

**Written Statement of the Government of India**

## S T A T E M E N T

The existence of nuclear weapons poses a threat to the very survival of mankind. While the end of the Cold War has ushered in some positive developments, the shadow of a nuclear holocaust continues to loom over us. It is, therefore, imperative that nuclear weapons be eliminated. A first step in this direction would be to outlaw the use of such weapons.

UNGA Resolution 1653(XVI) of 24 November 1961, 33/71B of 14 December, 1978, 34/83 H of 11 December 1979, 35/152 D of 12 December 1980 and 36/92 I of 9 December 1981 have declared that the use of nuclear weapons would be a violation of the Charter and a crime against humanity.

In 1978, India called for a total prohibition of the use of nuclear weapons on these grounds. Since 1982, we have tabled a resolution calling for a Convention on the Prohibition of the Use of Nuclear Weapons; the latest resolution adopted by the UNGA was 48/76 B of 16 December 1993 on a "Convention on the Prohibition of the Use of Nuclear Weapons". Since the international community has agreed that the use of nuclear weapons constitutes a crime against humanity, and a violation of the Charter, it follows that the use of such weapons has already been generally accepted as illegal.

International humanitarian law, including the Hague Regulations, the Geneva Conventions of 1949 and the Additional Protocols thereto of 1977 prohibit indiscriminate killing, or the use of weapons of mass destruction which make it impossible to observe the fundamental distinction between combatants on the one hand, and non-combatants and protected persons and places on the other. Therefore, the use of nuclear weapons is a violation of international humanitarian law.

Reports of the WHO published in 1984 and 1987 on the effects of nuclear war have clearly established that even a limited nuclear conflict, which is a contradiction in terms, will wreak unlimited damage, causing human suffering and environmental destruction on an unprecedented scale. The devastation that would be caused by the use of nuclear weapons is totally out of proportion to the role claimed for it in the defence of the national security of a handful of states. These weapons threaten human existence.

The International Court of Justice is invited to confirm the generally accepted view among nations that the use of nuclear weapons is illegal.