Lynd) + Teachers Hague
M. Conn.

2) also in Paris Dec. 81 (X)

2 → Arms Race, War, Pro farmland

Conversion
after Research + funds developed a number
study + Wagner: Disarmament + Employment
Action

(X) insights of opponents of Min. Free Trade Union
many of their affiliates did take part.

standing int'l Trade Union Mechanism
created May 82 in Dublin

1st = Day of Trade Union World Peace
Meeting + Demonstration

New: 1 Sept (opening of high schools) - devoted to Peace
also in France, Venez., Austria, Japan

Also joint Anti-War Oath exchanged
between Soviet + Japan

also: Scandinavian Peace March to Vienna (2)
+ Soviet March all way to Kiev (Vienna).

Data: 130 mill Union members
no strike law. black + white; even written +
free professions (1.3%), agricultural (28 mill.)

Post-WWII conversion began (be planned early '44
+ Conversion started mid-45 - end '46.

Collective property; less under state + individual
enterprise of how to tribute P.R.s

prices not changed since 1928, rents only 4%;

housing = provided by Trade Unions. 85% of total.

1st Dec. 82

live in flats 15% in own house.

80% of children = have kindergartens, etc.
Unions press critics + industries to make more
kindergartens, schooling, etc.

Problem: more variety in working clothes.
~~for~~ Better footwear, etc.

STRIVIES = permanent, < hardly happen

becom. a) Parität - Trade Union - Managers
Labor Conflict Com. in G.

also: Trade Union demand
dismissal of manager, chief engineers, etc.
annually 10,000 such dismissals

3,500 shops were closed down (sealed) in last yr

every public space in area 2 = thrown
out of window.

hence: Need for more

Trade Union (or Social) Tourism

(we receive yearly some 1,000 Trade Union
delegates)

Refusal of US visas infuriated us (= came
on eve of depart). We have gotten
accustomed to it!!!

militar. US R budget = not increased -
last year

CIA estimates of sov. milit. budget: take "equivalent
figure" according to US figures - so each salary increase
US often "increases" CIA "estimate" / sov. budget.

Belkii: CIO-AFL still

< Sov. G. = have great respect for Wimpisinger -
our sov. host visited Wimpisinger in USA

✓

Came back from Tashkent extra

Set up 1950 - CP biggest public organ, independent, also financially.

175 representatives / regions / Ukraine
+ 200
644 cities + town committees
+ 15,000 in collect units / factories

} hence, is also
organizing
mass functions

43,000 meetings, over 10 million organized in 1 week

2,6 million square meters of Ukraine alone

honor
commemorate P death
lost in Ukraine 4 million

also week fast 3-9 May
Hiroshima day

9 years after World War
Trade relations

over 30,000 monuments + plaques to P memory
of P dead, slave laborers.

for fund for Peace over 8 million
Ruble

over 600,000 meetings / ~~with~~ young people: major goal: teach them to

painting stick on "Peace, P Sun / P World" late war

or T

our Arguments:

- Nuclear War = contradicts P D of war, namely
- = has no rational war aim
- violates all fundamental int'l treaties on War since 1899 + 1907

your famous Martens Clause

immunity of neutral countries hence, no new Treaty is necessary

- Who cares about int'l Law?

Afghanistan:

Soviet assistance to Affg = similar to US assistance to USSR in WWII

Soviet Threat

Option

Soviet Peace Conference a fully independent.

Resumption of nuclear tests

WWII
Equilibrium dead
Eur. USSR = deluded
USSR = does not expect Communism

Reasons of World Tension:
since mid-70s.

no Soviet superiority

USA: 1977
'78

NATO decision Rapid Reply W forces
increase military budgets
hesitant on nuclear ban
Persian Gulf area

SALT II not ratified.

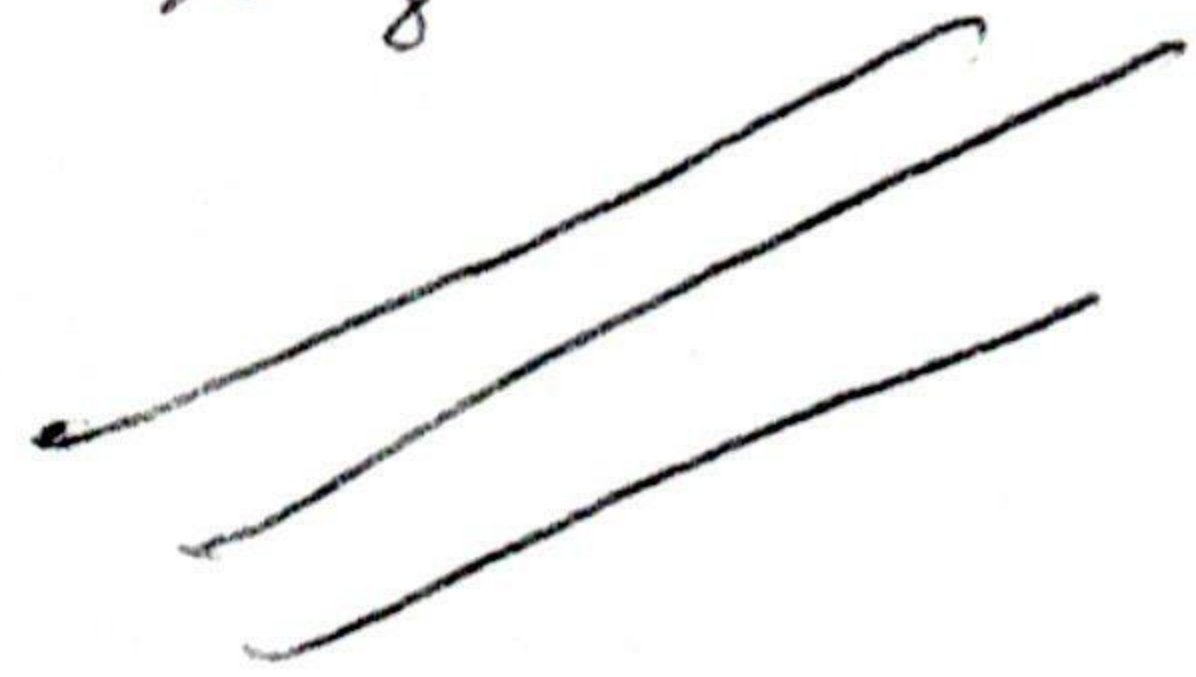
medium range missiles in W. Europe.

in 5 minutes
extremely dangerous.

USSR = always a bad guy

I am very bold

Profits of arms race are
so big



Same Triad

USSR budget =
7.8% of GNP

Set Defense Minister
article on no first use

pledge of no first use

JP: US
Ad UN official

meracy of chairman
pledge of no first use of nuclear

George Keenan: fervent
war preparation and catastrophe

55 East 86 Street
New York, NY. 10028

21 April 1983

His Honor

Professor Dr. Josef Ondrej, CSc.
Chief Justice of the Supreme Court
of the C.S.S.R.
Union of Lawyers of the C.S.S.R.
11640 Praha 1
Stare Mesto, Nam. Curieovych 7

Dear Mr. Chief Justice,

Thank you ^{for} inviting me to the World Assembly for Peace and Life, against Nuclear War, 21-26 June. I delayed my answer, hoping that I could rearrange my summer plans in order to come to Prague for this very important occasion. To my sincere regret, this will not be possible for me.

However, I take the liberty to enclose the Programmatic Statement of the Lawyers Committee on Nuclear Policy, which argues that, under existing international law, nuclear warfare and nuclear weapons are illegal; and two writings of mine which discuss the matter more in detail. Please feel free to make any use of these materials, at the World Assembly or otherwise, as you wish.

My best wishes for the success of the World Assembly. If possible, I would appreciate receiving the texts of any Final Resolutions, and copies of papers, especially on the legal aspects of nuclear and other weapons of mass destruction.

Respectfully,

John H.W. Fried
Member, Consultative Council,
Lawyers Committee on Nuclear Policy

INTERNATIONAL PEACE BUREAU

FOUNDED IN ROME 1892 AWARDED NOBEL PEACE PRIZE 1910

APPEAL by Lawyers Against Nuclear War

The International Peace Bureau based in Geneva, which is a federation of peace organisations, has decided to launch an Appeal to lawyers throughout the world to condemn nuclear weapons and wars as illegal. The Appeal hereunder signed by over 50 eminent lawyers is now being circulated for signature to lawyers in every country.

The collected signatures will be presented to the United Nations.

THE UNDERSIGNED

Considering that the intensification, both qualitative and quantitative, of the arms race, and particularly of the nuclear arms race, **endangers the very survival of humanity,**

Considering that while the world today faces **problems of hunger** and economic crisis, enormous material, financial and intellectual **resources are wasted on the arms race** and in preparing for nuclear war,

Considering that according to national and international medical and scientific opinion, there are no means of limiting the disastrous consequences of a nuclear war;¹ the use of even a limited amount of the nuclear arsenal would provoke an unprecedented ecological catastrophe which **mankind would not survive,**

Considering an increasingly complicated technology, and given the fact that any decision to use nuclear weapons would be made instantaneously, there is a **risk of a nuclear war breaking out accidentally** through human miscalculation or technological mishap,

Considering that **international law does not permit states an unlimited choice in the methods of waging war;** it prohibits in particular means of warfare which are intended to cause unnecessary suffering, those which could severely damage the environment, those which are incapable of distinguishing between military and non-military objectives or between military forces and civilian populations; it also prohibits the use of poisonous or asphyxiating or bacteriological materials, and provides that the territory of neutral states is inviolable,²

Considering that the Martens Clause which, since 1899 has figured in numerous treaties and international agreements, provides that in situations not covered by such treaties or agreements, "the populations and belligerents remain under the protection and empire of the **principles of international law,** as they result from the usages established among civilised nations, from the laws of humanity and from the dictates of the public conscience",

Convinced, as is the General Assembly of the United Nations, that "**to avoid the threat of a world war — a nuclear war — is the most pressing and urgent task of our times**",³

CONVINCED THAT LAWYERS CANNOT REMAIN SILENT and have a responsibility

to make known, to develop and to defend the rules of international law, and thus **contribute to the maintenance of peace**, to international security, and to the establishment of an international order which reflects the aspirations of humanity,

Deeply convinced that the moment has come in the history of mankind when there is no alternative for the survival of civilisation than the **acceptance and application of the rule of law** in international relations,

Declare that the use, for whatever reason, of a nuclear weapon would constitute

- a) a **violation of international law**
- b) a **violation of human rights**, and
- c) a **crime against humanity**⁴

**DEMAND THE PROHIBITION OF NUCLEAR WEAPONS
AS A FIRST STEP TOWARDS THE ULTIMATE GOAL
OF GENERAL AND COMPLETE DISARMAMENT**

Sean MacBride, S.C.

(Nobel Peace Prize; Lenin Peace Prize)

Dr. Bruno Kreisky

(Former Prime Minister of Austria)

Alexandre Soukarev

(Minister of Justice of the Russian Federation;
President, Association of Soviet Lawyers)

Ramsey Clark

(Former Attorney-General, U.S.A.)

Robert Krieps

(Minister of Justice, Luxembourg)

Prof. Francois Rigaux

(Professor at the Catholic University of Louvain;
Member of the Council of State, Belgium)

Niall MacDermot, O.B.E., Q.C.

(Secretary General, International Commission of
Jurists)

Joe Nordman

(President, International Association of Democratic
Lawyers)

T. O. Elias

(Judge at the International Court of Justice, The Hague)

Lennart Geijer

(Former Minister of Justice, Sweden)

Dr. Georges Fischer

(Honorary Director of Research at the National Centre
for Scientific Research, France)

Lord Fenner Brockway, L.L.D.

(Member of the House of Lords)

Ahmed El Khawaga

(Chairman, Union of Arab Lawyers; President of the
Bar of Egypt)

Praefallachandra Natvarlal Bwaghati

(Chief Justice of India)

Dr. Gerhard O. W. Mueller

(Chief (Ret.), United Nations Crime Prevention and
Criminal Justice Branch)

Alejandra Serrano Caldera

(Chief Justice of Nicaragua)

Louis Edmond Pettiti

(Former President of the French Bar; President of the
Institute for Human Rights Education; President of the
International Federation of Catholic Lawyers)

Lord Wedderburn of Charlton

(Cassel Professor of Commercial Law, University of
London at the London School of Economics)

Dr. Hans R. Klecatsky

(Chairman, Department of Public Law, University of
Innsbruck; Former Minister of Justice, Austria)

Mohammed Bedjaoui

(Former Minister, Former Ambassador of Algeria;
Judge at the International Court of Justice, The Hague)

Farouk Abu Eissa

(Secretary General, Union of Arab Lawyers; Former
Minister of Foreign Affairs, Sudan)

References:

1. Resolution 38/75 of the General Assembly of the United Nations.
2. See in particular the Declaration of St. Petersburg of 1868, the Hague Convention of 1907, the Geneva Protocol of 1925, the Judgment of the International Tribunal at Nuremberg and Tokyo of 1946 and Resolution 95(1) - 1946 of the General Assembly, the Geneva Conventions of 1949 and the Additional Protocols of 1977.
3. Resolution 36/81 B-1981 and 40/151 E-1985.
4. General Assembly of the United Nations Resolutions 1653 (XVI)-1961, 2936 (XXVII)-1972, 33/71 B-1978, 34/83 G-1979, 35/152 D-1980, 36/921-1981, 38/75-1983, 40/151 P-1985.

S. Amos Wako

(Hon. Secretary General, Inter-African Union of Lawyers; Executive Committee Member, International Commission of Jurists)

Jean Ziegler

(Co-President, International Committee of Scholars in the Humanities for Disarmament, Development and Peace; Vice-President, Socialist International)

Joaquin Ruiz-Gimenez

(Ombudsman of Spain; Professor of Law; Former President, Commission for Justice and Peace, Spain)

Sir Guy Powles

(Former Ombudsman, New Zealand)

Lennart Aspegren

(Judge; Under-Secretary for Legal Affairs, Sweden)

Alexander Yankov

(Professor of International Law, Sofia)

Haim Cohn

(Judge, Israel)

Dr. Hector Negri

(Minister of the Supreme Court of Buenos Aires; Dean of the Law Faculty)

Bertrand Favreau

(Former President of the French Bar)

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(Jurist, U.S.A.).

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Augusto Conte MacDonell

(Abogado, Buenos Aires)

Lawyers and jurists are invited to join this international appeal of Lawyers Against Nuclear War by attaching their signatures, address and description overleaf and returning the appeal to:

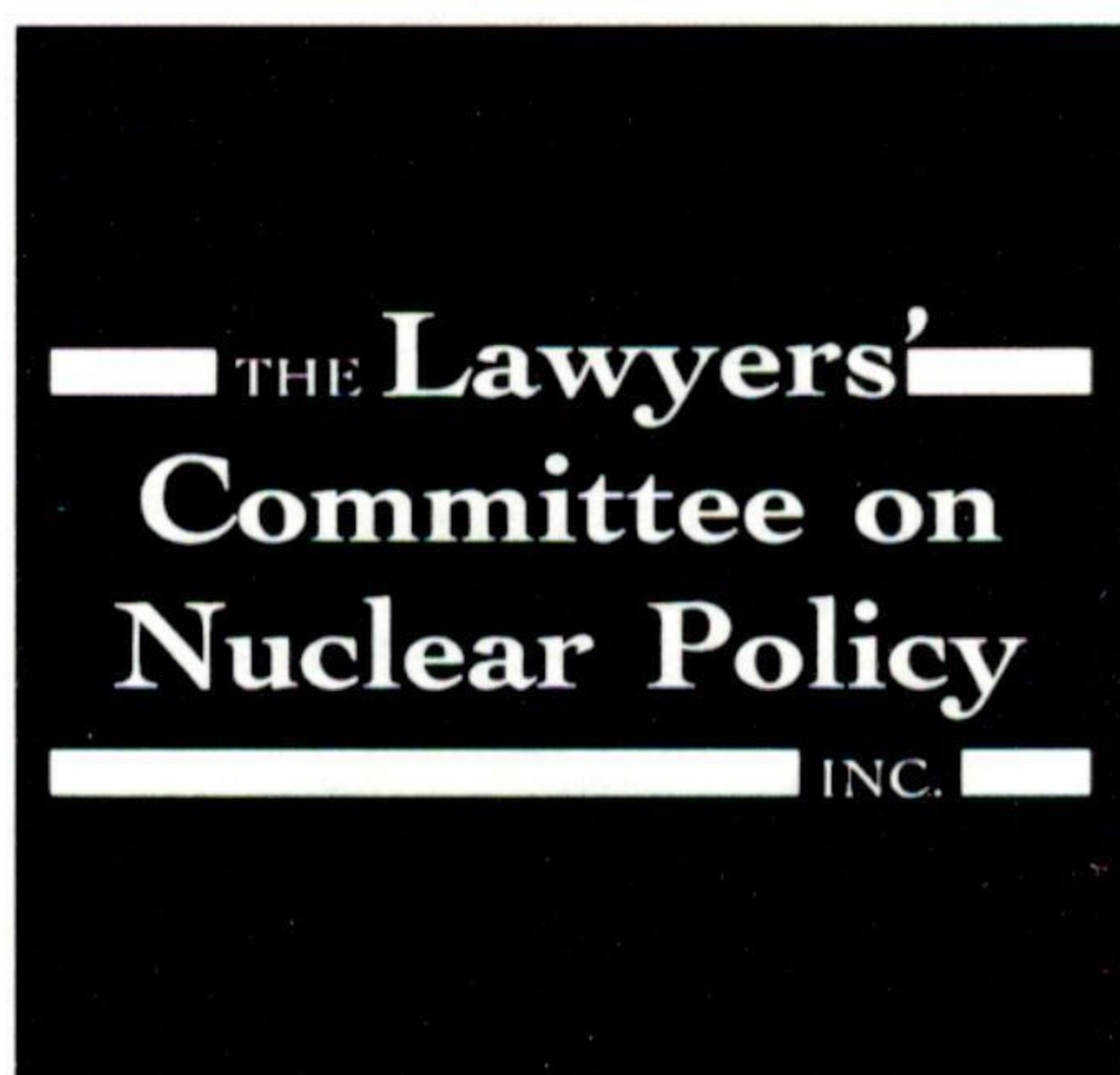
International Peace Bureau
41 Rue de Zurich
Geneva, Switzerland

The Sponsoring Organizations

The Lawyers' Committee on Nuclear Policy is a national association of lawyers and legal scholars concerned with legal aspects of the nuclear weapons and arms control debates. It currently has 600 associates, including a Consultative Council comprised of top scholars in the field of nuclear weapons law.

The Association of Soviet Lawyers is a professional association of lawyers in the Soviet Union. Its leaders are prominent members of the Soviet legal community.

This conference was made possible through generous grants from the Louise and Lionel Berman Foundation, the Boehm Foundation, the Funding Exchange/National Community Funds, and the Samuel Rubin Foundation, all of New York City.



225 Lafayette Street
New York, NY 10012
(212) 334-8044

International Conference on Nuclear Weapons and International

August 29-31, 1987

Co-sponsors: The Lawyers' Committee on Nuclear Policy and the Association of Soviet Lawyers (USSR)

OMNI Park Central Hotel
7th Avenue at 56th Street
New York City
(212) 247-8000

The Conference

This is the first conference jointly sponsored by U.S. and Soviet lawyers to explore the broad international legal questions related to nuclear weapons. Participants include prominent legal scholars and political figures from the United States, the Soviet Union, and other nations. Our goal is to convene influential lawyers from around the world to discuss legal aspects of the nuclear arms race and to make a strong, unified statement against nuclear war.

On the final day, there will be discussion on the prospects for an international organization or movement of lawyers against nuclear war. In addition, the sponsoring organizations intend to issue a joint communique on the status of nuclear weapons under international law, which participants may endorse.

Just as religious leaders, physicians, scientists, educators, military officials and others have spoken out against the threat of nuclear war, lawyers are now applying their particular expertise and influence to find solutions to the nuclear dilemma, based on respect for international law and the development of nonviolent mechanisms for the resolution of disputes between nations. We welcome you to this historic event.

Program

All panel discussions will take place in the Corinthian room on the 26th floor. After presentations by panelists, we have scheduled a brief coffee break and time for discussion from the floor. Workshops will also include time for general discussion.

Saturday, August 29

8:45 a.m.

Registration

9:15 a.m.

Welcoming Remarks

Martin Popper (US)

Alexander Sukharev (USSR)

9:40 a.m.

Panel Discussion: Conceptions of Security in the Nuclear Age

Chair: Saul Mendlovitz (US)

Panel: Richard Barnet (US)

Vadim Sobakin (USSR)

Yoshikazu Sakamoto (Japan)

Juan Somavia (Chile)

12:00 noon

Luncheon

Oriental Room, \$25 per person

Prefatory remarks: Robert Boehm (US)

Chair: Vadim Sobakin (USSR)

Speaker: Paul Warnke (US)

1:45 p.m.

Workshops

(1) The Role of International Institutions
Corinthian Room

Chair: William Epstein (Canada/UN)

Presenters: Silvia Hernandez (Mexico)

Paul Szasz (US/UN)

Gennady Danilenko (USSR)

(2) The Role of the Courts

Park Central Suite (Mezzanine Level)

Chair: Ann Fagan Ginger (US)

Presenters: Anne Simon (US)

A.H.J. van den Biesen
(Netherlands)

David Matas (Canada)

John Burroughs (US)

3:30 p.m.

Panel Discussion: The Use of Nuclear Weapons Under International Law

Chair: Karen Shatzkin (US)

Panel: Richard Falk (US)

Gennady Ignatenko (USSR)

Ved Nanda (India/US)

Owen Davies (UK)

6:00 p.m.

Reception

Oriental Room

Co-sponsored with New York Lawyers Alliance for Nuclear Arms Control, with remarks by Diana Lopez (US)

Sunday, August 30

9:30 a.m.

Panel Discussion: The Arms Control Dimension Including Star Wars

Chair: Vadim Sobakin (USSR)

Panel: Betty Lall (US)

Boris Majorsky (USSR)

Maj Britt Theorin (Sweden)

Third World participant to be announced

12:00 noon

Luncheon

Oriental Room, \$25 per person

Prefatory remarks: Alex Miller (US)

Chair: Maxwell Cohen (Canada)

Speaker: Roald Sagdeev (USSR)

1:45 p.m.

Workshops

Mezzanine Level

(1) The Right to Peace and the Right to Development

Tapestry Suite

Chair: Cora Weiss (US)

Presenters: Stephen Marks (US), tentative

Leonid Sukiajnen (USSR)

Another presenter to be announced

(2) The Role of Non-Nuclear Nations

Park Central Suite

Chair: A.O. Adede (Kenya/UN)

Presenters: Aaron Tovish (US)

Miguel Marin-Bosch (Mexico)

Jerome Elkind (New Zealand/US)

3:30 p.m.

Panel Discussion: Nuclear Deterrence Under International Law

Chair: John H. E. Fried (US)

Panel: Francis Boyle (US)

Gennady Melkov (USSR)

Ulf Panzer (West Germany)

Juan Gomez Robledo (Mexico)

6:00

Reception

Oriental Room

7:15 p.m.

Dinner

Corinthian Room, \$40 per person

Chair: W. Haywood Burns (US)

Speakers: Alexander Sukharev (USSR)

Sean MacBride (Ireland)

William Sloane Coffin (US)

Monday, August 31

9:30 a.m.

Panel Discussion: Developing a Legal Regime for the Control and Elimination of Nuclear Weapons

Chair: Peter Weiss (US)

Panel: Burns H. Weston (US)

Igor Blishenko (USSR)

Robert Van Lierop (Vanuatu)

Edward St. John (Australia)

1:00 p.m.

Open Discussion

Chair: Martin Popper (US)

On the formation of an international organization of lawyers for the prevention of nuclear war; and

(over)

on a joint communique to be released by the Lawyers' Committee on Nuclear Policy and the Association of Soviet Lawyers at the close of the conference.

3:30 p.m.

Closing Plenary Session

Speaker: Ted Weiss (US)

Discussion: Presentation of the joint communique and vote on its endorsement by participants

Closing remarks: Peter Weiss (US)
Alexander Sukharev (USSR)

Biographies

A. O. ADEDE is a deputy director of research and studies, Legal Department of the United Nations, and former legal advisor to the International Atomic Energy Agency in Vienna, Austria.

RICHARD J. BARNET is a senior fellow of the Institute for Policy Studies, a member of the Massachusetts Bar, and author of many books, including *Real Security* (Institute for Policy Studies: 1981).

IGOR BLISHENKO is chair of the International Law Department at Patrice Lumumba University in Moscow.

ROBERT BOEHM is treasurer of the Lawyers' Committee on Nuclear Policy and chairperson of the Center for Constitutional Rights in New York City.

FRANCIS BOYLE is professor of international law at the University of Illinois and author of *World Politics and Law* (Duke: 1985) and *Defending Civil Resistance Under International Law* (Transnational: 1987).

W. HAYWOOD BURNS is a dean of the City University of New York Law School and president of the National Lawyers Guild.

JOHN BURROUGHS is a volunteer attorney at the Western States Legal Foundation in Oakland, CA, which represents antinuclear protesters and is involved in cases against naval homeporting.

WILLIAM SLOANE COFFIN is former chaplain of Yale University, outgoing senior minister at Riverside Church in New York City, and president-elect of SANE/Freeze, the largest peace organization in the U.S.

MAXWELL COHEN, O.C., Q.C., is formerly professor of law and dean of the faculty of law at McGill University. He is presently scholar-in-residence at the University of Ottawa and an ad-hoc judge of the International Court of Justice.

GENNADY DANILENKO is a research fellow at the Institute for State and Law in the Soviet Academy of Sciences.

OWEN DAVIES is a barrister with a practice in non-commercial law who is secretary and a founding member of Lawyers for Nuclear Disarmament (London).

JEROME ELKIND is senior lecturer in law at the University of Auckland (New Zealand) and a visiting professor of law at the University of Wyoming (US).

WILLIAM EPSTEIN is senior special fellow at the United Nations Institute for Training and Research (UNITAR) and former head of the Disarmament Division in the U.N. Secretariat.

RICHARD FALK is Albert G. Milbank professor of international law and practice at the Center of International Studies, Princeton University.

JOHN H.E. FRIED is professor emeritus of political science at the City University of New York. He served as special legal consultant to the judges of the U.S. War Crimes Tribunals at Nuremberg.

ANN FAGAN GINGER is president of the Meiklejohn Civil Liberties Institute (Berkeley, CA) and chair of the Berkeley City Commission on Peace and Justice. She is also a lawyer, lecturer, and author.

SILVIA HERNANDEZ is a Mexican senator who is president of the Latin American division of Parliamentarians Global Action and chair of Women Parliamentarians for Peace.

GENNADY IGNATENKO is chair of the International Law Department at the Sverdlovsk Juridical Institute (USSR).

BETTY LALL is director of Arms Control Verification Studies at the Council on Economic Priorities and adjunct professor of Peace Studies at New York University.

DIANA LOPEZ is vice-chair of New York Lawyers Alliance for Nuclear Arms Control and an attorney at Debevoise & Plimpton in New York.

SEAN MACBRIDE received a Nobel Peace Prize in 1974. He is a former Foreign Minister of Ireland, and a founding member of Amnesty International.

BORIS MAJORSKY is an expert on nuclear arms control in the Soviet Ministry of Foreign Affairs.

AMBASSADOR MIGUEL MARIN-BOSCH is Deputy Permanent Representative of Mexico to the United Nations.

DAVID MATAS is head of the nuclear issues subcommittee of the Canadian Bar Association and a member of the legal advisory committee to the Canadian Nuclear Weapons Legal Action.

GENNADY MELKOV is chair of the International Law Department at the Moscow Juridical Institute.

SAUL MENDLOVITZ is professor of international law at Rutgers University and co-director of the World Order Models Project.

ALEX MILLER is executive director of the Lawyers' Committee on Nuclear Policy.

VED NANDA received his education at Punjab and Delhi Universities in India and at Northwestern and Yale Universities in the U.S. He currently directs the International Legal Studies Program of the University of Denver College of Law.

ULF PANZER is a criminal law judge in Hamburg, West Germany, where he currently sits on a local district court. Since 1982, he has been part of the German peace initiative Judges and Prosecutors for Peace.

MARTIN POPPER is a practicing attorney in New York City and co-chair of the Lawyers' Committee on Nuclear Policy. He was a consultant to the U.S. delegation at the founding conference of the United Nations, and former executive secretary of the National Lawyers Guild.

JUAN GOMEZ ROBLEDO is professor of public international law at Pan-American University, a member of the Latin American Center for Strategic Studies, and a member of the Mexican Bar Association.

ROALD SAGDEEV is a prominent academician in the Soviet Union.

EDWARD ST. JOHN, Q.C., is a former member of the Australian Parliament, president of the International Commission of Jurists, Australian Section, and is currently conducting a study of nuclear weapons and international law.

YOSHIKAZU SAKAMOTO is professor of international politics at the University of Tokyo.

ANNE SIMON is a staff attorney at the Center for Constitutional Rights, New York, who served as a lawyer in *Greenham Women Against Cruise Missiles, et al. v. Ronald Reagan, et al.* and in New York City homeport cases.

VADIM SOBAKIN is vice-president of the Association of Soviet Lawyers and a professor at the Moscow Institute of International Relations.

JUAN SOMAVIA is a secretary general of the South American Commission on Peace, Regional Security and Democracy, and was formerly Chilean Ambassador to the Andean Group.

ALEXANDER SUKHAREV is president of the Association of Soviet Lawyers and Minister of Justice of the Russian Soviet Federated Republic in the Soviet Union.

LEONID SUKIAJNEN is a research fellow at the Institute for State and Law in the Soviet Academy of Sciences.

PAUL SZASZ is deputy to the legal counsel and director of the General Legal Division in the Office of Legal Affairs at the United Nations.

MAJ BRITT THEORIN is Minister of Disarmament of Sweden.

AARON TOVISH is executive director of Parliamentarians Global Action, which is based in New York.

A.H.J. VAN DEN BIESEN is a practicing attorney specializing in housing law in Amsterdam. He is one of two attorneys handling the case against the cruise missile in the Netherlands.

ROBERT VAN LIEROP is a practicing attorney who is currently Ambassador to the United Nations from Vanuatu.

PAUL WARNKE was the chief negotiator of the SALT II Treaty. He now chairs the Committee on National Security in Washington, DC.

CORA WEISS is co-director of the Riverside Church Disarmament Program and a member of the National Executive Committee of SANE/Freeze.

PETER WEISS is a practicing attorney in New York City, vice-president of the Center for Constitutional Rights, and co-chair of the Lawyers' Committee on Nuclear Policy.

TED WEISS is a Representative to the U.S. Congress from the 17th Congressional District of New York.

BURNS H. WESTON is Bessie Dutton Murray Distinguished Professor of Law at the University of Iowa and author of *Toward Nuclear Disarmament and Global Security: A Search for Alternatives* (Westview Press: 1984).

Registration

The registration table will be located in the entranceway to the Corinthian Room, and will be open from Saturday at 8:45 a.m. until the end of the conference.

Registration Fees

Registration	\$15
Luncheon, Saturday, August 29	\$25
Luncheon, Sunday, August 30	\$25
Dinner, Sunday, August 30	\$40
Registration for all functions (reduced rate)	\$90

Interpretation

Interpretation between English and Russian will be provided throughout the conference.

Audio Transcripts

Complete or partial audio tape recordings of the proceedings are available (full set—\$150).

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