
Preparatory Committee for the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Treaty on the Non-Proliferation of Nuclear Weapons

Report submitted by the Government of New Zealand

Article I

New Zealand views the commitment of nuclear weapon states to non-transfer and other controls under this Article as essential. Suggestions in the recent period that international terrorists were interested in obtaining nuclear explosive devices have underlined the continuing importance of the commitment in changing circumstances.

Article II

New Zealand meets fully its commitment under this Article in all respects. New Zealand obligations through the Non-Proliferation Treaty (NPT) are legislated in the New Zealand Nuclear Free Zone, Disarmament, and Arms Control Act 1987. New Zealand concerns about compliance by other non-nuclear weapon states parties to the NPT have been expressed in various forums, for example at the International Atomic Energy Agency (IAEA) General Conference.

Article III

The Safeguards Agreement between the IAEA and New Zealand came into force on 29 February 1972, and the Model Additional Protocol to the Agreement was concluded on 24 September 1998. In 2001 the IAEA assessed New Zealand to be in full compliance with all its safeguard commitments. With no nuclear weapons, no nuclear energy generation, no nuclear reactor and no production of uranium or other relevant material, New Zealand has only very minor activities subject to safeguards.

New Zealand applies export controls to materials and dual-use goods which can be used in a nuclear weapon programme. It coordinates these with other members of the Nuclear Suppliers Group, which New Zealand joined in 1994.

Article IV

New Zealand has decided by policy not to use its rights to develop research, production and use of nuclear energy for peaceful purposes. In the context of global negotiations relating to climate change, and in the IAEA, New Zealand points to the long term lack of sustainability of nuclear energy and the continuing risks of pollution and proliferation.

In implementing its national export controls New Zealand seeks to restrict trade related only to unsafeguarded nuclear facilities or nuclear weapon programmes in non-nuclear weapon states.

New Zealand has been active, at such forums as the IAEA General Conference, in promoting close attention to the safe transport of radioactive materials and radioactive waste. New Zealand is concerned that there be the highest possible safety standards and that they be applied fully, that coastal and other interested states receive notification in advance of shipments, and that advanced liability arrangements be in place.

Article V

New Zealand took an active part in negotiation of the Comprehensive Test Ban Treaty (CTBT) and ratified the CTBT in March 1999. In New Zealand the Treaty has been enacted in the Nuclear-Test-Ban Act 1999. A ban on nuclear testing is also included in the South Pacific Nuclear Free Zone Treaty and the New Zealand Nuclear Free Zone, Disarmament, and Arms Control Act 1987.

New Zealand remains a strong supporter of the Treaty and its Provisional Technical Secretariat in Vienna. New Zealand was active at the second Entry-Into-Force Conference for the CTBT in November 2001, which the New Zealand Foreign Minister addressed. New Zealand was also a co-signatory of the Joint Ministerial Statement of Support for the CTBT, initiated by Australia, Japan and the Netherlands, at the United Nations General Assembly in September 2002. New Zealand believes a continued moratorium on all nuclear explosive testing is imperative pending formal entry of the comprehensive test ban into force. In the meantime, New Zealand cooperates with the Provisional Treaty Secretariat in helping to establish the International Monitoring System for the CTBT, with stations in New Zealand itself and in regional partners in the South Pacific.

Article VI

With its partners in the New Agenda, and as Chair of the relevant Subsidiary Body at the 2000 NPT Review Conference, New Zealand has worked hard in recent years to promote the negotiations in good faith relating to cessation of the nuclear arms race and to nuclear disarmament. In this context New Zealand draws strength from the 1996 Advisory Opinion of the International Court of Justice on the illegality of the threat or use of nuclear weapons.

In February 2000 the New Zealand Parliament resolved, without dissent:

as a mark of the dawning of the year 2000, to appeal to all fellow member states of the United Nations, and especially the nuclear weapon states, to join with New Zealand in fulfilling the obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control.

At the United Nations in 2002, New Zealand, with the New Agenda, was a lead sponsor of Resolution 57/59 (*Towards a nuclear-weapon-free world: the need for a new agenda*), which highlighted limited progress on many NPT issues and called upon States to abide fully by their commitments. This work followed on from the passage of Resolution 55/33C in 2000, which brought key commitments made at the NPT Review Conference into the wider UN context.

In March 2001 New Zealand hosted in partnership with the UN Regional Disarmament Centre for Asia and the Pacific a conference of governments and non-government organisations, which considered follow-up to the Review Conference and other issues on the disarmament agenda. The Prime Minister of New Zealand

welcomed participants to the conference and the Minister for Disarmament and Arms Control attended sessions, spoke about New Zealand's role in the New Agenda, and chaired a discussion of nuclear free zones.

At the Conference on Disarmament New Zealand has supported the Amorim and Five Ambassadors' proposals for a programme of work including on nuclear disarmament, fissile materials, outer space, and negative security assurances.

Article VII

New Zealand is a full party to the South Pacific Nuclear Free Zone Treaty of 1985 (the Treaty of Rarotonga, also enacted in the New Zealand Nuclear Free Zone, Disarmament, and Arms Control Act 1987). All the independent countries of the South Pacific are now covered by the Treaty, and four of the nuclear weapon states (Britain, China, France and Russia) have ratified Protocols giving security assurances to the region. The United States has signed the Protocols.

In recent years New Zealand has worked with Brazil and others to create new links between the nuclear weapon free zones of the Southern Hemisphere.

Article VIII

As mentioned, New Zealand took a very prominent part in the 6th Review Conference of the NPT (New York, April/May 2000) and it will participate fully in preparations for the 7th Review Conference, in 2005.

Article IX

New Zealand continues to emphasise the importance of universalisation of the NPT, for example in bilateral dialogues in 2001 with India, and in international forums (especially with New Agenda partners) calling on India, Israel and Pakistan. New Zealand expects that these countries accede to the NPT as non-nuclear weapon states in accordance with Article IX. New Zealand welcomed Cuba's accession to the NPT in 2002 as a positive step towards the goal of universalisation.

New Zealand remains very concerned at the DPRK's current stance against the NPT, and has urged the DPRK to cease efforts to withdraw from the Treaty

Article X

New Zealand joined the consensus decision in 1995 that the NPT be extended indefinitely. The Conference adopted a package of decisions in 1995: strengthening the review process; Principles and Objectives for Nuclear Non-Proliferation and Disarmament; extension of the Treaty; the Resolution on the Middle East, and all these elements remain significant. In New Zealand's view, the extension of the NPT was not a permit for the indefinite possession of nuclear weapons.

Building on this, the 2000 Review Conference agreed on detailed practical steps for systematic and progressive efforts to implement Article VI of the Treaty. The nuclear weapon states gave an unequivocal commitment to achieve the total elimination of their nuclear arsenals. New Zealand has evaluated national progress with regards to the 13 steps, and attaches a document outlining progress as an annex to this report.

Relevant to article X, the Conference agreed in 2000: "the principle of irreversibility to apply to nuclear disarmament, nuclear and other related arms control and reduction measures".

13 Steps: New Zealand Progress

Step 1

The importance and urgency of signatures and ratifications, without delay and without conditions and in accordance with constitutional processes, to achieve the early entry into force of the CTBT.

New Zealand ratified the CTBT in March 1999, having taken an active part in its negotiation. At the United Nations in 2002, New Zealand was a core sponsor of Resolution 57/73 (*Comprehensive Nuclear Test Ban Treaty*), which reiterated calls for universal ratification of the CTBT. Also in 2002, New Zealand co-sponsored a Joint Ministerial Statement on the CTBT, which Ministers delivered in New York. New Zealand works closely with the Provisional Technical Secretariat (PTS) in Vienna on CTBT issues. Pending ratification of the treaty, New Zealand has been active in the establishment of an International Monitoring System (IMS) for the CTBT, and has set up six monitoring stations on New Zealand territory. New Zealand co-operates closely with Fiji, the Cook Islands, and Kiribati on the installation of IMS stations within the Pacific region.

Step 2

A moratorium on nuclear-weapon-test explosions or any other nuclear explosions pending entry into force of that Treaty

The Joint Ministerial Statement on the CTBT, co-sponsored by New Zealand in September 2002, called upon "all States to continue a moratorium on nuclear weapon test explosions or any other nuclear explosions", pending official ratification of the Treaty. New Zealand's Foreign Minister reaffirmed the importance of this voluntary undertaking in his public support of the statement. New Zealand has worked with Pacific countries to put in place the South Pacific Nuclear Free Zone Treaty, which bans nuclear testing. New Zealand has also created a New Zealand Nuclear Free Zone, and sustained it against international pressure.

Step 3

The necessity of negotiations in the Conference on Disarmament on a non-discriminatory, multilateral and internationally effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices in accordance with the statement of the Special Coordinator in 1995 and the mandate contained therein, taking into consideration both nuclear disarmament and nuclear non-proliferation objectives. The CD is urged to agree on a programme of work which includes the immediate commencement of negotiations on such a treaty with a view to their conclusion within five years.

New Zealand has actively supported moves to overcome the current failure within the Conference on Disarmament (CD) to agree on a programme of work, including especially the Amorim and Five Ambassadors' proposals for a programme of work on nuclear disarmament, fissile materials, outer space and negative security assurances.

Step 4

The necessity of establishing in the CD an appropriate subsidiary body with a mandate to deal with nuclear disarmament. The CD is urged to agree on a programme of work which includes the immediate establishment of such a body.

The establishment of a subsidiary body to deal with nuclear disarmament is a key element of the Amorim and Five Ambassadors' proposals, and would provide significant progress towards New Zealand hopes for the CD.

Step 5

The principle of irreversibility to apply to nuclear disarmament, nuclear and other related arms controls and reduction measures.

New Zealand has argued, in partnership with the New Agenda, that irreversibility in nuclear disarmament, nuclear reductions, and other related nuclear arms control measures is imperative. The New Agenda Position Paper, submitted to the First Preparatory Committee in 2002, reaffirmed that continuous irreversible progress in nuclear arms reductions was a fundamental pre-requisite for promoting nuclear non-proliferation.

Step 6

An unequivocal undertaking by the nuclear-weapon states to accomplish the total elimination of their nuclear arsenals leading to the nuclear disarmament to which all states parties are committed under Article VI.

New Zealand, in partnership with the New Agenda, presses states to live up to the unequivocal undertaking delivered at the 2000 Review Conference, for the total elimination of nuclear arsenals. This undertaking remains significant. New Zealand has reminded states of their obligations, most recently through the Foreign Minister's public statement on 28 February 2003, which addressed missile defence issues. The unequivocal undertaking on the part of all NPT states is a foundation on which the New Agenda Coalition continues to build.

Step 7

The early entry into force and full implementation of START II and the conclusion of START III as soon as possible while preserving and strengthening the ABM Treaty as a cornerstone of strategic stability and as a basis for further reductions of strategic offensive weapons, in accordance with its provisions.

New Zealand notes that START II and START III have been discarded following the withdrawal of the United States from the Treaty on the limitation of Anti-Ballistic Missile systems (ABM) in 2002. The Moscow Treaty (2002) represents a positive step in the process of nuclear de-escalation between the US and Russia, through undertakings to reduce the numbers of deployed strategic nuclear warheads. However, New Zealand emphasises, through the New Agenda, that reductions in deployments and in operational status cannot substitute for irreversible destruction of weapons towards the goal of total elimination of nuclear weapons.

Step 8

The completion and implementation of the Trilateral Initiative between the United States of America, the Russian Federation and the International Atomic Energy Agency.

New Zealand supports this initiative.

Step 9

Steps by all nuclear-weapon states leading to nuclear disarmament in a way that promotes international security for all:

- *Further efforts by the nuclear-weapon states to reduce their nuclear arsenals unilaterally.*

- *Increased transparency by the nuclear-weapon states with regard to the nuclear-weapons capabilities and the implementation of agreements pursuant to Article VI and as a voluntary confidence-building measure to support further progress on nuclear disarmament.*
- *The further reduction of non-strategic nuclear weapons, based on unilateral initiatives and as an integral part of the nuclear arms reduction and disarmament process.*
- *Concrete agreed measures to further reduce the operational status of nuclear weapons systems.*
- *A diminishing role for nuclear weapons in security policies to minimize the risk that these weapons ever be used and to facilitate the process of their total elimination.*
- *The engagement as soon as appropriate of all the nuclear-weapon states in the process leading to the total elimination of their nuclear weapons.*

New Zealand supports the full range of steps outlined above. In particular, New Zealand is keen to see progress on the issue of non-strategic nuclear weapons, and was a lead sponsor of Resolution 57/66 (*Reduction of non-strategic nuclear weapons*) at the United Nations in 2002.

Step 10

Arrangements by all nuclear-weapon states to place, as soon as practicable, fissile material designated by each of them as no longer required for military purposes under IAEA or other relevant international verification and arrangements for the disposition of such material for peaceful purposes, to ensure that such material remains permanently outside of military programmes.

New Zealand recognises and welcomes the fact that all non-nuclear-weapon states have already accepted full controls on fissile materials. These controls are verified and administered by the IAEA. New Zealand urges nuclear weapon states to adopt similar commitments in this area.

Step 11

Reaffirmation that the ultimate objective of the efforts of States in the disarmament process is general and complete disarmament under effective international control.

The New Zealand Government engages in a wide range of disarmament work relating to weapons of mass destruction and conventional weapons. Through active membership of the NPT, Chemical Weapons Convention, and Biological Weapons Convention, New Zealand campaigns for progress towards the elimination of weapons of mass destruction. New Zealand works within the international community on conventional weapon issues such as landmines and inhumane weapons. There is close co-operation between New Zealand and Pacific neighbours on efforts to reduce and control the small arms trade. New Zealand also belongs to four major export control regimes: the Australia Group, Wassenaar Arrangement, Nuclear Suppliers Group, and Missile Technology Control Regime.

Step 12

Regular reports, within the framework of the NPT strengthened review process by all States parties on the implementation of Article VI and paragraph (4) of the 1995 Decision on “Principles and Objectives for Nuclear Non-Proliferation and Disarmament”, and recalling the Advisory Opinion of the International Court of Justice of 8 July 1996.

New Zealand submitted a report to the First Preparatory Committee in 2002, which set out New Zealand's progress with regards to each article of the NPT. This report has been revised and updated and is submitted to the Second Preparatory Committee in conjunction with this document.

Step 13

The further development of the verification capabilities that will be required to provide assurance of compliance with nuclear disarmament agreements for the achievement and maintenance of a nuclear-weapon-free world.

New Zealand has given strong support to a system of strengthened IAEA safeguards, including in regional disarmament discussions.

Resolution on the Middle East: New Zealand Progress

Operative Clauses:

1. Endorses aims and objectives of Middle East peace process and recognises efforts towards this goal contribute to a Middle East zone free of WMD – including nuclear.

New Zealand stands for a balanced and constructive approach to the complex problems of the Middle East. We support the negotiation of a just, enduring and comprehensive peace settlement in the Middle East, based on UN Security Council Resolutions 242 and 338, and the principles derived from successive Agreements between the two parties. We support the effort of the Quartet and look forward to it finalising details of the road map towards a two state solution. The New Zealand position has been made clear through contact with representatives from both sides from time to time, including with the Israeli Foreign Minister and the Chairman of the Palestinian Authority, and in public fora such as the statement delivered by New Zealand at the 57th session of the United Nations General Assembly.

New Zealand has consistently contributed to peacekeeping operations in the Middle East. We were one of the original participants in the Multinational Force and Observers (MFO) and contribute to the United Nations Truce Supervision Organisation (UNTSO). We also contribute to the United Nations Relief and Works Agency (UNRWA) in support of its work in addressing the humanitarian situation in the Occupied Territories.

2. Reiterates call for all remaining States to accede to NPT and accept IAEA safeguards on all nuclear activities.

New Zealand, in partnership with the New Agenda Coalition, emphasises the importance of universal accession to the NPT. We call upon Israel to sign and ratify the NPT and to bring into force comprehensive IAEA safeguards.

3. Notes with concern the continued existence of unsafeguarded facilities in the Middle East and urges non-parties to the Treaty to accept full scope IAEA safeguards at such facilities.

New Zealand is a staunch supporter of the IAEA's role. We advocate full scope safeguards and the strengthened safeguard system through additional protocols. In the context of the Middle East, New Zealand remains particularly concerned at the continued existence of unsafeguarded facilities in Israel and Iran, and works within the United Nations General Assembly, the NPT review process, and the IAEA General Conference to address this issue.

4. Reaffirms importance of early universal adherence to NPT and calls upon all Middle East States who have not yet done so to accede to NPT as soon as possible.

Contribution as outlined in response to Operative Clause 2 above.

5. Calls upon all Middle East States to take practical steps in appropriate forums towards an effectively verifiable Middle East Zone Free of Nuclear Weapons and refrain from anything that precludes this objective.

New Zealand strongly supports nuclear weapons free zones. We work closely with Brazil on efforts to foster a Southern Hemisphere Free of Nuclear Weapons. New Zealand remains fully convinced that the establishment of regional nuclear weapon free zones are useful steps towards the total elimination of nuclear weapons.

6. Call upon all NPT members, in particular Nuclear Weapon States, to extend cooperation and exert utmost efforts towards ensuring establishment by regional parties of a Middle East Zone Free of Nuclear Weapons and all other weapons of mass destruction.

New Zealand is encouraged by progress on the Treaties of Rarotonga and Tlaeteloco. New Zealand continues to support the development of all regional nuclear weapon free zones.