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PANEL FIVE

STRATEGY SESSION: THINGS LAWYERS AND OTHERS CAN DO TO GET INVOLVED
AND MAKE A DIFFERENCE IN ADDRESSING NUCLEAR WEAPONS RISK

Moderator: Prof. Charles Moxley¹

*Speakers: Jutta F. Bertram-Nothnagel;² Jacqueline Cabasso;³ Denise Duffield;⁴ David Gibson;⁵
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PROF. CHARLES MOXLEY:

Jonathan suggested that we do this strategy session. We have collected several people across a spectrum of activity, some attorneys and some non-attorneys. The objective, for all of us who would like to get involved, but are not in government or the military, is to explore potential ways in which we might contribute to policy and law in this area. That is what this panel is about. The idea is for each of the speakers, across their various areas of focus and expertise, to describe their work and suggest how others can get involved.

Nuclear Weapons, War, New Technology, and Outer Space

JUTTA F. BERTRAM-NOTHNAGEL:

Regarding our panel question, I would first like to point out that it is systemic, because nuclear weapons are systemic. No matter where you are and which area you want to work in, you can have a positive effect against the use and threat of use of nuclear weapons. For instance, when you think about environmental protection, this topic is not only an existential part of the

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debate on nuclear weapons, but nuclear weapons need also be made a part of the debate on environmental protection. At the United Nations High-level Political Forum on Sustainable Development, particularly in the review for Sustainable Development Goals 16 and 17, nuclear weapons should matter: What is the effect on environmental protection, on sustainable development, due to the production of nuclear weapons, the stationing of nuclear weapons, the testing of nuclear weapons, and so on?

Similarly, with regard to human rights, they are an essential topic in addressing nuclear weapons, *and* nuclear weapons are an essential topic in the work on behalf of human rights. It is possible to meaningfully contribute to the evaluation of state reports under the Human Rights Committee and under other human rights treaty bodies by submitting NGO reports about the nuclear policies of states and by urging an examination whether those policies are violating the right to life, the right to health, and human dignity itself. The protection of human dignity and human rights in the pursuit of true peace matters everywhere and what we do about nuclear weapons matters everywhere. Thus I wonder when we say we are fighting on behalf of good values in this or that war – what values are these if we think they justify the slaughter of so many people, – the disvalue of “Others” – , and the ruin of the planet. If one fights with disregard of the human dignity of others, one disregards human dignity itself, including one’s own. Again, whatever you do and wherever you work against the danger of nuclear destruction, these efforts are complementary. Wherever you sing your song on common humanity, it will resonate.

At the international level, which I am mostly focused on, I would like to spotlight just two of the fields available for work against the use of nuclear weapons and against the risks tied to nuclear weapons. One is located in the nexus between nuclear weapons and war, and the other in the nexus between nuclear weapons and new and emerging technologies including in outer space.

War holds probably the greatest risk that nuclear weapons might be used; thus, the most obvious risk reduction is to *not* go to war. This has already been pointed out in the [1955 Bertrand Russell and Albert Einstein’s] [Russell-Einstein Manifesto](#), which deduced the need to avoid war from the very knowledge of how to build nuclear weapons. In other words, with the elimination of nuclear weapons, one does not lose their deterrence against war. The knowledge that humankind has, how to build nuclear weapons, remains as the essential deterrent against war. That knowledge alone should be sufficient – as most concise nuclear *minimum* deterrence – to steer states towards the peaceful settlement of disputes. It means we must strengthen the peaceful settlement of disputes under [Chapter VI of the United Nations Charter](#). Such work can be undertaken by supporting a recently launched campaign on legal alternatives to war which is sponsored by several non-governmental organizations and seeks to increase recourse to the International Court of Justice. Bar associations may consider joining or otherwise aiding this campaign. The non-governmental campaign accompanies similar efforts by groups of states to achieve more acceptance of the compulsory jurisdiction of the International Court of Justice, more requests for ICJ advisory opinions, more treaty clauses specifying the ICJ for dispute

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settlement, etc. Other peaceful settlement methods under Chapter VI should be likewise more widely advocated and used before people go to war.

Another path to prevent war is to sharpen individual criminal accountability of state leaders for war-making without justification whatsoever; namely for committing a crime of aggression. This leadership crime essentially means bringing about a state act of aggression. The crime of aggression is included in the [Rome Statute](#) of the International Criminal Court, something that may be not often enough recognized. It is one of the core crimes under the Statute, together with genocide; crimes against humanity and war crimes. But the jurisdictional conditions for this crime are different and more difficult to fulfill. Here a strong effort is underway to remove the hurdles and to equalize the jurisdictional conditions for all four core crimes. If you want to work on this, you might go to the [website](#) of the Global Institute on the Prevention of Aggression where we have put up a model proposal to amend the jurisdictional conditions. The proposal is technically complicated and there may be other legal options too, but the main task is to achieve universal accountability for what is a horrible crime against human dignity: The crime of aggression turns human beings into collateral damage, into cannon fodder and into killing tools for a state use of force that lacks any justification under international law.

With respect to the second nexus mentioned, you could take a closer look at the risks added into nuclear weapons systems due to new and emerging technologies and in the outer space context. The impact is so complex, one could give a seminar for a whole year on all the interconnections, i.e. how these technologies can have beneficial but also absolutely horrendous effects. I realize I cannot go into all of them here. I only want to quickly point out that the negative capabilities of cyber-attacks against nuclear weapons systems are made worse by artificial intelligence, and, sooner or later, by quantum computing overcoming protective encryption.

When you want to find out more about the efforts made to obtain the good without the bad, you could start from new draft resolutions by the U.N. General Assembly First Committee (likely soon to be adopted by the Assembly as a whole) about three open-ended working groups, one of them shortly called the Cyber Open-Ended Working Group (with a much longer formal title). The other two working groups align with the international law obligation to use outer space only for peaceful purposes, with the newer working group asked to prevent an arms race in this realm (Nuclear Weapons are not permitted in outer space, but satellites are important components in nuclear command, control, and communications). Within those three negotiation processes, you could work on issues simultaneously pertinent to the nexus with nuclear weapons, such as how international law – including international humanitarian law and human rights law – applies to new and emerging technologies. One recurring debate concerns the basic question of whether we need right now merely consensus on ‘rules, norms and principles of responsible state behavior’ or a new legally binding instrument.

In my mind, we need all *three* approaches in each of these working groups, namely first, insistence that international law, international human rights law, and international humanitarian law do apply, as a matter of principle, to the new and emerging technologies. At the same time,

we will need new legally binding agreements to fill in the many gaps, such as exactly how and when these existing areas of law apply in previously unknown circumstances. Thirdly, because negotiating and ratifying a legally binding agreement takes a lot of time, it makes sense to keep pursuing possibly faster consensus on responsible state behavior, even though such norms, rules, and principles are not considered legally binding and critics have suggested that they may be too subjective or one-sided in their interpretation. However, again, we do need to take action in all promising directions and across all relevant spheres: Considering the use of new and emerging technologies in cyber-attacks on nuclear command, control, and communications (N3C), nuclear weapons are no longer just a symbol of power, they are more and more a symbol of huge vulnerability for their possessor.

Thank you.

Building a “Moral Fusion” Nuclear Disarmament Movement

JACKIE CABASSO:

I’m Jackie Cabasso. I am the Executive Director of Western States Legal Foundation, based in Oakland California, which is a member of the International Association of Lawyers against Nuclear Arms. I am also the North American Coordinator of Mayors for Peace.

From his earliest writings and speeches, Dr. Martin Luther King Jr. was passionate about nuclear disarmament and ending war. In [February 6,] 1968 [in a speech titled “A Proper Sense of Priorities”], Dr. King wrote, “The struggle for peace and the struggle for civil rights.... are tied together in many, many ways.... I feel that the people who are working for civil rights are working for peace; I feel that the people working for peace are working for civil rights and justice.”

In a 1959 address to the War Resisters League, [he said](#), “No sane person can afford to work for social justice within the nation unless he simultaneously resists war and clearly declares himself for nonviolence in international relations.” He also asked, “What will be the ultimate value of having established social justice in a context where all people, Negro and White, are merely free to face destruction by strontium 90 or atomic war... Today, the choice is no longer between violence and nonviolence. It is either nonviolence or nonexistence.”

On June 12th, 1982, at the conclusion of the United Nations (U.N.) Second Special Session on Disarmament, a million people rallied in New York City's Central Park calling for the elimination of nuclear weapons, and huge solidarity demonstrations took place around the world. On June 21st, I was among over 1,300 people arrested nonviolently blocking the gates to the Livermore Nuclear Weapons Lab, one of two U.S. laboratories that have designed and developed all U.S. nuclear weapons and continue to do so. The other is Los Alamos in New Mexico, the site of the original Manhattan Project.

A year later, I was among some 1,500 people arrested nonviolently blocking the Lab's gates, which led to an unusual group trial. In that trial, 40 years ago, we presented an international law defense, contending not only that nuclear weapons were illegal under numerous international treaties banning genocide, mass poisoning, and targeting civilian populations, but

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that the [Nuremberg Charter](#), ratified by the U.S., mandates a right of resistance to international law violations. Learning about applicable international law gave me a language to articulate my moral outrage.

In the 1980s, fear of a nuclear war between the U.S. and the Soviet Union was palpable and it was at the top of most people's minds in the U.S. But coming on the heels of the many civil rights movements, the anti-Vietnam war movement, the women's movement, the gay liberation movement, and the ecology movement, the massive anti-nuclear movement that arose was not a single issue. One need only look at the 61-page Handbook [Livermore Weapons Lab Blockade/Demonstration Handbook] prepared by the Livermore Action Group for the June 21st, 1982 nonviolent protest at the Livermore Lab.

Its Statement of Purpose reads: “The ultimate goal of the Livermore Action Group is to further the cause of (1) global nuclear disarmament, (2) the de-militarization of American society, and (3) a redirection of economic priorities that provides for a more equitable distribution of wealth and resources at home and abroad.” The Handbook includes extensive background on the Lab, its role in driving the nuclear arms race and nuclear testing in Nevada, the effects of nuclear weapons’ use, and radiation health and safety. It calls out the role of the Lab's manager, the University of California, in lobbying for new nuclear weapons. It stresses the inextricable link between nuclear weapons and nuclear power, and it advocates for the conversion of the Lab to research on safe energy alternatives.

The Handbook devotes a page to the [1961 U.N. General Assembly Resolution](#) on the Prohibition of Nuclear Warfare, quoting from the resolution that the use of nuclear weaponry “would exceed even the scope of war and cause indiscriminate suffering and destruction to mankind and civilization, and as such, is contrary to the rules of international law and to the laws of humanity.” It concludes: “The first-use and first-strike nuclear weapons that are being developed at Livermore and Los Alamos are in direct violation of international law.”

The Handbook includes a history of nonviolent direct action, a discussion of the dynamics and politics of nonviolence, and nonviolent direct-action guidelines. There is a discussion of feminism and overcoming masculine oppression, and information about forming affinity groups and making decisions by consensus. The 1983 version of the Handbook added: “[racism and homophobia] are strongly interconnected with the creation of weapons of destruction. After all, it is the same system that is responsible: a system based on domination, on the belief that some people have more value than others, and therefore have the right to control others. Because we believe it is the system in all of its forms of violence that we are fighting, we must make a commitment to fight the violence that occurs around us and between us.”

Despite the massive international anti-nuclear movement, following the end of the Cold War, nuclear weapons fell off the public's radar screen. Most people believed that the threat of nuclear war had ended, but it hadn't.

In 1951, [Dr. King wrote](#) [in *Science Surpasses the Social Order*]: “I am convinced that if our civilization is to survive, we must rise from the narrow horizon of clashing nationalism to the

wide horizon of world cooperation.... World brotherhood is no longer a beautiful ideal but an absolute necessity for civilization's survival.”

With Russia's illegal war of aggression in Ukraine accompanied by its thinly veiled nuclear threats, growing tensions between the U.S. and China, and a new conflagration in the Middle East, public fear of nuclear war is on the rise again. But it is increasingly clear that the multiple national and global crises we are confronting, including nuclear weapons, climate change, systemic racism, a growing wealth gap, and rising national authoritarianism, arise from the same foundational causes, and we are unlikely to prevail on any of them as single issues. We need to come together as never before to build political power through durable, diverse multi-issue coalitions, networks, and networks of networks, based on our shared commitments to universal indivisible human security. I want to cite two examples.

One year to the day before his tragic assassination in 1968, Dr. King declared [in April 4, 1967 in a speech “Beyond Vietnam: A Time to Break the Silence”]: “I am convinced that if we are to get on the right side of the world revolution, we as a nation must undergo a radical revolution of values.... We must rapidly begin the shift from a thing-oriented society to a person-oriented society. When machines and computers, profit motives, and property rights, are considered more important than people, the giant triplets of racism, extreme materialism, and militarism are incapable of being conquered.” The Poor People's Campaign: A National Call for Moral Revival, has picked up Dr. King's unfinished work, weaving the interlocking injustices of systemic racism, systemic poverty, environmental devastation, militarism and the war economy, and a distorted moral narrative of religious nationalism that blames poor people for their own poverty, into one “moral fusion” campaign.

The [Poor People's Campaign Moral Budget](#) calls for cutting U.S. military spending by half and dismantling and eliminating nuclear weapons. With active State-based organizations in some 40 States, the Poor People's Campaign is being supported by labor unions, faith organizations, racial justice, anti-poverty, and environmental and peace groups, and is building political power from the bottom up for a “Third Reconstruction.” I encourage everyone to get involved with your state-based Poor People's Campaign.

Mayors for Peace is another kind of “moral fusion” movement, founded in 1982 during the U.N. Second Special Session on Disarmament by the then-Mayors of Hiroshima and Nagasaki. Today, Mayors for Peace is working for a world without nuclear weapons, safe and resilient cities, and a culture of peace in which peace is a priority for every individual. These are seen as interlocking pillars essential to the achievement of lasting world peace. As of November 1st, Mayors for Peace has grown to 8,321 cities in 166 countries and territories, with 227 U.S. members. Our next goal is to reach 10,000 member cities, so please join me and help us reach our goal.

The U.S. Conference of Mayors, the nonpartisan association of more than 1,400 cities with populations over 30,000, has adopted bold Mayors for Peace resolutions for eighteen consecutive years. At its annual meeting this June, the U.S. Conference of Mayors adopted a new [Mayors for Peace resolution](#), “Calling for Urgent Action to Avoid Nuclear War, Resolve the

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Ukraine Conflict, Lower Tensions with China, and Redirect Military Spending to Meet Human Needs.”

I want to return to the 1982 Livermore Action Group Handbook’s Statement of Purpose: “The ultimate goal of the Livermore Action Group is to further the cause of global nuclear disarmament, the de-militarization of American society, and a redirection of economic priorities that provides for a more equitable distribution of wealth and resources at home and abroad.” Just maybe we're starting to come full circle. Thank you.

Activism and the Back from the Brink Campaign

DENISE DUFFIELD:

[Accompanying PowerPoint slides available [here](#).]

I’m Denise Duffield. I am the Associate Director of Physicians for Social Responsibility in Los Angeles and I also serve on the steering committee of Back from the Brink - Bringing Communities Together to Abolish Nuclear Weapons. At Physicians for Social Responsibility, Los Angeles, I also direct our nuclear threats program, and most of my time up until 2018 was spent on the clean-up of a nuclear site near us, the Santa Susana Field Laboratory, which is where I cut my teeth on organizing skills: at that particular site, we had to organize at the city, county, state and federal level, and our nuclear abolition work was primarily doing public events, Hiroshima-Nagasaki day commemoration, lectures, film series, and we would talk about the horror of nuclear war of weapons and medical impacts. We would ask people to sign a petition or to get on our list, whilst knowing that what we were doing was not going to be enough based on the scale of the problem.

In 2018, I got introduced to the Back from the Brink Campaign. It was founded in 2017, shortly after the Treaty on the Prohibition of Nuclear Weapons was adopted by the U.N. as a way to build support for nuclear abolition that could build support for the treaty within the United States. Back from the Brink also addresses some key challenges, such as folks being unaware of the danger or who are aware but don’t believe that there’s anything meaningful that they can do about it. Our federal representatives, whose voices and votes do impact the executive branch, will not act on this issue unless they hear from their constituents. Most advocacy on nuclear disarmament in the U.S. is led by beltway groups who do not have the capacity or networks to mobilize the public.

Jackie talked about intersectionality and the Poor People’s Campaign as a way we can address this other challenge that nuclear continues to be siloed from other social change movements. Nuclear disarmament grassroots activists still are the same folks that were fighting the fight in the 1980s, and we need them, but it is still too small of a constituency and has a lack of political power. Another challenge is funding. We know that \$100 million dollars were spent in the making of the film *Oppenheimer*, triple the amount of what philanthropists spent on nuclear disarmament last year, and very little of this went to grassroots organizing.

So what is Back from the Brink trying to do? We are trying to build a visible and active constituency in the United States for nuclear abolition. We are a U.S.-based coalition of

individuals, organizations, and elected officials that are working together for a world free of nuclear weapons and advocating for a set of common sense nuclear weapons policies to secure a safe and more just future. Those policies are: calling on the United States to actively pursue a verifiable agreement among nuclear armed states to eliminate their nuclear arsenals, renouncing the option of using nuclear weapons first, ending the sole, unchecked authority of any U.S. President to launch a nuclear attack, taking U.S. nuclear weapons off of hair-trigger alert, and canceling the plan to replace the entire U.S. nuclear arsenal with enhanced weapons.

We have been endorsed by over 460 organizations from all kinds of sectors – we have health groups, policy groups, faith groups, environmental groups, peace groups, and justice groups. Our motto is that nuclear weapons are a local issue, not just because of the impact that nuclear war would have on cities, but also because representatives need to hear from their community members.

One of the strategies that Back from the Brink activists use is to get resolutions adopted by their city, county, or state governments. These resolutions have also become organizing tools to help us find common cause with other movements and break out of our silos. It is a lot easier to break out of the silo on a local level. For example, in Los Angeles when we passed our resolution, I already knew environmental justice groups, racial justice groups, people in the faith community, and students that I could reach out to and use this resolution as an organizing tool to bring these groups together around this.

So far, we have 80 municipalities and state legislative bodies that have adopted resolutions. They include major cities such as Baltimore, Los Angeles, Chicago, Boston, Minneapolis, Tucson, Washington D.C., and small towns. The state of California adopted such a resolution, as did Oregon, Maine, Rhode Island, and New Jersey. We are building public and political will for nuclear disarmament at the local level that can impact federal policy. All of these resolutions are sent to federal representatives and they are also used by activists in their communities when they are trying to get our members of Congress on board.

All of our resolutions that include support for the Treaty on the Prohibition of Nuclear Weapons then become part of ICAN's Cities Appeal. There are hundreds of cities worldwide that are doing this as well. We also have the support of about 340 state and county elected officials, and that number is growing because of a new initiative we have that I will talk about shortly.

As part of our intersectional outreach, we partnered with the Poor People's campaign in 2022 for their Moral March on Washington. Furthermore, we did another webinar connecting the issue of nuclear weapons to democracy. It's a way to look at this issue from different angles and reach out to different groups. We also have a big interfaith component of our group.

We organized folks around *Oppenheimer*. We distributed materials to 23 communities and 16 states. One of the things that we were really directing people to do was to ask the member of Congress to co-sponsor [H. Res. 77](#). This is a U.S. House resolution that mirrors all of the Back from the Brink's resolutions in terms of the policies that it supports. We were successful in organizing 154 organizations to sign a letter to U.S. House members asking them to co-sponsor H. Res. 77. We also have a resources page that hopefully will be somewhere in the resources for

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folks to go to. We have 41 co-sponsors so far, which is more than any other nuclear weapons legislation currently, and so that may not seem like a lot compared to the number of members we have in the House, but it is to me proof of the concept that local organizing can and does impact our members of Congress. We want them to not only co-sponsor but also become champions for this issue.

We now have an initiative to get local and state elected officials to sign a letter to President Biden, requesting him to send an observer to the MSP coming up in New York at the end of the month. We have almost 200 signatures now and we will be planning some press around that and around the delivery of it. Both H. Res. 77 and the sign-on letter are things that anyone can do. Our website is preventnuclearwar.org and right on the front of the website you can see the links to be able to ask your Congress member to co-sponsor H. Res. 77. We have another alert that will let you send a message to your municipal, state, and county Representatives asking them to sign on to this letter to President Biden and is another way to get involved.

Another way to get involved – if you have a professional organization, for example, a law organization that you are a part of, it can endorse Back from the Brink. You can join in our efforts to ask your local or state elected officials to sign this letter to President Biden. It is the same with your house representative for H. Res. 77. Organizing municipal resolutions: there are more cities in the U.S. we want to adopt resolutions. We have local organizing meetups every third Tuesday and we also maintain a social media account for people to find out what we are up to. Two years ago, we also started building out hubs – as part of a distributed organizing model. We currently have 14 hubs throughout the country which are continuing their work on Back from the Brink beyond the resolutions. We also have an advocacy tool section on the website that folks can use to help them organize in their communities and ‘Nuclear Weapons 101,’ which includes information and the intersection between nuclear weapons and other issues.

All kinds of voices are needed to make this work. I work with physician organizations. When physicians speak out, it makes a difference. I work with scientific organizations. When scientists speak out, it makes a difference. When lawyers speak out, it makes a difference too. I really encourage folks to go to our website and sign up to be on our mailing list. We will reach out to you if there are opportunities in your community and it would be fantastic to have more voices coming in from more fields, particularly the legal field, joining with other sectors of society. Thank you.

PROF. CHARLES MOXLEY:

Thank you. There are a lot of opportunities. here for engagement, really across the country. It sounds wonderful.

David?

The Roles of Religion and Culture in Nuclear Disarmament

DAVID GIBSON:

It's good to be here. It's an honor to be here. I'm David Gibson. I'm Director of the Center on Religion and Culture at Fordham University, the Jesuit University of New York, as we like to say. And I came to Fordham in 2017. I actually come from a journalism background, so I'm very much the outlier here. My knowledge base is from the inch-deep, mile-wide variety, but journalism is kind of where my instincts and my training obviously are oriented. And in a sense, it's why I was hired by Fordham, because our mission really is as an outward-facing unit of the university. We put on events to engage the wider public, and really, that's the perspective I just want to briefly stress here. This larger perspective because I think it's also critically important to engage and educate the wider public, and by extension then mobilize people to get them activated into so many of the initiatives and organizations that you all have been talking about. Communicating all this work that you're doing is what I want to do. That is again, part of the next steps of conferences like this.

We're the Center on Religion and Culture, and as the title indicates, there are two things taking off on that title that I'd like to contribute. One is the importance of religious voices in the nuclear weapons debate. I think we need to take heed of that and also use that moral voice to advance this cause. We're a Catholic and Jesuit university. Some would question whether you can be both, and we have a Jesuit Pope for the first time in history. I just came back from a trip to the Vatican. I started my career covering the Vatican, and he could be the last Jesuit Pope in history given some of the opposition he arouses. Pope Francis has been very outspoken about the need not just to reduce but to eliminate the nuclear threat to our world. He's very much known for speaking out on climate change. He just released a follow-up encyclical to his *Laudato Si'*, and the Pope is going next month to Dubai to the U.N. Climate Change Conference because he sees that as such a powerful issue not unrelated to the nuclear weapons issue. He visited Hiroshima and Nagasaki and called possession of nuclear weapons [immoral](#). My colleague at Notre Dame, Jerry Powers, can elaborate on that, but he follows on a line of popes who pushed that message very much.

In fact, I started in journalism covering the Vatican in the mid-1980s when John Paul II was Pope. I'm 64, I grew up in the '60s and '70s with nuclear raid drills and things like that, so that was embedded in my psyche, but also being in Italy, John Paul II, the Cold War, Reagan, Gorbachev, all those things were happening, but also Chernobyl happened when I was there. I was just remembering how for weeks we couldn't eat green vegetables because of the radioactive cloud that was spreading all over Europe. Those things really leave a mark on one's psyche if one's been part of it, but this younger generation has very little of that embedded, it's more climate change. While Pope Francis is a salient voice on all of this, other religious leaders and believers are also significant players in the nuclear nonproliferation movement. We shouldn't ignore this factor.

The other thing I'd like to just stress briefly is culture. I want to highlight culture because this is how you engage younger people, in particular, especially post-pandemic. The pandemic really changed everything in terms of people coming out, and people getting engaged in person. Zoom events like this are terrific, but there is nothing like having an in-person engagement to

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activate people, to transform people. I just helped lead a class of Fordham students over to Rome as we studied firsthand the Senate that was taking place last month. It was remarkable to see transitions there because it was in person. In any case, we found that this to be true in all manner of events, the primacy of culture.

One just recent example I would highlight is the Metropolitan Opera next door to us premiered the opera *Dead Man Walking* just this past month in September. We had an event, and we got Sister Helen Prejean; she's incredible. We had Joyce DiDonato, the Mezzo Soprano who plays her in the opera, and we had Jake Heggie, who's a composer of the opera. We had 450 people come out to an event, to an hour-long conversation about faith, about activism, and the death penalty. It was wonderful. It was gratifying. But look, if we had done that in the traditional way, say a panel of three or four experts, Catholics in the death penalty or whatever, we might have gotten 25 people coming out. That's the reality. So approaching these issues from the aspect of the arts and culture, is approaching the issue from the perspective of where people live and act today. It's where their wider fears play out.

I mean, you look at the success, someone mentioned Christopher Nolan's *Oppenheimer* film, the 2021 movie *Don't Look Up*, the Apple TV series *Extrapolations*, are all manner of sci-fi, alien invasion shows, or fantasies about possible futures on other worlds. These themes of aliens or climate change or deadly asteroids can all be very diverse, but the central anxieties are all traced to a similar root for young people. And nuclear annihilation is increasingly part of that source of concern, thanks in large part because of the events of the last couple of years in Ukraine. Hence the prevalence of phenomena with names like apocalyptic despair or climate grief. Now, we can despair at these phenomena, but I think we can also address this anxiety. And I think that faith and spirituality, philosophy and psychology, and the catharsis of shared cultural experiences can provide tools to move beyond fear and paralysis, which are the real dangers here. We have to provide messages and avenues to hope because with some hope, you can start to move people to action and even to activism. Thanks very much.

Nuclear Arms Control and Bar Associations

EDWARD K. LENCI:

I'm Ed Lenci. I'm a practicing attorney in New York City. I am also the former chair of the New York State Bar Association International Section, and I also founded and for six months led the New York State Bar Association's Ukraine Task Force. The New York State Bar was the umbrella, and we actually brought together representatives of the ABA, the IBA, the City Bar, the DC Bar, foreign bar associations, human rights organizations in the U.S. and abroad, and our immigration team actually blossomed into an independent entity called the Ukraine Immigration Task Force. The Ukraine Task Force is the best thing I've done in my life by far. I'm very satisfied to have done that.

So, what I'm here to talk about really is how bar associations and lawyers need to get involved, and lawyers need to get involved in bar associations. And I'm not here to pitch NYSBA, but I'm here to pitch involvement in a bar association, whether you're in a local bar

association, a state bar association, or a national bar association. I use the Ukraine Task Force as an example of what a bar association can do when it really puts its mind to it, because people have commented that the Ukraine Task Force saved lives through our immigration initiatives and such. And we were involved in the investigation of war crimes. So it wasn't a debating society, as I believe a lot of people think of bar associations. We really got involved and did tangible things. And I want to use that as an example of what could be done in the arena of nuclear weapons control.

So when the Association of Lawyers of Russia, a Russian bar association, about three weeks after the invasion, issued a document justifying the invasion on the grounds of international law, we read it, it was preposterous. We [drafted a statement](#), and we took a very firm position, and the Ukraine Bar Association in Ukraine co-signed it with us, refuting the ridiculous position that the Association of Lawyers of Russia was taking, justifying that invasion under international law.

That's what bar associations need to be doing, and they can do it in any area, and that includes nuclear weapons. Bar associations and their leaders need to take positions, they need to stand for something, not debating it, or taking a neutral position because we're lawyers and we should look at all sides, especially now, when we're on the brink again of nuclear war with what Russia's threatening. And the events in the Middle East could trigger something. We have climate change and other initiatives. Bar associations could be a very powerful voice in dealing with these.

What needs to be done also, and again the task force is an example of that, is to step outside one's own bar association. If you're going to have an activity, get others involved. We did that here with this event. The New York State Bar Association International Section is the sponsor, but we have a bunch of co-sponsors, and folks need to encourage that, and leaders of bar associations need to encourage that, to get other bar associations involved and not to be siloed in your own echo chamber of what you think can and should be done. That includes getting together with foreign bar associations. I'm proud to say the New York State Bar Association, we've entered into well over 30 memoranda of understanding with bar associations all around the world. And those are bridges, those memoranda of understanding, are bridges that allow the two bar associations to work together and get involved in joint projects. We also have a network of chapters. We have more than 80 chapters around the world, and they're all very active chapters. And those chapters liaise with the local bar associations in their respective nations.

These are ways that lawyers can get out there and do something about this, not just talk about it. We're a wordy profession. We tend to talk issues to death, and especially in these times, we need our associations to get out there and advocate, and take positions on things like nuclear weapons, and take firm positions on what Russia is doing, and do it constantly. Because it's one of these situations where, as Dale Carnegie said, "Say what you're going to say, say it, and then say what you said." And Bar Associations need to do that.

And so, I encourage everyone out there: get involved in a bar association, get active in the bar association, and if you really believe in nuclear arms control, do something with the bar

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association. If the leaders haven't addressed it yet, volunteer and say, "Hey, I'll do a committee, I'll do a webinar on nuclear weapons control." And if the bar association leaders are looking broadly at their duties, they will agree to that. And that's what you've got to do. Too many lawyers just sit back, and we do all have to practice. I know, I practice law. I know the time constraints I have, but these are things that have to be done. It's a moral imperative to do them.

I do want to add that I do continue the Fordham tradition here. I went to Fordham Preparatory School and then Fordham University on its Rose Hill campus in the Bronx. I did not go to Fordham Law School, but I have two out of three.

Religion, Morality, Law, Policy, and Disarmament

GERARD F. POWERS:

I was asked to comment on how religion and morality complement law and policy. I'll speak from a Catholic perspective, which is what I've specialized in since law school: 17 years working on nuclear policy for the U.S. Conference of Catholic Bishops and 20 years at Notre Dame's Kroc Institute for Peace Studies. I coordinate the Catholic Peacebuilding Network, which includes two dozen bishops' conferences, university entities like Fordham's Center on Religion and Culture, development agencies like Catholic Relief Services, and independent peace organizations like Pax Christi International and the Sant'Egidio Community, U.S. For the past 10 years, the network has had a project on revitalizing Catholic engagement on nuclear disarmament, because a lot of our affiliated institutions have long worked on this question. I'm also an adviser on nuclear issues for the Holy See Mission to the United Nations.

My work on nuclear weapons has been based on the very premise of this conference: that the nuclear debate must not be a norm-free zone, and, what David Gibson said, it must not be a religion-free zone. Norms and religion must not be uninvited guests at an exclusive party dominated by realists. On nuclear weapons, morality, and law rhyme. Moral and legal criteria for judging nuclear weapons are similar: e.g., discrimination and proportionality. Catholic social teaching has also long insisted on the need to strengthen international law and international institutions, in order to make it possible to move toward a world free of nuclear weapons. More specifically, like other religious groups, the Catholic Church has been a strong supporter of arms control and disarmament measures, most recently the TPNW. In November 2017, the Catholic Peacebuilding Network collaborated with the Vatican in organizing a major Vatican conference that included, among others, 11 Nobel laureates, the key architects of the TPNW, senior NATO representatives, and others. As David mentioned, Pope Francis made a prudential moral judgment in his [statement](#) at that conference, that not only the use but even the possession of nuclear weapons was morally problematic. That conference was one of many ways that the Holy See has tried to contribute to the momentum of the TPNW and exemplifies the Holy See's long-standing strategy to stigmatize and delegitimize nuclear weapons, and thereby encourage progress on nuclear disarmament.

Law and morality can complement each other in providing a vision of an international order that makes nuclear disarmament possible. Instead of the narrow national security or

collective security doctrines that overemphasize military security and deterrence, the Catholic Church calls for a global ethic of solidarity to buttress the efforts of international lawyers and others to institutionalize concepts such as cooperative and human security. Nuclear weapons are an impediment to achieving that ethic of cooperative security. In short, international law, a Catholic moral approach, and other ethical approaches to addressing the nuclear predicament, complement each other.

But just because law and morality rhyme does not mean both are equally salient to all populations and audiences. Many Catholics, for example, might not consider international law to be real law, while they might feel compelled to engage in the moral debate, even if they disagree with their Church's official positions on deterrence and disarmament.

My second point is religious entities can help democratize this otherwise elite debate. The genius of the nuclear freeze campaign of the 1980s was that it got nuclear policy out of Washington, London, and Paris boardrooms, and into town halls, church basements, and the streets. Unfortunately, since the end of the Cold War, as others have mentioned, nuclear weapons have mostly returned to being an elite issue, despite some notable efforts such as ICAN, Global Zero, and Back from the Brink. Religious entities did not lead the freeze campaign, and they do not lead today's civil society nuclear disarmament campaigns, but religious actors and institutions can help broaden and mainstream these campaigns by giving them added moral credibility and institutional reach through the churches, synagogues, mosques, educational institutions, social action offices at all levels, and the transnational networks that these religious entities are part of.

Just one minor example of the transnational networks: I just returned from a series of meetings in Korea and Hiroshima on nuclear issues involving representatives of the Korean, Japanese, and U.S. Catholic bishops' conferences. It was the first meeting by those three entities that we're aware of; it also included not only bishops, but also scholars and young professionals. That's one minor example of how transnational Catholic networks are working on this issue.

As I mentioned, I coordinate the Catholic Peacebuilding Network's Project on Revitalizing Catholic Engagement on Nuclear Disarmament. That project is contributing to bringing religion and morality into the public debate and democratizing that debate. It's coordinated by Notre Dame's Kroc Institute and involves Georgetown's Berkeley Center, Fordham's Center on Religion and Culture, the U.S. Conference of Catholic Bishops' Office of International Justice and Peace, which I used to lead, the Catholic University of America's Institute for Policy Research and Catholic Studies, and the International Federation of Catholic Universities, which is based in France. The Nuclear Threat Initiative, which is one of the nation's and the world's most important think tanks on nuclear weapons, has provided us generous support, because NTI saw that religious and moral perspectives could add to the kind of policy work that they do and could reach a wider community than they can reach. So, this initiative has published the proceedings of the 2017 Vatican conference on nuclear disarmament, and a new book edited by the late Drew Christensen and Carol Sargent called *Forbidden* [2023] on the ethical, policy, and pastoral dimensions of nuclear disarmament. And beginning with a major

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colloquium hosted by former Secretaries George Shultz and William Perry at Stanford in 2014, we have also hosted numerous high-level, off-the-record colloquia, as well as public events with Catholic leaders, scholars, and policymakers from the United States and Europe. We've also sponsored a variety of programs for students and young professionals. In all this work, we hope to help develop the next generation of Catholic leaders, bringing morality into the policy debate in an effort to contribute in our small way to nuclear disarmament. Much more to be said, but I'll stop there.

The Law of Nuclear Weapons and the Consequences of Nuclear Weapon Use

SETH SHELDEN:

Congratulations, particularly to you, Charlie, on this extensive program that you've had throughout today. My name is Seth Shelden. I'm General Counsel and United Nations Liaison for the International Campaign to Abolish Nuclear Weapons, or ICAN. By way of telling you what ICAN does, and also by way of addressing the goals of this panel – that is, to tell those listening what you could do to support what we do, if you're inclined – I was thinking about framing remarks in terms of two aspects, based on having listened to the panels throughout the day, and in terms of law and facts – what we're here to discuss. I was thinking that throughout today I haven't heard enough in those two categories, both with respect to a new legal aspect of this subject matter, as well as a certain factual aspect that I think needs to be highlighted more.

First, on the law, I want to talk a bit more about the [Treaty on the Prohibition of Nuclear Weapons](#), or the TPNW. Thankfully, we did just hear a bit about it in this panel from you, Gerard, and you, Denise, but I think more must be said. There was also some discussion on the TPNW, especially a bit from Jackie, in the panel on threats and risks. And on the facts, I also want to say more about the humanitarian consequences of nuclear weapons, because I think I heard, apart from the beginning panel with Dr. Robock's very compelling presentation on nuclear winter, we didn't hear enough about what nuclear weapons really do, which I think is key to informing the legal analysis – what nuclear weapons really do to human bodies, to human populations, to the environment. So, I think we must say a bit more about that.

But just by way of first saying who we are, I work for ICAN, the International Campaign to Abolish Nuclear Weapons. In 2017, we won the Nobel Peace Prize for our work to draw attention to the catastrophic humanitarian consequences of any use of nuclear weapons and also for our efforts to achieve the TPNW. We're a broad coalition of NGOs; we have right now over 650 partner organizations in 111 countries. In the U.S., there are around 60 to 70 partner organizations – and if you're interested in getting involved, you can consider joining one of them. One such partner organization we have on this panel too: LCNP, the Lawyers Committee on Nuclear Policy, which is one of the co-sponsors of this conference, and I'm also a board member on LCNP.

As far as my background, I note that I spent seven years at Skadden Arps, now I'm a partner at a small firm, and I've also done a lot of work in the academic space as a visiting professor at Cardozo Law School, and then as a Fulbright Scholar and visiting professor of law

at universities in Latvia and in Japan, and, most recently, I've been teaching at the City University of New York School of Law.

I think that for many listening, this may be the first time they're hearing about the TPNW, which, if you live in the United States, would not be surprising, because unfortunately, I don't think that our media thinks to highlight, in all of the breathless discussions around nuclear war and nuclear weapons, that promising pathways are being advanced toward eliminating this threat. But the TPNW is the first ever comprehensive global treaty-based ban on nuclear weapons. It includes a legal framework for eliminating nuclear weapon programs, and it's also the first ever multilateral legal framework established to assist victims of, and remediate environments affected by, the use and testing of nuclear weapons. The TPNW was created to fill a legal gap in international law, where before the TPNW there existed comprehensive treaty-based prohibitions for all weapons of mass destruction except for the most destructive ones. The treaty was adopted to address humanitarian concerns about the consequences of use and continued possession of nuclear weapons, and it was adopted to build pressure for disarmament. It's in its nascent stages, but as of today, 69 states have fully joined it as "states parties," a further 28 have already signed it, and then there's a further 40 states or so that are supporters. So, we see that at least two-thirds of the world's states support this treaty, although not the United States or any nuclear-armed state.

Where the treaty is right now: last June, we saw the first Meeting of States Parties to the TPNW in Vienna, where the states parties adopted a [powerful declaration](#), which, among other things – and to bring us to the subject of this conference, nuclear weapons law in light of the Russian invasion of Ukraine – in that declaration, the TPNW states parties condemned any and all threats to use nuclear weapons, which had an impact on the way that G-20 states engaged with Russia on nuclear threats. TPNW states at that 1MSP also adopted a powerful, ambitious [50-point action plan](#), which set in motion an intersessional process, which is where we are right now with the treaty, with working groups co-chaired by certain states parties and a Coordinating Committee with those co-chairs, plus ICAN and the ICRC. With that intersessional structure, there are different working groups taking forward different thematic elements of the work. ICAN's an observer to the treaty under its rules of procedure, and we're also the civil society coordinator for meetings of States Parties.

And, in just three weeks from now, we will see the second Meeting of States Parties to the TPNW, which will take place at U.N. Headquarters in New York, with Mexico as president.

What you can do to be engaged: first of all, in the U.S., there are a number of partners and supporters taking forward initiatives at the federal level, the state level, and the local level in support of the TPNW. Denise, in her presentation, spoke about some of what's being done that you can engage with as well at the local and municipal level, through the Back from the Brink campaign. You can advocate for your city or municipality to join the ICAN Cities Appeal, which hundreds of cities around the world have already adopted, including capital cities in nuclear-armed states, and where cities call on their country to sign and ratify the TPNW.

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We have U.S. federal legislation: Denise spoke about this as well, focusing on [H. Res. 77](#), a resolution to embrace the goals and provisions of the Treaty on the Prohibition of Nuclear Weapons. And there is also [H.R. 2775](#), another proposed piece of legislation, calling for the U.S. to sign and eventually ratify the TPNW.

There's more, such as all kinds of divestment initiatives. I think that this is an interesting intersection of where law can shape policy even before the law takes force in your jurisdiction. With other treaties, we have seen that even before a disarmament treaty has been more widely adopted, there have been initiatives taken forth to make the subject weapons less profitable and, as a result, less prevalent. In this way, the TPNW is not only about making nuclear weapons illegal, but about making them irrelevant. The Convention on Cluster Munitions is often cited as a treaty that the U.S. similarly did not want to join, and we were able nevertheless to stigmatize those weapons, including through divestment initiatives, and able to bring about the end of the market for these weapons despite the position of possessor states.

Nuclear weapons are different than cluster munitions both practically and politically, of course, but it's nevertheless a path that we can envision similarly, given how the TPNW is structured. The [TPNW, under its Article 1\(e\)](#), prohibits its states parties from assisting or encouraging others to engage in the prohibited activities. And so this is a way that states parties, and even non-states parties, and certainly citizens in non-states parties, can advance norms and practical realities that impact the investment and incentive structures of the industry behind these weapons.

I'm probably out of time, but there are so many more things that we can say. There are lots of academics in this conference, so perhaps I'll quickly point to some universities-related activism. ICAN has a report, [Schools of Mass Destruction](#), that highlights which universities are involved in the nuclear weapons industry, and what you could do to get them out of it.

But there's one last thing you can do, even if you don't engage in any of the formal work that's being done. Especially as I think about what we've heard throughout these panels today, and the fact that we didn't hear enough about the consequences of use, and all the conversations you have about nuclear weapons, I think there is a lot that you can do to ensure that consequences to humans and the environment are discussed more in whatever spaces you engage in. Nuclear weapons were not just used twice, as is often said, referring to when the U.S. detonated bombs over Hiroshima and Nagasaki in 1945. If you take into account the decades of so-called testing of nuclear weapons since 1945, we've seen nuclear weapons used over 2,000 times. All use of nuclear weapons, including production and testing, has had devastating intergenerational impacts that disproportionately affect women and girls, and disproportionately affect indigenous communities, and there's no response from the medical community, or from anywhere in your government, that can adequately respond to the harms from these uses. And, as we learned from Alan Robock's presentation, the transboundary effects of nuclear weapons are increasingly understood to mean that, even in regions far away from the conflict – so even in the context of let's say Ukraine, let's say nuclear weapons were used there – people in far-away parts of the world would be impacted by the climate change, the food shortage, and the refugee crises

that would result. So, the only way to mitigate against use is not deterrence, or as I call it, luck-based security –deterrence is not going to stop weapons from being used perpetually – the only solution is to prohibit and eliminate them. It’s all of our jobs to raise awareness about these facts, wherever we go.

So, if you're keen to get involved, the timing is good, as I mentioned. Join us for this second Meeting of States Parties to the TPNW in New York, or the Nuclear Ban Week New York activities occurring around the meeting. If you go to ICAN's website, icanw.org, you can learn a bit more about how you can participate. There are both the events that are happening inside the meeting rooms itself with the states parties, but ICAN is also coordinating a wide range of activities outside of the U.N. as well: panel discussions, concerts, movies, and art exhibits. So, please, get involved. And thank you very much.

PROF. CHARLES MOXLEY:

Thank you, Seth. An awful lot of potential there for things to do. We come to the letter Z, last in the alphabet, but a leader in this field and an organizer of this and the predecessor event, Jules Zacher. Jules, tell us about who you are and your engagement.

Utilizing Passion and Experience in Nuclear Disarmament

JULES ZACHER:

Thank you, Charlie, for that introduction. The letter Z has stood me in good stead because, luckily, I was always in the back of the homeroom, right? Because the letter Z is always in the back, so I was out of the line of fire of the teacher, so it worked out well for me over the years.

But to answer your question, I was thinking about what I would say, and very quickly, recently I had dinner, and there was a young lawyer sitting next to me, and he asked me, he was just starting out with a firm, he said, “What should I do to really advance my career?” And I said, “Well, what you should do is do what you think that you have a passion for.” And then I thought to myself, “Okay, now how does that reflect on what I do?” And I said to myself, “I have a passion to get rid of these nuclear weapons. Now, how do I do that?” So, I figured what I'll do is a little bit of experience that I've had over the years, I'll use that to accomplish that goal.

So, I'm reaching out to people who have not yet joined an organization, who might be young, may not be so young, but want to figure out what they should do. Two things: one is to do what you're passionate about and use your experience. So, my experience as a litigator – I've litigated cases throughout my career. And what I decided to do was basically to use the Freedom of Information Act (FOIA) to get information from the government that might help get rid of these weapons. So recently, I filed a FOIA request for the behavior of the weapons lab at Los Alamos, particularly in the area of pit production, and we got some really fascinating documents to show how they've really not performed very well at all. So, that was one thing I thought that was very helpful to use my background.

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The second thing that I'm very interested in is politics. So, I'm working with an organization in Washington called the Council for a Livable World. Quite frankly, what we do is we go up on the hill, we talk to Senators, we talk to Congressmen about nuclear weapons and how to get rid of them. So, those are the two things that I do. Just to summarize, I do what I like because of the passion that I have, and I've tried to use my experience in furthering those goals. Thanks, Charlie.

PROF. CHARLES MOXLEY:

Thank you all, for these wonderful descriptions of ways in which we can all be involved in addressing these issues.