

# Testing legality of nuclear weapons

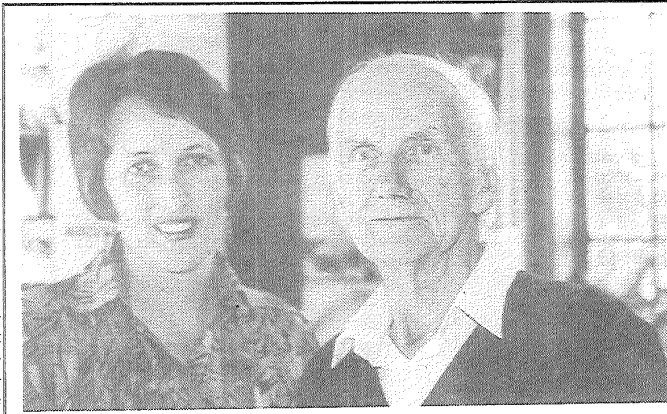
By Veronika Meduna

A belief in the rightness of the cause kept former Christchurch judge Harold Evans going for almost a decade, pushing for a World Court opinion on the legality or otherwise of nuclear weapons.

To him the cause is "sensible and obvious." At the end of last year, the UN General Assembly finally passed a resolution asking the World Court in

The Hague for an advisory opinion on whether, in any circumstances, the use or threat of use of nuclear weapons was permitted under international law.

New Zealand was the only western country to vote for the move. In order to decide the legality issue the court asked UN members to file submissions by the end of June this year.



Campaigners Katie Boanas-Dewes and Harold Evans

Christchurch campaigners Harold Evans and Katie Boanas-Dewes, a spokesperson and member of the six-person World Court Project International Steering Committee, have long been prominently associated with the proposal.

With others they have performed a marathon in endurance to achieve their goal, which is supported by a long list of prominent and respected New Zealanders and groups.

Mr Evans, of Cashmere, who admits only to being "80 plus" years old, saw overseas service in the Second World War, returning to New Zealand in 1944 and joining the then External Affairs Department. He held a secretarial position at the international trial in Tokyo (1946-48) of the "major Japanese war criminals". All this helped to "open his eyes to the expediencies" of international politics.

He was outspoken as a Stipendiary Magistrate (later called District Court judges) and three weeks before he retired from the bench in 1977, he made very critical statements against the appointment of former Prime Minister Sir Keith Holyoake as Governor-General.

Later, in the wake of the Falklands war and critical of the blessing it received from the Queen (the Head of the Church of England), he formally withdrew his judicial oath of allegiance to the Queen stating that he felt no longer bound to obey the commands of Her Majesty in the areas of peace and war.

Ms Boanas-Dewes, 42, a Riccarton mother of three, is the South Island representative of the New Zealand Foundation of Peace Studies. In 1988, she was the only woman and one of two representatives of non-governmental organisations on the New Zealand delegation at the UN Special Session on Disarmament, held in New York.

## Walking encyclopedia

She teaches Peace Studies part-time at Canterbury University and has become something of a walking encyclopedia on peace issues.

According to Ms Boanas-Dewes the next months will be critical for the Government to follow up their UN supportive vote with a strong submission to the World Court.

Mr Evans said both the use and the threat of use of nuclear weapons were included in the question referred to the court.

"It's hard to see how the Government can vote in favour of going to the court and not make a substantive submission along the lines of illegality," he said.

Despite the end of the cold war and improving relationships between nations both peace campaigners argued that it was important to outlaw nuclear arms through conventions similar to those covering biological and chemical weapons.

Mr Evans first presented the then Prime Ministers of New Zealand and Australia, David Lange and Bob Hawke, with an Open Letter in March 1987. Both

politicians received a 98-page document, detailing the opinion of six eminent international jurists who all pronounced against nuclear weapons and supported an approach to the Court.

Bob Hawke virtually rejected the proposal straightaway, but David Lange, in a parliamentary reply, expressed genuine interest.

But New Zealand was already under pressure about its anti-nuclear policy and the Government reacted with reluctance, said Ms Boanas-Dewes.

"With hindsight, I can understand now that the time actually wasn't right, although we were frustrated intensely because I was on the Public Advisory Committee on Disarmament and Arms Control (PAC-DAC), which was unanimously pressing the Government to sponsor a UN resolution for an approach to the Court," she said.

The difficulty at that time was that there was not enough support of small grass-roots groups. What we've succeeded in doing internationally is getting enough of these groups with credibility to influence their governments and our own," she said.

In May 1992, in the UN's Palais des Nations in Geneva, three distinguished Non-Governmental Organisations co-sponsored the launch of the World Court project. They comprised two Nobel Prize winners: the International Physicians for the Prevention of Nuclear War (IPPNW), the International Peace Bureau (IPB) and the International Association of Lawyers Against Nuclear Arms (IALANA).

## Critical period

"With re-negotiation of the Non-Proliferation Treaty just a few weeks before the deadline for submissions to the World Court the next weeks could be critical," said Mr Evans.

"If the New Zealand Government fear what the US might do to us if we persist with the anti-nuclear policy, it should be remembered that they used to say it would affect our trade but it hasn't happened so far. There is wide support, both at home and internationally, for the proposal, and as part of the evidence the World Court has received, there are hundreds of thousands of declarations of public conscience," said Mr Evans.

Ms Boanas-Dewes travelled to New York in 1993 to present the UN with 24,000 New Zealand declarations and she said this kind of public pressure at grass-roots level was responsible for New Zealand's vote at the UN General Assembly last year.

In 1994, the New Zealand declarations totalled at 30,000.

"And there'll be more. The Japanese are handing over something like 46 million signatures to the UN in the next couple of months as part of the 50th anniversary of the dropping of the atomic bomb on Hiroshima," said Ms Boanas-Dewes.