Remarkable nuclear campaign succeeds

"The threat of use of nuclear weapons would generally be contrary to the rules of international law applicable in armed conflict."

Keith Suter discusses how a dedicated group of individuals has influenced world bodies' attitudes on weapons bans.

The International Court of Justice.

This week's advisory opinion from the International Court of Justice represents the culmination of a remarkable campaign by a group of individuals who were able eventually to get the United Nations General Assembly and the World Health Organisation to take up the issues (individuals and nuclear) from setting aside and to try to approach the ICJ for an advisory opinion.

The statement also represents a new step in the campaign to rid the world of nuclear weapons. It was initiated at the 1984 meeting of Australia's Canberra Commission on the Elimination of Nuclear Weapons, which is due to report to the UN later this year.

A decade ago, retired New Zealand magistrate Harold Evans first raised the possibility of the ICJ being asked for an advisory opinion on the legality of nuclear weapons.

One of his earliest supporters was then Ted St John QC (a former Liberal MP in Sydney).

The campaign to get an advisory opinion was officially launched in 1982 by three co-sponsoring organisations: International Physicians for the Prevention of Nuclear War, International Peace Bureau and the International Association of Lawyers Against Nuclear Arms.

Undeterred by the hostility of the nuclear powers, these organisations obtained agreement from the Non-Aligned Movement in the UN General Assembly and World Health Organisation to request an advisory opinion.

Another example of people power was the way the ICJ, for the first time in its history, accepted evidence from citizens only governments can deal with the ICJ.

An argument against nuclear weapons was that they violate the conscience of humankind. The "conscience of humankind" was manifested at the ICJ by 3.2 million "declared of public conscience" signed by members of the general public.

At the ICJ, it was argued that the use of nuclear weapons would violate a basic principle of international law: the need to distinguish between legitimate military targets (such as soldiers and ships) and persons and objects which are not to be attacked (such as civilians and historic sites).

Nuclear weapons are too explosive to maintain that distinction. Additionally, radioactive material could also fall on neutral countries.

However, the countries with nuclear weapons urged the ICJ not to meddle in international politics.

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