CHAPTER 7

AOTEAROA/NEW ZEALAND
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What we want to do is publicise what is happening in this remote part of the world so as to stimulate world opinion still further and attract wider support for the rights of small nations. Norman Kirk [1]

7.1 Introduction

In order to understand why the Aotearoa/New Zealand Labour government of 1984-90 was reluctant to pursue the WCP, it is vital to put its nuclear free policy into historical perspective. This chapter gives a brief overview of some of the major influences in the development of a more independent foreign policy during the 1950s and 1970s led by two Labour Prime Ministers, Walter Nash and Norman Kirk. It highlights the moral leadership role of a small state and A/NZ’s advocacy of the ICJ. It documents the WCP precursor - the 1973 contentious case on the legality of French nuclear testing - outlining how changing governments responded to strong public opposition to nuclear testing by allies in the South Pacific. It also provides detailed interviews and analysis from the Labour politicians and government officials involved in the decision making process during the late 1980s when they decided not to lead the WCP.

The signing of the Declaration of Independence of 1835 by some Maori leaders was the first statement to other sovereign states that Maori intended to be recognised as a separate nation state. This was confirmed with the signing of the Treaty of Waitangi five years later by two separate nations. [2] At the time there were approximately 55,000 Maori and 3,500 Pakeha (Europeans). The British claimed power over all the inhabitants and instituted the Westminster system of government, thereby undermining the Treaty commitments. It is often overlooked that for at least nine-tenths of Aotearoa’s history, there was a system of Maori sovereignty. [3] The British
colonisers sent A/NZ troops to the Boer War and later lost a fifth of its 103,000 troops in World War I. The close relationship between Australians and New Zealanders was cemented at Gallipoli.

Between 1920 and 1950, A/NZ relied on the British system of collective security and dependence on a 'great' power. Prime Minister Michael Savage summarised these sentiments in 1939:

> Behind the sure shield of Britain we have enjoyed and cherished freedom and self-government. Both with gratitude for the past, and with confidence in the future, we range ourselves without fear beside Britain. Where she goes, we go. Where she stands, we stand. We are only a small and young nation, but we are one and all a band of brothers, and we march forward with a union of hearts and wills to a common destiny. [4]

7.2 Tacit Support for Nuclear Weapons: 1945-1972

For most of the period 1945-72, A/NZ was an unquestioning supporter of Western security concepts based on adversarial alliance systems such as NATO, the South East Asian Treaty Organisation and ANZUS. The threatened use of nuclear weapons was implicit in these alliances, as a 'necessary but legitimate weapon for the defence of Western values.' [5] Viewed by the USSR as the 'piccolo of the Western orchestra', A/NZ dutifully voted within the UN in support of the UK, US and France, rarely raising an independent voice.

The earliest instance was A/NZ’s opposition to granting the Security Council the power of veto in 1945 led by Prime Minister Peter Fraser. [6] As a vociferous supporter of the League of Nations and a strong participant in the formation of the UN, it also advocated 'that all the powers joining the United Nations would agree to submit any quarrels to the International Court of Justice' and be bound by its decisions. [7] A/NZ frequently called on the UNGA to 'avail itself of the advisory function of the ICJ' to help resolve contentious matters, such as the treatment of Indians in South Africa and the question of Palestine:

> If we referred the question to the International Court of Justice we should have the benefit of trained minds. They could sift the chaff from
the oats, lay bare the fundamental issues, state the arguments for and against and perhaps establish a set of guiding principles that would help us in making up our own minds. [8]

With the signing in 1951 of the ANZUS Treaty, A/NZ consolidated its close relationship with Western states, and accepted the dubious 'protection' of the nuclear umbrella. Throughout the 1950s, A/NZ supported Western nuclear testing in the South Pacific and nuclear deterrence. Its UN voting pattern reflected the belief that nuclear arms control was an arcane matter best left to its nuclear allies. [9]

In 1956, when the Marshallese petitioned the UN Trusteeship Council, A/NZ voted against an Indian-sponsored resolution calling for an ICJ advisory opinion on the legality of atmospheric testing. [10] Shortly before its first nuclear tests on Christmas Island in 1957, the UK withdrew its acceptance of the compulsory jurisdiction of the ICJ to preclude the possibility that the Court might issue an injunction barring them. [11] A/NZ accepted the British assurance that the tests were perfectly safe and supplied transport, observation and monitoring facilities. Prime Minister Holland supported the UK because its aim was 'the security of the Commonwealth and the free world, and our safety lies in that security'. [12]

However, in response to growing opposition led by Quakers and supported by the National Council of Women, Maori Women's Welfare League, Federation of Labour, National Council of Churches and others, Holland claimed A/NZ would support a complete test ban when others did the same. Later that year the new Labour Prime Minister Walter Nash, although elected promising to 'oppose all further tests of nuclear weapons', dispatched a frigate to assist in monitoring atmospheric conditions in conformity with an earlier commitment. A/NZ supported the UK in a 1958 UN resolution linking any permanent cessation of testing to reducing all armed stockpiles, conventional and nuclear.

Then in 1959, in response to rising public concern, A/NZ voted to condemn nuclear testing while the UK, US and France voted against, and Australia
abstained.[13] This significant shift illustrated Nash's personal commitment to nuclear disarmament and a more independent foreign policy. As a pacifist in the early 1920s, he had helped organise 'No More War' demonstrations and International Peace Days.[14] Later as Prime Minister he travelled widely and met Soviet and West German leaders calling for the 1958 de facto moratorium on nuclear testing to be formalised into a permanent ban.[15]

In 1960, conservative Prime Minister Holyoake expressed 'profound dismay' at the resumption of US and Soviet nuclear testing. He had earlier stated that A/NZ '... did not contemplate the acquisition of nuclear weapons nor would she become a storage base for them...'. [16] However, his government voted against the 1961 UN resolution declaring the use of nuclear weapons contrary to the laws of humanity.

In 1963, CND (NZ) presented the biggest petition (80,238) since the women's franchise, calling for a Southern Hemisphere NFZ. In an attempt to appease both Western allies and domestic critics, the government reiterated that its security depended on 'the deterrent effect arising from the possession of nuclear weapons by our allies'[17] and affirmed a commitment to a South Pacific zone, but did nothing to further it.[18] Ministry officials confided to a US official that they opposed a NFZ, but for 'internal political reasons' had 'avoided [a] public stand [on] this issue', it had become 'politically and emotionally sensitive' .. and that 'pressure of public opinion and press opinion would probably force the government to protest any confirmed French decision to test... this is an election year'. In response, Holyoake offered to deliver CND's 'Open Letter' signed by 406 organisations to the French President. [19]

7.3 Using the International Court of Justice: 1973-74

France carried out 25 atmospheric tests from 1966-1972. An outraged A/NZ public, increasingly aware of the health and environmental effects and in solidarity with smaller Pacific Island states, formed coalitions across society
and explored several visionary initiatives with the government. In 1964 a CND member proposed 'a well-planned protest against the test, including sailboats, rafts, or even small aircraft placed in the testing area by private organisations and manned by crews from several countries...'. Although dismissed at the time as unrealistic, it sowed the seeds for later government and citizen actions. [20]

In 1970, Auckland CND petitioned the government, 'either alone or with other protesting nations, to take action in the General Assembly of the United Nations and the South Pacific Commission on the question of the infringement of human rights and international law by France...'. During presentations to Parliament that year, international law lecturer Dr D.R. Mummery, advised:

The Government is also free, in concert with other Governments to request the United Nations General Assembly to obtain an advisory opinion on the legality of the French action from the International Court of Justice.

He suggested Australia, Japan and Latin American nations bordering the Pacific as potential co-sponsors. The Ministry of Foreign Affairs advised against it, warning that 'to attempt to promote action in the UN or any other international tribunal would achieve nothing and could work against New Zealand's broader interests'. [21]

Persistent calls for international action did result in a more aggressive stance. In August 1971, A/NZ signed the first South Pacific Forum communique, which unanimously opposed the tests and urged France to abide by its obligations under international law. In June 1972, the Australasian Prime Ministers made a joint statement to the Conference on Disarmament. A month later, A/NZ and Peru co-sponsored a resolution against radiation and contamination from the tests at the Stockholm UN Conference on the Human Environment, and in August, A/NZ introduced a similar resolution at the UN Seabed Committee meeting. [22]
International concern was reflected by the fact that nuclear testing had been the subject of five international treaties and 19 UNGA resolutions. Atmospheric tests were condemned as unlawful by the Asian-African Legal Consultative Committee; and protests were voiced by the Andean Pact countries, the South Pacific Commission, the International Labour Organisation, Socialist International, South-East Asian leaders and the World Health Assembly. In June 1972, the ANZUS Council called for adherence to the PTBT. Many governments protested, and Peru broke off diplomatic relations with France. [23]

Creative protest action at home ensured that nuclear testing became an election issue. The Ministry of Foreign Affairs acknowledged that the intense activity by individuals and groups was 'supported by the churches, by local bodies and community organisations, by trade unions, by student and other youth organisations, and by virtually every other grouping of public opinion in a vigilant democratic society'. [24] Auckland CND launched another petition which amassed 81,475 signatures, and Peace Media organised an international Peace Fleet to sail to the test site during 1972. When the French navy rammed one of the boats, the resultant worldwide publicity and growing international opposition helped embolden the Labour Party to make resolute anti-nuclear election promises. [25] In a fiery Parliamentary debate, Opposition Leader Norman Kirk received a spontaneous ovation after delivering this challenge:

If we were the Government we would not send a yacht. The country has four expensive frigates. Let them run up the New Zealand flag... Let us take a frigate up there, and let us say to Members of Parliament on both sides of the house, 'If you want to stand up and be counted, now is your chance!' As Government... we will create a situation in which the whole country can unite behind the Government, instead of being forced to act to make the Government do the job it was elected to do. [26]

Prior to the 1972 general election, the Foreign Ministry considered using either the advisory opinion or contentious case route at the ICJ. 'Soundings' in the UNGA revealed minimal support for an Advisory Opinion and there
were fears that France could use its Security Council veto to prevent such an approach. [27] The Foreign Ministry advised:

...even if the majority were obtained, the Court might decline to render the opinion on the basis of the Eastern Carelia doctrine that advisory proceedings are not to be abused as a back-door means of obtaining a decision in a reservation-barred contentious case. And even if the Court gave a favourable opinion, that would not bind France to any course of action. [28]

Although the Court was likely to declare testing to be unlawful, the Ministry had genuine concerns that a negative opinion would 'adversely affect the way in which the law is ... clearly developing' and 'weaken New Zealand's general political case against France'. They recommended using the UN Committee on the Seabed to 'explore the legal issue and if possible express to the General Assembly the view that it should take further appropriate action on it', such as a request for an advisory opinion. [29]

Tasmania, South and Western Australia also researched the legal question and concluded that the ICJ would have jurisdiction in a contentious case. The Australasian governments were informed, but did not act until both new Labour governments were installed. In January 1973 Australia told France that 'the tests would be unlawful', and warned that if France did not stop testing it would 'institute proceedings in the ICJ to restrain the conducting of future tests in the Pacific...'. Kirk also announced that A/NZ was seriously considering joining Australia, but saw the ICJ as only one avenue of protest. He hoped to host conferences for the Pacific region, and for Commonwealth Foreign Ministers, to press for accession by all states to the PTBT, and to promote a CTBT and the SPNFZ. [30]

France confirmed its policy was dictated by the overwhelming requirement of national security, stating that the tests would continue. A/NZ's legal team advised that the case would probably succeed on jurisdiction, but admissibility and merits were more difficult. [31] In May 1973 A/NZ joined the initiative with Australia, on behalf of the Cook Islands, Tokelau and Nuie. It demonstrated 'our belief in the integrity of treaties and our belief in
the rule of law’. [32] A/NZ requested an environmental impact assessment and a declaration that:

The conduct by the French Government of nuclear tests in the South Pacific region that give rise to radioactive fallout constitutes a violation of New Zealand’s rights under international law, and that these rights will be violated by any further such tests.

Australia sought a similar declaration and an injunction to stop further tests. On 22 June 1973, the Court ruled in favour (8-6) and asked Australia and A/NZ to make written and oral arguments. The ICJ ordered France to refrain from further testing while the case was before it. Kirk immediately announced that a frigate, with a Cabinet Minister on board, would sail to the test site to mobilise world opinion to help persuade France to comply with the ICJ’s order. [33]

Kirk sent cables to leaders of 100 countries seeking acknowledgement of the ICJ decision. [34] He reiterated the importance of the rule of law, especially in relation to security threats to small states. Within a week, he farewelled the HMNZS Otago on the official protest voyage saying:

We are a small nation but we will not abjectly surrender to injustice. We have worked against the development of nuclear weapons. We have opposed their testing anywhere and everywhere. .... No self-respecting nation with right on its side can meekly acquiesce to the intransigence of others. ... Today the Otago leaves on an honourable mission. She leaves not in anger but as a silent accusing witness with the power to bring alive the conscience of the world. [35]

The same week, over 5,000 Tahitians rallied in Papeete. Buses flew red and white independence flags and banners read ‘Enough of Criminal Tests in our Paradise!’ [36] Pacific Island peoples and governments strongly supported the ICJ cases. Fiji had also applied to join the proceedings but its request was not considered.

A/NZ’s strong case was presented by Attorney-General, Martyn Finlay. France, having refused to appear, defied the ICJ’s order and, following another series of tests in 1974, announced it would test underground in future. When the final judgment came in December 1974, after an 18-month delay, the ICJ did not rule on jurisdiction and admissibility but adopted a
quite distinct issue without notifying the parties. It decided that, as France had unilaterally undertaken to end atmospheric testing, it did not have to make a decision. According to Kenneth Keith, the ICJ's President feared the case would fail on its merits and was looking for a way to avoid that result. [37]

This raises the question of judicial impartiality and the Court's composition. Former ICJ President, Nagendra Singh, pointed out that '...although there is no entitlement to membership on the part of any country, the ICJ has always included judges of the nationality of the permanent members of the Security Council, with the sole exception of China'. [38]

It would have been futile for A/NZ to challenge France's violation of the ICJ order in the Security Council because of its veto. A/NZ chose instead to use the frigate protest to garner international attention and support. Although the legal case did not achieve due process, Kirk's moralistic rhetoric was formalised through these initiatives. The population of less than three million united behind the government's courageous stand against nuclearism. Sadly the ICJ chose to circumvent A/NZ's request for it to sift the 'oats from the chaff' and set guiding principles.

7.4 Emerging Nuclear Allergy: 1972-1984
The heady days of the Kirk Labour government were short-lived. Kirk died suddenly in August 1973, before the ICJ's verdict. However, with his oratory, passion and courage he set a precedent for similar bold actions by Lange in the 1980s. Aware that 'New Zealand is too small to frighten anyone, but politically it is big enough to be able to give a constructive lead...', Kirk had persisted with implementing a more independent foreign policy.[39] Alongside the anti-nuclear initiatives, he had withdrawn troops from Vietnam; established diplomatic relations with the Democratic Republic of Vietnam and China; increased economic aid to the Third World; and stopped sporting contacts with South Africa. Kirk's successor Wallace
Rowling promoted the SPNFZ in the UN, but lacked Kirk's mana (prestige/authority); and Labour lost the 1975 election.

With National's re-election under Robert Muldoon's conservative leadership, A/NZ's foreign policy reverted to a more subservient, pro-ANZUS position. One of Muldoon's first acts was to mothball the SPNFZ initiative, signalling to the international community that A/NZ's anti-nuclearism was certainly not bipartisan.

During the late 1970s, public anger at Muldoon's defiant promotion of visits by US and UK nuclear warships spilled over into waterborne protests by the Peace Squadron, attracting international media interest. People took to the streets demanding a ban on such visits, and in 1980 began declaring homes, schools and local councils nuclear free zones.

The peace movement was unusual in international terms. In the early 1980s it developed into a network of many small neighbourhood peace groups not bound by political ideology, or a 'party line', which could take whatever creative action was appropriate for their particular style, but which met both locally and nationally to share strategies and information. Their running costs were minimal as there were few paid staff: most activists worked from home within their local community and took responsibility for lobbying their local politicians. This resulted in widespread public participation, and created a form of accountability in nearly every electorate to which all political parties became extremely sensitive.

In 1978, 51.5% of the population supported visits by US nuclear-powered ships with 39.2% agreeing to the use of US nuclear weapons in A/NZ's defence. [40] By 1983, 46% approved visits of nuclear-armed warships while 40% opposed. [41] But prior to the election in late 1984, a clear majority of 58% opposed the visits with 30% in support [42]. Over 66% of the population lived in locally declared NFZs. In all these polls there was a
Figure 5: New Zealand politicians cited in the text.
clear gender and age difference, with women and youth strongly opposed to the visits. Three of the four main political parties adopted strong anti-nuclear policies in response to this shift in public opinion.\[43\] International developments such as the breakdown of the Geneva Disarmament talks and US moves to initiate the Strategic Defence Initiative or 'Star Wars' helped strengthen this anti-nuclear sentiment.

7.5 "The Kiwi Cure": 1984-1990s

In 1984 the Labour Party pledged to pass nuclear free legislation, promote a SPNFZ and renegotiate the ANZUS agreement to accommodate this. The policy was seen as a test of democratic process and of A/NZ's sovereignty. [44] The policy found favour nationwide, and Labour's landslide victory can be partially attributed to anti-nuclear voters. At the same time, with the resurgence of Maori nationalism, the population was undergoing an identity crisis. Was Aotearoa a small South Pacific state, tied to the region by geography and shared ancestry, or was it still clinging to the apron strings of Mother England? [45] Was it time to assert some independence from Western Allies, including Australia, and to stand beside other vulnerable island states which also saw their security threatened by nuclearism? Economically more secure, was it again A/NZ's role to take the nuclear issue to the world stage? The people looked to their new, young Prime Minister David Lange to promote the anti-nuclear policy globally. He was a charismatic, witty orator who spoke with strong moral force. As a lawyer he also understood the importance of underpinning a potentially fragile policy with the law. [46] Moreover he had earned peace movement respect when he defended activists and Labour politicians in the domestic courts following Peace Squadron actions.

Inevitably the policy, and politicians, came under intense pressure from both the Western camp and Foreign Affairs and Defence officials, many of whom still clung to the doctrine of nuclear deterrence. According to Lange, who was also Foreign Minister (1984-87), Cabinet never debated this, although there was unanimous support for the nuclear free policy. [47] Unrestrained,
he expounded on the myths of deterrence to the international media via his celebrated 1987 Oxford Union debate, the UNGA and the CD. [48] Before departing for Oxford he is reported to have said:

This will change everything - there'll be no going back. We'll cut ourselves adrift economically, militarily, culturally - the umbilical cord to our past has been severed. New Zealand will never be the same again... we were hedgehog New Zealand, curling ourselves up into a frightened little ball and praying the outside world wouldn't run over us. Tomorrow we stand up in the full glare of the international spotlight and say: "This is who we are, this is what we believe, and damn the consequences!". [49]

He graphically depicted A/NZ's geographical isolation (p.139) in speeches in the US:

Most of the area inside that circle is water. The only two large landmasses are Antarctica, which is mostly covered in ice, and Australia, much of which is desert ... in short we are a long way from just about anywhere.

He argued that the policy was not pacifist nor isolationist. Affirming the people's right to democratic process, he asked:

If a country like New Zealand cannot say no to nuclear weapons, what country could ever say no to nuclear weapons? If a country like New Zealand cannot be secure in the absence of a nuclear deterrent, what country can ever be safe without it? [51]

He cleverly linked A/NZ and the US as 'Western, democratic and liberal in outlook' pointing out:

We believe in the same basic freedoms; the principle of the individual, the equality of all before the law, freedom of conscience, the right of all people to take part in the running of government and its institutions.[52]

Despite demotion from US ally to friend, curtailment of military cooperation under ANZUS and diplomatic ostracism from the Western group, Lange's government held firm. [53] Ironically, the 1985 French bombing of the Rainbow Warrior and the 1986 Chernobyl nuclear power plant explosion, helped strengthen its resolve. The government was bolstered by the 1986 Defence Committee of Inquiry public opinion polls which revealed that 92% opposed nuclear weapons in A/NZ and 69% opposed warship visits; 92%
wanted A/NZ to promote nuclear disarmament through the UN, while 88% supported the promotion of NFZs. [54]

New Zealanders witnessed with pride a new phase in the struggle for an independent foreign policy. By the 1987 election, five of the six most significant political parties had adopted the nuclear free policies. [55] With the passing of the Nuclear Free Act in June 1987, Aotearoa/New Zealand came of age. Although treated with barely-concealed fury by most of her allies, she won admiration and respect from many non-aligned states for being the first Western-allied state to legislate against nuclear weapons and thereby renounce nuclear deterrence.

As described earlier, the Act included provision for a Public Advisory Committee on Disarmament and Arms Control (PACDAC). From 1987-90 they advised government on the formulation of a consistent policy by scrutinising UN voting, reviewing membership of military alliances and agreements, and activities within US bases. For example, whereas A/NZ used to vote with the US on 70% of the UN disarmament resolutions, by 1988/89 this was only 27%. [56] However, on the major issues relating to nuclear deterrence, A/NZ continued to oppose resolutions calling for the total non-use and first-use of nuclear weapons, negative security assurances (NSAs) and a Convention on the Prohibition of Use of Nuclear Weapons. The Ministry's Explanations of Vote revealed an ongoing preoccupation with nuclear deterrence. [57]

Foreign Minister Russell Marshall confirmed at least three instances where Ministry officials included positive references to nuclear deterrence in international Ministerial speeches in order to undermine Lange's position. [58] This continued throughout the early 1990s, and explained some of the obstacles preventing later support for the WCP resolution.

By 1990, political expediency forced the National Opposition to adopt Labour's anti-nuclear policy. Their Defence spokesperson, Don McKinnon, resigned in protest at this policy shift. [59] Later, as Foreign Minister
(1990-98), he was at the forefront of moves to appease the US administration by attempting to change the Act to allow visits by nuclear-powered warships. This failed, and by the mid-1990s anti-nuclearism was firmly entrenched within the A/NZ psyche. During resumed French testing in the Pacific in 1995, Prime Minister Jim Bolger criticised nuclear deterrence on French television, called for the elimination of nuclear weapons and even promoted the WCP internationally.

7.6 Labour Government's Response to the WCP: 1986-1990

During the period 1984-90, Labour pursued a forthright, independent, anti-nuclear policy. Like Nash and Kirk before him, Lange had the *mana* for international leadership. Why did A/NZ decide not to adopt the WCP once the legislation was passed? What were the constraints on the individual decision makers? Was there sufficient public support? Was the timing right? This section covers the insights of several key politicians and officials into the way decisions were made during 1987-90.

The government eventually adopted official advice against pursuing the WCP. During his first term Lange had alienated some key officials and A/NZ’s three closest allies, the US, UK and Australia. Officials were deeply divided over nuclear deterrence, some of them risking promotion if they supported Lange’s critique of the *sine qua non* of the Western security policy. In March 1988, newly appointed Foreign Minister Russell Marshall deeply regretted allowing a positive reference to nuclear deterrence to appear in his address to the CD:

> I was trying to be all things to all people. Was I tired? Was I fed up with politics? Was I thinking I could get away with it because people at home will be too busy to see it? ... then it was reported in the *Dominion*... and David (Lange) abused me through the media. [60]

With hindsight, Marshall describes this as his worst political mistake. In his book Lange described the Western diplomatic community’s jubilation as he publicly forced Marshall to withdraw what was perceived to be a fundamental alteration in the nuclear free policy. [61] He acknowledged the
pressure he endured and with remarkable frankness, called for public and
Labour Party support for his anti-nuclear stand:

I can tell you that when we took office in 1984 it was taken for granted
by the government's advisers that we would change the anti-nuclear
policy. They had no doubt about it. They just assumed that when we
were confronted with what they called the realities of global power
politics we would back off. When after several months it started to sink
in that we were serious, they started to get heavy. They told me our
trade in Europe depended on our surrender to the doctrines of nuclear
preparedness. It is not easy to be told all the time by people who are
advisers to the government that what you are doing is wrong and
dangerous. It is possible to doubt. It is possible to feel alone.

There are times when there is a conflict between the policy of the party
and the reality of government. We allow for the practicalities of
government. We make choices. We make trade-offs. We sometimes
reach our goals by a route which is circuitous. [62]

Lange later admitted that the decision making over the WCP was
'unscientific', that he had sometimes done it badly and it was not a high
priority for him. He acknowledged PACDAC's scrutiny of A/NZ's
inconsistent UN voting, but felt that his speech to the Conference on
Disarmament, the US television interviews and the Oxford Union Debate
had much more 'intensity, advocacy and significance' than any UN vote.
[63]

However, certain astute officials found a way to convince him not to support
the WCP. He was an 'easy target' because they knew he was critical of the
ICJ and played on this:

I felt quite keenly that we had got the thing back to front, and until you
had a forum which was non-withdrawable from and a forum which had
the power to adjudicate on an issue, that we were going to be led up the
garden path. I still gave my support for the World Court Project, but I
would prefer that the first project was a World Court project and the
second was a nuclear issue. I think the major issue is getting a forum
which has a properly enforceable outcome.

I felt that a defeat on the issue of whether the ICJ accepted the case
would actually do more good for the World Court than to carry on ... not
good for the nuclear issue, but in terms of the way things do develop. If
the Court refused jurisdiction ... then that will have been worth the effort
because there will be a number of nations which will be appalled - small
nations will assume the Court is not prepared to do anything which
could get any of its members into major strife with major powers. That
will lead again to a revisiting of what it means to be a member of the
international community. [64]

Deputy Prime Minister Geoffrey Palmer also strongly advocated compulsory
jurisdiction of the ICJ and advocated A/NZ’s fervent belief in the rule of law.
[65] Overall, Lange felt that A/NZ had taken the maximum number of limited
arms control measures and, in terms of political reality, the time was not
right. There was not sufficient support from other countries, and A/NZ had
alienated most of its traditional friends. If he had been Prime Minister in the
post-Cold War period, he would have taken the risks and run with it. On the
other hand, Marshall admitted:

I was never honestly grabbed with any enthusiasm for the Project - it
never was a high priority for me. I had no real conviction that the effort
was worthwhile. Even with a best case scenario of a victorious
judgment, I am not at all sure that it will really mean anything at the
end of the day. [66]

These men had different attitudes towards the bureaucracy. Lange tended
to treat most Ministerial advisers with scepticism and disdain - they kept
each other at arm’s length. Marshall was more congenial, enjoyed their
camaraderie and sought their acceptance. When Lange later became
Minister of Education, he chose Marshall as his successor because he had
a strong interest in foreign affairs and disarmament, a history of accepting
official advice which could help heal the wounds between officialdom and
government, [67] and was keen to build up trade links with A/NZ’s friends
and allies.

Lange had a formidable intellect and enjoyed the cut and thrust of political
debate. He was well-versed in the law, and in nuclear and defence issues.

Marshall deferred to the ‘sharpest intellects’ within the Ministry:

My inclination was always to accept their judgment. I was better at
emotional responses rather than intellectual responses ... so, you
can have a gut feeling that you’d really like to do this, these are
nice people and it’s a good thing to do. But, my mind is not quick
enough in combatting the Keating/ Beeby (officials) sharpness
concentrating full tack on all of this. I was also troubled about the fact
that having taken part unwillingly in a decision to reduce their resources,
I was asking them to put more resources into something which clearly
at the kindest was peripheral to them, and at the most honest was
Marshall was unfazed by what the ICJ judgment might be. He was acutely aware of the resources needed to get A/NZ onto the Security Council and knew what a similar campaign would entail. He felt isolated without solid support from Sweden, Ireland, Canada and Australia. A/NZ could not realistically do this alone and, as only an observer to the Non-Aligned Movement (NAM), would not necessarily command their support. He was loath to ask Foreign Affairs to pursue an issue likely to alienate them further from traditional allies. A/NZ needed their backing to win the 'Western and Others' seat on the Security Council. The officials ‘wanted A/NZ to be seen as a responsible citizen of the world, being friendly, reasonable, cooperative and reliable’ and the WCP would exacerbate already strained relationships.

This attitude was confirmed by the Disarmament Division’s Director Brett Lineham. He was already sidelined within the Ministry for his outspoken support of a more independent anti-nuclear policy. Career-wise it was disastrous not to give at least tacit support for nuclear deterrence:

I was interested in a longer-term career. I was also interested in trying to make the nuclear weapon policy viable in the long term by countervailing policies elsewhere. Therefore, I pushed very hard on nuclear weapons, but at the same time I tried to support sensible action on other things eg. chemical and conventional weapons, and the UN Study. There were some who argued very well that nuclear deterrence had worked and that our partner nations agree with this policy very strongly, so we had to take this into account. The UN Study became a compromise position - a policy balance.

Lineham always had misgivings about the WCP - it would not produce the sort of outcome the proponents wished for and could be counterproductive. He therefore accepted the advice of senior officials. A/NZ’s legislation was already quite a profound statement:

We had heightened the world’s view on nuclear weapons immensely - for a small nation in the South Pacific it was incredible what we had done. Life had become much more complicated in relation to other countries, and if something is not necessary to get involved in - why do it? It’s a numbers game.... you’ve got to take into account the possibility of moving people's feelings of affection for the government internally.
and at the same time being concerned about the impacts from overseas or wherever, on your government. If you can move things without compromising some other important policies, then by all means, do it. The importance of public opinion in political terms is huge, and building support with politicians is absolutely fundamental. [71]

Both Lineham and Fran Wilde considered Evans to be a 'totally inappropriate figurehead' for the WCP. Lineham articulated an official's view:

Here was Evans, pushing hard, getting a lot of publicity, acting completely undiplomatically, confrontational, blaming and abusing the government... he would not accept 'No' for an answer, he would not be deterred, he would not compromise - he looked like a one-man band. The government's response was therefore to find whatever excuse it could to distance itself from the proposal.

Lineham thought 'the work done behind the scenes' by other New Zealanders was far more effective in the long-term. He saw the WCP as a long-term goal which would not be pushed through in a few years. A decade later, with strong national and international support, and different leaders negotiating with politicians on behalf of the 'mavericks', success was more likely. Lineham's position was clear:

All the grandstanding by certain individuals will interest people, there may be a sudden rush of enthusiasm for the grandstander's position, but without enough 'smaller' people working assiduously away to change things you couldn't have done it. [72]

Fran Wilde was Associate Foreign Affairs and Disarmament Minister and a longtime anti-nuclear supporter who worked closely with the peace movement. However, like Dame Ann Hercus (former Labour Cabinet Minister and UN Ambassador) and Russell Marshall, she was subject to movement criticism for succumbing to official pressure on certain UN disarmament votes and the WCP. As a junior Minister out of Cabinet, she felt constrained and unable to be very pro-active. [73] Her instinct on the WCP was to 'go for it' but:

...both Lange and Palmer were absolutely opposed and leaning very heavily on all the rest of us. I probably did a reasonable amount out of Cabinet, but it was much better when I moved into Cabinet: but by then it was too late and the government was nearing the end of its term.

The intellectual argument which finally persuaded her against it was:
If you get a finding against you then you're in real trouble because nukes would be seen as legal and it puts your case back. But if I were still active in the peace movement I would be pushing it, even though I acknowledge that was a valid argument.

She believed that 'simply the process of going for it changes public and political opinion and the bandwagon effect is actually very powerful'. The debate was perceived to be about 'whose side we are on, who our friends are and who we are voting for in the UN'. She was tempted to speak out publicly, but was tempered by her commitment to collegiality and the lack of encouragement from Lange and Marshall:

I wasn't going to risk being sacked on that issue when I knew I wasn't going to get it anyway. As a general principle, you don't push to the wire something you think you're going to lose, but on the other hand you do know that if something is a major political mobilisation and is going to change opinion, and may change the outcome ... in this case you have gone through a really valuable process - whether or not you win, it's still really valuable ... I think it is miraculous! (27)

7.7 Conclusions

A/NZ's anti-nuclear stance was deeply rooted in its public concern over Western nuclear testing in the Pacific. Citizen groups, through vigorous campaigning, ensured that it became an election issue in the early 1970s. Ideas flowed from ordinary citizens into the decision making process and bolstered the Australasian Labour governments in their efforts to mount a legal challenge against France at the ICJ. They gained the support of other South Pacific states, and set an example of how small states can use international law especially when their security is threatened. Aotearoa/New Zealand demonstrated that it was 'politically big enough to give a constructive lead' at the ICJ and in other international fora. Kirk combined the qualities of a strong leader committed to an independent foreign policy with a belief in the responsibility of politicians to reflect strong public opinion by translating that into effective action. He led the transition from traditional dependence on Western military ideology to South Pacific-oriented identity and independent action.
The return of a National government in 1975 signalled reversion to the historical norm of subservience to the Western nuclear powers going back to the Boer War. However, once again public pressure forced the nuclear issue back to the top of the election agenda in 1984. In the ensuing struggle to enact the nuclear free legislation A/NZ emerged with a new sense of identity and pride as an independent small state. Again the policy change was led by a strong personality who believed in the 'rights of people to take part in running government', and who espoused the virtues of democratic process. Lange gained strength from overwhelming public support for the policy, and guided the country through the minefield of the inevitable Western backlash. Although his government did not 'go the extra mile' by leading on the WCP during the Cold War, he and other Labour politicians like Wilde were sympathetic, but realistic.

By the time Wilde was in Cabinet, Lange had resigned as Prime Minister, the election was due during the UNGA, and Palmer was Prime Minister. He was not prepared to risk the WCP or any other high profile anti-nuclear issue unless he was sure of winning. Polls indicated that Labour would lose the election and, having alienated the peace movement with the decision to purchase two ANZAC frigates, they were unlikely to win back grassroots support through the WCP. Officials resisted another ICJ case which needed a herculean effort to marshal international support. The government hierarchy had no enthusiasm for it, and the legal experts, smarting from the 1973 ICJ experience, were genuinely concerned it could be counterproductive. The 1973 case questioned only the legality of French testing and had gained regional support from states already alienated by the testing. The WCP case challenged nuclear deterrence head on, thereby clashing directly with NZ's closest allies. It would have been reckless in terms of foreign affairs realpolitik, and would most certainly have failed without strong NAM support and sympathetic 'middle' states such as Ireland and Sweden.

The constraints on small states taking international initiatives are well summarised here:
A small state is more vulnerable to pressure, more likely to give way under stress, more limited in respect of the political options open to it, and subject to a tighter connection between domestic and external affairs. In other words, the smaller the human and material resources of a state, the greater are the difficulties it must surmount if it is to maintain any valid political options at all, and in consequence, the smaller the state the less viable it is as a genuinely independent member of the international community. [74]

Taking these factors into account, the risks taken by both A/NZ Labour governments in the 1970s and 1980s far outweighed potential benefits in terms of relationships with traditional allies and economic prosperity. Nevertheless, both governments adopted these radical stands because of the tighter connection between domestic and external affairs in an active democracy, and the luxury of geographic isolation and relative economic security. In the 1980s, the nuclear free policy became the litmus test of the differing strategic interests between the large industrialised Western nations and the smaller, isolated Pacific Island states. A/NZ, as the first Western-allied state to introduce a totally non-nuclear policy, began to use ‘the tyranny of distance’ to its advantage. [75]

The resultant sense of independence in international relations helped strengthen the resolve of the WCP activists tasked with building further national and international support. They were also bolstered by strong public opinion and the nuclear free legislation. They needed to convince the majority of non-nuclear states to work together to counter inflexible bloc divisions within the UN. Lange recognised that ‘the small and vulnerable have more in common with each other than with the big powers’. In his 1985 address to the 40th Commemorative Session of the UN, Lange echoed Peter Fraser and Norman Kirk and intimated what the WCP needed to achieve:

It requires both political will and political courage to set aside the calls of geography and ideology. But a broad coalition in this organisation of small countries crossing regional and other group lines not only makes sense, it is also the more persuasive in helping resolve conflicts. [76]
Footnotes.


[13] Ibid., pp. 6-7; Kos, op. cit., p. 360.


[15] *External Affairs Review*, Ministry of Foreign Affairs, Wellington, October 1957; and *EAR*, September 1957, p. 15; 'In 1957 the Deputy Prime Minister of a National government, Keith Holyoake, declared that New Zealand would neither acquire nor become a storage base for nuclear weapons. In 1963 Prime Minister Holyoake's government took the formal decision never to permit the storage, testing, or manufacture of nuclear weapons on New Zealand soil': Ramesh Thakur, 'Creation of the Nuclear-Free New Zealand Myth: Brinkmanship Without a Brink', *Asian


[17] 'If it will help.... I will use my authority and the authority of the National Government to declare the South Pacific a nuclear-free zone.' Prime Minister Keith Holyoake, NZ Parliamentary Debates (Hansard), 339, 1964, p. 1244; Lawrence Wittner, Resisting the Bomb, Stanford University Press, 1997, p. 209.


[23] Locke, op. cit., p. 298.


[31] Ibid., p. 367.


[33] For detailed responses see Goldblat, op. cit., pp. 4-5; Kos, op. cit., p. 387.


[37] Arthur Eyffinger, The International Court of Justice, Kluwer Law


[51] Prime Minister David Lange, 26 February 1985, Ministerial Speeches, no. 4, 14 March 1985, p.25.

[52] Henderson, etc. (1991), op.cit., p. 214 : ‘The influence of David Lange was most evident in his determination to keep nuclear weapons out of New Zealand’. ‘... it was Lange who determined that NZ would stand firm in the face of strong pressure to change from the US, Australia and the UK’.


[59] Ibid.


[63] Ibid.


[66] Lange (1990), op.cit., p. 183.


[68] Ibid.
[69] Interview by Dewes with Lineham, 4 August 1995.
[70] Ibid.
[71] Interviews with Lineham, and Wilde (17 March 1995).
[72] Wilde interview.
CHAPTER 8

INTERNATIONAL MOBILISATION:
1988-1992

WORLD COURT PROJECT: PATHWAYS TO THE COURT

1994/95
INTERNATIONAL COURT OF JUSTICE
Vigils, presentation of Declarations

late 1993
UNITED NATIONS GENERAL ASSEMBLY
People's representatives deliver declarations to UN Secretary-General
Vigils at national Parliaments

May 1993
WORLD HEALTH ASSEMBLY
Lobbying of Ministers of Health

Choose a prominent people's representative to present letters of endorsement from leading NGOs and sample of Declarations of Public Conscience to UN Secretary-General at the time of the UNGA Vote on the resolution.

ENDORSEMENTS
* Letters supporting WCP from prominent people/organisations
* Collate lists: send to media/Government (copies to IPB)

LOBBYING
* Delegations of medics, lawyers, women, religious leaders to Ministers of Health/Foreign Affairs
* Delegations to Members of Parliament/officials

PEOPLE POWER

DECLARATIONS
* Send to NGO networks asking for support
* Establish repository
* Presentation to Parliamentarians before UNGA vote

LETTERS
* Minister of Foreign Affairs
* All Parliamentarians
* Foreign Ambassadors based in capital city

MEDIA
* Publish articles in newsletters/newspapers/TV & radio features
* Stage media 'events' with prominent supporters
* Review books

Figure 6
Graphic by author
CHAPTER 8

INTERNATIONAL MOBILISATION : 1988-1992

... it should be emphasised that the project has been anything but a one-man affair. In fact, it represents the long haul on the part of many people here and abroad. Indeed, in the widest sense, I believe it can be called a direct product of the nuclear-free movement and of "people" at large. Individuals and groups, mainly from grassroots level, strove mightily for the New Zealand nuclear-free legislation of 1987, and have never relaxed in their determination to preserve it. Harold Evans [1]

8.1 Introduction

As the 1980s drew to a close, there were various factors which influenced the WCP's development. Stirred by the Evans initiative, influential lawyers and doctors promoted the idea within their international organisations, tentatively exploring ways of working together. British activists began to focus on it, and other New Zealanders helped internationalise the campaign.

International law gained prominence with Gorbachev's announcement of the Soviet Union's acceptance of the compulsory jurisdiction of the ICJ on human rights issues, and the adoption of the UN Decade of International Law (1990-99). NGOs such as PGA and the World Association of World Federalists (WAWF) explored how to establish an International Criminal Court, and the end of the Cold War was imminent.

8.2 Citizen Groups

World Association of World Federalists (WAWF)

For four decades the New York-based WAWF worked to strengthen the rule of international law. In 1989, they played a pivotal role in building
support for the UN Decade of International Law Resolution (Appendix I). The idea had originated within the Non-Aligned Movement (NAM) and, at an unprecedented meeting of their Foreign Ministers in June 1989, they issued ‘The Hague Declaration on Peace and the Rule of Law in International Affairs’. It proposed a UN Decade to work toward ‘appropriate international instruments’ for the strengthening of international law and the ICJ, including universal acceptance of its compulsory jurisdiction. It was opposed by many Western countries and, in order to achieve consensus, the NAM dropped the reference to compulsory jurisdiction and a conference at the end of the decade. Eventually it was co-sponsored by the Security Council Permanent Five (P5) and adopted without a vote.

The World Association of World Federalists (WAWF) was surprised by NAM’s leadership, because until then it had tended to regard international law and the ICJ as the creation of the big powers, with less than a quarter of its membership accepting its jurisdiction. By promoting this resolution, NAM signalled its recognition that the law could also benefit and help protect less powerful states. Significantly, Zimbabwe’s Foreign Minister Nathan Shamuyarira chaired the NAM. Later he played a key role in the WCP. During the 1989 Hague NAM Foreign Ministers’ conference, he encouraged the WAWF to organise a parallel NGO forum attended by more than 40 NGOs. WAWF issued an action alert to hundreds of NGOs urging them to send letters of support. Despite less than a month’s notice, more than 80 letters were delivered to individual NAM Ministers on their arrival. When the final vote was taken, over 130 NGO endorsements had been received. From the outset, WAWF’s Decade of International Law coordinator Bill Pace established an excellent rapport with the Zimbabwe UN officials who greatly welcomed NGO involvement, and cooperated by providing information, materials and access to the NAM meeting. [2] This was repeated during 1992-94 when the WCP began UN lobbying.

The NAM initiative caused consternation for the US and USSR, which feared their nuclear weapon status might be challenged in the ICJ. At their
1989 Summit, their Foreign Ministers developed proposals for 'mutually agreed conditions' on how the ICJ should be used which included:

....excluding from the jurisdiction of the Court certain categories of issues that are widely recognised to be highly sensitive to states and inappropriate for resolution by judicial action in the absence of the express consent of the states involved. [3]

Gorbachev's 1988 decision to accept ICJ compulsory jurisdiction over certain issues had made it conceivable that the US could challenge the USSR's illegal occupation of Lithuania.[4] The US had withdrawn its acceptance of compulsory jurisdiction after an ICJ case relating to US mining of Nicaraguan harbours was defeated in 1986. So, while the superpowers co-sponsored the 'Decade' resolution, they still wanted to control the ICJ's agenda.

**British Connections**

When A/NZ indicated early in 1989 that it would not lead a WCP UN resolution, Evans focused on building international NGO support. Both he and St John were determined to gain endorsement from the International Association of Lawyers Against Nuclear Arms (IALANA) when they attended its Inaugural Congress at the Hague in October 1989. Enroute, Evans briefed his Australian contacts, including the media and politicians. British activists had invited Evans to address a workshop at the September IPB Annual Conference, and the Steering Committee meeting of the Institute of Law and Peace (INLAP). Their 'Embassies Project' involved presenting embassies in London with questionnaires 'concerning their views on UK nuclear policy in light of international law perspectives'. After meeting Evans they endorsed his project which they amalgamated with theirs and named it the 'World Court Reference Project'. They funded some expenses for their secretary Keith Mothersson to promote it over the next three years, and sent four delegates to the IALANA Congress. [5]

By September the project had been endorsed by Scottish CND, German Judges for Peace, Just Defence UK, Saferworld and LCNP. The IPB Workshop proposed an IPB/INLAP co-sponsored brochure on nuclear
weapons and international law and a pamphlet on the Nuremberg Principles. IPB endorsed the Evans proposal, appointed him as a Consultant and their representative at IALANA’s Congress. [6] In 1990 former INLAP Chair, Colin Archer, became IPB Secretary-General and began re-drafting the brochure. During 1990, Mothersson circulated a comprehensive briefing paper to international legal and peace organisations. It included research on the WHO’s competence to request an advisory opinion, and proposed possible questions for the ICJ which Mothersson explored with IPPNW and IALANA. He provided a comprehensive list of organisations to approach for support, which included: political parties, governments, UN agencies, lawyers, academics, NFZ local authorities, human rights bodies, women, businesses, churches and ‘groups representing those specially protected under laws of war such as the elderly, children, people with a disability, emergency service workers and veteran organisations’ (Figure 7). [7]

Mothersson and Archer sought support from diplomats and groups such as WILPF, World Council of Churches and the World Federation of UNAs during the 1990 Non Proliferation Treaty (NPT) Review Conference. Mothersson also advocated a global collection of Declarations of Public Conscience (DPCs) signed by prominent citizens and organisations for presentation to the ICJ. Later it evolved into shorter declarations signed by both ordinary and prominent citizens (Appendix III). This built on MacBride’s belief that ‘the Martens Clause established the illegality of nuclear weapons’, which he had promoted since the 1960s. Boyle then argued this in-depth at the 1985 London Nuclear Warfare Tribunal (LNWT).[8] In late 1991, WCP (UK) began to coordinate the collection of DPCs worldwide, and presented them to the ICJ in 1994 as quasi-legal ‘citizen evidence’.

Evans also gained CND (UK) support. At its next AGM it made a commitment to build very broad alliances with other organisations in support of the World Court Reference Project (WCRP), to affiliate to INLAP and to commemorate Nuremberg Day. [9] He also addressed a Scottish peace
Figure 7: Diagram outlining groups to be contacted for WCP, Keith Mothersson, 1991.
group, was interviewed by BBC radio, and met Nuclear Free Zone (NFZ) local authority representatives to explore ‘legal questions posed by their resistance to nuclear “civil defence” obligations imposed on them by central government’. [10]

Throughout 1990, INLAP promoted the WCP at conferences of Christian CND, Pugwash, the World Disarmament Campaign, and IPPNW’s World Congress where IPPNW agreed to urge their national affiliates to promote it. [11] In April, INLAP also co-hosted a major conference with the Bradford University School of Peace Studies as a follow-up to the LNWT. It was addressed by scientists, defence analysts and lawyers, including Nicholas Grief, who later authored the IALANA WCP Legal Memorandum. [12]

**International Association of Lawyers Against Nuclear Arms**

IALANA’s first Executive meeting in April 1988 (attended by Falk and Weeramantry) had recommended that, pending endorsement from IALANA’s first Congress in 1989, support be given to the Evans initiative. [13] In an attempt to implement this, and to forge a closer relationship with physicians, Weeramantry had invited Australian doctors to attend the Congress. He acknowledged IALANA’s failure to find a government to sponsor a UN resolution, and proposed to IPPNW:

> We would greatly welcome the support of your very influential association, both in Australia and overseas, in interesting statesmen in the various member countries of the UN to earn credit for their countries and at the same time serve the cause of humanity by raising this issue with their governments. [14]

In November 1988, the idea had also appeared in proposals adopted at a New Delhi conference where Prime Minister Rajiv Gandhi called for nuclear weapons to be outlawed. [15]

When Evans joined the 200 IALANA delegates from 30 countries at the Hague in September 1989, there was growing citizen support for his project and he had high expectations for its eventual success. He had not dismissed A/NZ as a future co-sponsor of a UN resolution. Disarmament Minister Wilde had ‘certainly not rejected the idea out of hand’, promising to
raise the issue with politicians from elsewhere and try to explore the level
of political support'.[16] In May 1989, Evans had demanded Lange's
personal reply, criticising the government for conveying their position via a
press statement by a junior Minister (Wilde). He had outlined the growing
international support, including IALANA's Congress agenda, and had hoped
Lange would reconsider.[17] He also alerted Lange to Geoffrey Palmer's
statement that:

...the (NZ) conviction that the use of force in international relations
should be outlawed and that disputes should be resolved through
international institutions, and particularly through the use of legal
mechanisms. [18]

Palmer had also publicly supported the Soviet's call for compulsory ICJ
jurisdiction and when he became Prime Minister in July 1989, Evans had
reminded him of his earlier assertion:

I am a strong supporter of the International Court. There is no one in
New Zealand who is a stronger advocate for the ICJ than I and I very
much doubt that there is anyone in Government in any other country
who has advocated the role of the Court as strongly as I have over the
past five years. None would be happier than I if the Court could play a
significant role in reducing or eliminating the scourge of nuclear
weapons. [19]

The Soviet lawyers endorsed a draft IALANA Congress resolution by
Evans, but the other Vice Presidents did not respond. Much to his delight,
former Indian Chief Justice Bhagwati promoted the WCP in his opening
address, and the Congress unanimously adopted a strengthened version of
his original draft in its communique called the ‘Hague Declaration'
(Appendix II). [20] It affirmed that the threat or use of nuclear weapons is a
war crime, a crime against humanity and a gross violation of other norms of
international customary and treaty law. It envisaged as an urgent task the
total outlawing of nuclear weapons, including their research, manufacture
and possession. Referring to the Martens clause, it welcomed the Decade
of International Law, called on lawyers to sensitize ‘the public conscience'
and appealed ‘to the Government of all States Members of the UN to take
immediate steps towards obtaining a resolution by the UN Assembly under
article 96 of the UN Charter, requesting the ICJ to render an advisory
opinion on the illegality of the use of nuclear weapons'. [21] The Congress then appointed Falk, Mendlovitz, Evans and St John as the 'World Court Working Group' to coordinate future action.

Over the next two years, although Evans provided IALANA with reports of his activities, he received little encouragement from them. IALANA's November 1990 Berlin International Colloquium agenda did not mention the project. Astonished at the omission, Evans considered attending to ensure implementation of the Hague Declaration, but family illness and financial considerations prevented him. He sent copies of his latest Open Letter, an updated report and a draft UN resolution for delegates. He hoped thereby to 'awaken and activate "the sleeping giant of the peace movement" (international law) ... in the cause of World Court guidance on the massive and continuing threat of nuclear weaponry'. [22]

Mothersson also sent papers which included a proposal that IALANA collect a million DPCs. He warned against premature action at the ICJ before there was a groundswell of public opinion with sufficient countries backing it. Later, he reflected the exasperation felt by key activists at the inaction of the three major international NGOs IALANA, IPB and IPPNW:

... with a few noticeable exceptions, most members of IALANA have yet to move beyond the phase of passing general resolutions and hoping that by the next Congress somebody, somewhere, will have cracked the problem of getting some heroic country to table an Article 96 resolution. Possibly in the belief that 'it is up to the diplomats' most members of IALANA have done little work on this key objective. Of course, the same would be said of most activists in IPB and IPPNW - again with honourable exceptions. Unless I am mistaken, there is still hardly any concrete discussion of how to organise our efforts, such debate as there is has mostly been confined to the scope of the reference. [23]

It was not until early 1992 that there was any coordinated action. In the meantime, INLAP continued to dialogue with the UK government and educate the public about nuclear weapon criminality. In 1992, St John wrote a response, on INLAP's behalf, to the Solicitor-General challenging the UK policy as criminal and illegal. [24] Mothersson, Evans and Dewes continued
to write strategy papers and collect endorsements from international organisations.

With hindsight, key IALANA members identified a number of factors which underpinned the reluctance to pursue the project. Mendlovitz described how LCNP was originally:

...writing about nuclearism and international law, and within the organisation there was a 'huge controversy' as to whether they should stay only with nuclear weapons as our object... the initial impetus was to write enough so we could convince our colleagues in the legal profession.

When IALANA began, they did not have energy directly focused on the WCP idea and although 'Falk cast the bread upon the waters ... the ball was not carried by him'. Later 'there were people in LCNP and IALANA who did not want to go along with the insertion of 'threat' ... even amongst the Steering Committee'. [25] Willemijn Straeter, IALANA's Coordinator of the International Secretariat at its office in The Hague from 1991-96, felt that during the pioneering period the Hague Declaration was too ambitious. There was a lack of assets, money, active members and only a part-time staff member. Most of the energy went on establishing the organisation's structure, and there was little inclination to put any effort into a grand project which might not succeed. [26] Doubts were also expressed within IALANA's hierarchy about the damage to the ICJ if it failed.

According to Falk, IALANA's early reluctance came from a certain scepticism about 'this unknown magistrate writing letters to us around the world ... he didn't have an international reputation or following. I was the only person who knew him ... and there was a feeling that the gleam in his eyes was too bright'. He felt that IALANA wanted to generate its own perspectives and had difficulty evaluating the proposal. It was a formidable task, and there was no easy way to get it through the UNGA. He credits Evans as the creator of the project and acknowledges that without his stimulation nothing might have happened. [27]
In October 1990, Colin Archer explained to Evans why IPB had done so little since the 1989 conference. Like IALANA it lacked staff and funds, and other projects were given priority. Archer was personally very supportive, seeing it as the 'most fitting fulfilment of the work of Seán MacBride, and for that reason alone I am keen that IPB should play its part'. He was encouraged by the positive responses from diplomats and NGOs at the NPT Review Conference: '...it convinced us that there certainly is at least a potential international support network for the initiative of some considerable size'. [28] This growing optimism bolstered the WCP's main proponents through a rather lonely period.

Meanwhile the only other international legal support came from Canadian groups pursuing the Nuclear Weapons Legal Action (NWLA) (see 4.3). They were working with the Department of Justice on: a decision by the government to refer a question on the legality of first-use directly to the Supreme Court; government financial assistance for private litigation by the NWLA; and/or a government effort to seek a reference by the UNGA to the ICJ on the legality of first use. During 1989 they focused on the first of these but were also committed to the WCP. [29]

*Links with the Commonwealth*

Ron McCoy used Evans’ papers ‘to make a strong representation to the Malaysian government’ and invited him to address a Malaysian IPPNW (MPPNW) conference which coincided with the Commonwealth Heads of Government Meeting (CHOGM) in Kuala Lumpur from 18-24 October 1989. Both Harold Evans and Robin Briant attended on their return, respectively from the Hague and IPPNW's World Congress. Following a well-attended meeting of Malaysian lawyers on the WCP they issued a joint appeal with the doctors to Heads of Government attending the CHOGM. It included the Hague Declaration, and urged them to take immediate action to implement the advisory opinion idea. MPPNW also sponsored a large newspaper advertisement highlighting the Appeal. [30]
Just prior to the CHOGM, Evans sent the IALANA Hague Declaration to the leaders of Jamaica, Trinidad, Guyana, Sri Lanka, Malaysia and Vanuatu. He encouraged them to 'urge fellow Commonwealth Members at the Meeting to heed, support and act upon the appeal'. [31] He received no acknowledgements, but some of these governments later strongly supported the WCP.

On his return home, Evans briefed the media, PACDAC and the peace movement on his recent successes and asked A/NZ politicians to reconsider their earlier decision. As Attorney-General, Lange had more freedom to express his personal support. In June 1990 he visited Evans at home where Evans briefed him on his latest approaches to 3,000 delegates at the Commonwealth Law Conference in Auckland, and a special meeting of 250 Judges and Law Ministers. [32]

Weeramantry again promoted the WCP at the Conference in his keynote address. [33] He challenged the profession to 'abandon its ivory tower attitude and its insularity', outlined the work of IPPNW and IALANA, castigated his colleagues for not promoting international law enough, and called on them to educate the general public:

...we ought to be going into schools,...into public halls of our countries...talking to adult education centres ... on some of these matters. We have a duty ... to instruct the public. We've got to be universalist lawyers, not narrow parochial lawyers.[34]

Despite this directive, and the receipt of Evans' professionally presented documents, there was still no response.

Parliamentarians
While individual A/NZ parliamentarians supported the WCP, their efforts to convince the government were often stymied by official intransigence, and fear of losing without a groundswell of support from other Western countries. Over the years Wilde, Lange, Marshall and Palmer sought support from their international colleagues. Feedback was predominantly negative, and although individual politicians such as the Swedes, Maj Britt
Theorin and Stig Gustafsson, and Australian Jo Vallentine were personally supportive, they were unable to convince their governments to co-sponsor with A/NZ.

Members of Parliamentarians for Global Action (PGA) were the primary supporters. In late 1991 their membership totalled 648 MPs in 62 national legislatures, plus the European Parliament. During the 1980s and early 1990s PGA’s Secretary-Generals were New Zealanders: Nick Dunlop and Kennedy Graham. Dewes briefed Dunlop during UNSSOD III when she and Graham were members of the A/NZ delegation. Graham was also supportive, but reluctant to promote it openly within the organisation when he became Secretary-General in 1989. PGA’s Executive was fairly conservative, and when he tried to convince them to adopt the WCP, they declined citing ‘limited resources’, an overloaded programme of action and its promotion by other organisations. However Graham published articles by Vallentine and Gustafsson in PGA’s newsletter and sought contributions from Falk and St John. [35] This stirred some debate, and Wilde and Australian John Langmore joined them in seeking PGA’s endorsement, but to no avail. Graham persisted and met IALANA members (including Weeramantry) to explore it further. In 1991 he publicly expounded its virtues:

...the odium which a widely accepted declaration of illegality would entail, would be likely to quarantine the nuclear cancer, making it clear that nuclear weapons were extraneous to the Charter and collective security, and strengthening the political impetus toward nuclear disarmament. [36]

Although PGA declined formal endorsement, individual members asked Parliamentary questions and lobbied their governments. In 1993 the A/NZ and Australian affiliates, comprising both conservative and liberal members, unanimously endorsed the project. Later their lobbying helped pressure both governments to argue positively in the ICJ.

8.3 United Nations 1991

In June 1990, Evans asked Palmer to appoint Lange to deliver A/NZ’s UNGA speech so he could sound out support amongst other delegations.
When this was declined, Dewes sought guidance from former Indian UN Ambassador and Assistant UN Secretary-General Rikhi Jaipal. His assessment of the positions of the ICJ judges was: ‘...the majority were opposed to the use of nuclear weapons’ and, following the end of the Cold War even those with a loyalty to NATO would ‘have to rethink and take a non-partisan position’. He detailed how Russia and China had voted with 124 countries in favour of the non-use of nuclear weapons while only 17 Western powers voted against. He outlined the NAM’s position:

Curiously enough, this vast majority is not enthusiastic about a reference to the ICJ, because they feel their stand is perfectly in conformity with general principles of international law, and if the others have doubt, it is they who should refer to the ICJ for an advisory opinion. Any reference to the ICJ should specifically draw attention to the various resolutions of the GA, as representing the views of the majority of States and the majority of mankind. [37]

His encouragement spurred further guidance from UN diplomats in New York and Geneva.

**New York**

Another New Zealander who had a dramatic effect on the WCP was Alyn Ware - a young kindergarten teacher, peace educator and activist (see 11.2). In 1988 he had toured the US familiarising himself with the peace movement, sharing campaign strategies and working as a researcher with the World Federalists (WAWF) in New York. He monitored UN voting patterns on disarmament and lobbied the ANZ government. For three months before and during the 1991 Gulf War, he was the Gulf Peace Team’s New York representative, meeting UN diplomats to explore nonviolent solutions.

He took copies of the WCP papers to New York in 1991, based himself at the WAWF office, and arranged meetings with PGA and LCNP. Graham suggested sympathetic UN missions to approach and within ten days, Ware arranged meetings with diplomats from Austria, Colombia, Costa Rica, Mexico, Solomon Islands and Sweden. Fortuitously, his first meeting was with Costa Rican Rodolfo Pisa, whose doctoral thesis was on ICJ advisory
opinions. He immediately suggested amendments to the Evans draft UN resolution, and sent it to his government to consider co-sponsorship with others. Colombia, Mexico and the Solomon Islands also expressed interest. Sweden and Austria were more cautious, wanting an indication that an ICJ opinion would be positive and strong.

Mendlovitz confirmed that LCNP had been dissuaded earlier on by the Indians from venturing further with the WCP idea. However, a veteran UN disarmament expert, William Epstein, was convinced that there were sufficient votes, but warned that it would take a lot of work. Ware continued working with interested UN Missions on his return home. With hindsight, Ware’s success was the catalyst that empowered some international organisations to prioritise the project. Filled with hope and excitement that there were a few interested governments, the original protagonists redoubled their efforts. Weeramantry’s ICJ appointment and the end of the Cold War were also fortuitous. However, the momentum needed to be sustained by building support at grassroots and amongst governments.

Evans and St John renewed their efforts to convince IALANA to put resources into the WCP. Briant asked Erich Geiringer of IPPNW(NZ) to draft another resolution for IPPNW’s 1991 Congress in Sweden. Dewes corresponded with diplomats and politicians overseas, and sought the formal endorsement of many significant international organisations such as Greenpeace, World Disarmament Campaign, World Peace Council, PGA, WILPF and Nuclear Free and Independent Pacific (NFIP). She renewed contact with Hilda Lini and explored the possibility of Vanuatu becoming a co-sponsor.

Ware’s success spurred action amongst A/NZ’s Opposition parliamentarians. Deputy Leader of the Labour Party, Helen Clark, contacted Swedish colleagues during the Inter-Parliamentary Union Conference, and Fran Wilde promoted it within PGA. Sonja Davies alerted her extensive network of Eastern European groups, while Lange approached sympathetic world leaders. Vallentine asked St John to
address the Australian PGA branch, and Lini gathered support within the South Pacific.

Jaipal advised introducing a UN resolution in 1992 or 1993, and suggested approaching 'the Philippines, Japan, Malaysia, Bangladesh, Iran, Egypt, Nigeria, Tanzania, Zimbabwe, Austria, Finland and Sweden'. These countries might be convinced to sponsor because of the pressure of world public opinion, as expressed by many important NGOs:

The NGOs might therefore present to all UN members a carefully drafted memorandum on the illegality of the use of nuclear arms requesting them to seek the advisory opinion of the ICJ, since the nuclear weapon States hold the contrary view. The draft resolution should have the NGO memo attached to it and seek the ICJ's opinion on: 'Is the use of nuclear weapons allowed by international law?' [38]

Geneva

With the election of a conservative government in A/NZ in October 1990, WCP advocates turned their energies to convincing other governments. They arranged personal meetings with decision makers because it was more effective than written communication. Emulating Ware, and using Jaipal's guidance, Dewes visited diplomats and citizen groups in Geneva in June 1991. Letters of introduction from Lange and Wilde facilitated high-level meetings. Based at the IPB office, she sought meetings with 30 Missions and succeeded with seven: India, Indonesia, Mexico, Nigeria, Pakistan, Sri Lanka and Zimbabwe. Archer clinched IPB's support by co-signing the letters to Missions, referring to MacBride's work and attending some of the meetings.

As in New York, the response was very encouraging, and diplomats outlined strategies for the movement's success. Support for the initiative was unanimous because it was seen as non-discriminatory (unlike the NPT); supportive of the UN Decade of International Law; complemented nuclear free zone (NFZ) efforts within Africa, the Middle East and Asia; and would help secure India's resolution on a Convention on the Prohibition of Use of Nuclear Weapons. They advised that at least 50 states, including
some neutral ones, would be needed as co-sponsors to withstand the severe pressure from the nuclear weapon states (NWS). [39] They were all NAM leaders, and their guidance and support were critical in securing NAM's endorsement and eventual success in the UN.

Buoyed by the unanimity of these responses, Archer explored the IPB's future role. 1992 was IPB's Centenary, the illegality pamphlet was still unfinished and the MacBride Lawyers' Appeal had languished on the sidelines. He boldly proposed an international WCP launch with IALANA, IPPNW and others in Geneva in May 1992 in conjunction with the Centenary and a handover of MacBride's Appeal to the UN.

8.4 Other Groups
Following the Geneva meetings, Dewes planned future strategies with Mothersson in Scotland in July 1991. They agreed to amend the project's name to the World Court Project. Dewes addressed meetings in Bradford, and in London met with CND, Quakers, World Disarmament Campaign, World Peace Council, INLAP, Greenpeace International, WILPF and the National Peace Council. She also briefed Lord Hugh Jenkins (House of Lords) and other sympathetic Labour politicians. Mothersson and Dewes spoke with a gathering of INLAP, CND, MEDACT (Medical Action), IPB and WILPF members. In October this group became the WCP(UK) group and elected retired Royal Navy Commander Robert Green as Chair. Soon after, its Secretary George Farebrother launched the international campaign for the collection of 'Declarations of Public Conscience' (DPCs).

WCP(UK) coordinated the activities with other interested British groups. Mothersson consolidated existing support and implemented his plan for activating a wider international network. His strategy was adopted where there was already WCP interest such as A/NZ, Canada, and Australia. He envisaged groups empowered by everyone everywhere helping to 'push the snowball, rather than a distinct entity such as WCP(UK) doing the work for everyone else'. [40]
8.5 WCP Co-Sponsors

While this strategy mobilised groups at a national level, there was an urgent need for an international coordinating committee. Archer approached IPPNW and IALANA as likely co-sponsors, and Dewes sounded out WILPF and the World Peace Council (WPC). WILPF had endorsed the WCP after A/NZ President and Maori elder Pauline Tangiora presented a resolution to their Congress in July. WPC, led by another New Zealander Ray Stewart, promoted the WCP through their newsletter and contributed to Mothersson's ongoing networking costs. Stewart spoke to high-level politicians and organisations especially in Eastern countries. [41] WILPF did not become a co-sponsor, but participated at the WCP launch.

In the meantime, Briant and Geiringer presented their WCP resolution to the 1991 IPPNW Congress. Pursuant to the 1988 resolution, it asked IPPNW's International Council to take 'urgent steps to join with other appropriate organisations to challenge the legality of nuclear weapons', to support the WCP and 'to encourage and aid affiliates of IPPNW to enlist public and official support in their own countries for this most important move'. [42] Briant distributed WCP packs to several delegations. Gustafsson called for closer cooperation between IPPNW and IALANA and promised to activate IALANA and PGA. Theorin confirmed that Sweden would not initiate action, because of fears that it could be counterproductive. [43]

Briant joined Dewes in London to lobby the World Disarmament Campaign, and later worked closely with Geiringer exploring IPPNW's future role.[44] Geiringer began compiling a comprehensive data base of supporters with others and wrote position papers on the scope of the UN question. By the end of 1991 he had researched the Mothersson/Jaipal suggestions of using the World Health Organisation (WHO), Economic and Social Council (ECOSOC) and other bodies to request an advisory opinion. His strategy papers were distributed among the growing international core group for discussion and action. [45] They were:
... an effort by the NZ Branch of IPPNW to slot itself into this process and make a contribution to a reliably functioning exchange of information and opinion among all groups working towards an approach to the ICJ. The first task is to rationalise and unify this network to prevent the growth of a Tower of Babel. [46]

Throughout 1991, IPPNW(NZ) tried to convince IPPNW Central Office in Boston (US) to allocate resources to the WCP and to help find governments to take the case to the WHO in May 1992. Ware explored the idea with the NZ branch of the United Nations Children's Fund (UNICEF) and gained their endorsement. It was referred to UNICEF's New York Headquarters which indicated sympathy and confirmed there were sufficient arguments in the Convention of the Rights of the Child to condemn nuclear weapons. But it could not indefinitely stretch its time and energy and diversify its focus. Ware continued to pursue this option, lobbying UNICEF's Executive in New York in June 1992. [47]

By the end of 1991, other significant international organisations had endorsed the WCP including the Global Anti-Nuclear Alliance, ISMUN (Youth section of UNA), Nuclear Free and Independent Pacific, Greenpeace and the International Nuclear Free Zone Movement. Most NGOs visited in the UK in 1991 endorsed, along with the Canadian World Federalists, and the NZ and Australian branches of the International Commission of Jurists. The DPCs were translated into 40 different languages and sent out worldwide. Gorbachev, Tutu, Caldicott, Lange and others signed a growing list of prominent individual supporters (Appendix III).

Despite IPB's proposal for an international WCP launch in May 1992, there was still no agreement amongst the key international organisations as to how the network would be organised; who would lobby the UN member states; the scope of the resolution; and which UN agency to approach.

Spurred on by their NZ, Malaysian and German affiliates, IPPNW International began to take action early in 1992. IALANA was also encouraged by the growing international support to act on its 1989
resolution. Its October 1991 Assembly in Moscow, cancelled at the last minute due to the political unrest and subsequent dissolution of the USSR, was rescheduled in Amsterdam in January 1992. Key activists organised for a WCP strategy day following the conference. Archer met LCNP/IALANA and PGA contacts in New York, and Mothersson began drafting an IPB handbook on the WCP. He and Archer joined 39 delegates from 16 countries as INLAP and IPB observers, but no IPPNW representative attended. The IALANA Executive decided to concentrate on specific projects rather than organising a large international congress each year, and gave the WCP priority, agreeing to co-sponsor a public launch with IPB in May 1992.

Fourteen people attended the WCP strategy meeting. IALANA believed that Mothersson's 'handbook', while suitable for motivating the grassroots, was not appropriate for diplomats, governments and journalists and asked UK lawyer Nicholas Grief to write a brief, more academic version for these audiences. Final decisions about whether to pursue other UN organs besides the UNGA were left until the May meeting. After protracted debate, a clear majority voted to make 'threat' and 'use' the core of the UNGA question. This was strongly promoted by Saul Mendlovitz, but opposed by Geiringer who argued for 'use' only for the WHO question. Mendlovitz reported that the Chilean and Zimbabwe missions were willing to give some support for New York lobbying. He agreed to find some young volunteers, and that LCNP would investigate support within the UN committees on disarmament and international law. Evans and Mendlovitz agreed to explore funding to get Ware, or an American, to start UN lobbying within the next four months. [48]

Following the meeting, Archer took primary responsibility for organising the Geneva launch. The Secretary General of the Conference on Disarmament (CD) agreed to receive the MacBride Appeal. The UN Archives Department offered to mount a historical exhibition of IPB's work for display outside the UN Library and published brochures and posters advertising it. [49] Zimbabwe's Foreign Minister Shamuyarira agreed to open the event,
and efforts were made to ensure geographical and gender representation amongst the speakers. IALANA's membership was predominantly male and European, so it was vital to secure women speakers, preferably from non-European countries.

Concerted efforts were made by IPB, IALANA and the NZ and German IPPNW affiliates to convince IPPNW International to co-sponsor, and in early February they agreed. Although there was still no consensus about which route should be pursued, IPPNW asked Swedish doctor Ann Marie Janson, IPPNW's WHO liaison officer since the mid-eighties, to research the WHO option. [50]

By March, there was still no funding for a UN lobbyist, so Ware offered to work voluntarily for four months. Mendlovitz needed convincing, and told Ware that LCNP was not intending to approach Missions unless they were sure they would be congenial to the project. He suggested Ware should concentrate on building up support amongst citizens. Undeterred, Ware reiterated his willingness to focus on strengthening the international citizen network while lobbying both the UNGA and UNICEF, and asked only for a computer and some office space. [51] Ironically, Geiringer advised against Ware because he was too 'counter-culture', but Mendlovitz warmed to this trait and accepted his offer. [52] The New Zealanders then raised funds for their young lobbyist.

Back in A/NZ Geiringer, Ware and Dewes explored the UNICEF and WHO options further. They proposed parallel WCP launches in other countries, and began compiling a list of A/NZ prominent endorsers. By May 1992 they had 90 names including judges, nine Mayors, Anglican and Catholic Bishops, Maori elders, two former Prime Ministers, a former Governor-General and other community leaders (Appendix II).

Although Evans had been forced during 1990 to withdraw as the primary advocate due to failing eyesight and hearing, he remained active and vigilant. He and St John were adamant that the route to the ICJ should be
settled before the launch. In the event, the decision was taken out of their hands when, in March, the Colombian Health Minister agreed to sponsor a resolution at the 1992 WHA.

8.6 WCP International Launch

As over 100 delegates from 32 countries gathered in Geneva in May 1992 for the WCP launch, delegations from 14 countries were presenting their first resolution at the World Health Assembly (WHA) (see Chapter 9). There was an air of anticipation as this parallel meeting reached its climax during the first day of the conference. A representative for the Zimbabwe Foreign Minister opened it by giving his strong support. Other speakers included Archer, Bhagwati, Boanas (Dewes), Briant, Elworthy, Falk, Gustafsson, Mendlovitz, Weiss, and *hibakusha* (Japanese atomic bomb victims). They covered a wide range of topics including the illegality of nuclear weapons; the dangers of low-level radiation; working with governments; and the mobilisation of civil society. The IALANA Legal Memorandum and the IPB handbook for activists were launched,[53] and parallel gatherings were held in Finland and India.

A campaign plan was agreed, organisational structure established, and an International Steering Committee (ISC) appointed comprising Archer (IPB), Christ (IPPNW), Straeter (IALANA), Mendlovitz (LCNP), Green (UK), Dewes and Ware. It was agreed that it was a priority to encourage the NAM to submit a resolution including both 'use' and 'threat of use' to the 1993 UNGA, in parallel with a second approach to the WHA on the use of nuclear weapons, in view of the health and environmental effects. The first WHA attempt in 1992 failed, due to lack of preparation time and support (see 9.4). The IPB agreed to coordinate the citizen mobilisation, IALANA focused on preparing the legal arguments and lobbying at the UN, while IPPNW mobilised support for the 1993 WHA initiative. [54] All affiliated groups pledged to help with fundraising and building support within their countries/regions.
While in Geneva, Ware and Dewes followed up with some of the Missions they had visited in 1991 including India, Indonesia, Ireland, Pakistan and Peru. They were strongly encouraged by the Irish diplomat to seek support directly from the Irish government in Dublin. Ware worked from IPB's office for a few weeks, helping to produce a WCP brochure with a sample DPC and a list of prominent endorsing individuals and groups.

8.7 Conclusions
With the death of MacBride, it was left to Evans and others to pursue the WCP. IPPNW was the first international NGO to pass a resolution in support followed by UK NGOs. Evans' visit to Europe in late 1989 was crucial in enlisting the support of IPB and IALANA. While IALANA was preoccupied with its own establishment, Mothersson crafted a strategy for mobilising an international network of citizen groups using the DPCs. IPB enabled him to promulgate this globally through his WCP guide From Hiroshima to the Hague and brochures to international affiliates.

Meanwhile, other governments and groups were raising awareness about the legal aspects of nuclearism. These included the WAWF/NAM's championing of the UN Decade of International law, the Canadian domestic legal challenge and A/NZ's nuclear free legislation. The Malaysian IPPNW affiliate effectively used the 1989 CHOGM to raise the issue with over 50 Prime Ministers. The A/NZ activists sustained pressure on their government and helped raise the issue globally through parliamentarians.

1991 saw the first serious, coordinated face-to-face lobbying of UN Missions in New York and Geneva, which immediately bore fruit. Dewes' visit to UK led to the formation of the first formal national WCP network in a key Western NWS. This helped generate momentum for an international launch, with recruitment of the three leading co-sponsoring NGOs in an unprecedented coalition. The Geneva launch provided the vehicle for coordination of the disparate threads in the growing movement. The IPB Centenary highlighted MacBride's pioneering role, and gave a focus for the
co-sponsoring NGOs to use their different strengths in a collective coordinated action. In his closing conference remarks, Peter Weiss reflected the sense of empowerment and unity:

The IPB has been lighting a candle in the darkness for 100 years. Now the lawyers, the doctors and the candle-makers are on their way together to the Hague. [55]

The core elements of a successful campaign were there: research, education, mobilising public opinion, use of the media and political action. The tools were being developed to facilitate the process - books, brochures, DPCs, lists of endorsers, draft resolution and electronic mail. The strategy was clear; and a growing number of people felt positive enough about its likely outcome to devote their time and resources to make it happen. For the first time for many years, the international peace movement had a common campaign where many strands of the movement could play an active role. The little actions taken by 'We, the peoples' at local and national levels began to focus on the various parts of the UN: the WHO, UNGA and the ICJ.

There was a sense of urgency that, with the end of the Cold War and the growing interest in the idea amongst various countries, the momentum must not be lost. The WCP was of limited duration, it had a clearly defined goal and, with concerted, coordinated activity it had a real chance of success. The three co-sponsoring organisations had specific, achievable tasks; and the multitude of supporting groups could initiate whatever actions they deemed appropriate, such as gathering signatures and lobbying governments within their region. There was a growing sense that, by working closely together, everyone could 'mobilise a snowball big enough to extinguish the nuclear fireball forever'. [56]
Footnotes.

[8] Email from Boyle to Dewes, 16 September 1998.
[14] Letter from Professor Weeramantry to Tilman Ruff, 4 April 1989.
[26] Letter from Willemijn Straeter to Dewes, 4 May 1996.
[27] Falk interview, op.cit.
[28] Letter from Colin Archer to Evans, 2 October 1990.
[29] Letter from Peter Brown to Evans, 13 April 1989.
[31] Letter from Evans to Prime Ministers of Jamaica, Trinidad, Guyana, Sri Lanka, Malaysia and Vanuatu, 28 November 1996.
[33] Letter from Evans to Jeremy Pope, 2 April 1990.
[37] Letters from Dewes to Jaipal, 2 September and 14 October 1990, and Jaipal to Dewes, 13 September 1990.
[38] Letter from Jaipal to Dewes, 18 May 1991.


[51] Fax from Mendlovitz to Alyn Ware, 20 April 1992 and Ware to Mendlovitz, 23 April 1992.


PART III

WORLD COURT PROJECT
PROGRESS IN THE UN
1992-1996

With all my heart, I believe that the world's present system of sovereign nations can only lead to barbarism, war and inhumanity, and that only world law can assure progress towards a civilised peaceful community.

Albert Einstein
CHAPTER 9

APPROACHES TO THE WORLD HEALTH ORGANISATION

AN ADVISORY OPINION

IF IT'S YOUR HEALTH YOU'RE CONCERNED ABOUT, I'D ADVISE YOU TO DROP IT.

WORLD HEALTH ASSEMBLY

DRAFT RESOLUTION CRIMINALIZE NUCES

Nick Thorkelson
CHAPTER 9

APPROACHES TO THE WORLD HEALTH ORGANISATION

The path which led to the water hole was narrow with a steep rock face on either side and one day the elephant sat down in the middle and would not budge. He faced the on-coming traffic of cattle, dogs, horses and hyenas with disdainful equanimity. A roar, a blast of the trumpet or a nudge with the tusks and they backed off smartly.

Then the Woolly-Haired Ox (WHO) remembered something. He went to the mouse hole and called: 'Little mouse, little mouse (*ICJ), could you please tell the elephant to get out of the road?' - 'Moi?' asked the little mouse, 'He'll never listen to little me'. However, as soon as Jumbo saw mousie he let out a yell and trotted off in haste.

(* 'Little mouse' = Itsy-bitsy Curly-tailed Jay-mouse = ICJ) Geiringer [1]

9.1 Introduction

The World Health Organisation (WHO) formed in 1948 after three physicians from Brazil, China and Norway met in 1945 to discuss how they could promote and maintain peace. During the 1960s it passed various disarmament resolutions about the effects of radiation, especially in relation to nuclear testing, and called for states to accede to the 1925 Geneva Protocol against gas and germ warfare. In 1970 the WHO called upon 'all medical associations and all medical workers to consider it their moral and professional duty to give every possible assistance to the international movement directed towards the complete prohibition of chemical and bacteriological means of waging war'. [2]

Its first real foray into the nuclear issue came just before the 1973 ICJ nuclear test case, when Australia attracted 20 co-sponsors for a resolution banning atmospheric testing. This was then used as supporting evidence during the ICJ hearings.[3]
In 1981 the WHO, in response to a resolution on the issue, appointed an Expert Committee on Nuclear War (WHOPAX) which was chaired by Swedish Nobel Laureate Professor Bergstrom, to write a report. [4] It was presented to the 1983 World Health Assembly (WHA) (the annual meeting of members of the WHO), and another resolution was adopted which declared that '...nuclear weapons constitute the greatest immediate threat to the health and welfare of mankind' and 'prevention is the only answer to the risk of nuclear war'. [5]

Immediately following the establishment of IPPNW in 1981, their Co-President Bernard Lown met WHO's Director-General and other officials to explore how the two organisations could work together. At first the WHO was reluctant, but agreed in 1985 to grant IPPNW official NGO status, and in 1986 Swedish doctor Ann Marie Janson was appointed as IPPNW's WHO Liaison Officer.

In 1992, IPPNW began to pursue an ICJ advisory opinion case via the WHO, working assiduously for 14 months to convince WHO members to support it. They succeeded in May 1993, despite intense opposition from Western nuclear weapon states. This chapter profiles three key individuals behind the initiative and the strategies they adopted, and the co-sponsoring countries. It analyses the voting patterns at both Assemblies, and explains why the campaign succeeded.

9.2 Erich Geiringer

Erich Geiringer was the primary instigator and one of the key strategists behind this particular initiative. He built on the groundwork of MacBride, Evans and others, and worked closely with Ann Marie Janson from Sweden to convince IPPNW Central Office to spearhead the campaign. This section covers his background, personality traits and relationship with IPPNW. It documents his role in helping to weave together the often disconnected strands of the peace movement, health professionals, politicians, diplomats.
and WHO officials. It analyses how this initiative prepared the ground for, and strengthened, the UNGA resolution.

Born into a poor Jewish family in Vienna in 1917, Geiringer watched his war-wounded father suffer a premature death. Surrounded by socialist intellectual discussions held in his father's cafe, he developed a penchant for political activism often directed at the conservative establishment. In 1938 when his medical studies were interrupted by the Nazis, he fled to England, working as a laboratory assistant and science teacher. When war broke out he was interned for six months.

On his release he studied medicine in Edinburgh, where he won a scholarship. He then worked as a research registrar in Glasgow, went to Boston as a Fulbright Scholar and then London as a Registrar. He published widely on medical and sociomedical studies, and in 1959 was appointed senior research fellow at A/NZ's only Medical School in Dunedin. He launched into politics on a range of issues including: underfunding of hospital doctors and medical research; lack of another medical school; merits of marijuana; measles vaccinations; and antiquated abortion laws. The establishment was affronted by his 'antics' and his distinctive bearded appearance:

He wore the blackest of black capes on his shoulders, his eyes protruded like great, watchful eggs, his long nose threatened and from its sides sardonic drag lines swept down his cheeks. [6]

After five years his post was abolished and he was refused membership of the British Medical Association's (BMA) NZ branch. Undaunted, he moved into private practice in Wellington where he married Dr Carol Shand, the daughter of the Minister of Labour. They infuriated the BMA by founding the NZ Medical Association and publishing a rival journal. In its heyday it had 800 of the 4,000 doctors as members.

Various journalists described him as:

... a man of boundless energy and boundless wit, a walking encyclopaedia, rambunctious, equipped with a highly-refined ability
to prune issues to fundamentals, he was utterly without small talk, never at a loss for a reply... unshakeably unselfconscious and unembarrassable; one of the most exasperating, dogmatic, rude, unmannerly, boisterous, entertaining, kind, endearing and dumbfoundingly wise men ever to walk the earth; ferociously intelligent, formidably erudite ... he had the ability to position an argument with the precision of an acupuncturist's needle, then drive it home exactly, like a meat axe cleaving bone. [7]

He described himself as intellectually arrogant; not a showman nor respectable; not urbane; radical rather than liberal. He felt he had to be outspoken or rude to say what had to be said; and he revelled in the reaction. He went to the root of a problem and sought fundamental solutions:

I'm not often wrong in analysing sociological issues. I am trained for that task - I've been doing it almost from the moment I started to think. It's an addiction to go on and on throwing these ideas around. Experience and constant practice means I am usually spot on. I get this Judaeo-Christian feeling that it is also my duty to communicate the thoughts. [8]

IPPNW(NZ) was formed in 1982 and both Geiringer and Shand joined soon after. Geiringer strongly advocated building the membership to a quarter of all doctors, so government would take notice. The eventual elimination of nuclear weapons was his paramount goal. [9] In 1983, he tackled the Ministry of Foreign Affairs on their negative votes on nuclear weapon issues during the 1981 and 1983 WHAs. He demanded an explanation of vote on the resolution's operative paragraph that the WHA:

... in cooperation with other UN agencies, continue the work of collecting, analysing and regularly publishing accounts of activities and further studies on the effects of nuclear war on health and health services. [10]

The Ministry explained that the WHO should not devote time and resources to a political issue that is properly the responsibility of other UN bodies. A decade later similar reasons were given when the government abstained on the WHA advisory opinion resolution.

anti-nuclear primer for activists, in which he colourfully exposed the myths of nuclear deterrence, critiqued A/NZ’s UN voting, promoted the anti-nuclear law, analysed the anti-nuclear movement and offered strategies for its future success. Drawing on Falk’s 1984 reference to the advisory opinion, Geiringer suggested that ‘the proper proceeding would be for the UN jointly or separately to approach the ICJ for a ruling on the legality of the use of nukes’. [12]

He implored the movement to use the law:

The law is the mantle of authority. Take it away and all that remains is stark prejudice and naked power - ridiculous, disgusting, perhaps frightening but not imposing. Without the pretence of legality, authority feels vulnerable, deprived of its trump card, made equal to anyone who cares to challenge it, unable to command loyalty. [13]

If nothing else, a sustained campaign to outlaw nuclear activities would arouse righteous indignation, too often eliminated from the rational arguments of the anti-nuclear movement. We need it. It is the natural antidote to fear. [14]

Aware of the importance of developing a strong public and political force to enable the formation of viable anti-nuclear alliances between states, he called for closer international alliances within the movement. He suggested interchanges of people and information, and popular support for initiatives in other countries. [15] In a rousing finale, he exhorted activists to work together:

We are peaceful and uncompromising. We are an international political movement involved in a power struggle against the two most powerful regimes in history. We regard the governments of Russia and America and their military machines as the enemies of mankind. We know that to save mankind we, that is our ideas, must take over these governments. Nor are we the enemies of the Russian or American people. We are the Russian and American people. Until further notice, the anti-nuclear movement is the only legitimate representative of mankind. [16]
9.3 IPPNW

By the mid 1980s, IPPNW(NZ) had attained its membership target and was a strong political force. Robin Briant and Ian Prior were the leading WCP advocates and, although they gained IPPNW's endorsement for the Evans' initiative in 1988, they felt that neither the International Executive nor the US Co-President really supported it. Affiliates were left to sound out their governments and educate members. So it was not surprising that, besides advocating A/NZ leadership within PACDAC (Briant was a member), IPPNW(NZ) did little to further the idea until after Ware's New York success when Geiringer 'got the bit between his teeth and began preparing papers and resolutions' for IPPNW's 1991 Congress in Sweden. The A/NZ delegation argued strongly that the proposal needed funding and serious support from the international office. [17] Geiringer 'banged the table', and with characteristic expletives shocked the hierarchy into action.[18] Despite unanimous endorsement, it took another eight months of Geiringer's tirades before IPPNW joined IALANA and IPB as co-sponsors.

On his return from Sweden, Geiringer asked Evans if IPPNW could join in a common enterprise and what their contribution might be.[19] With research assistance and financial support from IPPNW(NZ), he compiled a data base of supporters, researched the scope of the resolutions, the ICJ and relevant UN agencies. Both Mothersson and Jaipal had recommended using the WHO with reference to its 1983 Report of the International Committee of Experts in Medical Sciences and Public Health on Nuclear War. [20] Under Article 76 of the WHO's Constitution and Article 92 of the UN Charter, the WHO is entitled to request an ICJ advisory opinion on any issue falling within the WHO's competence. [21] In fact, the WHA requested an advisory opinion on the interpretation of the 1951 Agreement between the WHO and Egypt in 1980. [22]

At the end of 1991, Geiringer distributed two papers amongst the growing WCP network arguing the advantages of using a specialised UN agency
such as the WHO, and confining the question to ‘use’. He feared that once the resolution was out of NGO hands and ‘thrown to the wolves’, either the wrong question might go to the ICJ or there might be ‘so many questions that the main determination ends up as a gnawed bone under the table of a lawyer’s banquet’. He warned that behind-the-scenes negotiations could take months, and by then ‘a number of missions would have changed their personnel, their mind, or their masters and the whole process would start all over again’. The UNGA attempt would need a well-coordinated international effort with efficient information flow, properly funded and staffed New York offices, and professionally presented legal arguments - otherwise it would be like ‘holding a bag of fleas together’ and could fail.

He favoured using UN specialised agencies because there were smaller numbers of countries/people to convince; they were less easily moved by extraneous political considerations, and allowed greater influence by relevant NGOs. After toying with parallel approaches via the UN Secretary-General, ECOSOC and the International Law Commission, he concluded that IPPNW would find lobbying the WHO infinitely easier than the UNGA. He encouraged pursuit of both approaches simultaneously until one appeared more likely to bear fruit. [23]

Most of the key protagonists agreed: so Geiringer tried to convince IPPNW to aim for the 1992 WHA. He reiterated IPPNW’s earlier commitment to fund the necessary costs, and encouraged affiliates to organise appropriate campaigns. Debate continued over the scope of the question. Mothersson, Archer, Evans and St John preferred ‘use’, while Mendlovitz and Weiss wanted ‘threat’ included - at least for the UNGA question. The World Disarmament Campaign (UK) wanted only ‘testing’, then ‘first-use’, and planned to employ a ‘high-powered’ lawyer to begin lobbying in New York. There were fears that their priorities could dominate, thereby undermining the efforts of the other international organisations. [24] At the January 1992 Amsterdam meeting, IALANA and IPB agreed to combine ‘use and threat’ for the UNGA question.
In early February, IPPNW International was still reluctant to attempt an early approach to the WHO. Geiringer had alienated most of the Board of Directors during exchanges at their Executive Committee meeting and so he began to woo Michael Christ (IPPNW’s young Programme Director) and Ann Marie Janson. [25] Her WHO experience and her IPPNW credentials combined with her relationships with WHO delegates and officials would be a vital asset.

Geiringer argued that although a 1992 attempt was unlikely to succeed it would preserve momentum; provide valuable insights into attitudes of delegations and tactics of the opposition; and help generate publicity throughout the world and within the UN agencies. He worked closely with Christ, Janson and A/NZ’s former Director-General of Health George Salmond exploring support within the Mexican, Swedish, Pacific Island and Australian WHA delegations. Stressing the urgency of the task, Geiringer noted that six weeks’ notice was required for proposals to create supplementary agenda items. The A/NZ group drafted sample resolutions with plausible questions linked to the WHO constitution. He pressed the IPPNW Central Office for an immediate response. Within days IPPNW, after conferring with IALANA’s New York members, agreed to become a WCP co-sponsor. On 13 February Christ confirmed the decision, but advised there was no decision on which UN organ to pursue. [26]

Within a week, Geiringer reported on initial affiliate responses and set guidelines for future communication. Indications of active support had come from California, Canada, Germany, Hawaii, Malaysia and the UK. The Central Office alerted its International Council members and included a WCP update in their newsletter. While they kept affiliates informed, Geiringer compiled a dossier on the WHO, and produced a contingency paper on strategies and a detailed study of the history of previous ICJ referrals for advisory opinions. IPPNW (NZ) offered to act as the ‘clearing house’ for questions and material about the campaign. Central Office staff became IPPNW’s WCP directors, with the A/NZ affiliate as coordinators. [27]
Geiringer assured IPB that the diversity of routes might act as an insurance. In early March, IPPNW (NZ) alerted affiliates to an attempted resolution during the May 1992 WHA. Geiringer asked members to attend the WCP launch, research the attitudes of their government’s WHA delegates and appoint a liaison person. [28]

Why was IPPNW so reluctant to pursue the 1988 resolution? What was the relationship like between Geiringer and IPPNW International? Michael Christ cites the perennial problem of too many resolutions presented to IPPNW Congresses. Central Office had limited time and resources to research how this particular idea could be implemented. Following the 1991 Congress, they began exploring with Geiringer how the resolution could be implemented. They maintained an understandable scepticism about the practicalities and risks of committing IPPNW to such a massive effort and, like IALANA, needed assurance of its success before proceeding (e.g. the draft six-month budget for travel and communications - excluding salaries - for the 1993 WHA resolution was nearly US$35,000). [29]

The WCP’s Geneva launch was the stimulus for IPPNW’s involvement. Once IALANA and IPB had made a commitment, they also wanted to co-sponsor and Christ was appointed to the WCP International Steering Committee (ISC). He returned from Geneva energised, inspired and keen to see it succeed in both the WHA and UNGA. Christ credits Geiringer with providing the intellectual basis for IPPNW to honour its 1991 resolution. They developed a very close working relationship, which was vital to the WCP’s success:

We needed his intelligence and natural connection to the roots of the whole project and he certainly needed us as the international organisation in order to mobilise affiliates and resources. He would constantly feed us new ideas, new tactics and new strategies’. [30]

Although the relationship was not always easy, IPPNW’s obituary to Geiringer in 1995 reflects the high esteem in which he was held. Described as: ‘forthright to a fault, he was never one to “whisper in the presence of wrong”’. 198
With his characteristic irony and wry smile he would often explain how his generation, which witnessed the horror of August 6 1945, was gradually dying off. With his perception, he helped instill a sense of urgency about the challenge facing us. Those of us who were fortunate enough to work with Dr Geiringer were impressed with his clarity of thought, analytical abilities, strategic mind, and complete devotion to the cause of a nuclear free world. An incorrigible and aggressive spirit, IPPNW holds the greatest respect for his valuable contributions to our work. [31]

9.4 World Health Assembly 1992

Preparation
IPPNW’s first priority was to find a government to lead the co-sponsorship of the resolution. Fortuitously, a senior member of the Colombian affiliate and a former Health Minister visited the Central Office in March 1992. He immediately phoned his Health Minister asking for action. On 21 March, the Minister faxed the WHO stating Colombia’s intention to ‘include in the agenda, for discussion purpose and as a supplementary item, that the use of nuclear weapons be declared illegal under international law’. However, the communique made no mention of the ICJ or an advisory opinion. A copy was also sent to WHO Director-General Nakajima. In his address to IPPNW’s 1991 Congress, he had pledged his ‘continuing support for the work of IPPNW and its goal of eliminating the dangers of nuclear war’. [32]

From 28 March-10 April 1992, the US and Russian IPPNW Co-Presidents led a high-level delegation to the four former Soviet republics that possessed nuclear weapons: Russia, Belarus, Ukraine and Kazakhstan. Their primary purpose was to meet political leaders (including Yeltsin) to urge their commitment to the near-abolition of nuclear weapons by the year 2000, a halt to nuclear testing, an end to all new nuclear weapons programmes, and support for the WCP. Belarus agreed to co-sponsor with Colombia. [33]

Frantic lobbying by active affiliates continued, with initial success in Malaysia. By the end of March, the Prime Minister (a personal friend and
physician) had given Ron McCoy (Malaysian affiliate of IPPNW) a verbal assurance that Malaysia's delegation would support the WCP. McCoy briefed them and met the WHO's local representative. The Health Minister confirmed that Cabinet had agreed to Malaysia's support, and that the Foreign Ministry was considering it. McCoy encouraged him to garner support during the Commonwealth Health Ministers' meeting in Geneva prior to the WHA. [34]

With less than six weeks to go, there were no responses from other prioritised countries: Austria, Cook Islands, Czechoslovakia, Hungary, Mexico, Nepal, the Solomons, Sweden and Tonga. Geiringer left for Europe to rally support in the UK, and ensured it was on the European affiliate's agenda. The IPPNW appointed a WHO lobbying team which was led by Janson and included Salmond and Geiringer. Robin Briant and Michael Christ were attending the WCP launch and worked closely with the others who met in Geneva a week beforehand to prepare the ground.

**Ann Marie Janson and George Salmond**

Ann Marie Janson is the Associate Professor in the Department of Neuroscience at the Karolinska Institute in Stockholm. As a medical student she was very active on peace issues from 1979-83 and was the President of the International Federation of Medical Students Associations (IFMSA) from 1983-4. Her knowledge of the WHO came from her experience as a member of the IFMSA Board - the only student organisation with official relations with WHO. She was appointed IPPNW's WHO Liaison Officer in 1986 and later became a member of their Scientific Committee and the Council.

From 1985-87 she was also a member of the Swedish Committee of the International Year of Peace and the Foreign Ministry's Committee on Information Studies and Research on Peace and Disarmament from 1988-90. She attended Pugwash meetings from 1982 onwards and was a member of the Swedish Steering Group from 1984-95. So, her credentials as leader of the WCP lobby team were impeccable. Not only did she have a
wealth of experience of WHO processes but she also had key contacts within her own government and ministry and insights into how decision making happens at national level.

George Salmond was A/NZ's Director General of Health from 1986-91, having been Deputy Director from 1983-85, and the WHO's Technical Adviser in Manila and Geneva from 1976-86. He had attended seven WHAs as a member or leader of the A/NZ delegations. In 1991 he left the Health Department and was asked by IPPNW(NZ) to join the lobbying team. He hesitated, sensing that some of his old and valued friends and colleagues would be uneasy about his advocacy, but felt a duty to proceed: 'WHO's voice must be heard among those seeking a solution to what is perhaps our greatest global health problem'. [35]

During the remaining weeks before the WHA, the expertise of these two people was vital. In 1990 Salmond had led A/NZ's delegation which successfully passed a WHA resolution on smoking. He stressed the need for a professionally presented two page summary of the case to distribute to all delegates. He warned that if the WHO Secretariat and its legal advisers were not 'on board' they would 'de-rail' it: so they briefed them on what would be necessary in terms of resources and action if the resolution passed. [36]

When the team arrived in Geneva, there were a few surprises. [37] Organised opposition to the resolution had started weeks before, led by the US. Some in the WHO Secretariat were already opposed after being alerted by a Malaysian government inquiry. The biggest shock however, came when the Secretariat denied ever receiving Colombia's request for the additional agenda item. Resisting paranoia, Geiringer thought this might be due to misunderstandings or manoeuvres within the Colombian establishment and/or the WHO protocol apparatus. Salmond assumed the Secretariat had instructions to discourage the resolution - they knew about it, but officially disclaimed any knowledge. With hindsight this failure proved
opportune. The 1992 request would have been referred to the General Committee and blocked by the US, sinking without trace.

**Presenting the Resolution**

The team immediately had to secure another co-sponsoring nation and formulate a resolution acceptable to them. A keen young Colombian diplomat, Renato Salazar, began working on a draft with Salmond’s sympathetic contacts in the WHO’s Legal Division. Two days’ notice was required for the presentation of resolutions to allow time for printing, translation and subsequent consideration by Committee A and the Plenary. The resolution was duly registered and attached to Agenda Item 20.1 dealing with the Report of the WHO Commission on Health and Environment. Its presentation was then delayed until the General Committee could debate the most appropriate agenda item under which to consider it. The resolution requested the Director-General:

1. to refer to the Executive Board to study the matter and formulate a request for an advisory opinion from the International Court of Justice on the status in international law of the use of nuclear weapons in view of their serious effects on health and environment;

2. to report back to the 46th Health Assembly. [38]

The team urgently needed other countries besides Belarus to co-sponsor. Malaysia was the next obvious candidate, but Salmond had been alerted to the counter-lobby on his visit to the Philippines. In early April, he met the WHO Regional Director for the Western Pacific Region, Dr Han, who confided that WHO’s Director-General had asked him to talk to the Malaysians and ‘put an end to the nonsense’. When Salmond met Han again on 29 April, Han indicated that the initiative would not go ahead.

On arrival in Geneva, Salmond phoned Malaysia’s Health Minister who confirmed they would not be initiating any action now or in the foreseeable future. Malaysia’s Director-General of Health explained that the Foreign Ministry had received a discouraging response from WHO, and were uncomfortable about Colombia being the only other country known to be
supporting the resolution. A 'heated' meeting with the Cabinet and Prime Minister ensued and the project was dropped. [39]

Salmond then approached his longtime friend and colleague Dr Tapa, Tonga's Health Minister. He was the natural leader of the smaller South Pacific countries, and was held in very high regard as a former Chair of WHO's Executive Board. To Salmond's surprise and delight Tonga became a co-sponsor. Tonga had a history of avoiding involvement in controversial issues, including criticism of nuclear testing, and Tapa was 'usually pretty pragmatic, very careful and fairly conservative'. Reflecting the region's strong anti-nuclear sentiment, he promoted it 'with spirit', encouraging other small states to go along with him; but none joined as co-sponsors. [40]

Zimbabwe's Health Minister was a strong supporter, but could not always be relied on to turn up. Nigeria was equally unreliable: 'They would sweep in one day giving assurances of support and then disappear'. The Health Minister, Ransome Kuti, had a close friendship with Salmond, and he gave his support at some personal cost. Nigeria agreed to co-sponsor, but failed to appear at the final session when someone was desperately needed to speak. This was a great disappointment as he was a real orator and recent Chair of WHO's Executive. [41] Most other African states were supportive, but their primary concerns were the health effects of the economic recession: increasing poverty, malnutrition, deteriorating health infrastructures, AIDS and the resurgence of diseases such as cholera, tuberculosis and malaria. Smaller African states were very dependent on Western aid and therefore anxious not to offend. Zambia is a prime example of the pressure which could be brought to bear on these states. Although its delegation had originally promised support, it eventually voted with the US, UK, France and Italy to defer consideration of the resolution.[42] With Togo, it became the 'fig-leaf of South votes for the nuclear lobby whose move would otherwise have been revealed as a naked Western Power play'. [43] Despite the pressure, six African states co-sponsored: Kenya, Namibia, Nigeria, Senegal, Swaziland and
Zimbabwe. Interestingly, China, Russia, Mozambique, Ethiopia and Cuba were amongst the 15 abstentions.

Central American states were very supportive and, despite US disapproval, five became co-sponsors (Costa Rica, El Salvador, Honduras, Nicaragua, and Panama). Panama's permanent representative to the WHA, Dr Osvaldo Valasquez, was the leader of IPPNW's Panamanian affiliate and was closely involved in disarmament activities in Geneva. IPPNW tried hard to secure Mexico as a co-sponsor because of its very credible history in nuclear disarmament. IPPNW's Mexican affiliate President Dr Manuel Valesco-Suarez had direct contact with the President, but Mexico did not become a co-sponsor, although it did initially sign the draft resolution indicating support. Rumours were rife that Costa Rica had promised the US it would withdraw its signature. Argentina and Brazil responded favourably to IPPNW lobbying, eventually abstaining on the General Committee vote. Colombia was the lone South American co-sponsor.

Credit must go to Janson for her creative lobbying techniques with the Latin American countries and her understanding of the power of personal relationships and peer pressure. When she learned that the Central American Health Ministers were going on a bus trip, she ensured a seat on the bus and, as a fluent Spanish speaker, obtained five signatures 'on the spot'. [44]

The former Soviet states were known to be generally sympathetic, but were also politically disadvantaged as a result of the economic and social disorder in the region. Apart from Belarus, which was left isolated, they too did not want to alienate Western aid donors. China indicated support by joining Russia in abstaining in the General Committee vote. Following very little lobbying among Arab states Iran, Qatar and Saudi Arabia were the sole supporters of the resolution within the General Committee.

After intense lobbying primarily by IPPNW, 14 countries co-sponsored the resolution. According to Salmond:
Senior officials in the American delegation lobbied very hard against the draft resolution. Individually they approached each of the co-sponsors and pressed them to withdraw their support. We can only speculate what standover tactics may have been used.

The US argued that the resolution was a thinly-disguised political initiative to end all nuclear testing and had nothing to do with health. An influential Secretariat official suggested it was entirely driven by IPPNW without any significant country support, and was an effort by a self-interested NGO to rekindle interest in a dying cause. Nevertheless, others within the WHO privately gave encouragement by providing very useful guidance.

At the time, there was open dissatisfaction about Nakajima's leadership. The WHO was becoming less technically competent and more political, with the Western bloc dominating the agenda. It was retrenching, not filling vacancies and trimming all programmes. Very few projects were adequately resourced; the influence of traditional health professionals was on the wane; staff felt discouraged and disillusioned; and morale was low. Many worried about their future careers, but wanted to see WHO stand up for the world health community by supporting this issue.[45] Salmond felt that if enough states could be mustered to vote for the resolution in the future, the Secretariat would back it.

The resolution came up for debate within the 25-member General Committee, but none of the co-sponsors were members: so Tonga and Colombia were invited to attend and spoke in support. Arguing that the matter was beyond the technical competence of the WHO and that other UN organs were specifically charged to deal with such issues, the US and its allies had a free rein. WHO's senior Legal Counsel Dr Piel presented three options:

1. To add the item to the agenda of either Committee A or B;
2. To refer the item to the Executive Board;
3. To reject the item as not being within the competence of the WHA.

The third option was put to the vote with 6 in favour, 3 against and 16 abstentions (6:3:16). When this was put to the Plenary, there was insufficient support to force and win a vote. Nigeria's Health Minister was
absent, and Tapa was not keen to oppose the General Committee with insufficient backing. Colombia requested an explanation as to why the resolution was rejected, in light of three earlier occasions when the WHA had accepted that nuclear weapon issues were within its competence. This later became a crucial document in preparing an independent legal analysis.

**Lessons Learned**

The only realistic option for IPPNW and the co-sponsors was dignified acceptance of the defeat and reflection on lessons learned. Few delegates were well-informed on nuclear issues, and assumed that the nuclear threat had receded post-Cold War. Most NAM states were preoccupied with more immediate threats to their survival, and it was difficult to spark their interest. There was also deep cynicism about the effect an ICJ opinion might have on further disarmament negotiations. The IPPNW team agreed that if the resolution had been voted on, even without a lot more preparation, it probably would have been adopted due to earlier overwhelming majorities on this issue.

The large number of abstentions in the General Committee was an indication of sympathy for the issue. A much larger number of co-sponsors plus support from the Scandinavian and Australasian countries, Canada and Ireland were vital if a further attempt was to succeed. Strong public support would be crucial in order to bolster the anti-nuclear governments; and doctors and lawyers in particular would need to lobby their 'friends in high places' with convincing arguments. Any new resolution was due on the provisional WHA agenda by January 1993. The lobbying team left Geneva satisfied that it had 'tested the waters'. Within days, they had rallied 14 co-sponsors with indications of support from many others. Many WHO colleagues of Janson and Salmond had expressed sympathy and support. Together they made a formidable team, able to utilise their extensive contacts and expertise most effectively.
Figure 8: WHO Lobbying Team and WCP International Steering Committee

Drs George Salmond, Ann Marie Janson, Erich Geiringer outside WHO during 1993 WHA.

WCP International Steering Committee in IPB Office
Alyn Ware, Kate Dewes, Colin Archer, Willemijn Straeter,
Michael Christ, Rob Green (with photo of Sean MacBride).
Tracy Moavero (on left) worked with IPB.
On reflection, Geiringer's early analysis had been correct. IPPNW had identified the pitfalls in relation to the procedural roadblocks. They had some indication of the resistance from the West and the WHO, and were bolstered by the numbers indicating support. Janson was initially reluctant to pursue another attempt in 1993 unless it could be carefully planned and executed and the whole of the IPPNW federation involved.[46] The general consensus was that momentum should be maintained in concert with IALANA and IPB, who were preparing for the UNGA. With hindsight it was fortuitous that the resolution failed. If successful, it would have given the Western-dominated Executive Council the power to study the issue and 'formulate a request for an advisory opinion'. Inevitably this would have either been watered down or thrown out.

9.5 World Health Assembly 1993

**Preparation**

As the WCP launch drew to a close, delegates received news of IPPNW's partial success at the 1992 WHA. Buoyed by this and the sense of empowerment gained by sharing with 150 others working for similar goals, they carried home boxes of the IPB Guidebook and IALANA's Legal Memorandum. The International Steering Committee agreed to prepare two slightly different resolutions for the 1993 WHA and UNGA. They believed that if the illegality of nuclear weapons could be established it could have a decisive impact on the 1995 Non Proliferation Treaty Review and Extension Conference and help secure a Comprehensive Test Ban Treaty (CTBT).

Delegates briefed their local and regional peace groups, alerting them to the urgent tasks ahead: collection of Declarations of Public Conscience (DPCs); prominent endorsers' lists; letter writing campaigns; meetings with decision makers; and creative use of the media. The co-sponsoring bodies sent out newsletters and details of local contacts to their affiliates to facilitate cross-fertilisation between groups. In 1992, IPB had 150 member organisations in 34 countries; IPPNW had over 200,000 members in 76
countries; and IALANA had 30 affiliates. LCNP led the UNGA effort, and IPPNW directed the WHA approach. IPB's primary role was to stimulate activist groups to lobby parliamentarians and mobilise public opinion, and to lobby the Geneva Missions.

With less than a year until the next WHA, IPPNW prepared an action plan:

* Pass WCP resolutions at regional IPPNW and WHA conferences and get endorsement from other health professional bodies

* Build up country delegations especially in the Middle East, Asia South America and the South Pacific

* Obtain a legal rebuttal to WHO's legal advisor's WHA position

* Prepare an updated and amended resolution to go out before the 46th WHA which had been agreed to by a number of cosponsors

* Organise a delegation to attend the WHO Executive Board meeting in January 1993 to ensure the resolution is placed on the agenda

* Secure sufficient funding to support the NZ and US offices.[47]

Central Office agreed to explore its high level contacts to persuade key countries to co-sponsor a resolution; coordinate communications between and with affiliate campaigns and lobbying efforts; supply affiliates with background resource material; and maintain communication with the UN/New York lobby and the ISC. Affiliates were asked to educate their public about the WCP; canvass their Health Minister, national WHA delegates and Foreign Affairs Officials to co-sponsor a resolution, or at least vote for it; and to report regularly to the Central Office. Meanwhile the NZ branch was delegated tasks such as faxing and mailing affiliates. [48]

At an IPPNW Executive meeting in late 1992 Janson was given the authority as leader of the 1993 WHA delegation to make important strategy decisions. Unlike Geiringer, she had a good relationship with the US Co-President Bernard Lown and ensured that the IPPNW leadership made the WCP a priority when travelling in different countries and attending regional meetings. For example Lown spoke directly to the Minister of Health from Zambia (who was an IPPNW member and was a member of
the 1993 WHA delegation committed to overturning Zambia's negative vote in 1992) and other African Health Ministers. The October 1992 European regional consultation unanimously approved a WCP resolution. The Austrian, Belgian and Norwegian affiliates reported modestly positive government responses. Visits to the Danish and Swedish governments were assessed as possibly counterproductive and there were fears that there could be a 'leakage of information' to 'the other side'. This led to a policy where IPPNW only lobbied committed supporters.[49]

Geiringer attended this meeting, and while he was in the UK he met with the growing WCP movement and also his friend and well-known Labour MP Austin Mitchell. He became a strong WCP ally asking probing questions, drafted by Geiringer, in the British Parliament at critical stages of the campaign. In Amsterdam, Geiringer and members of the IALANA Executive agreed on future strategies. He then conferred with LCNP staff in New York, who indicated sufficient support for an UNGA resolution, and updated IPPNW's Central Office on the latest strategies. [50]

An urgent task was to refute the opinion by WHO's legal adviser, Mr Piel, as to why the General Committee recommended no vote on the 1992 resolution. Piel had acknowledged that 'it is not for the Legal Counsel or the Secretariat to decide such a question for the Health Assembly, which has ultimate authority to determine its own competence'.

He had correctly conceded that the UN Charter, the Statute of the ICJ and WHO Constitution empower it to request advisory opinions; and that 'the health effects of nuclear radiation fall within the competence of the WHO'. However, he had advised against voting on the Draft Resolution on the grounds that the question did not readily fit the functions of WHO. He advised that it was 'too complicated, risks serious embarrassment and overlap with the UN System' to decide upon its fate in 1992. IALANA's Burns Weston concluded this was both excessively cautious and 'indefensible'. He knew of no previous cases where the ICJ had rejected a request for an advisory opinion on the grounds that 'it poses a matter too
complicated for the Court's determination'. Burns also pointed out that Piel had urged the WHA not to decide on the matter 'this year' and to consider not adding the resolution to the agenda 'at this time'. This indicated that the door was left open to the 1993 WHA, and Burns encouraged IPPNW to study the WHO Constitution to determine whether Piel's other concerns were correct. [51]

As the year progressed, citizen groups endeavoured to establish WCP networks. Launches were held in A/NZ, India and Malaysia. Canadian doctors mailed WCP packs to various NGOs, and organised a speaking tour by Robert Green on his return from speaking in A/NZ and Japan. His visits attracted media coverage and gave the local campaigns a focus. Dewes sent the Legal Memorandum to all South Pacific Prime Ministers, asking them to co-sponsor the WHA resolution.[52]

Salmond asked his contacts in the Australian, US and Canadian branches of the Public Health Association (PHA) to dialogue with their governments, endorse the WCP and jointly seek a resolution of support from the World Federation of PHAs (WFPHA). In November 1992, IPPNW's US affiliate helped guide a resolution through the US PHA. The Australian Executive Director and WFPHA President, Margaret Conley, was very supportive and ensured it was on their May agenda. The Federation is composed of national PHAs from nearly 50 countries and is the only NGO officially linked to the WHO. The day before the WHA began, the WFPHA unanimously adopted a strong resolution endorsing the WCP, co-sponsored by the Australia, NZ and US PHAs. [53]

\textit{WHO Executive Board Meeting}

A key part of IPPNW's strategy was to make preliminary soundings with the WHO secretariat and sympathetic missions in Geneva. Janson knew from past experience that when delegates had problems during the Assembly they did not always contact their home countries for advice because of time
constraints. They tended to rely on the local mission which frequently had disarmament expertise needed for the Conference on Disarmament.[54]

The WHO Executive Board met in January 1993. IPPNW asked 30 Health Ministries to request an agenda item before the November deadline. Just prior to the Executive meeting Janson and fellow Swede Dr Johan Thor (who was working in the IPPNW Central Office as a staff member) met with 23 WHO Secretariat and Regional Office staff to ascertain where the support and the roadblocks lay.

The WHO Director-General, who was Japanese, confided that he was personally supportive of the resolution - he had no doubt that first-use was illegal but was not sure about wider aspects such as the stockpiling of plutonium (an activity which his government was engaged in). He had attended IPPNW meetings in Stockholm and Mexico and was kept informed about the progress of the resolution through Janson's briefing of Bergstrom, who was close to Nakajima. [55] The IPPNW team discovered that a WHO Management meeting was planned for Geneva in April 1993 to discuss the WHA resolution; that Nicaragua, Panama and Vanuatu had requested the resolution's inclusion on the agenda; and that Kenya's similar request sent in November 1992, had not arrived. IPPNW discussed how they to improve cooperation on a wide range of common issues with WHO, and distributed documents on the WCP and the medical effects of plutonium, nuclear testing and war to sympathetic officials. [56]

Janson and Thor then met officials from 20 Geneva Missions including nine of the 1992 co-sponsors. IPPNW had prioritised the original 14 co-sponsors, the three countries which voted in favour of the resolution, and the 16 countries which abstained on the vote to reject the resolution. The co-sponsors indicated support with Colombia agreeing to coordinate the Latin American Missions during March/April. They were keen to enlist Argentina, Brazil, Chile, Mexico and Venezuela as co-sponsors. Bolivia, Bulgaria, Mexico, Mongolia and Qatar also showed support. China indicated that its Health Ministry would join IPPNW and participate in their 1993
World Congress in Mexico. Mexican Ambassador Marin-Bosch and Dr Chavez-Peon (WHO Executive Board member) confirmed that Mexico would be a main co-sponsor. The Russians indicated that the resolution would not succeed because the General Committee was dominated by the European Community and the US. They advised that it needed to be more directly related to health, 'account for a balance of forces', and 'not interfere with legal aspects'. The Swedes stressed avoiding duplication of UN work, while the Danes warned against political issues which would provoke a schism within the WHO. Janson reported that the resolution was on Committee B's agenda for 12 May, and warned her colleagues that a second vote could be taken in the Plenary the next day. [57]

When the Executive Board met, Ecuador and Mexico joined Nicaragua, Panama and Vanuatu in requesting the agenda item. Of the 25 members of the Executive Board two were IPPNW members (Mongolia and Bulgaria), Senegal and Swaziland were 1992 co-sponsors and Qatar had voted for the 1992 agenda item. Mongolia and Bulgaria argued that the issue of nuclear weapons had not been dealt with by the WHA since 1987 and asked for this 'item' to be added. They deliberately refrained from drawing attention to the earlier resolution because it was already on the agenda which then enabled the co-sponsors to strengthen and update it. [58]

In March the WHO Director of Planning, Coordination and Cooperation wrote to the WHO's Expert Committee on Nuclear War (WHOPAX) and misled them by stating that the resolution was not discussed in 1992 because the WHA had decided that it was not within WHO's mandate and competence. The Committee claimed that the Executive Board had decided that the WHO was not competent to approach the ICJ and should instead conduct further studies on human health effects and health-related environmental impacts of nuclear weapons. In a calculated manoeuvre, the WHOPAX members were asked to approve a draft study prepared by the Director-General's office to 'ensure that the discussion would be kept within the Organisation's mandate'. [59]
The intelligence gleaned from these Geneva meetings helped IPPNW identify priorities for action. Ensuring sympathetic governments were nominated for the General Committee was a top priority. A co-sponsor was entitled to request a written record of the 1992 General Committee meeting and a draft list of nominees for the new committee. IPPNW urgently explored possible ways the resolution could be amended, delayed or referred out of existence, and distributed it to sympathetic delegates.

The IPPNW team encouraged meetings of supporters preceding the WHA where they could 'review support, bring everybody up to speed, collect intelligence on other delegations, assess our lobbying and speaking strength, share what we know about the opposition, review what support we have on the General Committee and decide whether or not to go for Committee A and a lift up the agenda'. Regular meetings with key supporters were coordinated in order to strategise. Set pieces were prepared for the strongest speakers and a series of short, simply written papers arguing the bones of the case were given to interested, but not well-informed, delegates. A comprehensive pack on WHO 'competence' and other issues was disseminated to all key supporters. [60]

IPPNW prepared another briefing pack for affiliates outlining the WCP's aims, giving details of WHA resolutions on arms control and other nuclear matters, voting on the 1992 resolution and draft media releases. Geiringer outlined the arguments for and against the resolution; the moves likely to be undertaken by opponents; and the necessary counter-moves to prevent a repetition of 1992; the WHO's competence; why WHO should use the ICJ; and the state of nuclear disarmament negotiations. [61]

In February, IPPNW reported that Mexico would be the leading co-sponsor. Although there had been active lobbying by doctors in 16 countries there had only been media coverage in A/NZ and Japan. [62] In April, Malaysian newspapers highlighted a WCP public meeting, but the government was unmoved. McCoy confirmed that there had been 'pressure from the US, who are opposing the East Asia Economic Caucus, sponsored by Malaysia,
which our Prime Minister is very keen to establish’. He was sure it was ‘another one of those international trade-offs’. [63]

Prior to the May Assembly, there was intense internal politicking and factional in-fighting caused by the controversial re-election of the Director-General, and investigations into alleged financial misdeeds within the WHO. The US and European Community led the opposition to Nakajima's re-election, citing mismanagement. During his term Japan had become the second biggest donor to the WHO. In January, *Time* magazine documented allegations that the Japanese government had pressured developing nations and officials with offers of aid, bribes and threats of loss of trade if they did not support Nakajima's re-election. Nakajima was re-elected for a second term after a secret ballot of the Executive Board. His supporters were almost entirely Latin American and African. [64] The leadership issue split the Assembly into a North and West/South and East divide which damaged the organisation but ultimately worked to IPPNW's advantage.

**Resolution and Voting**

Janson was given the task of coordinating the drafting of the preamble to the draft resolution (Appendix III) which included a review of the well-known hazards associated with nuclear weapons, concluding that the only sensible course of action was elimination. [65] It recalled five WHA resolutions on the effects of nuclear war on health, WHO's contribution towards sustainable development, and the environmental consequences of the use of nuclear weapons. Reaffirming that the WHO's Constitution defined its role in decision making on international health work, it recalled that primary prevention was the only appropriate means to deal with the health and environmental effects of nuclear weapons. This latter emphasis was added to the earlier draft after Mexico, the key co-sponsor, demanded stronger references to health and the WHO Constitution right at the last minute. The IPPNW team was then forced to consult with the other 21 co-sponsors to gain their support for the changes. They visited the delegates at their
hotels late into the evening and succeeded in gaining full agreement. Janson was also able to get independent confirmation from IPPNW's Dr Valasco-Svaras that the President approved of the changes, thereby pre-empting any stalling tactics by diplomats who were under individual pressure 'on the ground'. [66]

The resolution's operative paragraphs stated that the 46th WHA:

1. DECIDES, in accordance with Article 96(2) of the Charter of the United Nations, Article 76 of the Constitution of the WHO and Article X of the Agreement between the UN and the WHO approved by the UN General Assembly on 15 November 1947 in its resolution 124 (II), to request the International Court of Justice to give an advisory opinion on the following question:

   In view of the health and environmental effects, would the use of nuclear weapons by a State in war or other armed conflict be a breach of its obligations under international law including the WHO Constitution?

2. REQUESTS the Director-General to transmit this resolution to the ICJ, accompanied by all documents likely to throw light upon the question, in accordance with article 65 of the Statute of the Court. [67]

The resolution was the last item on Committee B's agenda, and therefore risked being lost because many sympathetic Ministers and delegates needed to leave before the final Plenary vote. Therefore a well-coordinated team of sponsors and speakers was needed right up until the end.

Eventually 22 states co-sponsored, including seven of the 1992 sponsors but none of the original five Central American states. An indication of the pressure which was likely to have been applied to these states was that Ecuador, Nicaragua and Panama, having requested the agenda item in January 1993, did not co-sponsor or offer help during the WHA. Of the new co-sponsors five were small Pacific Islands, seven were African, four from the former USSR and one from South East Asia (Thailand). Cuba and Mexico joined Colombia and Bolivia as the only Latin American countries. Ironically Zambia, having voted with the West against the 1992 resolution, took the lead with Mexico, Tonga and Vanuatu, with Colombia giving strong support.
The 1993 WHA IPPNW lobbying team was again led by Janson, with Salmond, Johan Thor, and Michael Christ. Salmond also represented A/NZ at the WFPHA Conference. [68] On 10 May, Zambia's Health Minister Dr Phiri and IPPNW Vice President took a leading role, as a direct result of Lown's visit to Africa. He ensured that there were seven African co-sponsors and chaired the regular coordinating meetings with co-sponsors and IPPNW. These gatherings were used by IPPNW to distribute information packs and draft interventions for countries to speak to. The leading co-sponsors represented strong groupings from three different geographical regions thereby making it difficult for the opposition to 'pick them off individually or as a region.

The co-sponsors agreed to lobby other sympathetic delegations, put their names on the speaker's list, and participate in a drafting group if attempts were made to amend the text. A timetable for speakers and votes was prepared. The co-sponsors were warned that the West might use a secret ballot which would be voted on immediately, needing only a majority to pass. IPPNW's packs, printed in a variety of languages, included previous relevant WHA resolutions; articles from the WHO Constitution and UN Charter; the ICJ Statute; and analysis of the Director-General's Report on nuclear weapons. [69]

There were indications of strong antagonism from Western states, led by the US, UK and France (the UN Security Council Permanent Three - 'P3'). Well-informed sources feared that the US and other major contributors to the WHO would reduce funding for certain projects, and possibly the WHO's general budget, if the resolution was adopted. The P3's main argument was the WHO's lack of competence to ask the question. The co-sponsors sought a meeting with the Chair of Committee B and the Secretariat. A tally of possible 'No' voters was prepared, and 'middle' Western countries were singled out for discussion about the consequences of a negative vote. Countries expected to waver under pressure were prioritised, with co-sponsors encouraging their regional neighbours to vote together. IPPNW set up an information desk next to the inquiry office. 217
During 1992-93 the A/NZ, Australian, Canadian, Irish, Japanese, Swedish and Norwegian governments had been lobbied intensively by WCP groups, and members of the International Steering Committee had met key decision makers in various capitals. Delegations from the three co-sponsoring NGOs met their Health and Foreign Affairs Ministers; and in some countries there was a barrage of parliamentary questions and even snap debates on the issue, which in turn attracted media attention.

Ministerial responses indicated a 'common Western line' that the WHO was not the correct forum for the debate. A/NZ's Foreign Minister categorically announced that the UN General Assembly (UNGA) was the only appropriate forum (this backfired when the UNGA resolution was introduced later that year). For the UNGA resolution to succeed, it was vital to gain abstentions rather than 'No' votes from these 'middle' states during the WHA. The successful WFPHA resolution put further pressure on the Australasian delegations. The A/NZ delegation was instructed not to speak with Salmond, while an Australian delegate was sent to warn him that the 'little countries supporting this resolution would suffer in aid allocations - not from Australia, but certainly from the US'. [70]

Discussions began on 11 May after the Chair from Barbados introduced the Director-General's report and the draft resolution. The WHO's Legal Counsel summarised the report in some detail, before referring to UNGA resolution 33/71B (1978) which declared that 'the use of nuclear weapons (would) be a violation of the Charter of the UN and a crime against humanity' and that the use of nuclear weapons was contrary to the rules of international law and the laws of humanity. This, he felt, was a clear response which might make it unnecessary to refer the item to the ICJ. He asked whether it was the role of the UNGA or the WHA to decide whether an advisory opinion on the 'illegality' issue was needed. He then argued that further disarmament negotiations were urgently needed, culminating in a truly international nuclear convention which extended beyond the mandate of the WHO. [71]
Zambia’s Dr Phiri led the debate and pre-empted the West by invoking Rule 78 calling for a secret ballot. Mexico then argued that the issue was clearly within WHO’s mandate, and supported the secret ballot ‘in order to allow for the decision making freedom required in a matter of such importance’. Tonga’s Dr Tapa confirmed that their sponsorship was ‘motivated solely by health-related not political concerns’ and, like Mexico, they wanted to protect future generations from nuclear weapons. This was followed by a strong intervention by Hilda Lini. She observed that all the nuclear activities summarised in the Director-General’s report were carried out in her region, and conveyed Pacific Islanders’ deep aversion to nuclearism. Women who became pregnant in areas affected by nuclear explosions still gave birth to deformed babies. Vanuatu had been declared nuclear free in 1983 and was the only South Pacific member of the Non-Aligned Movement, which had recently re-confirmed its vision of a nuclear weapon-free world.

Ironically these two tiny island states were followed by the US, arguing that the resolution was excessively narrow and technical; did not request the WHA to continue studies on the issue; and asked the WHA to abandon its own right to come to a conclusion by requesting an ICJ opinion. The US proposed that under Rule 65 the resolution be determined not within the competence of the WHO. Denmark, on behalf of the European Community, and along with Austria, supported the US motion.

The Barbados delegate reiterated the desire of the Caribbean Community to become a zone of peace and a NFZ. She referred to the devastating effect on small islands of any spillage from plutonium-laden ships passing through the region. Colombia, Namibia, Senegal, Swaziland and Zimbabwe spoke in support. Janson then outlined IPPNW’s work over the past decade, and called on the WHO to adopt the resolution as ‘the only opportunity which the world health community would have to seek a solution to its greatest health problem’. [72]

The WHA Chair also played a critical role in the success of the resolution. He took great care to explain the very complicated voting procedures to
delegates and at one point he even said ‘If you vote “yes” for this, you vote on the side of the US’. [73] When he opened discussion on the US motion the following morning, Mexico immediately requested a secret ballot. This passed with a show of hands by 43 votes to 36 with 5 abstentions (43:36:5). Only 100 of the 163 WHA members voted during the secret ballot on the US motion (38:62:3). In the afternoon, Dr Pie] reiterated the legal conditions under which the WHO and UNGA could consider the issue. He also suggested that if the resolution was adopted ‘perhaps condemning the use of nuclear weapons, perhaps declaring that you consider it in violation of the WHO Constitution’, then the Director-General could be asked to transmit the resolution to the UN Secretary-General ‘with a view to its consideration and possible referral’ by the UN to the ICJ.

The Assistant Director-General then raised the inordinate costs which ‘were likely to amount to at least a six-figure sum in US dollars’ if the case went ahead, and reminded delegates that there was no provision for it in the projected WHA budget. [74] The Director-General, sensitive to the recent audit of WHA expenses, underlined the importance of the financial and legal issues raised by his colleagues. These comments were welcomed by the US delegation which did not oppose the adoption of an ‘appropriate’ resolution and immediately proposed a new operative paragraph:

1. CONGRATULATES the Director-General for the excellent report on the health and environmental effects of nuclear weapons, and
2. REQUESTS the Director-General to continue to monitor and report on the health and environmental effects of nuclear weapons.

He hoped these amendments, which were promoted by both Australia and A/NZ, would be accepted without a vote.

Alerted to the cost question, IPPNW immediately telephoned the ICJ Registrar at the Hague who confirmed that WHO’s only costs would be in preparing the referral. Hilda Lini immediately countered the Secretariat’s misleading information by reporting this, adding that a number of NGOs had already offered to contribute to the costs. Mexico then clarified the resolution’s objective, which was not to determine the legality of nuclear
CHRONOLOGY OF VOTING

WEDNESDAY, 12 MAY 1993 - COMMITTEE B

1) The U.S. motioned to remove the resolution from the agenda under Rule 65 of the Rules of Procedure as a matter beyond the competence of WHO.

2) A motion was made by Zambia and seconded by others to vote on the U.S. proposal by secret ballot vote. The secret ballot motion was approved by 43 for, 36 against, with 5 abstentions.

3) The motion proposed by the U.S. under Rule 65 (see 1 above) was rejected by secret ballot vote with 38 for, 62 against, with 3 abstentions. Therefore, the WHA decided it was a matter within their competence.

4) The U.S. proposed an amendment to the draft resolution to take out the operative paragraphs about requesting an advisory opinion from the World Court. The proposed U.S. amendment was rejected by 33 for, 60 against, with 5 abstentions.

5) The U.S. proposed that the final decision on the draft resolution be taken in accordance with Rule 73 of the Rules of Procedure; to have a two-thirds majority vote. The motion by the U.S. was rejected by 31 for, 64 against, with two abstentions.

6) The draft resolution was put to a final decision and approved by secret ballot vote with 73 for, 31 against, with 6 abstentions.

FRIDAY, 14 MAY 1993 - WHA FINAL PLENARY

All decisions taken in WHA Committees A and B are ratified at the final plenary, but are rarely contested. Nevertheless, the United States was determined to defeat the resolution and called for the final plenary to overrule the decision of Committee B.

1) The U.S. motioned to put the resolution to a vote. Second by the U.K., France and others.

2) Mexico motioned that — if the Assembly was forced to vote again — to have the vote taken by secret ballot. Seconded by Zambia, Colombia and others. The motion to have a secret ballot was approved by 75 for, 33 against, with 5 abstentions.

3) The draft resolution that was approved by more than 2/3 of delegations in Committee B was again put to a vote. Despite last-minute pressure from the West on delegates, the resolution was approved with 73 for, 40 against, with 10 abstentions.
weapons, but merely to obtain an advisory opinion. Libya, Papua New Guinea, Tonga, Uganda and Zambia all opposed the US amendment, urging that the resolution be put to a vote. Senegal asked the Committee to reach a consensus to avoid a vote, while Finland spoke briefly in support of the US. Just before the vote, Janson announced that IPPNW would assist WHO by raising extra-budgetary funds if needed. Then, by a show of hands the US amendment was defeated by 60:33:5. The US immediately proposed a decision by a two-thirds majority on the grounds that it was an important question. This was also rejected by 64:31:2. Finally the draft resolution was put to the vote, again by secret ballot. Of the 164 WHA members, 54 did not vote, but it was adopted 73:31:6. Delegates from Australia, A/NZ and Sweden immediately justified their abstentions on the grounds that it was a political issue which should be dealt with elsewhere. [75] However, A/NZ had been instructed to vote for the earlier US amendment. These abstentions reflected the difficult position these governments were in. Australia and A/NZ were allied to the US and UK, and Sweden was vying for membership of the European Union. However, this was complicated by the strong presence of their NGOs and their leadership within the WFPHA and IPPNW.

Euphoria reigned amongst the co-sponsors and the IPPNW team, who felt the large majority ensured the resolution's security in the final Plenary. However, Janson again warned that because of its contentious nature, it could be re-opened for discussion and a vote in the Plenary as had happened during the 40th WHA. Late that evening she went to the WHO library to get copies of that resolution and prepared a paper for delegates in case this scenario arose. [76] For 24 hours the team rallied their supporters, including more late-night visits to their hotels, because many were under intense pressure. Australia sponsored a luncheon for South Pacific delegates timed to coincide with the Plenary vote. Lini realised it was a decoy, and rallied her neighbours and fellow NAM members to vote for the resolution.
Normally, the reports of Committees A and B are approved without further debate by the Plenary. On this occasion, when the Chair asked for the ICJ resolution to be adopted, the US delegate demanded that the Plenary over-rule Committee B’s decision. He cited the competence question, and revived the already firmly rebutted red herring of the ‘heavy and expensive’ burden it would place on the WHO. The UK spoke strongly in support, arguing that this should be debated in the UNGA and the CD.

Colombia, Mexico, Tonga, Vanuatu and Zambia responded by pointing out that the Executive Board had included the issue on the agenda, Committee B had decided that the Assembly had the competence to refer the question, and the vote had been adopted ‘overwhelmingly’ by a majority of more than two to one. If the US motion was to be voted on, then it should be in secret.

Lini’s intervention for Vanuatu moved many delegates with its passion and strength. According to a few sources, it even changed the heart and mind of the woman US Surgeon-General, but not her vote. [77] Lini spoke graphically about the health effects of nuclear testing in the Pacific, and the ‘jelly-fish babies’ which are born that breathe but do not have a face, legs or arms. She quoted from the UK House of Commons debate where the government had stated that there was no treaty outlawing nuclear weapons and therefore there was no need for an advisory opinion. She reminded delegates that atmospheric nuclear tests had only stopped after A/NZ and Australia had taken France to the ICJ. Speaking as the Minister of Health, Water and Population Activities of a NAM member, a WHO Vice-President, and an indigenous woman and mother affected by past nuclear activities, her authority was unquestioned. Everything fell silent when she spoke.

Christ described her speech as the defining moment when:

...the whole psychological tide turned in our favour and there was a palpable energy and feeling that we were going to win after that point. She stepped out of the traditional governmental role and spoke from her heart. She was not speaking just for herself, you could feel many people speaking through her - she had that power of conviction.
France and Russia supported the US motion, and the Legal Counsel and Deputy Director-General repeated their earlier arguments. However, the Director-General did not oppose the resolution, and pledged his commitment to peace and the elimination of nuclear weapons. With regard to the budgetary constraints, he confirmed that he would not allow expenditures from within existing appropriations and would have to rely on receipt of sufficient additional voluntary contributions to implement the resolution.

Again the President allowed a show of hands on whether the final vote should be secret and passed by 75:33:5. The final vote, taken in secret, was 73:40:10 with 41 not voting. Ten more states decided to cast a vote in the final secret ballot which could have offered a safe haven for states such as Australia and A/NZ which joined the Netherlands and Canada in giving explanations of votes. Although they did not reveal how they voted, it is most likely that they abstained with Ireland and Sweden.

An analysis of the voting patterns in both Committee B and the Plenary shows how the secret ballot greatly improved the chances of the resolution's early success. In the first show of hands in Committee B, 43 states voted for a secret ballot, winning by only 9 votes. Of those present, 19 did not vote. A few minutes later, with 103 voting in secret, the US amendment was rejected by a majority of 24. Once it was clear that the first hurdle had been cleared and a sufficient number of countries had shown their hands, the next two open votes stayed fairly constant with two to one in favour of the resolution. When the final vote was taken in secret the majority had climbed to 42 with only 31 against, which was the lowest tally scored by the opposition.

When it came to the Plenary, it was clear that both sides had succeeded in convincing others to vote. The first 'open' vote was on the question of a secret ballot and the number of supporters rose from 43 in Committee B to 75 showing an increase of 32 votes. The final majority in favour was 33, the 'No' votes increased to 40 and the abstentions nearly doubled. Those
who were absent included five of the co-sponsors and at least three other supporters, including Ukraine. It is impossible to ascertain what the final vote would have been if each country had been left to make their own decision unfettered by big power politics, but the secret ballot at least allowed flexibility for some states.

Salmond attributed the resolution's successful passage to a variety of factors. Firstly, the anti-nuclear support within the General Committee was strong, and sufficient countries spoke out, despite intimidation. Secondly, the US delegation leader was disliked and nicknamed 'Mr No' because of his role in rejecting other agenda items. The US and its allies had bullied many small countries, including most of the co-sponsors. For example, Thailand was pressured to withdraw sponsorship but refused, deciding instead to be 'absent' during the final vote. Four other co-sponsors (Cuba, Republic of Moldova, Kazakhstan and Kiribati) also did not vote, which resulted in nearly a quarter of the co-sponsors opting out. This pressure in turn was counterproductive, as it strengthened the resolve of other states. Thirdly, the NWS and their allies were not well organised, having assumed that the resolution would easily be blocked. They did not get amendments together in time. This reflected a division within the Western bloc which probably came from the Australasians, Irish and Swedes, who were forced to reflect strong domestic public opinion. [78]

Role of Citizen Groups

From the foregoing account it becomes clear that, without the prominent involvement of prestigious and well organised citizen groups, a case would never have been brought to the ICJ. No country would have had the courage or incentive to incur the wrath of the NWS. There were only a few states where public opinion was strong enough to bolster sympathetic politicians and Ministry officials. But even those, like A/NZ and Sweden, were not prepared to go it alone, risking alienation from their 'friends', and the NAM was not cohesive enough to withstand the pressure. The
leadership therefore came primarily from individual doctors who were IPPNW members and sometimes also Ministers of Health.

IPPNW had a long and respected history of working with the WHA and Health Ministries in many countries. Janson was an astute strategist who was also very well organised and knew the WHO processes intimately and along with Salmond they knew many delegates as friends and colleagues. They developed good relationships with many officials, typists and even ushers who often helped them by sharing vital information or handing pieces of paper to delegates on their behalf. IPPNW produced very readable and well-documented papers and ensured that key delegates understood the arguments, giving them strong support during their presentations to committee meetings. Citizen groups were free to lobby delegates without being accused of being part of the traditional UN power plays. Delegates understood that these protagonists were motivated by a desire to preserve the health and well-being of humanity. The fact that most of the IPPNW team were fellow health professionals added to their credibility.

However, being an NGO rather than a government delegate carried personal costs for Salmond. With advocacy on a scale such as this, it meant the loss of some friends:

The New Zealand delegates were not allowed to talk to me. When I saw members coming... I'd see them duck into toilets or dive down alleys because they didn't want to see me.

The flip side of this was the support received from unexpected sources, such as a Chinese WHO Director of Development Issues who had worked with Salmond for over 20 years. He 'sneaked' him into cocktail parties and receptions as part of his delegation. Once inside, he introduced him to key delegates. When Salmond was unable to attach himself to others, he would 'gate-crash' pretending he was a late addition to the delegation. Many still treated him as a A/NZ delegate which certainly helped, although he always clarified his status as an NGO representative. It was through his professional relationship with the doctors on the Thai delegation that he
secured their co-sponsorship. They were extremely disappointed when their government instructed them not to support the resolution, and they remained personally supportive throughout. [79]

Individuals were also under pressure from the pro-nuclear lobby. Both Christ and Salmond confirmed that they were under surveillance at their hotel. Janson had mail opened during 1992 and was removed by the conservative government from the Foreign Affairs committee following the 1993 debate. Christ complained that the card phones outside their hotel mysteriously stopped working during the last days of the 1993 WHA. They had been the main source of IPPNW’s contact with the ICJ, Central Office and key doctors in wavering states. However it was Thor’s special phone card which could be used on internal WHO phones which gave the team immediate external access. Lini was also threatened and ostracised by Western delegates infuriated by her strong advocacy; and a few months later, she was sacked as Minister of Health. The letter of termination mentioned no misconduct or reason, but Lini attributes her dismissal to her WCP role. [80]

During the 1994 WHA, the Ugandans told the IPPNW delegation that they did not want to be seen talking with them because most of the people who worked closely with them in 1993 had been dismissed. The outspoken Zambian delegate Dr Phiri was also dismissed. [81] Although there is no evidence to support it, Salmond queried whether pressure had also been brought to bear on the international media covering the WHA. Despite the controversial nature of the resolution there was a total silence from them, and no interest in the IPPNW press releases.

Although IPPNW carried the greatest share of the workload associated with the WHA initiative, the other co-sponsors played vital roles. IALANA’s Legal Memorandum and critique of the Piel opinion were important tools for the IPPNW team. Despite Geiringer’s fear that interference by lawyers in the WHA process might jeopardise its success, some IALANA members liaised with Foreign Ministers and helped convince them that the case could
succeed - whereas some IPPNW members felt uncomfortable about approaching Foreign Ministers. Geiringer had been concerned that legal arguments should not overshadow the health debate within the WHA. He argued strongly that IALANA lawyers should not participate, even peripherally, in Geneva viewing their presence as 'superfluous' and potentially 'destructive'. [82] However, it was the parallel lobbying in New York by LCNP in particular which helped strengthen the position of the co-sponsoring and supportive governments. Advice from a range of IALANA experts regarding the resolution's final wording was crucial at the last minute. IPB members also lobbied diplomats in Geneva, and Foreign and Health Ministries in key countries.

For IPPNW, the WCP energised affiliates like no previous campaign. Members saw it as:

...a shining light that held the federation together through difficult times, because it was clear what the objective was and there was a time frame. It was a Project where a whole range of affiliates could participate in a whole lot of different ways, ranging from writing a letter to their Minister of Health to a full-blown campaign of public education with the media, collection of DPCs, and direct face-to-face meetings with decision makers. [83]

Whatever the final outcome at the ICJ, the process of getting there had been extremely valuable for all the citizen groups involved. Partnerships developed which were later consolidated in future projects.

9.6 From the WHA to the ICJ

Resolution WHA46.40 instructed the WHO Director-General to transmit the advisory opinion request to the ICJ in accordance with Article 65 of the ICJ Statute. The official notification should have been sent to the ICJ within days of the resolution's adoption. Three months later this had not been done, despite the precedent of a five-day transmission time with the 1980 advisory opinion request. The longest delay prior to this was eight weeks. On 24 June 1993, Piel wrote to IPPNW indicating that the WHO Secretariat had decided to delay the formal filing of a request for one year on the grounds that that would be 'the earliest filing date' for the ICJ and 'that the
rate of further action is dependent on receipt of additional voluntary contributions'. Both excuses were spurious, because the ICJ decides how and when a request would be actioned, and there are no special costs associated with a request for an opinion. Any documents required for the notification were already available to the Secretariat. IPPNW and some of the co-sponsoring states wrote to Nakajima raising these concerns, and sent copies to the UN Secretary General and the ICJ Registrar.[84]

Finally, Nakajima sent the notification to the ICJ on 27 August. Within a week the ICJ sent an official acknowledgement, fixing 10 June 1994 as the time limit within which written statements relating to the question could be submitted to it by the WHO and its member states. Later this was extended to 20 September 1994, with a further limit of 20 June 1995 for states to make written comments on the submissions of other states. This was well past the date of the NPT Review and Extension Conference (17 April -12 May 1995) where the nuclear weapon states hoped to argue for indefinite extension, unfettered by any legal opinion from the ICJ.

IPPNW alerted President Clinton to the outcome, outlining US opposition to the WHO resolution and concern about disturbing reports they had received that:

....the US State Department has set aside $800,000 to challenge the submission of the question to the ICJ by the WHO Director-General, and that the withholding of US funds for certain WHO projects, and perhaps for WHO’s general budget, is under consideration. Rumours are also circulating that, at the WHO Executive Board meeting next January, an effort will be mounted by the US to have the WHO withdraw its request for an advisory opinion. [85]

Uncertainty about the future of the ICJ case remained throughout the following year as pressure was applied to states preparing submissions. Geiringer remained vigilant, always one step ahead of the opposition, warning IPPNW of possible countermoves and preparing strategies for action. IPPNW explored the chances of presenting a submission as an ‘international organisation ....likely to be able to furnish information on the question’. Roger Clark, an A/NZ Professor of Law at Rutgers University,
discovered a precedent in 1950 when the International League for the Rights of Man was permitted to file a document but not speak. He advised IPPNW to prepare both written and oral submissions, and worked with IALANA to prepare model submissions which IPPNW and states could use as a basis for their presentations. [86]

9.7 Conclusions
The WCP provided IPPNW with a way of raising the consciousness of not just the WHO but the world about the legality of nuclear weapons. Christ acknowledges the vital role of all three co-sponsoring NGOs and the wider peace movement in the process:

We created a new political forum, a new political opportunity which didn’t exist before until citizen’s groups decided that this was going to happen and we created it out of nothing. It was an idea... it is WE... it is not just lawyers, the doctors or the Peace Bureau.. it is no one group.... it has been like a thousand points of light. [87]

Erich Geiringer and Ann Marie Janson were fine examples of the contribution key personalities can make with the requisite motivation, experience, financial backing from a prestigious international organisation, and access to decision makers and the media - in sum, the MacBride model. Working with others, they effectively masterminded the strategies to obtain a WHA request for an ICJ advisory opinion. Geiringer’s flamboyant writing and strategic thinking proved decisive in generating support for what became an unprecedented lobbying campaign by IPPNW. This, combined with the WHO experience and lobbying skills of Janson and Salmond in particular, and the high-level contacts and personal friendships with Health Ministers and officials, made a potent mixture. IPPNW’s credibility as a Nobel Peace Laureate, with a history of authoritative publications, gave diplomats confidence that their briefings would be reliable, unbiased and thorough. IPPNW members and individuals such as Hilda Lini, Dr Tapa and others in sympathetic delegations were able to use IPPNW’s research directly in their presentations and to attract co-sponsors within their regions.
With hindsight it is clear that the failure of the 1992 attempt was fortuitous. The resolution's 1992 wording would have allowed the pro-nuclear lobby to derail it and neither the international movement, nor the leading anti-nuclear states were ready to carry it through to the ICJ. By May 1993, the WHA resolution had laid a solid foundation for the forthcoming UNGA resolution. Its success paved the way for the NAM to consider co-sponsorship, well aware that it would need the backing of at least 111 states to withstand even greater pressure than that exerted at the WHA. On the other hand, the threats, bribes and other tactics of the pro-nuclear lobby had only served to reinforce the NAM's resolve. The indication of a split in the Western ranks also served to encourage the NAM's leading proponents.

Lessons learned at the two WHAs were also extremely valuable for the preparation for the UNGA. As 1993 drew to a close, nearly a million DPCs had been collected and the WCP had begun to gain prominence in Japan, Australia and other Western states. Citizen groups fed on the success, empowered to challenge governments to put in a submission on the WHA question and vote in favour of the UNGA resolution. Unlike many other peace movement objectives, these were achievable goals within a set time frame, and a growing number of groups in the international movement began to make it a priority.
Footnotes.

[14] Ibid., p. 85.
[21] Based on WHO Legal Counsel's (Dr Piel) statement to WHA, 12 May 1993.
[22] See International Court of Justice, Interpretation of the Agreement of
25 March 1951 between the WHO and Egypt, 20 December 1980, General List No.65.


[31] ‘IPPNW mourns the sad loss of one of its foremost physicians: Dr Erich Geiringer of Wellington, New Zealand’, IPPNW, 29 August 1995.


[34] Letter from Ron McCoy to Geiringer, 31 March 1992; Letter from McCoy to Minister of Health, 14 April 1992. Interview by Dewes with McCoy, Christchurch, 8 January 1997.


[37] This section draws heavily on the unpublished reports by Drs Salmond and Geiringer to IPPNW following the WHA, 4-14 May 1992.


[39] Interview by Dewes with Salmond, 3 August 1995.

[40] Ibid.

[41] Ibid.


[44] Interview with Janson, op.cit.


[46] Interview with Janson, op.cit.


[49] Interview with Janson, op.cit. Report on IPPNW Symposium, Vienna 1992 by Dr Pat Craig of MEDACT(UK); Letter from Craig to IPPNW European Affiliates, 21 October 1992.


[51] Letter from Burns Weston to Phon van den Biesen, 27 November

[52] Letter from P. T. Timeon (Secretary to Kiribati Cabinet) to Dewes, 23 April 1993. Letter from Viesturs Altments to author, 13 April 1993.

[53] Letter from Margaret Conley to Gerry Dafoe (CPHA), 9 December 1992; Letter from M. Conley to Diane Kuntz, Executive Secretary, WFPHA, 9 December 1992; Letter from Jane Hall, President APHA to Paul Keating, December 1992; Letter from M. Conley to George Salmond, 9 December 1992; Statement delivered to WHA 46 by Diane Kuntz on behalf of WFPHA, 14 May 1993.

[54] Interview with Janson, op.cit.

[55] Ibid. During a WHA reception, Janson told Nakajima that '..this resolution could be a very important contribution from the WHO, and who knows, if this comes through, you might one day get the Nobel Peace Prize!'. Nakajima's sympathy for the resolution was reinforced when Janson overheard the French delegate 'screaming' down the UN phone to his colleagues that .. the Director-General even refuses to go against it - we can do nothing, and it is going to win!'


[58] Interview with Janson, op.cit.


[63] Letter from McCoy to Dewes, 27 April 1993; New Straits Times, 26 April 1993; Star, 24 and 26 April 1993.


[65] George Salmond, 'World Court Project: Notes for a talk to the Public Health Association Annual Conference', Wellington, 19 May 1993, p. 3.

[66] Interview with Janson, op.cit.


[68] According to Janson, Geiringer was not invited to be on the 1993 delegation because of his counterproductive lobbying tactics in 1992 which at times had intimidated delegates. He had also alienated many in IPPNW
Central Office by sending out documents which were not endorsed by them.

Janson interview, op.cit.


[70] Notes taken by Dr Salmond during various meetings at WHA.

[71] Committee B, Provisional Summary Record of the Eighth Meeting of the 46th WHA; Speech by Dr Piel, 11 May 1993.

[72] All quotes taken from Committee B, Provisional Summary, A46/B/SR/8, pp. 8-12.

[73] Interview with Janson, op.cit.

[74] Ibid.

[75] Provisional Verbatim Record of the Thirteenth Plenary Meeting of the 46th WHA, 14 May 1993, A46/VR/13. Note that a 'no vote' is different from an abstention. Those who chose not to vote included those who were genuinely absent, those who were deliberately absent (probably due to pressure), and those who did not want to cast an abstention. The latter usually indicates that the country cannot give support, due to political considerations, or minor disagreements with the text.


[79] Salmond interview, op.cit.

[80] Lini, Salmond, Janson and Christ interviews; Letter from Lini to Dewes, 27 August 1993.


[83] Christ interview, op.cit.

[84] Erich Geiringer, 'What is Dr Nakajima up to?', September 1993, 2pp; Letter from Geiringer to M.Christ, 1 August 1993.

[85] Letter from Barry Levy (IPPNW) to President Clinton, 22 October 1993.


[87] Christ interview, op.cit.