

ICRC statement to the United Nations General Assembly on the Advisory Opinion of the International Court of Justice on the legality of the threat or use of nuclear weapons

The debate in the First Committee of the United Nations General Assembly (51st Session, 1996) on agenda items 71 and 75 (disarmament and the 1980 Conventional Weapons Convention) gave the ICRC the opportunity to make the following brief comment on the Advisory Opinion of the International Court of Justice relating to the legality of the threat or use of nuclear weapons:

This was the first time that the International Court of Justice analysed at some length international humanitarian law governing the use of weapons. We were pleased to see the reaffirmation of certain rules which the Court defined as “intransgressible”, in particular the absolute prohibition of the use of weapons that are by their nature indiscriminate as well as the prohibition of the use of weapons that cause unnecessary suffering. We also welcome the Court’s emphasis that humanitarian law applies to all weapons without exception, including new ones. In this context we would like to underline that there is no exception to the application of these rules, whatever the circumstances. International humanitarian law is itself the last barrier against the kind of barbarity and horror that can all too easily occur in wartime, and it applies equally to all parties to a conflict at all times.

Turning now to the nature of nuclear weapons, we note that, on the basis of the scientific evidence submitted, the Court found that “...The destructive power of nuclear weapons cannot be contained in either space or time...the radiation released by a nuclear explosion would affect health, agriculture, natural resources and demography over a very wide area. Further, the use of nuclear weapons would be a serious danger to future generations...” In the light of this, the ICRC

finds it difficult to envisage how a use of nuclear weapons could be compatible with the rules of international humanitarian law.

We are convinced that because of their devastating effects no one ever wants to see these weapons used. It is the ICRC's earnest hope that the opinion of the Court will give fresh impetus to the international community's efforts to rid humanity of this terrible threat.

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