

NEW ZEALAND LAWYERS FOR NUCLEAR DISARMAMENT

This group was initially organised by an Auckland Practitioner, Philip Recordon, in October 1984 with a notice in the Northern News. However they now have a large central committee of which Mr Recordon is a member. They have no designated President and members determine their own levels of activity. Meetings are held monthly.

MEMBERSHIP

Membership numbers around one hundred and twenty five, of whom about eighty are financial. Twenty three members are from out of Auckland with members in the four main centres and a number of provincial towns. The most prominent and active South Island member is Harold Evans from Christchurch. The group failed initially to attract the more conservative element within the law but mainly due to Professor Richard Falk's visit from the U.S.A., it now includes, amongst other prominent lawyers in Auckland, Peter Salmon Q.C., Rodney Hensen, John Phillips, Anthony Agar and John Towle; and in Wellington, Sir Guy Powles. A strong point made by Professor Falk when he was here was that the nuclear disarmament movement in the States is now attracting a conservative element whereas it had previously been confined to the protest groups on the social fringes.

The group is conscious of non-active support from prominent lawyers and regards Peter Salmon's willingness to serve on the committee as a step toward attracting others of his prominence and status.

AIMS AND OBJECTIVES

The group has emerged under a Labour Government and Prime Minister committed to a non-nuclear policy. While it trusts the Lange Government to retain this policy it is concerned at the pressures being brought from within and outside New Zealand for a change in this policy. The people bringing the pressure claim that the legal status of nuclear weapons is irrelevant, that mankind cannot invent nuclear weapons and that we must learn to live with them "by developing "deterrence" policies which threaten the greatest evil in the name of preventing it" (quote from the Statement on the Illegality of Nuclear Warfare (1984) by the U.S. Lawyers' Committee on Nuclear Policy). Lawyers are required to exercise their unique skills as reformers of domestic and world legal processes, "to develop remedies for government practice which no longer reflects accepted norms of morality and legality." (ibid.)

The aim of the group, therefore, is to persuade lawyers and others that the wish for nuclear disarmament is normal, acceptable and a realistic goal.

Professor Falk likened the change in attitude needed to that we have experienced over the past twenty five years with regard to South Africa and sporting contracts therewith. In 1960 there was protest at the exclusion of Maoris from a New Zealand rugby team visiting South Africa without Maoris; but the objection emanated essentially from the left wing protest element in society. Now, while debate and dissention still exists, there is an argument that the strongest anti-South Africa vote comes from conservatives, and people prominent in New Zealand society.

New Zealand Lawyers for Nuclear Disarmament aims to attract a similar level and quality of support.

ACTIVITIES TO DATE

The group communicates with like groups in Australia, the U.K., the U.S.A. as well as with peace groups within New Zealand and shares resources and materials. It meets with a special liaison committee in Auckland with other professional groups. It prepared submissions on New Zealand's Nuclear-Free Legislation and submissions and appeared before the parliamentary sub-committee appointed to deal with the Bill. It has examined local regulations and by-laws to determine legal ways of preventing nuclear-powered and nuclear-armed ships from entering Auckland Harbour and has organised panel discussions and debate on the need for safety by strength with reference to A.N.Z.U.S.

HOW TO JOIN

Membership of the group is open to lawyers and law students. The annual subscription is \$20 (\$5.00 unwaged). The postal address is P.O. Box 47-085, Auckland, and it is hoped that the four main centres at least will soon have semi-independent groups akin to umbrella groups such as Civil Liberties organisations. As the issues are national and universal broad co-operation is needed, but organisation of members, panel discussions etc. should be on a regional basis rather than being centred on Auckland.

ILLEGALITY OF NUCLEAR WEAPONS

International Law is designed to ensure the continuance of our human civilisation and the protection of all peoples. Nuclear weapons must therefore be at variance with International Law.

They must also be at variance with the existing laws of war having regard to the widespread and indiscriminate effects of heat, blast, radiation and fall-out.

Relevant international instruments are the Hague Conventions 1899, 1907, the Geneva Gas Protocol 1925, the Nuremberg Charter, the four Geneva Conventions of 1949 on Humanitarian Conduct of War, the 1977 Geneva Protocols additional to the 1949 Conventions 1977, U.N. General Assembly Protocol 1653(IV) and the Genocide rules.

SUMMARY

The law by itself has never brought an end to injustice, discrimination or war. But legal principles in the political debate or the confirmation of changing values in the form of legal principles have led to change and social progress in these and other areas and issues. In the words of the U.S. Lawyers' Committee:

"So too in the context of the nuclear dilemma, lawyers and legal principles should lead the way in forging consensus among people divided by religion and background, yet united by common interest in continued survival and international order."

Canterbury Law Review

VOLUME 3

— 1987 —

NUMBER 2

C O N T E N T S

The New Zealand National Legal Identity. <i>Sir Robin Cooke</i>	171
The Future of the Judiciary. <i>The Hon. Justice Michael Kirby, C.M.G.</i>	184
Legal Change Over Fifty Years. <i>B J Cameron</i>	198
Statutory Presumptions and Reverse Onus Clauses in the Criminal Law: In Search of Rationality. <i>K E Dawkins</i>	214
Some Aspects of the Operation of the Conflict of Interest Principle in Company Law. <i>Peter Watts</i>	239
Regulation of Insider Trading: The Australian Experience. <i>K J Bennetts</i>	254
Romalpa Clauses and Section 2 of the Chattels Transfer Act. <i>Richard Scragg</i>	282