



American Model United Nations
ICJ Justice

IN THE INTERNATIONAL COURT OF JUSTICE

LEGALITY ON THE THREAT OR USE OF NUCLEAR WEAPONS

YEMEN

MEMORIAL OF THE REPUBLIC OF YEMEN

COMES NOW the Republic of Yemen and their memorial to the court states the following:

STATEMENT OF FACTS

The World Health Organization and the General Assembly have asked for an official verdict as to whether or not the use of nuclear weapons is against international law. The WHO asked the court because of the health and environment affects; the actual legality of the right of the WHO to make a recommendation was in question and it was then referred by the General Assembly.

STATEMENT OF LAW

1. The Non-Proliferation Treaty states that we should not spread nuclear weapons. In allowing for the use of nuclear weapons it would encourage countries to enhance their collection rather than eliminate or reduce them.
2. The use of Nuclear Weapons would be against the UN Charter according to resolutions 1653 (XVI) of November 24, 1961, 33/71 B of 14 December 1978, 34/83 G of 11 December 1979, 35/152 D of 12 December 1980 and 36/92 I of

9 December 1981.

3. Res 36/92 I of 9 December 1981 state that disarmament is essential for international peace and security as well as the prevention of a nuclear war.
4. Res 32/152 D states that the use of nuclear weapons would be a violation of the Charter of the United Nations and a crime against humanity and that the use or threat of use of nuclear weapons should therefore be prohibited, pending nuclear disarmament.
5. Under article 13 of the Fourth Geneva Conventions, states are required to try their best to alleviate the sufferings of civilians in regards to armed conflicts. Nuclear weapons, when used, have adverse effects on the civilian populations of states.
6. Article 1, paragraph 1 of the UN Charter, members of the UN are to take measures to prevent and remove threats to peace; as well as to suppress any acts of aggression.
7. Article two, paragraphs here and four of the UN Charter states that all members are to settle disputes in a peaceful manner and to *refrain from the threat or use of force* against the territorial integrity or political independence of any state, or in any other manner inconsistent with the purposes of the UN.

STATEMENT OF JURISDICTION

The International Court of Justice has Jurisdiction in this case for the following reasons:

8. Article 96 paragraph 1 of the UN Charter states that the General Assembly may request that the ICJ give an advisory opinion on *any* legal question.

9. On 15 September 1994, the General Assembly passed Resolution 49/74K, which asked the court to render an opinion on whether the threat or use of nuclear weapons in any circumstances is permitted under international law.
10. On 3 September 1993, the WHO, an organ of the UN, asked the ICJ to render an opinion on whether the use or threat of us of nuclear weapons was in violation of international law and was later authorized to do so by the General Assembly.
11. Article 96 paragraph 2 of the UN Charter states that other organs of the UN may request advisory opinions from the ICJ with authorization from the General Assembly.

ARGUMENTS

12. Yemen does not have nuclear power and no power reactors. In knowing this, Yemen feels that it should be illegal to both use and threaten to use nuclear weapons. Yemen has concern for those who become victims of the use of nuclear weapons. We do not feel it is appropriate for any country to threaten another country or its civilians with the use of nuclear weapons.
13. The use or threat of use of nuclear weapons poses a risk to humanity.
14. By preserving the right of the nuclear powers to either threaten or use nuclear weapons, you would be further disadvantaging the nations already struggling to compete and reach the level of the nuclear powers. It is undoubtedly furthering the distance between the nuclear powers and developing nations.
15. Israel has nuclear weapons creating a more instable region.

16. The laws are very clear on this matter. The use of nuclear weapons is illegal.

The idea that individuals would like to use nuclear weapons against each other is appalling and should be clearly reflected in your opinion.

SUMMARY AND PRAYER FOR RELIEF

Yemen deeply desires the court to decide in favor of our request. May you decide that it is in the best interest of the world to declare the use of nuclear weapons illegal on an international level and confirm the validity and reaffirming the Charter of the United Nations.