THE WORLD COURT PROJECT: HISTORY and CONSEQUENCES

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The forces ranged against the view of illegality are truly colossal. However collisions with the colossal have not deterred the law on its upward course towards the concept of the rule of law. It has not flinched from the task of imposing constraints upon physical power when legal principle so demands. It has been by a determined stand against forces that seemed colossal or irresistible that the rule of law has been won.

Judge Christopher Weeramantry, Dissenting Opinion, 1996.

INTRODUCTION

On 21 October 1999, a court case in Greenock, Scotland ended in a sensational outcome which will have major repercussions for the struggle to rid the world of nuclear weapons. Three women - Angie Zelter, Ulla Roder, and Ellen Moxley of the international Trident Ploughshares 2000 non-violent direct action campaign - were on trial before a jury for damaging some laboratory equipment used for operational support of the British Trident nuclear-armed ballistic missile submarine force. Their defence was that they had been compelled to act in order to prevent a crime of potential genocide. The judge accepted their argument that deployment of Trident is illegal, and that they were upholding the Nuremberg Charter - and she instructed the jury to acquit them.

The women had based their defence on a 1996 Advisory Opinion by the International Court of Justice (ICJ), known as the World Court. The acquittal provoked an uproar in the UK, reigniting the anti-nuclear movement as the embarrassed Blair government
appealed against it in an attempt to have it overturned by the highest court in Scotland sometime during 2000 – but giving unprecedented publicity to this audacious challenge to the legality of Britain’s so-called “nuclear deterrent”.

Between 1986-96, a worldwide network of peace campaigners, doctors and lawyers evolved the World Court Project (WCP). This was based on a simple premise: while the Chemical and Biological Weapons Conventions outlaw those weapons of mass destruction, there is no such specific prohibition on nuclear weapons. They succeeded in persuading governments to adopt UN resolutions asking the ICJ for its first-ever Advisory Opinion on the legal status of the threat or use of nuclear weapons. On 8 July 1996, the ICJ delivered its findings on two questions before it, from the World Health Assembly (WHA) and the UN General Assembly (UNGA).

The consequences of the ICJ’s decision, which confirmed in a historic Advisory Opinion that any nuclear weapon threat or use is generally illegal,\(^1\) were far-reaching. This paper traces how a few individuals and international citizen organisations built up support for what became an unprecedented umbrella network operating in partnership with like-minded governments on the most radical issue on the UN's nuclear disarmament agenda, and how it helped to democratise the ICJ. It summarises some of the consequences, including how this process helped trigger significant changes in the nuclear policies of some Western-allied states, and how the Opinion is being used by governments and citizens to expedite nuclear disarmament.

**PART I: HISTORY OF THE WORLD COURT PROJECT**

Following the atomic bombings of Hiroshima and Nagasaki in August 1945, several serious initiatives to outlaw nuclear weapons were made by a variety of states and
citizen groups. Within the UN, there were calls for inclusion of nuclear weapons in the 1949 Geneva Conventions along with chemical and biological weapons, and for a Nuclear Weapons Convention (an enforceable global treaty like the one prohibiting chemical weapons). All were blocked or opposed by the nuclear weapon states using their economic and political power, including their Security Council veto. A paradox persists where they accept the illegality of chemical and biological weapons while insisting on their right to maintain their nuclear arsenals, thereby sustaining the anomalous legal position of nuclear weapons.

Citizen groups in Canada, Germany, Japan, the Netherlands, United Kingdom (UK), United States (US) and other countries attempted to challenge the legality of nuclear weapons at a state level through local and national courts; but not until the 1990s was there a serious attempt to seek an advisory opinion from the ICJ. Until then the only other ICJ case concerning nuclear weapons was in 1973, when Aotearoa/New Zealand (NZ) and Australia challenged the legality of French atmospheric nuclear testing in the South Pacific. Latin America and the South Pacific region were declared nuclear weapon free zones; and in the 1980s, individual South Pacific states such as Belau, Vanuatu, the Solomons Islands and NZ enshrined nuclear free status in their constitutions.

During that period, the intensification of the Cold War spurred International Peace Bureau (IPB) President Sean MacBride, the US Lawyers' Committee on Nuclear Policy (LCNP) and others to promote the idea of using the ICJ to clarify the legal status of nuclear weapons. However, it was not until 1986 that retired New Zealand magistrate Harold Evans initiated a campaign to convince governments to sponsor a UN resolution requesting an advisory opinion.

In June 1986, in an effort to bolster the NZ Labour government's anti-nuclear policy and its proposed nuclear free legislation, citizen groups invited US Law Professor
Richard Falk to NZ where he spoke publicly on nuclear weapons and international law. He inspired Evans to write a 100-page Open Letter to the Prime Ministers of Australia and NZ, challenging them to sponsor a UN resolution to seek a World Court opinion on 'the legality or otherwise of nuclear weaponry'. Australia rejected the idea, but New Zealand's Prime Minister David Lange showed interest. Evans then appealed to the 71 UN member states with diplomatic representation in Canberra and Wellington. Some Non-Aligned Movement (NAM) states - then a group of 110 governments - and the Soviet Union also indicated interest.

Within New Zealand a dialogue with government and officials ensued, strongly backed by the newly-formed Public Advisory Committee on Disarmament and Arms Control, whose remit was to monitor implementation of the 1987 Nuclear Free Act. Among its members were the Chair of the NZ branch of the International Physicians for the Prevention of Nuclear War (IPPNW), and Kate Dewes. In March 1988, IPPNW(NZ) sponsored a resolution supporting the project which was adopted at IPPNW's World Congress later that year.

In May 1988, Dewes was a citizen adviser to the NZ government delegation to the Third UN Special Session on Disarmament in New York. When addressing the UN on behalf of the NZ peace movement, she strongly urged all nations and peace groups to support the initiative saying 'the symbolic power of such a ruling would be immense'. She shared Evans' Open Letter with IPB, LCNP, and leading diplomats from India, Mexico, Sweden and Australia. Former Indian UN Ambassador Rikhi Jaipal advised her that India had considered using the advisory opinion in 1981, and later he gave guidance on drafting a UN resolution and lobbying within the UNGA.

Spurred on by Evans and the Public Advisory Committee, the NZ government began 'seriously considering' the merits of the proposal. However, it would not risk 'going it alone' and directly challenging the fundamental defence policies of its Western allies.
It was already under intense pressure as a result of the nuclear free legislation. The realities of the Cold War mindset meant that, at that time, this type of initiative was probably doomed from the outset. New Zealand's earlier foray into the World Court on the issue of nuclear testing had confronted only one state (France) on one high profile but peripheral aspect of the issue. Government officials and politicians were wary of exacerbating already tense relationships with its ANZUS Treaty partners\textsuperscript{iii} and other Western allies by pursuing something which might fail, thereby damaging the credibility of the ICJ and the greater cause of nuclear disarmament. Moreover, at the time they were lobbying for a Security Council seat.

Although disappointed by the government's decision not to proceed in 1989, Evans and others were undeterred. They travelled to Europe to mobilize support from other international groups working along similar lines. Evans' proposal was endorsed at IPB's annual conference in the UK in September 1989, and adopted a few weeks later at the inaugural World Congress of the International Association of Lawyers Against Nuclear Arms (IALANA). Evans also met doctors and lawyers in Malaysia during the Commonwealth Heads of Government Meeting there, and sent letters to six sympathetic Commonwealth leaders asking them to sponsor a resolution.

At the end of 1990, a conservative NZ government was elected promising to reactivate the ANZUS alliance, and hopes of a NZ-led initiative were dashed. However, in March 1991 another New Zealander arrived in New York, representing citizen groups worldwide opposing the Gulf War. Alyn Ware, then a 29 year-old kindergarten teacher and peace educator, approached several UN missions and found strong support for the World Court Project (WCP) idea. Costa Rica began redrafting Evans' earlier UN resolution, with the intention of co-sponsoring it at the 1992 UNGA. Parliamentarians for Global Action (PGA) - coordinated by a NZ disarmament expert and former diplomat - promoted the WCP in its newsletters, which went to 600 politicians in over 40 countries.
Three months later, Dewes and IPB Secretary-General Colin Archer found similar support in Geneva missions. The idea was seen as non-discriminatory; it was supportive of the UN Decade of International Law; it complemented moves for nuclear free zones in Africa and the Middle East, and it would strengthen efforts to secure a Convention on Prohibition of Use of Nuclear Weapons. Diplomats warned that at least 50 states, including some neutral ones, would be needed as co-sponsors to withstand the severe pressure expected from the nuclear weapon states.

At the same time, IPB proposed hosting a WCP launch in Geneva (during IPB's 1992 centenary) with the other two endorsing international citizen organisations - the doctors (IPPNW) and the lawyers (IALANA). Encouraged by this growing support among key countries and civil society, Dewes visited the UK to strategise with a strong network already working on the idea, including legal scholar and peace researcher Keith Mothersson. He pioneered a key aspect of the WCP's success: harnessing the public conscience and the law.\textsuperscript{ix} He proposed invoking the Martens clause from the 1907 Hague Convention, which required the World Court to take account of the 'dictates of the public conscience' when deciding any legal question.

WCP(UK) set up a pilot scheme for the collection of individually signed Declarations of Public Conscience to test public reaction - which was positive, even in a nuclear weapon state. The idea quickly spread to countries with active anti-nuclear movements, including Australia, Canada, France, Germany, Ireland, Japan, Netherlands, New Zealand, Norway, Sweden and the US. Declarations were translated into nearly 40 languages.

Article 96 of the UN Charter states that, in addition to the General Assembly or Security Council, other UN organs and specialized agencies may also request advisory opinions of the Court on legal questions arising within the scope of their
activities. In late 1991, Wellington doctor Erich Geiringer of IPPNW(NZ) encouraged IPPNW to spearhead a request to the World Health Assembly (WHA), the annual assembly of the WHO. 

During 1991, with the Cold War over, initial support for the WCP had already been secured from several leading NAM members. At the Geneva launch of the WCP in May 1992, Zimbabwe, then Chair of the NAM, became the first government to announce its support. At this meeting, an International Steering Committee (ISC) was formed comprising representatives of the three principal co-sponsoring organisations plus Alyn Ware and the authors. Ware returned to New York as a volunteer with LCNP to coordinate action on the project at the UN.

The ISC promoted a campaign strategy (Figure 1) to help mobilize groups globally in support of the WCP. It compiled an international list of endorsing organizations and prominent individuals. By 1994 over 700 organizations had signed on, including many City Councils, Greenpeace International, and the Anglican Communion of Primates. Over 200,000 individual Declarations of Conscience had been collected, plus letters of support from the former Soviet Union President Gorbachev and South African Archbishop Tutu.

World Health Assembly Requests an Advisory Opinion: 1992-93

Just before the May 1992 WCP launch, IPPNW attempted to introduce a resolution at the WHA in Geneva. The move failed because of lack of time to build up government support, and the resolution was not formally on the agenda. However, within weeks it attracted 14 co-sponsors, and a significant number of Health Ministers indicated
Following the 1992 WHA, IPPNW coordinated an intense and well-organised campaign in every country where it had members; visited Health Ministers and advisers in the four former Soviet states and Africa; made 'soundings' within the WHO bureaucracy, and visited over 20 diplomatic missions in Geneva to shore up support from the 1992 co-sponsors and others. This was complemented by UN lobbying, and visits to Health and Foreign Ministers in their capitals.

They succeeded in attracting 22 co-sponsors from three key regions, Africa, Latin America and the South Pacific, led by the Health Ministers of Zambia, Mexico, Tonga and Vanuatu - some of whom were also IPPNW members. The resolution requested an advisory opinion from the World Court on the question:

*In view of the health and environmental effects, would the use of nuclear weapons by a State in war or other armed conflict be a breach of its obligations under international law including the WHO Constitution?*

IPPNW organised a strong lobbying team for the effort led by Swedish doctor and IPPNW's WHO Liaison Officer Ann Marie Janson, and including George Salmond, a former NZ Director-General of Health. They had considerable experience with WHO processes and knew many of the delegates. They coordinated meetings with the co-sponsoring countries, prepared comprehensive background papers, countered misinformation and answered questions as they were raised in committees. Arguments by the NATO nuclear weapon states and their allies that, for example, the WHO lacked the competence to ask the question, were countered by the fact that it had been reporting on the health and environmental effects of nuclear weapons since 1981. After intense lobbying by the Western states to block the resolution, countered by a successful ploy by the co-sponsors to invoke a secret ballot, on 14 May 1993 the resolution was adopted by 73 votes to 40, with 10 abstentions.
The question was received by the Court in September 1993 and states were invited to make written submissions on the WHO question by September 1994. Of the 35 submissions received, only five non-nuclear states made submissions echoing the NATO nuclear weapon states and Russia (China took no part). Of the remainder, 22 argued that any nuclear weapon use would be illegal. IALANA and IPPNW drafted model submissions which some states used in the preparation of their cases. Submitting states were then given until June 1995 to comment on submissions by other states.

**UN General Assembly Challenges Nuclear Deterrence: 1993-94**

A major objection to the WHO resolution by the NATO nuclear states and the Australasian governments was that the UNGA was the correct forum for the issue. Following the WHO success, WCP members therefore encouraged a group of governments to consider co-sponsoring a UNGA resolution. Led by Zimbabwe's Foreign Minister, the NAM agreed to introduce a more ambitious resolution at the 1993 disarmament session which asked the ICJ urgently to render its advisory opinion on the question: *Is the threat or use of nuclear weapons in any circumstance permitted under international law?* In broadening and strengthening the WHO question, it directly challenged the legality of nuclear deterrence doctrine and the privileged status of the nuclear weapon states as permanent Security Council members.

The last week of October 1993 saw a struggle in the UNGA's First Committee. Zimbabwe, backed by a determined group of South Pacific states, lobbied hard. They were helped by a WCP team, led by Ware, which included Vanuatu's Health Minister Hilda Lini, and Maori elder Pauline Tangiora. These indigenous women leaders had a powerful impact on the diplomats of small island states within that region and amongst leading NAM states.
The resolution was introduced reluctantly by the new NAM Chair, Indonesia. Peggy Mason, Canada's Disarmament Ambassador, described the reaction: 'Hysteria is not too strong a word to describe the nuclear weapon states' point of view around here.' The US, UK and France sent delegations to many NAM capitals threatening trade and aid if the resolution was not withdrawn. Maj-Britt Theorin, a former Swedish Disarmament Ambassador, said: 'During my 20 years' experience as a UN delegate, I have never seen such supreme power politics openly being used as during the Fall of 1993.' On 19 November, the NAM consensus cracked, and Indonesia announced that action had been deferred. Such action usually signals the death of a resolution - and there was some sentiment to abandon the UN approach and concentrate on the WHO question. However, the WCP and its key government supporters persisted.

In June 1994, the NAM Foreign Ministers meeting in Cairo were convinced by Zimbabwe not just to re-introduce the 1993 resolution, but put it to a vote. The UK and France enlisted Germany, as President of the European Union at the time, to present a broader front of support for their intense opposition to the resolution, and to diffuse accusations of pressure on NAM capitals. The UK claimed that the resolution risked 'being seen as a deliberate attempt to exert pressure over the Court to prejudice its response (to the WHO question)...(it) can do nothing to further global peace and security.' The French again showed signs of hysteria: 'It is a blatant violation of the UN Charter. It goes against the law. It goes against reason...', from the government which had authorised the sinking of the Rainbow Warrior in Auckland in 1985.

The NAM was not deflected. On 18 November 1994 in the First Committee, the resolution was adopted by 77 votes to 33, with 21 abstentions and 53 not voting. Despite being the most radical resolution on the UN's nuclear disarmament agenda, China did not vote, Ukraine abstained, and the normally compliant Western caucus of
non-nuclear states collapsed. By abstaining, Canada and Norway broke ranks with NATO; Japan and Australia with the US; and Ireland with the European Union along with two prospective neutral non-NATO members, Sweden and Austria.

The most serious insubordination, however, was that New Zealand, despite being led by a conservative government, voted for it - the only Western-allied state to do so. As a Security Council member, this undid at a stroke the progress made by the US to lure the one such state with nuclear free legislation back under Washington's control. The government had been under intense pressure from the peace movement to support the resolution. Parliamentarians from various parties persisted with questions in Parliament, forced two snap debates and issued press statements. Eight government politicians publicly supported the WCP, while PGA in NZ and Australia unanimously supported it. The NZ Disarmament Minister received over 32,000 Declarations of Public Conscience, Ministers were flooded with letters, faxes and postcards, and many politicians were visited by constituents. Despite strong counter-pressure from the US and UK, including several high-level visits by military and diplomatic personnel, the government upheld the public will, knowing that anything less than their affirmative vote for the resolution could seriously threaten their chances of re-election.

The common theme in this breakdown in Western cohesion was the strength of public support for the WCP. The work to collect signed Declarations of Public Conscience and other endorsements had borne fruit. However, a decisive factor was probably a carefully focused faxing campaign to capitals of supportive states. In the run-up to the vote, several hundred individuals worldwide faxed Prime Ministers personally with expressions of gratitude, and encouraged them to withstand any coercion by the nuclear states. In one instance, a South Pacific representative to the UN, who had received 'middle level' instructions to abstain, was shown a letter from his Prime Minister replying to a WCP correspondent which stated that his
government's support for the resolution would stand. On the basis of this, the representative not only voted in favour but also spoke, encouraging other countries to support it.

Resolutions adopted by the First Committee are normally confirmed in the final UNGA plenary session, without any noticeable change in votes. However, a UK representative told Ware that NATO intended to 'kill' the resolution. The WCP therefore launched a new faxing campaign, adjusted to capitals of supportive states which had abstained or not voted. In the plenary session on 15 December 1994, there was an attempt to pass a resolution calling for 'no action', and another trying to remove the word 'urgently'; but both were narrowly defeated. Eventually, the resolution was adopted by 78 votes to 43, with 38 abstentions and 25 not voting, including China. A distinguished UN disarmament adviser described it as 'the most exciting night in the UN for thirty years' - yet there was almost no coverage.

Because of the word 'urgently', the World Court received the UNGA resolution within a few days. On 2 February 1995, the Court called for new written submissions by June 1995, and written comments on other states' submissions by September 1995. Eight of the 28 submissions made were from states which had not responded to the WHO case. In all, 45 governments and the WHO made submissions - the largest participation in an ICJ case. The Court then decided to consider the WHO and General Assembly questions separately but simultaneously, with oral presentations during November in The Hague.

**Taking France back to the Court: 1995**

Though not directly related to the WCP, France's resumption of nuclear tests in 1995 had a major impact on support for it. In May 1995, the Non Proliferation Treaty (NPT) was indefinitely extended amid acrimony, following intense lobbying by the NATO nuclear states and their allies. Part of the uneasy compromise was an
agreement by the nuclear weapon states to complete negotiations on a Comprehensive Test Ban Treaty by 1996. Pending its entry into force, they agreed to ‘exercise utmost restraint’. Also, in line with their commitment to Article VI of the NPT, they would pursue ‘systematic and progressive efforts to reduce nuclear weapons globally, with the ultimate goal of eliminating those weapons.’

Within two days of the NPT’s extension, China resumed testing, and on 13 June 1995 France announced a series of eight nuclear tests. Subsequent to the 1973 World Court case, France had carried out 134 underground tests in its South Pacific territories of Moruroa and Fangataufa. In 1992, both China and France signed the NPT and announced a moratorium on nuclear testing. France justified resuming tests by claiming that, as a permanent member of the Security Council and a nuclear weapon state recognised by the NPT, she had ‘special responsibilities, and particularly the right to maintain her deterrent at a credible level.’ xvii The UK had also cited the NPT as the legal justification for continued possession. This had reinforced NAM concerns that the response of the nuclear weapon states to its UN resolution revealed the nuclear states’ ‘true intentions regarding the permanence of nuclear weapons’ under an extended NPT. xviii Yet the chief US negotiator had stated: 'While the NPT reflects the reality that five nuclear weapon states existed in 1968, it does not legitimate the permanent possession of nuclear weapons.' xix

South Pacific populations were outraged and took every possible action to influence world opinion. In July 1995, Greenpeace sent Rainbow Warrior II with other boats from NZ and other South Pacific states to France’s test site to try to stop the tests. xx On the tenth anniversary of the French bombing of the Rainbow Warrior in Auckland, French commandos stormed the control room. The resulting media coverage became a ‘wake-up’ call to the world. The NZ public demanded immediate and radical political action from the government. Within days, Prime Minister Jim Bolger agreed to send a naval vessel with politicians aboard to Moruroa
to accompany the peace flotilla, recalled the Ambassador from France, announced a freeze on all military contact and considered reopening the 1973 ICJ contentious case against France. He sent letters to over 100 world leaders, criticised nuclear deterrence and called strongly for a NWC.

The Australian Prime Minister was initially dismissive about NZ’s attempt to reopen the ICJ case; but when polls showed 95% opposed the tests and 61% viewed the government’s protests as too weak, he changed his position and announced support for the case. Both Australasian Prime Ministers explored linking all existing or potential nuclear free zones to create a Southern Hemisphere Nuclear Free Zone, and coordinated their efforts at the South Pacific Forum in August, where 16 nations drafted a UN resolution condemning the tests which was adopted overwhelmingly in December. France later responded by offering aid to disgruntled Pacific states, reducing the tests to six, and signing the protocols to the South Pacific Nuclear Free Zone Treaty.

The 1995 case, filed by NZ, Australia, the Marshall Islands, the Federated States of Micronesia, Samoa and the Solomon Islands, was based on concerns regarding the environmental risks of ongoing French tests, and appealed for an interim injunction to stop them. On 22 September, the ICJ rejected the requests on technical grounds, because the earlier Judgment had dealt exclusively with atmospheric testing.

Although the NZ government knew it was unlikely to succeed, it took the risk to appease domestic angst and give the issue international prominence. It strengthened the resolve of South Pacific states, and provided a preliminary run at the Court.

**Oral Proceedings at the Court**

For two weeks in October-November 1995, the Peace Palace in The Hague was host to a momentous event. The governments of the US, UK, France, Russia, Germany and Italy felt obliged for the first time to defend, before the world's supreme
judicial authority, their 'right' to threaten or use nuclear weapons while denying it to other states. They were countered by 14 other governments who condemned such policies as illegal and immoral. The hearings were unprecedented both in terms of government participation and public interest: every day the Court was packed.

In June 1994, the World Court Registrar had accepted a unique collection of documents at the Peace Palace, from the WCP. It included over 170,000 Declarations of Public Conscience; a sample of the 100 million signatures to the Hiroshima and Nagasaki Appeal; 11,000 signatures to the MacBride Lawyers' Appeal Against Nuclear Weapons, and material surveying 50 years of citizens' opposition to nuclear weapons.

Before the hearings began on 30 October 1995, another delegation presented nearly 4 million more Declarations, over 3 million of them from Japan. Meanwhile, IALANA offered on-the-spot legal advice to supportive government delegations. In another precedent, citizen witnesses were allowed to testify and confronted the 14 ICJ judges with the horrific situation of the victims. After strong domestic pressure, the Japanese government allowed the Mayors of Hiroshima and Nagasaki to testify. Their presentation included huge photographs of the effects, and was accompanied by the muted sobs of the hibakusha (surviving victims) present. Then Lijon Eknilang from the Marshall Islands described the intergenerational effects of the US tests in 1954, where women gave birth to "..."jellyfish" babies: these... are born with no bones in their bodies and with transparent skin. We can see their brains and hearts beating.'

Dressed in white with a wreath of flowers in her hair, she held the Court spellbound.

The nuclear weapon states suggested that the ICJ should decline to consider the questions as they related to 'political' issues of peace and security, not legal questions. They also argued that, if the Court did consider the merits of the questions, it should
affirm that the threat or use of nuclear weapons was no different in legal terms from any other weapon, and that 'all weapons kill and wound'. The UK claimed that it needed nuclear weapons to prevent '...subjection to conquest which may be of the most brutal and enslaving character'. The US asserted that '... nuclear deterrence has saved many millions of lives from the scourge of war', and the advocates of illegality were attempting to get the ICJ to 'recognise phantom legal norms'.

These arguments were strongly countered by states arguing that the threat or use of nuclear weapons would violate existing laws. These prohibit the use of weapons or methods of warfare which fail to discriminate between military targets and protected civilians, or which use poisonous materials, violate neutral territory, cause unnecessary suffering, are disproportionate to the provocation, or cause long term damage to the environment.

The NZ government's firmly anti-nuclear submission was significant bearing in mind the National government's earlier history of support for nuclear deterrence, efforts to undermine the Nuclear Free Act, and resistance to the WCP. Its statement was unequivocal in arguing that the answer to the UN question 'should be no: the threat or use of nuclear weapons should no longer be permitted under international law.'

A few days before the Oral Proceedings opened, Australia's Prime Minister Paul Keating announced the establishment of the Canberra Commission on the Elimination of Nuclear Weapons. His Foreign Minister Gareth Evans then caused a further sensation by challenging the nuclear doctrine of its Western allies by arguing that not just the threat or use, but every aspect, including testing and even possession, of nuclear weapons is inherently illegal.

Apart from French tests, an important reason for both governments' strengthened anti-nuclear positions was growing awareness of the need to support their neighbours.
In particular, Australia was secretly negotiating a security pact with Indonesia, which had been Chair of the NAM when the UNGA resolution had been put to a vote. Also, 10 states were establishing a South East Asian Nuclear Weapon Free Zone along with creation of a similar zone in Africa, effectively making most of the Southern Hemisphere nuclear free. UK support for French testing and imminent elections were other significant factors in both countries. Australia eventually chose to side with its neighbours, despite being host to several important US bases and a leading supplier of raw materials for the nuclear industry from uranium and mineral sands mining.

Japan was the other US-allied state forced by strong domestic opinion, opposition party pressure and regional considerations to change its draft oral submission to the Court. Following public outrage resulting from a media report indicating that Japan was going to argue that 'the use of nuclear weapons is not necessarily a violation of international law', the government deleted the clause and submitted that it was contrary to 'the spirit of international humanitarian law'. The ensuing political debate highlighted the contradiction that 'for Japan to declare the use of nuclear arms illegal under any circumstances would undermine a precondition of Japan's defence policy' with the US. xxiv

The WCP played an important part in promoting the debate. It provided a forum for the non-nuclear majority of states to challenge the status quo that had threatened to persist with indefinite extension of the NPT. It also helped to revive public opinion against nuclear weapons after the end of the Cold War had initially eased people's concerns about them. For certain Western non-nuclear states - especially Australia, Japan and New Zealand - this made them publicly distance themselves from their allies.

The Oral Proceedings also provided a unique opportunity for Malaysia, on behalf of the NAM, to expose the intimidation by castigate certain nuclear weapon states.
Bolstered by the judges, the media and 'a large number of members of civil society ... from many parts of the globe', Ambassador Razali commented on why the 1994 UN resolution had not gained greater support: 'How can it be otherwise in the real world when five nuclear weapon States, who are themselves the five permanent members of the Security Council, have the ability and leverage to apply enormous influence on the hapless States? The negative votes and abstentions are an indication of the extremely heavy lobbying of the nuclear weapon States. The pressure continues even at this moment, and ... cannot be underestimated'. xxv On the previous day Colombia and Guyana had suddenly withdrawn their presentations. India also withdrew, having earlier invited the Court to 'confirm the generally accepted view among nations that the use of nuclear weapons is illegal'. xxvi

Through the WCP, a sound working relationship developed between citizen groups and anti-nuclear governments, which was to prove valuable in follow-up to the ICJ decision. Most importantly, it led to a historic decision from the Court which has had considerable impact globally.

PART II

CONSEQUENCES OF THE WORLD COURT PROJECT OUTCOME

Consequences for Governments
It is generally claimed that advisory opinions are not directly binding on governments in the same way as a treaty. However, all governments accept that they are bound by international law. Furthermore, they do not hesitate to use international law to condemn other governments. The nuclear weapon states are all parties to the Hague and Geneva Conventions and, apart from China, have affirmed the Nuremberg Principles. xxvii They are therefore bound to abide by these conventions and norms.
Thus, the ICJ's decision that the threat or use of nuclear weapons would generally violate the Law of War as codified in these conventions and principles means that all parties to them are under an obligation to respect this.

**FIGURE 2 ABOUT HERE**

The Opinion is helping to shift the emphasis in international security initiatives to give more prominence to non-nuclear solutions (see Figure 2). In calling for the elimination of nuclear weapons, the Court ruled them out of any responsible future policies for deterring war.

More immediately, the Opinion has strengthened both political and military inhibitions against actual nuclear weapon threat or use, and provided a new, legal mechanism to help keep open longer the window of opportunity for nuclear disarmament created by the end of the Cold War. Crucially, it has also undermined the common perception of nuclear weapons - especially among the military - as a security asset and 'necessary evil', by implicitly placing nuclear weapons in the same stigmatised category as chemical and biological weapons, but worse.

By its decision, the ICJ has given legal authority to all those opposing nuclear weapons. Domestic law is affected: citizens now have a powerful new defence in support of civil resistance and attempts to challenge in court government nuclear weapon policies and military practices. They can cite Nuremberg Principle VII, which prohibits 'complicity in the commission of a crime against peace, a war crime, or a crime against humanity.' xxviii In the same way, the Opinion impinges on the work of nuclear weapon scientists and engineers. For example, it can be invoked in support of whistle-blowers like Mordechai Vanunu, who exposed Israel's nuclear weapon programme.
The Opinion also helps politicians who support nuclear disarmament take the legal high ground against the pro-nuclear lobby, who are now vulnerable to accusations of flouting the law. Governments and military leaders have come under domestic pressure to review the legal position of military practice and personnel involved in the deployment of nuclear weapons. What is at stake here is a crucial difference between military professionals and hired killers or terrorists: military professionals need to be seen to act within the law - military, international and domestic law.

Internationally, nuclear weapon states and their allies are under increasing pressure to replace their reliance upon nuclear weapons as instruments of national policy with a concerted drive towards a NWC. This requires a fundamental review of their foreign and defence policies.

In September 1996, for example, US Senators drafted a letter to President Clinton asking him to comply with the ICJ Opinion by initiating a review of nuclear policy to consider how it might conflict with US obligations to comply with international humanitarian law; and to initiate negotiations for the elimination of nuclear weapons. This was followed in February 1999 by a US Congress resolution, signed by 22 members, calling for the President to inform the UN Secretary General of the efforts and measures taken by the US to implement a 1996 UN resolution on the ICJ Opinion.

Also in September 1996, citizen-initiated Roundtable discussions across Canada to consider the implications of the ICJ decision for their government's defence policy found a strong civil society consensus for Canada to place its support for international law and abolition of nuclear weapons above its allegiance to NATO. In November, the Canadian government announced the first review by a NATO member state of its nuclear weapons policy in light of the ICJ Opinion. When the Parliamentary Standing Committee on Foreign Affairs and International Trade published its report
'Canada and the Nuclear Challenge' on 10 December 1998, its two final recommendations were that Canada should 'support the call for the conclusion of a nuclear weapons disarmament convention', and 'argue forcefully within NATO that the present re-examination and update as necessary of the Alliance Strategic Concept should include its nuclear component.' Among recommendations in a report published on 19 April 1999 in response, the government requested NATO to review the Alliance's nuclear policy, and called on both Russia and the US to negotiate to de-alert and de-mate their nuclear arsenals to increase the margin of safety against unauthorized or accidental use of nuclear weapons.

Meanwhile, in the UK in May 1997 a Labour government had come to power pledged to conduct a defence review. On 1 October, the 51st anniversary of the verdict of the Nuremberg War Crimes Tribunal, WCP (UK) published an Open Letter in which it warned Prime Minister Tony Blair and all others involved in planning and executing deployment of the UK Trident nuclear-armed ballistic missile submarine force that, following the ICJ's decision, they were flouting the Nuremberg Charter. Blair replied by simply asserting that 'the Government is confident that the United Kingdom's nuclear deterrent is consistent with international law. It follows that those who are engaged in the operation and support of Trident... are acting legally under the Nuremberg Principles.'

In that year's UNGA, the UK changed its vote on a paragraph in a resolution on the ICJ decision from 'No' to abstention, splitting from the other two NATO nuclear weapon states. This was followed by an extensive debate on nuclear policy in the House of Lords, during which the Opinion and strong public support for negotiating a NWC were raised; and a related Early Day Motion was signed by 104 parliamentarians. In the debate, the government welcomed the ICJ's recognition of the importance of obligations under the NPT to a commitment to nuclear disarmament, confirmed that it continued to 'hold the International Court of Justice in
high regard', and 'support the Canberra Commission's goals of the global elimination of nuclear weapons'. xxiii In July 1998, the government announced in its defence review that it was reducing the UK nuclear arsenal from 300 to less than 200 warheads, and relaxing the notice to fire of the warheads in its single deployed Trident submarine from 'minutes' to 'days'. xxiv

Most recently, China's President Jiang Zemin showed refreshing candour and strong support for a NWC when he wrote: 'A convention on the comprehensive ban of nuclear weapons should be negotiated. Since biological and chemical weapons have been prohibited, there is no reason why nuclear weapons, which are more destructive, should not be comprehensively banned and thoroughly destroyed. All it takes to reach this objective is strong political will.'xxxv

Most nuclear capable or threshold states have indicated that they would support and respect global prohibition of nuclear weapons. India and North Korea submitted to the Court that the use of nuclear weapons would be illegal, while Pakistan and Iraq joined them among NAM co-sponsors of the UNGA resolution requesting the ICJ case. The Opinion provides important legal support to threshold states in their efforts to persuade the nuclear states to expedite nuclear disarmament.

**Consequences for Nuclear Disarmament**

Leading NAM states, infuriated by the behaviour of the NATO nuclear weapon states when opposing their resolution during the 1993 and 1994 UNGAs followed in 1995 by the contentious NPT extension process, seized upon the ICJ Opinion to initiate action and debate. As the ICJ case had proceeded, NATO, ANZUS and former Warsaw Pact allies had increasingly distanced themselves from the nuclear weapon states, and few had been prepared to act as stooges for them in ploys to derail the initiative. The Opinion increased the confidence of states determined to promote more far-reaching resolutions and initiatives to achieve nuclear disarmament.
For example, the day after the ICJ delivered its decision in July 1996, the Philippines President Ramos called for NPT members to convene immediately to ‘negotiate a comprehensive Nuclear Weapons Convention pursuant to their obligation and responsibility under Article VI...’xxxvi The Group of 28 NAM states (including India and Pakistan) then proposed a ‘Programme of Action for the Elimination of Nuclear Weapons’.xxxvii Within a month, NZ and South Africa signed a Memorandum of Cooperation on Disarmament and Arms Control, noted the ICJ’s unanimous call for nuclear elimination, and affirmed their support for a Southern Hemisphere Nuclear Free Zone (SHNFZ). During the 1996 UNGA, they were among 69 co-sponsors of a SHNFZ resolution supported by all states in the region, but opposed by NATO and their aspiring allies in Central and Eastern Europe.xxxviii The Opinion also encouraged moves to establish new zones in the Middle East, Scandinavia, and Central and Eastern Europe.

In August 1996, the Australian government formally presented the report of the Canberra Commission to the UNGA and Conference on Disarmament. Written by 17 eminent scientists, military leaders, diplomats and politicians, it recommended some far-reaching practical steps and negotiations required for nuclear abolition. It also noted ‘with satisfaction’ the Opinion’s final paragraph that a legal obligation existed to conclude nuclear disarmament negotiations.xxxix The Commission's Convenor, former UN Ambassador Richard Butler, claimed that the US considered the report 'a very significant contribution to further development in nuclear disarmament' and it was 'under very serious study, from the White House downwards'.xl

Malaysia, having coordinated the NAM’s ICJ oral presentations, took the strongest lead in the 1996 UNGA by introducing a resolution on behalf of 45 co-sponsors which welcomed the ICJ Opinion and called for negotiations ‘leading to the conclusion of a Nuclear Weapons Convention’ (NWC). Two other UN resolutions also mentioned the ICJ Opinion and supported calls for a Convention. xli In March 1997, the European Parliament also passed a resolution welcoming the Opinion and
calling upon its member states to start negotiations for a NWC. Meanwhile, an international team of lawyers, scientists and disarmament experts drafted a Model NWC which was circulated by Costa Rica as a UN document during the 1997 UNGA. This reiterates the ICJ Opinion in its preamble, and includes an optional protocol for states parties to the NWC to resort to the compulsory jurisdiction of the ICJ for settlement of any disputes arising out of the interpretation or application of the Convention.

A month after the first Indian nuclear test, evidence of new, genuine leadership in nuclear disarmament by governments came with the surprise launch on 9 June 1998 by the Foreign Ministers of Brazil, Egypt, Ireland, Mexico, New Zealand, Slovenia, South Africa and Sweden of a Joint Declaration 'Towards A Nuclear Weapon-Free World: The Need for a New Agenda'. Dubbed the New Agenda Coalition (NAC), they criticised both the nuclear weapon states and the three nuclear weapons-capable states of India, Israel and Pakistan, and called on them all to agree to start work immediately on the practical steps and negotiations required for eliminating their nuclear arsenals. Later, the Irish Foreign Minister publicly acknowledged the role of the ICJ Opinion in stimulating his government to become one of the NAC leaders.

Though the NAC's inception pre-dated the South Asian nuclear crisis, the timing was excellent. This historic development, bringing together eight courageous 'middle-power' governments determined to act for humanity and the planet, posed a serious challenge to the nuclear weapon states which they could not ignore. The NAC - drawn from nearly every continent, and independent of the Cold War blocs - represented the overwhelming majority of states which had clearly lost patience with the lack of progress towards a nuclear weapon free world. More than this, it consisted of states which have forsworn nuclear weapons, have shown leadership on disarmament issues, and have good relations with the nuclear weapon states.
The NAC, reduced to seven with the loss of Slovenia following NATO pressure, introduced a resolution in the 1998 UNGA incorporating its agenda. The resolution was adopted by 114 votes to 18 with 38 abstentions. The 'No' voters included all the nuclear weapon states except China (which abstained) plus India, Israel and Pakistan. Among the abstainers were Japan and Australia, plus all the non-nuclear NATO states except Turkey, signalling an unprecedented call for rethinking in US-allied states. Avoiding divisive alliances of North or South, the NAC proposals were building support for a practical agenda to preserve and strengthen the non-proliferation regime.

Other related positive developments can be partially attributed to the WCP outcome. The renewed interest and faith in the ICJ itself resulted in more cases being submitted to it. This increased focus also helped raise awareness that only about 50 states accept the ICJ’s jurisdiction, with the UK as the one permanent Security Council member to do so. It also highlighted the facts that the nuclear weapon states had almost always each had a judge despite no provision for this in the ICJ Statute, and that until 1995 no woman judge had been appointed.

**Public Opinion**

The WCP, coupled with renewed Chinese and French testing, focused attention on the intransigent behaviour of the nuclear weapon states despite the end of the Cold War, and the urgent need for nuclear abolition. The Opinion raised public awareness, especially in Western-allied states, about the illegality of nuclear weapons and put governments under new pressure to expedite nuclear disarmament (see Figure 3).

**FIGURE 3 ABOUT HERE**

In March 1997, a US survey showed that no less than 87% of those polled wanted their government to negotiate a NWC. When the same question was asked by Gallup in the UK in September 1997, again 87% agreed. What is more, large majorities (83% in the US and 59% in the UK) felt that it would be best for their
respective nations' security if they did not have nuclear weapons. There was even a clear majority (54%) for placing UK nuclear warheads in storage. Public opinion on nuclear weapons in China is difficult to assess: but this is not so among the mature democracies of the NATO nuclear weapon states. And in Russia, an October 1998 survey showed that 61% of those polled want all nuclear weapon states to eliminate their nuclear arsenals.

These remarkable findings, which received minimal publicity, confirmed a growing loss of public support for nuclear weapons following the end of the Cold War. In NATO, this trend was accelerated by resumption of French testing in 1995, where polls indicated even majority condemnation in France - though, alone among NATO members, there was still a small majority supporting nuclear weapons. In a February 1998 survey in non-nuclear NATO member Canada, 92% of Canadians polled wanted their government to lead negotiations for a NWC - reflecting Canada's widely-acclaimed role in securing a global ban on anti-personnel landmines and the review of its nuclear policy in light of the Opinion. This was echoed in a German poll in June 1998, where 87% wanted the nuclear weapon states to get rid of their nuclear arsenals as quickly as possible; and in July 1998 a Norwegian poll showed that 92% wanted their government to work actively for a ban on nuclear weapons. In September 1998, 72% of Belgians polled wanted the same from their government; and in a Netherlands poll in October 1998, 62% disagreed that nuclear weapons are needed for security, and that a nuclear weapon free world is unthinkable. Meanwhile, in US-allied Japan and Australia, surveys in October and November 1998 respectively produced figures of 78% of Japanese polled agreeing that all nuclear states should eliminate their nuclear arsenals, while 92% of Australians polled want their government to help negotiate a NWC. To date, only the UK government has acknowledged the strength of public support for a NWC, a spokeswoman commenting: 'We play close attention to that.'
Consequences for Peace Movements

The WCP pioneered the model of a loose umbrella network, with an international core comprising a non-hierarchical coalition of three leading anti-nuclear international organisations. This model has since become an effective process for the wider peace movement as it struggles to convince governments to implement the ICJ Opinion. Its success was boosted by the fact that using the legal arm of the UN was not only novel and exciting, but also placed opposition to nuclear weapons on the right side of the law.

As the WCP approached its climax, Abolition 2000 emerged from citizen groups monitoring the 1995 NPT Conference, and held its first international strategy meeting in the Hague during the ICJ Oral Proceedings. This global network aimed to have in place by the new millennium a NWC committing the nuclear weapon states to abolish their nuclear arsenals within a fixed timetable. It has grown to over 1,400 endorsing groups with national networks in some countries bringing together groups which until then had primarily worked independently, often with overlapping or even competing strategies.

Peace movements within leading Western-allied states used the Opinion and poll results to challenge their governments' support for nuclear policies. Deliberately echoing the UN inspection teams in Iraq, activists began ‘citizen inspections’ of NATO nuclear bases and, when arrested, used the Opinion in their defence. In September 1996, a Belgian judge accepted the ICJ Opinion as evidence and adjourned the proceedings. In Scotland protesters, including six wearing judges’ robes and wigs, stopped a convoy carrying Trident nuclear warheads and claimed it was illegal: the 13 arrested were acquitted after citing the Opinion. In Germany, another seven who broke into a nuclear base were acquitted after the judge agreed that deployment of nuclear weapons in Europe violated the ICJ Opinion. A Wisconsin Court also acquitted two protesters charged with sabotage against a US
Navy communications system when they argued they were trying to prevent a greater crime. \textsuperscript{biii}

In 1998 in the UK, Trident Ploughshares 2000 launched a major campaign of non-violent direct action, using the Opinion to uphold what these deeply committed citizens (mostly women) saw as the self-evident legal case against deployment of the UK Trident force. Like the campaigners for women's suffrage, they were convinced that, having exhausted conventional channels, only by placing their liberty on the line - and gaining a platform in court to argue the legal case - would the overwhelming British public support for a NWC be transformed into political will. \textsuperscript{lxiii} As mentioned at the beginning of this paper, now they have had their first real breakthrough, following the acquittal of three women on 21 October 1999 in a jury trial in Greenock, Scotland.

Core members of the WCP network, including the authors, applied their experience in other new projects, including providing legal advice to the direct action campaigns. Emulating lessons from the WCP and 'Ottawa Process' which banned anti-personnel landmines, in 1998 a carefully focused network of eight leading international citizen organisations known as the Middle Powers Initiative was formed to rally civil society and governments in support of the New Agenda Coalition. \textsuperscript{lxiv}

The empowered movement was not limited to activists and outspoken lawyers. They were joined by retired military and political leaders and scientists. In September 1996, the Pugwash Council welcomed the ICJ's unanimous final paragraph; and in December 1996, 60 retired admirals and generals from 17 countries called for nuclear abolition and immediate steps similar to those in the Canberra Commission Report. The most influential member of both groups was retired USAF General Lee Butler, who was Commander in Chief of US Strategic Command in charge of all US nuclear planning between 1992 and 1994. In February 1998, 120 civilian leaders, including Jimmy Carter, Lord Callaghan, Helmut Schmidt and Pierre Trudeau, also called for
nuclear abolition. \textsuperscript{lxv}

On becoming aware of the WCP, the international legal community was empowered to speak out. For example, an organisation of law students representing 21,000 students from 184 European Universities in eight European countries issued a joint statement in support of the ICJ case;\textsuperscript{lxvi} legal academics published the Opinion for their university courses; \textsuperscript{lxvii} and politicians and legal advisers to governments spoke publicly about it. This awareness, amongst young lawyers in particular, will have a long-term effect on how the ICJ, and nuclearism as a whole, are perceived.

**CONCLUSIONS**

Although the inspiration and mechanism for the WCP evolved from many sources across the spectrum of the global anti-nuclear struggle in the 1980s, it was in Aotearoa/New Zealand that the impetus emerged to forge a coherent, focused and surprisingly successful campaign. A major factor in this was NZ's dramatic adoption of nuclear free legislation in 1987, the first and still the only US-allied state to do so. Tenacious, knowledgeable and resourceful pioneers with a legal or medical background and good contacts like Sean MacBride, Harold Evans and Erich Geiringer blazed the trail, and persuaded the three leading organisations IPB, IPPNW and IALANA not just to take up the cause, but to form an unprecedented coalition. The brilliant lobbying campaign by IPPNW at the WHA provided the vital initial base of government support, and a springboard to convince the NAM to introduce a UNGA resolution which directly challenged the legality of nuclear deterrence doctrine and, implicitly, the privileged status of the five Security Council permanent members.

Timing was important. The WCP caught the post-Cold War revival of disarmament momentum, including agreement over the Chemical Weapons Convention and
progress towards a Comprehensive Test Ban Treaty. The break-up of the Soviet Union forced the nuclear weapon states to acknowledge that nuclear proliferation was the greatest threat to world security. Doubts grew about the effectiveness of nuclear deterrence. The acrimonious review and extension of the NPT, and subsequent Chinese and French testing, kept the nuclear issue at the top of the international agenda and played into the WCP's hands. Also it attracted certain key players at crucial moments, on which its breakthroughs depended.

The loose umbrella network of citizen groups, with an informal International Steering Committee working to a well-structured plan, proved effective. The campaign also helped to empower ordinary citizens to learn about, and then use, the UN system to influence governments. This especially applied to the ICJ, about which there is widespread ignorance, even among politicians and the judiciary. The innovative collection of Declarations of Public Conscience proved to be a potent vehicle both for mobilising public support and democratising the ICJ.

The extraordinary response from the three NATO nuclear weapon states demonstrated the power of harnessing the law and the public conscience, and their fear of having to defend their policies on nuclear weapons in the highest court in the world. However, it also highlighted the link between possession of nuclear weapons and permanent membership of the UN Security Council, and the ability of the nuclear weapon states to intimidate governments and influence the ICJ.

The WCP was particularly fortunate in being able to exploit the global outrage against French tests. Here again the NZ public response was crucial, in helping mobilise Australians on the nuclear weapon issue in the run-up to an election. This led directly to establishment of the Canberra Commission and a surprisingly strong anti-nuclear oral presentation from close US ally Australia, which provided a sensational start to the Oral Proceedings in the ICJ. Also, French tests almost
certainly ensured that the Japanese government allowed the mayors of Hiroshima and Nagasaki to testify, and the Marshall Islands to include a US test victim in its presentation to such powerful effect.

For reasons expressed by Judge Weeramantry at the start of this paper, the ICJ was unable to come to a clear decision. This inevitably weakened its impact; however, it was strong enough in its condemnation of the threat or use of nuclear weapons to enable governments and campaigners to use it as a powerful new tool in support of the struggle for elimination. The ICJ's Advisory Opinion made the world safer by confirming that the Nuremberg Principles apply to nuclear weapons, and by implicitly undermining the status of nuclear weapons in placing them in the same category as chemical and biological weapons, only worse. Thereby, it strengthened political and military inhibitions against nuclear weapon use, and empowered governments to pursue more radical initiatives - most notably the New Agenda Coalition's breakout from the sterile nuclear disarmament debate in the Conference on Disarmament. The resulting split among the US allies demonstrated how pro-nuclear military alliances were coming under growing pressure to review their dependence on nuclear weapons. This in turn should powerfully influence nuclear-capable states to reconsider acquiring nuclear arsenals.

Through the WCP's pursuit of the most radical issue on the nuclear disarmament agenda, the ICJ Opinion gave hope to governments and ordinary citizens and empowered them to engage in the final phase of the struggle to eliminate nuclear weapons.
Legality of the Threat or Use of Nuclear Weapons. Advisory Opinion of the International Court of Justice, 8 July 1996. Future references will be abbreviated to UNGA ICJ Opinion 1996.


For further background to this case see Erich Geiringer, 'The World Court Project: Nuclear Weapons on Trial' in Ron McCoy (1996), pp. 22-29, and Dewes (1998), Chapter 9.

Geiringer promoted Falk's idea of requesting an ICJ advisory opinion in Geiringer (1985), p. 78.

Ware became the Executive of LCNP, the US affiliate of IALANA, and coordinated the UN lobbying in support of the WHA and UNGA resolutions, and the submissions to the ICJ from 1992-1995.

For further background to this case see Erich Geiringer, 'The World Court Project: Nuclear Weapons on Trial' in Ron McCoy (1996), pp. 22-29, and Dewes (1998), Chapter 9.
Ambassador Razali Ismail, Malaysia's ICJ Oral Presentation, 7 November 1995.


Four of the nuclear weapon states (US, USSR, UK and France) were leading creators of the Nuremberg Principles adopted in UNGA Resolution 1(95), 1946.


'Congressman Schumer discusses nuclear weapons', The Wave, Rockaway Beach, New York, 7 September 1996; Datan and Ware (1999), Documents 8-11.


Letter to Robert Green from Tony Blair's Private Secretary, 24 December 1997.


Statement by President Ramos, 'The ICJ Ruling that the use or threat of use of nuclear weapons is contrary to international law', Manila, 9 July 1996.

Conference on Disarmament, Document 1419, 7 August 1996.

'Memorandum of Cooperation on Disarmament and Arms Control', signed by President Mandela and Prime Minister Bolger, 8 August 1996; John Armstrong, 'Hemisphere may be made nuclear-free', The Herald (NZ), 26 July 1996.


European Parliament Resolution on the Non-Proliferation Treaty, B4-0197,0221 and 0253/97, passed 13 March 1997.


Datan and Ware (1999), Sections 2-7 and 2-55.


Speech by David Andrews to Pax Christi Seminar, Dublin, 1 July 1998.


Canada-wide poll by the Angus Reid Group, February 1998.

German opinion poll commissioned by the German affiliate of IPPNW, June 1998.


Australian poll by Roy Morgan Research Company, 11-12 November 1998.


For further discussion of this case see Burroughs (1997), Endnote 15, p.70.


In Zelter (1999), the leader of TP 2000 confirms that the ICJ Opinion is a key part of their international law defence. In the same issue of *Peace News*, Vinthagen (1999) writes from prison that ‘civil disobedience can be profoundly democratic - and that civil obedience can be murderously immoral’.

See Green (1999).

See Green (1999), pp. 47-48; Reuters, ‘N-warriors say ditch warheads: Call for deep cuts now’, *The Herald (NZ)*, 6 December 1996.

Statement by the European Law Students’ Association, 24 June 1996. This association has 21,000 members in 184 European Universities.