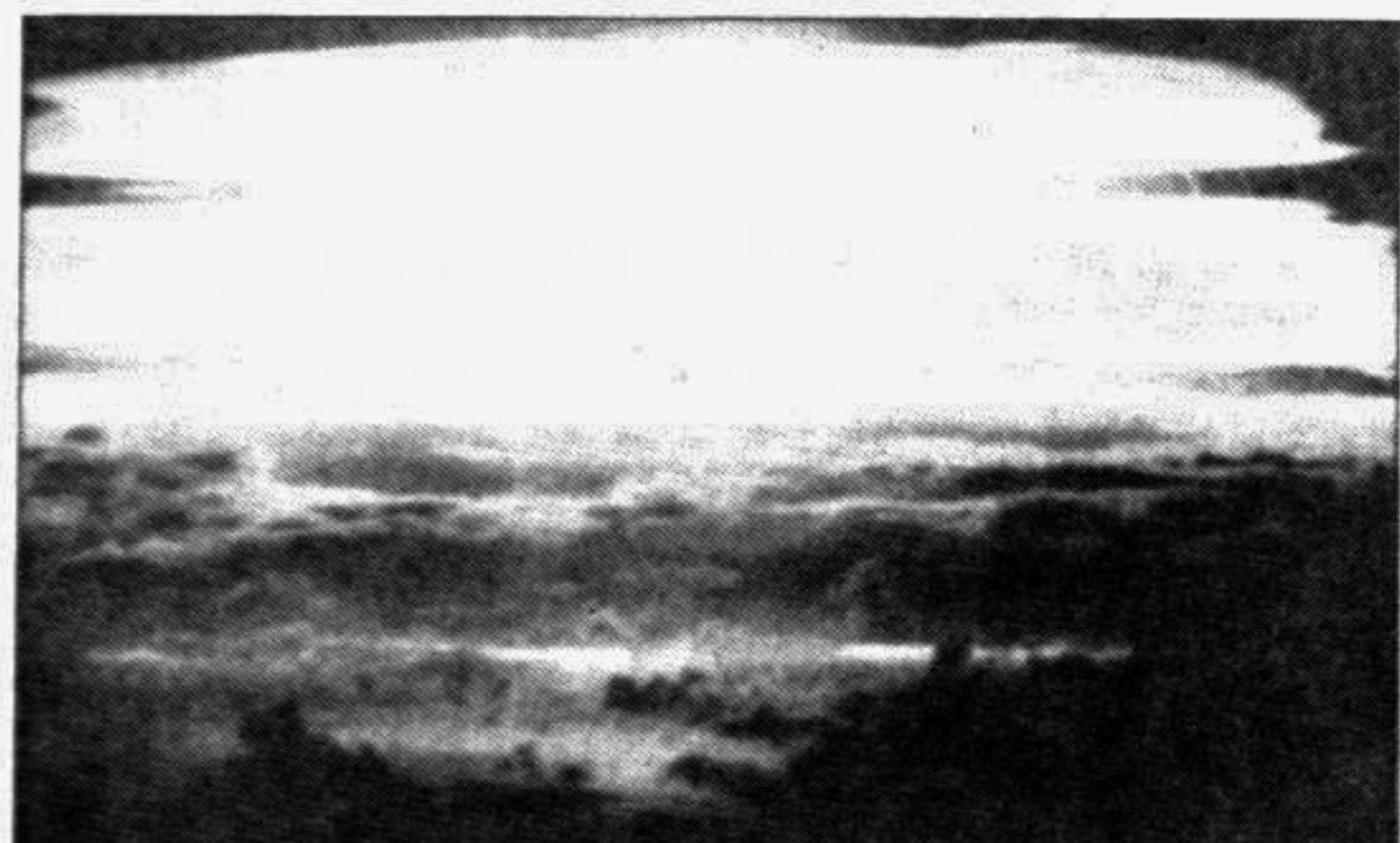


Law and Our Rights

World Court declares nuclear weapons threat and use illegal

The landmark decision of the World Court that the threat or use of nuclear weapons would be illegal in all circumstances (other than the possible exception of self-defence, on which the court refused to rule) is a shot in the arm for the global-anti-nuclear movement.

In a landmark decision on 8 July 1996, the International Court of Justice declared that the threat or use of nuclear weapons would be contrary to the rules of international law applicable in armed conflict in just about



1956: The hydrogen bomb being tested at Bikini atoll in the Marshall Islands

any imaginable circumstance. The only exception to this sweeping declaration of illegality was the Court's holding that in view of the current state of international law and of the elements of fact at its disposal, the Court cannot conclude definitively whether the threat

or use of nuclear weapons would be lawful or unlawful in an extreme circumstance of self-defence, in which the very survival of a State would be at stake.

The single vote on these two provisions was seven to seven.

The Court unanimously stressed that, in accordance with Article VI of the Nuclear Non-Proliferation Treaty (NPT), 'there exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control.'

Subject to the law of armed conflict

The Court was also unanimous that nuclear weapons, like any weapons, are subject to the law of armed conflict protecting civilians, combatants, the environment, neutral nations, and succeeding generations from the effects of warfare, as well as United Nations Charter prohibitions of threat or use of force except in self-defence.

Peter Weiss, co-president of the International Association of Lawyers Against Nuclear Arms (IALANA), welcomes the Court's opinion, stating: 'This was an appropriate sequel to Wimbledon, with a group of unseeded states carrying the day against the world's top seeds. The Court has charted a clear path toward nuclear abolition, in terms both of its legal analysis and its appeal to start taking Article VI of the NPT seriously.'

Commander Robert Green, Royal Navy (ret), of World Court Project UK, said: 'With this remarkable decision, I could never have used a nuclear weapon legally. This places a duty on the military to review their whole attitude toward nuclear weapons, which are now effectively in the same category as chemical and biological weapons.'

In response to a request for an advisory opinion from the World Health Organisation (WHO) concerning the legality of use of nuclear weapons in view of their health and environmental consequences, the Court found that it had no jurisdiction because the legality of nuclear weapons is within the scope of WHO activities. Ann Marie Janson, WHO liaison for International Physicians for the Prevention of Nuclear War (IPPNW), commented that, 'This case was initiated by the WHO, with a boost from IPPNW, which understands that prevention is the only medical response to the threat of nuclear war. We are happy that the Court referred to the need to protect the environment and future generations from nuclear damage in the General Assembly case, but we are disappointed that these same health aspects were understood only by the three dissenting judges.'

The Court's opinion in the General Assembly case comes as a blow to the United States,



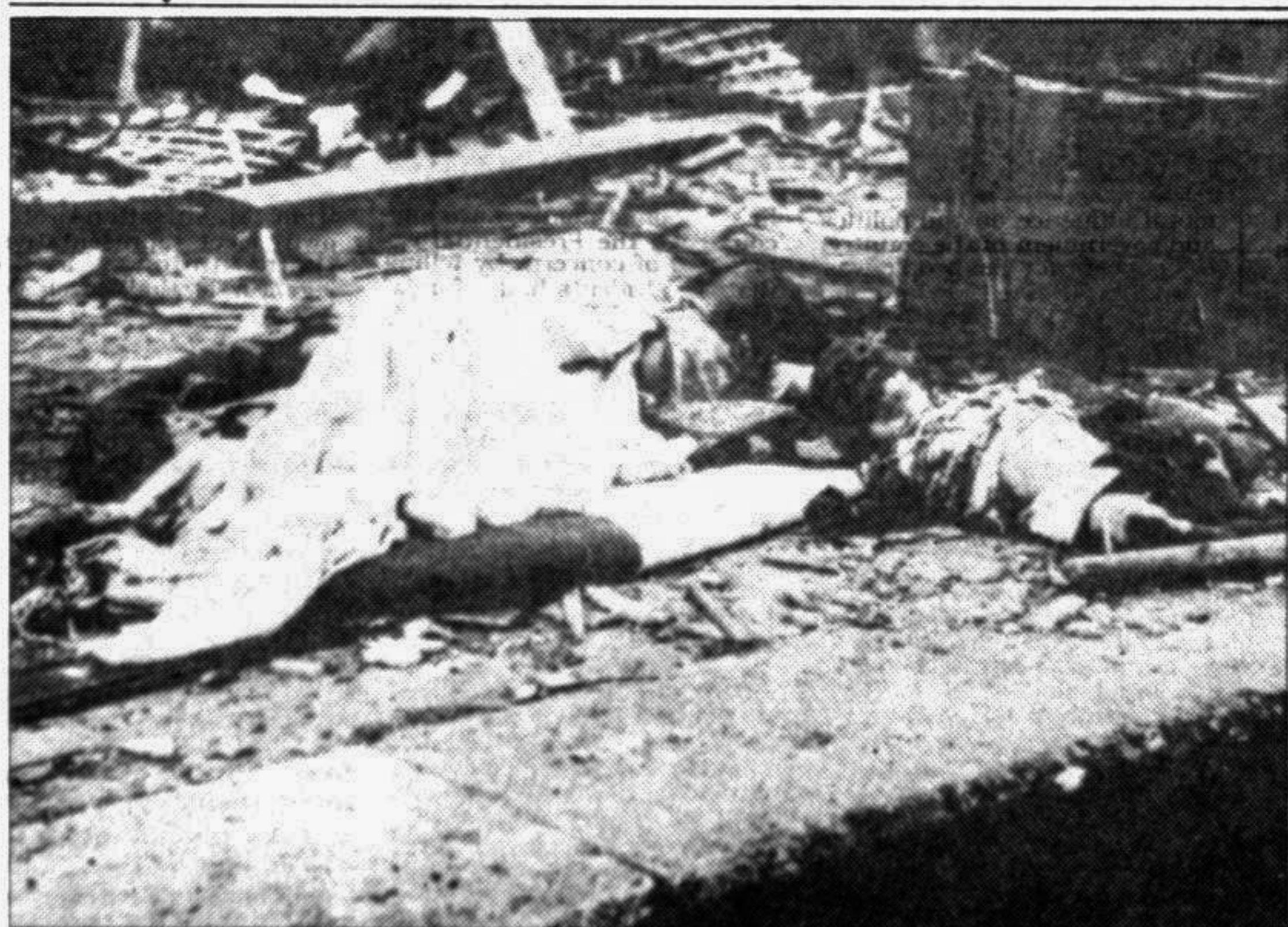
1945: The atomic bomb obliterates Hiroshima

the United Kingdom, France and Russia all of which urged the Court not to consider the case. The case was initiated by international peace and disarmament groups including the IALANA, International Peace Bureau (IPB), and IPPNW. Not having direct access to the World Court, they successfully petitioned the World Health Assembly to make requests for advisory opinions. Fredrik Hefner, director of IPB stated: 'This case is an encouraging example

of the ability of people's organisations to make use of international institutions like the World Court, which are meant to serve the world's people and not only their government.'

John Burroughs, attorney for the Western States Legal Foundation (WSLF) in Oakland, California and Jacqueline Cabasso, WSLF Executive Director, were in The Hague with the World Court Project

'This was an appropriate sequel to Wimbledon, with a group of unseeded states carrying the day against the world's top seeds. The Court has charted a clear path toward nuclear abolition, in terms both of its legal analysis and its appeal to start taking Article VI of the NPT seriously'



Mother and child after the nuclear holocaust in Hiroshima

The World Court Debate On Nuclear War

LAST November's historic World Court hearings on the legality of nuclear weapons opened some cracks in the nuclear bloc (the US, the UK, France, Russia and China). In two-and-a-half weeks of extraordinary arguments, US allies Australia and Japan sided with the world's non-nuclear states in making the anti-nuclear case.

The hearing before the International Court of Justice (ICJ) in the Hague came in response to requests from the World Health Organisation (WHO) and the UN General Assembly for a non-binding advisory opinion on whether or not the threat or use of nuclear weapons is permissible in any circumstances.

Some 45 states made oral or written arguments to the court. While the proceedings were front-page news in Japan, Australia and the South Pacific, European coverage was marginal. A virtual press blackout was maintained in France and the US.

The ICJ (popularly known as the World Court) is the judicial branch of the UN and the world's most authoritative court on questions of international law.

Instruments of mass destruction

Non-nuclear countries (Australia, Costa Rica, Egypt, Indonesia, Iran, Malaysia, Mexico, New Zealand, the Philippines, Qatar, Samoa, Zimbabwe, the Marshall Islands, the Solomon Islands, and San Marino) argued that atomic weapons are instruments of mass destruction — like treaty-banned chemical and biological weapons — whose effects are indiscriminate, uncontrollable and, therefore, illegal. The nuclear states countered that no treaty expressly prohibits nuclear weapons. Whether the use of nuclear weapons is permissible, they claimed, depends on the circumstances and cannot be prejudged.

Citing the law of war codified in the Hague and Geneva Conventions, international environmental law and codes of human rights, non-nuclear countries argued that protection of civilians, the environment and succeeding generations from the effects of warfare rules out any use of nuclear weapons — whether offensive or defensive. They noted that radiation's deadly effects transcend both space and time.

Any use of a nuclear weapon, said Solomon Islands representative Philippe Sands, would violate a general duty under environmental law to protect freshwater resources, the marine environment, biodiversity, the climate system (and) the ozone layer.

Australia's strong stand, made on the opening day of the hearings, was especially surprising, coming as it did from a US strategic ally. Australian Foreign Affairs Minister Gareth Evans declared that it is 'illegal not only to use of threaten use of nuclear weapons, but to acquire, develop, test or possess them'. Therefore, he said, nuclear states 'must, within a reasonable timeframe, take systematic action to eliminate completely all nuclear weapons.'

Japan took a somewhat ambivalent stance, with Ambassador Takekazu Kawamura asserting that 'the use of nuclear weapons is clearly contrary to the spirit of humanity that gives international law its philosophical foundation'. As the Associated Press reported, Kawamura 'fell short of stating whether his government, apparently fearful of angering Washington', ignoring pressure from Tokyo, the mayors of Hiroshima and Nagasaki travelled to the Netherlands 'to present emotional appeals for the abolition of nuclear weapons.'

Nuclear destruction with discrimination? Despite historical evidence to the contrary, US Defence Department attorney John McNeill argued that nuclear weapons can, in fact, be used with discrimination. McNeill told the court that '[nuclear weapons] can be targeted in ways that either increase or decrease resulting incidental civilian injury and collateral damage; and their use may be lawful or not depending upon [the enemy's] conduct.'

Zimbabwe's representative, Jonathan Mutawana, countered that the Geneva Conventions prohibit attacks that cause extensive civilian casualties regardless of the justification.

Non-nuclear countries also maintained that, while there is no treaty explicitly banning the use of nuclear weapons, a customary prohibition akin to a common law standard has emerged based upon scores of General Assembly resolutions over three decades, the Nuclear Non-proliferation Treaty (NPT), regional nuclear-free zones, and a 50-year practice of non-use in war since Hiroshima and Nagasaki. New Zealand's Attorney General, Paul East, told the court that the NPT has 'delegitimised nuclear weapons by forbidding most states from their acquisition and committing the nuclear states to their elimination.'

For the US, McNeill responded that the policy of nuclear deterrence has saved many millions of lives from the scourge of war during the past 50 years. In this special sense, nuclear weapons have been 'used' defensively, every day for over half a century — to preserve the peace.

Costa Rica's representative Carlos Vargas Pizarro, replied, 'We consider that it is as difficult to establish that deterrence has kept the peace or for that matter, has not kept that peace as it is to prove that ghosts exist, or do not exist... Nor can there be any guarantee that nuclear war will not occur in the future.'

Malaysia's UN representative, Tan Sri Razali Ismail, spoke for many of the world's non-nuclear states when he declared, 'Five countries cannot arrogate to themselves forever the exclusive privilege of having their fingers in the nuclear trigger... If the laws of humanity and the dictates of the public conscience demand the prohibition of such weapons, the five nuclear-weapons states, however powerful, cannot stand against them.'

Placed on the defensive by an onslaught of powerful arguments, backed by decade of condemnation of nuclear weapons, the nuclear states implored the court to decline to answer the question of legality. The non-nuclear countries argued just as strongly that it is the court's duty as the UN's judicial branch to respond to the General Assembly and the WHO.

Courtesy — Third World Resurgence

Breaking the chains

India, Indonesia, Sri Lanka and the Philippines already have human rights commissions. Thailand, Pakistan, Nepal, Bangladesh and Malaysia are planning to set them up



The Daily Star Entertainment Guide

Sunday 24th November
(All programmes are in local time. There may be changes in the programmes.)

BTV

3:00 Opening Announcement
Al-Quran Programme Summary
3:10 Sangbad 3:15 Patriotic Song
3:20 Recitation from the Bible
3:25 Cartoon: Woody Woodpecker
3:50 Weekly Drama
4:50 Maram 5:00 News in Bangla
5:25 Sports Programme
6:00pm News in Bangla
6:30 Maaedder Janyo
6:50 Open University 7:00 The News
7:25 Tagore Song 8:00 News in Bangla
8:25 Barta Prabha 9:00 Film Series: Akbar the Great
10:00 News
10:25 Judder, Diner Gatha
11:30 News in Bangla
11:35 Monday's programme
11:40 Close down

BBC

6:00am BBC World News 6:30 BBC World News 7:00 BBC World News 7:25 The News
8:00 BBC World News 8:30 BBC World News 9:00 BBC World News 9:25 The News
10:00 BBC World News 10:25 The News
11:00 BBC World News 11:25 The News
12:00 BBC World News 12:25 The News
13:00 BBC World News 13:25 The News
14:00 BBC World News 14:25 The News
15:00 BBC World News 15:25 The News
16:00 BBC World News 16:25 The News
17:00 BBC World News 17:25 The News
18:00 BBC World News 18:25 The News
19:00 BBC World News 19:25 The News
20:00 BBC World News 20:25 The News
21:00 BBC World News 21:25 The News
22:00 BBC World News 22:25 The News
23:00 BBC World News 23:25 The News
24:00 BBC World News 24:25 The News

Out: Film 96 11:00 BBC World News 11:30 Time Out Top Gear 12:00 BBC World News 12:20 On The Record 1:00 BBC World News 1:20 Window On Europe 2:00 BBC World News 2:20 World Focus: Wheeler On America 3:00 BBC World News 3:30 Time Out Tomorrow's World 4:00 BBC World News 4:20 World Business Report 24 Hours 5:00 BBC World News 5:20 World Business Report 24 Hours 6:00 BBC World News 6:20 World Business Report 24 Hours

CHANNEL V

6:00am Frame by Frame 7:00 Rewind VJ Sophia 8:00 Frame by Frame 9:00 Big Bang Weekend VJ Alessandra 11:00 BPL Oye 12:00 Sansui Mangla Hai 12:30 First Day First Show 1:00 Rewind VJ Sophia 1:30 Speak Easy 2:00 Videocon Flashback 3:00 Asian Top 20 VJ Trey 5:00 The Vibe Weekend VJ Luke 7:00pm Fashion Police 7:30 Soul Curry 8:00 The Indian Top 10 9:00 Launch Pad VJ VJ Sophia 10:00 Awards Special VJ Ruby 10:30 House Of Noise 11:00 Rewind VJ Sophia 12:00am Big Bang VJ Alessandra 1:00 The Ride VJ Trey 2:00 By Demand VJ Trey 3:00 Big Bang VJ Alessandra 4:00 Launchpad VJ Samira 5:30 VJ Alessandra

STAR PLUS

6:00am Nanny and the Professors 6:30 Volt 7:00 Aerobics Oz Style 7:30 Alaap 8:30 Tara Rum Rum 9:30 Chandrakanta 10:30 Tu Tu Main Main 11:00 Kalidoscope 11:30 Amul India Show 12:30 India Business Week 1:30 Star Trek 2:30 Hindi Classic Film: Kaha 3:00pm Balman 6:30 Chitras Angers 7:30 The Simpsons 8:00 The Adams Family 8:30 Miss World 1996 10:30 STAR News Sunday 11:30 Dynasty 12:30am India Business Week 1:30 Amul



Akbar the Great on BTV, Tonight at 9:00

India Show 2:00 BBC Documentary 'All Our Children' 3:00 Movie Classic: Fire Over England 5:00 Thieftakers

STAR SPORTS

7:00am World Wrestling Federation Blast Off 8:00 LIVE NBA Game Of The Week Chicago 10:30 Hong Kong ATP Seniors Semi-Final Highlights 12:30 PGA Masters, Delhi, Day 2 Highlights 1:30 Asia Sport Show 2:00 NBA Game Of The Week Chicago 4:00 LIVE 1996 Asian Cup Winners Cup 3rd/4th Playoff Location TBC OK TBC 6:30pm LIVE 1996 Asian Cup Semi-Final Location TBC OK TBC 8:00 Hong Kong ATP Seniors Final Highlights 10:00 Gillette World Sport Special 10:30 World Cup Hall of Fame 11:00 1996 Omega Tour Asian PGA Masters, Delhi, Day 3 Highlights 12:30 1996 Asian Cup Winners Cup 3rd/4th Playoff Location TBC 2:00 1996 Asian Cup Winners Cup Final Location TBC 4:00 Hong Kong ATP Seniors Final Highlights

STAR MOVIES

7:30am Family: A Thousand Heroes 12 (Hindi Subtitles) 9:30 Film Club: A Tale of Two Cities 15 (Hindi Subtitles) 11:30 Family Dusty G (Hindi Subtitles) 1:30 Sunday Classic Western: Bullseye for the General 12 (Hindi Sub-

EL TV

6:30 Hasnie Hasnie 7:30 Ajeed Dastan 8:30 Frooty It's My Choice 9:00 Ru-Ba-Ru 9:30 Fat Our Fat 10:00 FAUJI 10:30 Song Katta 11:00 Sorry Meri Lory 11:30 Liberty Public Demand 12:30 Casper Number-1 1:00 Chahre 1:30 Moov Usha Uthup Show 2:00 Amar Prem 2:30 Money Game 3:00 Purushshetra 4:00 Zandu Balm Dance Mania 4:30 Hit Hi Hit Hai 5:00 Peoples Club 5:30 Hee Hee Ha Ha 6:00 Hafta Hafta 6:30 Dear EL 7:00 Yeh Duniya 7:30 Kai Bhi Aai Bhi 8:00 Abhineti 8:30 The Music Show 9:00 V-3 Plus 9:30 Shatranj 10:00 Ru Ba Ru 10:30 Meri Marzi 11:00 Anabi 12:00 Karz 12:30 Special 1:30 Dance Dance 2:30 Jugai Jodi 3:30 Party Time

PTV

8:00am Tilawat Aur Tarjuma/Hamd/Naat 8:20 Cartoon 8:30 Khabrain 8:45 Fun Time 9:05 TV Encyclopedia 9:25 Khat Farmaish 9:40 Sports Clinic 10:05 PTV Gold 10:30 English Film: Darkwing Duck 10:55 Mast Mast Sanyo 11:00 Khabrain 11:10 Sports Hour 12:05pm Bisop 95/Qasmi Hani 12:55 Quran-e-Hakeem 1:02 Bismillah 1:15 Aaj Ki Khabri 1:40 Aaj Ki Khabri 2:00 Kinara Ep-53 (Drama Serial) 2:55 Ghosht Writer 3:55 Karabar 4:15 Education 5:25 Razi for 9th 5:55 Zameen Per Zindagi (Drama Serial) 6:25 Alou Courses 7:00 English News 7:30 English Film: Star Trek Deep Space Nine 8:20 Hawwa Ki Naam 9:00 Break for Headlines News 9:20 Sur Tasver (Pakistani Film 1947-95) 10:00 Khabrainama & Commercial News 11:00 Pazzwan 11:35 Home Victims (New Serial) 12:35 Music Masters-Raag Rang 1:50 Khas Khas Khabrain

DD 7

9:00 Jannudin 9:05 Geethalay

SONY ET

8:30am Jai Bir Hanuman 9:00 Yaadon Ki Baar 9:30 Gaane Jaane Maane 10:00 Jai Bir

Garfield®



Tom and Jerry



ZEE CINEMA

5:00 Jane Kaha Mera Jigar Gya Ji 5:30 Ghaav 6:00 Dekh Tamasha Dekh 6:30 Aahat 7:00 Bindass Bol 8:00 Cine Classics - Hindi Feature Film 11:00 The Young And The Restless 12:00 Ghaav 12:30 Aahat 1:00 Faslee 1:30 Surf-Wheel Of Fortune 2:00 Premier 2:30

by Jim Davis



Tom and Jerry

