

NZ focus now on legality of nukes

By POST REPORTERS
and NZPA

Legal efforts to stop French nuclear testing will now focus on a World Court hearing next month on the legality of nuclear weapons.

The Hague-based World Court rejected yesterday New Zealand's attempts to reopen its 1973-74 case against testing.

France is now preparing to conduct its second test at Mururoa Atoll, probably within eight to 10 days.

Prime Minister Jim Bolger said the Government will make an oral submission to another World Court case, due to start at the end of next month, on the legality of the threat or use of nuclear weapons.

The court has been asked by the United Nations General Assembly and the World Health Organisation to rule on the issue.

Mr Bolger said the ruling would be important in opposing the use of nuclear weapons, but seeking it was risky. "The negative is that it could declare nuclear weapons legal."

Such a decision would justify nuclear states retaining weapons and possibly testing them.

Attorney-General Paul East QC, who led the New Zealand team at the court, will lead the team to make the oral submissions.

Yesterday, in a 12-3 decision, the World Court ruled that its judgment of December 1974 related to atmospheric tests - not the underground tests that France has carried out since 1975.

The judges also dismissed New Zealand's request for an interim order preventing France from conducting further tests at Mururoa or Fangataufa atolls.

Mr Bolger said the Government would continue to press France to stop nuclear testing.

"France can take no comfort from this decision," he said.

"It has no bearings on the merits of French nuclear testing." It was based on technical grounds whether, under the 1974 judgment, the case could be reopened.



Jim Bolger - disappointed.



Paul East - worthwhile.

Mr East said the action had been worthwhile. It had focused media and political attention on the issue, and pressured France by forcing it to appear before the court.

Labour leader Helen Clark said New Zealand's next option was to press the UN to rule nuclear weapons illegal.

Alliance leader Jim Anderton said Britain, as the only Commonwealth nuclear power, should be "put on the mat" during the November Commonwealth Heads of Government Meeting in Auckland.

"Their silence has been appalling and they should be made to feel isolated on this issue," said Mr Anderton.

The man who headed the New Zealand team in 1973-74, former Attorney-General Dr Martyn Finlay, said the World Court case was always going to be difficult and the fact three judges had dissented was a considerable achievement.

French Foreign Minister Herve de Charette welcomed the court's decision as a victory for good sense. France hoped the court's ruling would help clear air "polluted by manipulation based on disinformation and which had sparked hate-filled and groundless reactions", he said.

Judges in favour of New Zealand's requests were from New Zealand (Sir Geoffrey Palmer), Sri Lanka and Sierra Leone.

Those who rejected them were from France, Madagascar, Hungary, China, Germany, Russia, Italy, Britain and four from the United States.