

Minister Foreign Affairs
Hon. Murray McCully
Private Bag 18041
Parliament Buildings
Wellington 6160
New Zealand



25th February 2016

Support Marshall Islands Case
at the International Court of Justice

Dear Minister McCully,

I am writing on behalf of the Peace Foundation Aotearoa New Zealand to urge the New Zealand Government to intervene in support of the case the Marshall Islands ‘Nuclear Zero lawsuit,’ lodged in the International Court of Justice (ICJ) against the nine nuclear-armed States for their failure to implement their nuclear disarmament obligations.

The people of the Marshall Islands won the 2015 Right Livelihood Award in recognition of their vision and courage in taking this case. Marshall Islands Foreign Minister Tony de Brum was also awarded the Nuclear Free Future Award in Washington, DC by Senator Ed Markey, Co-president of Parliamentarians for Nuclear Non-Proliferation and Disarmament (PNND). It is prudent to remember that this work to abolish nuclear weapons is supported by most enlightened people of the United States of America. Let us stand with them.

The Marshall Islands has borne the brunt of ill effects from US nuclear weapon testing (1946-58) and now is beset by the threat of climate change. The radioactivity continues to cause cancers, birth defects and other health problems. The experiences of New Zealand’s own test veterans are evidence of the link between nuclear testing and negative health effects. A world-leading Massey University study published in 2008 showed that New Zealand veterans involved in Operation Grapple in 1957-58, in which they witnessed UK nuclear tests in the Pacific, had 300% more genetic mutations than normal. In 2012, the Special Rapporteur to the UN Human Rights Council, reporting on the incomplete payment by the United States of the Nuclear Claims Tribunal award owed to the Marshallese, stated: ‘The nuclear testing resulted in both immediate and continuing effects on the human rights of the Marshallese. The effects of radiation have been exacerbated by near irreversible environmental contamination, leading to the loss of livelihoods and lands. Moreover, people continue to experience indefinite displacement.’

This small island nation is not only concerned about seeking recompense for their own suffering, but with how to eliminate these diabolical weapons of mass destruction to prevent the further unbearable suffering of humanity. They are now pursuing the Nuclear Zero Lawsuit to hold the nuclear weapon states to account, to fulfil their obligations to negotiate and achieve complete nuclear disarmament, as affirmed in the 1996 ICJ Advisory Opinion on the legal status of nuclear weapons. The Marshallese invite other countries to support their case, which is occurring at a time of renewed efforts in various forums to achieve the goal of nuclear disarmament.

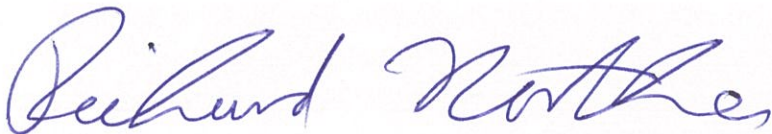
New Zealand has a proud history of supporting the development of international law in efforts to limit and eliminate nuclear weapons. In 1995, for example, the Bolger Government took an ICJ case against French nuclear testing, and in the ICJ advisory proceedings that year, argued in favour of outlawing nuclear deterrence. It is particularly important that Nuclear Free New Zealand backs the Marshall Islands case and builds solidarity in the region, reinforcing the ethos of South Pacific Nuclear Free Zone under the Treaty of Rarotonga. This is an opportunity to

support exemplary leadership from a Pacific nation working to prohibit nuclear armaments and develop a powerful Pacific Voice for Peace. We urge the New Zealand government to show support for the Marshall Islands by using the Right of Intervention as we did in the Whaling case taken by Australia against Japan.

You will be interested to know that support for the Marshall Islands -Nuclear Zero Case was rated a top priority for government action by the attendees at our recent 'World Without War - Action for Peace Conference' at AUT in September last year. What action is government taking to support the Nuclear Zero case?

Yours Sincerely

Laurie Ross, Lyndon Burford, and Alyn Ware



Signed by Richard Northey on behalf of
The Peace Foundation - International Affairs and Disarmament Committee