

Professor Roger Clark stated that the major role played by small South Pacific states in bringing the question of the legality of nuclear weapons before the Court would have profound implications for what a larger country like Canada could do. He added that the case also speaks to the obligations and capabilities of professional groups such as lawyers and doctors. Prof. Clark recalled that it had been his own general practitioner in Wellington, New Zealand (Dr. Erich Geiringer), who had educated him to think of nuclear weapons as a medical rather than a strategic issue.

Evidently, many people still think of the nuclear threat in very limited, abstract terms. This was made evident to Prof. Clark when, during a panel discussion the night before the case was to be heard at The Hague, a distinguished human rights activist remarked that the case against nuclear weapons was "silly" -- as it was unrelated to human rights and of no consequence to Europe. The Ambassador from the Solomon Islands had replied to the contrary that since people live in areas where nuclear bombs are tested, the issue for them is the very right to live. European powers also consider the South Pacific "a little piece of Europe", which they despoil at will.

Prof. Clark remarked that the distorted way in which the nuclear issue is framed was captured perfectly by a judge at the Court, who noted that while it is illegal to use a dum-dum bullet against one person, it has not been illegal to drop a bomb that could obliterate hundreds of thousands of people. In this way, international law forms a peculiar kind of spider-web that catches the smaller issues, but allows the larger ones to pass through. The South Pacific states, Prof. Clark said, have faith that international law is capable of resolving the larger issues, and is one of the few means by which small states can be heard.

What did these countries think they could accomplish by appealing to the International Court of Justice (ICJ)? One diplomat had told Professor Clark that he would be an "idiot" to think a World Court opinion could get rid of nuclear arms.

Prof. Clark said he had responded to this remark with the story of a Maori general who had been on the verge of defeating British invaders in New Zealand. Although the British had artillery and modern weapons, the Maori warriors were brilliant tacticians and good fighters. On the eve of a big battle when the British could have been vanquished, however, the Maori general had sex with the wife of a colleague. The word quickly spread, with the result that no soldiers turned up at the battlefield the next day. The general had lost "mani" -- the Maori term for prestige or social standing. Prof. Clark believes the World Court decision may have the same effect. It has caused nuclear weaponry to lose some of its "mani" and forced countries like Canada and Australia to reconsider their roles in the current system.

The World Court was asked to consider two questions. The first was whether the use of nuclear weapons would be a violation of the constitution of the World Health Organization (WHO), the preamble of which refers to the "happiness, harmonious relations and security of all peoples". This question was a natural one for some Pacific states which are members of the WHO, but not the UN General Assembly (UNGA) and which define security almost solely in