

**Written Statement of the Government of Ireland**

## Statement by Ireland to the International Court of Justice

1. Ireland has consistently supported effective progress towards general and complete disarmament under strict and effective international control, including the prohibition and elimination of all types of weapons of mass destruction.
2. It has been the long-standing position of successive Irish Governments that the use of strategic nuclear weapons would have catastrophic consequences in view of their indiscriminate character and the devastating effects which they would inflict on mankind and on the environment. Though small-scale, tactical nuclear weapons are less indiscriminate in their effects there is a very serious danger that the use of such weapons could escalate and lead quickly to the use of strategic nuclear weapons and other weapons of mass destruction and indiscriminate effect. For these reasons Ireland has urged that every effort should be made to achieve the complete abolition of this whole category of weapons and it has worked for, and given its support to, proposals to this end.
3. The Irish Government recognise that a number of States already possess such weapons, and that those States which do so have seen the deployment of these weapons, and their use as a deterrent to attack, as a crucial factor in their security policies. The Irish Government consider it important that the steps which they want to see taken towards reductions in the levels of nuclear warheads and their ultimate elimination should be such as to avoid destabilising consequences for the States concerned and thus for the international community as a whole. In particular, the dismantling of nuclear weapons should not lead to increased safety risks or to the spread of these weapons to countries which do not yet possess them.
4. In pursuance of this approach Ireland has welcomed agreements reached through negotiation between the nuclear powers which have resulted in significant reductions in the levels of the nuclear weapons which they hold. It has seen these agreements as both valuable in themselves and important as steps towards the larger goal of the complete abolition of nuclear weapons throughout the world.

5. While the possession and deployment of nuclear weapons by a certain number of States already gives rise to grave dangers, it is evident that the spread of these weapons to other States would increase the danger even further and add greatly to the risk that these weapons will eventually be used. The further spread of such weapons would also increase the dangers of local arms races. It could also encourage weaker States in a region who may not have the ability or the means to acquire nuclear weapons, to seek to acquire other weapons of mass destruction as a deterrent against attack or threat from a dominant local power armed with nuclear weapons. In all of these ways, the spread of nuclear weapons would add greatly to global instability.
6. For these reasons, Ireland has always been strongly of the view that it is vital that the further spread of nuclear weapons be halted by agreement; and Ireland has worked for and strongly supports the Treaty on the Non-Proliferation of Nuclear Weapons. Indeed, as early as 1958 Ireland took the initiative at the United Nations in putting forward a resolution calling for the negotiation of such a Treaty; and when the Non-Proliferation Treaty was opened for signature in 1968 Ireland was the first State to ratify it.
7. The Irish Government believe that the Treaty on the Non-Proliferation of Nuclear Weapons is still of central importance; and that universal accession to the Treaty and full compliance with its obligations would be a major contribution to the maintenance and promotion of international peace and security.
8. The Conference to be held in 1995 under Article X.2 of the Treaty will provide an opportunity to ensure that the non-proliferation regime, based on the Treaty, will be reinforced and further extended. Ireland, in common with all its partners in the European Union, favours the indefinite extension of the Treaty in its present form. It attaches great importance to the achievement of a successful outcome to the Conference; and it is concerned that the prospects for a successful outcome to the Conference should be enhanced by all possible means.
9. The achievement of a Comprehensive Test Ban Treaty, which is now on the agenda of the Conference on Disarmament in Geneva, would also constitute a major step in limiting the further development of nuclear weapons, as well as ensuring an end to the unacceptable health and environmental effects of nuclear weapons tests themselves.

10. In summary, the approach of the Irish Government as outlined above has been to work politically, by every means open to it, towards the aim of the ultimate abolition by agreement of nuclear weapons. As steps towards this end, and because of the importance of such measures in themselves, the Irish Government has worked for, and supported, international agreements which would end all nuclear testing and stop the further spread of nuclear weapons.
  
11. The approach which Ireland has taken in promoting and supporting efforts to bring about the ultimate elimination of nuclear weapons has been political in character. The present referral to the International Court of Justice by the World Health Assembly requests an advisory opinion on whether the use of nuclear weapons by a State in war or other armed conflict would be a breach of its obligations under international law including the WHO Constitution. The Irish Government do not see this approach which situates the issue within the framework of obligations accepted by States under international law as in any way incompatible with their own efforts in the political field to secure the abolition of such weapons. The Irish Government, therefore, look forward with great interest to the Opinion of the Court which they believe will clarify the legal issues which arise for States in relation to this most dangerous category of weapons.