

## DECLARATION OF JUDGE FERRARI BRAVO

[Translation]

I have voted in favour of the Advisory Opinion on the legality of nuclear weapons given this same day (*Legality of the Threat or Use of Nuclear Weapons*, I.C.J. Reports 1996, p. 226) because I think it is incumbent upon the International Court of Justice to spare no pains to answer, to the best of its ability, the questions put to it by such principal organs of the United Nations as are entitled to seize the Court, particularly when such an answer may increase the likelihood of resolving a deadlock which, in the present case, has been perpetuated for over 50 years, casting a sombre, threatening shadow over the whole of mankind.

The Court, functioning as the principal judicial organ of the United Nations (Article 92 of the Charter), was set up to do just that — among other things — and does not have to ask itself whether its reply, given to the best of its ability, can contribute to the development of the situation. Neither does it have to justify itself if that reply is less than exhaustive. I accordingly subscribe fully to the reasons given in support of the Court's decision to allow the question put by the General Assembly.

In that regard, it is however necessary to point out that the matter appears in a quite different light when the Court is seized by a specialized agency of the United Nations, whose competence to make application to the Court is, for reasons of principle, clearly defined. I accordingly also voted in favour of the present Opinion whereby the Court decided not to answer the question put to it by the World Health Organization, and consider my conduct to have been consistent. The Court is the principal judicial organ of the United Nations, but it is not the judicial organ of other international bodies whose right to seize the Court needs to be carefully restricted if the intention is to maintain a correct division of competences — and hence of effectiveness — among the international organizations, in a bid to prevent those political functions that the logic of the system has entrusted *only* to the United Nations from being usurped by other organizations which, to say the least, have neither the competence nor the structure to assume them.

(Signed) L. FERRARI BRAVO.

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