

Call for Reference of Nuclear Weapons To World Courts

Justice Kirby Collection

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IMMEDIATE RELEASE

KIRBY CALLS FOR REFERENCE OF NUCLEAR WEAPONS TO WORLD COURT

SYDNEY, FRIDAY: The President of the Australian Section of the International Commission of Jurists, Justice Michael Kirby, today called for all Australian political parties to support the reference to the World Court of the legality of the use of nuclear weapons and threatening such use. He said that it was time to bring nuclear weapons and their manufacture, testing and use under the full control of international law.

Justice Kirby pointed out that the World Court in the Hague had been asked in December 1994 to give an advisory opinion on the legality of the use of nuclear weapons under international law. This followed an earlier similar request by the World Health Organisation. Although in the General Assembly of the United Nations New Zealand and other Pacific States had supported the reference to the World Court, Australia voted to abstain on the request. The General Assembly nevertheless agreed to refer the matter to the World Court.

"The International Court of Justice has been asked to give an advisory opinion. It has listed the case for hearing, as I have been informed, in October 1995. Especially in the light of the resumption in our region of nuclear testing by France it might be timely for Australia to reconsider its stand. The International Court has fixed next week as the last date for the lodgment of submissions on the request for the advisory opinion. In the New Zealand Parliament on Thursday last the Prime Minister of New Zealand (Mr Bolger) indicated that the New Zealand authorities were preparing their submission and were expecting to have the submission deposited in the International Court next week. In my view Australia should at the least deposit a request to reserve its right to make submissions to the Court at a later date. It would be a great pity if Australia were not to have its voice heard on this important issue for international law. One way or the other we should have an opinion on the legality of the use of nuclear weapons and we should express that opinion. Otherwise we will only ever be in the International Court as a defendant (as in the Nauru and East Timor cases). We should be there this time to help the Court to come to the correct conclusion and, if possible, one which furthers the interests of the people of this country and of the Pacific region.", Justice Kirby said.

Note: Justice Kirby is Chairman of the Executive of the International Commission of Jurists, Geneva. He also holds various United Nations posts. He is President of the New South Wales Court of Appeal. His office may be contacted on (02) 230 8203. The Secretary of the International Commission of Jurists, Australian Section is Mr David Bitel, telephone (02) 283

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1333 or (02) 399 5361. Justice John Dowd, Chairman of the Australian Section of the ICJ may be contacted on (02) 230 8793.