CHAPTER 1

INTRODUCTION

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This opinion represents the first decision of this Court, and indeed of any international tribunal, that clearly formulates limitations on nuclear weapons in terms of the United Nations Charter. It is the first decision which expressly addresses the contradiction between nuclear weapons and the laws of armed conflict and international humanitarian law. It is the first such decision which expresses the view that the use of nuclear weapons is hemmed in and limited by a variety of treaty obligations. Judge Weeramantry [1]

On 8 July 1996, the International Court of Justice (ICJ) at The Hague - also known as the World Court - delivered an Advisory Opinion on two questions before it from the World Health Assembly (WHA) and the United Nations General Assembly (UNGA), on the legal status of the threat or use of nuclear weapons. After eight months of intense deliberation, the ICJ decided inter alia that ‘... a 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’.

The case was the culmination of a decade of intense efforts by citizen groups to convince governments to request ICJ advisory opinions on nuclear weapons through the UN. In the early 1990s these attempts became known as the World Court Project (WCP). They built on earlier endeavours by governments and non-governmental organisations (NGOs) to use international law, both within states and the UN, to help eliminate nuclear weapons. Leadership came from members of the Aotearoa/New Zealand (A/NZ) peace movement, who in the early 1970s helped convince their government to take a contentious case to the ICJ on the legality of nuclear testing, and in the 1980s to enact domestic nuclear free legislation. The WCP succeeded in building a wide coalition of support within both the NGO and government communities. In the process it helped democratise the ICJ
and the UN: it was the first case where the ICJ accepted ‘citizen evidence’ and allowed witnesses to testify during the Oral Proceedings.

Citizens and governments developed close working relationships, and used their different strengths to withstand the inevitable pressures exerted by the nuclear weapon states (NWS) and their allies. The process empowered anti-nuclear states to pursue far-reaching initiatives for nuclear disarmament and thereby to reflect global public opinion. The WCP outcome therefore has significant implications for both the peace movement and the international disarmament community.

Although there are some publications on aspects of the WCP history and legal analysis of the ICJ Opinion, there is no definitive history of this historic campaign. [2] There are brief accounts of how citizens have used the law at the state level to prevent deployment of nuclear weapons or create nuclear free zones (NFZs), but they are sporadic and disjointed. There has been no attempt so far to put a global perspective on these initiatives, nor to analyse how they underpinned the WCP.

Cursory histories have been published about the Aotearoa peace movement post-1975, but none exist which comprehensively document the role of New Zealanders in the WCP from 1986-1996. Some partial accounts which contain inaccuracies, in part because of lack of access to the relevant documentation needed to verify claims and counter-claims, have already been promulgated. [3] In particular, articles have been published which fail to acknowledge how earlier initiatives (Chapters 2-4) created the climate for a successful campaign.

The thesis aims to:

(i) document some previous attempts by citizens and governments to link international law with nuclear weapons.

(ii) record the history of how an unprecedented coalition of international citizen groups, working together for the WCP, convinced the majority of UNGA and WHA member governments to ask the ICJ to clarify the legal status of the threat or use of nuclear weapons.
(iii) explore the ways in which the WCP influenced the process of government decision making, both nationally and within the UN, using Aotearoa/New Zealand as a case study.

(iv) analyse the dynamics behind the success of the WCP movement by exploring the characteristics of some of the key personalities involved, various citizen groups and the strategies and processes they adopted.

(v) analyse the immediate impact of the WCP on nuclear disarmament and peace movements.

In attempting to achieve these aims, the following questions will be addressed:

1. What initiatives by individuals, groups and governments prepared the ground for the WCP?

2. Why had the peace movement or governments not tried the advisory opinion route before?

3. What were the main factors which contributed to the success of the WCP?

4. Why did members of the A/NZ peace movement play such crucial roles?

5. What role did small states play?

6. What role did women play?

7. Why was the New Zealand government reluctant to pursue the initiative?

8. How did the WCP impact on international nuclear disarmament?

9. What impact did the WCP have on peace movements?

10. What were some of the lessons learned?
This thesis is unusual because it merges several research methodologies. Traditional analytical, developmental and historical research and case studies have been approached using feminist principles of participatory research. Contemporary feminist research is multi-method and usually includes observation, participation, archival analysis and interviewing. [4] It recognises the accumulation of social knowledge through direct participation in, and experience of, the social realities being explored. Many feminists use the strategy of 'starting from one's own experience' because it defines the research questions, leads to useful sources of data, and gains the trust of others involved. [5] This process may draw criticism from those who judge it as subjective and biased. From the outset I acknowledge this potential weakness, but counter it with the advantage of having been a full participant in many of the meetings which were critical to the success of the WCP. Many of my conclusions are drawn from these first-hand observations; and it was my personal relationships with key individuals which facilitated frank responses to questions posed in interviews. Without that confidence, few diplomats or politicians would have shared their vital perspectives so freely.

Throughout the study I attempt to write in the third person and to downplay my role in the process. This can be gleaned from the footnotes and by the number of documents drawn from my personal correspondence and conversations. Not all claims can be substantiated with a reference because conversations were not always documented; but others who participated in meetings have checked the thesis for accuracy. Most WCP International Steering Committee (ISC) members have reviewed the material which relates to their organisations, and the lobbying at the WHA and UNGA.

Primary source documents include the personal papers from four New Zealanders (Harold Evans, Erich Geiringer, George Salmond and the author); Seán MacBride's papers in Dublin and at the IPB in Geneva; and the minutes, newsletters, and correspondence from the WCP ISC. Invaluable material has come from the WCP files of the three co-sponsoring organisations: the IPB, International Physicians for the Prevention of Nuclear War (IPPNW) and the International Association of Lawyers Against Nuclear Arms (IALANA). Interviews were conducted with 46 of the key participants.
including most members of the ISC, parliamentarians, diplomats, officials, women, academics, lawyers, doctors and indigenous peoples.

The thesis is primarily an historical document and not theoretical. It does not seek to prove any theories of social movements or test any hypotheses. Due to the lack of material available on the recent strategies adopted by the international peace movement, conclusions have been drawn from the experiences of the predominantly European peace movement, and the author. Inevitably, material is drawn mostly from Western sources due to the writer’s lack of fluency in other languages and the cost and difficulty of travelling to interview people in other regions. Only a few non-Westerners played key roles and many do not have access to electronic mail. Interviews were conducted with diplomats from other countries. However, email has facilitated communication between leading participants in Canada, the Netherlands, Sweden, Switzerland, the United Kingdom (UK) and the United States (US). At times interviews were carried out by other members of the WCP ISC on my behalf.

The thesis details the development of the WCP from 1986-1996. It also provides earlier examples of how some citizen groups and individuals tried to bring nuclear weapons under the rule of international law from 1945-1986, highlighting the role of Seán MacBride. Where related to the legal issue, it discusses the growth of the international peace movement, especially the women’s peace movement, during the 1980s. It describes how the Cold War ‘bloc’ system within the UN prevented any real progress on nuclear disarmament despite many attempts by the non-nuclear majority of member states. It documents how, during the 1980s, the peace movement began to monitor UN voting patterns and call for more radical initiatives.

Aotearoa/New Zealand (A/NZ) is chosen as a case study because of its role as the base for what became the WCP; its traditional links with the Western bloc; its strong anti-nuclear policies; its earlier ICJ case; the impact of public opinion on government decision-making; and its role as a small state. Three New Zealanders, an Australian and an Irishman are profiled because of their pioneering roles in the WCP and the accessibility to primary source material.
The WCP’s development is located within the wider context of A/NZ’s foreign policy.

Details are given of how the citizen movement helped to persuade governments to adopt resolutions at the WHA and UNGA; and how voting patterns changed in response to pressure by the NWS in the decision making of their allies and the Non-Aligned Movement (NAM). The NAM’s role in the UNGA is analysed in relation to this interference, their resultant defiance and ongoing leadership in nuclear disarmament following the ICJ cases.

The thesis does not attempt to provide any detail, or legal analysis, of the ICJ Advisory Opinion; the medical, health and environmental effects of nuclear weapons; or the history of the ICJ which have all been addressed elsewhere. It only briefly discusses how national and international peace movements are organised, and does not provide a comprehensive history of any initiative except the WCP. There is some discussion as to how the international peace movement initially responded to the Opinion, but the thesis does not go into any detail beyond the 1996 UNGA.

Many questions are not studied in depth, and there are areas where research could be furthered by others. In particular, there is a need to document how the citizen movement has used the Opinion to hold governments accountable; how governments have used it to underpin further initiatives within the international disarmament community; recent UN nuclear disarmament voting patterns; and the contributions made by individuals such as MacBride, Harold Evans, Geiringer, Hilda Lini, Edward St John, Maj Britt Theorin, Jo Vallentine and Alyn Ware, to peace and nuclear disarmament. Further research is needed into how transnational movements, such as the peace and anti-nuclear movements, have developed since access to global communication technology such as electronic mail has become so widespread.

The thesis is divided into three parts. Part I, covering the period from 1945-1990, outlines what the major international citizen groups did to try to rein in nuclear weapons by using international law. It includes coverage of
Seán MacBride's leadership in establishing the 1977 Additional Protocols to the 1949 Geneva Conventions and his calls for nuclear weapons to be included; the mobilisation of the women's peace movement (profiling four women involved in the WCP); the activities of groups in West Germany, Canada and the Netherlands, UK and US, many of which became strong supporters of the WCP; and a brief outline of nuclear disarmament initiatives by governments.

Part II documents the gestation of the WCP within A/NZ, and discusses why it succeeded. It traces the development of anti-nuclear policies, and the background to the earlier ICJ case on nuclear testing. It describes how New Zealanders activated existing peace networks to support the WCP, and how they lobbied diplomats and politicians within the UN.

Part III covers the period from 1992-1996 following the WCP's international launch. It details the attempts to have resolutions adopted within the WHA and the UNGA from 1992-1994. It outlines the development of international support among movements and governments, highlighting the relationship between public opinion and government in A/NZ; and it offers analysis on the ICJ submissions and the Oral Proceedings, with close examination of Australia's role. Finally, Part IV draws together conclusions from the thesis and offers some thoughts on the lessons learned from the WCP experiences.

I am heavily indebted to a large number of researchers and activists. The following writers influenced my analysis of how citizen groups can effectively use international law in the international disarmament debate: Francis Boyle, George Delf, Richard Falk, Seán MacBride, Keith Mothersson, Keith Suter and Angie Zelter. Lawyers such as ICJ judges Nagendra Singh and Christopher Weeramantry; Harold Evans and Edward St John; prominent members of the Lawyers Committee on Nuclear Policy (LCNP) such as John Burroughs, Falk, Saul Mendlovitz, Lee Meyrowitz, Peter Weiss, Burns Weston and others, documented the legal arguments which underpinned the ICJ cases. Insights have been gained from those with extensive UN experience on nuclear disarmament issues such as: William Epstein, Kennedy Graham, Rikhi Jaipal, Seán MacBride and Alva Myrdal.
Understanding of the European peace movements is derived from writers such as April Carter, Mary Kaldor, Richard Taylor, Lawrence Wittner and Nigel Young. Women such as Helen Caldicott, Scilla Elworthy, Rebecca Johnson, Lynne Jones, Petra Kelly, Jill Liddington, Sasha Roseneil, Jo Vallentine and Marilyn Waring shared perspectives from within the women’s peace movement, provided feminist analysis on peace and disarmament, and documentation of women-only direct actions. Histories of the Aotearoa peace movement and analyses of New Zealand’s foreign policies were gleaned from the writings of Erich Geiringer, Elsie Locke, Kevin Clements, Eleanor Hodges and David Lange. Others who offer specialist knowledge of the period from 1970-1996 include Roderic Alley, Harold Evans, Kennedy Graham, John Henderson, Stephen Hoadley, Kenneth Keith, Richard Kennaway, Stephen Levine, Malcolm McKinnon, Stuart McMillan, Nigel Roberts, Paul Spoonley, Pauline Tangiora, Alyn Ware, Marilyn Waring, Robert White and Margaret Wilson.

It is gratifying to see the number of publications which the WCP has already stimulated, and especially Ann Fagan Ginger’s book which has made the ICJ’s full Advisory Opinion accessible to the general public. It includes a chapter on the WCP’s history by the author and Robert Green. There have been other major publications, speeches and interviews for media/books in the US, Canada, Japan and Aotearoa as a result of the research associated with this thesis, and more are pending. [6]

As governments, the military, lawyers, the wider peace movement and others become aware of this information, I hope that it will empower them to use international law and the United Nations more effectively. To ensure that the next millennium is not haunted by the threat of nuclear annihilation, it is essential that greater efforts are made to develop closer partnerships on the road to securing a comprehensive and verifiable Nuclear Weapons Convention. The WCP provided a model and an authoritative international legal underpinning for this goal.
Footnotes.


[6] The research has been used by David Krieger, John Burroughs and Douglas Roche in the above listed publications. Other major publications besides the Ginger and Pacifica Review chapters include: Kate Dewes, 'From Poppies to Sunflowers: Building Alliances for Nuclear Abolition' in Susan Wareham, ed., Visions and Actions for Peace, Medical Association for Prevention of War (Australia), 1997, pp. 9-15; Kate Dewes, 'Civil Society and Officials Teamed up in the World Court Project', Peace Magazine, Toronto, July/August.
We must remould the relationships of all men, of all nations in such a way that these men do not wish, or dare, to fall upon each other for the sake of vulgar, outdated ambition or for passionate differences in ideologies, and that international bodies by supreme authority may give peace on earth and justice among men.

Winston Churchill, August 1945
CHAPTER 2

INTERNATIONAL INFLUENCES FROM CITIZEN GROUPS: 1945-1981

Seán MacBride
CHAPTER 2

INTERNATIONAL INFLUENCES FROM CITIZEN GROUPS AND INDIVIDUALS: 1945-1981

What we require is a Magna Carta for the nuclear age that is the outcome of struggle by social forces throughout the world to oppose policies of official criminality. Falk [1]

The time has come to found a movement of political action that will impose international law standards on the nuclear powers and bring the people of the world some hope of peace and justice. Falk [2]

2.1 Introduction

Despite growing international public concern at the use of nuclear weapons against Japan in August 1945 by the US, nuclear weapon development proceeded unabated. Although governments and community leaders called for their abolition, political will was lacking and the problem seemed insurmountable. This chapter details some of the early initiatives taken by citizen groups and leading individuals who advocated using domestic and international law to abolish nuclear weapons, and reflects on their strategies and lack of success. Special mention is made of Sean MacBride's campaigns to update the laws of armed conflict, to promote 'the dictates of the public conscience', and to educate the public about nuclear weapons and international law. The strategies adopted and hurdles encountered set the scene for the WCP.

It was at Nuremberg during 1945-46 that the standards of international law governing individual and collective conduct were first applied, to judge those who had participated in war crimes under Hitler. Here the victorious Allies enforced the laws of war with a vengeance, ensuring that they themselves were never brought to trial while the Nazis were forever
convicted, and specifically that the legality of the use of nuclear weapons against Japan was never questioned internationally.

The Nuremberg judgment found that preparation for aggressive war was itself criminal, thereby creating a mechanism of accountability for decision makers supporting policies which prepare to initiate nuclear war. International law expert Richard Falk contends that if a German nuclear weapon had been used against the Allies, then the perpetrators would have been punished at Nuremberg and nuclear weapons criminalised in 1945, making any subsequent reliance on them a war crime. [3]

The Nuremberg Principles were unanimously adopted by the December 1946 UNGA, and in 1950 they became legally binding.[4] Nuremberg's relevance to the nuclear age is that there was political and judicial intervention in the military policies and their implementation by a state and its agents. During the trial, US Judge Biddle reiterated the Tribunal's Charter:

The official position of defendants, whether Heads of State, or responsible officials in government departments, shall not be considered as freeing them from responsibility. ...the very essence of the Charter is that individuals have international duties which transcend the national obligations of obedience imposed by the individual State. He who violates the laws of war cannot obtain immunity while acting in pursuance of the authority of the State if the State in authorising action moves outside its competence under International Law. [5]

However, the US, UK, Soviet Union (USSR) and France, which accepted, and appeared willing to enforce the Nuremberg judgment deliberately blocked attempts to bring nuclear weapons specifically under international law. The question of banning them was implicit in the UNGA's first resolution [6], which was tabled by the four permanent members of the newly-formed Security Council. This led to the US Baruch Plan in December 1946 which failed because of Cold War realities. [7]

In 1949 at the Diplomatic Conference which approved the four Geneva Conventions concerned with the protection of the victims of war, the USSR tabled a proposal to outlaw nuclear weapons; but again Cold War pressures froze it out. [8] Nevertheless, from 1961 the overwhelming
majority of states voted regularly in the UNGA that the use of nuclear weapons is a crime against humanity, and called for an international convention outlawing the use and possession of nuclear weapons. [9] Citizen groups and individuals also called for laws to prohibit nuclear weapons.

2.2 International Committee of the Red Cross

On 5 September 1945, the International Committee of the Red Cross (ICRC) alerted their affiliates to the grave problems posed by this new weapon of mass destruction. During the Second World War, the ICRC had repeatedly urged all belligerents to restrict attacks to those against military objectives and to spare civilians. The realisation that combatants were far better protected by law than civilians who were suffering more casualties, led the ICRC to draft the 1949 Geneva Conventions. It urged the signatory states 'to take, as a logical complement to the said Conventions - and to the Geneva Gas Protocol of 1925 - all steps to reach an agreement on the prohibition of atomic weapons...'. [10]

It was largely through the influence of law expert Jean Pictet that the Martens Clause was included in these Conventions. (This clause was later invoked by the WCP during 1992-96 when millions of ‘Declarations of Public Conscience’ were collected and presented to the ICJ - see 10.2) It was named after Professor Frederick de Martens, after he included it in the preamble of the Hague Convention II (1899) and Convention IV (1907). It states:

Until a more complete code of the laws of war has been issued, the high contracting Parties deem it expedient to declare that, in cases not included in the Regulations, the inhabitants and the belligerents remain under the protection and the rule of the principles of the law of nations, as they result from the usages established among civilised peoples, from the laws of humanity and the dictates of the public conscience. [11]

The ICRC's next attempt was an ill-fated initiative at their 1957 Conference. Their Draft Rules for the limitation of the dangers incurred by the civilian population in time of war stated:
Without prejudice to the present or future prohibition of certain specific weapons, the use is prohibited of weapons whose harmful effects - resulting in particular from the dissemination of incendiary, chemical, bacteriological, radioactive or other agents - could spread to an unforeseen degree or escape, either in space or in time from the control of those who employ them, thus endangering the civilian population. [12] [emphasis added]

Just before the conference folded in acrimony over a dispute between China and Taiwan, the plenary requested the ICRC to transmit the 'Draft Rules' to governments for their consideration. [13] The ICRC raised them again in Vienna in 1965, and adopted a resolution with a specific clause declaring that 'the general principles of law of war apply to nuclear and similar weapons...', [14] but failed to mention the ICRC Draft Rules - which effectively killed the project.

The conference resolution did not indicate how the ICRC should proceed. In addition, the US had announced a massive military build-up in Vietnam where the ICRC became heavily involved. The impetus for updating the law of armed conflict therefore passed from the ICRC to the International Commission of Jurists, and Seán MacBride in particular. In his book detailing this process, Keith Suter argued that although the ICRC has exceptional influence for an NGO, 'it maintains that authority by avoiding rash actions'.[15] The ICRC itself acknowledged that the Draft Rules were rejected 'precisely because they directly addressed the question of nuclear weapons. As a result ... the ICRC decided to avoid this problem altogether when it drafted the Additional Protocols by consensus in 1977'. [16]

For 19 years following the signing of the 1949 Geneva Conventions, the UN and the International Law Commission steadfastly refused to debate these issues. [17] However, during the 1968 International Year of Human Rights, the UN hosted a conference in Teheran, with 84 countries and 57 NGOs participating. It was here that Seán MacBride, as Secretary-General to the International Commission of Jurists, founder of Amnesty International and Chairman of the International Peace Bureau (IPB), used his initiative, persistence and skill to facilitate the adoption of a resolution (Appendix I) which finally incorporated the ICRC Draft Rules.[18] He intended that it would update the entire law of armed conflict, including the use of nuclear
weapons. Because of the international climate and strong resistance from the nuclear weapon states (NWS), this was politically impossible. However, it did request the UN Secretary-General:

...To draw attention of all states members of the UN system to the existing rules of international law on the subject and urge them, pending the adoption of new rules of international law relating to armed conflicts, to ensure that in all armed conflicts the inhabitants and belligerents are protected in accordance with 'the principles of the law of nations derived from the usages established among civilized peoples, from the laws of humanity and from the dictates of the public conscience.. [19]

It called on all states to sign the 1899 and 1907 Hague Conventions, the 1925 Geneva Protocol and 1949 Geneva Conventions, and reiterated the importance of the 'dictates of public conscience'.

The resolution forced international humanitarian law back on to the UN agenda and resulted in an UNGA resolution (Appendix I). MacBride, having revived the Draft Rules, used them as the basis of his Teheran resolution which subsequently became the 1977 Additional Protocols to the 1949 Geneva Protocols. The US, UK, Canada and France lodged 'declarations of understanding', excluding nuclear weapons from Protocol I which applied to international conflicts, [20] thereby sustaining the anomalous legal position of nuclear weapons.

How did one man wield such influence as a mere 'NGO observer' at a UN Conference? What personality traits and experiences gave him access to decision makers and the ability to use the UN system so effectively?

2.3 Seán MacBride

When Jean Seaghan (Seán) MacBride was born in 1904 to Maude Gonne and Major John MacBride, newspapers in Ireland, France, the US and UK announced the arrival of the 'latest Irish rebel'. As the offspring of heroes, he was hailed as the saviour, and future President of Ireland. [21] Gonne was described as Ireland's 'Joan of Arc' during her 60-year campaign for republicanism. An ardent feminist, she was greatly admired throughout Europe, including by W.B. Yeats who dedicated many of his poems and plays to her. John MacBride led the Irish Brigade against the British in the
Boer War, and became a national hero when he was executed following the 1916 Easter Rising in Dublin.

According to C.S. Andrews, Seán '...was brought up in situations where he only met the important people in the independence movement. He behaved from boyhood as if he was one of them. He was accepted as such by everyone he met.' [22] He was educated in France where his mother was in exile and under constant British surveillance. In 1919 they returned to Ireland where Seán joined the Irish Volunteers aged 14. He was arrested at 16, and the following year became the Staff Captain to Foreign Minister Michael Collins, acting as courier to Prime Minister de Valera during the independence treaty negotiations with the British. He spent the next 20 years organising the Irish Republican Army (IRA), in and out of prison, and 'on the run' from the British. During the late 1920s he attended anti-imperialist congresses in Europe where he met future Prime Ministers, including India's Nehru with whom he developed a life-long friendship.[23] As a result, many provisions of the 1937 Irish Constitution were included in the Indian Constitution. MacBride believed that it was the 1916 Rising and the liberation movement which followed that ultimately led to the demolition of the colonial system throughout the world. Throughout Asia and Africa, Ireland became the symbol of colonial liberation.[24] MacBride and his parents were revered in many 'Third World' countries for their leadership and, consequently, he held great sway with their leaders in his later campaigns on human rights and to outlaw nuclear and other weapons of mass destruction.

He studied law while working part-time as de Valera's international secretary and as a journalist under an assumed name in Dublin, London and Paris. In 1936 he became IRA Chief of Staff: but a year later ended his association, because he opposed the proposed bombing campaign in England and felt that the Irish Constitution provided a political way forward. Nevertheless, he subsequently defended IRA members free of charge. He was admitted to the Irish Bar, where he quickly became the most successful trial lawyer in Dublin and a Senior Counsel. In 1946 he formed the radical
Republican Party (Clann na Poblachta) and in 1948 unseated de Valera. [25]

As Minister for External Affairs from 1948-51, he signed the Geneva Conventions for the Protection of War Victims (1949); the European Convention on Human Rights (1950); led Ireland out of the Commonwealth; and resisted US pressure to join the North Atlantic Treaty Organisation (NATO). He defended the right of small states to neutrality and promoted the pacific settlement of international disputes. [26] From 1948-51 he was a Vice President of the Organization for European Economic Cooperation; and in 1951 he presided over the Council of Foreign Ministers of the Council of Europe, of which he had been a founding member. He lost his parliamentary seat in 1957, resumed his legal practice and took many high profile cases, including the first case of the Supreme Court to the European Commission of Human Rights. [27]

In 1961 MacBride co-founded Amnesty International and chaired its executive for 13 years. During that time it established 3,000 groups in 40 countries. [28] In 1963 he became a Vice President of the International Confederation for Disarmament and Peace - a loosely structured body that coordinated, publicized and encouraged the activities of its 40 independent NGOs from 18 countries. [29] From 1963-71 he was Secretary General to the International Commission of Jurists, an NGO with consultative status with the UN. In 1968 he became IPB's Executive Chairman and its President in 1974. Over the same period he chaired the Special Committee of International NGOs on Human Rights.

From these prestigious positions, he was uniquely placed to assert the universality of the rule of law and of human rights, irrespective of political ideology. Based in Geneva and fluent in French, he had easy access to diplomats and legal advisers to governments. Over the years he developed close personal relationships with key decision makers in many countries. He was highly skilled in the political process both nationally and internationally, and had the confidence of a wide range of influential NGOs. He was articulate, well versed in the law, not intimidated by big power...
politics, and keen to promote initiatives taken by coalitions of smaller states. [30]

He was also an astute strategist. He decided not to issue his 1968 draft resolution in Teheran as an NGO document to ‘avoid some of the odium or oblivion to which such documents were assigned’. [31] He persuaded the Indian government to propose the resolution, and lobbied other delegations and UN officials until it was adopted. As an NGO observer he was free to discuss the resolution with officials in the UN Delegates’ Lounge and at receptions. The leaders of the co-sponsoring delegations from India, Czechoslovakia, Jamaica, Uganda and the United Arab Republic were all old personal friends. He believed that this group was ‘...nearly ideal and probably the only political and geographical combination that could have secured a quasi-unanimous support for the resolution’. [32] Prior to the conference, he sought NGO endorsements to convince governments of the widespread support. [33] Although the prevailing acrimonious Cold War atmosphere in Teheran precluded specific mention of nuclear weapons in the resolution, MacBride saw it as an important first step.

MacBride asked the five Teheran co-sponsors to present the resolution to the UN later that year. He was convinced that their persistent and coordinated action, backed by world public opinion, would succeed. He did not underestimate the resistance which would come from many sources. He urged them to maintain close contact at a high level in New York, and warned against changing the resolution in case some of the 67 supportive governments used this as an excuse to oppose it. He urged them to build up public opinion through the media, and committed himself to mobilise NGOs to gain their governments’ support. For much of 1968 MacBride was at the centre of a network of frenetic correspondence, coordinating the sponsoring governments and trying to gain the support of the UN Secretary General and the UN Director of the Human Rights Division.

The resolution succeeded because it entered the UN system, not through the most obvious channels (the Law Commission, the UN Legal Division or the UNGA’s Legal Committee), but through the Secretariat’s Human Rights Division. It thereby evaded the hostility of the governmental legal experts.
and the UN lawyers had persuaded the UN in 1949 not to codify the law of armed conflict. [34] It was approached from the humanitarian perspective and ably introduced by India. MacBride had prepared delegates by circulating a draft. Surprisingly, it was adopted unanimously with no debate nor explanations of vote in the UNGA Plenary. [35]

Over the next few years, MacBride continued to build support from citizens and governments to push for real progress on implementing the resolution. He worked closely with Alva Myrdal, Sweden’s Disarmament Ambassador, who had been at the Teheran Conference. [36] However, by 1970 MacBride had run out of steam, and pressure from his other commitments prevented him devoting more time to the issue. In 1971 he was no longer resident in Geneva at the Commission. In 1973 he became Vice Chairman of the Congress of World Peace Forces in Moscow and Vice-President of the World Federation of United Nations Associations. The same year, the UNGA unanimously appointed him as UN Commissioner for Namibia and an Assistant UN Secretary General. He presided over an Inquiry into Racist and Apartheid Regimes in South Africa; and his fearless denunciation of Anglo-American politics proved to the Third World and Socialist states that here was a Western citizen willing to challenge powerful bastions ‘armed only with moral force and principles’. [37] He travelled extensively speaking with leaders until he had the overwhelming majority of UN members supporting Namibian independence. He used many speaking engagements to promote outlawing nuclear weapons.

Meanwhile, in 1974, 25 years after the Geneva Conventions were adopted, a UN Diplomatic Conference for the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts was held in Geneva to discuss two draft Additional Protocols. Unfortunately, few of the delegates had expertise in the area, and most ‘Third World’ experts were attending another UN meeting on the Law of the Sea. There were few international law scholars researching the area; and the conservatism of lawyers meant they usually opted for decisions which required the least change in the status quo. [38] The NGOs circulated a memorandum as an official document which gave it very important status. It was signed by 49
NGOs and formally introduced by Niall MacDermot - MacBride’s successor in the International Commission of Jurists - and it became a source of information for ‘Third World’ delegates. The conference ended in sterile confrontation between the Western and Third World blocs. According to Suter, one factor in its failure was the absence of experienced NGOs and their lack of political leverage especially on Western governments. All delegations knew that public opinion was dormant on the subject, and there was no media interest to promote it. Although 35 NGOs gained observer status, they did not run either an NGO Forum or a conference newspaper to challenge the basic framework within which the diplomats were working. [39] Suter felt that, if MacBride had been able to maintain his own high level of engagement in the subject and involve a larger NGO campaign to move the issue on to government agendas, there might have been sufficient political pressure for the complete revision of the laws of armed conflict.[40]

As with the 1949 Diplomatic Conference, there was very little mention of the conference in the mass media, therefore the public and politicians were ignorant of its outcome. Undeterred, MacBride prepared a campaign, especially among NGOs which aimed to get greater publicity for the law of armed conflict. He continued to travel widely addressing peace and other citizen groups and urged them to prioritise the task of having the UN adopt a Convention outlawing nuclear weapons. [41]

In 1974, he was awarded the Nobel Peace Prize ‘in recognition of his many years of effort to build up peace and human rights all over the world’. [42] In his acceptance speech he asked:

Why outlaw a “dum-dum” bullet and not an atomic bomb? Yet, for some unexplained reason, there has been a refusal to include nuclear weapons among the weapons to be specifically outlawed in the revised texts of the Geneva Conventions. If any meaningful credibility is to be given to humanitarian law or to the ban on nuclear weapons, the first concrete measure which should be taken is to OUTLAW THE USE OF NUCLEAR WEAPONS. A simple Convention, or article in a Convention outlawing the USE of nuclear weapons would be a first simple step. Why not begin simply by outlawing the USE, MANUFACTURE, SALE, TRANSFER and STOCKPILING of nuclear weapons or components thereof? (his emphasis)
Calling for peace as the 'desperate imperative of humanity', he outlined his visionary plan which included 'an extended compulsory jurisdiction for the International Court of Justice and a wider jurisdiction to pronounced advisory opinions'. He lambasted the 'gobbledygook verbiage', 'meaningless language' and 'everlasting procrastination' of the UN which 'disenchants people'. He reiterated the call, supported by 40 NGOs at IPB's 1974 International Conference on Disarmament, for the UNGA to convene a World Disarmament Conference.[43] 'The time has come', he said, 'for “WE THE PEOPLE...” [his emphasis] ...to assert ourselves and to demand the outlawing of all nuclear weapons...'. Recognising the right of 'ordinary people' to have a say in their own survival, he claimed that 'the non-governmental sector is just as qualified as the “experts” of those who have a vested interest in armament and war.' He called for women to be given a 'real decisive role' in all negotiations and conferences. He acknowledged that 'women have a much better understanding of the imperatives of peace and are much less easily “taken in” by the specious arguments of experts or diplomats'. [44]

In his concluding remarks, he noted that higher educational standards and the mass media meant that public opinion could influence events more than ever before. Voluntary organisations were essential as

... they are the only bodies that will have the necessary independence and initiative to restore some faith and idealism in our world. If disarmament can be achieved it will be due to the untiring selfless work of the non-governmental sector. [45]

In 1977 he became President of the UNESCO International Commission for the Study of Communication Problems. At home he was described as an international statesman who was ‘without question the best known and most distinguished living Irishman’. [46] He received five honorary doctorates, the American Medal of Justice and the Lenin International Prize for Peace. In 1982 he chaired another commission to examine reported violations of international law by Israel during its invasion of Lebanon.

He used his Nobel Prize money to further his goals of total nuclear disarmament, and in 1978 the UN convened the first Special Session on
Disarmament (UNSSOD I) as a direct result of IPB’s promotion of a World Disarmament Conference (Appendix I). Prior to UNSSOD I he urged Ireland to ‘play an important role’ by ‘working independently of all power blocks’ and called for a six-point policy programme for World Disarmament. This included the adoption of an ‘International Convention outlawing the use of all forms of nuclear or radiation weapons and making the use of such weapons a crime against humanity punishable under international law’. [47]

In 1980 the UK agreed to site 160 US nuclear warheads, with up to 25 in Northern Ireland.[48] MacBride exposed this, and highlighted Ireland’s pro-NATO voting on nuclear disarmament issues. Criticising its conspicuous lack of UN initiatives, he again urged Ireland to take the lead, with other small neutral states, by promoting a nuclear weapons convention, which he was convinced would attract an overwhelming majority. He promoted the leadership role of small states which maintained their independence, had no axe to grind, and based their policies on fundamental principles. He felt that Ireland was in a unique position because it was viewed as the ‘mother country’ by 25 million in the US, and millions throughout Latin America, Canada, A/NZ, Australia and elsewhere.

In India, Pakistan and Bangladesh, it was regarded as a country imbued by an idealism based on freedom, justice and democracy. With no military ambition, unaligned to any of the major powers, and a strong proponent of the UN Charter and disarmament, its voice was respected by the international community.[49]

MacBride remained fearlessly critical of the relative silence and lethargy amongst his legal colleagues, and continued to travel extensively (eg 16 countries in 1982) urging governments and citizens to take urgent action to abolish nuclear weapons. He was indefatigable, working right up until his death in January 1988. An Irish Times editorial described his remarkable transformation and leadership as follows:

The young gunman came to be the most fervent convert to peace. His commitment to the rule of law and to the protection of human rights was absolute. And his conviction grew that it was only by making the possession of nuclear weapons illegal in international law, that mankind could be saved from destroying itself. His conversion from
unconstitutional to constitutional methods in his vision of Ireland's future, was matched by a recognition that the evolution of all civilised society had to be similarly grounded. The lawyer blended with idealist and in turn these were reinforced with qualities of stealthy political pragmatism. The end result - Seán MacBride - in his heyday - was a most formidable force. [50]

2.4 Legal Views

Laws should be read by all and be known to all. Put them in shape, inform them with light and philosophy, and give them into every man's hand. Laws are made to guard the rights of the people, not to feed the lawyers. Francis Bacon, 1585 [51]

Laws, which are severed from the grounds of nature, manners and policy are like wall flowers, which, though they grow high upon the crests of states, yet they have no deep roots. Bacon [52]

The nuclear juggernaut has suppressed Bacon's humane vision and most efforts to clarify the legal status of these weapons. The official secrecy protecting government defence policies has ensured that neither the legal fraternity nor politicians have access to the information necessary to 'inform them with light', let alone philosophy.

When Nobel Laureate and famous physician Albert Schweitzer was asked in 1958 to sign an appeal with the Pope to the World Court to outlaw nuclear tests, he castigated lawyers for their 'silence' on nuclear weapons. He accused them of being 'unreliable allies' who should have been the 'ones to use and raise the argument (at the World Court) that atomic weapons contradict the law of humanity: but they were silent and have failed'. He accused them of shying away from 'questions that were unsympathetic to governments'. [53] Later, MacBride acknowledged that a tiny percentage of the legal profession in Western countries decided not to be 'elective mutes' and dared to expose the illegality of nuclear weapons. Their writings are recognised as an important source of international law [54] and have underpinned some recent activities of the international peace movement - especially those within, or allied to NWS. [55]
In 1947, J.M Spaight, the distinguished British legal scholar, first established the argument that the use of nuclear weapons would be contrary to the laws of humanity and the dictates of the public conscience in *Air Power and War Rights*. [56] Similar conclusions were reached in the late 1950s by Nagendra Singh (later ICJ President) and Schwarzenberger. [57] Following the Tokyo International Military Tribunal, the Indian judge issued a lengthy dissenting opinion asserting that the Hiroshima and Nagasaki bombings were war crimes. [58]

This provoked some international debate amongst other well respected authorities in international law such as Hersch Lauterpacht and four other scholars arguing that their use was legal under existing international law. [59] In the early 1960s, William O'Brien supported the legality of ‘small, clean’ nuclear weapons emitting low radioactivity against military targets. This was later challenged by Henri Meyrowitz, who argued that all nuclear weapons were illegal. [60] In 1975 Mary Kaufman, a member of the US Nuremberg prosecuting team, argued the ‘fundamental illegality’ of the Trident nuclear system citing international law outlined in numerous agreements and treaties. She advised the public to ‘take issues to the courts even though you’re not likely to win’, stressing the importance of the ‘mobilization of opinions’. [61]

Within Japan, some lawyers have long maintained that the threat and use of nuclear weapons violate international law, and constitute crimes against humanity. [62] The first attempt to condemn the 1945 atomic bombings was directed by the Japanese government to the US State Department on 11 August 1945:

> It is an elementary principle of international public law that in time of war the belligerents do not have unlimited right in the choice of attack and that they cannot resort to projectile arms or any other means capable of causing the enemy needless suffering... The bombs in question, used by the Americans, by their cruelty and by their terrorizing effects, surpass by far gas or any other arms, the use of which is prohibited [my emphasis]... [63]

Kenji Urata argues that the Japanese Constitution outlaws war, but that successive Japanese governments have colluded with the US to undermine
the three Non-Nuclear Principles, which ban the production, possession and introduction of nuclear weapons into Japan. [64] Japanese lawyers and citizens' organisations demanded that these be enacted into law and in 1979, 17 law professors presented a draft bill 'to ban the manufacture, possession, maintenance, introduction, etc of nuclear weapons' based on the spirit of the Constitution. [65]

According to Masenori Ikeda, the first time the idea of asking the ICJ to judge nuclear weapons appeared was in the statement of the 1958 Fourth World Ban-the-Bomb Conference of jurists in Japan. [66] Three years earlier, five Japanese citizens had instituted the Shimoda case against their government. They sought to recover damages for injuries relating to the Hiroshima and Nagasaki bombings, and alleged that the use of atomic weapons violated both conventional and customary international law. In 1963, the Tokyo District Court held that the bombing of these cities was indiscriminate and not justified by 'military necessity'; the cities were not 'military targets'; and the atomic bombs caused even more suffering than those weapons (dum-dum bullets and poison gas) already outlawed for producing unnecessary suffering. Therefore the US had violated international law. [67]

The significance of this case, according to Meyrowitz, was the Court's discussion of the applicability of the laws of war to nuclear weapons and its contribution to the ongoing debate on their legal status. Although he claims this was 'the only case that has questioned the legality of nuclear weapons', there was another in Britain known as Chandler versus the Director of Public Prosecutions. In 1962, the 'Committee of 100' demonstrated at a US Air Force base. Six of the organisers were charged under the Official Secrets Act with conspiring to incite others to violate the law 'for a purpose prejudicial to the safety or interests of the State'. The judge ruled that no evidence would be admitted which related to the ultimate purpose of the defendants, and refused to allow expert witnesses to discuss the legality of the possession or use of nuclear weapons. Despite this, some of the defendants were able to use international law by citing the Nuremberg Principles. [68]
2.5 The Military

Because they implement their government's nuclear policies and are constrained by security clearances, very few individual high-ranking members of the military from NWS spoke out. However, after witnessing the 1946 US atomic tests on Bikini Atoll, the Commander of Operations Vice Admiral William Blandy said: 'I sincerely trust that a plan which is at the same time practical and acceptable to all nations can be devised to outlaw it'. [69]

In 1979 the UK's first Chief of Defence Staff, Lord Louis Mountbatten, caused consternation when he argued that wars cannot be fought with nuclear weapons, and called for the banning of tactical nuclear weapons. [70]

2.6 International Peace Bureau (IPB)

The IPB was founded in 1892, largely through the influence of Baroness Bertha von Suttner, to 'serve the cause of peace by the promotion of international cooperation and non-violent solution of international problems' and 'to serve the independent peace movements of the world'. It was active in promoting the 1899 Hague Peace Conference which adopted the Convention for the Pacific Settlement of International Disputes and the Convention for the Respect of the Laws and Customs of War on Land. In 1910 the IPB received the Nobel Peace Prize for 'serving as a channel of communication between governments and the peace movements'. The groups which formed IPB in 1892 were described thus:

The internationally coordinated movement, composed of independent, often fractious members, directed its arguments to the public at large as well as to those in power. A small army of indefatigable workers - men and women- traveled [sic] lecture circuits, published catalogued libraries of books and brochures, raised money from governments and private donors, confronted politicians, challenged military budgets, criticised history curricula, combated chauvinist and establishment media, lobbied diplomats, questioned candidates for office, telegraphed congress resolutions to foreign ministries, and held congresses nearly every year from 1889 to 1914 to thrash out common positions. [71]
After World War I, the IPB worked with the Society of Friends (Quakers) to support the League of Nations initiative to ban gas warfare, and for the General Treaty for the Renunciation of War of 1928. [72]

At its 1981 General Assembly under MacBride's leadership, the IPB agreed to organise a series of in-depth studies and meetings about the illegality of nuclear weapons. MacBride aimed to 'trace the growth of the legal concept that wars are not prohibited under international law' and 'produce an authoritative Declaration as to the morality and legality of nuclear weapons'. The IPB sought active support of religious and legal organisations involved in the development of international law. [73] During the early 1980s the IPB co-sponsored conferences of specialists in law, morality and medicine in many parts of the world. [74] A major IPB symposium on nuclear deterrence in Britain coincided with the publication of a UN study on nuclear weapons.[75] By this time the IPB had 35 international, national and regional affiliated groups representing more than 30 million people.

In 1980 a few international lawyers began writing about nuclearism and international law. [76] The revived debate led in 1982 to the formation of the New York Lawyers' Committee on Nuclear Policy (LCNP) and the Lawyers for Nuclear Disarmament (LND) in the UK. In 1982 MacBride, on behalf of the IPB and LCNP, presented the UNSSOD II with proposals adopted by a jointly sponsored International Symposium. [77]

2.7 World Peace Council

The World Peace Council (WPC) convened its first congress in 1949, with representatives from 72 countries. The following year they launched the Stockholm Peace Appeal which collected 650 million signatures worldwide, including over a million from Britain and 20,000 from A/NZ. It read:

We demand the absolute banning of the atomic weapon, arm of terror and mass extermination of populations. We demand the establishment of strict international control to ensure the implementation of this banning measure. We consider that any government which would be the first to use the atomic weapon against any country whatsoever would be committing a crime against humanity and should be dealt with as a war criminal.
Critics were quick to point out that the language reflected official USSR statements, and most signatures came from Communist countries where people were officially urged to sign. However, the Appeal expressed a widespread demand for nuclear abolition which could not easily be ignored by political leaders. [78]

2.8 Scientists and Physicians

Prior to the early 1950s, few scientists or physicians had spoken out strongly against nuclear weapons, [79] and the general public remained largely unaware of the ongoing health and environmental effects of nuclear testing, partly because of deceptive campaigns to reassure the public about their safety. As doctors and scientists began disseminating information about the health effects of the US nuclear test at Bikini Atoll, worldwide protests grew rapidly. Strontium-90 was detected in children's teeth in the US, and in women's breast milk in the South Pacific. The Pugwash Conferences on Science and World Affairs were founded in 1955 to try to 'put the nuclear genie back into the bottle'. [80] The Russell-Einstein Manifesto stated that the 'abolition of thermonuclear weapons ... would lessen the fear of a sudden attack...'. [81] Scientists appealed against nuclear weapons and in 1957, 18 leading physicists in West Germany urged their government to renounce all nuclear weapons, and refused to take part in the production, testing or use of nuclear weapons.[82]

In conjunction with this initiative, Albert Schweitzer, in an attempt 'to awaken the attention of humanity', delivered a substantive Declaration of Conscience from Oslo, highlighting the effects of nuclear testing and calling for its cessation. It was broadcast from 150 transmitters and heard by millions throughout the world. It was then reprinted widely in the press. [83] Within a year he broadcast another three appeals which were soon widely published in the booklet Peace or Atomic War. In 1958 he headed the list of 16 influential people who published an 'open letter to “the men at Geneva” who were negotiating a nuclear test-ban agreement'. [84] He also wrote to many of his influential friends, including the famous cellist Pablo Casals [85], urging them to join the struggle for nuclear abolition:
The argument that these weapons are contrary to international law contains everything that we can reproach them with. It has the advantage of being a legal argument. If the battle is fought along these lines, it will achieve the desired results. No government can deny that these weapons violate international law... and international law cannot be swept aside! [86]

In 1958, another Nobel Laureate Linus Pauling, who was inspired by Schweitzer's leadership, presented the UN Secretary General with a petition from 9,235 scientists from 44 countries calling for an end to testing:

We believe that international problems should be solved not by war, but by the application of man's power to reason - through arbitration, negotiation, international agreements, international law...’ [87]

Between 1958-61 several conferences of scientists and academics were held, and in 1961 another UN appeal was signed by about 200,000 people from 45 countries. These beginnings led to the establishment of groups such as the Campaign for Nuclear Disarmament (CND) in the UK and the National Committee for a Sane Nuclear Policy in the US. [88] In 1958, Pauling led an international group of plaintiffs in a US federal suit requesting an injunction to restrain above-ground nuclear tests in the South Pacific. It was based on constitutional and international law grounds, but was dismissed 'with prejudice'. Undeterred, Pauling returned to court in 1962 accompanied by 224 leading citizens from 27 countries. They charged that the US defendants, together with their Soviet and British counterparts, had caused the plaintiffs 'to be damaged genetically, somatically and psychologically’. Again the District Court dismissed the case. [89]

With the dubious victory of the Partial Test Ban Treaty (PTBT) in 1963, public debate on nuclear issues in scientific, medical and legal circles subsided, especially in Europe. However, in 1962 a group of Boston doctors, who had founded Physicians for Social Responsibility (PSR) a year earlier, had described the potential medical effects of a nuclear attack on that city. They concluded that ‘physicians ... must also explore a new area of preventative medicine, the prevention of thermonuclear war’. [90]
One physician who responded to this challenge was Australian mother of three, Helen Caldicott. Inspired by Bertrand Russell's autobiography and infuriated by France's continued atmospheric testing in the South Pacific, she began educating about the dangers of radiation, the nuclear fuel cycle and nuclear weapon proliferation. Her public education programme from 1971-76 helped mobilise thousands throughout Australia and interest media.[91] She took her passionate and articulate message to the uranium miners, mothers, politicians, trade unionists, dock workers and other health professionals. In 1975 she spoke to doctors throughout the US, and later toured many countries mobilising thousands to take immediate action to help stop the nuclear madness.[92] She believed that it was 'the people who should hold the balance of power in a democracy' and that citizens must ensure that their elected representatives reflected popular opinion.

After settling in the US in 1977 Caldicott revived the dormant PSR in Boston. By 1980 there were 10,000 members with 75 chapters, with 40 in formation. Other professional groups began to emulate the PSR model. Women's groups mushroomed throughout the US, and in 1980 Caldicott founded Women's Action for Nuclear Disarmament (WAND), which became an effective lobbying body. [93] In 1982 they played a key role in placing a nuclear freeze resolution before the US Congress. She had frequent television interviews and her film The Last Epidemic was shown throughout the US. According to Caldicott, newspaper polls in 1983 showed that 80% of the US public believed that nuclear war would not remain limited, be won or survived [94]. Caldicott's high-profile campaign can be partially credited with this revolution in public thinking. She met with President Reagan and leading politicians in the Soviet Union.

By 1982 PSR had a membership of 30,000 with 153 chapters in 48 states. Throughout the early 1980s similar medical organisations appeared all over the world, often as a consequence of a Caldicott visit. [95] In 1980, the earlier PSR joined their Soviet counterparts and formed the International Physicians for the Prevention of Nuclear War (IPPNW). Its first conference was held in 1981 in Virginia (US) with 78 physicians from 13 countries. A year later there were 160 physicians from 31 countries. [96]
2.9 Women's International League for Peace & Freedom (WILPF)

*We can best help you prevent war, not by repeating your words and repeating your methods, but by finding new words and creating new methods.* Virginia Woolf [97]

WILPF was established in 1915 as a vehicle for women to implement their hopes for a peaceful world. It advocated fundamental changes in economic and social conditions and relations. One of its primary aims became:

... the total and universal disarmament, the abolition of violence and other means of coercion for the settlement of all conflicts, the substitution in every case of some form of peaceful settlement, and the strengthening of the UN and its family of Specialized Agencies, for the prevention of war, a sustainable environment, the institution of international law, and for the political, social, and economic cooperation of all peoples. [98]

Most WILPF founders believed that women's full participation in public life would bring an end to all wars:

Women will soon have political power. Woman suffrage and permanent peace will go together. When the women of a country are eagerly asking for the vote and a country is of a mind to grant the vote to its women, it is a sign that the country is ripe for permanent peace. Yes, the women will do it. They don't feel as men do about war. Men think of the economic results; women think of the grief and pain, and the damage to the race. If we can bring women to feel that internationalism is higher than nationalism, then they won't stand by governments, they'll stand by humanity. [99]

For many years, WILPF was effectively the only international women's peace organisation. In 1969 British WILPF held a large International Conference on Chemical and Biological Warfare in London and the Australian and Swedish sections also focused on this issue. In 1980 Scandinavian women launched a petition to stop the arms race. Within a few months, over half a million signatures were presented to the UN Secretary General. [100]

2.10 Conclusions

By the early 1980s, the face of the peace movement had changed significantly. Until then tactics adopted included passing resolutions, writing
academic papers, speaking at conferences and some major nonviolent civil disobedience in the 1960s by the UK 'Committee of 100', CND marches and rallies. Although individual leaders (predominantly male and European) had spoken out within professional groups, there were few international actions (apart from MacBride’s initiatives) during the previous 35 years which channelled the aspirations of the ordinary people for nuclear abolition into any achievable international campaign.

The professionals who had dared to speak up had little influence, because their protests were usually directed only at the particular aspects pertaining to their specialities e.g. meteorologists against climatic war, environmentalists against environmental destruction, doctors against medical effects, lawyers promoting international law. Rarely were conclusions drawn from bringing this knowledge together; and media coverage was sparse. Myrdal criticised groups like Pugwash for producing generalised statements which were marred by the political desire not to favour either side, and were too respectful towards partial and ineffective disarmament agreements. Peace research centres tended to concentrate on problems of 'strategic' importance, primarily at the nation-state level. Some admitted they would risk losing government funding if they criticised the arms race. [101]

For two decades (1960-80) the movement assumed that a Comprehensive Test Ban Treaty (CTBT) was imminent, and diverted attention to other urgent issues such as the Vietnam War (which also included opposition to the use of nuclear weapons in this war) and threats to the environment. A few groups attempted to use the law to challenge nuclearism within their own states, but court cases were frequently dismissed, which in turn disempowered activists.

MacBride was a rare 'activist' lawyer consistently promoting the illegality of nuclear weapons and using the UN system to challenge it head-on. His initiative was the precursor to the WCP, and IPB's educational work helped alert the international peace movement and wider public to using international law in the struggle against nuclearism. As an elder statesman based in Geneva, he used his unique contacts with governments and
citizen groups, his legal expertise and knowledge of UN process to initiate ambitious projects. Backed by many prestigious citizen groups such as the ICRC, IPB and the International Commission of Jurists, he immediately brought the weight of public opinion behind him. He knew the importance of the role of neutral and non-aligned states within the UN community, and became the catalyst to draw together coalitions which were unlikely to form by themselves. His wide circle of influential friends facilitated access to decision makers, which was extremely rare for most citizen groups and individuals. Considering the constraints of the Cold War and his extremely heavy professional commitments, his achievements were amazing.

Few governments had access to international law experts able to advise them on updating the laws of armed conflict to include nuclear weapons. At the height of the Cold War, any serious attempts to secure a comprehensive Nuclear Weapons Convention (NWC) were thwarted by the NWS and their allies. Although there was coordination and leadership amongst the Latin American states involved in establishing the world’s first nuclear weapon free zone in a populated area, and within the South Pacific in opposing nuclear tests, there was not yet a strong coalition of ‘middle’ and ‘small’ states working across regional and ‘bloc’ boundaries to challenge the nuclear weapon states and their allies. Public opinion had also not developed to a stage where it would force governments to act.

IPB, WILPF and the World Peace Council were some of the few active international peace organisations. However, there was little cooperation between them, and they were still primarily Eurocentric. The IPB and WPC hierarchies were overwhelmingly male and did not easily mobilise grassroots support. All were focused on wider peace issues, and their energies were thus dissipated. In addition, communication was difficult before the advent of the fax, photocopier, computer and email. However, by the early 1980s international coalitions of doctors and lawyers were developing into effective networks which had access to decision makers in capitals, and funding. South Pacific peace groups generated strong links and ensured that their concerns were reflected in the international peace agenda.
As the 1980s dawned, women were taking a higher profile internationally, which in turn affected strategies adopted and ways of working. Inspired by role-models like Helen Caldicott they researched the facts about the nuclear arms race and argued passionately with decision makers within both the movement and governments. They demanded a share of the power, addressed conferences, took non-violent direct action, and even established their own political parties. They translated the often inaccessible data on nuclear weapons into 'layperson's' language, and established grassroots organisations based on education and local action.

During the next decade they had a profound influence on the development of the international movement in the common struggle to expose further the criminality of nuclearism and establish a Magna Carta for the nuclear age.

Footnotes.

[6] On 24 January 1946, the UNGA unanimously adopted Resolution 1 (i) to establish an International Atomic Energy Commission. This included a clause 'for the elimination from national armaments of atomic weapons and of all other weapons of mass destruction.'


[23] Interview by Dewes with Caitriona Lawlor (MacBride's
[28] Ibid., p.161.
[29]Lawrence Wittner, *Resisting the Bomb*, Stanford
[30] Details of MacBride’s history have been drawn from:
Suter op.cit., pp. 24-25; MacBride (1985), op.cit.; Margery
Brady, *The Love Story of Yeats and Maude Gonne*, Mercier
Collins, London, 1992, p. 152; Mary Holland, ‘IRA chief and
world statesman’, *The Press*, 30 January 1988; Alexander
Cockburn, ‘Ashes and Diamonds’, *In These Times*, 3-9
February 1988; William Blair, ‘Seán MacBride of Ireland is
Dead at 83’, *The New York Times Obituaries*, 16 January
1988; ‘Worldwide tributes paid to Seán MacBride’, *The Irish
Times*, 16 January 1988, pp. 1 and 5; ‘MacBride’s long and
complex career in law and politics’, *The Irish Times*, pp. 4-5.
Tiernan MacBride (Director), *Seán MacBride Remembers*,
Film shown by Radio Telfis Eirann during May 1988.
[33] Ibid., p. 27.
[34] Ibid., p. 37.
[35] Ibid., pp. 52-55.
[37] Proinsias Mac Aonghusa, ‘MacBride: Ireland’s One
[38] Suter op.cit., pp.180-181.
[39] Ibid., pp.135 and 179.
[40] Ibid., pp. 184-185.
[41] Ibid., pp. 132-133; Examples include speeches to: The
International Conference on the Outlawing of Biological,
Chemical and Nuclear Weapons’, Stockholm, 26-27 August
1971; The World Federation of UNAs, ‘International
Symposium on Campaign for the Abolition of Nuclear
Weapons and the Banning of Chemical and Biological
Weapons, Dresden, March 1972; and the World Peace
Council Presidential Committee meeting entitled ‘Tasks for the
[42] See MacBride’s speeches listed above.
[43] In 1975 IPB sponsored the ‘Bradford Proposals’ - over
one million copies in 10 languages were distributed worldwide.
By 1977 it was translated into 12 languages with 2 million
copies printed. See Seán MacBride, ‘Is Nuclear Survival
Possible?’, Address on the occasion of the award of an
Honorary Degree, University of Bradford, United Kingdom, 4 May 1977.


[45] Ibid., pp. 221-222.


[59] For a comprehensive discussion of the opinions of legal scholars see Meyrowitz, op.cit., Chapter 3, pp 41-86.

[60] Ibid., pp. 58-59.
[65] Ibid., p. 496.
[74] Darnton, op.cit., p. xvii.
[82] Ibid., p.180.
[85] Pablo Casals was devastated by the atom-bombing of Hiroshima and Nagasaki and in 1946 he canceled plans for tours and recordings in protest. Schweitzer’s three radio appeals from Oslo entitled ‘Peace or Atomic War?’ impressed Casals greatly. In 1957 when he was invited to play in the UN General Assembly Hall on the 13th anniversary of the UN, he planned to deliver a strong message opposing nuclear weapons to the UN representatives. However the UN only allowed delegates to speak, so he prerecorded his message in English, French, Spanish and Italian. He received 5,000 letters and telegrams in direct response to his UN appearance. For details see H. L. Kirk, *Pablo Casals: A Biography*, Hutchinson, London 1974, pp. 432-433, 466-511.
[92] Ibid., pp. 109-110.
Australia, 1996, p. 278.
[95] Ibid, pp. 226, 227, 248, 278.
[96] Ibid., p. 296.
CHAPTER 3

THE 1980s: WOMEN MOBILISE

Jan. 1, 1983. Dancing on the silos where cruise missiles are to be stored
CHAPTER 3
THE 1980s: WOMEN MOBILISE

If you insist upon fighting to protect me, or 'our' country, let it be understood, soberly and rationally between us, that you are fighting to gratify a sex instinct which I cannot share; to procure benefits which I have not shared and probably will not share, but not to gratify my instincts, or to protect either myself or my country. For, the outsider will say, in fact, as a woman, I have no country. As a woman, my country is the whole world. Virginia Woolf [1]

3.1 Introduction

Not until the early 1980s was there a resurgence in the European peace movement. In Britain, Campaign for Nuclear Disarmament's (CND) membership jumped from 3,000 to 50,000 within two years and in June 1982, nearly a million people marched in New York during the second UN Special Session on Disarmament (UNSSOD II). Demonstrations, at times numbering over a quarter of a million, filled the capitals (and other cities) in Belgium, Denmark, Finland, France, Germany, Greece, Italy, the Netherlands, Norway, Spain and the UK. This was precipitated by public anxiety over the provocative deployment of Pershing II, Cruise and SS20 missiles in Europe which appeared to invite first strikes in periods of acute crisis. Citizens in non-nuclear weapon states, including junior alliance partners, questioned their sovereign rights. This anxiety took several forms including important normative dimensions, such as moral and legal objections to nuclear weapons. [2]

Falk felt that previous public inertia was related to the seeming futility of mounting a legal case against nuclear weapons because of the prevailing realities and track record of geopolitics. Lawyers reasoned that, without political pressure from the grassroots, any efforts to pursue this would fail.
International lawyers were meant to uphold official policies, and ‘it was more desirable to maintain a discreet silence on the subject as long as this was politically possible’. [3]

While British peace activists were often charged with breaches of the peace, obstruction and other minor offences resulting in small fines and short prison sentences, the real aim of their protest was dismissed by the judges. In the US, similar cases were dropped because they would set undesirable precedents if the accused were acquitted. [4]

Meanwhile, throughout the South Pacific the peace movement gained strength. From 1946-58, the US tested 66 atomic and hydrogen bombs on Enewetak and Bikini Atolls in the Marshall Islands, and other countries continued to test in the region. In the early 1970s nonviolent direct actions against tests increased, and groups lobbied their governments to take France to the ICJ for a declaratory judgment that causing nuclear pollution to other countries was unlawful. During the mid-seventies, the Nuclear Free Pacific network of hundreds of NGOs collectively responded to the Pacific Ocean being used for nuclear and missile tests; to dump nuclear waste; the transit of nuclear weapons; and nuclear bases. Their Peoples’ Charter outlined unconditional demands for a truly nuclear free region.[5]

Women took a leading role within the region. In 1954, Marshallese women expressed their desire ‘to join any world organisation to outlaw the use of the atomic bomb in possible future warfare’. [6] Later the Marshallese and other small Pacific Island states made significant contributions to evidence presented to the ICJ. In the matrilineal society of Belau, the women elders promoted and gained the world’s first nuclear free constitution in 1979. Ratified by 92% of the people, it banned port visits by nuclear-armed and powered ships. [7] In 1982, over 100,000 Australians marched in six main centres and a poll found that 72% of Australians believed that the use of nuclear weapons could not be justified under any circumstances.[8] So, by 1980, nuclear weapons and the law were on the South Pacific regional agenda.
This chapter highlights the role of women in the international movement during the 1980s, using case studies of four high profile politicians and the Greenham women’s peace camp. It describes how Greenham women filled the British courts arguing that nuclear weapons were illegal under international law, and took President Reagan to the US Supreme Court.

3.2 Actions Inspired by Women

The growth of the women’s, environmental and nonviolence movements of the 1960s and 1970s impacted strongly on the tactics and strategies adopted by peace groups. [9] Emerging feminist analysis called for a radical transformationist approach, and viewed nuclearism as the ultimate extension of the Machiavellian, ‘realist’ pursuit of state interests under all circumstances. Few world leaders served the interest of the planet by pursuing policies which recognised the inter-relatedness of all life, and common threats to humanity such as nuclearism, population growth, gross under-development and environmental abuse. Radical transformationists believed that society must be transformed ‘from below’ in order to create an international ‘civil society’ based on a common law and cooperative politics. They argued that confrontation and militarism must be replaced by cooperation and demilitarisation. Control of the decision making structures by secrecy and withholding information must be replaced by open democratic debate and accountability. [10]

The women’s peace movement espoused this philosophy, which later became known as ‘common security’. They networked beyond the nation state, finding strength in their mutual vulnerability as they linked with women globally and demanded the enforcement of domestic and international law for the protection of all. Dreaming the impossible in order to obtain the possible, they worked through the four stages of their actions: ‘mourning, rage, empowerment and defiance’. [11] Their infectious energy flowed through to other peace groups worldwide, empowering citizens to use the law to influence decision makers.

With heightened anxiety about the urgency of the issue and proximity of the weapons to their homes, women in various countries organised civil
disobedience actions, often resulting in mass arrests, court cases and extensive media coverage. Advances in technology improved international communication, facilitating the sharing of strategies, thereby enabling groups to form coalitions for joint actions.

As women took leadership roles in the peace movement, they ensured that feminist principles of cooperation rather than competition; participation rather than exclusive hierarchies; consensus decision making and information-sharing, became part of the group process. Many were impatient with the lack of progress resulting from traditional forms of protest. Petitions, marches, conferences, letters and stalls seemed ineffective. Survival of their families and the planet was at stake, and it was time for women to take collective direct action. They had been the secretaries and tea-makers for too long. Many were prepared to risk jobs, relationships and personal security to highlight the illegality, immorality and absurdity of the nuclear policies. Women chose various roles in the growing movement, such as pursuing political careers, taking direct action at missile sites, engaging in face-to-face dialogue with decision makers and/or running local peace groups within their communities.

3.3 Oxford Research Group (ORG)

In 1982, the Oxford Research Group's founder Scilla Elworthy, frustrated by the lack of dialogue between demonstrators and decision makers, researched how nuclear weapon decisions were made. She had marched with a million others during UNSSOD II, and observed how nothing changed within the UN. Decision makers were not accountable to the people outside. [12] She became 'obsessed by a desire to find out what made the men tick' (only six out of the 650 people with nuclear decision making power were women). She discovered that they were isolated from discussions with anybody except those who agreed with them, and they used a special impersonal vocabulary to prevent emotion creeping into their work. [13]

She encouraged the peace movement to use the emotional and intellectual sides of the brain. Her idea was that citizens should 'engage' personally in
dialogue with decision makers from a background of real knowledge, rather than wave banners or shout violent opposition. She established a pilot programme with ten groups to test this concept of dialogue. This grew to 70 groups writing to both British and Chinese decision makers, with similar engagement in dialogue with the US and USSR.

Elworthy identified three areas of success. First, the process increased the confidence and knowledge base of the ORG participants, who were at times more erudite than their chosen contact. This had a powerful impact, undermining the assumption that nuclear issues were too complicated for the ordinary citizen, and should therefore be kept secret. Second, it exposed the lack of accountability of civil servants to Parliament. Because of the short tenure of Ministers of Defence and Foreign Affairs, decisions about complex weapon systems - which can take up to 15 years to develop - are usually made by long-serving officials and not the ministers. Third, the correspondence and subsequent face-to-face dialogue often helped to change their minds, which in turn affected the whole system of decision making. [14]

This principle of trying to reach the conscience and humanity of everyone in authority was fundamental to the Greenham women's philosophy. It was also at the root of the Pentagon Women's Action (1980-81) and the Women's International League for Peace and Freedom (WILPF) and Belgian women's mass event at Brussels NATO headquarters on International Women's Day in 1983. More than 10,000 women from all over Europe, plus 125 North Americans presented their demands for nuclear disarmament to NATO military leaders, and to the ambassadors of the five nuclear weapon states (NWS).[15]

While these particular actions did not specifically link international law with nuclear weapons, the strategies of highly visible direct action outside key organisations such as the Pentagon and NATO, dialogue with decision makers, and women-only actions spread throughout the international peace movement during the following decade. Some of the women involved in
these activities became strong WCP supporters, and used their influence to sway their predominantly male allies within the decision making system.

3.4 Four Politicians: Theorin, Kelly, Vallentine, Lini.

High-profile politicians like Swedish Disarmament Ambassador Maj Britt Theorin, German Green Petra Kelly, Australian Nuclear Disarmament Senator Jo Vallentine, and Vanuatu's only woman parliamentarian Hilda Lini provided excellent role models for women in local peace groups. They had deep roots in peace movements committed to nonviolent direct action and a nuclear free world. Determined to share their well-researched knowledge with ordinary people in a way which was accessible and empowering, they believed that it was up to the people to make democracy work for them by educating their elected representatives and demanding accountability from them.

Kelly and Vallentine were pioneers of political parties such as the Greens and the Nuclear Disarmament Party (NDP) which expressed people's exasperation at the inability of the established parties to act on the urgent issues confronting the survival of the planet. They built on the earlier model of the 1915 US Women's Peace Party. [16] Kelly felt that a movement operating exclusively outside parliament was unable to implement demands for a new analysis of security. She encouraged women to stand as Members of Parliament (MPs), convinced that gender equity in decision making would force changes in defence and foreign policy priorities. [17]

Other women taking leadership roles on security issues at this time included Gro Harlem Bruntland (Norway), Indira Gandhi (India), Marilyn Waring and Helen Clark (A/NZ). These women worked within more traditional political parties and had a significant influence on their governments. During the early 1990s Theorin, Vallentine and Lini became important participants in the WCP, and Kelly gave support until her untimely death in 1992. From 1993-96 Clark and other A/NZ women MPs strongly promoted the WCP.
(i) **Maj Britt Theorin** was a Swedish MP for over 25 years, and in 1995 she was the highest polling parliamentarian. She is a mother, grandmother and peace activist. Recently she has been the President of IPB, Women Parliamentarians for Peace (WPP) and Parliamentarians for Global Action (PGA); and chaired both the 1989-90 UN Study on Nuclear Weapons and the UN Gender and Agenda for Peace Committee. In 1995 she was the only woman on the prestigious Canberra Commission on the Elimination of Nuclear Weapons. She is currently a Member of the European Parliament and coordinator for the largest party on security issues.

As Sweden's Disarmament Ambassador from 1982-91, in charge of her government's nuclear disarmament policies, Theorin promoted a Nordic NFZ and a CTBT while trying to maintain Sweden's nuclear free policies. She described how it was the ordinary people - mostly women - who in the 1950s prevented Sweden from becoming a nuclear power:

> In Sweden it is very unusual for members of the Social Democratic Party (SDP) to openly differ from the official opinion. But nuclear weapons were the exception. The women in the party said: "No, we are not going to have nuclear weapons!" Many of the women, mothers and grandmothers have told me of how the men looked suspiciously at them, ...in those days many people believed we needed nuclear weapons to fight those "bloody enemies". The women won the fight and the SDP said no to nuclear weapons, and suddenly the other parties followed too.

If they had not put up a fight, she is convinced that Sweden would be nuclear-armed today. She promoted the Great Peace Journey organised by Sweden's WILPF, when Foreign Ministries were asked whether they would agree to various disarmament measures if all the other nations did the same, and most said they would. [18] Scandinavian women met Russian mothers and grandmothers, and cried together as they supported each other's disarmament efforts. Like Elworthy, Theorin believes it is

> ... this emotion, this engagement, which will propel the peace movement to success. You have to use both parts of the brain. Knowledge can paralyse you, make you passive. If you dare to look at things in another way, then you can find a way out. [19]

The enlightened attitude towards NGOs of her predecessors, Ambassadors Alva Myrdal (Nobel Laureate and IPB Vice President) [20] and Inga
Thorsson (WILPF), encouraged Swedish women to take a greater role in decision making. They ensured that the peace movement received a proportion of the country’s defence budget e.g. in 1985 groups received 25 million kroner (NZ $6 million). Theorin believes this financial strength, and the long tradition and broad base of the movement, sustained the research work, publicity and protests which kept ordinary people informed. [21]

In 1982, MacBride encouraged her to pursue his ideas of outlawing nuclear weapons, making reference to the ‘dictates of the public conscience’. Their efforts to convince the Swedish Foreign Ministry and its legal advisers proved unsuccessful. The bureaucracy was adamant that nuclear disarmament could only be achieved by political negotiation and not through the judiciary. However, she persuaded Prime Minister Palme to refer to the idea in the UN in 1985. [22] She believed that if they could not be outlawed immediately, the first priority would be for a declaration of no-first-use, then non-use, until finally a situation was reached of an ‘unwritten law’ that nuclear weapons are not allowed. Prime Minister Carlsson expressed this view during UNSSOD III in 1988. [23]

From 1985-88 Theorin pursued the question of illegality of nuclear weapons and called for a binding law against them. But during the Cold War she opted for the political process, grudgingly accepting that the time was not right to go to the ICJ. Many advised her that ‘it would not have a chance; the Court would not give an opinion; and if it did it would probably argue that nuclear weapons were legal’. [24] In 1989, when New Zealand’s Disarmament Minister Fran Wilde asked Theorin informally to consider Sweden and A/NZ co-sponsoring an UNGA resolution requesting an advisory opinion from the ICJ, she declined, citing Cold War realities and bureaucratic intransigence.[25] During the early 1990s she was strongly supported in parliament by lawyer Stig Gustafsson. They both wrote articles promoting the WCP in the PGA Newsletter. Later, Theorin played a crucial role as a link between the WCP lobbying team and the diplomats during the 1993 UNGA.

(ii) Petra Kelly studied World Politics and International Relations in the US during the late 1960s, when she also worked voluntarily for Senators Robert
Kennedy and Hubert Humphrey. Later she studied European citizen movements and worked as a European Economic Council intern,[26] and became very active in the European women's, environmental, peace and anti-nuclear movements. She joined the West German Social Democratic Party, but resigned in 1979 in protest against their policies on nuclear weapons, health and women. She was a founding member of the Greens, and their leading candidate in the European elections when they won 3.2% of the vote. In March 1983 she was one of the 27 Greens elected. That year she received the Alternative Nobel Prize [27], and the US Peace Woman of the Year Award.

Totally committed to pacifism and nonviolence, she was strongly influenced by Jesus Christ, Mahatma Gandhi, Martin Luther King and Cesar Chavez. She promoted civilian-based nonviolent action and advocated 'civil disobedience - open infringement of the law on grounds of conscience'. [28] The Greens were committed to nuclear abolition and adopted the motto: 'Be gentle and subversive'. Inspired by Thoreau's wisdom that 'dissent without civil disobedience is consent', Kelly believed that while Western democracies used the law to protect the bombs and not the people, it was up to the people to expose the illegality of nuclearism.

She gained inspiration from close contact with a radical US group which included the Catholic priests Philip and Daniel Berrigan. In the early 1980s they broke through a security area of a nuclear weapon factory, hammered the warhead cone and poured blood on drawings, plans and other items. They were charged and given long sentences. [29] Despite this outcome, international lawyers were encouraged because the court accepted that 'fear of nuclear war might constitute an "immediate danger" giving reasonable grounds to a defendant to break the law, adding: "No peril is greater, no peril approaches the peril of nuclear war." ' [30] Philip Berrigan claimed:

We are moving in the direction of mass suicide and total annihilation, all in the name of legality. But governments are continually breaking the law at national and international level. These governments behave in an illegal and uncontrolled manner. Without the cloak of legality, they could not carry out this atomic insanity. And for that reason, we must call our
actions nonviolent civil disobedience, though they are in reality civil obedience.[31]

In 1981 the West German Green Party, at Kelly's instigation, lodged criminal charges against the Chancellor for 'betrayal of peace, and for preparing a war of aggression', and in February 1983 they organised a Tribunal against First-Strike and Mass Destructive Weapons at Nuremberg. The Tribunal not only indicted the Federal Government, but all nuclear governments plus all states secretly acquiring nuclear weapons through the civilian nuclear fuel cycle, arguing that the threat to use these weapons infringed international law. [32]

Kelly co-presented a 23-point appeal which encouraged all countries and cities to organise similar tribunals. [33] It was here that Falk assessed the legal status of nuclear weapons. With a rare combination of knowledge, feeling and urgent conviction, he spelled out the need to hold governments accountable to the Nuremberg Principles, and suggested a possible course of action:

It would be entirely appropriate, legally and technically for a single neutral State, or a group of neutral States, to initiate an action at the International Court of Justice at The Hague, asking for the suspension of all reliance on nuclear weapons in any context. It would be an extremely constructive act to give the ICJ the chance to distinguish itself as a growing institution by upholding and developing international law.[34]

Kelly maintained her strong commitment to linking the law and nuclearism, and spoke globally on these issues throughout the decade. She was behind many of the mass rallies and direct actions around European nuclear bases. She frequently visited East Germany linking closely with NGOs trying to help break down the Iron Curtain. During her short life she touched millions with her passion and rhetoric.

(iii) Jo Vallentine is a Quaker, mother, peace activist and teacher. In 1984 she became the world's first Senator for Nuclear Disarmament in the Australian Senate. She was committed to the 300 year old Quaker Peace Testimony, with a firm belief in the strength of nonviolence, the need for reconciliation of opposing forces, and the overwhelming power of love as a source of spiritual energy.[35] On entering parliament she forced debates
on nuclear issues, and in 1985 the Labor Parliamentarians for a Nuclear Free Australia group formed. The conservative Coalition responded by publishing a statement on ‘Peace Through Security’. By December 1984, more than half a million Australians had nuclear disarmament at the top of their political agenda; and in 1987 another NDP Senator joined Vallentine. Together they promoted the closing of the biggest uranium mine in the southern hemisphere; an enquiry into Pine Gap (an intelligence base which assists US nuclear targeting); and banning visits by nuclear-powered and armed warships. They worked with supportive Democrat and Labor MPs to place anti-nuclear bills before Parliament. In 1986, the government had set up an inquiry into the safety procedures for nuclear warships; and in 1987 the Labor government established a Peace and Disarmament Bureau headed by Richard Butler (who later convened the Canberra Commission).

Like Theorin, Vallentine was a member of parliamentary committees on Defence and Foreign Affairs. She used the procedure known as ‘Matter of Public Importance’ to instigate debate on Pine Gap, and tried to amend the Governor General’s speech with reference to the immorality of the ANZUS alliance. In 1987 she was arrested at a large protest at Pine Gap and during the 1988 Bicentennial celebrations, she chained herself to a visiting British nuclear-armed warship. Prince Andrew was on board, so Vallentine deliberately quoted excerpts from the speech of his famous great-uncle Lord Mountbatten on a placard which she carried:

As a military man who has given half a century of active service, I say in all sincerity that the nuclear arms race has no military purpose. Wars cannot be fought with nuclear weapons. Their existence only adds to our perils because of the illusions which they have generated. The world now stands at the brink of the final abyss. [36]

In both cases, she used the media to promote civil disobedience, ‘based on the Nuremberg Principles which oblige an individual to act against an unjust or immoral domestic law in order to uphold international law for the good of humanity’. [37]

Women arrested during a five day, women-only peace action at Pine Gap in 1983 had used similar arguments in their defence. Over 800 women, many dressed in suffragette colours and holding aloft a mass of banners and
flags, marched towards the gates. The ensuing media coverage helped unveil the secrecy surrounding the base and mobilise others (Figure 1).[38] Later, Vallentine and two women Democrats used parliamentary questions to clarify the government's position on the WCP. In June 1991, Vallentine promoted the WCP in the PGA Newsletter, and encouraged the Australian branch to unanimously support it. She also ensured it was debated by the National Consultative Committee on Peace and Disarmament.

(iv) Hilda Lini comes from a line of chiefs. She is a mother, politician, and peace activist from a small group of South Pacific islands called Vanuatu, which led the region on issues of nuclearism and independence during the 1970s. Following the transition to independence from the UK and France in 1979-80, the economically vulnerable government, led by Hilda's older brother Walter, championed the liberation struggles in Kanaky, Tahiti, East Timor and West Papua. During the 1980s Vanuatu was the only South Pacific state to join the Non-Aligned Movement (NAM). In 1982 it banned two visiting warships from its territorial waters after the US refused to confirm or deny the presence of nuclear weapons. The following year an anti-nuclear parliamentary resolution was passed banning all nuclear-armed ship visits.

At the opening of the 1983 triennial Nuclear Free Pacific Conference in Vanuatu, Prime Minister Lini reflected Pacific-wide sentiment by saying:

> It is a matter of life and death that our Pacific Ocean be declared a nuclear-free zone. Testing of any kind must be outlawed, as must the dumping of nuclear waste, the firing of nuclear devices, and the passage of submarines and overflying aircraft carrying them. On this crucial issue there can be no compromise or retreat. If we continue to deny ourselves any decision on this, our children of tomorrow will condemn us, and it will be a condemnation we have deserved. [39]

When the South Pacific Nuclear Free Zone Treaty (SPNFZ) was finally adopted in 1985, Vanuatu refused to sign it because it was too weak, and gave similar reasons for not signing the Non-Proliferation Treaty (NPT).

While Walter trained as an Anglican priest in A/NZ, Hilda studied journalism and became deeply involved with the independence struggle at home. As editor of the movement's newspaper in 1976, she coordinated the women
and youth sections of the movement, travelling widely around the Pacific islands. In 1982 she worked as coordinator of the Women's Programme for the South Pacific Commission, composed of 27 governments - 22 from the South Pacific plus Australia, A/NZ, UK, France and the US. From this base she established the Pacific Women's Resource Bureau. During her travels she shared her government's anti-nuclear policies with officials, and served on the executive of many NGOs, including the Nuclear Free and Independent Pacific (NFIP) movement. [40]

She became Vanuatu's first woman MP in 1987; and by 1991 she was Minister of Health and a WHO Vice President. She attended the 1993 World Health Assembly (WHA) and UNGA, where she played a pivotal role in convincing her Pacific and NAM colleagues to co-sponsor resolutions requesting ICJ advisory opinions on the legality of nuclear weapons (see Chapters 9 and 11). IPB awarded her the 1993 MacBride Peace Prize for her outstanding efforts.

Although there were many women politicians who contributed to the development of foreign and defence policies in the 1980s, these four deserve special mention. They highlighted nuclearism within their parliaments and regions, and later played important roles in the WCP. They maintained their accountability to the peace movement, seeking guidance on important issues of policy development. Travelling extensively, they spoke passionately with politicians and activists about the urgency of opposing the nuclear arms race. They reinforced their rhetoric with research and international law. Their friendships with other politicians were instrumental during the following decade when governments and citizen groups needed convincing about the WCP.

3.5 Women-Only Actions

Women inspired by the growing mass movement began to establish autonomous women's groups. 'Women for Peace' sprang up in Holland in 1979: within a year the membership grew from 400 to 5,000. Similar groups developed in Aotearoa, Australia, Denmark, Japan, Sweden, Switzerland, the UK and US. Women opposed their taxes being spent on nuclear
weapons and demanded that governments resource education, health, childcare, and teaching people to solve conflicts non-violently.

Working with WILPF, Dutch Women for Peace collected 53,000 letters internationally protesting about the nuclear arms race, which they presented to their Defence Minister and gained good media coverage. Following a visit by Caldicott, they helped organise a 400,000 strong march in Amsterdam; and on International Women's Day for Disarmament in 1982, they involved 40 other towns and established a peace camp at a NATO airbase. This, like other smaller women's peace camps in Aotearoa, Australia, Italy and 20 different UK military installations, was inspired by the Greenham Common Women's camp. [41]

**Greenham Common Women's Peace Camp**

*The law doth punish man or woman*  
*Who steals the goose from off the common*  
*But lets the greater felon loose*  
*Who steals the common from the goose*  
*(18th Century, Anon)*

On 27 August 1981, 40 women, some children and four men left Cardiff, South Wales on a 125-mile ‘Women For Life on Earth March’ to Greenham Common to protest against NATO's decision to base 96 American ground-launched cruise missiles there in December 1983. On arrival ten days later, they asked for a televised debate on the issue. When this was refused, they set up a women's peace camp as a direct protest and to attract media attention. [42] Over the next 12 years, the Greenham women received worldwide media coverage, filled the local courts and prisons with thousands of women, took President Reagan to court, and eventually succeeded in having the missiles returned to the US.

The women's catch-cry was 'revolutionary non-violence' rather than 'passive resistance'. Mass actions included ‘Embrace the Base’ - where over 36,000 women surrounded and blocked the base - and smaller actions in which sections of the perimeter and inner fences were cut or taken down. At times women climbed over or through the fences to occupy temporarily
the silos, hangars and runway. The actions were daring, imaginative, humorous but determined. Not all were held at Greenham. For example, on International Women’s Day for Disarmament in 1983, thousands of women participated in more than 600 actions throughout the UK, including vigils, marches, die-ins, leafleting and street theatre. [43]

Veteran Greenham woman Rebecca Johnson outlined their philosophy:

Recognising that the decision to deploy Cruise missiles is military and political and that women committed to nonviolence could not physically prevent their arrival, we combine direct actions intended to embarrass and inconvenience the authorities with demonstrations to convince ordinary people and decision-makers that nuclear weapons are immoral and illegal as well as impractical. [44]

They believed that everyone must take ‘personal responsibility for what they do and should not hide behind their uniforms, professions or formal positions of authority’. Police officers, judges, lawyers, magistrates and juries were challenged to reflect on their role in maintaining an illegal system. The women refused to be intimidated by complicated legal jargon and court rituals, and made an early decision to use only women lawyers. In their defence they quoted the Nuremberg Principles, the Hague and Geneva Conventions and the Genocide Act, arguing that the government was breaking the law. They highlighted the absurdity of not enforcing international laws while every nation prohibits murder and acts of brutality.

While the courts refused to recognise the wider political purpose of what the women were doing, they did not charge them under the Official Secrets Act; and sometimes expert witnesses were allowed to give evidence. When legal aid was later denied, women conducted their own defence, adopting techniques which helped them express themselves, such as singing, shouting and talking though interruptions, without being intimidated. [45] The early court cases won widespread publicity for the argument that nuclear weapons are illegal. However, frequently the women were thwarted in their efforts to have the legal arguments heard, and they were treated as criminals.

In August 1983 the Greenham Women Against Cruise Missiles decided to take affirmative action by framing the questions and identifying those who
should be on trial. Within two months they prepared the case, filing an injunction against President Reagan and his Joint Chiefs of Staff in the US District Court in New York. Nearly 200 European and North American peace, church and women's groups submitted supportive 'amicus' briefs and provided funding. To mark the opening of the case, thousands of groups gathered for a 24-hour protest outside all 102 US bases in the UK. By November there were '... declarations of thirty expert witnesses covering every conceivable aspect of Cruise from its manufacture to the consequences of its use'. [46] MacBride prepared a 100-page brief on international law with Burns Weston from the Lawyers' Committee on Nuclear Policy (LCNP). Other experts documented medical, religious, strategic, scientific and psychological concerns. Women from the US Centre for Constitutional Rights, LCNP and the UK Lawyer for Nuclear Disarmament (LND) argued on behalf of the plaintiffs that:

The use of deployment of nuclear weapons violates the international laws of war and the Universal Declaration's rights to life; the deployment of cruise missiles is a tort against the English plaintiffs in violation of international law and is actionable in US courts under the alien tort claims act; and the deployment of cruise missiles deprives the women from Greenham Common their interests in life and liberty without due process of law. [47]

The US government argued that the court did not have jurisdiction on this political question, and should not interfere in matters of defence policy because the Constitution gave the President responsibility for foreign relations. So, because nuclear war had not happened yet, the President had not yet violated the Constitution.

In July 1984, the judge ruled against the jurisdiction argument, confirming that it was a 'perfectly proper matter to be brought before the court'. He indicated that the courts are incapable of deciding cases like this because 'the fact finding that would be necessary for a substantive decision is unmanageable and beyond the competence and expertise of the judiciary'. However, none of the evidence prepared by the expert witnesses was heard. The government feared an avalanche of similar lawsuits internationally if they allowed the case to proceed. [48]
The women's British lawyer, Jane Hickman, saw the verdict as a victory for both the Greenham women and the wider peace movement, as it left open the possibility that there can be circumstances in which the court would look at such questions. [49] She claimed it was the first time a comprehensive scientific, medical, environmental, moral and legal attack on Cruise missiles had been put together. It received a great amount of media interest both in the US and UK, and set a precedent for future cases. Through their high media profile, Greenham women raised public awareness about the importance of international law and its relationship to nuclear weapons, and highlighted the ambivalence with which the Western nuclear weapon states (NWS) treat these laws. By taking Reagan to court, they showed how even a small group of individuals can bring law to the attention of ordinary people.[50]

3.6 Conclusions

The 1980s saw a groundswell of peacemaking activities by women from all walks of life. Some within the political sphere used their power to challenge decision making processes; others sought creative dialogue with those in power; while thousands of women used their collective power in joint nonviolent actions outside male bastions implementing nuclear strategies such as military bases, the Pentagon and NATO headquarters. The German Tribunal led by Kelly became a model for other European and North American groups to emulate.

One prominent decision maker who responded positively to the more prominent role of women in the nuclear free movement was A/NZ's Prime Minister David Lange. He noted that:

...the hectoring, demanding rhetoric of earlier protest movements, the calculated affronts to political figures, the dialectical wording of resolutions from meetings, all gave way to expressions of concern and affection. The shouting of strident slogans was replaced by the presentation of gifts of flowers. Politicians were to be greeted or embraced and not to be railed at. The nuclear free movement became what it should be, a movement of people who by their genuine commitment to gentleness and nonviolence conveyed in the way in which they conducted themselves a glimpse of what a peaceful world might be like. [51]
The Greenham legal case was a milestone for the British peace movement as it struggled to find a way to force the government to clarify the legal status of nuclear weapons. By coordinating the contributions of many professional peace groups in various countries, working with lawyers to prepare comprehensive legal arguments for presentation in court and educating the grassroots about international law, the women laid the groundwork for strategies adopted later by the WCP.

Footnotes.


[19] Ibid.

[20] In 1982 Alva Myrdal was awarded the Nobel Peace Prize, following publication of The Game of Disarmament: How the US and Russia Run the Arms Race in 1976. She was cited for her ‘commitment to the service of disarmament’.


[22] From Palme’s speech to the 40th Anniversary Session of the UN General Assembly: ‘Any use of nuclear weapons would be deeply reprehensible. One can speak of an international norm which is gradually gaining acceptance. The time has come to consider whether mankind should not begin to study, in earnest, how this utter moral reprobation could be translated into binding international agreements. We should consider the possibility to prohibit in international law the use of nuclear weapons, as part of a process leading to general and complete disarmament.’; Ove E Bring, ‘Are Nuclear Weapons and their Use Illegal?’, paper to IALANA meeting in Stockholm, 9 April 1988.

[23] Prime Minister Carlsson’s speech to UNSSOD III: ‘It is worth noting that there are already unilateral declarations by the Soviet Union and China renouncing the first use of nuclear weapons. If all nuclear-weapon States were to make similar statements it would, in practice, amount to a prohibition on the use of nuclear arms by them. Commitments not to be the first to use nuclear weapons should then be followed by an
international agreement on a total prohibition of the use of nuclear weapons ... such a treaty must be supported by concrete measures in all fields, including both nuclear and conventional weapons.' New York, 1 June 1988, UN doc. A/S-15/IPV.2, p. 37.


[27] The Alternative Nobel Peace Prize is also known as the International Right Livelihood Award.


[29] Ibid., p. 29.


[32] Ibid., pp. 42-43.

[33] Ibid., pp. 73-76; The Ribbon: A Celebration of Life, Lark Books Staff and Marianne Philbin, North Carolina, 1985.

[34] Delf, op.cit., pp. 54-55.


[43] ‘Greenham Women Against Cruise Missiles’, Centre for
Constitutional Rights, Legal Education Pamphlet, New York, 1984, pp. 5-7; See also Sasha Roseneil, *Disarming Patriarchy: Feminism and Political Action at Greenham*, Open University Press, Suffolk, 1995, Chapters 5 and 6, pp. 71-117; Jill Liddington, *The Long Road to Greenham: Feminism and Anti-Militarism in Britain since 1820*.


[45] Ibid., p.176: ‘Some women talk through the interruptions in persistent, level voices. Others walk out of the witness-box and refuse to say another word unless permitted to speak freely, the whole truth. Others abandon the legal language and break into song. Others shout out that the magistrates must listen before sitting in judgment and accuse them of hiding behind legalistic screens to evade their responsibilities to their human conscience’. See also Roseneil, (1995), op.cit., pp.108-110.


[47] Letter from Devra Nusbaum, Executive Director of LCNP, to Barbara Dworksy, 21 October 1983.


