

Written Statement of the Government of Colombia



EMBAJADA DE COLOMBIA

SUBMISSION BY THE REPUBLIC OF COLOMBIA TO THE INTERNATIONAL COURT OF JUSTICE ON THE LEGALITY OF THE USE OF NUCLEAR WEAPONS

In view of the Republic of Colombia, the nuclear dilemma that the world has to confront today must focus attention on the basic illegitimacy of nuclear weapons.

Colombia is of the opinion that with the end of the Cold War, if not all problems can be solved, at least those that were at the core of the issue such as nuclear deterrence have reached a point of maturity in which the International Court of Justice can declare that the use of nuclear weapons cannot be considered a legitimate mean of self defense - if it ever was - and that a commitment must be made by all nuclear powers to the total destruction of these weapons.

Reducing the number of nuclear weapons is no longer sufficient, at a time when there is no excuse for maintaining nuclear weapons arsenals and for persisting on a doctrine that threatens their use.

Just as the international community has decided to ban the development, use, stockpiling and production of chemical, biological and bacteriological weapons to prevent their proliferation and the awesome consequences of their use, so should the world proceed to ban the production, possession and use of nuclear weapons.

Preventing proliferation of nuclear weapons has to be linked to banning the existence of these weapons everywhere. Therefore, the question of the non proliferation of these weapons cannot be approached without a firm commitment to disarmament and their ultimate elimination. Any departure from this course would be an evasion of the real problem faced by the international community with the existence of nuclear weapons.

Taking also into consideration the Resolutions adopted by the World Health Organization about the enormous magnitude of the effects of the use of nuclear weapons on the life and health of all populations as well as for climatic disturbances, mass starvation and complete social desintegration, Colombia values and supports the proposal for petitioning the International Court of Justice to render an advisory opinion on the legality of the use of nuclear weapons.

An advisory opinion from the International Court of Justice on this issue would most likely interpret the law as applied to every nation, without discriminating between the "national security" and "deterrence" exemption to the law claimed by the nuclear weapon States to justify their own manufacture, development and deployment of such weapons.

Such advisory opinion would also answer the argument being raised now, that down-scaled nuclear weapons arsenals must be produced and kept in order to cope with emerging small nuclear forces in unstable and aggressive countries. This rationale which pretends to legitimate the use of nuclear weapons, even of their down-scaled version, is a dangerous path that should not be taken or permitted by the international community.

