

News Index 2011

August TP members travel to Sweden for action against NATO

23rd August 2011

23rd TP members travel to Sweden for action against NATO

NEAT and tidy and in pink and War Start's Here

Aldermaston in England to take part in TP organised blockades. The summer actions in Sweden were a chance to reciprocate a little. As global citizens it was not difficult to make the connections - the UK test their drones and war plans in northern Sweden at NEAT and so do NATO. Here Sarah Lasenby of Trident Ploughshares gives a personal account of the weeklong camp.

At the end of July 2011 an International Exec of WRI took place for 4 days before the War Starts Here event organised by Ofog. Because of this we had representatives from Africa and Latin America as well as Europe and S Korea.

This action aimed to expose the hidden role of the massive test range in the preparation for wars. For the last week of July along with other pink clothing we took a dayglow pink dustpan and brush to help sweep up this militarisation in the north of Sweden and make it NEAT. We went to join the 'War Starts Here' peace camp to protest against the development of this facility into part of an 'Arctic NATO of the Baltic Countries'. This heightened activity in Northern Europe is explained by an increased interest in the Arctic and its natural resources and the US missile defence system.

Ofog organised this pink event brilliantly with a WRI exec meeting. Resulting in people from 17 countries who were able to participate in the mass action on Tuesday 26th July at the boundary of the prohibited area of the largest military testing range in Europe. In the last two years Ofog [an early Swedish word meaning mischief] had had previous manifestations at NEAT, the Northern European Aero Testing range, but this was by far the largest action they had organised in this relatively isolated northern part of Sweden 150 Km north west of the town of Lulea. We were transported there by two coaches, five minibuses and 15 cars. It was a marvellous sight seeing this convoy making its way to this militarist site. Altogether 190 people plus eleven who set out the evening before, were involved in this pink event. I felt it was really symbolic to use the colour pink against the war machine.

Those who spent the night in the forest were the highlight of the action. They got into the airbase and painted pink peace signs and arrows on the runway showing where war starts. The rest of us, had a pink carnival as we painted the road with pink peace signs leading to the base. We were helped by Nordic clowns and then we all did a die in. At the appointed time we released pink helium filled balloons from our prone positions and waiting to hear the results of our colleagues action.

There were so many of us it seemed unlikely that we would be arrested if we walked up the road to the entrance to the base and this prove to be so. Those internationals who were arrested for entering the base were dealt with during the next few days in Lulea. A total of 201 people took part in the action, which aimed to expose the hidden role of the massive test range in the preparation for wars, including the testing of new military equipment such as drones, missiles and fighter planes.

More about NEAT During the seminar we learnt some sobering facts about Sweden. A supposedly neutral country of 9million people they have the highest percentage of military equipment manufactured per head of population. With a low density of population [moose discounted] NEAT is Europe's largest overland test range. It is described as having 'Vast space - Limitless possibilities !' it is nearly as large as Belgium. The opportunities include - "open 24 hours per day, 7 days a week, all year around", "services and infrastructure for testing, evaluating and operating aerospace vehicles", "catering to all vehicle types such as aircraft, helicopters, UAS [drones] missiles, space systems."

NEAT is operated by Swedish Defence Material Administration (FMV)

In 2009 a US national security directive said that they had broad and fundamental security interests in the Arctic Region. Last year NATO used NEAT for trials without the Swedish Government consulting their Parliament. This amounted to collaboration with US imperialism and seems unlikely to help to bring peace to Europe or the world! While we were there fighter jets kept overflying us in Lulea helping us to realise the reality of what this beautiful wilderness is used for. Yet one more example of the US using NATO for its own designs and with the collusion of many other states. Along with northern Norway this area is described by the Pentagon as 'the Northern flank and of extreme military importance'. The US now has military bases in all the Baltic States and many in and around the north west of Norway often referred to as one of the biggest and best equipped aircraft carriers for the United States. Norway promised not to have US bases on their soil but has eight called Collocated Operations Bases, with airstrips, stored ammunition, fuel and spare parts. They also have a huge radar in Vardo just outside the Russian border. Norway has now admitted it is for missile defence, radar technology aimed specifically at Russia. And this is not to mention the US submarines based off northern Norway too.

In January this year David Cameron hosted 9 Baltic countries in discussions on an agreement on the foundation of a new military alliance. This came out of the Stoltenberg report in 2009 "Nordic cooperation on foreign and security policy". In March Liam Fox stated that "We would like to create a broader framework that makes it easier for both NATO and non-NATO members to have a closer relationship in the region." This is an idyllic northern area with magical forests, waterfalls and presumably Father Christmas too but war certainly does start here and we all need to be aware of the build up of military bases and alliances. We must challenge both NEAT and NATO whenever we can.

For information and photos on [Ofog](#) website and of [flickr](#)

For more photos go to: [War Starts Here 2011](#) for more photos

For further info on NEAT go to the [NEAT website](#)

9th [Little Coulport Camp 2011](#)

9th August 2011

Little Coulport Camp 2011

August 6-9



Half a dozen of us gathered together at Peaton Wood over the Hiroshima Anniversary week-end. On Saturday some people went in to Helensburgh to help Helensburgh CND with a stall and make lanterns. In the evening we joined Faslane Peace Camp and Helensburgh CND to float lanterns in the Gareloch on the beach within sight of Faslane Trident base. In spite of the light rain falling the lanterns floated out beautifully on the calm water led by the one we had dedicated to Jackie Hudson, US Plowshares activist who died recently. On Sunday we had some discussions about future plans before packing up.

July 28th July 2011

28th [Walk to Fylingdales](#)

Nuclear War Starts Here

From Northern Lights Affinity Group and Members of Yorkshire CND.

We may have been small in number but we presented a strong, clear message on the role of

Fylingdales in nuclear war and US missile defence.

On Saturday 23rd an information stall was held in Pickering in North Yorkshire ten miles south of Fylingdales. Signatures were collected and letters signed and sent to the local MP. There were absolutely no difficulties about setting up a table and displaying banners in the main shopping area (there was a very convenient wide footpath). Please note our new banner which is magnificent. On Sunday a vigil was held at the main entrance to Fylingdales on the main road from 10.30am - 3pm. Campaigners completed the Fylingdales walk from Hole of Horcum to Ellerbeck. The MOD police kept a low profile apart from when there may have been an opportunity to reach the security fence around the base. AND it did not rain but was cold.

2nd **TP to meet with Scottish Government**

2nd July 2011

TP to meet with Scottish Government

Letter from Bruce Crawford

The following letter was received in reply to the letter from Trident Ploughshares to Alex Salmond 30 May. Bruce Crawford, Minister for Parliamentary Business confirms that he has instructed officials to consider the arguments TP and others presented as to the illegality of Trident and he invites Trident Ploughshares to take part, along with other civil society groups, in a meeting with the Scottish Government.

Cabinet Secretary for Parliamentary Business and Government Strategy

Bruce Crawford MSP

The Scottish Government, Riaghaltas na h-Alba,

Trident Ploughshares, Ground Floor Flat, 65 Sinclair Street, HELENSBURGH Dunbartonshire G84 8TG

Our ref: 2011/1005554

27 June 2011

Dear colleagues,

Thank you for your letter of 26 May 2011 to the First Minister regarding the removal from Scotland and ultimate withdrawal of Trident. I have been asked to reply.

As you are of course aware, the Scottish Government remains firmly opposed to the possession, threat and use of nuclear weapons and has on a number of occasions challenged the UK Government to remove Trident from Scotland and to cancel plans for its replacement. Following the recent Scottish Parliament election, I would now like to explore how the Scottish Government can, over the next five years, work with the various peace groups and NGOs in taking forward the debate on nuclear disarmament and the campaign for the removal of Trident.

I have asked my officials to arrange a meeting in August to discuss these issues with your organisation and with other civil society contacts. In particular, I would like to explore the role that Scotland can play in the international peace arena, discussing opportunities for International Peace Day in September and planning further ahead for a significant focus on peace in 2014, which is set to be a considerable year in Scotland. My office will be in contact to clarify arrangements for that meeting.

With regard to your previous correspondence and matters of legality, I enclose my reply of 4th February which confirms that in accordance with the opinion of the High Court, the Scottish Government's considered view is that there is no mechanism within Scots law for challenging the legality of Trident. I do however wish to explore all practicable options for the Scottish Government to challenge the presence of Trident in Scotland and I have asked my officials to consider your arguments on legality and the additional information you have provided, in order to provide a written response on this aspect in advance of our meeting.

I trust that this reply reassures you of the Scottish Government's continued commitment to take a leading role in the debate on nuclear non-proliferation and disarmament and to support the campaign for the removal of Trident. I look forward to discussing these very important matters with you.

Yours faithfully

BRUCE CRAWFORD

June 16th [Stop New Nuclear Alliance Announces Mass blockade of Hinkley nuclear power station](#)
16th June 2011

Stop New Nuclear Alliance Announces Mass blockade of Hinkley nuclear power station

Trident Ploughshares Joins Alliance

With Italy being the latest European country to reject nuclear power, a coalition of anti-nuclear groups in Britain has announced plans to hold a mass non-violent blockade of Hinkley Point nuclear power station on 3rd October. The plant, near Bridgwater in Somerset, is expected to be the site of the first new nuclear power station, if current plans go ahead.

Hundreds of campaigners are expected to take part in Gandhi-style civil disobedience, risking arrest by blockading the access road to the site in protest over the threat posed by nuclear power. Other campaigners will support those blockading whilst not risking arrest. The blockade is the first action of 'Stop New Nuclear' - an alliance of local and nation groups opposed to nuclear new build which has been founded by the Campaign for Nuclear Disarmament, Stop Nuclear Power Network UK, Kick Nuclear, South West Against Nuclear, Shutdown Sizewell, Sizewell Blockaders, Trident Ploughshares and Stop Hinkley. Groups in different areas of the UK are already mobilising campaigners to travel to the protest.

Kate Hudson, General Secretary of the Campaign for Nuclear Disarmament, said "Whilst Germany and Italy are now set against nuclear power, Britain seems to be taking almost no account of the lessons that must be learnt from the ongoing catastrophe at Fukushima. If the government pushes ahead with new nuclear plans, a wave of civil disobedience will dog construction at each site. Millions of people live

in the areas equivalent to the zones evacuated in Japan. Are we really prepared to risk our safety by pursuing a dirty, dangerous and expensive technology which cannot make any serious contribution to the fight against climate change?

"We'll be joining the blockade to put down a marker to the government. This protest will come to be seen as just the tip of the iceberg if they decide to build a whole new generation of these toxic timebombs, which are only ever a few errors away from leaving vast areas contaminated with radioactive poisons. We demand that the government - which includes Lib Dem ministers who opposed nuclear power until they entered the coalition - scrap their plans and instead invest in the creation of genuinely green power sources."

Andreas Speck of Kick Nuclear said "This blockade will be the first big mobilisation against new nuclear. If the government and nuclear firms like EDF continue to ignore the lessons of Fukushima we will be back to organise more and more civil disobedience. This is not just a fight about one proposed power station - if people power stops these plans at Hinkley Point, we will be stopping the whole programme dead in its tracks."

Angie Zelter of Trident Ploughshares stated that nuclear weapons disarmers from across the country would be joining the blockade in an alliance that recognises the close links between the civil and military uses of nuclear energy and aims to promote nuclear disarmament and safe, sustainable and community-owned energy production. She said, "It is appalling that new nuclear power stations are being built when they will be adding to the mountain of highly dangerous radioactive waste that we have no idea how to dispose of safely."

Date and time: Early morning, Monday 3rd October In the run-up to the event training sessions will be run to facilitate a safe and peaceful protest where disruption to the local community is kept to a minimum. Local events are planned in the Bridgwater area in the days running-up to the blockade.

Further details at <http://www.stopnewnuclear.org.uk/>

More details plans for the blockade will be announced in due course.

For further comment and for interviews contact Andreas Speck of Kick Nuclear on 07973 683936 / kicknuclear@kicknuclear.org or Ben Soffa of the Campaign for Nuclear Disarmament on 07968 420 859 / pressoffice@cnduk.org

13th [Devonport Blockade trial, 9 & 10 June 2011.](#)

13th June 2011

Devonport Blockade trial, 9 & 10 June 2011.

Theo's report

On 9 June 2011, five defendants were due to appear in front of District judge William Tait in Plymouth, seven months after arrests at the Devonport dockyard blockade, 1st November, 2010. Three of the cases were dismissed, and the following day the remaining 2 were found not guilty.

The 3 whose cases were dismissed had originally been charged with Willfully Obstructing a Highway. They had been lying across the road with hands superglued together at the Camels Head Gate. This gate leads to 9 Dock, where Trident submarines are refitted. On the day, one defendant decided not to come. Brian Larkin and Janet Fenton travelled down from Scotland armed with hefty written authorities and well-researched case documents, ready to represent themselves.

At this point the prosecutor finally presented a written outline of the prosecution's skeleton argument,

(which defendants had never been shown before that day) and at the same time added the alternative charge of "Obstructing a constable in the execution of his duty, Contrary to 89(2) Police Act 1996". With this, CPS produced their main reference which was the case Stephen Birch v The DPP, 1999. Defendants were given 30 minutes to read it and respond. The gist of this particular case ruling was that we could not use the argument that we were obstructing the Highway to prevent a crime. It meant that CPS could stop us using any defence relating to the illegality of Trident. When the judge came back after the half hour break, he said he had just realised that since Obstruction of a Police Officer was a summary offence, the case should have been brought to trial within 6 months and that charge was therefore dismissed. The CPS then dropped the original charge of Obstruction of the Highway saying she did not have sufficient evidence to prove it.

The Court then turned to Theo Simon and David Jesse's case. We were charged with failing to comply with a condition imposed by a senior police officer under section 14 of the Public Order act 1986, namely to move off the road and/or behind the safety barriers CONTRARY TO SECTION 14 (5) AND (9) OF THE PUBLIC ORDER ACT. We had been arrested after attempting to lock-on with a D-lock under a police van parked in the Dock entrance. CPS began by objecting to us calling our expert witness Professor Nick Grief, again citing the case of Birch V DPP as relevant. Theo attempted unsuccessfully to defend his need for the witness. The judge took the CPS view and also implied that all questions of Trident's illegality were excluded from discussion. The case was about whether Inspector Bickley's direction to protesters to move behind the barriers was a lawful condition to impose on the assembly by the terms of Section 14 POA.

Theo Simon was defending himself and David Jesse had a brief appointed by local solicitor David Teague. They worked well together, cross-examining the bronze commander Mr Bickley and the Public Order Tactical Advisor PC Nathan Johnson. It became clear that neither the inspector nor his advisor had a clear idea of what specific "serious disruption to the life of the community" was being caused by the blockade, beyond some rush-hour tailbacks. They produced no evidence whatsoever regarding traffic-flows, complaints from the public, incidents occurring, or directives from silver command. PC Johnson at one point claimed that it was "unpeaceful" for people to lie down, and THAT was the serious disorder. Inspector Bickley could not say when he had looked at the traffic congestion and assessed how serious it was as "I wasn't paying singular attention to the traffic as my attention was on other matters at the time" and "I wasn't really watching the traffic at that time". The only evidence was the police video which showed traffic backing up at traffic lights. The judge was not impressed. This police video also showed Insp. Bickley's briefing at 5 am. In the briefing he explained the traffic control measures which would operate if there were lock-ons blocking the gate. He also said that once lock-ons were removed he would impose the condition. This meant that he had already decided to use Section 14 to clear the gate at 5 am, before he had witnessed any actual serious disruption. It also meant that the traffic situation was probably under control, and Theo produced a copy of MOD advice issued the day before, which had prepared Dockyard workers in advance for delays. There was very little chance to cross-examine how the police responded to our reporting of a war-crime in 9 Dock, as the judge did not want to hear it. He did allow Theo to spell out the case against Trident in his own defence, as this was relevant to his state of mind at the time. Both David's brief and Theo summarised their case that there was no serious disruption to the life of the community within the terms of the act, and Theo referred repeatedly to The Government Reply to the Seventh Report from the Joint Committee on Human Rights, 2009. This states among other things that "inconvenience or simple disruption are not sufficient grounds to restrict protests".

The judge agreed in his judgement that the issuing of a condition under Section 14 had been disproportionate and it was therefore unlawful, so we were free and could claim our costs back. There was fantastic turnout of support and a van-load of cops "just in case", (in case we became "unpeaceful"?). The Evening Herald ran a good report on the whole proceedings. The outcome of David and Theo's case is interesting because it has helped to clarify things a bit more around Section 14 and possible defences. The whole business of how the arrests at Devonport Dockyard have been - or have not been - prosecuted gives some clues to how the police, the MOD and the Crown are operating. At the administrative level there is undoubtedly everyday inefficiency and workload pressure in the CPS which leads to mismanagement of cases, but this conceals in my opinion a conscious manoeuvring that goes

on at some level to avoid the legality of Trident becoming an issue in the court. Blockaders might prepare accordingly, and we should assume that the police are also learning as they go along. Stephen Birch v The DPP, 1999.

<http://tyneside.metapath.org/legalsupport/caselaw87.html>

Evening Herald, Saturday June 11, 2011 <http://www.thisisplymouth.co.uk/N-protesters-cleared-defying-police/story-12753398-detail/story.html>

The Government Reply to the Seventh Report from the Joint Committee on Human Rights, 2009 <http://www.official-documents.gov.uk/document/cm76/7633/7633.pdf>

May Trident Ploughshares and Faslane Peace Camp Blockade Trident Base
13th May 2011

13th **Trident Ploughshares and Faslane Peace Camp Blockade Trident Base**

Trident Ploughshares and Faslane Peace Camp jointly blockaded Faslane from 7am Tuesday 10 May, shutting down the Trident submarine base for two and a half hours.

Four members of Trident Ploughshares blocked the North Gate of the base from 7am to 9:30am bearing a banner which read TRIDENT ILLEGAL IMMORAL while six Peace Campers blocked the South Gate from 7am to 11:00am. Just four days after the Scottish elections the activists called for the anti-Trident SNP government to fulfil its commitments and demand immediate disarmament of Trident and a global ban on nuclear weapons. The Peace Campers were released on undertakings to appear Wednesday in Dumbarton Court while the four TPers were held overnight and released after twenty eight hours - at noon Wednesday - without ever being charged or brought before a judge. Traffic was backed up as far as Helensburgh. Those arrested were Barbara Dowling, Janet Fenton, Mary Millington and Brian Larkin from TP and Rebecca McDermott, Leona O'Neill, Andy Whitlock, Colin Bond , and two others from the Peace Camp.

Speaking on behalf of Trident Ploughshares Janet Fenton, Coordinator of the Edinburgh Peace and Justice Centre, Secretary of Scottish CND and Secretary of the Scottish branch of Womens International League for Peace and Freedom said "Our actions here are not illegal, and are in support of the new Scottish Government. Once again the Scottish people have voted overwhelmingly in opposition to nuclear weapons. This time, there is a clear parliamentary majority for a single party with a manifesto promise to put pressure the UK Government to remove these illegal weapons from Scotland. We are seeking prompt action from the SNP, a party that has supported our actions in the past. Sandra White MSP (SNP) called for direct action for disarmament at Hiroshima Day remembrance events in August. We are here today to remind the new administration of the strength of feeling and the support that it can expect from the Scottish people in requesting an opinion from the Lord Advocate on the legality of Trident in relation to the Scotland Act requirement for it to uphold international humanitarian law and calling on the UK Government to remove Trident and enter negotiations to establish a nuclear weapons convention to ban them globally. Scotland has the obligation and the right, under the terms of the Scotland Act, to refuse to be complicit with the possession of Trident [1]. It constitutes a threat to use it, and using it would inevitably kill hundreds of thousands of civilians indiscriminately and cause environmental devastation that would last for thousands of years. This is illegal. as well as immoral, wasteful and undemocratic."

Leona O'Neill , speaking on behalf of the Faslane Peace Camp said "We the Peace Camp, are acting today to make clear our objections to a world with nuclear weapons. As residents of Scotland, we are echoing the opinion of the majority of Scottish people and MSP's who do not wish for a continuing British nuclear weapons programme on Scottish land. As citizens of a world ruled by fear, where the interests

and wealth of a few are served by the subjection and poverty of the majority, we are acting to encourage the newly elected Scottish government to uphold international humanitarian law and meet our obligations under Article VI of the NPT and Article 2(4) of the UN charter. As citizens of a world suffering the aftermath of the Japanese earthquake and ongoing environmental devastation caused by nuclear technology, we are enacting our objections to nuclear weapons in our seas and the continual presence of submarines powered by nuclear reactors.”

Barbara Dowling quoted the opinion of Judge Bedjaoui, President of the International Court of Justice[2], on a nuclear weapons system such as Trident “that deploys over 100 nuclear warheads with an approximate yield of 100 kilotons per warhead.” He said “that warheads of this size constitute around eight times the explosive power of the bomb that flattened Hiroshima ... and killed over 100,000 civilians. ... In my opinion, such a system deployed and ready for action would be unlawful.”

In June Faslane Peace Camp will mark its continuous presence on the road outside Faslane for twenty-nine years. The two groups, together with Helensburgh CND have maintained a peaceful weekly vigil at the North gate of Faslane for more than three years. Less than a month ago two hundred Christians, including Cardinal Keith O’Brien gathered at Faslane for an Easter Witness for Peace.

Brian Larkin, a resident of Helensburgh said “the UK government, as signatory to the Nuclear Non Proliferation Treaty undertook more than 40 years ago to disarm its nuclear weapons. And the Scottish government formed a working group for a future Scotland without nuclear weapons over three years ago but failed to take any relevant action. The new Scottish government must demand that the UK disarm Trident. As long as the governments fails to fulfil their responsibilities under international law citizens have a right and duty to intervene in order to prevent crimes against humanity and war crimes. Trident Ploughshares is committed to such nonviolent action. Six weeks ago we sent a letter to the Commodore of Faslane calling on him to cease the deployment of these illegal weapons. He did not reply. Today we delivered a letter calling on him to fulfil his Nuremberg obligation to take action to stop these crimes against humanity. The government should redirect the resources currently allocated to Trident to meet real human needs and invest in retraining people working at the base in the skills needed to building the infrastructure for renewable energy.”

Notes:

[1] The new book Trident and International Law: Scotland’s Obligations edited by Rebecca Johnson and Angie Zelter was launched at Scottish Parliament February 1, 2011, in an event sponsored by Edinburgh Peace and Justice Centre and Trident Ploughshares. The book makes the case that Trident is illegal and the Scottish Government, even within the powers under the Scotland Act, has the obligation to refuse complicity with the deployment of Trident in Scotland. For more info see: <http://www.tridentploughshares.org/article1626>

[2] The International Court of Justice ruled on the legality of Trident in 1996. The statement by Judge Bedjoui was made for the Conference on Trident and International Law: Scotland’s Obligations held in Edinburgh on 3rd February, 2009. For details of the conference see: <http://www.tridentploughshares.org/article1544>

11th [Faslane Commodore Reply to TP Letter 10 May](#)

11th May 2011

Faslane Commodore Reply to TP Letter 10 May

When four members of Trident Ploughshares blockaded Faslane on 10 May we handed in a letter calling on the Commander of the base to comply with international law and cease the deployment of Trident. We included copies of the Advisory Opinion of the International Court of Justice and the opinions of Judges Bedjaoui and Weeramantry and Judge Bedjaoui’s statement confirming the illegality of the deployment of a nuclear weapons system consisting of even one 100 Kt warhead. Our letter can be read [here](#). A similar letter was handed in by

the Wednesday Vigil in March and there had been no reply. The day after the blockade we received the following letter from the Commander of the Faslane base.

Commodore M P Wareham Royal Navy Naval Base Commander (Clyde)

Mr Brian Larkin 10 May 2011

I was extremely disappointed that you chose to protest illegally this morning and wish you to be absolutely clear that while I fully support your right to legal protest, illegal protest is entirely unacceptable and will, invariably, result in police intervention. It may be helpful to clarify that I wished to provide a detailed response to your March letter, so took the time to prepare a comprehensive response which was, coincidentally, to be sent today.

I should like to start by assuring you that I am committed to discharging my responsibilities as a serving Royal Navy officer within the law. I can confirm that I am content that my role as Naval Base Commander is entirely consistent with this principle, and that the Naval Base's work in support of the UK's strategic deterrent has a sound legal basis.

As you will be aware, the UK is recognised as a Nuclear Weapons State in accordance with the definition in Article IX(3) of the Nuclear Non-Proliferation Treaty (NPT). It is important to state that the UK Government is confident that our nuclear deterrent is consistent with international law, that the International Court of Justice (ICJ) Advisory Opinion of 1996 does not require any change in British or NATO nuclear policy, and that those who operate and support Trident submarines are acting lawfully.

As you highlighted in your letter, the ICJ said in its Advisory Opinion that "the threat or use of nuclear weapons would generally be contrary to the rules of international law applicable in armed conflict, and in particular the principles of the rules of humanitarian law. However, in the view of the current state of international law, and of the elements of facts at its disposal, the Court cannot conclude definitively whether the threat or use of nuclear weapons would be lawful or unlawful in an extreme circumstance of self-defence, in which the very survival of a State would be at stake."

Therefore, while the Court confirmed that the use, or threat of use, of nuclear weapons is subject to the law of armed conflict, it did not conclude that such use would necessarily be unlawful. Legality can only be determined in the light of the specific circumstances applying when such use is being contemplated and we would not use our weapons, whether conventional or nuclear, contrary to international law. It is worth noting that the ICJ made no distinction between types of nuclear weapon in its Advisory Opinion. The UK is recognised as the most forward-leaning of the nuclear weapon states on nuclear disarmament. Neither the NPT nor the ICJ Advisory Opinion set out any timetable for the fulfilment of NPT Article 6, nor do they preclude the UK from maintaining its existing capabilities. The security of the UK's strategic deterrent has been and continues to be given the very highest priority and we take our responsibilities to protect UK nuclear weapons and material very seriously. As a result, I do not accept the assertions in your letters over the legality of Trident. I do recognise, however, that you hold a different view which is, of course, your right, as is your right to protest, although I stress once more that any such protest must be within the confines of the law.

Yours Sincerely,

Mike Wareham

10th [TP 10 May Blockaders Letter to Faslane Commander](#)
10th May 2011

TP 10 May Blockaders Letter to Faslane Commander

Commander HMNB Clyde 10 May 2011

Dear Commodore Hockley,

We are writing to call on you to cease the deployment of Trident, with its 48 nuclear warheads each ten times the destructive force of the Hiroshima bomb, as it is in violation of international law and constitutes a Crime Against Humanity. The deployment of Trident in carrying out the government's policy of "deterrence" entails the threat and preparedness to use it and is illegal as its use would inevitably violate international humanitarian law through the indiscriminate killing of civilians, the infliction of unnecessary suffering, the inevitable destruction of the environment of the country of any enemy as well as that of neutral countries through radioactive fallout and consequently prolonged suffering and many thousands of deaths of future generations through birth defects and cancers.

The 1996 Advisory Opinion of the International Court of Justice held that the threat and use of nuclear weapons would generally be contrary to international law. Judge Bedjaoui, President of the Court has stated that the use of a nuclear weapon system such as Trident, with 100 kt warheads would be illegal because "the use of even a single such warhead in any circumstance ...would inevitably violate the prohibitions on the infliction of unnecessary suffering and indiscriminate harm as well as the rule of proportionality including with respect to the environment. ...such a system deployed and ready for action would be unlawful." (*Trident and International Law: Scotland Obligations*. p.92) And, according to the Advisory Opinion of the ICJ it is unlawful to threaten to do that which it is unlawful to actually do.

We must remind you that the Nuremberg Principles, as adopted by the International Law Commission of the United Nations in 1950, hold individuals who are complicit in carrying out war crimes and crimes against humanity personally responsible for those crimes, even if ordered to do so by a Superior Officer, unless they take affirmative action to prevent those crimes. Furthermore the ICJ held that international law does apply in times of peace. And in any case, we are not in a time of peace as the UK is currently at war in Afghanistan, a war in which the UK's ally the US regularly strikes at Taliban forces inside Pakistan, a nuclear armed state.

A dastardly double standard is evident at this time, when the UK is engaged in the use of force against Libya for the purpose of protecting civilians even as it deploys a weapon system the use of which would inevitably kill civilians in large numbers. That duplicity diminishes international law, the fundamental purpose of which is the protection of civilians.

Along with others we have kept vigil on Wednesdays from 4-5pm at the North Gate of Faslane for three years now. We have raised these concerns numerous times with MOD Police, only to be told that we are entitled to protest and to our opinion. But these are not personal opinions. It is the opinion of the International Court of Justice, to which you and all those you command are accountable. We continue to hope that you will see that the deployment of Trident undermines the law and that you will, in keeping with your obligations under the Nuremberg Principles take action to prevent its ongoing deployment. We seek a response to this request for you to cease these violations of the law.

Yours in peace,

Janet Fenton Brian Larkin Barbara Dowling Mary Milington

Trident and International Law: Scotland's Obligations

On February 1, 2011 Bill Kidd MSP hosted an event at Scottish Parliament launching the new book *Trident and International Law: Scotland's Obligations* edited by Rebecca Johnson and Angie Zelter. The book developed out of the Edinburgh Conference on Trident and International Law, held on 3 February 2009. Both events were organized jointly by the Acronym Institute for Disarmament Diplomacy, The Edinburgh Peace and Justice Centre and Trident Ploughshares. The book looks at the relationship between nuclear weapons and Scottish and international law and demonstrates where the Lord Advocates Reference No. 1 of 2000 (LAR) went wrong.

Remarks were made by H.E. Christopher Weeramantry, former Vice Chair of the International Court of Justice, in a video message, Rebecca Johnson, Vice Chair of the International Campaign for the Abolition of Nuclear Weapons (ICANW) and Angie Zelter, co-founder of Trident Ploughshares, all of whom contributed to the book, and by Professor William Henderson, lecturer in law, Glasgow Caledonian University, Professor William Walker, St Andrews University and Janet Fenton, Coordinator of the Edinburgh Peace and Justice Centre.

Rebecca Johnson outlined key conclusions of the eminent judges, including a former President and a Vice President of the International Court of Justice, and lawyers, law professors and QCs found in the book as follows:

The launching of a nuclear-armed Trident missile would be unlawful in any conceivable circumstance.

The deployment, renewal and modernisation of nuclear weapons and the application of deterrence doctrines based on the use or threat of use of nuclear weapons, including the Trident nuclear weapons system, violate existing international law.

Scotland's obligations and responsibilities under international law are not nullified by the 1998 devolution settlement.

Citizens have a lawful right to protest the deployment of nuclear weapons.

In addition to national obligations to cease deploying, developing and renewing nuclear weapons, there is an international law obligation to conclude multilateral negotiations to achieve the total abolition of nuclear weapons.

Rebecca Johnson notes in her Introduction to the book that the recommendations of the Working Group on Scotland Without Nuclear Weapons were "equivocal." "It appeared that a major reason for watering down the conclusions ... was to avoid giving any grounds for political opponents ...to claim that the Working Group (and by extension the Government) had stepped beyond the confines of the devolution settlement in the 1998 Scotland Act." This book demonstrates where the LAR "went wrong in its interpretation of international law and the 1996 Advisory Opinion of the International Court of Justice on the threat and use of nuclear weapons." Thus the Scottish Government was mistaken in taking the view that "the presence of Trident in Scotland remains governed in law by" the LAR. And, as the LAR got it wrong "it should no longer be relied upon by the Scottish Government."

Aidan O'Neill QC points out that international law imposes duties upon States. And, as H.E. Judge Weeramantry clarifies, the Scotland Act actually provides that implementing international obligations are not reserved. Scotland therefore has the obligation to refuse to be complicit with the UK in deploying Trident. Its 2007 resolution urging the government of the UK "not to replace Trident at this time" did not go far enough.

Angie Zelter, in a written statement read out by Jean Oliver, asked "What is stopping Scotland?" She said the book was meant "to bring to public attention the international legal framework that if respected would lead to nuclear disarmament."

I believe that if the contents of this book are taken seriously then Scotland could apply an effective and very necessary legal pressure on Westminster to have Trident dismantled. It might be the very spur needed for the UK as a whole to disarm its nuclear weapons. And this might also encourage other nuclear weapon states to disarm.

...The legal arguments to back up an immediate Scottish demand that the UK remove Trident from Faslane and nuclear warheads from Coulport are all here in this book. ...I am hoping that something like this would happen:-

Firstly, a highly visible public statement committing Scotland to uphold international humanitarian law would be made so that the major international press would publicise it. The statement would not only quote the Scotland Act 1998 Schedule 5 where it clearly states that observing and implementing international obligations are NOT reserved but it would also quote Judge Bedjaoui, in the book, specifying that any country is acting unlawfully by aiding and abetting any deployment and maintenance of nuclear warheads of 100 kt or comparable explosive power. Because, as he says, 'A 100 kiloton nuclear warhead, regardless of whether it was targeted to land accurately on or above a military target, would always fail the tests of controllability, discrimination, civilian immunity, and neutral rights and would thus always be unlawful'.

Then would come a demand that Trident and its associated warheads and infrastructure be removed from Scotland. This demand would not only cite international law but also the democratic rights of the Scottish people who have shown over many years their determination that Scotland be nuclear free. It might also cite the vast majority of countries who have called upon the nuclear weapon states to disarm. The demand would specify a short time limit for a response of a couple of months only.

Secondly, if no satisfactory response (ie an agreement to remove Trident from Scotland) was received within a 2 month time limit then the Scottish government, or some organisation like Trident Ploughshares, would go to the courts to argue their right not to be implicated in conspiring to commit war crimes. There are various legal routes that could be taken, ranging from a legal review of the UK decision not to remove Trident from Scotland, to a case in the International Court of Justice brought on Scotland's behalf by another country who would join forces with Scotland on the grounds that the breaches of international law affects their country too.

For the full text of Angie Zelter's statement [click here](#).

The book makes clear that not only states but citizens have obligations to prevent war crimes and crimes against humanity, specifically the current deployment of Trident. H.E. Judge Weeramantry says citizens have the right to act: "Anti-nuclear civil resistance is the right of every citizen of his planet, for the prevention of such an international crime (as the threat or use of nuclear weapons) is basic to human dignity."

This book is not only a handbook for lawyers and politicians in Scotland and beyond, but also for citizens who seek to better understand the exact nature of their obligation to prevent the grave crimes currently being perpetrated by the government.

The book can be purchased by sending a cheque for £15.00 for delivery in the UK (£12.99 plus postage) to:

Biggar
ML12 6EF

8th

Georgina released early from prison

8th February 2011

Georgina released early from prison

Anti-Trident Woman Released Early from Prison

Eight-one year old Georgina Smith was released yesterday (7 Feb) from Cornton Vale Women's Prison ten days early after an anonymous benefactor paid the compensation order she had refused to pay. Georgina served thirteen days of the 45-day sentence for refusing to pay £1500 compensation for painting the sandstone wall of the Edinburgh High Court with the words "Genocide" and "No More War Crimes" in a protest against Trident on Remembrance Day, 2006. She and a second woman, Helen John, 70, of Keighley, Yorkshire had already served another 45 day sentence for the bold action.

Upon release, Georgina said, *"I am fine. I'm not a frail old granny. Anti-nuclear people don't fade away as soon as they are eighty. They go on resisting these beastly weapons. It was very kind of whoever paid my fine to do so, but what they don't realize is that when we do these actions we want to take responsibility for them ourselves, even if that means going to prison."*

The peace-loving pensioners' paint job was a protest against the High Court's complicity in the illegal deployment of "genocidal" nuclear weapons. The High Court ruled in the Lord Advocate's Reference (2000) that Trident is legal even though the International Court of Justice had ruled in 1996 that the threat and use of nuclear weapons would generally be illegal.

Last year the Scottish Government determined that it is bound by that LAR ruling and that under the Scotland Act it has no power to act on defence issues. But in January of this year, Trident Ploughshares made a submission to the Scottish Government calling on it to demand the removal of Trident from Scotland saying that it has the legal grounds to refuse to aid and abet the UK government in war crimes. The campaign group is currently awaiting a response from the Scottish government.

The painting of the High Court was also in protest against what the women said was unlawful detention of hundreds of protesters without charge for up to 30 hours as part of the year-long Faslane365 campaign (2006-2007) in which over a thousand people were arrested for blockading the Faslane Naval Base, home port of Trident, the UK's nuclear weapon system. When the two women were released without charge after being held overnight for blockading Faslane, they were incensed at not being brought to court and allowed to make the case against Trident.

The UK government continues to deploy Trident submarines, each carrying 48 nuclear warheads. Each Trident warhead is around 8 times as powerful as the Hiroshima bomb, the use of which would inevitably kill hundreds of thousands of civilians and cause untold environmental devastation in violation of International Humanitarian Law.

Contact: Brian Larkin 07768312676 or Jane Tallents 07778 267833

Photos: http://www.faslane365.org/en/armistice_day/armistice_day_photo_gallery

Notes:

1. For background info on Faslane365 see <http://www.faslane365.org>
2. On Trident: <http://www.cnduk.org/images/stories/briefings/trident/ntrupdateaug09.pdf>
3. Lord Advocate's Reference: <http://www.tridentploughshares.org/article1105>
4. For the International Court of Justice Advisory Opinion, see: <http://www.icj-cij.org/docket/index.php?p1=3&p2=4&k=e1&p3=4&case=95>
5. Scottish Government Response to the Scotland without Nuclear Weapons Working Group Report: <http://www.scotland.gov.uk/Publications/2009/11/governmentresponse/Q/Page/2>
6. Working Group on Scotland Without Nuclear Weapons: Report to Scottish Ministers <http://www.scotland.gov.uk/Publications/2009/10/14095137/3>

3rd

Quaker Woman Imprisoned over Anti-Trident Protests

3rd February 2011

Quaker Woman Imprisoned over Anti-Trident Protests

Send letters and cards of solidarity to:

Sylvia Boyes, HMP New Hall, Dial Wood, Flockton, Wakefield, West Yorkshire WF4 4XX

Sixty-seven year old Sylvia Boyes, a Quaker from Keighley, appeared today at Bingley Magistrates Court. She was sentenced to 14 days in New Hall Prison for refusing to pay fines arising from a series of protests against Trident in and around Faslane Naval Base in Scotland during the summer of 2009.

Sylvia's actions included painting a rock with the words Scots! Say No to Trident, blockading the Coulport nuclear weapons storage facility, and walking in the main gate of Faslane, the homeport of Trident, the UK's nuclear weapons system. For these actions she was charged with Malicious Mischief, Breach of the Peace and Aggravated Trespass.

Sylvia has been imprisoned on numerous occasions for anti-Trident protests. The Court refused to allow her to give a statement of her reasons for refusing to pay £700 in fines. However she insisted the Court accept her written statement which said: As a responsible person I must act to bring about disarmament. A necessary part of that campaign is to carry out non-violent direct actions at military bases. No government can continue policies without the active or silent acceptance of its people. This includes the police and judiciary. So while I accept responsibility for my actions, I am refusing to pay fines as a further act of civil disobedience and am fully aware of the consequences.

The peace-loving pensioners' actions were part of the ongoing campaign by Trident Ploughshares, a network of global citizens committed to bringing about the disarmament of Trident. Sylvia, stated in Court: I know that this country's continued possession of nuclear weapons constitutes a crime against humanity. All nuclear weapons are weapons of mass murder and destruction and while in narrow terms of the law this is debateable, each Trident warhead with its explosive power of eight times the power of the bomb dropped on Hiroshima in 1945, would cause immediate death and destruction followed by the long term horrific effects of radiation, causing cancers, tumours as well as long term genetic damage to future generations. Britain has around 160 of these warheads.

To use Trident as a threat of murder and destruction (deterrence) is to dehumanise people and create enemies. I believe in a common humanity. I cannot accept this violent means of successive government's policies. In a world where there is so much hunger and poverty, to misuse resources

on nuclear weapons is a crime in itself. In no way can the causes of very real conflicts be dealt with by the threat of murder and destruction. Nor can our security be maintained by such threats.

Sylvia is the second peace activist sentenced to prison in as many weeks. Eighty-one year old Georgina Smith was jailed a week ago for 45 days for refusal to pay a £3000 compensation order for her part in painting the Scottish High Court, also in protest against Trident.

Cards and letters can be sent to the address above.

Sylvia requests that friends not send money or flowers. But if anyone wants to make a donation to some good cause instead that would be fine with her.

Genocidal weapons

The UK Government continues to deploy four Vanguard-class nuclear-powered submarines. Each one, fully armed, carries 48 nuclear warheads on 16 Trident II missiles (the latter leased from the US.) Each UK Trident warhead has been estimated to have an explosive power of 100kT, approximately 8 times that of the US bomb that flattened Hiroshima in Japan on 6 August 1945, killing 140,00 people due to the initial bomb blast and the longer-term effects of radiation. Any actual use of a Trident nuclear weapon would be a war crime and a crime against humanity, most likely indiscriminately killing many hundreds of thousands of civilians and causing massive radiological contamination of the environment.

A colossal waste of public funds

It has been estimated that replacing the UK Trident system will cost taxpayers up to £97 BILLION over its lifetime (Source: Greenpeace UK). The existing Trident system costs around £2 BILLION/YEAR to maintain. Trident Ploughshares believes that this money ought to be used for programmes of social uplift, such as providing healthcare, university and school education, and public and social services, and protecting the environment and tackling climate change.

See also:

Senior woman anti-nuke campaigner jailed for 45 days in Scotland, 27 Jan 2011
<http://www.tridentploughshares.org/article1621>

Five activists walk straight into Faslane nuclear weapons base, 18 Aug 2009
<http://www.tridentploughshares.org/article1575>

Summary of the week long disarmament camp at Coulport, 31 Aug 2009
<http://www.tridentploughshares.org/article1576>

Faslane rock painting duo fined, 18 Mar 2010 <http://www.tridentploughshares.org/article1606>

January Senior woman anti-nuke campaigner jailed for 45 days in Scotland
27th 27th January 2011

Senior woman anti-nuke campaigner jailed for 45 days in Scotland

Write letters and cards of support to:

Georgina Smith (106167) HMP Cornton Vale Cornton Rd Stirling FK9 5NU Scotland / United Kingdom

Georgina Smith, aged 81, jailed for second time over refusal to pay for 2006 're-decoration' of High Court in Edinburgh

Georgina Smith was sentenced yesterday (Wednesday 26 January 2011) to 45 days' imprisonment by Fort William Sheriff Court to for refusing to comply with a compensation order for damage for painting the sandstone wall of the Edinburgh High Court in Scotland in 2006, during the year-long Faslane 365 campaign. Georgina and Helen John had already served sentences in Cornton Vale prison in relation to this action, but had refused to pay the compensation order.

In November 2006, on Remembrance Day, Georgina and Helen painted "Genocide", "NO More War Crimes", "No Upgrade", "Respect the War Dead", "Art, Law, Morality", "NO SOCPA Sec 28" and "No Cluster Bombs" in black paint on the outer sandstone walls of the High Court building on Edinburgh's Royal Mile. This was in protest at the High Court's alleged complicity in the UK's deployment of Trident nuclear weapons by ruling it legal in the Lord Advocate's Reference of 2000. This is despite the legal opinion of the International Court of Justice in 1996, which was unable to find any situation in which the threat or use of nuclear weapons would be lawful. In addition, their action condemned the Scottish legal system for holding people who blockaded during the Faslane 365 campaign for up to thirty hours, before releasing them without charge.

Helen had contested the compensation order, which originally claimed damages of £6,000, because the Crown Prosecution Service had failed to account for the figure. The amount was then dropped to £3,000 and, mysteriously, the court only pursued Georgina.

Georgina is a veteran anti-nuclear campaigner who took part in the decade long women's encampment at Greenham Common, which ended when US cruise missiles were finally withdrawn from the base. The 2006 redecoration of the High Court was part of the year-long Faslane365 campaign in which over a thousand people were arrested for blockading Faslane naval base in western Scotland, the home port for the UK's Trident nuclear missile-armed submarines, its only remaining nuclear weapon system (also assigned to NATO.)

At the time of the original action, the two women released a statement which read:

"The 'arrest and detain for 30 hours without charge' policy amounts to an abuse of process designed to silence legitimate protest against upgrading genocidal Trident nuclear missiles. NO More War Crimes."

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Photos: http://www.faslane365.org/en/armistice_day/armistice_day_photo_gallery Notes:

1. For background info on Faslane365 see www.faslane365.org

2. For info on Greenham Common go to: <http://www.yourgreenham.co.uk/>

3. For background on Trident see: <http://www.cnduk.org/images/stories/briefings/trident/ntrupdateaug09.pdf>

1st

Trident Ploughshares Highlights of 2010

1st January 2011

Trident Ploughshares Highlights of 2010

Trident Ploughshares (TP) organised several high profile actions this year at Trident bases in England and Scotland.

In February, hundreds of people, including Nobel Peace Prize winners, bishops and internationals from all over Europe, **blockaded all eight entrances to the Aldermaston nuclear warhead factory in Berkshire**. They held their ground in freezing cold temperatures for seven hours, with 26 arrests.

In June, we organised a (very damp) **"walk on the moors" at Fylingdales** with Yorkshire CND to raise awareness of the key role of the US Early Warning Station in any future nuclear war.

In September, we hosted a four-day gathering in Reading focused on ongoing warhead developments at Aldermaston and Burghfield. Participants joined other anti-nuclear groups to collect 250 objections to the Project Hydrus application. On the final day, **twenty people blockaded one of Aldermaston's gates** for two and a half hours.

In November, over a hundred people from around Britain, Switzerland and the US **blockaded the main gates to Plymouth's Devonport naval dockyard** - "the Sellafield of the south-west" - where submarines are maintained, refitted and dumped, for four and a half hours. There were 14 arrests, including 'skeletons' and 'zombies' who locked onto their car to block the main gate, and Theo Simon from the band Seize the Day who tried to lock himself to a police car!

We organised **two blockades within three days at Faslane** as part of a Europe-wide day of action at Easter, a **T-shirt protest inside the lobby of Parliament** in June and Hiroshima and Nagasaki 65th anniversary commemorations in August. Our members **spray-painted the Dumbarton court building** in October, joined an **anti-NATO women's T-shirt action in London** in November and helped maintain a weekly vigil at Faslane with Helensburgh CND and a monthly vigil at Aldermaston.

For more details of these actions, see: <http://www.tridentploughshares.org>