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# NUCLEAR WEAPONS AND CRIMES AGAINST HUMANITY UNDER INTERNATIONAL LAW

JOHN KUHN BLEIMAIER

The development, deployment and use of nuclear weapons possessed of the capacity to destroy all or most of human life on this planet, present the foremost challenge to the discipline of international law in our time. In general, law represents the binding thread, the cohesive element which makes possible the existence of an organized social fabric.<sup>1</sup> In domestic legal systems, the law governs the interaction of individual citizens staving off the uncertainty and chaos of the state of nature where life is nasty, brutish and short. Ideally, the law facilitates the cooperation between individuals in their mutual and enlightened self-interest, perpetuating the life of the social unit.

Likewise, in the international community, international law governs the interaction of the sovereign states, staving off the uncertainty and chaos which would exist if every sovereign were at liberty to treat every other sovereign in accordance with whim or caprice in the absence of rule and order. The body of international law has evolved over time as a result of ever changing circumstances. Traditional international law has its roots in generally accepted principles of international conduct; in treaties and international conventions; as well as in the writings and pronouncements of scholars and publicists. In our own era, the evolution of international law has gone forward with the further involvement of international institutions and organizations whose legislative and judicial organs have spoken for the consensus of the world community.

If we accept the premise that the development, deployment, and use of nuclear weapons represent a threat to the continued existence of mankind and thus to the life of the international community, and if we further accept that the function of international law is to facilitate the self-

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<sup>1</sup> 1 Bleimaier, *Law and Morality*, 40 JURIST 400 (1980).

preservation of the international community; then the conclusion is inescapable that the existence of nuclear weapons is inconsistent with international law and order. In order to further substantiate this apparently self-evident proposition, let us examine the evolution of the international law pertaining to armed conflict and the preservation of life.

## I

The laws of war as a branch of international law have consistently evolved in response to changes in man's military capabilities, with a view toward limiting human suffering and restraining wanton destruction. Dating from the 10th-Century Peace of God Proclamation, it has been accepted that as between belligerents, victory may be legitimately obtained only through the defeat of an enemy's armed forces.<sup>2</sup> The depredations of war have, for a thousand years, been legally confined to combatants, with the objective that the suffering of civilians is to be avoided. In this simple formulation, dating from the era of warfare between armor-clad knights, we see the genesis of the fundamental premise of international law according protection to noncombatants.

In the 17th century, with the development of primitive firearms and the emergence of organized nation states, Hugo Grotius attempted to codify the laws of war and peace for an international community that was evolving with ever increasing complexity.<sup>3</sup> His seminal text, dating from 1646, further elaborates on the obligations of sovereign states to conduct their military adventures in accordance with an organized body of law consistent with Renaissance conceptions of civilization.

It was about the middle of the 19th century when the humanitarian laws of conflict began to take on a more concrete form, once again in response to developments in the art of war. With precision, rapid-fire, small arms and more powerful artillery, the potential for inflicting suffering on combatants and noncombatants alike increased manifold. In the wake of the Crimean and the American Civil War, the St. Petersburg Declaration of 1868 expressed the consensus of international legal thinking to the effect that weapons which caused excessive and unnecessary pain and suffering would be outlawed.<sup>4</sup>

At about the same time, the United States government, for the first time, promulgated *Instructions for Government of Armies in the Field*.<sup>5</sup> This document represented an early attempt to provide legal guidance for field commanders and their subordinates, with a view toward insuring

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<sup>2</sup> See Boyle, *Peace of God*, 11 THE NEW CATHOLIC ENCYCLOPEDIA 45 (1967).

<sup>3</sup> H. GROTIUS, DE JURE BELLI AC PACIS (1646).

<sup>4</sup> Reprinted in 1 AM. J. INT'L L. 95 (1907).

<sup>5</sup> See Colby, *War Crimes*, 23 MICH. L. REV. 482, 502 (1925).

that the conduct of soldiers would not transgress minimal norms of civilized conduct. These *Instructions* are of importance not only because they established a code of conduct as between belligerents and civilians, but also because they provided for the enforcement of the laws of war by courts-martial, which had jurisdiction over both friendly and enemy soldiers, as well as irregulars. Thus, provision was made for the punishment of those who offended the accepted humanitarian laws of conflict.

At the turn of the 20th century, the international law relating to this area made further strides in light of the experience of the Boer War, in which British forces had engaged in controversial reprisals against Afrikaner civilian populations. First, the predecessor of the International Court of Justice was established at The Hague, with a view toward providing a universally recognized, impartial tribunal for the resolution of international conflict.<sup>6</sup> Subsequently, a Hague Convention was adopted in 1907, which unequivocally stated that the rights of belligerents in time of war were not unlimited, but rather were constrained by international legal obligations, including the obligation not to pillage or plunder civilian populations; not to attack or destroy unfortified places; not to kill or otherwise misuse prisoners; and not to utilize weapons causing unnecessary suffering. The exploding bullet was specifically outlawed at that time as an instrument causing needless pain and destruction.

## II

The era following the First World War witnessed the rapid expansion of international jurisprudence. The international conflagration, which swept aside the old European imperial system and caused unprecedented economic and social dislocation, spurred the imagination of internationalists in the direction of developing a concrete and institutional framework for the maintenance of peace, not merely toward the diminution of suffering in war. First, the League of Nations was created at the Paris Peace Conference in order to establish an international legislative organ capable of both addressing future crises on an ongoing basis and codifying the mores of the international community as they evolved.

The Paris Peace Conference also resulted in the trial of transgressors against the laws of war. As compelled by the Peace Treaty, those officers of the Central Powers whose conduct during the course of the First World War was held to have violated the norms of international law were tried by the German government (Weimar Republic) at Leipzig.<sup>7</sup> This was a significant, early attempt to impose internationally criminal sanctions against individual violators of international law.

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<sup>6</sup> I. BROWNIE, *PRINCIPLES OF PUBLIC INTERNATIONAL LAW* 712 (1979).

<sup>7</sup> See T. TAYLOR, *NUREMBERG & VIETNAM* 24 (1970).

In the buoyant internationalist spirit of the time, the Hague Court significantly pronounced that as the doctrines of international law evolved in the future, the prerogatives associated with the sovereignty of individual nation states would of necessity diminish.<sup>8</sup> The 1923 decision of the Permanent Court of International Justice in the *Tunis-Morocco Nationality* case served to emphasize that the rules of international law were not merely consensual but were concrete and immutable, mandatory and binding in relation to all sovereigns.

In 1925, the Geneva Gas Protocol was promulgated outlawing the use of poisonous or other analogous weapons. This protocol is of particular significance to our inquiry, as nuclear devices are inherently poisonous in nature and certainly bear a close analogy to poisonous gas in their indiscriminate release of lethal atmospheric toxins.<sup>9</sup> The principal difference between poisonous gas and nuclear radiation lies in the latter's manifold increase in deadly capability in relation to the former. It is interesting to note that even in the most desperate days of World War II, none of the belligerents violated the Geneva Gas Protocol, and poisonous gas was never utilized. This represents encouraging evidence that the rule of international law in regard to armed conflicts represents a real and viable means of limiting the use of destructive agents.

In 1928, the major international powers, including the United States, once and for all condemned the recourse to war for the solution of international controversies and renounced the use of war as an instrument of national policy.<sup>10</sup> The Kellogg-Briand Pact effectively established that the resort to war in the furtherance of any policy objective was a violation of international law, thus negating forever the doctrine of military science which had held that war was merely an extension of conventional diplomacy.<sup>11</sup> The Kellogg-Briand Pact made outlaws of those policy makers who would utilize force or the threat of force as a tool for the attainment of any national objective.

### III

The Second World War served as the great watershed in the development of a concrete jurisprudence of international criminal law. Long before the cessation of hostilities, it became obvious that the manner in which that war had been planned and waged, as well as the suffering inflicted upon civilian populations, constituted serious infractions. The in-

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<sup>8</sup> *Tunis-Morocco Nationality Decrees (Fr. v. Eng.)*, 1923 P.C.I.J. (ser. B) No. 4 (Feb. 7).

<sup>9</sup> See Weston, *Nuclear Weapons and International Law: Illegality in Context*, 13 DEN. J. INT'L L. & POL'Y 1, 5 (1983).

<sup>10</sup> See Kellogg-Briand Pact, Aug. 27, 1928, 46 Stat. 2343, 2343, 94 L.N.T.S. 57, 57.

<sup>11</sup> See C. CLAUSEWITZ, ON WAR § 24, at 23 (1832).

ternational obligations entered into during the interwar period, which had unequivocally established both the illegality of aggression and the protections to be accorded civilian populations, provided the bases for prosecution of malefactors. Already in 1943, a War Crimes Commission was established in order to work out the theoretical basis for prosecution and accumulate the requisite documentary evidence.<sup>12</sup>

The International Military Tribunal at Nuremberg, established after the Second World War, recognized three basic areas of criminal responsibility. Crimes against peace were defined as planning, preparation and initiation of warfare in violation of international law.<sup>13</sup> War crimes were defined to include ill-treatment of prisoners, killing of hostages, plundering public or private property, and wanton destruction of civilian targets. Crimes against humanity were defined to include deportation, enslavement, or extermination of civilian populations and otherwise inhumane acts committed against civilians. Importantly, the Nuremberg Tribunal established the criminal responsibility of individuals for participation in crimes against peace, war crimes and crimes against humanity. The fact that an individual acted pursuant to superior orders was not exculpatory but could be taken into consideration in connection with mitigation of punishment.

The Nuremberg principles are directly relevant to our examination of the status of nuclear weapons under international law.<sup>14</sup> If the use of nuclear weapons is illegal because of their poisonous nature and because of their indiscriminate impact on civilian populations, then any planning related to the development, deployment and possible use of nuclear weapons would constitute a crime against peace. The wanton destruction and impossibility of taking prisoners in connection with nuclear warfare would render waging such warfare a war crime. The mass extermination of civilians and the inherent inhumane nature of nuclear warfare would render waging nuclear war a crime against humanity. The individual criminal responsibility would potentially expose policymakers, as well as their subordinates down the chain of command, to prosecution.

The 1949 Geneva Convention requires all sovereigns to instruct their soldiers in their legal obligations pertaining to humane conflict.<sup>15</sup> Thus, combatants must be made aware of their obligation not to carry out any

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<sup>12</sup> See Agreement for the Prosecution and Punishment of Major War Criminals of European Axis, Aug. 8, 1945, 59 Stat. 1544, E.A.S. No. 472, 82 U.N.T.S. 279.

<sup>13</sup> Charter of the International Military Tribunal, August 8, 1945, 59 Stat. 1544, 1546, E.A.S. No. 472, 82 U.N.T.S. 279.

<sup>14</sup> See Boyle, *The Relevance of International Law to the "Paradox" of Nuclear Deterrence*, 80 Nw. U.L. Rev. 1407, 1414-19 (1986).

<sup>15</sup> Geneva Convention Relative to the Protection of Civilian Persons in Time of War, August 12, 1949, 6 U.S.T. 3516, T.I.A.S. No. 3365, 75 U.N.T.S. 287.

order which would result in the commission of a war crime against humanity. No soldier may be legally compelled to violate international law.

#### IV

The evolution of international law in the postwar world is rife with documentation establishing the unique nature of nuclear weapons and supporting the conclusion that they are inconsistent with international law and order. In 1961, the General Assembly of the United Nations specifically adopted a resolution stating that the use of nuclear weapons constitutes a crime against humanity.<sup>16</sup> This resolution, promulgated by the premier international organization, must be accepted as a binding principle of customary international law for our time.

The 1963 Nuclear Weapon Test Ban Treaty<sup>17</sup> represented a recognition of the uniquely lethal nature of nuclear radiation—deadly even when emanating from a controlled experimental and non-adversarial detonation in the atmosphere. The subsequent 1968 Treaty on the Non-Proliferation of Nuclear Weapons<sup>18</sup> represents recognition of the fact that nuclear arms are inherently evil and obliges signatories to prevent the spread of their possession. Thus, the Non-Proliferation Treaty recognizes that mere possession of nuclear armaments is *malum in se*. The Non-Proliferation Treaty established a specific legal obligation on the part of states possessing nuclear weapons to take concrete steps toward absolute nuclear disarmament.

The various international agreements which have addressed significant environmental and ecological issues are unanimous in their condemnation of nuclear weapons.<sup>19</sup> The 1959 Antarctic Treaty prohibits the stationing of nuclear weapons on the frozen continent. The 1967 Treaty governing activities in outer space prohibits the deployment of nuclear weapons in the vastness of space and on celestial bodies. The 1970 Declaration of Principles Governing the Seabed does not permit the stationing of nuclear weapons on the ocean floor. The 1977 Environmental Convention, by implication, prohibits the explosion of nuclear weapons that would have deleterious effects on the natural environment.

As the doctrines of international law represent the evolving consensus of the international community, the conscience of civilized man, it should be obvious that on the basis of developments over the last half

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<sup>16</sup> Declaration on the Prohibition of the Use of Nuclear & Thermonuclear Weapons, G.A. Res. 1653, U.N. Doc. A/4942 Add. 3 (1961).

<sup>17</sup> 14 U.S.T. 1313, T.I.A.S. No. 5433.

<sup>18</sup> United States-United Kingdom-USSR, 21 U.S.T. 483, T.I.A.S. No. 6839, 729 U.N.T.S. 161.

<sup>19</sup> See Bleimaier, *International Law and the Disposal of Nuclear Wastes - Prospects for Supranational Regulation*, [1986] 54 Y.B. OF THE HAGUE ACAD. OF INT'L L. AAA 94 (1986).

century, nuclear weapons have become illegal.<sup>20</sup> There is no cognizable judicial precedent upholding the validity of a national policy which relies upon the deployment of nuclear weapons. It is well established that the mere continued existence of nuclear armaments does not militate for their legality. On the contrary, it is well settled in international law that a group of states may not, between themselves, effectively legalize conduct which the international community has proscribed under international law.<sup>21</sup>

## V

The merciless clash of antagonistic ideologies, coupled with staggering advances in technical and organizational capacities, has resulted in the new and hideous crime of Genocide. In response, the international community has established a rule of international law criminalizing such conduct. In the context of the World War II experience, prosecution of the perpetrators of Genocide was based on concepts of war crimes and crimes against humanity.<sup>22</sup> In 1948, the U.N. Convention on the Prevention and Punishment of the Crime of Genocide<sup>23</sup> was adopted. While the United States was an original signatory, the United States Senate has only recently ratified the Genocide Convention. The crime of Genocide is intimately connected with the deployment and use of nuclear weapons.

By specifically criminalizing Genocide through a convention supplementing the norms of international law, the international community has spoken as forcefully as it can about its commitment to the protection of the rights of individual civilians to be free from the wanton depredations of an enemy based upon their nationality, ethnicity, race or religion. A nuclear holocaust represents either an individual commission of Genocide or the incrementally greater crime of universal Genocide and suicide. To target an enemy nation state with nuclear weapons is tantamount to planning the extinction of that nation. To engage in a nuclear exchange which will inevitably destroy all or nearly all higher forms of life on this planet must constitute mega-Genocide.

It must be noted that there is evidence that certain national strategic planners have considered the ethnic targeting of nuclear weapons. For example, it has been suggested that a nuclear attack or retaliation by the United States should be directed against concentration of Great Russians,

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<sup>20</sup> See Weston, *Nuclear Weapons Versus International Law: A Contextual Reassessment*, 28 MCGILL L.J. 542, 562 (1983).

<sup>21</sup> *Vienna Convention on the Law of Treaties*, reprinted in 63 AM. J. INT'L L. 875, 891 (1969).

<sup>22</sup> See *supra* notes 12 & 13.

<sup>23</sup> Dec. 9, 1948 78 U.N.T.S. 277.

the dominant group in Soviet society.<sup>24</sup> Such ethnic targeting would clearly violate the Genocide convention.

The Genocide convention establishes several levels of criminal culpability: Genocide, conspiracy to commit Genocide, incitement to commit Genocide, attempt to commit Genocide and complicity in Genocide.

Obviously, in the absence of nuclear exchange, no Genocide has taken place. However, those policy makers who establish the contingency plans for nuclear exchange may be guilty of the crime of conspiracy to commit Genocide. The substance of the Genocide Convention has now become a part of customary international law. Furthermore, the major nuclear powers are now signatories of, and have ratified, the Genocide Convention. This would seem to open the way for the prosecution of any individual conspiring to use nuclear weapons against any enemy population.

So great is the abhorrence of the international community toward the crime of Genocide that the Genocide Convention has established criminal liability for complicity in Genocide. By criminalizing complicity, the Convention creates an affirmative obligation on the part of all persons to resist the commission of the crime of Genocide. By doing nothing in the face of Genocide, one may be guilty of complicity. The Convention by its terms is applicable to rulers, public officials and private individuals. Sweeping culpability is not unwarranted in the face of the enormity of Genocide.

## VI

During the last decade, there have been several developments which further establish the commitment of the international community to safeguarding the survival of our planet and recognizing the fundamental immorality of nuclear weapons. The 1977 protocols to the Geneva Convention specifically prohibit attacks on objects which are indispensable to the survival of civilian populations, such as agricultural lands, crops, livestock and water supplies.<sup>25</sup> The intention here is clear: to outlaw the use of weapons, such as nuclear weapons, that have a devastating and uncontrolled, negative effect on natural resources across the board.

In 1983, the American Roman Catholic Bishops' Pastoral Letter on War and Peace was published, providing invaluable moral support to the legal position that nuclear weapons may never be used.<sup>26</sup> When an estab-

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<sup>24</sup> G.H. QUESTER, *THE FUTURE OF NUCLEAR DETERRENCE* 174 (1986).

<sup>25</sup> See *Diplomatic Conference on Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflict: Protocols I and II to the Geneva Conventions*, reprinted in, 16 Int'l Legal Materials 1391, 1414 (1977).

<sup>26</sup> NAT'L CONF. OF CATHOLIC BISHOPS, *THE CHALLENGE OF PEACE: GOD'S PROMISE AND OUR RESPONSE*, 46-47 (1983).

lished, conservative and universal organization such as the Catholic Church deplores the immorality of nuclear weapons, we should hardly be surprised to find that they are also illegal under international law, which, in the final analysis, represents the distillation of the moral principles accepted by the international community.

In 1984, one of the superpowers proposed a multilateral agreement barring the first use of nuclear weapons. The proposal itself is undeniably an admission that nuclear weapons are inherently different from any of their conventional counterparts and that their use under any circumstances would be wrong and unjustifiable. Needless to say, if all nuclear powers sincerely agreed to "no first use," the threat of nuclear war would be eliminated and the weapons of Armageddon could be scrapped immediately.

No multilateral agreement foreswearing first use has yet gone into effect. However, the dialogue pertaining to "no first use" has served to clarify the lack of justification for the maintenance of nuclear arsenals.

## VII

Apologists for the strategy of nuclear war invariably make frequent reference to an amorphous conception of deterrence. They argue in many ways that by incessantly matching destructive capabilities, the nuclear powers ensure that there will be no nuclear war. Of course, the idea of fighting crime with crime is the antithesis of legal reasoning. The doctrine of mutually assured destruction can, in the final analysis, lead to nothing more or less than mutually assured destruction. Logic dictates that armaments cannot be accumulated and stockpiled indefinitely without their being used someday inadvertently or mindlessly. Nuclear weapons, even unexploded, represent a tremendous environmental risk, and, on this basis alone, their existence contravenes developing concepts of international environmental law.<sup>27</sup>

There can be no argument that the first use of nuclear weapons would represent a capital crime under international law. By the same token, I should like to suggest that even a second or retaliatory use of nuclear weapons is impermissible and unjustifiable. If one superpower were to launch a nuclear strike through madness or by accident, more than half the world's population would die either immediately or as a result of long term radiation, and all forms of life would undoubtedly be seriously altered on our planet. In the face of such a first strike, what possible moral or legal justification can there be for a retaliatory strike destined to complete the work of madness by exterminating all life as we know it. The second strike will eliminate the other half of humanity. If the first

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<sup>27</sup> See *supra* note 19.

strike represented a crime against humanity and Genocide, so would the second strike. Two leadership elites would have effectively decided between them to eliminate the human species.

Once we recognize that even a second strike with nuclear weapons represents a violation of international law, we have gone a long way toward rendering nuclear war unlikely. When both sides keep their fingers tremulously curled around the nuclear trigger, the chance for a universal holocaust is at its greatest. When one trigger finger relaxes, it is almost inevitable that its counterpart will also. Forsaking the gruesome concept of nuclear retaliation renders an accidental or intentional first strike far less likely.

Let ideological foes compete for men's minds in the intellectual arena where the strength of reason as opposed to the show of force must establish preeminence.

In the West, let us redirect our economic energies to the civilian sector where private enterprise and free competition have traditionally displayed their strengths. Let the financial ambitions of the armament-oriented scientific and industrial communities forever be removed from having a voice in the establishment of foreign policy and weapons system strategy.

## VIII

We have already established that the development, deployment or use of nuclear weapons is contrary to the rules of international law. It should be noted further that the politics of nuclear weapons may violate the basic protections contained in the United States Constitution.<sup>28</sup> The purpose of our Constitution was and is to insure domestic tranquility in the context of law and order. Our nuclear weapons policy jeopardizes our domestic tranquility and perpetuates a sense of lawlessness in our society. Our Constitution guarantees that we may not be deprived of life, liberty or property without due process of law. Yet, by placing the power to extinguish the human race in our chief executive, we are providing *carte blanche* for the deprivation of all life, all liberty and all property with neither due process nor any semblance of a substitute.

## IX

Recognizing that our nuclear policy contravenes the doctrines of international law and violates our own treasured Constitution, what recourse does the law provide in order to end the nuclear madness? At the

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<sup>28</sup> Miller, *The Constitutional Challenge of Nuclear Weapons: A Note on the Obligation to Ward Off Extinction*, 9 BROOKLYN J. INT'L L. 317, 317 (1983).

international level, any state which feels itself aggrieved by the universal threat posed by nuclear weapons could bring an action before the International Court of Justice, seeking a judicial order outlawing nuclear weapons. Realistically, as the United States has already once walked out of the World Court and refused to recognize its jurisdiction over the Nicaragua litigation, we may expect that the nuclear powers will refuse to obey any order of the International Court of Justice relating to nuclear policy.

Domestically, there are two possible strategies for attempting both to vindicate the position of international law and to defend our constitutional rights. On the one hand, a dedicated and enterprising prosecutor might attempt to secure an indictment against an individual involved in an alleged crime against peace or conspiracy to commit Genocide. As discussed earlier, crimes against peace include planning or preparation for war in violation of international law. Conspiracy to commit Genocide involves planning the injury or destruction of a national group. Any such prosecution would of course be litigated to our highest court but there is sufficient legal precedent to render such a prosecution anything but frivolous.

In the civil arena, it might be possible to seek an injunction or a judicial order compelling the abandonment of any strategic policy that contravenes international law or constitutional authority.<sup>29</sup> The United States Supreme Court has stated that our judicial system will apply international law and that our Courts have a duty to enforce the law of nations.<sup>30</sup> While the Executive Branch of government may decide to walk out on international tribunals, our judiciary has the strength to compel compliance with international law.<sup>31</sup> At this level, when we are dealing with questions of international survival, judicial intervention is most appropriate. There is nothing political about a court compelling the Executive Branch of government to live within the law, whether that law be domestic or international.<sup>32</sup>

## X

Let us greet with appreciation the prospect of the conclusion of an agreement on short-range and medium-range nuclear weapons. Obviously,

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<sup>29</sup> Stein, *Public Interest Litigation and U.S. Foreign Policy*, 18 HARV. INT'L L.J. 375 (1977).

<sup>30</sup> *First National City Bank v. Banco Para El Comercio* 462 U.S. 611, 622-23 (1983); *In re the Paquete Habana*, 175 U.S. 677, 700 (1900); *Hilton v. Guyot*, 159 U.S. 113, 163 (1895); *U.S. v. Arjona*, 120 U.S. 479, 484 (1887).

<sup>31</sup> See RESTATEMENT OF THE FOREIGN RELATIONS LAW OF THE UNITED STATES § 404 ( ); *People of Saipan v. Dep't of the Interior*, 502 F.2d 90, 97 (9th Cir. 1974), *cert. denied*, 420 U.S. 1003 (1975).

<sup>32</sup> See *Baker v. Carr*, 369 U.S. 186 (1962).

any diminution in the number of nuclear warheads deployed on the face of our planet represents a victory for the spirit of international law and order. However, sad to say, it is the presence of long-range strategic nuclear weapons and the fanciful, futuristic Star Wars systems that present the greatest threat to peace and the ultimate survival of mankind. These systems, dear to the hearts of military planners and government contractors, continue to proliferate unabated. Let us not for a moment become complacent or be lulled into a sense of false security by the signing of a very limited, strictly circumscribed agreement at a moment politically advantageous for two world leaders facing domestic pressures.

The real work of defeating nuclear weapons remains before us. We have herein discussed the legal tools that must be used in the battle. We are obliged to persevere or be guilty ourselves of complicity in Genocide. And if all should fail, and, despite our best efforts, our civilization is consumed in nuclear holocaust, at least the survivors will be able to take pride that there was a resistance.