

R E P O R T

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WORLD COURT PROJECT (WCP) SUMMARY

A resolution requesting the International Court of Justice ("World Court") to issue an advisory opinion on the legality of the use of nuclear weapons is on the agenda of the World Health Assembly in May this year. A similar resolution asking for an opinion on the use and threat of use will be on the agenda of the 1993 United Nations General Assembly in the fall.

If the resolutions are passed, the case will likely proceed in the World Court in 1994.

We believe the Court will rule that the use and threat to use nuclear weapons are illegal under existing international law and that this will have a significant effect in the campaign to eliminate nuclear weapons.

WORLD HEALTH ASSEMBLY RESOLUTION

The World Health Assembly has stated that the world's health services could not alleviate the suffering caused by the use of nuclear weapons and that the only approach to treatment of health effects of nuclear war is the prevention of nuclear war. ("Effects of Nuclear War on Health and Human services; WHA 36.28", WHO 1987).

Apparently there is majority support within WHA for the WCP resolution. However, some countries, including the UK, Canada, and the US, maintain that nuclear disarmament is solely a political issue and does not fit within the mandate of WHA. A number of countries may not vote in favor of the resolution if the USA puts too much pressure on them.

Please write to Audrey Manley, Assistant Secretary of Health, US Public Health Service, Department of Health and Human Services, Washington, D.C. 20201, urging the United States not to oppose the resolution at the WHA. Note that the US Public Health Association, the largest public health association in the world, has passed a resolution supporting the WCP.

WORLD COURT PROJECT PUBLIC BRIEFING

NYU Law School, 40 Washington Sq. South, Room 110

Thursday, May 20 at 7 pm

Speakers: • **H.E. Mr. Simbarashe Simbaneduku Mumbengegwi**, Ambassador of Zimbabwe to the UN • **Helen Clark** (invited), Member of Parliament and former Deputy Prime Minister, Aotearoa/New Zealand • **Michael Christ**, WCP Co-ordinator for the International Physicians for the Prevention of Nuclear War • **Katie Boanas-Dewes**, International Peace Bureau Executive Member, Co-ordinator WCP Aotearoa/New Zealand • **Richard Falk**, Professor of Law, Princeton University • **Commander Robert Green**, Royal Navy (retired), Chair of the WCP-UK Branch.

Could World Court Halt Proliferation? See over

WORLD COURT OPINION COULD HALT PROLIFERATION

BY ALYN WARE

The sudden withdrawal of North Korea from the Non-Proliferation Treaty (NPT) caught the world by surprise and left world leaders confused as to how to prevent nuclear proliferation, not only in North Korea, but in other regions also.

North Korea's withdrawal from the NPT, and the implication that they are pursuing a nuclear weapons program, suggests that the threat of nuclear weapons proliferation has increased despite the thaw in the Cold War.

South Africa's recent admission of its nuclear weapons program, confirming earlier reports, reinforces the fear of other clandestine productions of nuclear weapons.

Furthermore, many non-nuclear and nuclear threshold countries have doubts about renewing the NPT when its initial term expires in 1995. At the NPT review conferences in 1975, 1980, 1985, and 1990, many non-nuclear states warned that unless significant progress was made by the nuclear weapons states towards ending the nuclear arms race and towards complete nuclear disarmament by 1995, they may not extend the NPT.

Some states would accept the signing of a Comprehensive Test Ban Treaty as sufficient progress. However, other states want greater progress towards the complete elimination of nuclear weapons before they will agree to an extension of the NPT.

Even if the NPT is saved by the signing of a Comprehensive Test Ban Treaty before 1995, it may not prevent further proliferation. North Korea has demonstrated that if a country wants to develop nuclear weapons, it can withdraw from the NPT. Other countries such as Iran and Libya, which are possibly seeking

A number of other countries have not signed provisions. Some of these countries are suspected of already having developed nuclear weapons. Israel's nuclear weapons program, for example, was revealed to the press by Mordechai Vanunu in 1986. He is now serving an 18 year sentence for such "treason." India is reported to have exploded a nuclear device in 1974. Pakistan's nuclear weapons program was revealed in the *New Yorker* earlier this year.

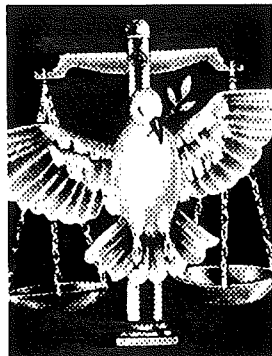
Non-nuclear countries which are signatories to the NPT undertook not to acquire or develop nuclear weapons and agreed to International Atomic Energy Agency (IAEA) inspections to ensure that fissile material is not diverted into weapons.

However, if a country is not an NPT signatory or it withdraws from the NPT, the IAEA has no authority to conduct inspections in that country. Whereas there are conventions banning chemical and biological weapons, there is no similar convention banning the use, production, or possession of nuclear weapons. This effectively leaves the United Nations with little legal authority to take action against non-signatories of the NPT who develop or are suspected of developing nuclear weapons.

A World Court ruling confirming that the use and threat of use of nuclear weapons are illegal could give the Security Council greater authority to monitor, inspect, and act against the suspected acquisition or production of nuclear weapons whether or not the country is part of the NPT.

Such a ruling would of course apply also to existing nuclear powers, inferring that they should stop producing nuclear weapons and dismantle their existing arsenals. The opinion would pave the way for a convention eliminating nuclear weapons, and it would remove the primary reason for proliferation: the belief by threshold countries that if the nuclear countries are allowed nuclear weapons, then why shouldn't they also have them?

The existing situation of nuclear have and have nots is unsustainable and, unless removed by disarmament, will likely lead to nuclear proliferation. The alternative—a non-nuclear world governed by a consistent application of international law—is one sought after by most nations and is now achievable. For those nations addicted to nuclear weapons for nearly half a century, a World Court ruling confirming that the use and threat of use of nuclear weapons are illegal, could provide a nuclear free cure which even they may submit to.



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