



# LAWYERS FOR SOCIAL RESPONSIBILITY THE | NEWSLETTER

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SUMMER, 1997

## The Chemical Weapons Convention Enters Into Force

THE CAMPAIGN FOR NUCLEAR DISARMAMENT TODAY (28TH April) welcomed the entry into force of the Chemical Weapons Convention and called for an immediate start to negotiations to outlaw nuclear weapons.

The Chemical Weapons Convention includes several historic precedents:

(a) It is the first international agreement to outlaw an entire class of weapons of mass destruction.

(b) It is the first time that an international verification system has been agreed for a whole class of weapon of mass destruction and a group (The Organization for the Prohibition of Chemical Weapons) established to ensure compliance.

(c) It is the first time that an international fund has been created to assist poorer countries in implementing an agreement.

“What this historic achievement shows is although weapons of mass destruction cannot be disinvented, if countries co-operate they can be outlawed, said Dave Knight, CND Chair.

He added, “This agreement is fantastic news for groups like CND. For years this question of verification has been a major obstacle in negotiations to ban nuclear weapons...

“The fact is that nuclear weapons are easier to outlaw and verify than chemical weapons, as some of the constituents of chemical weapons have a wide range of day to day uses. In contrast, the unique nature of certain nuclear weapons components makes verification of a Nuclear Weapons Convention that much simpler.”

*For more information contact the CND Press Office on 0171 700 2350.*

## The Chemical Weapons Convention (CWC): A Background Briefing

26 April 1997

Over four years after it was agreed and opened up for signature, the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction – the Chemical Weapons Convention (CWC) – will enter into force on 29 April 1997.

The CWC prohibits all development, production, acquisition, retention, stockpiling, transfer, and use of chemical weapons. It requires that each State Party destroy all chemical weapons and their production facilities, as well as any weapons or facilities they may have abandoned on another nation's territory. Also, state Parties are not allowed to use riot control agents as a method of warfare, to train or prepare for the use of chemical weapons or to assist or encourage anyone else to engage in any of the outlawed activities.

Because chemical weapons are relatively easy to manufacture and are often referred to as “the poor man's nuclear bomb,” the verification regime for the CWC is extensive.

### VERIFICATION:

Routine inspections will be conducted at declared chemical weapon storage, production and destruction facilities, as well as at chemical plants that produce, process or consume chemicals above certain specified thresholds.

Challenge inspections of any site under the control or jurisdiction of any State Party can be requested by any other State Party, in order to clarify and resolve questions of possible non-compliance. No State Party can refuse access to CWC inspectors.

State Parties who fail to comply fully with the CWC will be open to sanctions being imposed upon them. Situations of particular gravity can be referred to the UN General Assembly and the Security Council for action.

### IMPLEMENTATION:

All aspects of the CWC and compliance by State Parties will be implemented by the Organization for the Prohibition

*(see over)*

# CWC

(from previous page)

of Chemical Weapons (OPCW). The OPCW comprises several bodies:

(1) The Conference of the State Parties – the principal organ of the OPCW. They can consider any matter within the scope of the CWC, including the power and functions of the Executive Council and the Technical Secretariat (see below). The Conference will meet annually and will be based upon ‘one member, one vote’. Its main role will be to oversee implementation and review compliance.

(2) The Executive Council – the executive organ of the OPCW. It will meet as often as required. A total of forty-one State Parties will participate, split up between the five regional

groupings of Africa, Asia, Eastern Europe, Latin America and the Caribbean and Western Europe and other states.

(3) The Technical Secretariat – the operational arm of OPCW. It will comprise a Director General and the Inspectors themselves, who will oversee the day-to-day implementation and compliance of the CWC.

Seventy-four countries have so far deposited their instruments of ratification with the United Nations i.e. have now fulfilled all their national and international obligations and are legally bound by the contents of the CWC. Only thirty-one countries have so far failed to sign the CWC.

States that fail to ratify by the 29 April will lose out. They will not be able to participate in the decision making structure. There will be restrictions on the ability to purchase, manufacture and export key chemicals on non-Party States. Their nationals will not be employable as inspectors or for any of the other jobs created by the Convention.

Campaign for Nuclear Disarmament  
162 Holloway Road  
LONDON  
N7 8DQ  
tel: (uk)171 700 2393  
fax: (uk)171 700 2357

Web Site <http://www.cnduk.org/cnd>

## ***Signatories of CWC who have ratified:***

Albania, Algeria, Argentina, Armenia, Australia, Austria, Belarus, Belgium, Bosnia and Herzegovina, Brazil, Bulgaria, Cameroon, Canada, Chile, Cook Islands, Costa Rica, Cote d'Ivoire, Croatia, Czech Republic, Denmark, Ecuador, El Salvador, Ethiopia, Fiji, Finland, France, Georgia, Germany, Greece, Hungary, India, Ireland, Italy, Japan, Lao People's Democratic Republic, Latvia, Lesotho, Luxembourg, Maldives, Mauritius, Mexico, Monaco, Mongolia, Morocco, Namibia, Netherlands, New Zealand, Niger, Norway, Oman, Papua New Guinea, Paraguay, Peru, Phillipines, Poland, Portugal, Republic of Moldova, Romania, Saint Lucia, Saudi Arabia, Seychelles, Slovak Republic, South Africa, Spain, Sri Lanka, Swaziland, Sweden, Switzerland, Tajikistan, Tunisia, Turkmenistan, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Uzbekistan.

CND is part of ABOLITION 2000 –  
A global network to eliminate  
nuclear weapons.



## ***Signatories of CWC who have not yet ratified:***

Afghanistan, Azerbaijan, Bahamas, Bahrain, Bangladesh, Benin, Bolivia, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cape Verde, Central African Republic, Chad, China, Colombia, Comoros, Congo, Cuba, Cyprus, Djibouti, Dominica, Dominican Republic, Equatorial Guinea, Estonia, Gabon, Gambia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Holy See, Honduras, Iceland, Indonesia, Iran, Israel, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Liberia, Lichtenstein, Lithuania, Madagascar, Malawi, Malaysia, Mali, Malta, Marshall Islands, Mauritania, Federated States of Micronesia, Myanmar, Nauru, Nepal, Nicaragua, Nigeria, Pakistan, Panama, Qatar, Republic of Korea, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Samoa, San Marino, Senegal, Sierra Leone, Singapore, Slovenia, Thailand, Togo, Turkey, Uganda, Ukraine, United Arab Emirates, United Republic of Tanzania, Venezuela, Viet Nam, Yemen, Zaire, Zambia, Zimbabwe.

## ***CWC Non-Signatory States***

Andorra, Angola, Antigua & Barbuda, Barbados, Belize, Bhutan, Botswana, Egypt, Eritrea, Iraq, Jamaica, Jordan, Kiribati, Lebanon, Libya, Niue, North Korea, Mozambique, Palau, Sao Tome & Principe, Solomon Islands, Somalia, Sudan, Suriname, Syria, Taiwan, Tonga, Tuvalu, Trinidad & Tobago, Vanuatu

# ***An Analysis of the First Preparatory Committee Meeting for the 2000 Review of the Non-Proliferation Treaty (Part II)***

*Continued from the Spring, 1997 Issue*

New York, April 7-18, 1997

By Douglas Roche, O.C.

Former Canadian Ambassador for Disarmament

5. Canada (in a speech supported, inter alia, by Japan, China, South Africa and New Zealand) spoke against the idea that going to zero nuclear weapons depends on general disarmament first. "We do not accept any explicit or imprecise linkage, or interpretation of Article VI, that nuclear disarmament will be achieved only when general and complete disarmament has been achieved, or when every last bow and arrow or Swiss Army knife is gone."

But this seminal point did not take hold in the Western group. The European Union, as the largest bloc in the Western group, continues to be dominated by the U.K. and France whose status in the U.N. Security Council (and continued veto power) is clearly dependent on their possession of nuclear weapons. On October 30, 1995 (after the NPT Review and Extension Conference), the U.K. and France issued a Joint Statement on Nuclear Cooperation, in which for the first time two nuclear weapon States announced convergence of national deterrence policies. Moreover, France has proposed a policy of "concerted deterrence" between EU member States; the possibility of a European nuclear force raises questions of a breach of Article I of the NPT.

6. The contrast between the positions of the NWS and NAM was also seen in their respective papers. France, on behalf of the NWS, understood the important and tangible progress achieved so far in nuclear disarmament and, repeating the Principles and Objectives of 1995, pledged to continue "systematic and progressive efforts." This statement followed a sentence which said: "It is the responsibility of all States to contribute to the relaxation of international tension and to the strengthening of international peace and security." The NAM paper called for the Conference on Disarmament to give priority to an ad hoc committee "to commence negotiations on a phased programme of nuclear disarmament and for the complete elimination of nuclear weapons within a specified framework of time, including a nuclear weapons convention."

7. The Irish mention of the model Nuclear Weapons Convention referred to a set of documents released on the first day of the PrepComm. In February 1996, the Lawyers' Committee on Nuclear Policy, New York, established a committee of lawyers, academics, scientists, disarmament experts and diplomats to begin the drafting of a model Nuclear Weapons Convention (NWC), which would prohibit the

development, production, testing, stockpiling, transfer, use and threat of use of nuclear weapons and provide for their elimination. The aim of the model NWC is to demonstrate the feasibility of the elimination of nuclear weapons through such an international agreement. It is intended to stimulate negotiations by States on the elimination of nuclear weapons, and to provide guidance and focus for such negotiations. In addition, establishing a framework for the elimination of nuclear weapons, will assist in achieving steps towards that goal.

A large number of citizens' organizations are supportive of, or participating in this effort, including the Abolition 2000 Network, comprised of over 700 organizations worldwide, which calls for the negotiation and conclusion of a Nuclear Weapons Convention by the year 2000.

The documents discuss the rationale for nuclear abolition, the desirability of a comprehensive approach, alternative processes for negotiation of a NWC and the necessity of developing political will for such negotiations. A draft Preamble and an Outline of the draft model NWC are included.

The documents are now circulating informally but have yet to be introduced into any governmental disarmament forum.

8. More than 100 NGOs attended the PrepComm, although they were barred from most of the sessions. Consequently, they spent most of their time in forums organized by the NGO Committee on Disarmament. Abolition 2000 members convened every day at 8:00 a.m. to plan lobbying measures and long-range education campaigns.

On Wednesday morning of the second week, 10 NGOs made presentations at an informal meeting of the NPB PrepComm. The following is a selection of comments:

- **Clayton Rennie**, *Fellowship of Reconciliation*: The maintenance of nuclear weapons in the post-Cold War era is unconscionable and contrary to every moral standard.

- **Zia Mian**, *Sustainable Development Institute*, Pakistan: The challenge and responsibility to begin negotiations on a Nuclear Weapons Convention could be taken up by the NPT PrepComm. Under Article VIII of the NPT, it requires only one party to submit an amendment to the Treaty, and only one third of the parties to support it, for a conference of all the parties to be convened to consider the amendment. This amendment could transform the NPT into a negotiation on a Nuclear Weapons Convention.

- **Peter Weiss**, *Lawyers Committee on Nuclear Policy*: The ICJ President's assessment that nuclear weapons are "the

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# PrepComm

from previous page

ultimate evil” is correct. The NWS siren song of “ultimately” sounds suspiciously like “never.”

• **Johnathan Dean**, *Union of Concerned Scientists*: Continuing pressures for time-based commitments are essential; they keep the urgency of the task and the existence of the unfulfilled commitment before world opinion. In successive PrepComms, the NWS should be asked to describe the specific circumstances under which they will be prepared to carry out their obligation. The answers they present should be discussed and analyzed as to whether they have some substance or are excuses for maintaining the status quo. Where NWS answers are shown to be excuses, they can be refuted and the debate over elimination of nuclear weapons will be simplified. If some of the circumstances that the NWS cite are found to have objective justification – for example, assured transparency, improved peacekeeping capability of the U.N. and of regional security organizations, or improved verification measures – they could become common goals of all NPT member States.

• **Jacqueline Cabasso**, *Western State Legal Foundation*: Each of the NWS has a formidable program to maintain the “safety and reliability” of its nuclear arsenal for the foreseeable future, with or without underground tests. Further, the U.S. and France have publicly proclaimed that their programs are intended to preserve the capability to make militarily significant modifications of existing weapons and design new ones. The U.S. plans to invest \$40 billion over the next ten years in the “Stockpile Stewardship” program, which encompasses dozens of existing and planned high-tech laboratory facilities.

The NPT PrepComm should seek commitments by the nuclear weapons states not to carry out subcritical test explosions, hydrodynamic test explosions, miniature thermonuclear test explosions using inertial confinement

fusion or pulsed power or other technology, or like text explosions, as inconsistent with good faith fulfillment of the Article VI obligation, and contrary to the purposes of the CTBT. We further urge this Committee to seek closure of all nuclear test sites, in consultation with the affected indigenous peoples.

• **Mary Olson**, *Nuclear Information and Resource Service*: When the NPT was negotiated, nuclear power was a new technology, and there was widespread optimism in the possibilities of this largely untried energy source. It was expected to be “clean,” “cheap,” and “safe.” The experience over the following decades has proven otherwise, with nuclear programmes running up enormous debts, ever-accumulating quantities of radioactive waste and a legacy of health and environmental problems. As the “nuclear age” has lengthened, our knowledge of the delayed and serious consequences of some of the problems of the nuclear power technology has grown and it is clear that the risks were gravely underestimated.

Today, an estimated 2 billion people worldwide lack access to modern energy services. The recent report of the United Nations Development Programme (“Energy After Rio”), emphasized the critical importance for people in these countries of attaining both development and environmental goals of increasing investment in developing renewable energy resources and improving the efficiency with which energy is used. The report concluded that “a revival of nuclear power is not a necessary component of the energy supply system in a world where emphasis is given to the efficient use of energy and innovation in energy supply technologies.”

• **George Bunn**, *Lawyers Alliance for World Security*: It has been estimated that at the end of 1996 there were 1300 tonnes of plutonium and 1770 tonnes of highly-enriched uranium in existence. The vast majority of pluto-

nium is in civilian spent fuel, while almost all of the highly enriched uranium is in military stocks in the United States and Russia. Virtually all of this uranium is unsafeguarded while almost one third of all plutonium is under safeguards. World stocks of highly enriched uranium are expected to decline due to the blending down of excess material resulting from disarmament measures in the United States and Russia.

However, the stocks of civil plutonium continue to grow at a rate of about 70 tonnes annually. In the next decade separated civil plutonium stocks are expected to grow from 140 tonnes at the end of 1995 to 250 tonnes due to increased reprocessing, primarily in Europe and Japan. Ten years from now, under existing plans, the separated plutonium inventory will be as high as the current military plutonium stockpiles.

It is important to note that reactor-grade plutonium can be used for nuclear weapons, though it requires more material, greater expertise and the weapons may be less reliable. While there is some debate within the scientific community as to the scale of the proliferation threat posed by such material, there is consensus that this

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Avocats en Faveur d'une  
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5120 Carney Road, N.W.

Calgary, AB, T2L 1G2

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**Burnaby, B.C. (604) 420-3232**

proliferation threat is not zero.

The task of making plutonium inaccessible is of the greatest importance and urgency. However, the solutions of how to achieve this are not clear cut. All possible solutions have technical and political knowledge. There is an urgent need to reduce access to weapons-usable nuclear materials. This may be achieved by unilateral steps or by agreements between states. Measures that could be taken in pursuit of these goals in the near future could include formal statements by States that their production of plutonium and highly enriched uranium has ceased. Transparency in inventories and capacities should be enhanced by publication of detailed balances of plutonium and HEU and this information should be updated regularly.

Complimenting the NGOs at the end of their presentations, Chairman Patokallio said the comments were "valuable, interesting, knowledgeable and passionate." Mexico thanked the NGOs for their "technical, specialized information." The NAM paper said NGOs could make "a positive contribution" to the attainment of NPT objectives.

*Author's Postscript:* The 1997 NPT PrepComm pointed out the nuclear weapons dilemma. The NWS are holding onto nuclear weapons as the currency of power, using as an excuse that world conditions are not stable enough to go to zero. Since the NWS plus Germany are the world's biggest arms merchants, they are directly contributing to the de-stabilization. The leading non-nuclear weapons States, along with the de facto NWS (India, Pakistan, Israel) will not allow this two-class world to continue. Three days after the close of the NPT PrepComm, India warned the U.N.: "The stubborn position of nuclear-weapon States has paralyzed the debate on nuclear disarmament. The window of opportunity opened at the

end of the Cold War is closing."

While the U.S.-Russian reductions lull the media and the public into complacency, the present situation is alarming. The NPT is in jeopardy. Continuing the status quo into the 21st century will lead to proliferation of nuclear weapons. Proliferation will lead to use, either by accident, terrorism or a rogue political decision. Use anywhere would be a human catastrophe, potentially repeating itself to unimaginable proportions. In his *An Agenda for Peace*, former U.N. Secretary-General Boutros Boutros-Ghali emphasized the need for preventive diplomacy to head off security problems. No issue so demands preventive diplomacy today as nuclear weapons. The ICJ, Canberra, the Generals and the Group of 28 nations are right: the NWS must make an unequivocal commitment to move to zero as soon as possible. That would be an exercise in preventive diplomacy.

Far from helping to fulfill the NPT (or even staying in neutral), the Western NWS are actively working to impede discussions and negotiations for the elimination of nuclear weapons. They use every diplomatic trick to stifle discussions and inhibit even those governments that want to move forward. It is not too strong to state that the U.S., the U.K. and France are bullying the non-nuclear weapons States, which are themselves not united and give every appearance of being fearful of the economic consequences of pushing the NWS too hard.

In the governmental discussion in the uni-polar post-Cold War era, there is virtually no significant leadership to move to nuclear zero. A new coalition of like-minded States must be formed that breaks out of the old West-East-NAM ideologies. Canada, Norway, Japan, New Zealand, Ireland, Mexico, Sweden, Egypt and a few others would be prime members of such a coalition. The strongest hope for moving to nuclear zero lies in the NGO commu-

nity which has demonstrated, once again, that it is ahead of governments and possesses the expertise to command respect. Abolition 2000 is beginning to make its mark. This is not a time for NGO disillusionment (let alone passivity) but for aggressive lobbying of governments, and not accepting rebuffs from either politicians or bureaucrats who don't know any better.

The Canadian NGO community in disarmament is stronger than generally recognized. Chairman Bill Graham said the Foreign Affairs and International Trade Committee had received more mail on the government-requested nuclear weapons study than any other subject. He said, "The Canadian public is very interested in the issue of nuclear disarmament." The Project Ploughshares-sponsored Roundtables in 18 cities in Canada showed that people to express concern – after the issue, ignored by the media, is explained to them.

As Canada tries to figure out what to do before the second NPT PrepComm in 1998, Canadian NGOs should write to Prime Minister Jean Chrétien and Foreign Affairs Minister Lloyd Axworthy, making at least these points:

1. Why is Canada not demanding that NATO review its nuclear weapons policy in the light of the ICJ, the highest legal authority in the world?
2. Why is Canada not implementing the ICJ decision by voting at the U.N. for negotiations to begin on a Nuclear Weapons Convention?
3. Has the Canadian government examined the model Nuclear Weapons convention and, if so, what precisely is in it that Canada objects to?
4. Could Canadian diplomats actively work with their counterparts in like-minded countries to move the international community forward to nuclear zero?

# ***Legal Campaign of Civil Disobedience to Uphold International Court of Justice Ruling on Nuclear Weapons Gaining Support Around the Globe***

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GENT, 15 MAY 1997 - FOR MOTHER EARTH INTERNATIONAL, a peace and ecological network based in Belgium, is coordinating a new international legal campaign of civil disobedience to uphold international law on nuclear weapons.

The first non-violent actions started July 8 on the first anniversary of the historic decision by the UN International Court of Justice (ICJ) on how international law applies to nuclear weapons. The ICJ, asked for an Advisory Opinion by the United Nations General Assembly, decided that "the threat with or use of nuclear weapons is generally contrary to the rules of international law" and could find no circumstance in which they could lawfully be used.

The campaign is planned by a fast growing international network of NGO's, lawyers and non-violent grass-root activists. The campaign titled 'Nuclear Weapons Abolition Days 1997' makes successful use of the Internet to plan and strategize a campaign of non-violent civil resistance following the historic ruling of the International Court of Justice on the illegality of nuclear weapons.

A first series of non-violent direct actions of civil disobedience is announced for the upcoming NATO Summit in Madrid and for the 52nd commemoration of Hiroshima and Nagasaki if the Nuclear Weapons States don't comply with international law.

All of the NATO leaders meeting

in Madrid for the NATO Summit will receive a summons from a Spanish bailiff. If NATO, after one year, gives no indication of complying with the ICJ Advisory Opinion, non-violent direct actions will commence in Madrid to remind the NATO leaders of their obligations under international law.

From August 1 to 11, 1997, there will be an international peace camp with non-violent direct action training and work-shops near NATO HQ in Belgium.

On August 6th, on the 52nd anniversary of the bombing of Hiroshima, there will be a non-violent direct action at NATO HQ in Brussels to condemn the nuclear policy of NATO which is in violation of the spirit of the nuclear Non-Proliferation Treaty (Art I & II) as well as with international humanitarian law (for example NATO's first use policy).

On Saturday August 9th, the anniversary of Nagasaki, grass-roots peace and ecological groups are organizing non-violent direct actions (NVDA) at different nuclear 'sites of crime' around the globe, e.g., nuclear weapon laboratories and depots. Up to today (15 May) activists are already planning four different non-violent direct actions in Belgium, Fiji Islands, France, Germany, Netherlands, Scotland and USA.

The activists are cooperating actively with members of the International Association of Lawyers

Against Nuclear Arms, the World Court Project and other members of Abolition 2000, the growing global network of over 720 NGO's which are working towards a Nuclear Weapons Convention to prohibit testing, manufacturing and stockpiling of nuclear weapons. This aim is supported by most governments, the public and the International Court of Justice which stated on July 8th 1996 that "there exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament," referring to Article 6 of the Nuclear

## **Non-Proliferation Treaty (NPT)**

Last April 7th the Lawyers Committee on Nuclear Policy presented a model Nuclear Weapons Convention to UN delegates during the nuclear Non Proliferation Treaty PrepCom at the United Nations in New York.

"With this new campaign to uphold international law by civil resistance, we want to put further pressure on the politicians of NATO members to start immediate multilateral negotiations for a Nuclear Weapons Convention," states Pol D'Huyvetter, campaigner at For Mother Earth International in Belgium, and initiator of this campaign.

George Farebrother, Secretary of the World Court Project UK stated, "As citizens of a planet which already suffered irreparable damage from the illegal threat and use of nuclear

weapons, and acting in accordance with our obligation under the Nuremberg Principles to uphold the law, have to take immediate action to review NATO's illegal nuclear policy. As the Nuremberg Principles were confirmed by the World Court, we have and shall use all means in our power, including taking part in, advocating individual and mass participation to organize for direct non-violent resistance, to intervene against all preparations for nuclear war at the places where they are carried out."

Pol D'Huyvetter also said that "The upcoming actions of non-violent civil defence are not only a means, they are also an aim. They are an example of active non-violent conflict resolution, of civilian defence, which we put forward as an alternative to military defence and doctrine. The latest example was practiced successfully in Gorleben last February when thousands of citizens blocked a rad-waste transport to protest against the nuclear policy of the German government. We have to remind the politicians that we want to free the world of the madness of wars and the money which dominates everything. Let the people work together towards more democracy and solidarity, and move into the new millennium with a Convention to free the world of nuclear weapons."

For more information/donations/registrations :

Contact : For Mother Earth  
International  
Lange Steenstraat 16/D, 9000  
Gent, Belgium  
Phone/fax +32-9-233 84 39  
Fax +32-9-233 73 02  
E-mail: int@fme.knooppunt.be  
Web Site:  
<http://www.knooppunt.be/~fme>  
Postal account : 000-1618561-19

## **Arrests Follow Opposition of Sanctions Against Iraq**

On Tuesday, June 10, people in over 25 U.S. and foreign cities demonstrated their opposition to economic sanctions against Iraq. Over one million Iraqis have died as a result of the U.S. bombing and the sanctions. According to members of the Chicago-based organization "Voices in the Wilderness," who traveled to Iraq in open defiance of UN and US sanctions and delivered medicine to suffering children, the infrastructure is still in ruins and crucial food and medicine is either not allowed in, or there is not enough money to pay for it. The mortality rate for children under five has gone from 540 per month before the sanctions to the rate of 5,600 per month.

In Washington, DC, U.S. Park Police arrested six people while they knelt in front of the White House. Approximately 20 children and adults held up pictures of sick Iraqi children, read scripture passages and told passers-by about conditions in Iraq under sanctions. Christian Peacemaker Team members created a small altar with flowers and a candle in front of the White House. As the group of six knelt and sang, US Park Police closed off the area and arrested them. They were held for five hours before being cited and released.

In New York, three members of the Catholic Worker community were arrested for holding pictures of sick Iraqi children near the UN entrance. They had joined a group who distributed leaflets and listened to a report from Barbara Lubin, co-ordinator of the Middle East Children's Alliance, who traveled with the Voices in the Wilderness delegation to Iraq.

Informational pickets, press briefings, congressional visits, and demonstrations were held in other locales.

*Voices In The Wilderness*  
1460 West Carmen Avenue  
Chicago, IL 60640  
Tel. 773-784-8065; Fax 773-784-8837  
e-mail [kkelly@igc.apc.org](mailto:kkelly@igc.apc.org)

## **LOS ALAMOS ARRESTS**

ON JUNE 7, 1997, SEVEN PEOPLE WERE arrested and charged with criminal trespass outside the Bradbury Museum in Los Alamos, New Mexico for offering copies the U.S. Bill of Rights to passers-by. The museum is a testament to the 'glories' of the Manhattan Project which produced the atomic bombs that destroyed Hiroshima, Nagasaki and the people living there. The individuals arrested were protesting against efforts by the museum's management to silence any opposition to its position.

Through a successful lawsuit launched at Lawrence Livermore National Lab Visitors Center on a similar issue, the local group was able to obtain a small space at the museum for a year-round exhibit of dissenting points of view. However, through legal maneuvers by the Lab's legal staff, this space was offered to public points of view other than anti-nuclear and now is held by a group which exhibits an opinion in lock-step with that of the rest of the museum.

### **ENVIRONMENTAL AND NUCLEAR ISSUES AND THE LAW**

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(to Vancouver Chapter Office)

# CANDU Reactor Update

The Federal Court of Canada has dismissed a Sierra Club of Canada application for federal documents relating to the \$4-billion sale of two CANDU nuclear reactors to China. On January 20, 1997, the Sierra Club initiated proceedings challenging the federal government's decision not to conduct an assessment under the Canadian Environmental Assessment Act ("CEAA") in relation to the deal.

The Sierra Club had requested the disclosure of a wide range of material on the grounds that this is a case of far-reaching public importance involving vast sums of the Canadian taxpayers' money. In his decision, Mr. Justice Rouleau rejected the application, ruling that it sought a "myriad of information relating to matters and decisions which the applicant is not challenging." He did, however, invite the Sierra Club to submit a revised request for material that pertained to the complaint that the CEAA should have

been applied and an environmental assessment conducted.

The Chretien government has guaranteed a 22-year, \$1.5-billion loan to China to finance the purchase of the reactors. Elizabeth May, Sierra Club executive director, said "[q]uite astonishingly, the federal government filed in response affidavits that no one in the federal government, no one in Finance Canada – no one anywhere – reviewed the details of this. They just somehow decided that \$1.5 billion of a loan guarantee was in the national interest without the benefit of details."

In affidavits filed on behalf of the government, it was claimed that all aspects of the deal were the sole responsibility of the crown corporations involved, namely Atomic Energy of Canada Ltd. and the Export Development Corporation, and that no environmental assessment was required.

The deal has been criticized by various persons and organizations who are concerned, among other things, with China's human-rights record. The trade versus human rights controversy is at the center of much of the opposition to

the deal, with concern being expressed that nuclear technology is being supplied to China in light of its human rights record. David H. Martin of the Ottawa-based Campaign for Nuclear Phaseout wrote a report last November claiming that Canada's nuclear program has cost the Canadian treasury more than \$13 billion to the end of March 1995. He reported that the AECL will receive a \$174-million public subsidy in 1996-97. "Given the fact that the prospects for foreign sales of CANDU are minimal, the ongoing subsidization of the Canadian nuclear industry cannot be justified," Martin wrote.

Martin's report also pointed out that all of AECL's past customers – India, Pakistan, Taiwan, Romania, Argentina, and South Korea – have pursued nuclear-weapons programs.

"Because China has given aid to 'threshold' nuclear weapons states like Pakistan, the United States government will not allow its privately owned nuclear companies to sell reactors to China," Martin wrote.

A Revised Request for Materials was filed by the Sierra Club in April.

*Yes, I would like to support this Newsletter and the valuable ongoing work of*

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