

Moderator's Introduction: *Further reflections on the ICJ Advisory Opinion on nuclear weapons* – The Asser Institute, The Hague, July 8, 2026

My name is Jackie Cabasso, and it's my honor to chair this first panel, *Further reflections on the ICJ Advisory Opinion on nuclear weapons*. Since 1984 I have served as Executive Director of Western States Legal Foundation (WSLF) in Oakland, California. Grounded in commitments to nonviolence and international law, WSLF is one of the two U.S. IALANA affiliates. I also serve as North American Coordinator of Mayors for Peace.

Before introducing the panelists, I want to reflect briefly on the integral relationship between civil society movements and the process that led to the ICJ's 1996 advisory opinion.

It was my privilege to be in The Hague for the 1995 oral arguments and to support the World Court Project legal team. But long before that I had been a nuclear disarmament activist and advocate, getting arrested numerous times for nonviolent acts of "civil obedience," protesting at nuclear weapons facilities.

In June 1982, while one million people rallied in New York City's Central Park during the UN Second Special Session on Disarmament, I was among some 1,500 people arrested nonviolently blocking the gates to the Livermore National Laboratory in California, one of the two U.S. labs that continues to design and develop U.S. nuclear warheads. I had no legal background, but I nearly choked when entering a plea of "no lo contendre" to the traffic infraction we were charged with. I *felt* that I was not guilty of any crime, and that the criminals were the scientists and engineers inside the Lab developing weapons of mass destruction.

In 1983, I was again arrested for blocking the gates to the Lab, along with a similar number of fellow nonviolent protesters. This time we were charged with a misdemeanor, and some of us decided to go to trial – in order to put the Lab on trial.

We were represented by the newly-established Western States Legal Foundation, and our lawyers provided us with the legal language to express our moral outrage. They prepared to argue, on our behalf, that inspired by the Nuremberg principle of individual responsibility, we acted reasonably to prevent indiscriminate attacks, crimes against humanity, and crimes against peace.

(Unfortunately, the jury was not allowed to hear our defense and we were found guilty, but that's a longer story for another day.)

On August 6, 1995, the 50th anniversary of the U.S. atomic bombing of Hiroshima, I was among 57 nonviolent protesters arrested at the Livermore Lab and charged with a traffic infraction. Our trial was set for November 2, 1995. In the meantime, as I was preparing for the trial, I was involved in promoting the World Court Project and collecting Declarations of Public Conscience. (Over 6 million declarations in over 30 declarations were collected and presented to the Court.)

On November 1, 1995, we issued a press release announcing: "NUCLEAR WEAPONS ON TRIAL, FROM LIVERMORE TO THE HAGUE; AS WORLD COURT OPENS HEARINGS

ON LEGALITY OF NUCLEAR WEAPONS, LAB PROTESTERS APPEAR IN TRAFFIC COURT.”

It opens: “As the International Court of Justice in The Hague hears arguments on the legality of nuclear weapons, a traffic commissioner in Pleasanton will decide the legal fate of nonviolent protesters arrested at the Lawrence Livermore Nuclear Weapons Laboratory.... Defendants are charged with ‘obstructing traffic’ at the Livermore Lab, where they gathered peacefully on August 6 to protest continuing nuclear weapons research and development.... This week, the International Court of Justice in The Hague began hearings in an unprecedented case, considering whether the threat or use of nuclear weapons in any circumstance would be permitted under international law. The decision is expected to have far-reaching implications. Defendants in the Livermore trial maintain that they acted in concert with principles of international law by taking personal responsibility to prevent the commission of grave international offenses, including crimes against peace and humanity. While the traffic commissioner in Livermore hears testimony from Lab protesters, the Justices at the World Court will hear presentations by Germany, Guyana, and Colombia.” (Charges were dismissed when law enforcement officials failed to appear.)

A few days later, I arrived in The Hague and was amazed and gratified to hear government representatives from around the world – with input from IALANA lawyers, including model briefs - making the same legal arguments to the ICJ that my WSLF lawyers had been making on my behalf in nuclear weapons protest cases since 1983. I believe that the 1995 ICJ case is a powerful demonstration of how bottom-up international law can be an effective catalyst for social and political change.

Now let me introduce our distinguished panelists. (You will find more detailed biographies on the conference web site.) Each one will have up to 15 minutes, followed by Q & A. The panel itself will be on the record, but the Q & A will be subject to the Chatham House Rule.*

Our first speaker will be Prof. Nico Schrijver (Netherlands), recipient of the 2022 Weeramantry International Justice Award, Emeritus Professor of Public International Law at Leiden University, former State Councillor, former Senator, and former Judge Ad Hoc International Tribunal for the Law of the Sea.

Prof. Schrijver will be followed by Amela Skiljan (Germany). Ms. Skiljan studied law in Bosnia and Herzegovina. She holds a Masters in International and European law from the University of Bremen and is currently writing her PhD thesis. She serves as Deputy Chair of IALANA Germany, is a Board member of IALANA, and a Council Member of the International Peace Bureau.

Ms. Skiljan will be followed by Charles Moxley (USA), Adjunct Professor of Law, Fordham Law School and author, *Nuclear Weapons and International Law: Existential Risks of Nuclear*

War and Deterrence through a Legal Lens: Volume 1 and Volume 2, 2024. (Professor Moxley will be joining us online.)

Prof. Moxley will be followed by Dr. John Burroughs (USA), Senior Analyst, Lawyers Committee on Nuclear Policy, Vice-President, IALANA, member of the IALANA legal team at the 1995 ICJ hearings, and member of the legal team for the Marshall Islands in its nuclear disarmament cases in the ICJ.

***For Q & A session**

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The rule was created in 1927 and refined in 1992 and 2002. *The rule states:*^[1]

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