

[THE FOLLOWING IS THE RESOLUTION UNDER WHICH THE WORLD HEALTH ORGANIZATION SOUGHT, UNSUCCESSFULLY, AN ADVISORY OPINION FROM THE ICJ ON ISSUES CONCERNING NUCLEAR WEAPONS. THE ICJ REJECTED THIS REQUEST IN 1996.]

FORTY-SIXTH WORLD HEALTH ASSEMBLY
Geneva, 3-14 May 1993

Resolutions and Decisions

WHA46.40 Health and environmental effects of nuclear weapons

The Forty-sixth World Health Assembly,

Bearing in mind the principles laid down in the WHO Constitution;

Noting the report of the Director-General on health and environmental effects of nuclear weapons;⁵

Recalling resolutions 4.38, W7HA36.28 and WHA40.24 on the effects of nuclear war on health and health services;

Recognizing that it has been established that no health service in the world can alleviate in any significant way a situation resulting from the use of even one single nuclear weapon;⁶

Recalling resolutions WHA42.26 on WEO's contribution to the international efforts towards sustainable development and WHA45.31 which draws attention to the effects on health of environmental degradation, and recognizing the short- and long-term environmental consequences of the use of nuclear weapons that would affect human health for generations;

Recalling that primary prevention is the only appropriate means to deal with the health and environmental effects of the use of nuclear weapons;⁷

Noting the worldwide concern in the health sector about the continued threat to health and the environment from nuclear weapons;

Mindful of the role of WHO as defined in its Constitution: to act as the directing and coordinating authority on international health work (Article 2(a)); to propose conventions, agreements and regulations (Article 2(k)); to report on administrative and social techniques affecting public health from preventive and curative points of view (Article 2(p)); and generally to take all necessary action to attain the objective of the Organization (Article 2(v));

Realizing that primary prevention of the health hazards of nuclear weapons requires clarity about the status in international law of their use, and that over the last 48 years marked differences of opinion have been expressed by Member States about the lawfulness of the use of nuclear weapons,

1. DECIDES, in accordance with Article 96(2) of the Charter of the United Nations, Article 76 of the Constitution of the World Health Organization and Article X of the Agreement between the United Nations and the World Health Organization approved by the General Assembly of the United Nations on 15 November 1947 in its resolution 124(II), to request the International Court of Justice to give an advisory opinion on the following question:

In view of the health and environmental effects, would the use of nuclear weapons by a State in war or other armed conflict be a breach of its obligations under international law including the WHO Constitution?

2. REQUESTS the Director-General to transmit this resolution to the International Court of Justice, accompanied by all documents likely to throw light upon the question, in accordance with article 65 of the Statute of the Court.

⁵Document A46/30.

⁶See *Effects of nuclear war on health and health services* (second edition) Geneva, WHO, 1987