

meeting. These were:

- ▷ the ICJ opinion has determined that the use and threat of use of nuclear weapons is constrained by humanitarian law
- ▷ the opinion has shifted the burden of proof of the legality of nuclear policies onto the nuclear states
- ▷ lawyers and judges are 'nitpicking' the finer points of the decision. The ICJ demanded a conclusion of negotiation on nuclear disarmament. The problem now is there is no enforcement of their decision so it has returned to the political arena. Citizens must now push governments to accept their obligations under international law to honestly pursue negotiations towards disarmament.
- ▷ the ICJ opinion has required the international community to negotiate a convention for the complete elimination of nuclear weapons. As a consequence, the nuclear abolition movement is now legitimized. Roche stated "It is not a dream, it is a commanding reality in light of current international law."
- ▷ some Nuclear Weapons States are not only ignoring the ICJ opinion but flouting it by continuing to claim nuclear weapons are essential
- ▷ the legal obligations resulting from the ICJ opinion must take political form. We need systematic progress toward nuclear disarmament defined within a comprehensive framework.

In his concluding comments Ambassador Roche proposed that the Canadian government review the Nuclear Weapons Convention which will be released during the NPT PrepComm; immediately ask for clarification of NATO's policy, seek a formal public debate on this issue and push to form a coalition of like-minded states to press for the comprehensive negotiations demanded by the ICJ.

SESSION 1: OVERVIEW OF THE WORLD COURT RULING

Presenters:

Roger Clark, Professor of International Law, Rutgers University. Representative for Samoa before the World Court.

Jennie Hatfield-Lyon, Professor of Law, Queens University and the University of Western Ontario, and practicing lawyer.

Chairperson: Douglas Roche