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OGGETTO/BETRIFFT/SUBJECT:

Nuclear disarmament , ICJ Advisory Opinion 8.7.1996

- Open Letter -

Honorable President,

Dear Colleague,

On behalf of the THE INTERNATIONAL ASSOCIATION OF LAWYERS AGAINST NUCLEAR ARMS I wish respectfully to draw your attention to the most important challenge humanity has had to face since August 1945, when the city of Hiroshima was wiped from the face of the earth by a nuclear bomb. The construction and use of that bomb was not only the result of misguided human intelligence, misunderstanding and fear, it was also a breach of international law, as was declared in the above-cited decision of the International Court of Justice. From that moment on humanity has lived in a labyrinth of reciprocal nuclear terror and fear, unable to find a way to achieve security and peace.

You yourself agreed in your Prague speech on April 2009 that every state and its people have the right to live in security and free from the threat of these most powerful and terrifying weapons. You are not, of course, alone in desiring Nuclear disarmament for the future of this planet. The International Court of Justice in its advisory opinion of 1996 also stated that, according to art. VI of the Treaty of Non-Proliferation, there exists an obligation for states to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects and at an early date under strict and effective international controls.

In our opinion, to obtain nuclear disarmament it occurs as a first step the demonstration of good faith and of the commitment never to use these bombs.

The use of, and the threat to use, nuclear weapons is already forbidden under international law and as you declared in 2009 *“after more than five decades of talks, it is time for the testing of nuclear weapons to finally be banned”*.

With this aim, as early as 1998, THE INTERNATIONAL ASSOCIATION OF LAWYERS AGAINST NUCLEAR ARMS, in collaboration with the governments of Costa Rica and Malaysia and other civil society groups, drafted a Nuclear Weapons Model Convention to ban these weapons definitively (see United Nations document A/62/650ⁱ.)

In analogy to the Chemical Weapons Convention, this draft convention provides well-formulated legal rules that satisfy the need for a comprehensive reciprocal disarmament procedure together with the requirements of global security. This draft convention can be implemented provided that at least 65 States deposit their instruments of ratification.

Although humanity urgently needs such an instrument of nuclear disarmament, no state had yet signed the convention. Why is this?

The answer seems fairly obvious: What is needed is a first step, an unconditional demonstration of good faith, a commitment to respect international law; in other words, a declaration that *“each State undertakes never under any circumstances to use or threaten to use nuclear weapons”*.

When you, Mr. President, visit Hiroshima next month, you can seize this opportunity to be the first head of state to make such a declaration and to lead humanity into a new era free from nuclear arms.

30. April 2016 , Florence, New York , Berlin, Hiroshima , Colombo

Yours sincerely,

co-presidents of IALANA

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ⁱ <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N08/213/77/PDF/N0821377.pdf?OpenElement>