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# 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*

1. New Zealand views the commitment of nuclear-weapon States to non-transfer and other controls under this article as essential. Suggestions that non-State actors were interested in obtaining nuclear explosive devices have underlined the continuing importance of the commitment in changing circumstances.

#### *Article II*

2. New Zealand meets fully its commitment under this article in all respects. New Zealand obligations through the Treaty on the Non-Proliferation of Nuclear Weapons 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 Treaty have been expressed in various forums, for example at the IAEA General Conference.

#### *Article III*

3. The Safeguards Agreement between 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, IAEA assessed New Zealand to be in full compliance with all its safeguards 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.

4. 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*

5. New Zealand reaffirms the inalienable right to peaceful nuclear technology, as long as it is exercised in conformity with articles I, II and III of the Treaty.

6. 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 IAEA, New Zealand points to the long-term lack of sustainability of nuclear energy and the continuing risks of pollution and proliferation.

7. 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 advocates cooperation only with States in compliance with obligations under safeguards agreements.

8. 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 adequate liability arrangements be in place.

#### *Article V*

9. New Zealand supports the 1995 outcome that article V should be interpreted in the light of the Comprehensive Nuclear-Test-Ban Treaty.

10. New Zealand ratified the Comprehensive Nuclear-Test-Ban Treaty 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.

11. New Zealand remains a strong supporter of the Treaty and its Provisional Technical Secretariat in Vienna. New Zealand was a co-signatory of the Joint Ministerial Statement of Support for the Treaty, initiated by Australia, Japan, Finland and the Netherlands, at the United Nations General Assembly in 2004. 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 Treaty, with stations in New Zealand itself and in regional partners in the South Pacific. New Zealand also co-sponsors, with Australia and Mexico, a resolution supporting the Comprehensive Nuclear-Test-Ban Treaty at the United Nations General Assembly.

#### *Article VI*

12. With its partners in the New Agenda Coalition, New Zealand has worked hard in recent years to promote the negotiations in good faith relating to the 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.

13. At the United Nations in 2004, New Zealand, with the New Agenda, was a lead sponsor of resolution 59/75 (*Accelerating the implementation of nuclear disarmament commitments*), which highlighted limited progress on many issues relating to the Treaty on the Non-Proliferation of Nuclear Weapons and called upon States to abide fully by their commitments.

14. At the Conference on Disarmament, New Zealand remains supportive of proposals for a programme of work, including on nuclear disarmament, fissile materials, negative security assurances and outer space.

*Article VII*

15. 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 (the United Kingdom, China, France and the Russian Federation) have ratified protocols giving security assurances to the region. The United States of America has signed the protocols.

16. New Zealand welcomed Mexico's initiative to hold a meeting of States parties and signatories to nuclear-weapon-free zones in April 2005. The Minister for Disarmament and Arms Control attended the meeting and spoke on behalf of New Zealand. New Zealand supports efforts to strengthen cooperation between individual nuclear-weapon-free zones. 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*

17. New Zealand supports the text of the Treaty on the Non-Proliferation of Nuclear Weapons as it stands. New Zealand will participate fully in the seventh Review Conference of the Treaty.

*Article IX*

18. New Zealand continues to emphasize the importance of universalization of the Treaty on the Non-Proliferation of Nuclear Weapons, calling on India, Israel and Pakistan to accede to the Treaty as non-nuclear-weapon States in accordance with article IX. New Zealand welcomed Cuba's accession to the Treaty in 2002 and Timor-Leste's accession in 2003 as positive steps towards the goal of universalization.

19. New Zealand remains very concerned at the current stance of the Democratic People's Republic of Korea against the Treaty on the Non-Proliferation of Nuclear Weapons. New Zealand has urged that country to reconsider its announced withdrawal from the Treaty, its proclaimed nuclear weapons programme, and to re-engage in the Six Party Talk process.

*Article X*

20. New Zealand joined the consensus decision in 1995 that the Treaty on the Non-Proliferation of Nuclear Weapons 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; and the resolution on the Middle East. All these elements remain significant. In New Zealand's view, the extension of the Treaty on the Non-Proliferation of Nuclear Weapons was not a permit for the indefinite possession of nuclear weapons.

21. 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 regard to the 13 steps, and attaches a document outlining progress as an annex to this report.

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

### **13 Steps: New Zealand progress**

#### *Step 1*

23. New Zealand ratified the Comprehensive Nuclear-Test-Ban Treaty in March 1999, having taken an active part in its negotiation. At the United Nations in 2004, New Zealand was a core sponsor of resolution 59/109 (*Comprehensive Nuclear-Test-Ban Treaty*), which reiterated calls for universal ratification of that Treaty. In 2002 and 2004, New Zealand co-sponsored a joint ministerial statement on the Treaty, which Ministers delivered in New York. New Zealand works closely with the Provisional Technical Secretariat in Vienna on issues relating to the Treaty. Pending ratification of the Treaty, New Zealand has been active in the establishment of an International Monitoring System for the Comprehensive Nuclear-Test-Ban Treaty, and has set up six monitoring stations on New Zealand territory. New Zealand cooperates closely with Fiji, the Cook Islands, and Kiribati on the installation of monitoring stations within the Pacific region.

#### *Step 2*

24. A joint ministerial statement on the Comprehensive Nuclear-Test-Ban Treaty, co-sponsored by New Zealand in 2004, called upon “all States to continue a moratorium on nuclear weapon test explosions or any other nuclear explosions” pending official ratification of the Treaty. The New Zealand 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*

25. New Zealand has actively supported moves to overcome the current failure within the Conference on Disarmament to agree on a programme of work, including the Amorim and Five Ambassadors’ proposals for a programme of work on nuclear disarmament, fissile materials, negative security assurances, and outer space. During New Zealand’s Presidency of the Conference on Disarmament in February 2005, New Zealand’s Ambassador for Disarmament in Geneva conducted bilateral consultations with all 65 Conference member States in an effort to facilitate agreement on a work programme that would allow the Conference to commence substantive work following on from a Netherlands informal paper derived from

previous proposals. New Zealand also pursued initiatives on continuity and transparency of the Presidency.

*Step 4*

26. 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 Conference on Disarmament and the fulfilment of article VI.

*Step 5*

27. New Zealand has argued, in partnership with the New Agenda Coalition, that irreversibility in nuclear disarmament, nuclear reductions, and other related nuclear arms control measures is imperative. The New Agenda resolution to the General Assembly in 2004 underlined the imperative of the principles of irreversibility and transparency for all nuclear disarmament measures and reaffirmed that nuclear disarmament and nuclear non-proliferation were mutually reinforcing processes requiring urgent irreversible progress on both fronts.

*Step 6*

28. New Zealand, in partnership with the New Agenda, urges 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 through various statements in the context of the Treaty on the Non-Proliferation of Nuclear Weapons. The unequivocal undertaking on the part of all Treaty signatory States is a foundation on which the New Agenda Coalition continues to build.

*Step 7*

29. New Zealand notes that START II and START III have been discarded following the withdrawal of the United States of America from the Treaty on the limitation of Anti-Ballistic Missile systems in 2002. The Moscow Treaty (2002) represents a positive first step in the process of nuclear de-escalation between the United States and the Russian Federation, through undertakings to reduce the numbers of deployed strategic nuclear warheads. However, New Zealand emphasizes, 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*

30. New Zealand supports the Trilateral Initiative.

*Step 9*

31. New Zealand supports the full range of measures outlined in this step. In particular, New Zealand is keen to see progress on the issue of non-strategic nuclear weapons, and was a lead sponsor of resolution 58/50 (*Reduction of non-strategic nuclear weapons*) at the United Nations in 2003.

*Step 10*

32. New Zealand recognizes 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.

33. New Zealand supports the early negotiation of a non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material or other nuclear explosive devices.

*Step 11*

34. 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 Treaty on the Non-Proliferation of Nuclear Weapons, 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 cooperation 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, the Wassenaar Arrangement, the Nuclear Suppliers Group, and the Missile Technology Control Regime.

35. In May 2005, New Zealand supported the work of the Weapons of Mass Destruction Commission by sponsoring a study and a seminar on the necessity and feasibility of establishing a standing United Nations verification body for weapons of mass destruction.

*Step 12*

36. New Zealand submitted a report to the Third Preparatory Committee for the Review Conference in 2004, which set out New Zealand's progress with regard to each article of the Treaty on the Non-Proliferation of Nuclear Weapons. This report has been revised and updated and is submitted to the Third Preparatory Committee in conjunction with this document.

*Step 13*

37. New Zealand has given strong support to a system of strengthened IAEA safeguards, including in regional disarmament discussions. New Zealand is strongly supportive of the IAEA safeguards system as an essential component of the global non-proliferation system. IAEA safeguards provide assurance that States are meeting their undertakings under the Treaty, and provide the mechanism for States to demonstrate their compliance. Universal application of the integrated safeguards system, including the Additional Protocols, would promote collective security. New Zealand continues to call upon those 39 states which have not yet concluded any safeguards agreement with IAEA to do so at the earliest possible date.

## **Resolution on the Middle East: New Zealand progress**

38. *Operative paragraph 1: Endorses aims and objectives of the Middle East peace process and recognizes that efforts towards this goal contribute to a Middle East zone free of weapons of mass destruction, including nuclear ones.*

39. New Zealand stands for a balanced and constructive approach to the complex problems of the Middle East. We support negotiation of a just, enduring and comprehensive peace settlement in the Middle East, based on United Nations Security Council resolutions 242 and 338, and the principles derived from successive agreements between the two parties. We support the efforts of the Quartet and 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 forums, such as the statement delivered by New Zealand at the fifty-ninth session of the United Nations General Assembly.

40. 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 and contribute to the United Nations Truce Supervision Organization (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.

41. *Operative paragraph 2: Reiterates call for all remaining States to accede to the Treaty on the Non-Proliferation of Nuclear Weapons and accept IAEA safeguards on all nuclear activities.*

42. New Zealand, in partnership with the New Agenda Coalition, emphasizes the importance of universal accession to the Treaty on the Non-Proliferation of Nuclear Weapons. We call upon Israel to sign and ratify the Treaty, and to bring into force comprehensive IAEA safeguards.

43. *Operative paragraph 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.*

44. New Zealand is a staunch supporter of the role of the IAEA. We advocate full-scope safeguards and the strengthened safeguards 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 works within the United Nations General Assembly, the review process of the Treaty on the Non-Proliferation of Nuclear Weapons, and the IAEA General Conference to address this issue.

45. *Operative paragraph 4: Reaffirms importance of early universal adherence to Treaty on the Non-Proliferation of Nuclear Weapons and calls upon all Middle East States who have not yet done so to accede to it as soon as possible.*

46. Contribution as outlined in response to operative paragraph 2 above.

47. *Operative paragraph 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.*

48. New Zealand strongly supports nuclear-weapon-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 establishments of regional nuclear-weapon-free zones are useful steps towards the total elimination of nuclear weapons.

49. *Operative paragraph 6: Calls upon all States parties to the Treaty on the Non-Proliferation of Nuclear Weapons, 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.*

50. New Zealand welcomed Mexico's initiative to hold a meeting of States parties and signatories to nuclear-weapon-free-zone treaties in April 2005, which recognized that greater cooperation between existing zones may contribute to progress in the formation of new zones. In this context, New Zealand welcomed the Tashkent declaration in February 2005, which laid the foundation for the establishment of a nuclear-weapon-free zone in Central Asia. New Zealand continues to support the development of all regional nuclear-weapon-free zones.

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