

## Foreword by Judge Géza Herczegh

At the request of the United Nations General Assembly, the International Court of Justice delivered an Advisory Opinion on the legality of the threat or use of nuclear weapons. Some commentators have called this one of the most important decisions in the Court's history. It was taken after long debate, and section 2E of the decision was adopted only by the President's casting vote, seven members of the Court having voted in favour and seven against. Every member found it necessary to add to the Advisory Opinion either a declaration or a separate or dissenting opinion making clear his or her own position in relation to the question raised by the General Assembly.

The principles and rules of international humanitarian law are at the heart of the Advisory Opinion. Paragraphs 74–95 of the grounds explicitly refer to it, as do sections D and E of the decision; and many parts of the individual declarations and separate and dissenting opinions deal with the respective roles of those principles and rules in regard to the threat or use of nuclear weapons.

Given the importance of the Advisory Opinion and of the contrasting views expressed by the members of the Court, it would seem most important that eminent experts in international humanitarian law thoroughly investigate the theoretical questions that may be raised in this connection. I therefore welcome the very commendable initiative taken by the *International Review of the Red Cross* in devoting one of its issues to this debate. The conclusions of the Advisory Opinion may be criticized — and some of them certainly will be — but the comments published in the *Review* will nevertheless serve to clarify the various aspects of the problem. They will highlight the present role and place of international humanitarian law in contemporary international law and the content and nature of the relevant principles and rules. In short, they will help to

promote and develop general knowledge of humanitarian law, and hence increase its effectiveness around the world. I myself hope that the discussion launched by the *Review* will be taken up in other periodicals and fora and will arouse widespread interest.

**Géza Herczegh, Judge  
International Court of Justice**

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