

BOP TIMES WED JAN 13 1983

Tauranga stake in bid for nuclear ban

By Dave Blanshard

THE efforts of a former Tauranga man are crucial to an expected bid by the United Nations General Assembly this year to outlaw use of nuclear weapons.

Alyn Ware, director of the International Association of Lawyers Against Nuclear Arms (Ialana) in New York, is confident the General Assembly will vote later in the year to have the legality of nuclear weapons tested in the World Court.

The 30-year-old former Otumoetai College student is also confident the court will rule against nuclear weapons — finding them a crime against humanity.

A committed peace activist, Mr Ware, home on holiday this month, has devoted the last few years to promoting an idea by a retired New Zealand judge to take the nuclear weapons question to the World Court.

New Zealand's Lawyers' Committee On Nuclear Policy has managed to have the campaign taken up by Ialana, and Mr Ware's expenses are being met by the organisation's American branch at this stage.

Now he and a small team are busy lobbying UN delegations from various nations to support a General Assembly bid to seek a world court ruling on the issue.

He says the team is making progress and has firm backing from 30 of the more than 170 delegations to the UN, with tacit support from many more.

More importantly two nations are now committed to sponsoring a resolution in the UN to have the World Court judge the issue.

"It is going to be put to the General Assembly this year. I believe it will be successful too," said Mr Ware.

"The assembly has a strong track record of supporting nuclear disarmament initiatives, and this should be no different."

Mr Ware does not see the Ialana campaign as futile in the face of likely opposition by superpowers like the US, Russia, France, China, India, and other members of the "nuclear club" who dominate the UN Security Council.

"The council has no power to veto resolutions of the General Assembly," he said. "And even the super powers have a lot at stake."

"The Nuclear Non-proliferation Treaty expires in 1995. And unless something constructive is there to replace it, a number of existing signatories are likely to pull out."

"The non-aligned nations and much of the third world feel there is a vast imbalance of power globally today. Even though the cold war has thawed they are asking why some nations should continue to hold nuclear weapons, while others cannot."

"They ask why any nation needs nuclear weapons unless it tacitly believes it has a right to use them."

Mr Ware said there were strong grounds to believe the World Court would have no option but to rule the use of

or threat to use, nuclear weapons was illegal in international law and a crime against humanity.

It also contravened several international treaties and conventions like the Geneva and Hague conventions, the Nuremberg Principles and the Genocide Convention. Furthermore any nation using, or threatening to use, them would be contravening the UN's charter.

Mr Ware acknowledged the World Court could only issue opinions. However, he said history indicated its rulings did carry moral weight with governments.

"While they pretend otherwise, nations do take notice," he said. "The French ceased atmospheric nuclear testing in the Pacific, and the United States stopped giving aid to the Nicaraguan Contras to give two examples."

"The problem today with the Nuclear Non-proliferation Treaty is that nobody has any legal power to enforce it."

"I think the Gulf War, and subsequent action against Iraq's nuclear programme, shows what can be achieved when the UN does give formal authority for action to resolve a problem."

"A legitimate ruling against nuclear weapons would become international law and strengthen the arm of the UN to impose sanctions against treaty breakers."

"Of course the existing nuclear club is not going to dismantle its arsenals overnight. But one must start somewhere."

"Progress is being achieved towards reduction and eventual elimination of chemical weapons stockpiles, which many said could not be done. But ways have been found."

"The nuclear weapons issue is no different. First we need a law, then the world can sit down and genuinely look at effective ways to implement it."

Mr Ware said he was not anti-American. But he pointed out the US constitution required that country to honour international law.

Russia was incorporating international law in its policies in a way that never happened in the old USSR.

"Ialana's aim is to strengthen international law, and then try to make sure the law works," he said. "Once people get used to the idea it is an approach that could be used more frequently."

He admits the Ialana campaign, with its staff of half a dozen people who sometimes wait weeks for an hour-long audience with UN politicians, is ranged against formidable opposition.

General Electric, a major US armaments manufacturer, has 300 professional lobbyists working in Washington alone.

"But we are getting our message through," he said. "There is growing support within the international com-



ALYN WARE

munity for some strong new initiative on nuclear weapons.

"If we can get the opinion makers behind us, or at least remaining neutral and not opposing the approach to the world court, the various blocs will follow their lead."

Mr Ware agreed there was a fine distinction between a ruling against use of, or active threats to use nuclear weapons, and the implied threat created by constructing, possessing, or testing them.

"But this is a time when we must proceed one step at a time," he said. "A clear legal case can be made against illegality of using nuclear weapons. But we could become completely bogged down in arguments over implied threats posed by building them."

"We really need to get one principle clearly established, and then move on to the logical second stage of implied nuclear threat."

The General Assembly is scheduled to meet in October-November this year and Mr Ware said Zimbabwe would sponsor a resolution to put the nuclear issue to the World Court then.

At this stage he could not name the co-sponsoring nation.