

arsenals) is the same as the use of violence.

Prof. Clark responded that despite its shortcomings, the World Court is the best forum available for small nations to influence the opinions of the larger world.

A participant asked whether the Court's opinion lacked weight because it was not unanimous. Prof. Clark responded that there is rarely a unanimous verdict from the Supreme Courts of great powers, and that concerned citizens should never wait for resounding pronouncements from the courts on important matters. The ambiguity in court decisions can even be useful to help clarify the important issues that must be returned to the political arena, where true resolution is possible. He said that one had to be realistic about what could be achieved through the courts. "At best, a legal challenge will be a marginal victory, which may act like water dripping on a stone -- after a lot of dripping, the stone might work loose."

A participant stated that the Opinion imposed a long list of conditions to the use of nuclear weapons which is essentially impossible to meet. That the weapons not indiscriminately target civilians is a case in point. "What kind of weapons are we talking about here?" she asked.

There followed a spirited discussion of the Court's narrow interpretation of the Geneva gas protocol and a debate on whether the case might help shift power from the UN Security Council to the General Assembly. Participants also shared opinions about the power of customary law, and whether small nations had to voice their objections continuously for their silence not to be construed as assent to the activities of large, nuclear states.

Concluding this session, the Chair asked those assembled to focus the following day on two unanimous aspects of the Court opinion: section D calling for compliance with humanitarian law and section F obliging states to undertake meaningful negotiations. He also asked participants to consider whether Canada could now remain loyal both to international law and to its military alliances.

## **SESSION 2: NATO/ALLIED NUCLEAR POLICY AND THE WORLD COURT RULING**

### **Presenters:**

Commander Robert Green RN (retired), current Chair of World Court Project UK.

Yves Le Bouthillier, Professor of International Public Law and International Protection of the Person, University of Ottawa.

### **Chairperson: Judith Berlyn**

**Commander Robert Green** began by saying that NATO's nuclear doctrine has been revised