

Letter to World Citizens

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Nuclear Ruling Explodes Fallacy of 'International Law'

"World Court Condemns Use of Nuclear Weapons" read the headline in the July 9 *New York Times*. The truth, however, was exactly the opposite.

The International Court of Justice at The Hague in effect condemned humanity to nuclear destruction!

"By a narrow margin," the *Times'* story read, "the International Court of Justice advised today that the use or threat of nuclear weapons, 'the ultimate evil,' should be outlawed. But it could not decide whether they should be banned in self-defense."

Although the 14-judge tribunal did indeed agree that the use or threat of nuclear weapons "should be outlawed," the use of the conditional verb form represented an admission that the court itself cannot outlaw nuclear weapons, because it has no world law either to adjudicate or enforce.

Even the court's president, Judge Mohammad Bedjaoui of Algeria, acknowledged that the court's opinion was "unclear." He noted "the existence of a legal uncertainty," pointing to "imperfections in international law." He blandly urged states to correct them.

That's impossible, however, since international law is inherently imperfect, being no more than a reflection of the anarchic condition that prevails among nation-states.

It is apparent from the abridged texts of the final opinion that the court considered only existing "customary and conventional international law," in which there is neither "any specific authorization" allowing nor "any comprehensive and universal prohibition" banning either threat or use of nuclear weapons.

And that's the crux of the matter. The judges had no absolute standard upon which to judge an absolute issue. The court was confessing its total impotence to deal with a total question, i.e., humanity's survival. It considered only state survival as a final legitimate "right," a blatant contradiction of the fundamental human rights identified by the U.N.'s own Universal Declaration of Human Rights.

In addition to spouting utter illogic, the court did actual, unforgivable harm. It countenanced every state's desire to construct and use the weapons "in an extreme circumstance of self-defense, in which the very survival of a state would be at stake."

In other words, millions of humans could be killed and future generations genetically damaged in order to protect the anachronistic fiction of nation-states. We have already seen this thought pattern applied in the case of the comparatively puny A-bombs dropped on Hiroshima and Nagasaki.

In a statement to the court prior to its decision, Takeshi Ito, representing the Japan Confederation of A- and H-Bomb Sufferers, posed this question: "We would like to ask, is it all right to kill all human beings under the banner of self-defense?"

We World Citizens would also like to ask: Who has the right to decide to use nuclear weapons in the name of a state's "survival" when such use would kill tens of thousands if not millions of fellow humans? Is it the state's President? The prime minister? Parliament? King? Queen?

Historically, states come and go. In 1948, there were only 55 nations. Today, there are over 180, many with a population smaller than that of big cities. Is the survival of a temporary state worth the death of millions of humans?

In its muddled ruling, the International Court of Justice shows itself credulous in regard to the debunked theory of nuclear deterrence. In his deposition before the court, Australian Foreign Minister Gareth Evans eloquently denounced the concept of nuclear deterrence by saying that the terror it has induced in postwar generations is as evil as nuclear war itself. Evans repeatedly cited United Nations General Assembly resolutions condemning the use of nuclear weapons as a convincing testament to their illegality.

The seven judges representing nuclear-armed nations—the United States, France, Russia and China—all blindly followed their respective countries' insane policies rather than honoring their oath of office to represent "the main forms of civilization and the principal legal systems of the world."

Isamu Fujitas, chairman of an association of Japanese jurists of international law, described the court ruling as an effort to avert an obvious conclusion. "The two arguments, one hoping to get rid of nuclear weapons and the other hoping to maintain nuclear arsenals, were pitted against each other," he said. "The result is that the court avoided doing what it was supposed to do."

When the issue is nuclear weapons, there can be no compromise. "Nuclear" means total destructive power; "omnicide" would be the result of nuclear war. Those who do compromise, as did the 14 judges, can be rightly condemned as "enemies of humanity"!

But where is the world criminal court to indict them?

The lesson for World Citizens is obvious. The International Court of Justice is the abject legal tool of the war-mad nation-state system. As such, it merits exposure for the fraud that it is.

This shocking decision becomes a fitting metaphor for the most violent century in human history. The court's (in)action also confirms our 48-year-old position—that only enforceable world law, legislated by a democratic world government, is capable of delivering a proper response to the so-called nuclear question.