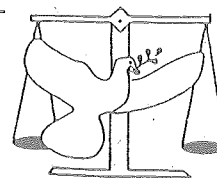


"We shall require a substantially new manner of thinking if mankind is to survive" — Albert Einstein

World Court Project

Bulletin No. 3

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Submissions to the World Court NZ's role

THIS BULLETIN is being circulated to all the 424 prominent people, community leaders and the 83 organisations who have indicated their support for the World Court Project and its aim — to obtain a ruling on the legal status of nuclear weapons.

There are now some very important opportunities developing that could lead towards a convention on the elimination of nuclear weapons in which we in New Zealand have the chance to play an important part.

The passing of a WHO resolution seeking an advisory opinion from the International Court of Justice (ICJ) on the legal status of nuclear weapons was an important first step. The court has responded by asking the 181 WHO member states to make submissions on the issue by June 10, 1994.

The challenge facing our Government after the election will be to respond to the will of the people by making unequivocally positive submissions to the ICJ to advise that nuclear weapons should be illegal.

We believe many people were heartened and encouraged at the political leaders' television debate on October 28, when both the Rt Hon Jim Bolger and the Hon Mike Moore indicated support for the World Court Project (see "In brief" in this bulletin.)

Mr Bolger clearly emphasised the difficulty in getting the nuclear powers to take the pathway towards progressive elimination of nuclear weapons. This is the important next stage if, as is very widely hoped, the World Court rules nuclear weapons illegal.

— Ian Prior & John Murray
WCP, Wellington

Small nations bullied by Western powers over UN resolution

PRESSURE FROM some Western powers forced the Non-Aligned Movement (NAM) to reconsider its decision, made by consensus on October 26, to submit a resolution to the UN General Assembly requesting an advisory opinion from the World Court on the legality of nuclear weapons.

The Western powers are clearly worried that the court would rule that the use and threat of use of nuclear weapons are illegal under international law.

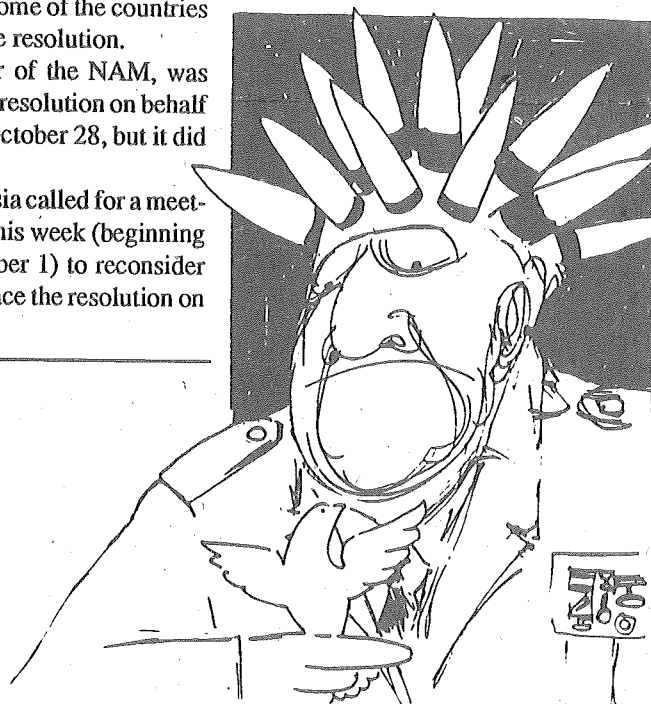
The Wellington World Court Project Group understands some of the larger countries have been threatening to withdraw aid to some of the countries co-sponsoring the resolution.

Indonesia, chair of the NAM, was due to submit the resolution on behalf of the NAM on October 28, but it did not do so.

Instead, Indonesia called for a meeting of the NAM this week (beginning Monday, November 1) to reconsider the decision to place the resolution on

the General Assembly agenda. Meanwhile the deadline for submitting resolutions was extended until Thursday, November 4.

"It's a shame that, out of cold war inertia, the big powers have once again chosen to bully the small ones instead of seizing this opportunity to rid the entire globe of the horror of nuclear weapons," said Peter Weiss, Co-President of the International Association of Lawyers Against Nuclear Arms.



The World Court Project and the politics of the nuclear mentality

OPPONENTS OF THE World Court Project consider it a waste of time. The project, with its goal to secure a ruling from the International Court of Justice on the illegality of nuclear weapons use, is sometimes met with objections such as: "The Court may rule against us." "The US will ignore a 'favourable' judgement." "Disarmament is ruled by reality and not legality." "Laws are useless unless they can be enforced."

Why then did the US Department of States protest so vigorously the World Health Assembly's decision to take the nuclear question to the World Court?

It seems that the US, leader of the nuclear club, wants to avoid a court appearance because there is no position that it could adopt which would not contradict its nuclear policy. That policy is to perpetuate nuclear weapons supremacy and to discourage proliferation through a mix of embar-

"The nuclear states appear to be pinning their hopes on an indefinite extension of the Nuclear Non-Proliferation Treaty, which provides for a discriminatory regime."

goes, sanctions, threats, treaties, alliances, and military action.

The nuclear powers understand the impossibility of defending such an inequitable doctrine in open court. Argu-

ing the legality of nuclear weapons would fatally undermine their "anti-proliferation" drive; contending that nuclear weapons are illegal would commit them to nuclear disarmament.

The nuclear states appear to be pinning their hopes on an indefinite extension of the Nuclear Non-Proliferation Treaty, which provides for a discriminatory regime. This hope — that the rest of the world will consent to forever live under "big five" nuclear dominance — received another setback at the recent G-7 Summit when Japan gave notice that it may not be willing to remain a non-nuclear power surrounded by nuclear heavy-weights.

The idea of giving up nuclear deterrence is still an enormous psychological hurdle for the nuclear powers to overcome. The World Court Project is much needed therapy.

From Vital Signs, an IPPNW publication, September 1993.

Countering the opposition

THE INTENSE opposition that the Non-Aligned nations have been facing from some of the Western powers in tabling the UN resolution seeking a World Court ruling on nuclear weapons (see lead article) shows just how much they are concerned about its outcome.

There are important tasks that all New Zealand supporters of the World Court Project can carry out.

First:

Immediately after the election, ask your MP to call on the Government to co-sponsor the resolution at the UN, or at the very least support it, and not abstain, as happened at the WHO Assembly.

Second:

Ask your MP to fully support the development of high quality, multidisciplinary submissions to the

"Our New Zealand anti-nuclear policy is for export and it is a very marketable commodity."

International Court of Justice on the legality of Nuclear Weapons.

Third:

Ask your MP why New Zealand, as a country where all parties have positively supported and helped develop a strong anti-nuclear stance, should not

stand tall and approach these submissions in a bipartisan way.

Fourth:

Suggest to your MP that New Zealanders and their Government should accept the responsibility of trying to extend the number of countries developing nuclear free legislation and help co-ordinate the international activities of some of the key groups such as IALANA, IPPNW and IPB as a basis from which much wider national, community and individual involvement can be developed.

Our New Zealand anti-nuclear policy is for export and it is a very marketable commodity. It could certainly help contribute to greater understanding towards world peace and help to lessen confrontation between nations and wars large and small.

— Ian Prior & John Murray
WCP, Wellington

What next?

THE WORLD COURT invites every Government to make submissions on the legality of nuclear weapons and this will turn the spotlight on this peril which has hung over the world for the last 48 years.

Whatever opinion the court may deliver, it will sharpen the need for an international convention prohibiting nuclear weapons, to follow conventions already in place against chemical and biological weapons. Thus, the court proceedings will be an excellent introduction to the renewal conference of the Non-Proliferation Treaty in New York in April 1995.

The World Court proceedings will

ensure that the parties will arrive fully prepared and briefed. They will be ready to insist that, instead of being merely renewed in its present form as desired by the Western nuclear powers, the Non-Proliferation Treaty has to be strengthened by setting time limits for complete nuclear disarmament and by making it clear that its temporary recognition of "Nuclear-Weapons States" is not to be interpreted as a legitimisation of the production or use of nuclear weapons.

The World Court Project is therefore the logical first step in the run-up to what may be the most important negotiations in human history.

— Erich Geiringer

US to review its nuclear weapons policy

IN THE FINAL week of October, American Defence Secretary Aspin announced a wide-ranging review of US nuclear weapons deployments and doctrine. The study, which could be completed within six months, includes reassessments of targeting doctrine; mix of long-range, bomber and submarine deployments; alert status of nuclear weapons in silos and aboard submarines; and numerous related issues.

The review does not include NATO allies such as the United Kingdom. A factor motivating the timing of this review, which could result in further cuts to the US nuclear arsenal in future, is continuing concern about nuclear weapons proliferation.

According to Aspin, proliferation is a "multiheaded monster" of threats that includes Third World states as well as terrorist groups.

The review is an indication that the old war shibboleths of nuclear deterrence are under increasingly critical

scrutiny by the US.

According to Aspin: "The old Soviet nuclear threat...was somewhat comforting. We had developed rules of the road. All of that is less certain now. We're not sure how the old deterrence applies."

Quoting senior defence officials, the *Washington Post* reported that the Aspin review could determine whether the US should adopt a policy of "no first use" of nuclear weapons in a conventional conflict. The *Washington Post* also reported that the Pentagon review would consider whether American military doctrine should include planning for potential nuclear strikes in response to attacks against US forces by chemical or biological weapons.

Currently there are more than 8000 nuclear warheads in the US arsenal, a number scheduled for reduction to 3500 after ratification and implementation of the START II Treaty over the next decade.

— Rod Alley

In Brief

Millions of messages

The United Nations was presented with over 43 million signatures from Japan, as well as 110,000 signatures from other countries (including 23,000 from New Zealand), in support of the World Court Project on October 27.

Party leaders agree

Question to Mike Moore, TV leaders' debate on the Holmes Show, October 28: When you return to the Treasury benches...would you hold fast to your nuclear-free policy? And will you support the World Court Project?

Mr Moore: The answer is yes to both questions...

Mr Holmes: [Would] National remain committed to nuclear free policy?

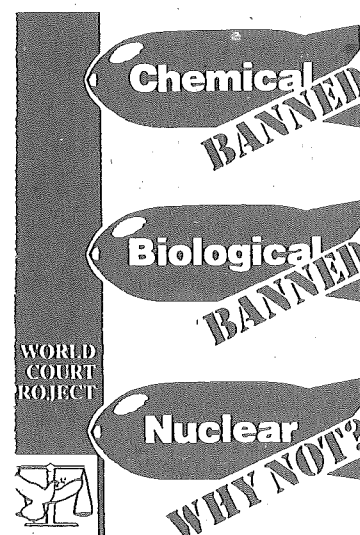
Mr Bolger: Yes we do, yes we do. And [asking] the World Court to declare nuclear weapons illegal is but a first step...The big question [is] how we make the nuclear powers accept that they are not going to retain nuclear weapons and I think that is going to take a longer period of time.

Acknowledgement

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Campaign donations can be sent to: World Court Project, PO Box 5203, Wellington; or World Court Project, PO Box 4110, Auckland.



Both Disarmament Minister Doug Graham and Deputy Prime Minister Don McKinnon have indicated a National Government would support the UN resolution calling for a legal opinion on the status of nuclear weapons, depending on the text of the resolution. The resolution is now available for all our politicians to consider and for others to view and make up their minds about.

THE UN RESOLUTION

Request for an advisory opinion from the International Court of Justice on the Legality of the threat or use of nuclear weapons.

"The General Assembly"

Conscious that the continuing existence and development of nuclear weapons pose serious risks to humanity,

Mindful that states have an obligation under the Charter of the United Nations to refrain from the threat or use of force against the territorial integrity or political independence of any state,

Recalling General Assembly resolutions (1653 (XVI) of 1961, 31/71B of 1978, 34/83G of 1979, 35/152D of 1980, 36/921 of 1981, 45/59A of 1990, and 46/37 D of 1991) which declare that the use of nuclear weapons would be a violation of the Charter of the United Nations and a crime against humanity,

Welcoming the progress made on the prohibition and elimination of weapons of mass destruction including the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxic Weapons and on Their Destruction, and the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction,

Convinced that the complete elimination of nuclear weapons is the only guarantee against the threat of nuclear war,

Noting the concerns expressed in the Fourth Review Conference of the Parties to the Non-Proliferation Treaty, that insufficient progress had been made towards the complete elimi-

nation of nuclear weapons at the earliest possible time,

Recalling that the General Assembly, convinced of the need to strengthen the rule of law in international relations, has declared the period 1990-1999 as the United Nations Decade of International Law,

Noting that Article 96 (1) of the United Nations Charter empowers the General Assembly to request the International Court of Justice to give an advisory opinion on any legal question,

Recalling the recommendation of the Secretary-General, made in An Agenda for Peace, that United Nations organs that are authorised to take advantage of the advisory competence of the International Court of Justice turn to the Court more frequently for such opinions,

Welcoming World Health Assembly resolution 46/40 of 1993, which requests the International Court of Justice to give an advisory opinion on whether the use of nuclear weapons by a State in war or other armed conflict would be a breach of its obligations under international law including the WHO constitution,

Decides pursuant to Article 96 (1), to request the International Court of Justice to urgently render its advisory opinion on the following question:

"Is the threat or use of nuclear weapons in any circumstances permitted under international law?"