

Long route to the World Court

In the second of two articles on the campaign to have the World Court declare nuclear weapons illegal, KEN COATES reports on local enthusiasm for the project.

HOPES of a Christchurch-based group are high that New Zealand will back a move in the United Nations General Assembly to ask the World Court to declare nuclear weapons illegal. The timing of the move is seen as right by the peace activists who triggered a world initiative which has grown to significant proportions.

Does it matter now the Cold War is well in the past? The group of New Zealanders thinks it does, and they hope their efforts will help build a safer world for all. It's called the World Court Project. It had its genesis in 1987 when a retired Christchurch magistrate, Harold Evans, asked the Prime Ministers of both New Zealand and Australia to support the idea of a World Court ruling.

They did not, but a Christchurch peace activist and university lecturer, Katie Boanas-Dewes, was a member of a Government committee on disarmament in 1988 and spoke on the proposal at a United Nations Special Session on Disarmament.

These days, Boanas-Dewes is on the executive of the International Peace Bureau based in Geneva, and is one of an international committee of six driving the campaign. Her office is in her Christchurch home and she frequently works with fax, telephone and computer until midnight helping to coordinate a move she passionately believes is important for the peoples of the world.

Another New Zealander actively promoting the move is Alyn Ware, now director of the Lawyers' Committee on Nuclear Policy in New York. The 32-year-old Tauranga man decided to go to New York instead of becoming a member of the international Gulf war peace team on the Iraq-Iran border. He

represented the group and its feelings at the UN. After a spell back home, he returned to New York where he worked as a volunteer for the lawyers' committee. Now as director, he coordinates lobbying at UN missions.

"We see the move as a New Zealand led and inspired initiative which the Government should reflect by co-sponsoring the UN resolution which is due to be tabled on October 18," says Boanas-Dewes.

The peace group is encouraged by progress already made by the UN World Health Assembly in May which voted 73 to 40 (10 abstentions) to urgently ask the International Court whether the use of nuclear weapons is permitted under international law.

Clearly a vote by the UN General Assembly that asks for an opinion on threat, as well as use of nuclear weapons, would carry added weight. If the proposed resolution is carried, the two requests will probably be considered together.

"This is fascinating because in the past the World Health Assembly has consistently looked at issues of health and environmental effects of nuclear weapons and reported on this," Boanas-Dewes says.

"I don't think we will get a window of opportunity like this to move so categorically again, and we should be there in the forefront," she says.

The World Court Project has rallied support in many countries and more than 100,000 "declarations of public conscience" will be presented to the UN on October 27. They will include more than 20,000 from New Zealand which Boanas-Dewes will help present at a ceremony.

Now other like-minded countries, Ireland, Canada and Australia are looking at supporting the move, so

New Zealand would not be out on a limb standing beside non-aligned countries. She says that if Canada changes its Government on October 25, the Liberal Party, which is supportive of the World Court move, could be influential in the country becoming a co-sponsor in the UN. This could encourage countries like Australia and New Zealand to follow.

"Ireland, which was the first country to support the non-proliferation treaty, is looking seriously at co-sponsoring, and I will meet its deputy Prime Minister and Foreign Minister to discuss this."

Why "declarations of conscience," and not simply signatures from prominent individuals? The World Court in its ruling will rely not just on existing international law, but on world opinion.

WHEN world leaders signed the Hague and Geneva Conventions banning inhumane weapons and practices in war, they realised new weapons systems might be developed that were inhumane and criminal. The Hague conventions of 1899 and 1907 contain a clause which states that when a weapon or tactic of war is not specifically prohibited, "the dictates of the public conscience," shall apply.

A legal nicety perhaps, but one which has never been argued before and which could be crucial when the World Court's 15 judges come to consider the UN request. The more expressions of the public conscience being against nuclear warheads the better.

The court's ruling would be advisory and it has no power of enforcement. But it is seen as an opportunity for the prohibition of nuclear weapons, and to replace reliance on them for security with development of common security through the United Nations. A World Court finding that nuclear weapons are illegal would add

authoritative legal and moral weight to a significant body of scholarly world opinion.

It would have important implications for a comprehensive test ban, and would augur well for renegotiation of the non proliferation treaty in 1995, says Katie Boanas-Dewes.

She by no means discounts the possibility of New Zealand coming under more pressure from the United States. At the World Health Assembly, both Australia and New Zealand were asked to encourage South Pacific states not to support the resolution on the World Court, she claims. Although President Clinton wants to end the spread of nuclear weapons, the US still wants its own arsenal and does not want this question to go to the World Court.

"They don't want nuclear weapons to be seen as legal because then everyone can have them, and they don't want them declared illegal, because then their activities will be seen as against existing international law."

Boanas-Dewes fears the New Zealand Government could come under tremendous pressure — it already has over its nuclear policy. The experienced activist has been working for the World Court Project for a long time and recalls that, when a member of the Public Advisory Committee on Disarmament and Arms Control in 1988, concerns from the Ministry of External Relations and Trade overtook the committee's decision-making.

These concerns included, "the proposal would be opposed by a large number of Western countries and would be met with a great deal of anxiety by them — New Zealand's participation would be viewed most suspiciously; the US and its Nato allies would not respond favourably to an opinion condemning their first use policy as criminal."

Her hope is that changing times will mean changed attitudes.