

FREEDOM FROM NUCLEAR WEAPONS

The conference, Freedom from Nuclear Weapons through Legal Accountability and Good Faith, was held in the European Parliament, Brussels on 6-7 July 2006. It was sponsored by Caroline Lucas MEP and Gisela Kallenbach MEP on behalf of the Green/European Free Alliance (EFA) Group in the European Parliament. The international audience filled the 120 capacity conference room and was welcomed by Ernst Guelcher, worker with the Green/EFA Group.

Rae Street, CND, and Dr. Ronald McCoy, President of International Physicians for the Prevention of Nuclear War (IPPNW), chaired the first day. The first speaker was Christopher Weeramantry, former International Court of Justice (ICJ) judge, who was absolutely convincing when he gave his opinion that the issues posed by Trident go far beyond the confines of formal law. Equally, Dr. Victor Sidel, (IPPNW) outlined vividly how one single nuclear detonation would prove far beyond the capabilities of any health service to deal with.

Following speakers emphasised that the law is for people and not an end in itself. Nuclear weapons are inherently indiscriminate causing superfluous injury and unnecessary suffering. Their effects are unpredictable due to the incalculable behaviour of secondary radiation, and therefore they are illegal.

Commander Robert Green, retired Royal Navy officer whom I had met many years before at Menwith Hill Peace Camp, examined the linked concepts of self defence, nuclear policy, threat and deterrence. He argued forcefully that the policy of deterrence is unsustainable, and Peter Weiss, interestingly an original member of PUGWASH, made the point that because the threat or use of nuclear weapons must comply with International Human Law in all circumstances, it is inconceivable that they could ever be used lawfully even in self defence.

Finally that day, speakers outlined the concept of 'good faith' which has a precise legal meaning defined by the ICJ. All sides must have a genuine desire to reach a conclusion, and a willingness to re-examine seemingly intractable positions. Countries which intend to keep their nuclear weapons are not acting in 'good faith'. The Blix report highlights this. It was said that the US in particular has become "*arrogant, unbelievably militaristic and unilateral.*" – does this also apply to Tony Blair?

The second day opened with an appraisal of the development of the World Court Project started in New Zealand in 1996 in response to the delivery of the ICJ Advisory Opinion. It is important because this was the first time a **citizens'** initiative of this sort had been achieved. Dr. Kate Dewes described the struggle to find support from civil society and sympathetic states in the UN. She outlined the dangers of flying in the face of outright opposition and attempted sabotage from the nuclear states of which Britain of course is one.

Then followed the session on experiences in domestic courts. Phil Shiner, of Peace Rights, thought that we could no longer go on relying on the defence of necessity which had not fared well in litigation. We need a more nuanced approach based on human rights law. We should try and undermine UK and US false legitimacy.

The next speakers were understandably upbeat. They told us of a member of the German Army who has successfully claimed a conscientious objection defence after refusing to take part in the invasion of Iraq – in marked contrast to the case of Dr. Malcolm Kendall-Smith in the UK. This was followed by more good news, this time from Italy. A unique initiative is developing there arising from US nuclear armed aircraft based in Aviano in northern Italy. Five lawyers from Ilana, Italy, have filed a lawsuit in a civil court against the US government, in the person of Donald Rumsfeld, Defence Secretary. They are asking for the US in 'good faith' to reach complete nuclear disarmament and if they do not, then that is a clear signal that they do intend to use the weapons, which means that Aviano will become a terrorist target. There is already a risk of pollution and a risk to health. They have also called in the matter of compensation to people and to property through their domestic law. The people want the courts to tell the US to go, and for all nuclear weapons to be banned from Italy.

A general discussion then took place on the proposed return to the ICJ for an updated advisory opinion. It was thought that rather than risk any sort of fudge by the ICJ, further soundings should be made with sympathetic states.

The Mayor of Hiroshima was welcomed in the afternoon. He has launched an Emergency Campaign to ban nuclear weapons, and in 2006 Mayors for Peace are working on the 'good faith' challenge which underlines the pledges made by nuclear weapons states to achieve nuclear disarmament. Cities must never be nuclear targets. There must never be another Hiroshima. I spoke briefly with him and touched on the uphill struggle it is in Chester to find a commitment to Mayors for Peace even though the council affiliated two years ago. I promised him I would keep trying.

The last three speakers outlined their work through direct action. One of these, Angie Zelter, described the Trident Ploughshares campaign and the new initiative starting 1st October this year – Faslane 365 – when it is hoped to blockade the Trident nuclear submarine base in Scotland every day for a whole year.

The conference ended with an urgent call to action from Cora Weiss, USA, President of the International Peace Bureau. I came away knowing how vital it is that we as citizens must be directly involved in upholding international, humanitarian law. We cannot put our trust in politicians, national or local. The decision to replace the manifestly illegal Trident, at a cost to the people of £25-42 billion, is just one example of their total disregard for our welfare.

Useful links

The full conference report can be downloaded from: <http://abolition2000europe.org/>.

The author of this article, Joan Meredith, is a member of Trident Ploughshares. The TP web site can be found at: www.tridentploughshares.org.

SOCPA IN TROUBLE

SOCPA is the Serious Organised Crime and Police Act 2005, specifically designed (but so far failing) to get rid of Brian Haw and to suppress visible opposition to Blair and his policies. Under SOCPA, any demonstrations or protests within a 'designated area' around Parliament and Whitehall must be authorised by the police. SOCPA *"is also part of a pattern of criminalisation of free speech, dissent and protest. As a new law, hastily written, it has faced difficulties and challenges. In response to these, and as part of the bigger pattern of repression, the police, and especially [those from] Charing Cross, have resorted to underhand, even criminal actions to frighten and dissuade peaceful citizens from exercising their rights and duties."* (Rikki, on www.indymedia.org.uk).

On 11th September Barbara Tucker, whose bright pink banners denounce Blair's genocide and call for an end to the murder of children in Iraq, Afghanistan, Lebanon and Palestine, went to court to appeal against bail conditions attached to a SOCPA charge. Barbara notified the police months ago about her continuing demonstrations outside Downing Street, but they have unlawfully refused to authorise these, instead preferring to repeatedly harass, arrest and sometimes assault her.

Recent bail conditions banned Barbara and her banner from Parliament Square and Downing Street, with a threat of imprisonment if she failed to comply. Asked why she had set conditions which would result in imprisonment for an offence which is only punishable by a fine under SOCPA, the judge said *"Because I can"*, and went on to say that the ruling was to prevent a public order offence from taking place, an improbable excuse given that Barbara had never been reported for or charged with any public order offences, although the police have now rectified that (see below).



Not-so-Superintendent Terry. If you're planning to visit Parliament Square or Downing Street, it might be useful to know what he looks like.

On 13th September, Brian Haw was in court for failing to comply with SOCPA conditions last May, prior to the police theft of most of his display. However, instead of the case against him being heard, Brian won the right to a judicial hearing over police conduct towards him, placing Superintendent Terry (pictured) in the dock. Brian's case has been adjourned pending this review. This judicial hearing will challenge police interpretation

of SOCPA provisions and the appalling police behaviour towards Brian will be under very public scrutiny, as it should be. Updates will be posted on the Parliament Square web site and on Indymedia.

On 14th September, Terry was on trial again, when Barbara had an 'abuse of process' hearing over her summons for an alleged 'unauthorised' demonstration on March 26th. The judge dismissed the charge of unauthorised demonstration as 'void ab initio', which means it was an invalid case from the outset and should never have been brought. Superintendent Terry wanted Barbara's bail conditions (described above and relating to another SOCPA charge) extended, arguing that at present they were too ambiguous. The judge agreed that they were indeed ambiguous but instead of going along with Terry's request, she ordered them to be lifted, so that Barbara is now on unconditional bail without the threat of imprisonment. However, the very next week Barbara was arrested again, this time on a spurious charge under the Public Order Act after swearing at machine-gun wielding 'diplomatic (obviously not very!) protection officers' and officers from Charing Cross Police Station who were harassing her outside Downing Street.

Earlier in the summer, I spent a couple of nights in Parliament Square at Brian Haw's demonstration. All credit to Brian and his supporters for sticking it out for so long in such an inhospitable environment. Quite apart from the direct police harassment Brian has been subjected to, traffic hurtles round the square all day and for much of the night, with police cars particularly keen to keep their sirens blaring as they come over Westminster Bridge and along all four sides of the square before heading up Whitehall. All this, along with Big Ben marking every quarter hour and drunks ripping off our tarpaulin in the middle of the night, made it virtually impossible for us to sleep, although Brian and his regular supporters say you get used to it. We spent just two days and nights at the protest, a minor effort given that Brian has been in Parliament Square for over five years, but we hope to return in the coming weeks and months.

Brian's protest is a constant reminder to the government of the disastrous results of its foreign policies on ordinary people. The effectiveness of the protest is demonstrated by the lengths to which the authorities have gone to try and remove it. Since SOCPA was enacted, the protest has a second angle - defending the right of everyone to protest peacefully in a so-called democracy. The results of these SOCPA challenges, along with those of Maya Evans and Milan Rai described on page 3, are important and worth following.

I plan to spend a day or two at Brian Haw's protest in the last week of October prior to the Parliament Square Peace Camp. Please contact WPJF if you'd like to come along.

Useful links

www.indymedia.org.uk

www.parliament-square.org.uk

www.cacc.org.uk