NZ focus now on legality of nukes

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 the judgment of December 1974 related to atmospheric tests was 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 go no bearing on the merits of French nuclear testing." It was based on technical grounds whether, under the 1974 judgment, the case could be...