



Cities are not targets!

*Report of a seminar organised
by Mayors for Peace in the
Peace Palace and City Hall in
The Hague, Netherlands*

On the tenth anniversary of the Advisory Opinion of the International Court of Justice regarding the legality of the threat or use of nuclear weapons and to issue the Good Faith Challenge to people of goodwill throughout the world to support, through words and deeds, negotiations for the total elimination of nuclear arsenals.



International delegation of city mayors and peace activists in front of Peace Palace

**Report of the visit
by an international
delegation of mayors
led by Mayor Akiba
of Hiroshima
to Leidschendam-Voordorp
and The Hague**

July 4-5, 2006

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Programme Mayor Akiba Netherlands 4-5 July 2006

From July 3 to July 6 2006 Tadatoshi Akiba, the Mayor of Hiroshima, the Japanese city destroyed by atom bomb attack in 1945, led an international delegation of city mayors to three European capitals: London, The Hague and Brussels. The delegation included:

**President, Mayor Tadatoshi Akiba,
Hiroshima, Japan**

**Vice President, Mayor Senator
Patrik Vankrunkelsven, Laakdal, Belgium**

Mayor Gerhard Lemm, Radeberg, Germany

Mayor Philippe Mahoux, Gesves, Belgium

Mayor John Kityo, Wakiso, Uganda

**Mayor Thomas O'Grady,
North Olmsted (OH), USA**

**Councilor Brian Fitch, Brighton-Hove, UK,
also representing the IAPMC**

**Mr Michel Cibot representing Mayor
Ms Catherine Margaté and Vice-president of
the French branch of Mayors for Peace**

Tuesday 4 July Leidschendam City Hall, late afternoon: opening exposition plus reception

Wednesday 5 July

0900 - 1130 Peace Palace seminar
1200 - 1330 Reception and lunch provided by IKV Interchurch Peace Council
1400 - 1630 NGO public event The Hague city hall
1630 - 1730 Reception - City Den Haag
1730 - 1900 Dinner – City Den Haag

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Foreword

When this report was finalised the news came to me of the tragic death of Mayor Ito of Nagasaki. He was assassinated whilst again running for mayor. Mayor Ito dedicated his life to nuclear disarmament and was very active in Mayors for Peace. His death makes clear that to hold public office brings danger with it. Mayor Ito spoke out against injustice: injustice as is found in corruption and injustice, as is found in the mad weapons race we find ourselves in. The nuclear arms race now taking place with its horizontal and vertical proliferation is the very reason for the existence of the Mayors for Peace organisation. Civilians all over the world are threatened. ‘Never again’ would a nuclear weapon be used, it was said after the bombs which destroyed Hiroshima and Nagasaki. Yet mankind does not seem to learn from its mistakes. The International Physicians for the Prevention of Nuclear War (Nobel Peace Prize 1985) have always made clear there is no medical answer to a nuclear bomb explosion, as was proven in 1945. Therefore from its inception in 1982, IPPNW supported Mayors for Peace. Mayors for Peace continues to help mayors all over the globe to become active within their communities and to make clear to governments that serious progress is necessary to prevent a nuclear holocaust. Both Kofi Annan and ElBaradei, as well as influential leaders in the US, stated the same in 2006. Over 1.600 mayors are already active as I write this foreword.

A conference was held at the Peace Palace in the Hague in July 2006, commemorating the tenth

anniversary of the Advisory Opinion of the International Court of Justice, stating that “There exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control”, yet also acknowledging that little progress in disarmament was made since. The 2020 Vision Campaign of Mayors for Peace has focused on eliciting a substantive multilateral negotiating process leading to a framework agreement on nuclear disarmament and eventually to a full-fledged nuclear weapons convention. The challenge now is to ensure that all nations “pursue in good faith and bring to a conclusion” these negotiations.

Mayor Akiba was the inspirator of the conference and tirelessly continues to spread this vision around the world. The reports of the discussions in The Hague at the Peace Palace and elsewhere will help you to explain the 2020 vision in your communities. I sincerely hope the report will find wide distribution, not only to the members of Mayors for Peace in the Netherlands and elsewhere, but also to other mayors and activists who are following this issue with concern. May it be an inspiration to all to continue the work which the mayors of Hiroshima and Nagasaki started.

Herman Spanjaard

Chairman of the NVMP, the Dutch branch of the International Physicians for the Prevention of Nuclear War.

Arsenals of the nuclear weapons states (2006) estimated number of warheads		
	<i>Total arsenal</i>	<i>Operational</i>
United States	10.000	5.735
Russia	16.000	5.830
United Kingdom	200	200
France	350	350
China	200	200
Israel	115-190	60-80
India	60-105	50-60
Pakistan	55-90	40-50
North Korea	5-15	10

Source: estimates by Robert S. Norris and Hans M. Kristensen July/August 2006 pp.64-66 (vol. 62, no.4) © 2006 Bulletin of the Atomic Scientists. Partially based on estimates of available fissile materials.

Mayor van Haersma Buma speaks a word of welcome at Leidschendam city hall

Mister Akiba, Fellow mayors, ladies and gentlemen,

It gives me great pleasure to welcome you all here today and it is an honour that Mr Akiba, mayor of Hiroshima, has agreed to open the exhibition entitled "Hiroshima and Nagasaki, warning for the future".

It is vital that this exhibition is seen in as many towns and cities as possible, not only so that our younger generations can see the horrors caused by the atomic bombs in Hiroshima and Nagasaki but also, as the title suggests, so that the exhibition can serve as a warning for the future.

The Weapons of Mass Destruction Commission recently published a report entitled "Weapons of Terror: freeing the World of Nuclear, Biological and Chemical Arms". On the first of June, former weapons inspector and chairman of the commission Dr Hans Blix presented the report to Kofi Annan, Secretary-General of the United Nations, in New York. Without doubt, a number of you will have

already read the report. This is neither the time nor the place to discuss the report but I would nevertheless like to highlight a number of important points, because this report gives new impetus to the discussion on nuclear disarmament in particular.

In a shrewd analysis, Hans Blix, former director-general of the International Atomic Energy Agency and ex-head of the United Nations nuclear inspectors in Iran, warns in this report about a new nuclear arms race. He also includes sixty recommendations on how to restart disarmament negotiations. The most significant reason for a new nuclear arms race, says Blix, is that the only real nuclear superpower, the United States, no longer has any faith in existing nuclear treaties.

The rest of the world wants to strengthen and expand these treaties precisely because they were ignored by North Korea and Iraq in the nineties, and Libya later on.



Mayor Akiba, after a word of thanks opens the exhibition at the city hall 'Hiroshima and Nagasaki a future warning'.

If the United States does not set a good example as a nuclear power, how can it then prevent countries that do not have an atomic bomb from producing one?

The report also states that disarmament is being undermined by:

- a. growing American scepticism regarding the effectiveness of international bodies and instruments
- b. and a movement for freedom to retain absolute worldwide superiority in the area of weapons and their distribution.

In the Middle East and elsewhere, the unilateral stance of the Americans is leading to so much bitterness and feelings of revenge that the possibility of nuclear proliferation is once again becoming more likely. The Iran crisis is a good example. North Korea has withdrawn from the Non-Proliferation Treaty and Iran has not – at least not yet. The recognition and signing of the Non-Proliferation Treaty on nuclear weapons must be the basis for the total abolition of nuclear weapons. The only way to prevent the use of nuclear weapons is to abolish all of them, as stated in Article VI of the treaty.

The report's most important recommendation is that: A crisis and any ghastly escalation can only be prevented if all countries meet to get rid of every loophole in existing treaties and to conclude new treaties.

Success or failure depends entirely on American participation. This is all I intend to say about the report itself. Let us now return to politics at the local level.

At present, international activities by local authorities go beyond the limits of traditional twinning. These days, local administrators and politicians are keen for their local authority to adopt policy and administration roles at international level as well. There are many ways of approaching the discussion of the idealistic side of international cooperation and activities. On the one hand, the focus is on demand driven contributions to development cooperation and poverty alleviation and, on the other hand, on issues such as solidarity and peace. It is this latter aspect that is becoming more and more important in the face of increasing globalisation.

How can a town like Leidschendam-Voorburg, with its seventy-five thousand residents, and how can a mayor of such a town contribute to worldwide nuclear disarmament? Is it not a discussion for the superpowers? I do not believe it is.

One of the tasks of mayors and politicians is to protect citizens over whom they have jurisdiction and to protect our municipalities for future generations. One cannot speak of progress as long as there are still more than twenty-seven thousand nuclear warheads, many of which are primed and ready to go.



Mayor Haersma Buma signs the 'Declaratioon Mayors for Peace'.



Artist Manna Ori presents his artwork '1000 peacranes'.

It is important that mayors – around the world – express their concern and make their voices heard. This exhibition is just a small example of how this can be done.

Leidschendam-Voorburg is twinned with three towns: in the Czech Republic, in Poland and in the United States. A pilot project is also currently taking place on citizen participation with a town in the North of Serbia.

It is important that my fellow mayors and the residents of the towns in question know that we are members of the Mayors for Peace organisation and that we are supporters of worldwide nuclear disarmament. From the thirteenth to the fifteenth of July I am going to attend the fiftieth Sister Cities International Conference which is being held in Washington. There I am going to meet a great many fellow mayors from America and the rest of the world. President George W. Bush, honorary-chair of the Sister Cities International, former President Bill Clinton and vari-

ous senators from the American Congress are going to address the participants. I have also been invited to join a delegation which is going to visit Capitol Hill to promote the value of citizen participation.

I will take every opportunity to inform my colleagues about the important international "Mayors for Peace" organisation. I will tell them about the organisation and about the exhibition which is being opened today by Mr Akiba and I will encourage colleagues who I meet there to join the Mayors for Peace organisation as well. A lot of my American colleagues are, in fact, already members.

Mr Akiba, colleagues, ladies and gentlemen, I would like to end by quoting Martin Luther King who once said, 'Even if I knew that tomorrow the world would go to pieces, I would still plant my apple tree.' In the context of this exhibition, these words give us all plenty to think about.

Thank you for your attention.

Peace Palace seminar, 5th of July 2006

On the legality of the threat or use of nuclear weapons and to issue the Good Faith Challenge to people of goodwill throughout the world to support, through words and deeds, negotiations for the total elimination of nuclear arsenals.

Presentations

John Burroughs: The president of the International Court of Justice, Judge Higgins, is here just to greet us informally.

Judge Higgins: Good morning everyone. I do not want to delay your day's proceedings but the mayor of Hiroshima asked that I could be with you during the morning. Regrettably, court duties prevent that. But I know how important a gathering this is and I know in the background of it is the Court's Advisory Opinion as one of the relevant elements to your conversations so I want you to know that the Court was very pleased to learn you are here and I wanted to come around and offer my personal welcome to you and my good wishes for the morning. So my intention is certainly not to disturb your work but perhaps I may intrude upon your time to come and say hello to you all individually and then let you get on with your important deliberations

John Burroughs: Thank you Judge Higgins We will get started. My name is John Burroughs. I am the executive director of the Lawyers Committee on Nuclear Policy based in New York. It is the US affiliate of IALANA, the International Association of Lawyers against Nuclear Arms, IALANA used to have an office right here, on the Anna Paulowna straat, which I remember very well because I spent two weeks in it, during the 1995 hearings before the International Court of Justice, on nuclear weapons. We're going to have some remarks from people whom I will introduce in more detail later: Kate Dewes, Judge Weeramantry and Mayor Akiba. Then there'll be a chance for mayors, for ambassadors and others to make some comments and then we going to open up for general discussion as much as is possible. Unfortunately we do not have a printed program but I will keep you advised exactly on what is happening. Before we get started I want to introduce you to Mr. Steven Van Hoogstraten, who is the general director of the Carnegie Foundation, which had everything to do with the founding of the International Court of Justice.

Mr. van Hoogstraten: Thank you Mr. President, Mayors for Peace, other guests here today at the

Peace Palace. You're all very welcome at the Peace Palace and more particularly in the Japanese room of the Peace Palace. You will commemorate today the tenth anniversary of an important advisory opinion of the International Court of Justice on the threat or the use of nuclear arms, in this solemn venue. Let me, as a representative of the Carnegie Foundation, give you some background about the Peace Palace. The Peace Palace was founded in the early years of the last century, in the wake of the first Hague Peace Conference of 1899, a peace conference which was initiated by the then Czar of Russia, Nicolas II. The Peace Conference did not agree on general disarmament but it did establish the principle of judicial settlement of disputes between nations by arbitration. The Permanent Court of Arbitration originated from the conference on the basis of the treaty, which is still alive today. After some years it was felt that a monumental building should be erected for this international arbitration facility. The Peace Palace was thus meant to be the home of the permanent court of arbitration and of a large library of international law.

The Palace was opened on 20 August 1913, in the presence of the Scottish American financier Mr. Andrew Carnegie and of the Queen of the Netherlands, at the time Queen Wilhelmina. Quite soon, in 1922, the Palace became the home of the Court of the League of Nations, the Permanent Court of International Justice and in subsequent years, after World War II, the International Court of Justice, the principal legal organ of the United Nations, was also housed there. The Palace thus is the first and foremost international house of justice as both the International Court of Justice and the Permanent Court of Arbitration (PCA) are actively engaged in settling disputes between nations. These institutions and the existence of the Peace Palace itself largely contribute to the image that The Hague has become the centre of international law with, I would add, the informal subtitle of the world's legal capital. Incidentally the two international criminal courts in The Hague are not housed in the Palace, you'll have to look in other parts of the city to find the International Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Court (ICC). With their large staffs they could never be housed in the Peace Palace, which holds only 200 staff. This room was initially destined to be the room for the administrative council of the PCA and is called the Japanese Room because of the delicate silk tapestries on the wall. These tapestries were a gift by the government of Japan at the time of the opening of

the Peace Palace. It took five years and the work of in total 48600 Japanese men and women working in shifts to create these tapestries. The technique with which they are made is called Shibori Mashiki, a highly refined and laborious technique and the tapestries were executed by the famous Japanese firm Kawashima Jinbei. The pictures on the tapestries are called 'hundred flowers and hundred birds in late spring, early summer'. We as Carnegie Foundation are rather concerned about the conservation of the tapestries and they may need to be restored at some point in the future. Also in this room, your chairs are placed on the largest Turkish carpet in the world, made in Izmir, the type of carpet which was at the time only delivered to Sultans, so this carpet is the only one outside Turkey of this size. The panelling on the walls is Brazilian rosewood and the four cloisonné vases are from China. The Peace Palace is owned and administered by the Carnegie Foundation and in that capacity we are very happy to be able to open the magnificent doors of this room to the Mayors for Peace. So we wish you a very fruitful meeting and we hope that you will draw inspiration from the surroundings.

John Burroughs: Thank you very much for such a gracious welcome. Now let me introduce Dr. Kate Dewes. She teaches peace studies at the University of Canterbury and has been a vice-president of the International Peace Bureau. She was a pioneer of the World Court

Project, an international campaign by a network of citizens' organisations which led to the issuance of the advisory opinion by the International Court of Justice. In fact she served on the international steering committee for the World Court Project from 1992 to 1996. Her doctoral thesis documents the evolution and impact of the World Court Project. From 2000 to 2002 she was also, among many other things, the New Zealand government expert on UN studies on disarmament and non-proliferation education. Please go ahead.

Kate Dewes

Greetings to you all. I will just start, because it is a tradition in my country, by greeting the elders in this place and to acknowledge the distinguished delegates here, especially Judge Weeramantry and Mayor Akiba. I wish to acknowledge also those who have died, in particular Carl Levins who was a pioneer of this project who died two weeks ago. In our tradition we acknowledge all those that died, the judges as well and all those involved in this case. I also bring greetings from New Zealand from my mayor, Gary Moore, who is the Vice-President of Mayors for Peace and my Prime Minister who is a very strong supporter of the World Court Project and also from our indigenous elder, Mrs Pauline Tangiora, who can't be here but who sends her greetings to you. And I greet the fellow peaceniks and I hope that we



The delegation on the stairs of the Peace Palace.

will have time to speak later. In ten minutes it is impossible to tell the full story of this World Court project because it began as a dream with many people around the world and I am only going to be able to acknowledge a few of those. But I want to begin with an event twenty years ago, a visit that was organised by Dr Richard Falk from the Lawyers Committee on Nuclear Policy who came to New Zealand and said 'take your nuclear-free policy to the World Court, take the matter of United States nuclear ships there'. New Zealand of course had been involved with coming to the Court earlier than this too, on the nuclear test issue. We brought France to the World Court and at the moment I am very proud to say we have a judge on this court as well. But what was important was that when Richard Falk came to our country he inspired Harold Evans to look at this idea of an advisory opinion. At the same time we found out about Sean McBride from Ireland, who was also vice president of the International Peace Bureau and who headed an appeal for lawyers to get signatories to get an advisory opinion from the World Court and who argued they were illegal. He had also worked for many years to try and get this. So around 1986-87 both Harold and Sean were working separately – not together at that time – for this idea to happen. So after twenty years it is very exciting to see that this has taken place and we are meeting here again to honour that.

Harold – very briefly - had been involved in achieving a nuclear-free New Zealand. He wrote open letters to the Prime Ministers of New Zealand and Australia and because they did not want to take it on at the time – it was during the Cold War - he also wrote to 72 diplomatic missions in Australia and New Zealand. The initial responses were that the non-aligned states – some of them – and Russia, were positive. In fact the USSR ambassador came to visit Harold in his home. Harold began by trying to get some groups locally to take it on, including the doctors, some of them were from New Zealand. But he also approached the advisory committee I was on, to advise our government on this. At the special session on disarmament in 1988 I was able to raise it at the UN as an idea that we could take on. Over the period 1987-1991 we were able to get the International Committee of Jurists in New Zealand and Australia to support Harold's draft of the UN resolution. The International Association of Lawyers against Nuclear Arms, the International Peace Bureau, and the International Physicians all took this on as an idea. There were two crazy young kiwis, one was Alyn Ware, the other myself, who got on the aeroplanes – they say kiwis don't fly - but we did actually fly to Geneva and New York. We thought that things could happen, that you could actually get a nuclear-free country, you could achieve a nuclear-free world. We did not like what had happened at Hiroshima and Nagasaki. So we knocked on the doors of missions at the UN and in Geneva and had

interest from leading Non-aligned Movement states, which encouraged us. We then went to international organisations like Greenpeace and World Disarmament Campaign and Women's International League for Peace and Freedom. We went to Britain and encouraged the groups there, who had already been working on this idea of using dictates of the public conscience. Keith Robinson published a book "From Hiroshima to The Hague - primer for peace activists". We used the Martens clause from 1899 and the World Court Project UK happened to be chaired by a man who later became my husband and they were able to collect over four million signatures in forty different languages so that was just an idea. If you want to read the full story, it's in the book and in the thesis. But very briefly, we launched the World Court Project at a meeting in Geneva at the UN in May 1992, organised by the International Peace Bureau, IPPNW and IALANA. The chair of the Lawyers Committee on Nuclear Policy chaired the meeting and the representative from Zimbabwe read their Minister of Foreign Affairs' speech. A legal memorandum, written by one of the lawyers and a book for lawyers were also presented. At the same time IPPNW decided they would go to the World Health Assembly in May 1992.

A little group of the international steering committee, there were only six of us, was formed. We had no e-mail, no fax, nothing. We worked out of our homes and sometimes out of our offices and it was amazing that this thing happened. It was a dream, again led by crazy kiwis including more doctors who got on aeroplanes and came to Geneva and over a two-year period they were able to get a resolution through the World Health Assembly which was sponsored by 22 states. This took two sessions, one in 1992 and one in 1993. Finally in 1993 a resolution was passed that said 'in view of the health and environment effects which would result if nuclear weapons were used by a state in war or other armed conflict it would be a breach under international law including the WHO constitution'. It was approved by 70 votes for and 40 against. It was an exciting tale of courageous doctors and lawyers knocking on doors. One of them, I think a Swede named Emily Jansen, jumped on a bus because she knew that some of the health ministers from Latin America were going on a trip. She could speak Spanish and signed up five of those countries just by being on the bus. Alyn Ware went to the South Pacific Forum: he saw someone walking down the street who was an ambassador. He jumped off the bus, walked with him and got him to sign up and support. It sounds hit and miss but this is what actually happened. All over the world groups got excited about this idea of collecting declarations of public conscience and they had this idea that they would take the declaration to their governments, to their ministers, prime ministers, hand them in at parliament and really get them to the UN General Assembly in support of the resolution. That happened in

1993 and that year we had a resolution that went to the General Assembly again led by the Non-Aligned Movement and some of the declarations were also brought from the General Assembly to the Court. It was the first time that the World Court had ever accepted citizen evidence in this way. We presented, in 1993, over a hundred thousand declarations of public conscience, the McBride appeal from the lawyers and at the same time very brave ambassadors put their jobs on the line and stood up to the pressure they were getting from the UK, US and France, putting incredible pressure on them not to go to the Court. On many occasions we met ambassadors, some of them from the South Pacific, who came to me in tears and said 'even if the Non-Aligned Movement does not go ahead with this, we will.' You will have to get New Zealand to give us aid and trade. We want this case to go to the World Court'. And there were many people who lost their jobs. A young diplomat from Zimbabwe, one from Vanuatu and other places. Canada was put under pressure. The demarches that went on were not just directed at the small states of the Non-Aligned Movement, they went to the big states as well. New Zealand, which was trying to vote for the resolution, was also pressured and they were excluded from meetings of the Western group, along with Ireland, who was also trying to support us. So it was a big case, where we knew we were on to something important because of the intimidation taking place. Not just with the diplomats but also with us.

We had break-ins in our homes, mail was ripped open, files went missing. It meant we were doing something important. So it was an exciting day when we finally got the resolution through. In the General Assembly we did not get it through in 1993 because of this intense pressure and also because of the linking with the Comprehensive Test Ban Treaty and the Non-Proliferation Treaty. The ambassadors who were sympathetic to supporting this resolution on the threat of nuclear weapons came under pressure especially from the Americans who said 'we will scupper the Comprehensive Test Ban Treaty and the Non-proliferation Treaty'. This was happening to the Canadians as well. So even if they may have wanted to support us in the end they could not. It was very sad because they did not want to lose this important nuclear disarmament initiative. So in 1994 after a huge amount of lobbying that went on all around the world, of foreign ministers and health ministers, the WHO and the UN General Assembly resolution finally was passed and we requested the ICJ urgently to bring its advisory opinion on the following question: "Is the threat or use of nuclear weapons under any circumstances permitted under international law?" It was adopted by 78 for and 43 against, 38 abstentions and 25 non-votes. Many of those countries wanted to vote and they went to the toilet at that time so they did not have to make a decision either way, they did not want to be in the room. New

Zealand and San Marino were the only Western states to vote for it. It was the largest case before the World Court, 44 states and the WHO, four nuclear weapon states appeared. There was leadership throughout by the Non-Aligned Movement. It was the first time that citizens, expert witnesses, were allowed and I will never forget the mayors of Hiroshima and Nagasaki and the Hibakusha and it always makes me weep. The sobs of the Hibakusha and one woman, many of you will remember her, ran to me at the end of the presentation of the mayors and threw her arms around me and said 'we have waited fifty years for this'. I am sure the judges were moved by the tears of the Hibakusha at the back of the court. We also had a woman from the Marshall Islands who spoke about giving birth to jellyfish babies and we were determined that there would be women there speaking as well, to speak from the heart, and the experiences of the Hibakusha as opposed to just from the head. The Court for the first time accepted the declarations of public conscience, the lawyers and the Hiroshima/Nagasaki petitions for abolition. We had seven hundred endorsing organisations and groups from around the world. Two hundred and twelve Japanese mayors of nuclear-free municipalities came. We gave books to the library here and we met, I think the ICJ met a delegation of indigenous peoples. So when this finally happened it was an extremely exciting day. From then on there has been a huge impact on nuclear disarmament. I do not have time to go into that, maybe in question time. I can say for my own government's position that a conservative minister of foreign affairs said that without the World Court opinion he would not have become a leading member of the New Agenda Coalition and I know that is the case for other leaders from around the world. So again I want to pay tribute to all the little people and all the big people and the judges who had the courage to speak out. And to Harold and to all the others around the world who have given us this as a legacy for future generations around the world. Thank you

John Burroughs: Thank you very much Kate. I have in fact read Kate's dissertation. It is a gripping tale and one of these days she will turn it into a book and I hope you got some sense from her remarks of the incredible burst sustained over a number of years, of idealism and vision implemented very practically, that emanated from New Zealand and many other countries like Britain and Japan.

I now want to introduce Judge Christopher Weeramantry to make some remarks. He was a member of the ICJ from 1991 to 2000 and during part of that time was Vice President of the Court. Prior to his time at the ICJ he was a Professor of Law and a Justice of the Supreme Court of Sri Lanka. He was a Doctor of Law at the University of London and is the author of numerous books and articles published throughout the world on peace, intercultural under-

standing, human rights and many other related legal topics. One of the books he wrote had a profound influence on me. It was called 'Nuclear weapons and scientific responsibility' It was written in the nineteen-eighties, it canvassed many, I think practically all of the arguments which subsequently were made to and by the International Court of Justice in the nineteen-nineties. Since he left the Court he has retired and in his retirement founded the Weeramantry International Centre for Peace Education and Research. He travels around the world constantly and speaks and writes all the time. So that is his version of retirement. He also serves as the President of the International Association of Lawyers Against Nuclear Arms and he is the president of my organisation, so I am delighted to introduce Judge Weeramantry.

Judge Weeramantry

It is indeed a great pleasure and a privilege to be able to address a gathering of individuals so concerned about the human future that they go to such great lengths to do what they can to avert what could be the greatest menace that humanity has ever faced, since our race began. The World Court opinion was a historic event in the campaign against nuclear weapons, for a number of reasons. It attracted global attention. It was the most far-reaching topic ever to reach the International Court. It had the largest number of appearances before it. We had so many signatures and memoranda from all over the world, millions upon millions of them, that in this Peace Palace we could not house them and we had to rent accommodation elsewhere to keep these various documents that poured in by the million. And we also had the opportunity of hearing witnesses, the Hibakusha, the mayors of Hiroshima and Nagasaki, the lady from the Marshall Islands who was referred to, who gave us a harrowing tale of the effects on Marshall Islanders of the nuclear weapons tests in their areas and resulted in such monstrosities as two-headed babies, jellyfish babies where you could see their hearts beating through their transparent skin. This sort of thing moved everybody and was very important in the matter that the Court was called upon to determine.

Now this judgement was important for at least three separate reasons. One, it applied the rich repository of principles of customary international law to nuclear weapons. It is not commonly realised that international law draws upon many sources and treaty law is only a small part of it. People say 'where is the agreement or treaty which bans nuclear weapons?'. That is not the point. There is a whole rich array of customary law principles which condemn nuclear weapons outright and the court drew upon that repository of principles and what is important, is that it showed that they already stood condemned by principles that had been accepted for centuries. Not one principle but a series of principles. A principle

against indiscriminate slaughter, a principle against causing cruel and unnecessary suffering and a principle against environmental damage and a whole host of these so it required no further legislative or treaty measure to condemn them and that was revealed by the judgement of the court. And it specifically condemned the use of nuclear weapons in all cases except for one tiny little aperture left open on which the court expressed no opinion, namely in the extreme case of self-defence where the very survival of a state is at stake. Now apart from that very tiny exception the threat or use of nuclear weapons in every instance is forbidden. So the Court drew attention to that. It also drew attention to the importance of the powers that had nuclear weapons pursuing, in good faith, negotiations leading to a conclusive elimination of nuclear weapons from the arsenals of the world. So it set in train the obligation to move towards total disarmament and one of the matters that concerns the world today is whether that obligation, which was stated categorically by every single judge, whether that obligation is being complied with.

Now that is one of the matters which the mayors are concerned with. They are concerned with this in the context of the absolutely increasing danger of the possibility of the use of a nuclear bomb somewhere. There is a folklore of the nuclear age which says 'For over sixty years the bomb was not used; there are scaremongers who say that the bomb might be used, do not take them seriously'. But the point is, in the last five or ten years the danger of the use of these weapons has been growing dramatically. There has been an increase in the number of nuclear weapon states. An increase in the number of fingers itching to use the nuclear trigger. An increase in terrorist organisations. An increase in civil conflicts all over the world. An increase in the availability of the knowledge of how to make a nuclear weapon because on internet and elsewhere that knowledge is freely available. So I can give you fifteen reasons, in fact I wrote a little book that sets out fifteen different reasons why nuclear weapons are a growing danger.

Now in that context you have to consider how seriously this obligation has been taken which was imposed by the Court upon the nuclear weapon states. On that point let us consider the nature of the obligation to get rid of them 'in good faith'. What does 'good faith' mean? Every legal tradition in the world has a very rich volume of learning on 'good faith'. For the purpose of these few observations I tried to assemble some of this and I found the task was an enormous one because of the number of ancillaries to 'good faith'. What does 'good faith' imply? One can write a whole book about that. Now, first of all, speaking of various traditions. The traditions in relation to good faith are to be found in the ancient system of Roman Law, the system of civil law that has grown up from the Roman Law and is the basis of all the continental legal systems. And all the traditional systems of law.

Taking Europe for example, it goes back four thousand years and it has this concept of 'conduct which is righteous', conduct which is in accordance with the rule of righteousness. If you are called upon to observe a document or a treaty to act in relation to some important matter, that law lays down the concept of proper conduct and that is amplified in the Hindu legal treatises to a very great extent and that amounts to good faith. Likewise Buddhist law is full of observations on 'good faith'. Islamic Law is very specific, that in regard to treaties, in regard to having relations with other states, in regard to dealings with diplomats and so on, good faith must be most minutely observed. In African customary traditional law the principle of good faith is there, very deeply ingrained in the dealings between tribe and tribe and in the customary law relating to warfare and in peace negotiations and so forth. There is a rich volume of material in African law. I understand in New Zealand Maori law, too, has a rich tradition of good faith in relation to the observation of treaties. So there is a huge amount of material to be researched from all these systems and of course the canon law, the law of the church, is very rich in its observations in relation to good faith.

Now what does good faith mean? I have no time to go into detail but the following are involved in good faith: Correspondence between word and deed. Declarations must correspond with actions. There must be no secret reservations. There must be openness and transparency in one's dealings. There must be a complete disclosure of material facts. There must be a readiness to submit one's actions to external scrutiny. Again, the Court has said, under strict international supervision. So that is emphasised by the Court, good faith requires a readiness to submit one's actions to external scrutiny. Then it requires meaningful steps to be taken, towards the desired goal. There should be no dissembling, no backtracking, but meaningful steps toward that goal. There should be sincerity in desiring and working towards the stated objective. Everyone must refrain from taking steps that militate against the goal. For example one cannot say that one's goal is disarmament and then take steps to increase one's armaments in a somewhat subtle but different way. There must be no indefinite postponements in taking meaningful steps. There must be a reasonable time span within which this would take place. You cannot wait forever saying I do intend to do this and I am working on it. You must set yourself a reasonable time span. There must be cooperation between all the parties involved in this and as an actor in this enterprise, one must extend one's cooperation to all the others who are involved in the operation. There must be an actual method worked out. Of course the method need not be specified in advance it should be left to the good sense of the parties. This goes beyond a mere commitment to a goal to actual action. There needs to be a continuity of efforts. You cannot just put it away

then stay quiet for a few years and then start again. There must be continuity. There must be readiness to keep re-examining one's position because for negotiations, one must continually keep one's own actions under review. One must seriously consider the proposals of other parties and not ignore them. There must be an irreversibility of the steps one takes and opportunity for others to verify the steps one takes. And a continuity of effort. I have given you fifteen or twenty of the ingredients of good faith. Each one of these is backed by authority. Each one of these can be developed and if we fail to do this, we are failing in one of our prime obligations. So that is the question to ask of states that honour this obligation, an obligation imposed by the unanimous opinion of the highest court in the world, the ultimate authority on international law. That ultimate authority has unanimously placed this verdict upon all the nuclear powers of the world and we have to ask whether all these ingredients of good faith are being honoured.



If not, why are they not being honoured and in what way are they failing in their responsibilities? So it is clearly a very great enterprise we have engaged on. It is an enterprise that concerns the well-being of the whole of humanity. A question mark hangs over the future of civilisation, if the nuclear weapons enterprise is permitted to continue. So this is the greatest possible effort that is called for, in regard to the greatest possible endeavour that humanity is faced with at the present moment. I thank you all for your presence and I thank you for this opportunity to say a few words on this very important subject.

John Burroughs:

Judge Weeramantry I spoke with you a week ago in Vancouver, at the World Peace Forum. You were just embarking on the preparation of your remarks so I can see you have been working very hard since we last spoke. That was a marvellous catalogue of the elements of good faith. I can say that, knowing that I have been researching this stuff for several years, you've done more in a week than I have accomplished and I must also say that you in your career have embodied the principle of 'right conduct'. Let me just mention, since we are here in the Netherlands, some of what Hugo Grotius, a founder of modern international law, had to say about good faith. He quoted some other sources whom you will recognise. Grotius said: "Aristotle truly says that if good faith has been taken away all intercourse among men ceases to exist. Rightly Cicero says that "it is an impious act to destroy the good faith which holds life together. To use Seneca's phrase 'it is the most exulted good of the human heart.'" Grotius continues: "and this good faith, the supreme rulers of men so much more, the more earnestly than others to maintain as they violate it with greater impunity. If good faith shall be done away with they will be like wild beasts, whose violence all men fear."

Now let me introduce Mayor Akiba. For many he needs no introduction, he is the mayor of the city of Hiroshima, he is the president of Mayors for Peace, he is a mathematician, he has a Ph.D. from the Massachusetts Institute of Technology, he is professor of mathematics. He is a philosopher, in fact he has been a humanities professor, he was a member of the Japanese Diet. Since 1999 he's been Mayor of Hiroshima. He is a political visionary with a very practical orientation.

Mayor Akiba

It is my pleasure and honour to be here. I'd like to start by thanking all of you on behalf of the Hibakushas of Hiroshima and Nagasaki for the work you have done which culminated in the historic advisory opinion by the ICJ 10 years ago. And I would also like to thank you on behalf of the Hibakushas for the work you are continuing to do to implement the script of the Advisory Opinion which I hope will culminate in the elimination of nuclear weapons by 2020.

When one contemplates nuclear weapons one contemplates the fate of cities and civilization itself. The two nuclear weapons which have been used were dropped on cities; destroying Hiroshima and Nagasaki, each in seconds, and condemning most of their surviving citizens to shortened lives of misery. Nuclear weapons, even so-called 'mini-nukes', are too powerful and radioactive to be used without causing widespread harm to civilian populations. The

Court was right to find their use and threat of use to be generally contrary to international humanitarian law.

So it should be no surprise that mayors have taken the lead in commemorating the 1996 ICJ Advisory Opinion. I have no doubt that the mayors of Hiroshima and Nagasaki in 1996 had a salutary effect on the Court's findings. Certainly the lives of the Hibakushas themselves had a similar and probably greater effect. I do not need to repeat their accounts of mass tragedy here today; in a month's time I will lead the commemoration of the 61st anniversary of the destruction of Hiroshima. While superficially the deep wound inflicted on my city appears to have healed, the painful memories remain unhealed. These memories should never be forgotten, and it is the profound obligation of new generations to keep them alive as we struggle to rid the world of this most inhuman threat.

Consider for a moment the words I have used: cities, citizens, civilian, and civilization. They all derive, of course, from the same Latin root. Cities were the cradles of every civilization, and it is just as true today. For all their many problems, modern cities are the repositories of everything that makes civilization sustainable. They are the crossroads where we meet and do commerce and exchange ideas; they are where we keep our great treasures of art and knowledge; many are themselves treasures of architecture and public spaces. They are where the concept of law first took root, and where the highest courts of law are found today everywhere in the world. Indeed, it was legal institutions that made cities possible. You cannot crowd tens of thousands of people into a small area and expect them to co-exist and lead productive lives without the rule of law, a 'civil' code. As the cities led the world in economy, art, education and many other worthy fields, the cities in the 21st century are to lead the world in most of these areas. As a matter of fact we have come to the conclusion that the 21st century is one of cities. In this sense I think it is most fitting that the World Urban Forum and the World Peace Forum were recently held back-to-back in Vancouver, Canada. While we have been raised to look to our national governments to provide security and prosperity, perhaps it is time to look a little deeper. Cities need to step forward to support international efforts, especially when the nation state is failing to deliver.

Is there any doubt that the current multiple impasses in nuclear non-proliferation and disarmament represent a profound failure on the part of our national governments? Cities cannot afford to let these problems fester and erupt: we will be the victims without a doubt. We have been given more warning than anyone should ever need. So much so that we have become inured to it! Nuclear deterrence as 'perfected' during the Cold War period and still prac-

ticed consists of holding the adversaries population – i.e. cities – hostage to nuclear annihilation. The warning could not be clearer: the strategy is called Mutually Assured Destruction – MAD!

Later today in City Hall, we will officially announce the launching of our "Cities Are Not Targets" project. Cities across the world will break out of the Cold War spell and mutiny against the tyranny of nuclear MADness. We will no longer be the docile hostages to such inhuman and illegal threats. But, here in this historic setting and occasion I wish to focus on a broader perspective, one that is not confined just to cities and mayors, but pertains to civil society as a whole: Good Faith. I would like to offer the perspectives from mayors and cities to complement what Judge Weeramantry so elegantly explained to us. Laws cannot serve their purpose if the key players in society treat the law with disregard. Good faith is an essential part of any functioning society. A mayor is entrusted with the faith and fate of the citizens. It is not enough that the mayor not break the law, the mayor must act in good faith at all times, even when tempted by power and wealth to do otherwise. Mayors and cities have a great advantage in this respect in comparison with others in office because we must carry out our business directly facing the people. Our proximity as mayors to our citizens makes mayors honest and therefore makes it easier to carry out their obligations with good faith.

When the nations of the world gathered to prevent and reverse the spread of nuclear weapons, they established legal norms which relied in good measure upon good faith. In article six of the Non-Proliferation Treaty, the term is used explicitly. In that article, the five nations which had acquired nuclear weapons were called upon to relinquish that power on the basis of negotiated, verifiable agreement.

Have the powerful succumbed to the temptation of power and chosen to disregard the law? Judging by the lack of substantial results particularly since this obligation was highlighted by the final finding of the International Court of Justice ten years ago, we can only conclude that at least some of them indeed have. This is heavy judgement, one that should give us all pause. What is the future of a world in which those who wield nuclear weapons cannot be trusted to act in good faith, are acting in disregard for the law?

It is with this dreadful prospect in mind that Mayors for Peace is issuing a challenge to every citizen on Earth: the Good Faith Challenge (see appendix - editor). It is everyone's sacred duty to cultivate good faith, to cultivate peace. Civil order and civilization itself depend upon it more than ever. Terrorists who have turned their backs on civilization cannot be expected to act in good faith, but surely our leaders can and must be expected to do so. The ultimate test of this is Article VI and the ICJ finding. If our nation

leaders cannot resist playing Russian roulette with our cities, then perhaps it is because we have not challenged them to stop. Not just mayors, but people in every walk of life must challenge their leaders to reverse course, to embrace the rule of law, especially international law. We have heard today about the World Court Project. Today there are hundreds of projects around the world in which people are calling upon their governments to show good faith toward nuclear non-proliferation and disarmament. These good citizens, good doctors, and good lawyers, are encouraging good mayors to get involved. In this second phase of the 2020 Vision Campaign, we will be urging our members to join forces with their citizens and provide support and leadership whenever appropriate.

Like most things, there are two sides to good faith. While it is essential to go to the negotiations and put everything – the entire arsenals – on the table, that alone is not sufficient. That is 'talking the talk', as they say. You also have to 'walk the walk'. Agreements that have been reached have to be scrupulously implemented. If you have signed a Safeguards Agreement with the IAEA you have to abide by it. If you have signed a treaty you have to ratify it. Just a year after the ICJ advisory opinion, the CTBT was opened for signature at UN Headquarters. The United States was the first to sign, but now, nine years later it is the only country to declare its intent not to ratify. That is not acting in good faith and we look to the American people to rectify that.

But there are other ways that the governments fail to walk the walk. Successful negotiations depend on confidence in the good faith of the negotiating partners. Nuclear threats of any form undermine that confidence. Particularly pernicious are threats that would initiate nuclear warfare, so-called pre-emptive strikes. In that realm, cities are not hostages but free game! We are so impressed that the U.S. Conference of Mayors, in advancing the principle that cities are not targets, also drew the line against first use of nuclear weapons against any target. I expect we will hear more about that from our American colleague, Tom O'Grady.

Mayors for Peace will encourage its members, now almost 1400 in 117 countries and regions, to speak out against casual allusions to the use of nuclear weapons, particularly when they come from people in positions of authority. And we hope our members will find ways to support civil society campaigns against dangerous threat policies and dangerous threat postures such as launch on warning. This applies not just to the nuclear-armed states, but also to allies that allow forward deployments on their territory.

Another way that unilateral government action can undermine negotiations has to do with the acquisition of nuclear weapon systems. What does it say about

one's commitment to conclude negotiations on the elimination of nuclear weapons when one is spending one's national treasury on new nuclear weapon systems designed to last well into the next half of this century? It would be an act of good faith to put such plans on hold, and keep them on hold as long as negotiations are making proper headway. Mayors for Peace will encourage its members in the nuclear-weapon states to challenge the expenditure of vast fortunes of the people's money on weapon systems that need never come into existence, or be 'up-graded.' On the way here, I and some of my fellow mayors stopped by the Atomic Weapons Establishment in Aldermaston (UK – ed.). This facility is getting a 'new lease of life' to produce warheads for new Trident missiles. This does not give negotiations a 'new lease on life.' The United Kingdom, whose nuclear policy has positive features that ought to be emulated by the other nuclear-armed states, needs to find greater coherence in its nuclear policy. All this relates to the question of reliance upon nuclear arms. Until it is clear that the nuclear-armed states intend to end that reliance, other states will not feel bound to renounce such reliance permanently. This has a corrosive effect on the entire non-proliferation regime, not least the nuclear Non-Proliferation Treaty. It also means that the powerful will be tempted to make war to prevent the weak from acquiring nuclear power status. How many such wars can the world sustain? Why should it tolerate any?

Fellow peace workers,

We are already seeing the toll that the disrespect for international law extracts. Cities and countries in ruin. Young people dying far from home. The popular will of the people and the international community ignored. The need for good faith is pervasive and urgent. It begins with each citizen, each mayor, each parliamentarian, and each national leader. It must be cultivated from the grassroots to the tree tops. And it means not shying away from the big challenges, and nuclear weapons are certainly one of the biggest. The 2020 Vision of a nuclear-weapon-free world will not seem so distant when citizens and leaders together are hard at work on realizing it. Good faith can work wonders. Thank you.

John Burroughs: Thank you Mayor Akiba, as I will explain a little later I am just delighted that the Mayors for Peace have taken up the theme of the Good Faith challenge. We will now take some time for comments and observations.

*Mayor Thomas O'Grady,
North Olmsted, Ohio USA*

I'm very pleased to be here today with Mayor Akiba, other fellow mayors, judges, doctors and lawyers and all others that have embraced the concept of peace. I am very proud to be a citizen of a great republic, the

United States of America and I am proud that through my involvement in the United States Conference of Mayors I was able to take part in this peace delegation. I can assure you that the Association of the US Conference of Mayors very clearly understands the concepts that have been ventured forth today. In recognition of that understanding we unanimously passed resolution nr.62 in our last meeting (see appendix - editor). That resolution called upon selected nations to discontinue the targeting of cities in the United States with nuclear weapons. It was a worthy resolution. In my view it did not go far enough and as a member of the standing committee on international affairs it is my intent to take this resolution further. In our next meeting I will introduce a resolution that will call upon all nations and all powers to disavow the threat of use of nuclear, biological, chemical weapons, of any weapons of mass destruction, especially insofar as they might be targeted on population centres or cities.

In the United States of America there are certain truths that are the basis of our government. Truths that we hold to be self-evident. We believe that all people were created equal. We believe that they are endowed by their creator with certain rights that cannot be taken away from them: life, liberty and the pursuit of happiness. I would offer that the threat of the use of weapons of mass destruction is inconsistent with these natural rights that all people, that all living beings share. I would offer that we as an organisation as Mayors for Peace and we as individuals, have the responsibility to take that action and to raise our voices together, in order to carry that message to the Halls of Power, wherever they are in the world. Thank you for your kind attention

John Burroughs: I do not think that any of the speakers this morning directly quoted the ICJ's unanimous conclusion so let me read that to you: "There exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control".

*Mayor Gerhard Lemm,
Radeberg , Germany*

There is one aspect I want to speak about. Any war in the world has the same reasons: people are poor, hungry, unemployed, uneducated. So many governments spend a lot of money, a lot of resources to build nuclear weapons, and they think that this is a way to make the world more secure. I think they are in error! They should spend this money and resources to help the poor people, to feed them, to build houses, provide clean water and build schools. This can really make the world more secure. I think this is the idea we must speak about, take to the people when we have actions for peace. This is the right way to make the world more safe. Thank you.

John Burroughs: There is a basis for this position in international law. For example art. 62 of UN Charter states that the Security Council is supposed to set in motion schemes for the regulation of armaments to ensure that there is the least diversion of resources to armaments as compared to other means.

Councillor Brian Fitch, on behalf of the city council of Brighton-Hove, UK and the International Association of Peace Messenger Cities

Recently in Volgograd we had an executive board meeting which passed a resolution that fits in with the actions of Mayors for Peace and 2020 Vision. It's a resolution calling for a Special Session on Disarmament and an International Decade for Disarmament of the United Nations, so I wanted to share this with you this morning:

“Recalling that the founding mission of the UN was to prevent the scourge of war for future generations. Recalling that the first resolution of the newly founded United Nations called for the abolition of nuclear weapons,

Deeply concerned by the wars raging in Iraq and Sudan among others, with untold deaths and destruction and the dangerous tensions surrounding the issue of nuclear weapons with Iran and North Korea, Deploing the increased traffic and manufacture of conventional and small arms fuelling conflicts globally, and the lack of agreement by nations to supervise and control illegal trafficking,

Deeply troubled that the present international situation is rive with the potential for the outbreak of a global war with catastrophic consequences, Resolve to call on the General Assembly of the United Nations to mandate a special session for disarmament for the introduction to an international decade for disarmament,

To encourage the national commissions for disarmament to facilitate public hearings, meetings, conferences involving broad-based civil society to develop national programmes for disarmament,

To develop a schedule for the involvement of national commissions in deliberations of the various disarmament committees and agencies of the United Nations,

To direct this resolution to the heads of state, missions to the United Nations and the office of the Secretary General of the United Nations and to NGOs and the media.”

This resolution has been sent to the various governments and the United Nations and I thought it would be an be an important step forward to inform you of these particular actions. We as peace messengers: the Association was created in 1986 and we are now 87 cities across the globe that are campaigning for a nuclear free world and working for peace. Thank you Mr Chairman.

John Burroughs: Thank you Mr Fitch. Other members of the mayoral delegation?

Mayor Senator Patrik Vankrunkelsven, Laakdaal, Belgium

We have already done a very good job in our country because more than half of the mayors are members of Mayor for Peace. That is the highest percentage national membership of our organisation. We also have a resolution in our parliament in which we ask our government to discuss the removal of all US nuclear weapons from all NATO countries. What I see when we contact diplomats or governments, our own or other countries, we notice that they are not listening to what our parliament has decided. So, I want to ask you two things: first, it is very important that other parliaments in Europe also introduce a resolution that asks their government to have this discussion in NATO. Because our government always says: "we are isolated," it is very difficult for a small country to do it alone. Another question is that I have the feeling that I'm still isolated in my political party. There are a lot of members, mayors who are a member of our organisation, but in the different countries the removal of the nuclear weapons is not an important question and is not an important point in the programmes of the parties. So, I think all politicians – all mayors are politicians – have to push forward the discussions within our parties to make the removal of nuclear weapons a really important point of our programmes so it will be easier to make the point to governments. Thank you!

Mr. Michel Cibot representing Mayor Vice President Ms. Catherine Margate and the French branch of Mayors for Peace

It's important for our cities to have texts like these from the International Court of Justice, but it is important also to bring these ideas into the local communities, in the daily work. I think it is important to stress the specificity of the work of local communities. We can divide their work into two main parts. The work for the emergence of a peace culture. The peace culture is an important notion of the Unesco and United Nations. In our community we have public service and in this public service we do many things which are good for peace, for education, for culture, for the fight against racism, for the fight for equality between genders, sustainable development, fair trade etc. We are now doing all kinds of things for peace in our cities. The second part of the work is for the security of the population. This includes action against nuclear weapons. Somebody said it is not easy to speak about nuclear weapons because political parties are not interested. In France it is more difficult because we have nuclear weapons. But when we work in local governments we have the con-

tact with citizens. That is very important to deliver this action. So I want to say this, we need high level texts and we need also action in the city, in the public service in the city.

John Burroughs: Thank you Mr. Cibot. I had the chance in the last several months to see the work of the French cities and activists for a culture of peace and I truly could see this is a developing mode of action in France that holds lessons for all of us.

Representatives of governments:

*Mr. Korthals Altes,
former Netherlands ambassador*

Mr Chairman, I'm very impressed by what has been said this morning, by the action taken and the vision on this table. But I'm deeply concerned, because there will be no question of a fundamental change in policy of our governments without a different concept of peace and security. As long as our governments base their policies on the old concept of 'if you want peace, prepare for war' there will be no change. That concept is still present. I am impressed that the mayors realize that this is not only absurd but also irresponsible for a simple reason: the extreme vulnerability of modern society, the destructive potential and the interdependence in our world. So if we want to make headway in the field of nuclear arms we do need to press for a different concept of security. Taking seriously that, if we want peace, we have to prepare for peace. And that involves something, that costs something! That means a complete reappraisal, an agonising reappraisal, of the present priorities in spending: a thousand billion for arms and 1,6% of that amount for the major problems of this world.

How can we get this fundamental change? I have a simple suggestion. First of all it is important to come out with a strong statement expressing the deep concern of the mayors in this world about the changes taking place now in nuclear policies and so on. Present that deep concern and say that we do need to have a different concept of peace and security. It is absurd for governments to cling to these weapons we no longer accept. Practically I think it is very important to link our efforts with other organizations. I still happen to be honorary President of Religions for Peace. In Kyoto next month there will be an important Assembly in which 500 religious leaders will be present. What will they say about peace? I am afraid they will come up with blather. I am afraid they are not prepared to challenge the governments and world public opinion that we must work for a real culture of peace. The hour is very late. If we could come up with a strong instrument we could help and have some influence on this Assembly meeting. It is absolutely impossible that religious people taking their faith seriously remain like this in the present situation which is worse then five years ago. And I am

saying this as a person involved in security matters. Thank you!

John Burroughs: I think there are parallel tracks going on with the concept of good faith. I think that is certainly true that there is a wider need for a redefining of security. Thank you for saying that so well.

*Mr. Ahmed Amin Fathallah,
Ambassador of the Arab Republic
of Egypt*

Thank you very much. It is a great pleasure for me to attend such a meeting for the first time. I would like just to make some comments concerning what I heard from the mayor from Belgium. The need for support from diplomats and parliamentarians. I believe this support already exists but what's more essential it's vice versa, which means we need your support. I am speaking as ambassador of Egypt who headed our delegation to the last conference of the NPT. We all know that when you discuss here the principle of good faith we have seen that in some ways this principle was not really fully respected at the conference and some countries prevented the true implementation of the NPT and to have a real follow-up Review Conference for us to present in Cairo, for implementation. It should be used as a real example, not to forget what has been adopted previously in 2000 and 1995 and so on. Not just divert the way and speak a new subject which will give a very bad impression to the public of our countries that we adopted resolutions and then forgot about them. This was the whole issue during the NPT Review Conference last year where I was present. From there I believe that we need support as diplomats from you as mayors because you have a double role: you are NGOs but at the same time you are politicians. It is much easier for you as Mayors for Peace to play such a role because you have this tool, this function which is not the case for diplomats because they are representing their countries or only NGOs. I think you can play a much more active role in your capacity of having this function. Thank you very much.

John Burroughs: I certainly must concur that good faith, reciprocity, cooperation were very much in absence among a few countries at the 2005 NPT Review Conference. Let me now open up the floor to representatives of non-governmental organisations.

Representatives of NGOs:

*Herman Spanjaard, active in the
International Physicians for the
Prevention of Nuclear War (IPPNW)*

One of the organisations that together with organisations like IALANA worked on the World Court Project.

I was wondering why we are sitting here after 10 years. And it is nice to see friends, but consider the goals we did not accomplish. I would not like to see you all here in 2020 in the same circumstances. I have been active in the past 10 years with delegations to nuclear weapons states talking to diplomats at various levels. We spoke with parliamentarians of the nuclear weapons states about nuclear weapons who say it is political suicide if you bring nuclear weapons to the floor in a debate, because nobody wants to touch that subject. Yesterday we talked with a long-standing diplomat who has been active in the disarmament field for the past 10 years and he was very disappointed. So we need to find new ways, different ways! If we pursue the ways we have pursued so far, we will not reach our goals. Diplomats live in a world separated from the real world. They cannot help that, because that is the world that is constructed in the way that governments have constructed it. Basically you see that in a lot of diplomatic circuits like the Conference on Disarmament in Geneva, there is a deadlock because nobody wants to move. So I was very happy when Mr. Akiba started this initiative a couple of years ago, because I do truly believe that it is only through civil society that we can break that deadlock! There are lawyers, doctors and now we have mayors. The people that hold the key to this issue are those that hold the key to poverty and wealth! We don't have a lot of economists on board. They have their little party in Davos every year. the captains of industry, the governmental leaders, that's the table we need to be at because that's where decisions are made. If we are unable to get the economy on our side we will not solve this problem. As a practical matter there must be mayors that have nuclear weapons within their municipalities. Some of the people in those municipalities can move their mayors to become members of Mayors for Peace. That's a very practical suggestion. Where are the silos and where can we get people who can motivate their mayors on this issue? It is difficult because a lot of people have their work in those communities. They must find salaries to be able to support their families. These are issues we should address beforehand so that we have solutions.

In the Hague Appeal for Peace we had a very successful project with the UN in Albania. I talked to a mayor of one of the cities where a major small arms factory was closed down. He was very motivated and the teachers in the town too. But there was a problem. When the weapons industry moved, 5000 people lost their jobs and nobody wanted to step in from civil society to set up another business. So it is good to be idealistic, but we need to be very realistic too. There are people who lose their jobs the moment you remove the industry. Another point mentioned was the threat perception. For some strange reason politicians think that nuclear arms give this balance in the world. Through having the power to destroy this world, 400 times over, we feel safe. That to me is

perverse and it has always puzzles me. Any child you would ask "do you feel safe with something that can explode in your hands" would say: well, maybe I should give it to an adult, for they usually know better what to do with that! That really keeps my mind young. What keeps my mind young, too, are people like Judge Weeramantry, the people that have been active for years trying to motivate us and to change this world.

Anabel Dwyer (board of the Lawyers Committee on Nuclear Policy, United States)

I was at the first IALANA meeting in Berlin where the World Court project became part of the IALANA agenda. Of course many people had been working on the ICJ Advisory Opinion for a long time before that. I have only one comment. We have made a very good list of possible ideas and I would like to ask a question: is there going to be participation of all of you in the Brussels Conference? Could we come out of the Brussels Conference with some very specific plan of action or a series of ways in which we can pull together these suggestions that people have made? I think that all of us giving papers in Brussels and everybody who has spoken here, have a lot of overlapping ways of approaching these questions. I think it is an opportunity for us to pull some work and some words together. I do not know exactly how we would go about doing that but I think if there is a chance to begin drafting something or to put together at least the suggestions that I have heard here to see whether some divestiture campaign at the city level could bring together some of the economic questions and address the problems and issues we have raised as a group. As well as turning resolutions into something that actually transforms the way in which cities operate (rather than giving advice) or the way in which whatever entity operates including NGOs. Any specific legal comments about 'good faith' I will make in my paper at the conference.

John Burroughs: Thank you Anabel. I think Aaron Tovish will respond on the plan of action for the Brussels Conference. Jacky or Alan Webb would you like to say something on behalf of IALANA?

Alan Webb (barrister from IALANA New Zealand)

My focus over the last 8-10 years has been on the ICC and occasionally on IALANA. The comment that I want to make is that we all need to understand how crucially important this advisory opinion from the International Court of Justice is. Because for example Judge Weeramantry mentioned treaty law and customary and international law etc. but we also now have the Rome statute which is a treaty that's

been agreed to by a lot of states. States have ratified the treaty and introduced legislation within their own jurisdictions. It's interesting to know that nuclear weapons are not included in the list of weapons that are declared illegal under this agreement, so we have got this bizarre example where a dum-dum bullet is illegal but a nuclear weapon, that can destroy a whole city, is not. The point to understand is, therefore, customary international law and advisory opinion from the International Court of Justice are really the strongest mechanism and probably the only mechanism that we have got to ensure that this principle of good faith that has been imposed on states by the Advisory Opinion is adhered to by using the rule of law to reduce the amount of nuclear weapons. So I've been listening and taking quite a few notes of the statements and commentaries on the Advisory Opinion. Certainly there remains a lot of work to do. At IALANA recently we really needed a reason to get ourselves going again and I think now with this focus a lot of things are going to happen quite quickly, which is all really encouraging. I'm looking forward to the Brussels conference as well.

*Meindert Stelling
(lawyer from the Netherlands)*

I have been involved for 25 years, engaged in court battles against nuclear weapons, in defending people protesting against nuclear weapons including soldiers who refused to guard nuclear weapons. My main daily problem is: we still have activists who are going into air bases, protesting against nuclear weapons. We have people using hammers on airplanes to protest against nuclear armament. My daily work in court is to defend these people, and there is a huge problem. Because even judges don't respect international law and don't respect the Advisory Opinion of the International Court of Justice. We have to fight against a system of very power-minded people, whose only goal is to keep the system intact, as it is. That is our main problem!

*Jacky Cabasso, (executive director
Western States Legal Foundation/
California IALANA)*

It's very meaningful for me to be here today because I was very much involved in the ngo activities and promotion during the oral arguments here at the Court in 1995. One thing I would like to say is being an anti-nuclear activist in the United States of America for the last 25 years gives one a certain perspective that is different from an anti-nuclear activist in, say, New Zealand.

What I'm interested in and encouraged about is that there seems to be a growing awareness and desire about the need to connect the issues. The question of

nuclear weapons seems very abstract for ordinary people for many reasons. Our discussion today touches some of the issues that are of immediate concern for the needs of the people: food, houses, health care, education etc. This concerns the whole question of what really defines human security. I think that we are in an exciting period, of opportunity. There is an openness now, which has not been there for a long time. Looking for ways to actually challenge some of the fundamental economic obstacles to make progress. The military-industrial complex, the corporate profiteers. It is that side of the economics which in fact has a lot of controlling interests. In that respect I'm very excited about the possibility of returning to the International Court, as I am about the Mayors' Good Faith Campaign. But we need to be very much aware in this time of crisis and complexity that law in itself is not the only answer. It's not enough. An international law is important, but not sufficient. We need to think about complementary integrated campaigns that touch on these economic issues, on financial security issues, that touch on the fundamental issues of war and peace, as we go forward to try to raise the importance and visibility of the role of international law in the future.

*Mr. Aaron Tovish (2020 Vision campaign
manager Mayors for Peace)*

To answer the specific question about the delegation's participation in Brussels. We have set aside Friday at the conference to sit down and listen to what others have to say. Mayor Akiba will be presenting the different issues on that point. We are looking forward to that. The point I would like to bring into the conversation is the recent profound effort that was made with the help of the Swedish government, which founded a commission on weapons of mass destruction, informally known as the Blix commission. Mr. Hans Blix and others have done a remarkable job in public relations to get the fact of the commission out and, in the better news reporting, some of its actual content. I saw Hans Blix in Geneva and in Vancouver. He has gone to many countries in the last months. The reason I bring this up is that the commission made 60 recommendations, and I would like to look at these 60 recommendations as actually a starting point for a framework agreement, a convention on the elimination of nuclear weapons and dealing more thoroughly with the other weapons of mass destruction. It seems to me what you had there were representatives of most of the major players in the game. Some of the best people working very intensively. It was not at all clear at many points in the work of that commission that it would come out with a strongly worded paper on the elimination of weapons. It was a product of a serious and careful discussion. So I would like to see it as something that could be put alongside the model Nuclear Weapons Convention and could serve as a useful starting point

for the preparations for one of the recommendations, which is that a World Summit at the level of heads of government should be held. This summit should be held to develop a plan of action on a global scale to deal with the threat of weapons of mass destruction. So this in many ways could be the means of advancing the 2020 Vision. As goals for the next 3-4 years, the thorough preparations for the recommendations could be implemented. This might be done in the Conference on Disarmament although its consensus rule could be abused by 2 or 3 members. Or otherwise perhaps through the UN General Assembly which has a Disarmament Commission that has a better mode of operation, that needs to meet more often. One could imagine a World Summit being held perhaps by 2010. That Summit would have something to work on, to finalize, which would put us in equality in a state of world affairs, regarding weapons of mass destruction including nuclear weapons. I should point out that 40 of the 60 recommendation deal directly with nuclear weapons. Another point that was raised is that it would be good if mayors who are connected with the nuclear weapons complex were to stand up and speak out on this issue. And as the resolution was circulated prior to the US Conference of Mayors annual meeting, the mayor of Santa Fe wrote a letter supporting the resolution and asking other mayors to join him in supporting the resolution. I picked him out, because of the initiative he took, but also because Santa Fe is a major city near Los Alamos, the premier weapons development facility for the US nuclear arsenal. It is also the capital of New Mexico where there is probably the largest concentration of spending on nuclear weapons-related activities by the US government. So for him to challenge this activity, that in future this activity should be closed down, to convert the weapons manufacturing or degrade the fissile material - this is a highly significant step for him to take. We are looking forward for Russian mayors in cities near the Russian complex areas, where there are tremendous pollution problems, to take this stand as well and for the Russian national mayors' organisation also to call directly on the US not to target Russian cities and look forward to the general principle which is in the resolution, that no nuclear armed country should target any city! These are some areas we could develop further with a great deal of effect. The Blix commission will be sending the commission report to every member of Mayors for Peace. We have almost 1400 members.

Rob Green (citizen of New Zealand)

First of all I would like to express thanks to Mrs. Higgins, who welcomed us this morning as president of the Court. She is a British judge and was one of the judges who decided on the World Court Opinion. Secondly I want to pay homage to mayor Akiba, again for having the courage to go and stand outside the Atomic Weapons Establishment in Aldermaston,

I believe you are the first mayor of Hiroshima to have done that, and then to go into the lion's den in the Houses of Parliament in London to engage in the debate as best you can. I wish to draw attention to one particular consequence of the Court Opinion for the British anti-nuclear movement and that is the Trident Ploughshares campaign that began in 1998 and is still going. This is a non-violent and direct action campaign which is trying to embarrass and almost close down the one British nuclear submarine base, in Scotland at Faslane. It is still very strong and was inspired by the World Court Opinion and is still sustained. There are many activists in Britain in court, having been deliberately arrested, some of them threatened with jail. I also want to stress the Scottish grass roots, parliamentary and religious support for that campaign. Bearing in mind there is now a Scottish parliament, there is an increasing push for independence in policy and there is a consensus in Scotland for getting rid of Britain's nuclear weapons, out of Scotland. Finally: the British have just started a major debate on whether to replace their nuclear weapons systems and I hope to take part in that as best as I can. You will see an example of this tomorrow in Brussels when Dr Stephen Haynes will be making the case for the British Government and the nuclear deterrent and I will debate it with him. Thank you!

*Caroline van de Stadt
(Women's International League for
Peace and Freedom)*

I just wanted to say that working in this organisation we try to influence our politicians. We made a brochure with recommendations for the Dutch politicians. One of the items, of course, was nuclear disarmament. Since almost all politicians always use the magic term 'security', we wanted to make them include the risks of nuclear weapons in their thinking of security. But we have found out how difficult that is! But we keep trying anyway, and I hope that now or in the afternoon we can emphasise that in a more practical way. How to do that? How to change their minds?

John Burroughs: The speakers can now respond.

Kate Dewes: I want to acknowledge the work of the Parliamentary Network for Nuclear Disarmament run by Alyn Ware. If you talk of parliamentarians it is extremely important that politicians support each other and to know about the resolutions used in other parliaments. An example of that work is the Belgian resolution that gave a lot of support to others. In our own parliament we are trying to have a resolution passed very soon, acknowledging the 10th anniversary of the World Court Opinion. That is what parliamentarians also could be doing, and mayors could make statements about what is happening at a local level. The comments you were making about the

Culture of Peace and on this UN study group I was on, concerning disarmament education, were really important. We thought one of the most important things we did was to encourage cities to become Cities for Peace, as distinct from the Mayors for Peace. One of the resolutions we passed was to get cities to set up peace museums and exhibitions and honour peacemakers and set up Peace Parks. We are doing that in our own city and one of the things we have done is to show the Hiroshima/Nagasaki exhibition that has now gone to around 16 cities in our country and is going out to many schools and universities. We have also done a Ghandi exhibition. Next year we will have, for three months, a big exhibition in our own museum which is going to be honouring the World Court Opinion, from the beginning and also the 20th anniversary of our nuclear-free legislation. We want to see it go around the country and later around the world. I think we need also to alert each other to that form of education. Because like the mayors' museums in Hiroshima and Nagasaki: they are wonderful places to educate people. I encourage you to do this kind of work. One of the other resolutions we passed, this was our UN study adopted unanimously by the UN General Assembly, was that non-governmental representatives and politicians should be included on government delegations to disarmament meetings, for example the Non-Proliferation Treaty meeting or the Special Sessions on Disarmament. It is extremely important for you to know about that. You can ask to have mayors and others on delegations to the UN, it means you get an input into policy. The partnerships between NGOs and diplomats and also mayors is extremely important. Throughout the World Court Project it was that partnership that we developed, we knew we needed each other. We could not do it on our own as NGOs. The politicians and the diplomats needed us to stand outside at meetings to give them courage. It is a very important point for accountability as well. We should also be encouraging our governments to include that representation. It was very important for you to support the Nuclear Weapons Convention and the parliamentary work. I'm very inspired by the speakers, the ambassadors and politicians speaking out. Thank you!

John Burroughs: Judge Weeramantry has been awarded the Unesco Educator for Peace Award, congratulations on that.

Judge Weeramantry: A number of points struck me. You just mentioned education. I think mayors are in the position to do a great deal to introduce some element of peace education into the schools in their area. Peace education is a totally neglected topic. It is very easy to introduce a subject like 'war studies' into university or school. Peace studies are very difficult to introduce. Mayors can use their influence to get all children exposed to some of the fundamentals of international relations, international law. I myself

have gone into schools in different countries and spoken to 13-15 year olds on international law. It is very simple to introduce them to the basic concept. It resonates with them straight away. They see what a wonderful thing it is. Mayors can do a lot to introduce peace education into the schools and nuclear weapons can also be a part of it. Every child converted is a conversion also of two adults because a child might convert his own parents. I tried the same in Sri Lanka and I found that it does produce that result. Secondly, in regard to the irrelevance of international law and the powerlessness of the World Court, that impression needs to be corrected. I think that the media are primarily to blame for an impression that exists, that the opinions of the World Court do not matter.

I will give you an example. We had a case between Libya and Chad, they disputed the boundary between them about an enormous strip of territory. The Libyan army, being the stronger, marched into occupation. Chad came to the Court: the Court found in favour of Chad and was in effect telling the Libyan army to get out, although the court does not have one soldier to impose its will. What happened? Libya and Chad agreed on a date, they met on the site, the flag of Chad was ceremonially hoisted and the Libyan army withdrew. That was a tremendous victory for international law and for the Court. The world knows nothing about it. There would have been blazing headlines if Libya had violated the accord. So I think the mayors can in a very gentle way bring to the attention of the media some progressive developments in international law and make the media understand it better. And also if you trample on international law realise that we are trampling on the sacrifices of millions of lives spent over the last few centuries to develop international law. When the Belgian member was talking I was reminded of the contribution made by the Belgian delegate to the Versailles discussion after World War I, they were trying to create this permanent court of international justice. The big powers were opposed to it. The Belgian delegate said, I'm speaking for the small powers and let me tell you, please excuse me, but I do not have the oratorical skills of a Cicero but through the window you can hear wailing and mourning, what is that? That is the weeping and mourning of the mothers and wives of our best young men who died to give us a better world, we are betraying them and their memory. So each time we trample on international law we are trampling on the sacrifices of millions of people who over the generations have died to give us a better world and we are ignoring hundreds of wars fought to give us a better world. Now eventually we have for the first time in world history a UN charter which enshrines all these sacrifices and puts them in some form and when you trample on the UN charter you are trampling on all the sacrifices made by people in all the wars in history. So that is an aspect that could be emphasized. Then there was also talk about jobs and the loss of jobs, I think the matter that mayors

could look into is the question of conversion: swords into ploughshares. How can armament jobs be converted into jobs of peace? That is a subject which has attracted a lot of attention recently and I believe mayors can do something about it. There are also other organisations. One other aspect is the power of the armament industries. They have such almighty powers these days. We have to fight it in various ways, one method may be this. There are lots of good god-fearing churchgoing people in every city who are shareholders in companies that have some sort of connection with arms. If there can be some kind of campaign to bring it to the attention of these good people, who do not want their dollars to be used for the purpose of manufacturing weapons of death. If that can be brought to their attention in some way I think those people can be influenced to use their influence to prevent this. Religions for peace is another way. All the religions concur in their fundamental teaching on the avoidance of war and peaceful resolution of disputes. There is a lot of teaching on that, which can be gathered together. I myself have done some of that for Christianity and Islam and Buddhism. It can be shown that all these religions concur in their aversion to war and the use of weapons that cause massive suffering. Thank you!

Mayor Tadatoshi Akiba

Thank you for all your contributions. There are a

couple of thoughts I would like to share with you. One is the importance of getting business interests involved. I do not have a good solution to it, but I would like to tell you about an episode concerning one international company which has many branch offices and factories all over the world. The president of that company made it his policy to pronounce to the rest of the world that this company does not support any policy that would pit the employees of that company against each other in war. Globalisation has many different effects. I heard this and thought if enough companies take this up it might be helpful. This might be one example of which direction to take.

The other thing which I would like to mention is that by proposing the Good Faith Challenge to government leaders, citizens, everybody, the mayors are putting their jobs on the line, because it is not the case that all these mayors that are members of Mayors for Peace are dictators without any opposition. We do have local parties who are not in line with the mayor, as well as those who criticise the mayoral policy. At that point we will have to answer questions, such as the following: you are asking people to work in Good Faith to fulfil the obligations. But are you as mayor working in Good Faith to fulfil your obligations in other areas? We are in a position to answer that not by words, but in deeds! Since mayors are not omnipotent there are limitations to what we can do. But at least that puts us in the position of having to answer



Mayor Akiba and the delegation behind the 'Peace Wall'.



Judge Weeramantry, Dr. Spanjaard and Mayor Akiba during lunch provided by IKV Interchurch Peace Council.

the question or having to a better job than other mayors in fulfilling our duties. That is the beauty of the mayoral position. We cannot lie to our citizens on matters of importance. In a sense that is a limitation but at the same time that is where the strength really comes from. Our credibility comes from the fact that we as mayors must do the best we can as the mayors of the peace cities that we represent and a sense therefore that by proposing the Good Faith Challenge we are challenging ourselves more severely than anyone else. When that is seen by our citizens, I believe we will get more support from them. Again thank you for supporting the idea of the mayoral pledge. With that resolve we are going to continue.

John Burroughs: Aaron Tovish brought up the report of the weapons of mass destruction commission; that report had a number of virtues. One is that it explains very clearly that countries possessing nuclear weapons are not living up to their Good Faith obligation of nuclear disarmament (page 94 of the report). For example the United States and Russia have abandoned the principles of verification and irreversibility in the reductions of their arsenals. Another example: the principle of a diminishing role of nuclear weapons in security policies for nuclear weapons, adopted by the 2000 Non-Proliferation Treaty Conference, has clearly been discarded as aggressive statements about the doctrine of possible use of nuclear weapons by France and the United States have illustrated. So, the Blix Commission report is helpful in that respect and many others. The website for the commission is wmdcommission.org. Also my organisation the Lawyers Committee on Nuclear Policy, Jacky Cabasso's organisation Western States Legal Foundation and Reaching Critical Will of the Women's International League for Peace and Freedom together have a project for a civil society response to the Blix report and we have a good website at wmdreport.org where

you can see media coverage of the Blix commission, our preliminary analysis and so on.

One other thing: earlier I mentioned that discussion of the need to redefine 'security' has been emerging in many quarters over the past decade or so. To give another example: Jacky Cabasso and I are members of a working group of an anti-war coalition in the United States, part of the organisation United for Peace and Justice. The title of this working group is 'Redefining Security/Nuclear Disarmament'. That is just one example. There is also another example of this kind of parallelism in converging thinking going on and that is the Mayors for Peace taking up the concept of a Good Faith Challenge. The Challenge for nuclear weapon states to meet their obligations on nuclear disarmament in good faith. At IALANA we have been thinking hard about the concept of 'Good Faith' from a legal angle for the past five years. The first ICJ opinion (1996) was based on essentially the proposition that the threat or use of nuclear weapons is incompatible with international humanitarian law governing the conduct of warfare. We still need to make that point very strongly and perhaps if we do return to the Court it can clear up the problem that Judge Weeramantry referred to regarding the area of uncertainty. But, I think that many of us have come to the conclusion that it is also important to really focus, not only on the atrocity that the use of nuclear weapons would represent, but also on what does it take to reduce and eliminate nuclear arsenals. Well, it takes reciprocity, cooperation, transparency etc. All of the things that Judge Weeramantry enumerated and more. It takes Good Faith. So there has been a very interesting convergence in thinking on this matter of Good Faith. We have all been privileged this morning to hear a very rich discussion from a number of angles. I congratulate us all on this excellent event on the 10th anniversary of the World Court Opinion. Thank you!

NGO meeting Mayors for Peace 5th July 2006

Introduction by Kees van den Bosch.

Welcome to the Peace City The Hague. A special welcome to the delegation of Mayors for Peace.

Let me introduce the members that are present:

- Mayor Tadatoshi Akiba from Hiroshima, Japan
- Mayor senator Patrik Vankrunkelsven from Laakdal, Belgium
- Vice-president of Mayors for Peace
- Representative Mr. Cibot from France/ Malakow;
- Mayor Gerhard Lemm, from Germany/ Radeberg;
- Mayor. John Kityo, from Wakizo, Uganda
- Mayor Thomas O'Grady, from North Olmsted, USA
- Councillor Brian Fitch from Brighton Hove, UK
- Mayor W. Deetman, The Hague Netherlands

First I would like to invite Mr. Akiba from Japan.

Mr. Tadatoshi Akiba, Japan

Mayor Deetman, fellow mayors, fellow peace workers, ladies and gentlemen.

It is my honour and pleasure for me to be here in this great chamber where civic affairs are conducted with the elected representatives, the voices of the citizens of this great city. Today I would like to speak about the relations between the cities and one of the pressing problems that the world faces: the nuclear weapons.

To start: the thought of Hiroshima being destroyed by a second nuclear attack is too horrible to contemplate. The thought of Nagasaki being struck again is sickening. But the good people of Hiroshima and Nagasaki, especially the survivors of 1945, cannot endure the thought of your city being destroyed either. I think I can safely assume that you share that simple desire! However, I dare to ask you, and among you especially the young people, to imagine what would happen if a nuclear weapon should be used against your city. There are two reasons why I'm asking you to do this exercise: one is that 61 years after the atomic bombing of Hiroshima and Nagasaki, this may be the only way that young people might understand the horrors of nuclear war realistically. The other reason is, as a result, for you



Mayors Akiba and Deetman meet in front of the City Hall in the Hague.

to understand that obliterating an entire city is a crime against humanity. By any measure the use of nuclear weapons within lethal proximity of a city is a war crime. Cities are by definition filled with civilians, many of them children and elderly civilians. Every civilized person can agree, "thou shall not kill children". Nuclear weapons kill children, in the thousands or tens of hundreds of thousands or even millions.

They irradiate fetuses and thus cause crippling or life-threatening disorders or stillbirths. They are the most infernal invention to come from the mind of man. Any use of nuclear weapons, which exposes civilians on a massive scale to blast, fire and/or radiation, is a war crime. It follows as the ICJ made clear ten years ago that the threat to do so is also illegal. Couching the threat of use in conditional language does not exonerate it from this prohibition. Cities are not targets. They should not be - must not be - targets. While we can dearly hope that terrorists take heed of this message, that somehow in their heart of hearts their cruelty knows some limit, we can surely expect our governments to respect this stricture. I repeat: cities are not targets.

This morning I spoke at the Peace Palace. I used the occasion to formally launch the second phase of the 2020 campaign of Mayors for Peace. The first phase of our campaign injected our 2020 vision into the international diplomatic debate on nuclear weapons, reviving the vision of a nuclear-free world, instilling hope that it can be achieved by 2020. But the international community was unable to make use of the excellent opportunity presented by the 2005 NPT Review Conference to begin realizing that goal. After making the best faith effort possible with the support of citizens and leaders alike, we regrettably had to conclude that good faith was lacking in certain quarters. We thus are calling the second phase of our 2020 Vision campaign "The Good Faith Challenge" (see appendix - editor). We are asking every person, without exception, to practice good faith and to challenge others to do likewise.

Briefly there are two main arenas in which good faith is absolutely and sorely needed. In the diplomatic arena the obstruction of negotiations of all aspects of nuclear disarmament must cease immediately. Negotiations must be conducted in a spirit of compromise and respect. Agreed measures must be brought into force rapidly and implemented scrupulously. It is ironic that the first nuclear arms control measure agreed upon after the ICJ ruling, the Comprehensive Test Ban Treaty, has still not entered into force. Your government has signed and ratified it. Your diplomat ambassador Ramaker, who regrettably could not join us today, has been charged by the states that have ratified, to promote wider adherence. But one state has said that it does not intend to ratify, even though it was the first to sign, so the treaty



linguishes in limbo. Shall I say it explicitly? There is no nice way of saying it. On this count the United States is acting in bad faith. Unfortunately a fairly long list of such counts could be levelled against the United States. They are by no means the only violator, just the biggest.

The other arena in which good faith must prevail is in the reliance by nations on alliances. If nations are working with good faith to eliminate nuclear weapons and end their reliance upon them, then they should not be making long-term investments in making nuclear weapon systems. And they should be curtailing the threat of the use of nuclear weapons. Where we find contrary trends we must object. We must challenge these misdirected funds and misconceived policies and label them for what they are: indications of bad faith! NATO will hold a summit later this year on transforming the Alliance. I will give you one simple criterion for judging whether or not there is anything to this transformation. Has NATO found the capacity to foresee the end of reliance upon nuclear weapons? Today it cannot, tomorrow I will lead a delegation to NATO headquarters in Brussels and we will challenge them to foresee the 2020 Vision. Specifically a Europe secure without nuclear weapons and to begin planning for it. It seems to me the first item on the agenda should be sending all foreign-based missiles back to their country of origin.

All this was discussed in somewhat more diplomatic language this morning at the Peace Palace. But I only alluded briefly to the special challenge that mayors can throw down to the nuclear-armed states. Today here with you I want to formally announce the launch of the "Cities Are Not Targets" project of the 2020 Vision Campaign. Over the coming years Mayors for Peace will coordinate local, national and international efforts, to uphold the proposition that the use of nuclear weapons in lethal proximity to cities must be explicitly ruled out by all nuclear armed states.

First a disclaimer. Do not make the faulty deduction that we have no problem with nuclear weapons being used beyond lethal range of cities. Or for that matter that the non-nuclear destruction of cities does not concern us. We are against any and all use of nuclear weapons anywhere and we are against war! We are not looking for more humane warfare. In line with our 2020 Vision we are aiming to challenge the very foundations of nuclear policy as inherited from the Cold War and as elaborated upon today in some circles.

At the national level the US Conference of Mayors has stolen the march on us. At the initiative of our North American Vice President, mayor Don Plusquellic of Akron, Ohio and with support among others of our colleague mayor Tom O'Grady of nearby North Olmsted, the US Conference of Mayors adopted the resolution enshrining the "cities are not targets" principle. We aim in the coming year or two to have national mayor associations in country after country adopt similar resolutions. We hope that this will happen in the Netherlands, Belgium, Germany and many other countries that are represented here today. Locally we will be encouraging sister cities to support across borders each other's demand to be ruled out as targets. And internationally we are prepared to take it to the United Nations and if necessary here to the International Court of Justice. We will not rest until the utter wrongness of using nuclear weapons against cities has been accepted universally. Cities are rising in mutiny against being held hostage to mutual assured destruction. That madness must stop! Nor will we rest until nuclear weapons are eliminated. A great test of democracy lies ahead. When the great majority of people in every nation through the cities of the world are saying: 'change has to got to come', our governments will have a choice to make. Do they arbitrarily say 'too bad, but we cannot do anything about nuclear weapons' or do they acknowledge that their policies have been rejected and must change? Your engagement in this issue will be the decisive factor. Together we will succeed!

My fellow peace workers, at the Peace Palace I noted the common roots of the words 'city, citizen, civilian' and 'civilisation'. In such an august setting I resisted the temptation to coin a new word. With your permission I would like to offer it to you now: "Civicide" is the murder of a city and potentially civilization itself. Nuclear weapons have been invented, have been used and have proliferated with the intent of committing civicide. Let us all accept the challenge of prohibiting civicide and eliminating the means of committing it. As the US Conference of Mayors declared in 2004 and reiterated in the recent resolution "Weapons of mass destruction have no place in a civilized world"! So let us work together to retain our civilization and pass down this beautiful earth to the future generations to come. Thank you very much!

Mayor W. Deetman, The Netherlands

First of all it is a pleasure for me to welcome you and I especially want to compliment Mr. Akiba for his good speech. Adding something to your speech would weaken its meaning so I will only make some remarks. Of course, as mayor of The Hague it is a pleasure for me to welcome you here in the Town Hall. We are now together in the plenary session hall of the local council. We are very proud of the Town Hall, because it makes it possible not only to do our daily work at the offices, but at the same time to use the Atrium for all kind of activities. And I can imagine that when you entered the Town Hall just now and you saw the exhibition you might have thought 'what is going on here?' Let me give you a short explanation. Last week we had in the Netherlands our national Veterans Day. To honour those who fought in the Second World War to liberate us, to help to establish democracy, freedom and the rule of law. At the same time we honour those young people who have been involved the last years in the peacekeeping operations of the UN. Because of that day we organized a short exhibition. To make it clear that right up to today it is regrettably absolutely necessary to be alert in order to maintain and to establish democracy, to guarantee freedom and also to guarantee the rule of law.



It is not the first time that I am welcoming a delegation of Mayors for Peace. The first time was in 1998 during the festivities commemorating the centenary of the first Peace Conference in The Hague. At that time there was a huge delegation of Mayors in The Hague, not only to participate in the Conference but at the same time to have a short meeting here in the Town Hall. Since then a lot has happened.

I have only two remarks, with respect to the city of The Hague and with respect to municipalities. First with respect to the City of The Hague. The former Secretary General of the UN, Mr. Boutros Boutros

Ghali, once called The Hague the international capital of the world, with respect to international law. We in The Hague say we are a city of peace, justice and security. Not only because of all the international institutions we have here in The Hague, but also to make clear what kind of activities the municipality of The Hague can undertake.

It is fantastic to have so many international institutions here in The Hague, such as the Peace Palace, the International Criminal Court, the Organisation for the Prohibition of Chemical Weapons and a lot of smaller international organisations and NGOs. The question for us was: 'Why do we have all those organizations here in The Hague?' That has been a development, not with respect to the Peace Palace but with respect to all the other organizations, of the last 10 to 15 years, if not more. And our answer is that in the last 100 years, especially in the last 30 years, here in The Hague, a lot of institutions have been active in the field of research, education and training of young people. That is the reason, we think, that we have here in The Hague so many international institutions. A lot of international scholars and famous international lawyers were in The Hague to teach young people to do scientific research. We think, because of their work (and no doubt that of people elsewhere in the world) it was possible to further and strengthen international law and the development of international law.

The conclusion is that what we can do as municipality of The Hague is to stimulate the scientific work. For that reason we now have in The Hague the Hague Campus of the Leiden University with a lot of international activities, emphasising international law and with an international orientation. This is of tremendous importance and that is the same reason why we are stimulating a lot of activities related to training young people, throughout the year. That is also the reason that we have the Hague Academic Coalition. This coalition is a co-operative framework of the institutions of the Peace Palace. Especially the library of the Peace Palace, a world famous library, the Clingendael Institute, the Asscher Institute and we have now some new research institutes. They are working together and we call that cooperative framework The Hague Academic Coalition. What we try to do is to strengthen the development of international law, by stimulating research and by training young people.

That is also what we can do as a municipality to help, to strengthen international law, together with other institutions. There we can be very active. It is a pleasure for us to conclude that not only in The Hague, and not only in The Netherlands, but also elsewhere in the world, new institutions and people are coming to The Hague to help us. I think that this is a very good sign. This is what we did in the last five to nine years, here in The Hague.

Then I would like to make a second remark. When we were together eight years ago there were also international organizations for municipalities. Here in The Hague there was the organisation of IULA. In Paris there was an organisation named UTO. There was some co-operation between those world organizations, but not so much. Two or three years ago there was a decision in Paris to establish a new worldwide organisation: UCLG United Cities and Local Governments.

UCLG is a world organisation of all the municipalities and mayors in the world. It can represent all the municipalities in the world. What we have seen in the last 2 to 3 years is that step by step the UN have become more interested in the work of municipalities. Not only with respect, for instance, to the Millennium Development Goals, but at the same time with respect to Habitat and with respect to conflict situations in the world. I think that this is of tremendous importance. There is now an organisation of all the municipalities in the world. And what we have seen in the last 2 years is that international organizations like the UN, very carefully, maybe in the beginning a little reluctantly, are listening to us. What kind of activities does UCLG have? We are a young organisation and we have to build up the structure of the organisation. We started to establish a lot of committees. Committees for special fields. One of the committees is the Commission for City Diplomacy. Its task is to advise and to help municipalities in a conflict and post-conflict situation. And maybe also to be active in a situation that we can prevent a conflict. We are now organizing in all the continents a club of mayors. A small group of mayors that is coming together to discuss the question what we can do to help each other, and what we can do to prevent conflicts. I will give you an example, which I was asked about in Vancouver two weeks ago where there was also a delegation of Mayors for Peace. In the last five years there have, of course, been a lot of international meetings of municipalities and mayors. During those conferences, quite informally, meetings have taken place between the mayors of Palestine and Israel, together with other mayors. The issue was 'what can we do' and 'what is the reason for the conflict? Why is the conflict going on, maybe we have to do something?' I can assure you a lot of informal meetings have taken place. In Mexico, Athens, Rome, Florence, Barcelona, Lyon, Geneva and also here in The Hague. At a local level, at grassroots level, we cannot do so much to guarantee peace and to force peace. That is a responsibility of national governments and international organizations. But that does not mean that we can do nothing. We can do a lot at grassroots level. You can build confidence between people.

A year ago we had here in The Hague a meeting of about 20 mayors from Palestine and 20 from Israel to discuss the situation in the Middle East. There were

very difficult discussions, but at the end of the Conference they decided to establish a framework for cooperating with each other. They call it the Municipal Alliance for Peace (MAP). The idea behind the Municipal Alliance for Peace is that there are a lot of problems at the local level, with respect to health, with respect to education, with respect to economic development and with respect to youth. Sometimes big problems, sometimes small problems. But the idea was that we can help each other to solve the problems, maybe to diminish the problems. And then they said: 'maybe it can also be helpful if municipalities from outside the region participate in that cooperation'. The idea of MAP is to establish a lot of trilateral activities by municipalities, from Palestine, Israel and from elsewhere in the world. For example from Europe, US, Canada, Asia, Africa, it does not matter from where. Trilateral co-operation with respect to a lot of activities. To stimulate dialogue, to build confidence at grassroots level. I think that these kind of activities could be helpful for the aims you are fighting for and we are fighting for. Building confidence at the local level. What we now are trying to do is to ask municipalities in Europe, in the US, in Canada to participate in MAP. And to ask one of the parties to participate in one or more activities together with the Palestinians and the Israelis. There are already projects here in The Netherlands, in Spain, Germany and Scandinavia. I know that in Canada the discussion is going on. I hope that in the coming years a lot of municipalities will also decide to be active in the framework of MAP. This is only one example of UCLG, what we can do under the banner of 'City Diplomacy'. I think that this is also of tremendous importance for your activities. In that way we can make it clear that at a local level municipalities, municipal executives and mayors are very interested in peace. They are very interested in working together in a normal way. That point is of tremendous importance.

Dear friends, ladies and gentlemen, I hope you will also support the idea of MAP. MAP will support you. And now I hope you have a good stay here in The Hague and I wish you a lot of success tomorrow when you go to Brussels. You will meet various people including at NATO: I am quite sure they will listen to you. Thank you very much.

Kees van den Bosch: Now I have two things to do. Mr. Deetman talked about international organizations in The Hague. One of them is the International Court of Justice, which 10 years ago adopted an advisory opinion against the use of nuclear weapons. Judge Weeramantry is among us, and I want to ask him to answer one question. I think you have followed what has passed after those 10 years of the Advisory Opinion. Can you give us a short statement about what you think about the developments since then?

Judge Weeramantry: I think the Advisory Opinion made it perfectly clear that the use of nuclear weapons

absolutely contravened a number of basic principles of customary international law. There was only one little aperture left open in the Court Opinion and that is, where a state was acting in circumstances of extreme self-defence, where the very survival of the state was at stake. But apart from that the Court made it perfectly clear that you needed no treaty or agreement, there were sufficient principles of international law to render the use of nuclear weapons absolutely illegal. Then they went on further to stipulate an obligation lying upon all the nuclear states to take steps in good faith. To rid themselves of their nuclear arsenals. Now that obligation, which was unanimously endorsed by every single judge of the Court, is the highest possible statement of legal obligation you can have because it was by the International Court, the highest Court and the unanimous opinion of the International Court.

There is a binding duty resting on all nuclear powers, then, to comply with that statement of the law: that is to get rid of their arsenals and take steps in good faith. Not merely to take steps, but to take steps with a view to getting rid of the arsenals. Merely commencing to take steps is not enough. They have got to achieve an objective, namely to get rid of their arsenal, within a reasonable limit of time. To cooperate with each other for this purpose. Not to take any steps in a contrary direction, and generally to make their steps visible and open for inspection by all the world. Now that is the level of compliance which one would expect. I'm afraid that the compliance has not been up to that standard.

Kees van den Bosch: Now we get the publication of a new book to stimulate the struggle we are standing for, by Karel Koster. Karel Koster is the writer of the book, who will give the first copy to Mr. Deetman.

Karel Koster: We are in Holland, and I think it is a right to speak in Dutch, because most of us are Dutch and this book is in Dutch, so I will make this presentation in Dutch. My excuses to the English speaking friends.

Als het niet lukt om aandacht te krijgen voor de activiteiten waar we voor staan ligt het voor de hand om er dan maar er over te schrijven. En vaak gaan we er dan van uit, dat als we een en ander uitgelegd hebben, het dan wel goed komt. Een snelle intellectuele manier van denken die niet noodzakelijkerwijs klopt. Dit heb ik wel een beetje ontdekt door de gesprekken die ik heb gevoerd met mensen over hun verschillende meningen.

Al schrijvende heb ik een beetje nieuw inzicht gekregen in het belang van het vragen naar de meningen van anderen. Soms is het een te gemakkelijke weg om maar één mening neer te zetten als de gouden waarheid. Voor dit boek hebben we vooral gekozen voor een diversiteit aan meningen, vanuit alle hoeken

van de maatschappij: van de parlementariër, de diplomaat, de wetenschapper, de jurist om te laten uitleggen wat hij/zij vindt van de kans op nucleaire ontwapening. Dit boek is een samenvatting van al die meningen. Mijn mening is er doorheen gevlochten, redelijk gedocumenteerd. Ik denk dat ik wel iets geleerd heb de afgelopen jaren. Het ligt voor de hand dit werk te presenteren in het kader van Burgemeesters voor de Vrede, onze nieuwe hoop. We hopen dat zij ons een nieuwe stimulans zullen geven.

De NVMP, Nederlandse Vereniging voor Medische Polemologie, heeft het mij mogelijk gemaakt dit boek samen te stellen, met een aantal andere financiers. Tegelijkertijd hebben zij mij gesteund bij het organiseren van deze twee dagen, samen met anderen, die er ook hard aan gewerkt hebben. Ik wil nu het eerste exemplaar overhandigen aan de heer Deetman. Ik hoop dat hij er wellicht mee verder kan in zijn werk: in discussies met steden, allianties en werkzaamheden die hij zelf aan het uitbouwen is. Natuurlijk wil ik hem ook bedanken voor de gelegenheid die ik heb gekregen dit nu hier te kunnen doen.

Burgemeester Deetman: Dank voor de moeite die u ervoor heeft gedaan. Ik zal er mijn voordeel mee doen. Dank u wel.

Mr. Van Krunkelsven: I would like to have a short intervention. We have a lot in common, we Belgian people, Flemish people and Dutch people. We have in common our language, good football teams and we have in common nuclear weapons. We have in common that American nuclear weapons are in our



Mayor Deetman receives the first copy of the Dutch book 'Nuclear Disarmament, still a Bitter Necessity'.

countries. In our Belgian parliament we have voted for a resolution, supported by a great majority, asking for the removal of these nuclear weapons from Belgium. This must be discussed in NATO, but our poor government said: 'we are so alone in NATO', asking this as one country only. What I'm asking from you, people of the Netherlands, is to ask your members of parliament to also vote for such a resolution. Then we will have two countries agreed on this issue in NATO and we will no longer have to say "we are so alone". I think that you have to be a little bit harder for your parliamentarians and that you should ask them to really bring this issue on the floor and to discuss it. Thank you!

Tea break

Meindert J.F. Stelling (President of the Dutch Association of Lawyers for Peace)

On the ICJ's Advisory Opinion on nuclear weapons. The International Criminal Court of Justice delivered its Advisory Opinion on nuclear weapons ten years ago. It did so at the request of the United Nations General Assembly. But the idea of asking for an advisory opinion came from grassroots peace movements. In 1992 the International Peace Bureau, the International Physicians for the Prevention of Nuclear War and the International Association of Lawyers against Nuclear Arms started their World Court Project. These organizations lobbied to get a resolution adopted in the General Assembly, in which an advisory opinion on nuclear weapons was requested from the Court, and they succeeded. Meanwhile they also collected 'declarations of public conscience', in which people from all around the world stated that the use of nuclear weapons would be illegal. Millions of these declarations were handed over to the registrar of the Court. Then the Court delivered its Opinion. It was a success story of a grassroots action.

There is much to say about the Court's Opinion. But the time available forces me to restrict this speech to the most important issue, namely the question if it would be possible to interpret in good faith the Opinion in such a way that the use of nuclear weapons would be lawful in some cases.

This question arises from the fact that the Court did not conclude that any use of nuclear weapons would be unlawful. It declared that this would generally be contrary to the rules of international law. Nevertheless, the Court also observed that none of the states advocating the legality of the use of nuclear weapons under certain circumstances, had indicated what would be the precise circumstances justifying such use. In other words: no state had been able to give examples of lawful use of nuclear weapons. Furthermore one should note the particular language the

Court used: “circumstances justifying such use”. This wording indicates that the Court starts its reasoning from the presumption of illegality. The use of nuclear weapons must be justified. So indeed there is a strong suggestion in the Opinion that any use of nuclear weapons would be illegal.

And yet, the Court did not come to that conclusion. After having declared that the use of nuclear weapons would generally be illegal, the Court went on and said: “However (...) the Court cannot conclude definitively whether the threat or use of nuclear weapons would be lawful or unlawful in an extreme circumstance of self-defence, in which the very survival of a State would be at stake”. It is precisely on the basis of this paragraph that nuclear-weapon states assert that there is nothing wrong with their nuclear weapons and strategies. They claim that they will use nuclear weapons only in such an extreme situation as the Court indicated. So the question is whether this statement is justified.

Let me be very clear about this. In my view it is a misleading allegation. It even contains the suggestion that in an extreme situation it would be allowed to act against the rules of international humanitarian law. For the very foundation of nuclear strategy is the annihilation of cities. So the allegation that the Opinion leaves the nuclear strategies untouched, implies the proposition that in an extreme situation it would be lawful to attack the civilian population. But that proposition is diametrically opposed to the most fundamental principle of international humanitarian law, namely that it is under any circumstance forbidden to attack the civilian population. This means that the present suggestion is even at variance with the explicit conclusion of the Court, that the use of nuclear weapons should be compatible with the requirements of the international law applicable in armed conflict. This conclusion is without any reservation or restriction. So, even in the situation that the survival of a State would be at stake, no derogation of international humanitarian law is permitted. Such a circumstance certainly does not justify the use of strategic nuclear weapons against cities.

In this regard one can invoke international case law as well. After World War II the American Military Tribunal that tried the Hostage case, observed that “the rules of International Law must be followed even if it results in the loss of a battle or even a war”.

But what does the Opinion mean for the use of tactical nuclear weapons? With respect to these weapons one should keep in mind that even small nuclear weapons are devices of mass destruction. For instance the bomb that demolished Hiroshima had an explosive power of some 12,5 kilotons TNT. Nowadays many tactical nuclear weapons have a greater payload. The Hiroshima bomb totally destroyed 13 square kilometres. So, an attack with a tactical

nuclear weapon would not only be a strike against a specific military target, but also against the whole area in which the intended target is situated. The effects of a nuclear bomb cannot be constrained to a specific object. This implies that a nuclear attack on targets in or in the vicinity of our cities or villages, must be seen as an attack directed against the civilians living in the area around the intended target as well. Thus, such an attack would be a violation of the prohibition to attack the civilian population.

There is a second ground for the unlawfulness of such an attack. A nuclear attack on targets situated in inhabited areas would imply the use of indiscriminate violence, which is also forbidden. Here again one should note a misleading way of reasoning by proponents of the legality of nuclear attacks. They usually refer to the rule of proportionality. That rule forbids attacks which may be expected to cause incidental loss of civilian life and property which would be excessive in relation to the concrete and direct military advantage anticipated. But that rule applies only if the attack is carried out with means that are suited to destroying only the intended objective. As we have seen, the effects of nuclear weapons cannot be limited to a specific object. This means that the rule of proportionality simply does not apply to nuclear weapons.

Where does the foregoing leave us? In my view it is clear that the Opinion unequivocally condemns any use of nuclear weapons against the civilian population and against military targets situated in or in the vicinity of cities or villages. This kind of nuclear attack would be against international humanitarian law.

What is left is the use of nuclear weapons against military targets which lie far away from cities and villages, at such a distance that the effects would not directly harm the civilian population. The Opinion gives some examples: Warships on the high seas or troops in sparsely populated areas. Only with regard to this kind of targets the Court could not come to a definite conclusion. So according to the Court, even nuclear attacks which would not directly harm the civilian population, were not to be seen as lawful. In his declaration attached to the Opinion, the president of the Court, Mohammed Bedjaoui, explicitly emphasized this point. He stated that the Opinion could “in no way be interpreted to mean that it is leaving the door ajar to recognition of the legality” of nuclear attacks. So nobody could declare in good faith that the Court did indicate any possibility of legal use of nuclear weapons.

In this connection I would point to the Martens clause from the preamble of the 1899 Hague Convention on land warfare. A clause named after the Russian delegate who drafted it. It provides for the minimum protection of people in wartime. It says that the people remain under the protection and authority of the

principles of international law derived from established custom, from the principles of humanity, and from the dictates of public conscience.

Later on the Martens clause became a treaty provision. It is generally understood that this clause mentions three independent sources of international law. This makes clear that it is not only the governments who decide about the substance of international law. It is the people who define the principles of humanity. It is the people who decide what the dictates of public conscience say. Governments cannot but acknowledge the principles of humanity and the dictates of public conscience. In my view international humanitarian law has to be interpreted in accordance with the minimum protection of the Martens clause, in accordance with the meaning we the people give to this clause.

It was for this reason that in the World Court Project

the peace movement asked for “declarations of public conscience”. People have unequivocally condemned nuclear mass destruction as being utterly immoral and inhumane. In the light of this expression of the meaning of the principles of humanity and of the dictates of public conscience one could reach beyond the conclusions of the Court in its Opinion. One could help to change the finding of the minority of the judges that the use of nuclear weapons is unlawful under any circumstance, into the final legal conclusion.

Therefore I applaud the initiatives of Mayors for Peace and the start of the Cities Are Not Targets Campaign. These initiatives strongly support and promote the idea that the conscience of mankind rejects nuclear annihilation. They strengthen the idea that the laws of humanity and the dictates of public conscience condemn the use of nuclear weapons as a crime against mankind and civilization.

Panel discussion

Members of the panel

1. Mr. Meindert Stelling

President of the Dutch Association of Lawyers for Peace

2. Mr. Chris Sanders

Former Netherlands ambassador to the Conference on Disarmament in Geneva. Represented Netherlands at the 2000 and 2005 NPT negotiations.

3. Mr. Herman Spanjaard

Chairman of the NVMP, the Dutch branch of the International Physicians for the Prevention of Nuclear War.

4. Ms. Barbara Smedema

Grassroots anti-nuclear activist.

5. Ms. Krista van Velzen

Member of Parliament for the Socialist Party, former anti-nuclear weapons activist.

6. Mr. Dion van den Berg

IKV Interchurch Peace Council.

7. Mr. Joris Thijssen

Greenpeace Netherlands. Campaigner against nuclear weapons and nuclear energy.

8. Mr. Gerard de Groot

Grass roots IKV initiative in The Hague.

Kees van den Bosch: How important is it to have the Advisory Opinion of the International Court of Justice. How effective is it in the struggle against nuclear arms?

Meindert Stelling: The Opinion of the International Court is very important because it expresses what the law is and what the law says about nuclear annihilation. It is of value in Court cases, as judges have to rule in accordance with this Opinion of the highest ranking Court.

Kees van den Bosch: But the Opinion was given 10 years ago and nuclear weapons are still there.

Meindert Stelling: Yes, there are some politicians, some judges, who do not give priority to the rule of law, but to the rule of power. That is the world in which we live. We should work towards a situation in which the rule of law is supreme.

Mr. Chris Sanders

Kees van den Bosch: The most important diplomatic activity against nuclear arms is of course the NPT. As we have all read in the papers: some people even say that the NPT is dead. You were at the Review Conferences on the NPT in 2000 and 2005. Please can you describe what went wrong, especially in 2005.



Members of the forum: Mr. Spanjaard, Mr. Sanders, Ms van Velzen, Mr. van den Berg, Ms. Smedema and Mr. Thijssen.

Chris Sanders: Indeed, I was head of the delegation representing the Netherlands at the NPT Review Conferences in 2000 and 2005. The Review Conference of 2000 was a quite successful conference in terms of nuclear disarmament. The thirteen steps (towards nuclear disarmament - editor) were formulated and finally adopted at the last moment and we did get the feeling that something could be achieved. Diplomats could fulfil their role. As a diplomat you carry out the instructions of your government, for better or for worse. If you get into a good conference you get the feeling that something can be achieved. Something is within reach. Diplomats went back to the capitals, and said 'we are very close, please allow us to go the extra mile. And if you do that we might be successful.' That was the sort of spirit in the last phase of that Conference. That enabled us to compromise on certain crucial points. I cannot go into detail now, that would take too much time. Then after the 2000 Review Conference things went wrong. Some nuclear weapon states shifted priorities from what they had solemnly promised regarding the 13 steps, to other issues like non-proliferation, the DPRK - North Korea, Iran, clamping down on clandestine transfers of nuclear materials and technology, which is of course also a legitimate *raison d'être* for the NPT. It is not allowed under the NPT, just as the nuclear disarmament process is a mandatory process under the NPT, article 6. Still there was this shift. There was also a new US administration.

Kees van den Bosch: That is what I wanted to ask: was it an American shift or did it take place in more countries?

Chris Sanders: It was not only the Americans. The French deeply regretted the 13 steps afterwards and at every opportunity afterwards they did their best to undermine them, with the support of some other friends who did not like them very much either. The CTBT was one of the 13 steps, that was clear. This Treaty was clearly no longer acceptable to the United States because the new administration no longer accepted the CTBT and even wanted to undo it. That was not possible. So, in 2005 we faced a totally different situation. The gaps were there in 2000, but we managed to paper over them. But they had grown in 2005 and the positions were wide apart. Much worse then was the case in 2000. So I think, even if we all had been top class diplomats, we would not have been able to bridge those gaps. They were simply too big. It is a pity, because in the meantime we did have cases of non-compliance with the NPT, and we wanted to do something against them. The NPT faces a tremendous problem. You mentioned that 'some say the NPT is dead' but it is still the only really serious tool we have, to prevent proliferation and to stimulate and push for nuclear disarmament. We are perceiving now a serious risk. If a country that has been a member of the NPT for 30 years, and through that membership has been able to build a large capacity to

produce fissile material to whatever degree they want, then this country simply can take this right under article 10 of the treaty and say 'thank you for all the materials and all the technology, now I will leave the treaty and I will start making nuclear weapons.'

Kees van den Bosch: As North Korea did?

Mr. Chris Sanders: Yes, even while still a member of the treaty I think they were already involved in clandestine activities. That is a very difficult thing to stop. So one of the good things we tried in 2005 was to create binding language, stating that if you decide to leave the treaty you will have to give back everything you acquired under the treaty. As a sort of stop-gap, to fix the sort of scenario that is still possible. That is typically a diplomatic sort of thing you do. You work on the right sort of politically binding language. Because the final document is a politically binding thing. That is a sort of handwork we do as diplomats; we have to know a little bit what we are talking about obviously. The spirit was not there in 2005 because we knew how large the gaps were. So we failed. We have not even begun to start negotiating a fissile materials ban in the Conference on Disarmament, where I worked for 6 years continuously on this issue. Now I'm in Singapore and no longer in the driver's seat. That was really a diplomatic effort to bring this forward. Never give up hope, because there will be new governments, new times and new developments. The Dutch government fortunately gave me the maximum freedom to push also for the nuclear disarmament agenda and to associate with the New Agenda Coalition, which was an active coalition that pushed that agenda. We could agree with what they produced, we could work with them, and in that good spirit I would hope that my successors can work on. Still try to bring things to a better ending then has been possible so far.

Mr. Herman Spanjaard

Kees van den Bosch: Why is it important that doctors declare and organize themselves against nuclear weapons?

Herman Spanjaard: Because they are a part of civil society and they have a position in society where they care for the health of people. Nuclear arms are a threat to the health of people. As simple as that.

Kees van den Bosch: But aren't all arms a threat to people?

Herman Spanjaard: Absolutely. The International Physicians for the Prevention of Nuclear War was started at the height of the Cold War, by a Russian cardiologist and an American cardiologist. They happened to be the cardiologists of the two men who

were at that time building an arms race. And they whispered in the ears of those two people. They went to Reykjavik and the negotiations on disarmament started. The organisation was granted the Nobel Peace Prize at that moment. We have been active ever since. Why? Because there is no medical answer to a nuclear attack like that on Hiroshima and Nagasaki. A nuclear attack destroys everything, including the medical facilities left. That's why doctors stand up. Any politician who says there is a scheme for a medical answer after a nuclear attack, is a liar. There is no medical answer. It is a big disaster, so this is the first reason why doctors stand up. Unfortunately not all doctors in the world are standing up, not yet. But that is maybe something for the future.

The other thing is that nuclear arms cost an enormous amount of money. That money could be diverted towards health care. One should ask tax payers in the nuclear weapons states if they would really feel safe spending two hundred and fifty euros or dollars a year on nuclear arms or if they would rather spend it on health care. Maybe that would be something for political parties to write in their programmes.

Kees van den Bosch (to Mr. Akiba): May I ask you if there is an organisation of doctors against nuclear weapons in Japan?

Mr. Akiba: Yes, there is an affiliate of IPPNW in Japan. I'm very proud that while I was living in the Boston area, Dr Lown taught at Harvard. There were doctors and medical students helping to establish this organisation in the late seventies and early eighties. They were teaching and establishing the organisation in the Boston area. I was able to help to launch this by contacting doctors in Hiroshima whom I knew very well. In the first meeting of the IPPNW which took place in Arlie House right outside of Washington DC three doctors, two medical doctors and one physicist, officially represented Japan. The branch grew and in 1989 the World Conference of IPPNW was held in Hiroshima. At the time I was able to help the organisation there too. So, there is a strong movement. Now, one more thing. The doctors' role in Hiroshima and the new ideas came from IPPNW. The medical doctors in Hiroshima were themselves Hibakushas. They were there, like nurses and other medical professions. They were suffering themselves, from the radioactivity, heat, blast and everything else. Despite the fact that half of the medical staff were killed instantly and with little help by doctors and medical professionals from the outside, they really did a heroic job of trying to do something about the injured and for those people who were dying in 1945. Of course, they did not succeed. But then, the medical doctors actually took the leadership role in Hiroshima toward the abolition of the nuclear weapons. In that respect there is one medical hero, Dr. Marcel Junod, a Swiss physician who was sent to Hiroshima by the Red Cross and who was

able to obtain 15 tons of medical supplies for Hiroshima by October 1945. Many people's suffering was relieved although unfortunately their lives were not saved. There was another great effort on the part of a physician from Europe as well. There are many other heroic stories related to the medical profession.

Kees van den Bosch: Mr. Spanjaard, your political statement in effect is: 'of course doctors can help as everyone can help, but in fact it is better to say bluntly that there is no help against a nuclear attack.'

Herman Spanjaard: Yes, and if I may add something to the new word Mayor Akiba invented, 'civicide': I think only 'rogue states' possess nuclear weapons!

Barbara Smedema

Kees van den Bosch: How many times did you climb over the fence in Volkel?

Barbara Smedema: I was active in Volkel from 1999 to 2003. Last year I did an action in a nuclear research facility at Aldermaston in England. We have climbed over fences and walked over the base in Volkel many times to search for information and to prepare actions.

Kees van den Bosch: Why would you climb over the fences? What do you want to prove with that?

Barbara Smedema: We started in 1999 a few years after the International Court Advisory Opinion. A new movement arose against nuclear weapons, including civil inspections. There was also one woman who started a peace action camp at the military air base in Volkel on her own. It was quite a coincidence, but I and my sister went to visit her to support her and we stayed part-time in the camp. What we wanted to prove is that there are nuclear weapons in Holland. The Dutch Government still does not want to talk about it, but what we did is to go there to find the information and we found the proof of the weapons. In the end the judges who did the court cases and the politicians did not deny any longer that there are nuclear weapons in Volkel. That is only a first step, when you don't deny that they are there, you have to do something about it and that next step is a bit more difficult.

Kees van den Bosch: For years it has been a public secret that our nuclear weapons are in Volkel. They are deployed there. But why should you continue your actions, when it is proven now? I ask that because you must have a difficult position, choosing a kind of activity which is not shared by many people in the population.

Barbara Smedema: Well, that's not true. I think it is

shared by many people. Nuclear weapons were only a popular issue in the 'eighties and not anymore. It was hard to get media attention. But when I look back, I think we did get quite a lot of attention. That was a good thing, because the media was not interested in this outdated issue. We achieved this although there were very few of us. Three women only, sometimes twelve people, who undertook actions on days like the 8th July (ICJ advisory opinion) and 6th August (Hiroshima day). We thought this issue was important enough, despite there being many other important things in the world to fight for like the position of refugees and other issues. It was important enough to have at least 3 people in a country like Holland who say 'no' to mass destruction, even if it is only for history's sake that you can later say that there were at least some people who were trying to do something. You try to get a spirit into the world and you never know what will happen.

Meindert Stelling: May I add something to it? As a lawyer I'm very happy with people like Barbara. 'Breaking the law'? I would say "protecting the law". This makes it possible for us lawyers to have our fight in court against this criminal system. We have reached the point that judges are pushed against the wall. They don't have any good arguments and they try to deny the arguments for our case. So, we depend upon the brave people who are willing to trespass on an air base and have themselves arrested. For they are part of a real struggle, of a resistance against a criminal system and it is part of a bigger resistance movement. They make it possible to continue our struggle.

Krista van Velzen

Kees van den Bosch: Are you still an anti-nuclear activist?

Krista van Velzen: It has been two years since I last climbed fences, but I don't think as a politician you shouldn't climb fences when you think it is for a good goal. You just interviewed Patrik Vankrunkelsven from the other side of the border. Together we climbed many fences with lots of politicians, and I think if you have any opinion about anything you should stick to it and practise what you preach.

Kees van den Bosch: Where can you be most effective, in parliament or climbing fences? (Krista van Velsen is a member of the Socialist Party (SP), a left wing party in our parliament).

Krista van Velzen: I don't think you have to make a choice. I mean, politicians need people that push issues. There will be no political agenda if there are no people shouting about the problems they see and demanding solutions. I have to say that the anti-nuclear movement - in the Netherlands at least - is

too small for the problem we have. I think if there are not enough people, politicians should be activists. If there are enough people, there is even more reason for politicians to be activists. There is no difference between battling for peace in parliament or standing on the street doing the same thing. I'm still a young woman, but I have become more cynical about the Dutch political system when it comes to militarization and nuclear issues. Patrik Vankrunkelsven was asking the Dutch people to press for a resolution, but he is probably not aware of what we've been doing. I was looking in my files, kilos of documents of debates, resolutions and written questions to the government about the existence of nuclear weapons in The Netherlands. They are about the secrecy, the policy, the dangers, about the fire brigades (their preparedness for nuclear accidents), but nothing seems to work out really.

There are a couple of politicians from political parties who would support the call for openness, just accepting what we all know: that there are nuclear weapons in The Netherlands. We want our government to confirm that we are not stupid. But we are not getting anywhere. I think as soon as political parties step into the government they somehow get tied into some vow to NATO, which I do not understand. Nothing seems to change! We can talk a lot, but in the end we have to be more radical, in the sense that radical means: getting back to the grassroots. I really believe that politicians and people in government, those sitting on the public tribune and behind microphones should just go out in the street: climb those fences and hammer on those submarines. If anything will help it will be direct action! And of course, I will be involved in parliament and will say that these people are doing the right thing and I will ask: 'let us do something to support them'. But it is not going to work if there is no pressure. This is just a call for action.

I'm sorry that Mr. Deetman - my mayor, I am a citizen of this city - has left the room, for being a Mayor for Peace is more than sitting and talking in a City Hall. I didn't hear him mentioning the words 'nuclear arms' at any time in his speech. We can do a lot of symbolical things and spend a lot of time in buildings and talking, but a mayor is responsible for big military events in this town, like supporting arms fairs. Being responsible for big military happenings with veterans and having a lot of military parades amounts to showing that you are not a Mayor for Peace. I was hoping I could have a word with him, I think he would support me by being more practical about being a Mayor for Peace. It is more than signing a letter. There have been examples. The mayor of Amsterdam has said that he was not happy about having arms fairs in Amsterdam. He has not done anything about it yet but I think it is up to people like us to support him and make him practise what he is preaching. But Mr Deetman is far from it and I think

he needs our help. So if there is anybody who lives in The Hague we should help this mayor to become a real Mayor for Peace.

Question by Kaspar Beech, Parliamentary Network for Nuclear Disarmament, Wellington, New Zealand: Now you have gone into politics what is to stop you from going out and climbing a wall?

Krista van Velzen: I do not think I have stopped. We have not had so many actions in the Netherlands and I have had other priorities. I would be happy to climb walls again and invite you to come and join me.

Kees van den Bosch: New elections are coming, with a new parliament and maybe a left-wing government including the Socialist Party. Maybe we will still be a member of NATO then. What should the Socialist Party do then?

Krista van Velzen: I'm afraid there is no way of getting rid of nuclear weapons and still stay in NATO, I hope I am wrong about that but things like NATO and nuclear weapons are just two branches of the same tree, just like nuclear energy and nuclear weapons are. There is still a long way to go. I don't think, although I hope, that the Socialist Party will be in government for the upcoming period. But I do think the Labour Party will be, together with the Christian Democrats. The Labour Party has said a lot of things about openness on the existence of nuclear weapons in The Netherlands. So, I think it is up to us, politicians, NGOs, activists and people listening, to know what they said and to keep them to their promises.

Kees van den Bosch: Should it be a breaking point? Because if you say yes, we all know you won't be in government.

Krista van Velzen: We have to be realistic. I don't think that nuclear weapons will be the breaking point. My party will not be in the position to say: 'okay, you will not join our government if you do not accept us getting rid of nuclear weapons'. Other issues, financial ones, will be more important I'm afraid.

Kees van den Bosch: Sometimes politicians can be honest.

Dion van den Berg: IKV is a peace organisation founded by churches. In the nineteen-eighties it was the motor behind the Hollanditis, the biggest organisation in the mass demonstrations against nuclear weapons here in Holland.

Kees van den Bosch: Tell us about the new inspiration, new activities that the IKV wants to undertake.

Dion van den Berg: One remark I would like to make on the Mayor for Peace from The Hague. I'm

not a citizen of The Hague, and I do agree that this is an opportunity to criticise him on what he did not talk about. I would like to talk about what he did mention. The programmes for City Diplomacy are in my opinion extremely valuable. So, I'm not going to give any negative criticism on the things he did mention. It is not enough, but it is quite a good start and in the international circus of local governments he is one of the few who is really trying to pave the way, also for civil society organizations, to really go ahead with positive developments in that field.

What are we going to do? We are not going to mobilize half a million people again to block the streets of The Hague, as we did in 1983. Simply because the situation is totally different. We have to be quite realistic, the threat might be even bigger, but it is also more complex. At that point in time the whole Cold War problem could be redefined in The Netherlands to the simple question: do we say yes to the cruise missiles or do we say no to the cruise missiles? And if we had said 'no' it would have had a enormous impact on the Cold War dynamics. All capitals from other NATO countries were looking really carefully what was going to happen here in the Netherlands. It would have had a huge impact. We cannot say that the Dutch government now has to stop the nuclear tests in North Korea. We can criticize but not change the nuclear ambition in Iran. Nor can we stop modernization of Trident programmes in the UK or get rid of the Force de Frappe in France. You have to be realistic. The things that the Dutch government can do are limited. Nevertheless there are things we are going to lobby for. Many spoke this morning on redefining the very concept of security. We need another security concept and we think that the EU has to play a role in that respect. We want to lobby for a change of policy in the EU, so that we work towards a defence strategy that does not rely on and does not incorporate the possession or use of nuclear weapons. In that process it is possible and we probably will lobby to get rid of the nuclear task of the F-16 in Volkel. Not because this is a goal in itself, but because we see it as an instrument to show that we are serious in our wish for the Netherlands to have another type of policy.

In work we do in the Middle East and with partners in Kashmir we also want to pick up the discussion on the nuclear free zones. Many of the ideas are from the outside and less supported from the inside, so there is more to be done to mobilise people in these regions, to widen and strengthen this lobby for and the discussion on nuclear free zones in the Middle East and in Kashmir. That is an important point as well. And even more important is the whole relation between the 'war on terror' and fighting terrorism and the nuclear arms. Because you see how the nuclear arms are being dragged into the 'war on terror'. And that is a huge risk. Chirac was just saying half a year ago that he would not hesitate to use

French nuclear arms, if needed to defeat terrorists. So, that opens a whole new theatre for political manipulation, for military activity, waste of money etc. There is a lot to be done in that respect as well. Also because nobody wants to see terrorists, or states supporting terrorists, gain access to nuclear technology. I would not go as far as to say that all states that have nuclear weapons are rogue states. Perhaps I am too cynical to adopt such a simple approach to the problem, but it is true, of course, that the nuclear weapon states have a huge problem in terms of legitimacy. Because they criticise the others and they are not active themselves to do what they promised to do under the Non-Proliferation Treaty. So these are the things we are going to work on in the coming years.

Kees van den Bosch: Many things you talked about were the ongoing work of the IKV. But will there be a really new campaign?

Dion van den Berg: Two things are needed. One is that you need to build a base in society to have a larger type of activities. You cannot organize a mass demonstration within half a year if you don't have years of education, advocacy, sectors like the physicians and medical doctors getting involved etc. You need a much longer term approach to be able to have larger scale type of activities such as demonstrations. That has to be done. Mayor Akiba explicitly mentioned also the importance of the Culture of Peace to really work with young people, to get involved in peace studies etc. This is extremely vital and we still have a long way to go. The other thing is how to translate a will in society to promote peace into effective political lobbying? That is quite a difficult question. Of course you can say what has to be changed, but then the question is how to change it! And where to find an entrance in the dynamics that are running the game? If you see how difficult it is to have a discussion within NATO on nuclear issues anyway, how do you find a way in society? It is okay to climb fences. I'm not against this, but there is also the question where you get access to the place where people take decisions and how you really change their policies.

Mr. Gerard de Groot

Kees van den Bosch: You are a local peace activist in The Hague. What does it mean to be an IKV group in The Hague and what are you doing?

Gerard de Groot: I am chair of one of the groups founded by the IKV in The Netherlands and we have a narrow cooperation with the IKV central committee. The group is part of the Hague Community of Churches and is also a working group, a committee of community from Oecumenical Churches. We are working with the WCRP, the World Conference on Religion and Peace. We say we have to be more active

than we were in the last years, so as to make people aware of the nuclear threat all over the world and in our own country.

Kees van den Bosch: Are you a new group?

Gerard de Groot: No, we are not a new group and have worked together for a long time with other peace groups, like The Hague Peace Platform.

Kees van den Bosch: Were you active in the eighties also?

Gerard de Groot: Yes.

Kees van den Bosch: Do you feel that there is something like a change?

Gerard de Groot:

Yes, I think that the time is coming, has come, to take new initiatives. I agree with Dion that the time has changed. We have to mobilize the people of the churches, the religions and all kinds of other people who want to work for peace. I think that there must be a movement to make people active and we want to gather signatures for an action that we are starting today under the declaration: 'Say no to the ongoing nuclear arms race!' That is the reason we asked to be presented here today. We support with all our heart the Mayors for Peace: everything they talk about and the actions they develop. From this moment on, the 5th of July 2006, the Hague International Peace Work, the Inter Church Peace Work, The Hague Religion & Peace, The Hague Community of Churches, The Hague Council for outlook on Life and Religions, the Mennonites and Remonstrant Working Community on Global Civil Society supported by the IKV, support Mayors for Peace. All of us together will start our national signature campaign, under the slogan 'say no to the ongoing nuclear arms race!' If I may I would like to present to Mr. Akiba a circular letter with the first five signatures. We hope that by the end of September 2006 we will have thousands of signatures under the declaration in this short letter. Thank you!

Joris Thijssen, Greenpeace Netherlands

Campaigner against nuclear weapons and nuclear energy.

Kees van den Bosch: You are going to sign this resolution?

Joris Thijssen: Sure!

Kees van den Bosch: The reason we invited you is because Greenpeace is an organisation which is not only against nuclear arms, but also against nuclear energy. Why do you bring these points together?

Joris Thijssen: Because for nuclear power, you need nuclear technology. For nuclear power you need uranium as a fuel for the nuclear reactors. Inside the nuclear reactor plutonium is formed. If you look at nuclear weapons you need almost the same technology. You need uranium and plutonium as a fuel for the atomic bomb. Therefore both technologies are linked with each other.

Let me give you one example happening now, in Iran. Under the NPT Iran wants to build a nuclear reactor. They have a right to do so, because they want nuclear power for their people. However, there are lots of countries in the world, the European Union, the US and others which distrust Iran. They think that once they have the nuclear power plants, the technology, the uranium and plutonium, they will use it to build a bomb. So, this example makes it clear to Greenpeace that you should say no to nuclear weapons and you should also say no to nuclear power.

Kees van den Bosch: Maybe this is a good question for Mr. Akiba: Japan has nuclear power. For Japan nuclear power is rather important. What do you think about the Greenpeace statement that nuclear power and nuclear weapons are connected?

Mr. Akiba: Technically nuclear weapons and nuclear power generation are certainly connected. The description of Mr. Thijssen is correct. But when we started this campaign of eliminating nuclear weapons by 2020 we wanted to take advantage of the existing framework in which more mayors and more people could actually participate and take an active and constructive role within that framework. That framework was the Non-Proliferation Treaty (NPT), which has three pillars:

1. That nuclear-weapon states make a good faith effort towards nuclear disarmament.
2. The non-nuclear-weapon states will not acquire nuclear weapons, that is, non-proliferation
3. Non-nuclear-weapon states will be provided with the peaceful use of nuclear energy.

As mayors, our means are limited. From a practical point of view we wanted more people to work within the UN framework. Furthermore it was the time when the NPT regime was on the brink of collapse. Our thinking is that we should try to save the NPT regime, although it is imperfect. We should also try to gain more co-operation from a broader range of people so that the nuclear disarmament part, which has only been given lip service within the NPT regime, will be strengthened. In that way the nuclear disarmament part will at least have the attention of more citizens in the world and more governments, so that we could accomplish that part. That was more or less our thinking. It is another choice certainly if you criticize the NPT and say we are not going to work within the NPT regime because it is imperfect. But then we will be faced with the question: in what fra-

mework are we going to work? How are we going to make another framework, within the United Nations system and in international politics to create something which does not exist?

That aim of creating something that is better than the NPT at this point from scratch, that is certainly beyond us. That is more or less the practical sort of thinking that went on. But it does not mean that we have abandoned thinking about studying further to improve the framework and improve the practical means, by which we try to accomplish all the goals.

Final word by Mr. Aaron Tovish, campaign

manager of the Mayors for Peace campaign: It is up to me to thank a lot of people. Not just our leader in this meeting but also others. As you came into this meeting today, I hope you came through the front door and that you had a chance to see the International Wall, the wall to protect international law. That Wall has been set up not only outside City hall, but also outside the Peace Palace. It has been constructed by people around the world, but brought here by the people who originated that project. And I think that they deserve a round of applause for having done an incredible amount of work very successfully. But they could not have brought it here without the help of The Hague Peace Platform. So, I want to make sure to thank them for their efforts! Then, of course, I probably don't need to say this, because you all are aware of it already. But in each of the cities and countries we were visiting, the value of our time spent here, and mayors that have come from long distances to be part of this delegation, has been ensured by one or two absolutely key coordinators. Karel Koster, Herman Spanjaard, Hans van Iterson and others in the peace movement made these one-and-a-half days rich and of value for all the mayors and I hope for all of you as well. There is one mayor who was able to join us only for this day. I would like to give him a chance to speak to you for a few minutes. He has some very important information which Mayor Akiba alluded to but which I think you should hear from the original source.

Mayor Thomas O'Grady, North Olmsted,

Ohio USA: My fellow mayors, distinguished members of this delegation and this panel and the good citizens of this community. It is my great pleasure to be with you today. I am honoured to be a citizen of a great republic, the United States of America. I am further honoured to be the elected leader of the city of North Olmsted in the state of Ohio. The connection to the Mayors for Peace was my role as a member of the standing committee on international affairs with the US Conference of Mayors. As a member of that committee I co-sponsored with three other mayors a resolution, resolution 62 (see appendix - editor), which is the resolution that Mayor Akiba referred to earlier today. A resolution calling on select cities to end the practice of targeting population cen-

tres with nuclear weapons. I am proud of that resolution but I know that it does not go far enough. It is my intention at the next gathering of the US Conference of Mayors to introduce an additional resolution. One that calls upon all nations and all powers to end the practice of targeting cities and population centres with all weapons of mass destruction, whether they are nuclear, biological or chemical. There are truths that are the very foundation of the US government, truths that we hold to be self-evident. The belief that all people were created equal; that they were given by their creator certain rights that cannot be taken away from them. The rights to life, liberty and the pursuit of happiness. I would further offer that the threat of nuclear weapons is inconsistent with those natural rights that belong to all people and in fact all living beings. Therefore I am very proud to be here, to be a member with so many of my fellow mayors of the Mayors for Peace organisation and to call publicly for an end to the practice of targeting population centres with these types of weapons. Thank you.

Aaron Tovish: The Good Faith challenge that was launched in the Peace Palace this morning is meant to provide a means of unifying the opposition to actions that might be taken at a local level or the national level or the international level that make it hard or interfere with the possibility of achieving a nuclear-weapon free world and in support of actions that further that goal. All of your activities - think about them in terms of how they are helping to create a culture of peace and a practice of 'good faith'.

Mayors for Peace wants to establish a means by which we can in a sense certify or give you a Good Faith challenge seal of approval. So if a mayor visits our website or gets in touch with us we can say: these are the campaigns in your area that deserve the support of mayors. If you get that seal of approval you can go to mayors and say: this is the kind of campaign that Mayors for Peace thinks it is appropriate for mayors to get involved in - how about it? So we need both leadership from mayors but also sometimes a gentle push in the right direction from the citizens. We want you to be thinking in terms of the added value to your efforts. When I use the word mayors I know it means something different in different countries because of slight differences in political systems. What we mean are the people who live, and work and provide the social cohesion because they represent the people of their community. In some cities it's a governor, in other cities it's the lead councilman. It varies from country to country. The challenge is pointing to them and saying: 'You have a role to play and you have a role in inspiring your people and a role of speaking to parliamentarians and together with parliamentarians speaking to national governments who together will work and agree and implement and achieve a nuclear weapon-free world within our lifetimes in the foreseeable future and ideally by 2020.'

Thank you

Karel Koster: A final word of thanks for our excellent presenter who has succeeded in tying this afternoon together.

Mayors for peace, The Good Faith Challenge

Ten years ago, the International Court of Justice underscored the universal character of the commitment made in the 1970 Nuclear Non-Proliferation Treaty. The Court found that:

“There exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control”.

To date, the 2020 Vision Campaign has focused on eliciting a substantive multilateral negotiation process leading to a framework agreement on nuclear disarmament and eventually to a full-fledged nuclear weapons convention. At this point, we are encouraged to see that such a process is underway. Key countries are pressing the issue, and a clear supermajority of nations stands behind them. Disarmament negotiations will soon get underway.

The challenge now is ensuring that all nations “pursue in good faith and bring to a conclusion” these negotiations.

How does a nation demonstrate this good faith? Clearly its readiness to commence and engage in multilateral negotiations and its scrupulous implementation of agreed measures are essential. Of equal importance is conscientious avoidance of unilateral actions that would delay or complicate the achievement of nuclear disarmament. Though the 2020 Vision Campaign has thus far focused on international or multilateral aspects of good faith, it would be naive to turn a blind eye to obstructive unilateral attitudes or behavior. The Good Faith Challenge will seek to identify and support the positive while countering the negative actions on a nation-by-nation basis.

The Good Faith Challenge, of course, includes the 2020 Vision as its international objective. All our activities are aimed at achieving a nuclear-weapon-free world by 2020. Therefore, national policies based on long-term reliance on nuclear weapons must be repudiated and reversed. In particular, policies and deployments that threaten to initiate the use of nuclear weapons must be strictly ruled out, and all acquisition programs or strategies that project reliance on nuclear weapon systems beyond 2020 must be set aside.

Better you, nations would renounce the use and acquisition of nuclear weapons completely. If good

faith can be demonstrated nationally on these two points, it will almost certainly be reflected in the international arena as well.

In many nuclear-armed countries or nuclear allies, concerned citizens and civil society organizations are already challenging their government’s nuclear-weapon policies. They have many sound reasons for their opposition, but because of the national focus they may not be effectively raising the argument that these unilateral policies undermine multilateral efforts to achieve nuclear disarmament. The Good Faith Challenge invites all related campaigns to refer to the good-faith requirement, thereby supporting the multilateral process and positioning their national campaign firmly in an international context. This projection of global unity will strengthen both the domestic and the international aspects of the campaign. The Good Faith Challenge belongs to everyone. We hope that every civil society organisation will find a way to utilize the good faith approach to its own benefit. Mayors for Peace will take up the Good Faith Challenge in three specific ways.

First, Mayors for Peace will offer mayors information on relevant civil society activities in their cities and nations, and will facilitate cooperation’s between mayors and community activists. Civil society organizations engaged in activities that can naturally be associated with the Good Faith Challenge are invited to take the initiative in this regard as well. They should bring their efforts to the attention of Mayors for Peace or directly to their mayors. In assisting the collaboration of mayors and civil society, Mayors for Peace can draw on “best practices” in other cities and countries.

Second, Mayors for Peace will tackle a specific aspect of the nuclear threat: only a nuclear weapon can outright “kill” a city. Nuclear weapon policies that hold cities hostage are morally indefensible and an invitation to emulation by terrorists. In the “Cities Are Not Targets” project, mayors will challenge nuclear-armed nations to explicitly renounce and forbid the use of nuclear weapons against cities. Please see the separate description of the “Cities Are Not Targets” project for more details. Mayors for Peace welcomes the support of civil society in this campaign. Wherever appropriate, this campaign should be linked to an unequivocal demand that all governments adopt, at the very least, a no-first-use policy. (*A separate description of this project is available upon request.*)

Third, Mayors for Peace will continue to lobby for multilateral diplomatic efforts on nuclear disarmament. Cities will only be truly freed from the nuclear threat when there are no more weapons and all fissile materials are under strict control. The abject failure of the Nuclear Non-Proliferation Treaty Review Conference and related efforts in 2005 has forced diplomats to come up with new, creative approaches to nuclear disarmament talks. Regular information on the state of play in the international arena will be made available to mayors and concerned citizens.

When opportunities present themselves for mayors to intervene nationally and internationally to good effect, Mayors for Peace will move into action. Such action could take various forms from small mayoral delegations to national capitals to an emphatic pre-

sence at the UN. The next UN opportunity is likely to be the General Assembly meeting in October 2006. Stay tuned.

On the tenth anniversary of the advisory opinion regarding the threat or use of nuclear weapons in July 2006, Mayors for Peace will return to the seat of the International Court of Justice in The Hague, Netherlands, to publicly launch the Good Faith Challenge. In the meantime, we will be spreading the idea in hopes that the public launch will trigger a surprising number of effective Good Faith Challenges during our official Month of Action from July 8 to August 9 (year?).

For more information on plans and progress, please see our website at: **www.mayorsforpeace.org**

US Mayors Conference

Submitted by:

The Honorable Donald L. Plusquellic

Mayor of Akron

The Honorable Al Larson

Mayor of Schaumburg

The Honorable Jennifer Hosterman

Mayor of Pleasanton

Calling on Russia and China to declare explicitly that U.S. cities are no longer targets for nuclear attack

1. Whereas, during the Cold War many cities in the United States were targeted for attack by the Soviet and Chinese nuclear forces; and

2. Whereas, the strategy of mutually assured destruction envisioned the tit-for-tat slaughter of a large portions of the urban populations of the United States, Russia, and China; and

3. Whereas, the Cold War has been over for fifteen years and our worst fear today is that terrorists will obtain and use a nuclear weapon; and

4. Whereas, the United States now has extensive commercial interaction and cultural exchange with Russia and China; and

5. Whereas, the International Court of Justice found in 1996 the threat or use of nuclear weapons to be generally unlawful under International Humanitarian Law; and

6. Whereas, the U.S. Conference of Mayors started on 28 June 2004, “weapons of mass destruction have no place in a civilized world”, and further called for the commencement of “negotiations on the prohibition and elimination of nuclear weapons and nuclear-weapon-related materials”; and

7. Now, therefore, be it resolved that The U.S. Conference of Mayors seek assurances from the Governments of Russia and of China that they explicitly rule out U.S. cities as targets of nuclear attack; and

8. Be it further resolved that The U.S. Conference of Mayors calls upon the U.S. Government to provide corresponding assurance to Russia and Chinese cities; and

9. Be it further resolved that The U.S. Conference of Mayors express its solidarity with any city seeking such assurance from any nuclear-armed state; and

10. Be it further resolved that The U.S. conference of Mayors opposed the initiation of nuclear warfare under any circumstances and whatever the target; and

11. Be it further resolved that The U.S. Conference of Mayors shall remain engaged in this matter until our cities are no longer under threat of nuclear devastation.

Projected Cost: Unknown

Lezing burgemeester Akiba

Onder alle omstandigheden is het gebruik van kernwapens in de nabijheid van steden een oorlogsmisdaad. Steden zijn per definitie gevuld met burgers, waaronder kinderen en oude van dagen. 'Gij zult geen kinderen doden', elk beschaafd persoon zal deze mening delen. Kernwapens doden niet alleen kinderen met duizenden tegelijk ze zorgen door hun radioactieve straling ook voor geboorteafwijkingen en doodgeborenen. Kernwapens zijn de meest duivelse wapens ooit door de mens bedacht. Elk gebruik van kernwapens waarbij burgers op grote schaal aan de effecten van de ontploffing worden blootgesteld is een oorlogsmisdaad.

Het Internationaal Gerechtshof heeft 10 jaar geleden duidelijk gemaakt dat het dreigen met kernwapengebruik illegaal is. Het maakt niet uit hoe een dergelijke dreiging verpakt of ge(her)formuleerd wordt. Steden zijn géén doelen. Punt uit. We kunnen slechts hopen dat er in de harten van terroristen een grens bestaat aan hun wreedheid, maar van democartische regeringen mogen we dit toch zonder meer verwachten. Ik herhaal: steden zijn geen doelen.

Deze morgen sprak ik in het Vredespaleis. Ik heb die gelegenheid aangegrepen om de tweede fase van de

2020 Vision Campagne van Burgemeesters voor Vrede te introduceren. De eerste fase van de campagne heeft onze 2020 Visie in het internationale /diplomatieke debat over kernwapens geïntroduceerd: het doen herleven van het streven naar een kernwapenvrije wereld, te bereiken in het jaar 2020.

De herzieningsconferentie van het Non-Proliferatie Verdrag in 2005 bood een uitgelezen mogelijkheden hiermee een begin te maken. Maar helaas ontbrak bij sommige deelnemers 'goed onderling vertrouwen'. Daarom noemen wij de tweede fase van de 2020 Vison Campagne de 'Good faith Challenge'. We vragen aan iedereen om te onderhandelen in goed onderling vertrouwen. Daarvoor is ten eerste nodig dat alle obstructies in de diplomatieke arena die de onderhandelingen belemmeren, worden weggenomen. Het is alleen zinvol om te onderhandelen in de geest van compromis en respect. Overeengekomen maatregelen moeten snel en adequaat worden uitgevoerd. Het is ironisch dat de eerste overeengekomen afspraken over kernwapens, die in het 'Kernstopverdrag', nog steeds niet van kracht zijn. Jullie regering heeft het verdrag getekend en geratificeerd. Helaas is de eerste staat die het verdrag ondertekende niet van plan het te ratificeren waardoor het verdrag



niet in werking kan treden. Het gaat hier om de Verenigde Staten die in slecht vertrouwen handelt. De Verenigde Staten is niet de enige overtreder, maar wel de grootste.

Ten tweede is het scheppen van goed vertrouwen alleen mogelijk als kernwapenstaten niet langer steunen op kernwapens voor hun veiligheid. Men moet stoppen met het ontwikkelen van nieuwe kernwapensystemen, dreigen met kernwapengebruik is uit den boze. Later dit jaar zal er een NAVO-top worden gehouden. Morgen zal ik het NAVO-hoofdkwartier in Brussel bezoeken en hen vragen te streven naar een kernwapenvrij Europa in 2020. Het eerste punt dat op de agenda zou moeten staan is het terugzenden van alle buitenlandse kernwapens op hun grondgebied naar het land van herkomst.

Vandaag wil ik hier officieel de start geven van het 'Cities are not targets project' van de 2020 Vision campagne. De komende jaren zal Burgemeesters voor Vrede lokale, nationale en internationale activiteiten coördineren die gebruik van kernwapens door alle kernwapenstaten, in de nabijheid van steden onmogelijk maken. Maak niet de fout om het gebruik van kernwapens buiten de gevarenzone voor steden wel te rechtvaardigen. Wij realiseren ons maar al te goed dat elk gebruik van kernwapens de drempel voor het gebruik tegen steden verlaagd.

De US Conference of Majors heeft het goede voorbeeld gegeven door een resolutie aan te nemen die

het 'Cities-are-not-targets' principe bevat. Wij moeten burgemeesters in andere landen aan gelijkwaardige resoluties aan te nemen. Op internationaal vlak zijn wij bereid om naar de Verenigde Naties te gaan en zo nodig naar het Internationaal Gerechtshof te stappen. We zullen niet rusten voordat men zal accepteren dat het gebruiken van kernwapens tegen steden verwerpelijk is. Steden verzetten zich tegen MAD (Mutual Assured Destruction). Deze MADness moet stoppen. We zullen niet rusten voordat alle kernwapens zijn verdwenen.

Een grote democratische uitdaging ligt voor ons. Als de meerderheid van burgers vragen om verandering dan zullen regeringen luisteren. Hoe zullen ze reageren? 'Jammer maar er zal niets gaan veranderen'? Of zullen ze toegeven dat hun politiek wordt afgewezen en dat een andere koers noodzakelijk is? Jullie betrokkenheid hierbij is van doorslaggevend belang. Samen kunnen we overwinnen.

Vrienden, woorden als steden, burgers, beschaving ze hebben dezelfde grondslagen. Met jullie toestemming introduceer ik een nieuw woord 'civicide'. Civicide is het vermoorden van een stad en van de beschaving zelve. Kernwapens zijn wapens die ontworpen zijn met slechts 'civicide' als doel. Laten we de uitdaging aangaan en civicide voorkomen door de middelen te vernietigen die het kunnen veroorzaken. Massavernietigingswapens hebben geen plek in een beschaafde wereld.

Please tell the nuclear powers that Cities Are Not Targets!

Mayors for Peace calls cities together to build a nuclear-weapon-free world

2006 Hiroshima Peace Culture Foundation

Since our experience of the atomic bombing 62 years ago, Hiroshima has continually called for the abolition of nuclear weapons and realization of lasting world peace. Despite our efforts, many areas around the world remain trapped in chains of hatred, violence and retaliation, our planet still bristles with vast arsenals of nuclear weapons, and the probability that such weapons will be used is increasing.

In response to this crisis, Mayors for Peace, an NGO over which we preside that now has 1,578 member cities in 120 countries and regions, is conducting an emergency campaign to eliminate all nuclear weapons by 2020 globally. This is our 2020 Vision Campaign.

The year 2006 was the 10th anniversary of the International Court of Justice advisory opinion that, 'The threat or use of nuclear weapons would generally be contrary to the rules of international law applicable in armed conflict, and in particular the principles and rules of humanitarian law. Mayors for Peace marked this landmark finding by launching Phase II of our 2020 Vision Campaign. The centerpiece of this phase is the Good Faith Challenge, a program for demanding that all governments abide by the other ICJ finding that, 'There exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control'.

As a further contribution by cities, we have also initiated a Cities Are Not Targets (CANT) project to demand assurances from nuclear weapon states that no cities are targeted for nuclear attack.

Please support the Cities Are Not Targets project

Nuclear weapons are illegal, immoral devices designed to obliterate entire cities. Despite the end of the Cold War, the danger of nuclear weapons remains virtually unchanged. We still have thousands of nuclear warheads deployed and ready to fire on warning. At the push of a button, nuclear-tipped missiles can be on their way to a target city. If such an event were to take place, some city, home to children and hundreds of thousands of innocent noncombatants, would suffer utter devastation.

The Mayors for Peace project is designed to lift the voices of cities and citizens to say, 'No! You may not target cities. You may not target children.' Through these activities, we intend to bring to the attention of mayors, citizens and national leaders the fact that cities are, in fact, still being targeted for annihilation and the International Court of Justice has found this threat itself to be a war crime. Furthermore, we hope this project will intensify our demand that the nuclear-weapon states fulfill their promise to 'negotiate in good faith' to abolish all nuclear weapons. The goal of this project is not a shifting of nuclear weapons away from cities but their total elimination. And, when we speak here of 'cities', we refer not to a municipal entity of a certain size but to any area in which children and non-combatants are living routine daily lives.

Please participate in the petition drive associated with this project. Mayors for Peace will deliver your message to the nuclear-weapon states and to the United Nations. Let all peoples around the world come together and bequeath to our children a genuinely peaceful world free from nuclear weapons!

*To express your support for our CANT project,
please print the petition, sign it, and send it back
to us by post or fax. Your name, address and other
personal information provided will not be used for
any other purpose.*

Please ...



support this petition

Address

Mayors for Peace Secretariat

c/o Hiroshima Peace Culture Foundation

1-5, Nakajima-cho, Naka-ku, Hiroshima 730-0811, Japan

Tel: +81-82-242-7821

Fax: +81-82-242-7452

Email: mayorcon@pcf.city.hiroshima.jp

We need to ask you to bear the postage or fax charges, thank you.

Cities Are Not Targets (CANT) project

Petition Form

Petition for the Non-Targeting of Cities and the Abolition of Nuclear Weapons

We, the undersigned, make the following demands on the leaders of all nuclear-weapon states.

- ✧ Do not target with nuclear weapons the cities in which we live!
- ✧ Do not target any cities, towns or villages anywhere in the world inhabited by innocent children!
- ✧ To give all children a peaceful future, please engage constructively in good-faith negotiations to abolish all nuclear weapons!
- ✧ Do not, even in war, attack cities or non-combatants!

No.	NAME	ADDRESS
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* The personal information you provide here will not be disclosed to any third party or used for any purpose other than for the stated purpose of the petition unless required by law.

Lid van Burgemeesters voor Vrede

Ameland	Albert de Hoop	(D66)
Amsterdam	Job Cohen	(PvdA)
Arnhem	Pauline Krikke	(VVD)
Apeldoorn	Mr.J.J.de Graaf	(VVD)
Assen	D. van As-Kleijwegt	(PvdA)
Beek	Drs. A.M.J.Cremers	(D66)
Lansingerland	Bas Eenhoorn	(VVD)
Den Haag	Wim Deetman	(CDA)
Groningen	Jacques Wallage	(PvdA)
Harenkarspel	E.J. Brommet	(PvdA)
Leusden	drs. C.J.G.M. de Vet	(CDA)
Middelburg	Koos Schouwenaar	(VVD)
Nieuwegein	Cor de Vos	(PvdA)
Oostzaan	P.J.Möhlmann	(PvdA)
Purmerend	L. Verbeek	(PvdA)
Rotterdam	Ivo Opstelten	(VVD)
Schinnen	B.H.M. Link	(CDA)
Tilburg	Ruud Vreeman	(PvdA)
Utrecht	Annie Brouwer-Korf	(PvdA)
Waalwijk	Jan de Geus	(CDA)
Wormerland	Peter Tange	(GL)



Onder toezien oog van burgemeester Akiba ondertekent burgemeester van Haersma Buma, Leidschendam-Voorburg, de verklaring.



Burgemeester Wallage, Groningen



Burgemeester Gerritsen, Zutphen



Burgemeester van Vliet-Kuiper, Amersfoort



Burgemeester Brouwer, Utrecht



Burgemeester Deetman, Den Haag



Burgemeester Möhlmann, Oostzaan

Nederlandse burgemeesters ondertekenen de noodcampagne.