

In support of Opposition to the Federal Government's assertion that the nuclear sharing practiced by Germany within the framework of NATO does not violate the Non-Proliferation Treaty.

by Bernd Hahnfeld, IALANA, Germany (based on the English translation with the help of Pressenza Translation Team and Andrew Lichterman (Western States Legal Foundation))

I have been asked to give my support for the legal analysis offered by Bernd Hahnfeld as to Germany's unlawful "cooperation" with NATO's planning, preparation, possession, deployment, threat or use of 20 B61s (50-170 kiloton) U.S. nuclear bombs at Büchel Air Force Base, Germany. 1

The U.S., Germany and NATO all know that each and every B61-3 and B61-4 nuclear bomb deployed at Büchel Air Force Base is designed and intended to unleash uncontrollable and indiscriminate heat, blast and radiation.

Mr. Hahnfeld' statement is correct as a matter of well established law that the U.S., Germany and NATO know and agree that any planning, preparation, possession, deployment, threat or use of any variant of the B61 nuclear bombs, is as a matter of known fact violates peremptory rules of law including the laws of war, the rules and principles of humanitarian law or the Nuremberg Principles.

Mr. Hahnfeld is also correct in stating that the U.S. and Germany breach the Nuclear Non-Proliferation Treaty (NPT) Article VI disarmament obligation and NPT Articles I and II prohibitions against "nuclear sharing" by continuing planning, preparation, possession, deployment/threat or use of B61 nuclear bombs at Büchel Air Force Base.

Mr. Hanfeld is correct in stating that NATO and all its members and all NATO's strategy and security rules are limited by and remains bound at all times by the peremptory rules of law including the laws of war, the rules and principles of humanitarian law or the Nuremberg Principles. Likewise, Mr. Hanfeld is correct in asserting that no NATO practice nor any Declarations or reservations made in regard to the NPT can negate the bedrock legal obligation of all countries.

Qualifications to make this Declaration:

I hold a J.D., am a member of the State Bar of Michigan and its International Law Section and for 30 years have studied, taught law school seminars, and

lectured widely on nuclear weapons and the rule of law. I am a Member of the Board of Directors of the Lawyers' Committee on Nuclear Policy. I was a member of the International Association of Lawyers Against Nuclear Arms' Legal Team for the World Court Project during the 1995 oral arguments before the International Court of Justice (ICJ) on the "Legality of the Threat or Use of Nuclear Weapons" and rely on the Advisory Opinion of the ICJ and the Individual Opinions and Declarations of the Judges as the most authoritative statements of the law and legal obligations regarding nuclear weapons. I was on the drafting committee for the Model Nuclear Weapons Convention. I hold a Certificate in Public International Law from The Hague Academy of International Law, and have conducted extensive research at the Peace Palace Library in The Hague as co-counsel for the Michigan Nuremberg Campaign. I have served as a defense attorney in six Plowshares cases and other civil resistance to nuclear weapons cases in the U.S., and was lead author of an exhaustive Brief in Support of a Citizens' Petition to State and Federal Authorities entitled, "In re: Request for Investigation/Prosecution of Officers and Directors of Williams International Corporation and Commanders of Wurtsmith Air Force Base (Headquarters of the Strategic Air Command 40th Air Division, 379th Bombardment Wing) in Oscoda, Michigan."