

## **SPEECH AT CHRISTCHURCH PUBLIC EVENT MARKING THE 20<sup>TH</sup> ANNIVERSARY OF THE 8 JULY, 1996 ICJ'S ADVISORY OPINION**

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A lot of people in Wellington – and especially in the Ministry of Foreign Affairs and Trade where I come from - are very focused right now on New Zealand's campaign on behalf of Helen Clark to be the next Secretary-General of the United Nations. So I thought I would start tonight by quoting the *current* Secretary-General, Ban Ki-moon.

You may have heard Secretary-General Ban's frequent references to nuclear disarmament as a 'global public good of the highest order'. In marking a recent International Day for the Total Elimination of Nuclear Weapons, he went on to describe nuclear disarmament as "not an idealistic dream, but an urgent necessity to meet the genuine security interest of all humanity".

Maybe some of you find the distance the S-G is keen to put between nuclear disarmament and idealism as somewhat surprising. After all, many of us would see idealism – Robert Kennedy's 'dreaming of things that never were – and asking, why not?' - as something positive and an important part of any push for a better world.

The fact is, however, that a number of important UN members continue to dismiss any serious call for nuclear disarmament – at least in any of our lifetimes - as impractical idealism. They do so notwithstanding the undertaking made by the Nuclear Weapon States in the Nuclear Weapon Non-Proliferation Treaty (NPT) ultimately to abolish their weapons. Instead, these states have refused to look beyond the Cold War system of nuclear deterrence whereby possessors of nuclear weapons justify their retention (or in a case like North Korea, their acquisition) of these weapons on the basis of their need to deter others from using theirs.

The result has been that the rest of the international community has also been forced to sit with the nuclear status quo. The Secretary-General's statement urges the international community to look beyond this status quo – a status quo which has the capacity to destroy our world many times over – and to aspire for "genuine security" for all humanity.

That is, indeed, the *raison d'être* for an initiative launched by Norway just a few years ago – labelled the Humanitarian Consequences Initiative – and which was focused on the risks, and on the effects, of any use of nuclear weapons.

Much more is now known about the risks we face from nuclear weapons – including the very real risk of accidental detonation – and more is known, too, about the harm. New Zealanders have long known how harmful nuclear testing has been for many in our own region. Nagasaki and Hiroshima revealed the horrendous loss of life and inter-generational health effects caused by even a single nuclear weapon detonation. The information that has emerged about the extent of the health and environmental effects of even a limited nuclear exchange makes it clear that we risk a global catastrophe for our climate and our economies – indeed for humanity.

The Humanitarian Initiative has sharpened the call for global action to address the risks and consequences of nuclear weapons - and for that action to include a *treaty-based prohibition*, just as it has for the other types – chemical and biological – of weapons of mass destruction.

New Zealand, and our fellow members of the nuclear disarmament grouping called the New Agenda Coalition, continue to be in the forefront of this call. The most persuasive and authoritative tool that we have in our campaign is International Humanitarian Law (the law of armed conflict) and, in particular, the Opinion of the International Court on the Legality of the Threat or Use of Nuclear Weapons, issued 20 years ago, today.

There's a lot that was important in what the Court said. But there are two key observations which New Zealand draws on all the time. One is the Court's unanimous conclusion that the rules of IHL *do* apply to nuclear weapons. It would certainly have resulted in a shockingly anomalous situation had the Court reached the opposite conclusion (a point indeed strongly made to the Court by the NZ team). But the fact it did not, and indeed went on to suggest that the use of nuclear weapons "seems scarcely reconcilable" with respect for IHL given that "the destructive power of nuclear weapons cannot be contained in either space or time", has been of immense importance to advocacy for nuclear disarmament.

The other key and unanimous conclusion of the Court – and this is definitely the phrase from the Court's Opinion that I and my NAC colleagues repeat most often and which we hear most quoted by others, though never by nuclear weapon possessors - was that "there exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects ..."

Clearly, this statement, too, has been a real shot in the arm for all advocates of nuclear disarmament. However, it has not been enough of a shot in the arm to enable us, in the twenty years since the Court's Opinion, actually to get these negotiations underway. Other things have happened over this period – including, most importantly, reductions in the overall number of nuclear warheads – but there have been no multilateral nuclear disarmament negotiations.

Now, however, with the new impetus of the Humanitarian Initiative, I think there is finally cause for some optimism. I think that the prospects are pretty good that this October the UN General Assembly will take a decisive step forward and authorise a negotiation process – one, in Secretary-General Ban's words, that looks to meet the genuine security interest of humanity as a whole.

I suspect it will continue to be impractical idealism to dream of a world in which warfare is banned and conflict prevented. But it should *not* be beyond our grasp – and I quote from NZ's written statement to the Court in 1995 – "to mitigate and circumscribe the cruelty of war for humanitarian reasons". There can be no more important mitigation than by our prohibition and ultimate elimination of the most destructive and uncivilised of all weapons.

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