

Letter dated 16 June 1995 from the Secretary of the Department of
Foreign Affairs of Ireland, together with Written Statement of
the Government of Ireland



OIFIG AN TÁNAISTE AGUS AN AIRE GNÓTHAÍ FACHTRACHA
OFFICE OF THE TÁNAISTE AND MINISTER FOR FOREIGN AFFAIRS

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16 June, 1995

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H.E. Eduardo Valencia-Ospina,
Registrar,
International Court of Justice,
Peace Palace 2517 KJ,
The Hague,
Netherlands.

Your Excellency,

I refer to your letter of 8 February 1995 informing me that the Secretary General of the United Nations had notified the Court of the adoption of Resolution 49/75K whereby the General Assembly of the United Nations decided to request the Court to render an advisory opinion on the question of the threat or use of nuclear weapons.

The Tánaiste and Minister for Foreign of Ireland considers that it may be helpful to the International Court of Justice, in its deliberations, to be informed of the policy of the Government of Ireland on the question of nuclear weapons. I have been asked, therefore, to transmit the enclosed statement which Ireland wishes to submit to the Court.

Yours sincerely,

Noel Dorr
Secretary

Statement by Ireland to the International Court of Justice

1. Ireland is strongly committed to the achievement of general and complete disarmament under strict and effective international control, including the prohibition and elimination of all types of weapons of mass destruction. Ireland has consistently promoted and supported concrete steps towards this end.
2. It has been the long-standing position of successive Irish Governments that the use of strategic nuclear weapons would have incalculable consequences 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 appreciate that the steps which they advocate towards reductions in the levels of nuclear warheads and their ultimate elimination should not have destabilising consequences for the States concerned and thus for the international community as a whole. In this context, it is important to ensure that the dismantling of nuclear weapons should not lead inadvertently to the spread of these weapons to countries or groups which do not yet possess them. It is also important that the process of nuclear disarmament be conducted in accordance with the highest standards of environmental protection and nuclear safety.
4. In keeping with its broad approach to the issue, Ireland has welcomed agreements reached through negotiation between two of 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 self evident that the spread of these weapons to other States would compound the threat, adding greatly to the risk that these weapons will eventually be used. The further spread of such weapons would exacerbate distrust between neighbouring States in regions of tension and give rise to local arms races. It could tempt weaker States which 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 worked to halt the proliferation of nuclear weapons on the one hand and, simultaneously, to promote nuclear disarmament on the other. As early as 1958, Ireland took the initiative at the United Nations in putting forward a resolution calling for the negotiation of a treaty on the non-proliferation of nuclear weapons. Since its entry into force in 1970, the Treaty on the Non-Proliferation of Nuclear Weapons has served as the foundation of international efforts for nuclear non-proliferation and nuclear disarmament. Ireland was the first State to ratify the Treaty.
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. They welcome the decision of the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons that the Treaty shall continue in force indefinitely.
8. The Conference also agreed a set of principles and objectives for nuclear non-proliferation and disarmament and arrangements for strengthening the review process for the Treaty on the Non-Proliferation of Nuclear Weapons. The Irish Government attach importance to these decisions. In particular, they will seek to ensure that the programme of action contained therein for the full realization and effective implementation of Article VI of the Treaty is implemented.
9. In this context, the completion by the Conference on Disarmament, no later than 1996, of negotiations for a

Comprehensive Test Ban Treaty would 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. Similarly, the commencement without further delay and early conclusion of negotiations for a convention banning the production of fissile material for nuclear weapons would contribute significantly to nuclear disarmament by halting the build-up of such materials. The problem of excess stockpiles also needs urgent attention.

10. 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, end the production of fissile material for nuclear weapons 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 referral to the International Court of Justice by the United Nations General Assembly requests an advisory opinion on whether the threat or use of nuclear weapons in any circumstances is permitted under international law. The earlier referral by the World Health Assembly requested 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 the approach reflected in these referrals, which seeks to situate the issues within the framework of obligations under international law, as in any way incompatible with their own efforts in the political field to secure the abolition of nuclear weapons. The Irish Government, therefore, await with interest the advisory opinion(s) of the Court which may clarify the legal issues which arise for States in relation to this most dangerous category of weapons.

16 June, 1995