

Briefing for call with Hon Jeremiah MANELE, Minister of Foreign Affairs and External Trade (Solomon Islands)

Date: Monday 21 June 2021

Time: 2.00 to 3.00

Venue: MFAT Auckland office, Level 6, 139 Quay St

This meeting will cover both Disarmament and Arms Control matters, and PACER Plus. There is no formal agenda for your meeting. However, we have indicated to the Solomon Islands Ministry of Foreign Affairs and External Trade that you wish to discuss disarmament and arms control matters, and PACER Plus. ^{s6(a)}

Haurongo – Biography



Jeremiah Manele [*“ma-neel-ee”*] was appointed Minister of Foreign Affairs and External Trade in 2019. A career diplomat, he was previously Permanent Secretary of Foreign Affairs and External Trade. An in-person visit to New Zealand by Manele scheduled for March 2020 was deferred due to COVID-19. This is our first ministerial-level engagement with Manele on Disarmament and Arms Control issues. Minister Manele attended the inaugural PACER Plus Ministers’ Meeting in February 2020, and spoke with Minister Mahuta by Zoom in February 2021, during which they discussed COVID-19 recovery, the Pacific Islands Forum and RSE.

Whāinga – Objectives

- Acknowledge the strength of the New Zealand-Solomon Islands relationship, ^{s6(a)}
- Discuss Solomon Islands’ views on PACER Plus as a vehicle for economic and social development, especially in light of the impacts of COVID-19.
- Emphasise that New Zealand and Solomon Islands have a long tradition of working together on nuclear disarmament issues and ^{s6(a)}

Pito kōrero – Talking points

- Our relationship with Solomon Islands is important to New Zealand. The scope and scale of the activities in our partnership is impressive, and our ambition remains high as we work together to address the impacts of COVID-19. We look forward to continuing our long-standing, deep and respectful partnership.

- Solomon Islands' approach to COVID-19 has been decisive, timely, and effective. However, there is a long road ahead in addressing the economic impacts of the virus.

- ^{s6(a)}

- We are committed to supporting recovery across the region and will be working closely with Solomon Islands on how best to address these impacts.

PACER Plus

- New Zealand sees PACER Plus first and foremost as a development agreement, representing the deepening of our relationship with the Pacific and our enduring commitment to the region.
- It is important to ensure that the benefits of PACER Plus are realised. The pandemic has made it even more crucial that the region remains committed to strengthening the region's trade capacity, access to international markets and regional economic integration, in order to support economic diversification and resilience.
- The New Zealand- and Australia-funded Development and Economic Cooperation Fund, valued at approx. NZ\$27.5million (AU\$25.5million), will help shape the trading environment in the Pacific. Parties to the Agreement have the opportunity to steer a work programme of trade capacity building activities to be implemented by the PACER Plus Implementation Unit.
- While the development and economic cooperation activities will focus on multi-country projects for PACER Plus Parties, Aid for Trade funding will allow New Zealand to support bilateral trade-related priorities in Solomon Islands.

^{s6(a)}

- New Zealand sees value in expanding PACER Plus membership to include other Pacific Island Countries ^{s6(a)} We see this as enhancing regional trade integration ^{s6(a)}

Labour mobility

New Zealand is committed to enhancing the Recognised Seasonal Employer (RSE) scheme and exploring new opportunities once border settings permit this, under the Labour Mobility Arrangement.

- We have appreciated Solomon Islands' commitment to repatriating stranded RSE workers, which has alleviated welfare issues among workers and enabled Solomon Islands to be eligible to participate in the second RSE border exception. We

understand there is strong interest from employers in undertaking a recruitment of workers from Solomon Islands later this year.

Disarmament and the Pacific

- We have appreciated working together with Solomon Islands as part of a Pacific community to reject nuclear weapons.
- We are grateful for your support for the adoption of the Treaty on the Prohibition of Nuclear Weapons (TPNW) in 2017 and are pleased that there are now 10 states parties from the Pacific. As a total prohibition on nuclear weapons, the TPNW reflects decades of Pacific aspiration and advocacy and sends the strongest possible message about the illegality and immorality of nuclear weapons.
- s6(a)
- Universalisation of the TPNW is one of New Zealand's top disarmament priorities and I can assure you of our support should you require assistance as you consider joining the Treaty.
- New Zealand is also continuing our efforts to promote implementation of the nuclear disarmament obligations in Article VI of the Nuclear Non-Proliferation Treaty (NPT).
- One of the groupings through which we are seeking to achieve a robust outcome to the deferred NPT Review Conference is the Stockholm Initiative, which is promoting agreement on a set of "stepping stones" that we believe could help move disarmament forward. I would encourage Solomon Islands to support these "stepping stones" and endorse the overriding message that nuclear weapons states must urgently implement their past nuclear disarmament commitments.
- I was sorry to learn of the accidental deaths of two citizens resulting from an explosion of historic unexploded ordnance in Honiara last month, as well as the deaths of two mine clearance workers in Honiara last year. New Zealand has been pleased to support efforts to clear unexploded remnants of war in Solomon Islands, such as through the Australian-led Operation Render Safe. s6(a)
- Officials have been in contact over the past few years to support your government's consideration of joining the Arms Trade Treaty and the Convention on Cluster Munitions. New Zealand is a strong advocate for both of these treaties, which seek to address the humanitarian consequences of uncontrolled or illicit arms flows and of cluster munitions. s6(a)

Papamuri – Background

Solomon Islands - New Zealand Bilateral Relationship

1. Solomon Islands is the recipient of one of **New Zealand's largest bilateral Official Development Assistance (ODA) programmes.** ^{s6(a)}
 Infrastructure projects have been delayed, the country's largest export (logs) is in decline and GDP contracted in 2020 by 4.5 percent (Asian Development Bank figures). In addition to our regional response, to date **New Zealand support to Solomon Islands' COVID-19 response** has included NZ\$3 million budget support (allocated to the Ministry of Health); NZ\$2 million for Solomon Islands' vaccine rollout, and other ad-hoc support. ^{s6(a)}
2. Solomon Islands has recorded **20 cases of COVID-19**, all identified and contained at the border. The Government is focused on preventing COVID-19 community transmission through strict border policies, including policing the western border with Papua New Guinea. Vaccine rollout is underway.
3. During our **High Level Consultations with Solomon Islands** in December 2020, ^{s6(a)}

Labour mobility

4. **Solomon Islands has expressed strong labour mobility ambitions,** ^{s6(a)}
 . In March 2020, there were 900 Solomon Islands RSE workers in New Zealand. ^{s6(a)}

PACER Plus

5. **Planning, including confirming the agenda, is proceeding for the upcoming PACER Plus Ministers' meeting.** While no date has been set it looks increasingly likely to be held on 30 June. ^{s6(a), s6(b)(i)}

s6(a), s6(b)(i)

6. The Development and Economic Cooperation work programme is being informed by a Rapid Needs Assessment (RNA) being conducted by the Institute for International Trade of the University of Adelaide (IIT). **Stakeholder consultation has been completed for the RNA for Solomon Islands.** ^{s6(a)}

Solomon Islands Disarmament Matters

Nuclear disarmament

7. **We have a history of close cooperation with Solomon Islands on nuclear disarmament issues**, including as States Parties to the South Pacific Nuclear Free Zone Treaty (the Treaty of Rarotonga). Nuclear legacy issues are of particular importance to Pacific partners and New Zealand is keen to support the work of the Pacific Islands Forum Secretariat (PIFS) Task Force in this regard.
8. Solomon Islands has been supportive of the **Treaty on the Prohibition of Nuclear Weapons** (TPNW) – voting in favour of its adoption and for subsequent resolutions in support of it, and attending the Auckland Conference on the TPNW in December 2018 – but has not yet signed or ratified the Treaty. ^{s6(a)}
9. Of the TPNW's 54 States Parties, it has strong support from the Pacific (the Cook Islands, Fiji, Kiribati, Nauru, Niue, New Zealand, Palau, Samoa, Tuvalu and Vanuatu have ratified the Treaty, with Timor-Leste also having signed). ^{s6(a)}
10. **Solomon Islands also aligned itself with the Pacific Small Islands Developing States' (PSIDS) statement** to the 2020 UNGA Meeting to Commemorate the International Day for the Total Elimination of Nuclear Weapons, which "said no to nuclear weapons" and encouraged ratification of the TPNW.

Conventional weapons

11. Solomon Islands is party of the **Anti-Personnel Mine Ban Convention**, but not the Arms Trade Treaty (ATT) or Cluster Munitions Convention (CCM).
12. Solomon Islands participated in the Pacific Conference on Conventional Weapons hosted by New Zealand in Auckland in February 2018 which focussed on the ATT, the Anti-Personnel Mine Ban Convention and the Convention on Cluster Munitions ^{s6(a)}

s6(a)

14. Solomon Islands continues to be impacted by un-cleared **explosive ordnance from the Second World War**, which it lacks the resources to deal with effectively. In May 2021, two Solomon Islanders were killed by an explosion at a private residence in Honiara. In September 2020, a New Zealander and an Australian working as de-miners for Norwegian People's Aid were killed while undertaking clearance work in Honiara. New Zealand has provided support with survey and mine clearance in Solomon Islands (including through the Australian-led Operation Render Safe).

Fukushima – discharge of treated water into the Pacific

15. ^{s6(a)}

In assessing the potential environmental impact of any discharge from Fukushima we are guided by the IAEA which has the mandate and technical expertise on this issue. We are pleased that the IAEA Director-General engaged directly with PIF members on regional concerns about the discharge earlier this month (in a meeting facilitated by New Zealand). We also welcome the IAEA's offer to provide technical expertise and engage in further regional consultations to ensure any disposal is carried out without adverse impact on the environment.

16. The upcoming Pacific Islands Leaders Meeting (PALM) with Japan in July will also provide an opportunity for PIF members to discuss this matter with Japan directly and communicate expectations for ongoing engagement. New Zealand will stay in touch with the Pacific Island Forum Secretariat about the convening of a meeting of the Consultative Committee under the Treaty of Rarotonga, ^{s6(a)}

International Security and Disarmament Division

Trade Policy Engagement and Implementation Division

Pacific Bilateral – Melanesia and Micronesia Division

June 2021

Hon Phil Twyford

Minister for Disarmament and Arms Control

**FIRST MEETING OF PARTIES TO THE
SOUTH PACIFIC NUCLEAR FREE ZONE TREATY**

15 December 2020, 11am – 1pm



NEW ZEALAND
FOREIGN AFFAIRS & TRADE

Delegation Contact Details

Name	Position and organisation	Contact number
Minister's delegation		
Hon Phil Twyford	Minister for Disarmament and Arms Control, Minister of State for Trade and Export Growth, Associate Minister for Environment and Immigration	s9(2)(a) (Michael Carruthers, Minister Twyford's Senior Private Secretary) s9(2)(a)
William Blackler	Private Secretary (Advisory)	
Accompanying Officials		
Ben King	Deputy Chief Executive (Policy), MFAT	
Dell Higgie	New Zealand Ambassador for Disarmament	
Nicholas Clutterbuck	Senior Policy Officer, International Security & Disarmament Division	
Other contacts		
Cecile Hillyer	Divisional Manager, International Security & Disarmament Division	
Tharron McIvor	Unit Manager, Pacific Regional Division	
Caroline Eszes	Senior Policy Officer, Pacific Regional Division	
Jonathan Curr	New Zealand High Commissioner to Fiji	
Jessica Thorn	Private Secretary	

Meeting Connection Details

The Zoom link for the meeting is provided below:

Topic	First Meeting of the Parties to the South Pacific Nuclear Free Zone Treaty
Time	Dec 15, 2020 10:00 AM Fiji Islands, Marshall Islands, 11.00am Auckland
s6(a)	
s6(a)	

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KEY BRIEFING MATERIALS

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Participant List – Heads of Delegation

Australia	Ambassador for Arms Control and Counter-Proliferation (and First Assistant Secretary International Security Division), Amanda Gorely
Cook Islands	Prime Minister Mark Brown
Fiji	Minister for Defence and National Security Inia Seruiratu
Kiribati	Minister for Environment, Land and Agriculture, Ruateki Tekaiara
Nauru	President Lionel Aingimea (TBC)
New Zealand	Minister for Disarmament and Arms Control, Hon Phil Twyford
Niue	Premier Dalton Tagelagi (TBC)
PNG	Acting Secretary for Foreign Affairs, Elias Wohengu
Samoa	<i>To be confirmed</i>
Solomon Islands	<i>To be confirmed</i>
Tonga	Minister of Lands and Natural Resources and His Majesty's Armed Forces Lord Ma'afu
Tuvalu	Minister of Justice, Communication and Foreign Affairs Simon Kofe
Vanuatu	Minister of Foreign Affairs Marc Ati

Observers

PIFS	Secretary General Meg Taylor Deputy Secretary General Filimon
UN ODA	Under Secretary General Izumi Nakamitsu
CROP agencies	<i>May be represented</i>
OPANAL	<i>May be represented</i>
African Commission of Nuclear Energy	<i>May be represented</i>
FSM	<i>May be represented</i>
French Polynesia	<i>May be represented</i>
New Caledonia	<i>May be represented</i>
Palau	<i>May be represented</i>
RMI	<i>May be represented</i>

Overview Paper

Objectives

- Reinforce New Zealand's credentials as an active, effective and principled advocate for nuclear disarmament;
- Demonstrate our steadfast commitment to working with the Pacific on issues of mutual interest, and to supporting our Pacific partners on issues of priority to them;
- Highlight the ongoing importance of the Treaty of Rarotonga as a symbol of our region's long-standing opposition to nuclear weapons,^{s6(a)}

1 Early last month, the Forum secretariat forwarded an invitation to all Forum members to take part in a Ministerial-level **First Meeting of the Parties to the Treaty of Rarotonga**.^{s6(a)}

Forum Leaders expressed concern in 2019 over the significance and **potential threat of nuclear contamination to the Blue Pacific** and called, "as necessary", for the **operationalisation of the Treaty**.

^{s6(a), s9(2)(g)(i)}

5 More generally, we see considerable value in moving forward region-wide to address nuclear legacy issues and are supportive of the separate initiatives of the Forum in this regard (for example, the establishment in 2020 of a Taskforce on Nuclear Legacy Issues in the Pacific).^{s6(a), s9(2)(g)(i)}

Agenda

7 The meeting will be **chaired by Fiji** (their Minister for Defence and National Security, Inia Seruiratu) as forthcoming Chair of the Forum. See full list of Heads of Delegation at page 5. It will last for two hours.

8 The two substantive items on the agenda of the First Meeting are:

- an open session to discuss **developments, issues and opportunities** arising from the 35 years of the Treaty of Rarotonga (proposed draft intervention by you is at page 12). This session will also see the presentation by the Secretary General, as Depository of the Treaty, of a report on the status of the Treaty (see full text of report at page 7 of accompanying background papers)
- a closed session to finalise and release a **Ministerial statement** (draft text of statement as of 11 December is at page 15). New Zealand chaired the Drafting Committee finalising the text of the statement and officials see the text as broadly satisfactory from New Zealand's point of view.

Nuclear Weapon Free Zones

9 In addition to the nuclear-free status of Antarctica (under the 1959 Antarctic Treaty) and the single state nuclear weapon-free status of Mongolia (declared in 1992), there are at present **five Nuclear Weapon Free Zones**:

- Latin America and the Caribbean (under the Treaty of Tlatelolco, 1967);
- South Pacific (Treaty of Rarotonga, 1985);
- South East Asia (Bangkok Treaty, 1995);
- Africa (Pelindaba Treaty, 1996); and
- Central Asia (Semipalatinsk Treaty, 2006).

10 Article VII of the (global) Nuclear Non-Proliferation Treaty (NPT) specifically preserves the right of states to enter into regional nuclear weapon-free agreements (it could scarcely do otherwise since the Tlatelolco Treaty had already been adopted at the time when the NPT was put in place). While there are some differences between the provisions in the zone treaties (see page 34-41 for a

comparison of their provisions) all clearly reflect their region's commitment to the goals of nuclear non-proliferation and the complete elimination of nuclear weapons.

11 All the zone treaties have **protocols attached to them** intended for ratification by certain states *outside each zone* – notably China, France, Russia, UK and the US (the five states *recognised as nuclear weapon possessors under the NPT* – the P5). When (if) these protocols are ratified by the P5 nuclear weapon possessors, those states are anchored in to respecting key obligations within the zone, e.g. not to use or test their weapons in it.

12 From time to time proposals for other zones have emerged e.g. one which would cover Austria and Switzerland; one for South Asia; and an NGO-led proposal for an Arctic Nuclear Weapon Free Zone. The enduring but probably most contentious proposal is for a zone covering the **Middle East**. The proposal for a Middle East zone was part of the deal facilitating the indefinite extension of the NPT (beyond its original expiry in 1995)^{s6(a), s9(2)(g)(i)}

Treaty of Rarotonga

13 The South Pacific Nuclear Free Zone Treaty (known also as the Treaty of Rarotonga) has been in force since 1986. It has **13 parties (Australia, Cook Islands, Fiji, Kiribati, Nauru, New Zealand, Niue, Papua New Guinea, Solomon Islands, Tonga, Tuvalu, Vanuatu and Samoa)**. Others have since become eligible to join it – although none have done so – after the Forum's membership was expanded in 1987 (to admit the Federated States of Micronesia and the Republic of the Marshall Islands), in 1995 (to admit Palau), and in 2016 (for French Polynesia and New Caledonia).^{s6(a), s9(2)(g)(i)}

14 The Treaty of Rarotonga is focused on banning "**nuclear explosive devices**" (any nuclear weapon or other explosive device capable of releasing nuclear energy) within the "territory" of the zone (which for most purposes excludes high sea areas within the region). Parties to the Treaty undertake not to manufacture or otherwise acquire, possess or have control over any nuclear explosive device inside or outside the zone; to prevent the testing and stationing of these in their territory; to apply International Atomic Energy Agency safeguards and prevent the diversion of fissionable material; and not to dump radioactive wastes at sea within the zone. (For a more detailed outline of the Treaty's obligations see pages 20-21.)

15 The ban in the Treaty of Rarotonga on its parties dumping radioactive waste at sea anywhere within the zone is the reason why the Treaty is called a **nuclear free zone** (rather than a nuclear *weapon* free zone like the other zonal treaties).

16 As part of its "control system" for verifying compliance with the its obligations, the Treaty has a complaints procedure handled via a **Consultative Committee**. The Consultative Committee is also responsible for considering any proposals to amend the Treaty. The Consultative Committee has never yet met^{s6(a), s9(2)(g)(i)}

17 The Treaty has **three protocols** annexed to it relating to *obligations for the Five States* recognised as nuclear weapon possessors under the NPT (China, France, Russia, UK and the US – the P5). Under Protocol 1 the three states with territory actually within the zone (France, UK and US) agree to apply key provisions of the Treaty to their territories. Under Protocol 2 and 3 the P5 undertake not to use or threaten to use their weapons against any party to the Treaty and not to undertake nuclear testing in the zone. (See further detail on the protocols on page 9.)

Value of Regional Nuclear Weapon Free Zones

18 Zone treaties have played an important role over the years in denuclearising certain regions and promoting nuclear disarmament objectives.^{s6(b)(i), s9(2)(g)(i)}

Cooperation between Zones

19 Cooperation between the respective zones has been fairly limited.^{s6(a), s9(2)(g)(i)}

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s6(a), s9(2)(g)(i)

Treaty on the Prohibition of Nuclear Weapons

23 Of note, too, is the fact that with the advent of the Treaty on the Prohibition of Nuclear Weapons (TPNW) there is now a **global prohibition** in place on nuclear weapons. The TPNW performs *at the global level* a broadly similar function to the role played by the zone treaties in the five regions listed above. The TPNW does not however have any analogue to the zone protocols for P5 states (given that the TPNW is registering a *legal prohibition on nuclear weapons across the board* - and not looking simply to constrain the presence of these weapons in a particular region). See also the brief on TPNW at page 32.

24 There are **10 Pacific parties to the TPNW** (Cook Islands, Fiji, Kiribati, Nauru, New Zealand, Niue, Palau, Samoa, Tuvalu and Vanuatu).^{s9(2)(g)(i), s6(a)}

Nuclear contamination

27 As noted above, the convening of this First Meeting of Parties to the Treaty of Rarotonga is taking place alongside the Forum Secretariat's efforts to implement the Forum Leaders' undertakings relating to the legacy issues from the many tests which took place in the region. New Zealand strongly supports the Secretariat in this endeavour.^{s6(a), s9(2)(g)(i)}

28 s6(a), s9(2)(g)(i)

*International Security and Disarmament Division
Ministry of Foreign Affairs and Trade
December 2020*

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New Zealand Intervention (*Open Session*)

Thank you, Mr Chair.

I welcome this opportunity to meet today with Pacific colleagues to discuss our landmark Treaty, the Treaty of Rarotonga.

I am grateful to Minister Seruiratu [pron. se-ru-ee-ra-tu] for his able chairing of this Meeting and I would like to register, too, my gratitude to Dame Meg Taylor and her colleagues at the Secretariat for their organisation of it and for their ongoing stewardship of our important Treaty.

The Treaty of Rarotonga is more than just an instrument establishing a nuclear weapon free zone. It is a record of our region having come together to stop the testing here of the most destructive weapon the world has ever seen. It is about our determination to preserve the "bounty and beauty of the land and sea" in our region to ensure it "remains the heritage of our peoples... in perpetuity".

Our Treaty has been successful in seeing the termination of nuclear tests here - but their effects remain today. Tragically, some parts of the Pacific have been left to live with catastrophic damage. New Zealand is strongly supportive of efforts to address legacy issues of nuclear testing and we welcome the leadership of the Pacific Islands Forum in this regard. We value the ongoing work of the Secretariat and all Forum Members, including through the establishment of a Taskforce on nuclear legacy issues. Parties to the Treaty of Rarotonga can also play an important role in sustaining the Forum's focus on these issues.

Today, we are all here to reaffirm our commitment to the principles of nuclear disarmament and non-proliferation. Such a commitment is, I think, in the very DNA of all New Zealanders and I can, of course, confirm the New Zealand Government's enduring support as well.

This convening of our First Meeting of the Treaty of Rarotonga, and the discussions that are taking place separately on nuclear legacy issues, reinforces the degree to which nuclear disarmament and non-proliferation are also an intrinsic part of our region's identity.

I am looking forward to the release of the Meeting's Ministerial Statement later today. This Statement positions our region well to continue to press for the global elimination of nuclear weapons.

Our Statement will serve to remind the nuclear weapon states of their obligations under the Nuclear Non-Proliferation Treaty. Our Statement reiterates calls for barriers to the entry-into-force of the Comprehensive Nuclear-Test-Ban Treaty (CTBT) to be overcome via its ratification by key remaining states.

The Statement makes clear how greatly our region would welcome ratification of the Treaty of Rarotonga's Protocols by all nuclear weapon states in order to give the Treaty its full legal effectiveness.

And the Statement also records the strong support of so many in our region to the entry-into-force next month of the very significant Treaty on the Prohibition of Nuclear Weapons.

Turning back to the decisions to be taken here today, I should note that New Zealand is very open to the proposal to convene the Consultative Committee put in place under the Treaty of Rarotonga. We are grateful to the paper recently prepared by the Secretariat on this topic and look forward to hearing views of colleagues here.

In closing, Mr Chair, I repeat my gratitude for the opportunity to come together today and register the significance the Treaty of Rarotonga continues to hold for us all in having ended the chapter of nuclear testing in our region.

Thank you.

Talking Points for use as required (Closed Session)

General

- New Zealand is happy with the proposed Ministerial Statement for release at this meeting. We think it is a strong and fair reflection of the concerns that we all share regarding regional nuclear issues, as well as global ones.

s6(a)

Nuclear Contamination

- Legacy contamination from nuclear testing in the Pacific is of very serious concern to the New Zealand Government.
- The damage it caused – with ongoing effects today – is devastating.
- New Zealand sees the real need to determine the extent of contamination as a result of nuclear testing, and to support the necessary remediation efforts.

If raised: Treaty on the Prohibition of Nuclear Weapons

- New Zealand – along with a further nine Forum Members – has signed and ratified the Treaty on the Prohibition of Nuclear Weapons (TPNW).
- The formulation that has been put forward for the Ministerial Statement reflects wording Leaders agreed to in 2018. It is a factual and objective account of what has happened (i.e. ten Forum Members have joined).

s6(a)

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BACKGROUND BRIEFS

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The Treaty of Rarotonga

Key points

- The South Pacific Nuclear Free Zone Treaty, known as the Treaty of Rarotonga, prohibits the manufacture, use, testing and possession of nuclear weapons in the South Pacific region. It also prohibits the dumping of radioactive waste at sea.
- The Treaty entered into force in 1986. It was the second treaty to establish a Nuclear-Weapon-Free Zone, with the first established in Latin America nearly 20 years earlier.
- The Treaty has 13 Parties: Australia, Cook Islands, Fiji, Kiribati, Nauru, New Zealand, Niue, Papua New Guinea, Solomon Islands, Tonga, Tuvalu, Vanuatu, and Samoa.
- Three associate states not located within the zone (the Marshall Islands, Federated States of Micronesia and Palau) are not Parties to the Treaty but are eligible to become Parties.
- Three protocols extend the Treaty's provisions to the five States outside the Zone that possessed nuclear weapons when the Treaty was negotiated. France, the UK, China and Russia have ratified all relevant protocols (although France maintains a reservation to Protocol 3 that it does not consider its right to self-defence to be restricted). The US has signed but not ratified all three protocols.
- The Zone limits the threat posed by nuclear weapons in the South Pacific region and serves to strengthen the international disarmament and non-proliferation regime.

Background

1 The establishment of the South Pacific Zone reflects a deep-seated concern about the existence of nuclear weapons, the fact that the region was used as a testing base for these weapons and the contamination of the marine environment through the dumping of nuclear waste at sea. It also reflected the belief that regional measures would contribute to global nuclear disarmament efforts.

2 The Treaty followed the 1967 Treaty of Tlatelolco, which established a Nuclear Weapon Free zone in Latin America. The Treaty of Rarotonga prohibits the same categories of nuclear weapon activities as the Treaty of Tlatelolco, but also goes further in prohibiting all nuclear testing anywhere in the zone as well as the dumping of nuclear waste at sea.

Treaty Text

3 The Preamble to the Treaty of Rarotonga reflects the conviction of its parties that "all countries have an obligation to make every effort to achieve the goal of eliminating nuclear weapons, the terror which they hold for humankind, and the threat which they pose for life on earth."

4 Parties to the Treaty are obliged:

- Not to manufacture or otherwise acquire, possess, or have control over any nuclear explosive device anywhere inside or outside the Zone;

- Not to seek or receive any assistance in this;
- Not to take any action to assist or encourage the manufacture or acquisition of any nuclear explosive device by any state; and
- Not to provide sources of special fissionable materials or equipment to any state unless it is subject to safeguards agreements with the International Atomic Energy Agency (IAEA).
- To prevent the stationing of any nuclear explosive device in their territory;
- To prevent the testing of any nuclear explosive device;
- Not to dump radioactive wastes and other radioactive matter at sea, anywhere within the Zone; and
- To prevent the dumping of radioactive wastes and other radioactive matter by anyone in the territorial sea of the Parties.

5 Treaty compliance is largely verified through the enforcement of IAEA safeguards agreements. The Treaty also establishes a "control system" comprising reports, consultations and exchanges of information among Parties, although these have not been used in practice. Annex 4 to the Treaty also provides for Parties to bring a formal complaint should it consider that another Party is in breach of its obligations under the Treaty. This has never been used.

Protocols

- 6 Three protocols extend the Treaty's provisions to States outside the zone:
- Protocol 1 requires states with territories in the region to apply the prohibitions to their territories.
 - Protocol 2 commits the five states that possessed nuclear weapons when the Treaty was negotiated (the US, USSR/Russia, UK, France and China) not to use or threaten to use any nuclear explosive device against Parties to the Treaty.
 - Protocol 3 commits the five nuclear weapon states not to test any nuclear explosive device within the zone.
- 7 The US has signed but not ratified all three protocols. ^{s6(a)}

Overview of Pacific Nuclear Weapon Contamination

Key points

- Legacy contamination from the US and French nuclear testing in the Pacific remains a priority issue for the Pacific Islands Forum, and is referred to annually in PIF Communiqués.
- In 2019, the PIF Communiqué included a number of undertakings related to nuclear contamination, including concrete actions to address the ongoing legacy issues (particularly in the Republic of the Marshall Islands).
- The PIF is an appropriate forum to take forward and address concerns about nuclear contamination, in particular through the new Council of Regional Organisations in the Pacific (CROP) Taskforce on Nuclear Legacy Issues in the Pacific, which was formed in 2020.
- The 2017 Treaty on the Prohibition of Nuclear Weapons (TPNW) also includes provisions relating to victim assistance and environmental remediation as a result of nuclear testing, imposing obligations on TPNW states Parties while also recognising the responsibilities and obligations of those that conducted the tests.
- s6(a)

Background

1 The Pacific has the deeply regrettable legacy of having been a nuclear weapons testing base for the UK, US and France:

- From 1946 - 1958, the US conducted 66 atmospheric and underwater tests in the Marshall Islands.
- From 1952 - 1957, the UK conducted atmospheric tests on Australian territory at Maralinga, Emu Field, and Monte Bello Island.
- Both the UK and US conducted atmospheric nuclear tests on Christmas Island until the signing of the Partial Test Ban Treaty (PTBT) in 1963, which banned further atmospheric nuclear detonations.
- In 1963, France established a nuclear test site in its French Polynesian atolls. Between 1966 and early 1996 it carried out 190 nuclear detonations (including more than 40 above ground) at the Mururoa and Fangataufa sites.

2 Nuclear contamination remains an important issue for Pacific Island Countries (PICs), not only to those directly impacted by testing. Given the reliance of Pacific communities on the ocean, PIC leaders are concerned by the prospect of further seepage from the atoll test sites. The “Runit Dome”

on Enewetak Atoll in the Marshall Islands, for example, contains almost 90,000 cubic meters (or 35 Olympic-sized swimming pools) of radioactive soil and debris. There are concerns that the Runit Dome will collapse as a result of rising seas and other effects of climate change, releasing the radioactive waste into the surrounding sea.

3 The issue of compensation for legacy issues arising from nuclear testing is also important for the Pacific.^{s6(a)}

Pacific Islands Forum – current work on nuclear contamination issues

4 The priority PICs attach to nuclear contamination issues is demonstrated by the frequent references to it in the annual Pacific Island Forum Communique. In the 2019 Communique, PIF Leaders expressed particular concern about the issue and agreed to a large number of undertakings related to nuclear contamination. These included:

- An acknowledgment of the importance of “addressing the long-standing issues of nuclear testing legacy in the Pacific”;
- A reiteration of concern on nuclear contamination issues in the Republic of the Marshall Islands, particularly in respect of the nuclear waste storage facility on Runit Island, Enewetak Atoll, and a call on the US Government to increase its monitoring and to address health consequences related to the nuclear testing programme;
- An agreement to continue supporting bilateral, regional and multilateral action to assist the Marshall Islands in achieving a full, fair and just resolution of all outstanding nuclear testing legacy issues;
- An agreement to write to the UN Secretary-General requesting the assistance of the relevant and competent UN agencies and any other partners in addressing the ongoing impacts of nuclear testing in the Pacific; and
- Endorsement of the need for the commissioning of an appropriate body to undertake a comprehensive, independent and objective scientific assessment of the contamination issue in the Pacific.

5 To follow up on some of these undertakings, a Council of Regional Organisations in the Pacific (CROP) Taskforce on Nuclear Legacy Issues in the Pacific was established in 2020. The purpose of the Taskforce is to deliver on Forum Leaders’ decisions to address the ongoing impacts and legacy issues of nuclear testing in the Blue Pacific.^{s6(a)}

s6(a)

. From a New Zealand perspective, we see the Taskforce as a very useful initiative to ensure the undertakings made in the Forum Communique are fulfilled in a timely, appropriate and effective way.

Legacy issues and the Treaty on the Prohibition of Nuclear Weapons

6 The victim assistance and environmental remediation clauses of the Treaty on the Prohibition of Nuclear Weapons seek to achieve a balance between the obligations of the affected state to support victims and address environmental harm, and the reality that many of the states where nuclear testing took place did not conduct the nuclear testing themselves.

7 Article 6 of the TPNW therefore provides that each State Party shall, with respect to individuals under its jurisdiction who are affected by the use or testing of nuclear weapons, adequately provide age- and gender-sensitive assistance, without discrimination, including medical care, rehabilitation and psychological support, as well as provide for their social and economic conclusion. It also requires States Parties to take necessary and appropriate measures towards the environmental remediation of areas under their jurisdiction or control that have been contaminated as a result of activities related to the testing or use of nuclear weapons. At the same time, Article 6 states that these obligations are "without prejudice to the duties and obligations of any other State under international law or bilateral agreements".

8 Article 7 of the TPNW covers International Cooperation and Assistance and includes provisions for each State Party "in a position to do so" to provide technical, material and financial assistance to States Parties affected by nuclear-weapons use or testing, and to provide assistance for the victims of such use or testing. It also includes the following provision: "Without prejudice to any other duty or obligation that it may have under international law, a State Party that has used or tested nuclear weapons or any other nuclear explosive devices shall have a responsibility to provide adequate assistance to affected States Parties, for the purpose of victim assistance and environmental remediation". s6(a)

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s6(a)

Fukushima Nuclear Power Plant

10 Japan is currently considering what to do with over 1.2 million tons of treated radioactive water from the Fukushima Nuclear Power Plant, which was devastated in the 2011 Japanese earthquake. s6(a)

s6(a)

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Shipment of radioactive materials through the Pacific

Key points

- The proposed statement from the first meeting of Parties to the Treaty of Rarotonga includes a reference to concerns regarding the shipment of radioactive materials through the region.^{s6(a)}
- The Pacific Islands Forum has engaged on this issue on a number of occasions in the past, reflecting concern that appropriate safety and security protections (and emergency response preparations) may not be in place, and that liability and compensation for any harm caused by an accident or incident involving radioactive material in the Pacific should not fall to the Pacific Islands.
- In 2002, Forum leaders agreed a number of proposals to address these concerns, including that shipping states should accept full responsibility and liability for compensation for any damage which may result directly or indirectly from the transport of radioactive material through the region.
- In support of these proposals New Zealand has remained actively engaged within the International Atomic Energy Agency in Vienna, and continues to chair a group of coastal states in regular dialogue with nuclear shipping states.

s6(a), s9(2)(g)(i)

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Nuclear Disarmament

Key points

- The **Nuclear Non-Proliferation Treaty (NPT)** provides the framework for global nuclear disarmament based on three pillars: disarmament, non-proliferation and peaceful uses of nuclear energy. The NPT's underlying "Grand Bargain" was that states without nuclear weapons promised not to acquire them in return for those (Five) states already possessing them moving forward on disarmament. This is reflected in the Treaty's disarmament undertaking in Article VI.
- New Zealand strongly supports the NPT and has long advocated for fulfilment of all its provisions, including Article VI.
- Nuclear disarmament remains the most pressing issue on the global disarmament agenda.
s6(a), s9(2)(g)(f)
- The failure of the Five NPT states with nuclear weapons to move forward on their disarmament undertakings has created strains within the Treaty's membership. Growing frustration at a lack of progress on nuclear disarmament led over 130 states to negotiate the **Treaty on the Prohibition of Nuclear Weapons** which has been ratified by 50 countries (including New Zealand). The TPNW establishes a global prohibition on nuclear weapons for the first time and will enter into force in January 2021.

Background

1 "Disarmament" involves the qualitative limitation (and sometimes a fully-fledged *prohibition*) of certain types of weapons - usually through international treaties. It can also be used interchangeably with "arms control" to refer simply to reductions in the number of particular weapon types. It is closely associated with the concept of "non-proliferation" – preventing the spread of weapons (both through treaties and also via other means such as export control regimes).

2 It is estimated that there are overall, at present, nearly 14,000 nuclear warheads held by nine countries¹. As a legacy of the Cold War, the US and Russia still possess the vast bulk of these weapons with the result that they have continued to play the leading role in nuclear arms reduction negotiations.

s6(a)

Recently, the momentum on nuclear disarmament has slowed and there are signs that things may indeed be going into reverse.

¹ In order of development - US, Russia, UK, France, China, India, Pakistan, Israel and North Korea.

4 Growing frustration at the lack of progress towards nuclear disarmament, and increased concern at the 'humanitarian consequences' of any use of nuclear weapons (a movement involving civil society which began in 2013) led more than 130 states, including New Zealand, to negotiate a treaty to establish a global prohibition on nuclear weapons in 2017.

The Nuclear Non-Proliferation Treaty (NPT)

5 The Nuclear Non-Proliferation Treaty (NPT) has been at the centre of international nuclear disarmament and non-proliferation efforts for the past 50 years. The 'Grand Bargain' at its heart is the agreement of its five Nuclear Weapon States to move forward on eliminating their nuclear arsenals in exchange for the agreement of all non-Nuclear Weapon States not to develop nuclear weapons in the first place. This is reflected in Article VI of the NPT. The five Nuclear Weapon States under the Treaty are the US, Russia, the UK, France and China. Israel, India, Pakistan and North Korea are not party to the NPT and possess nuclear weapons outside its framework.

6 While the NPT has been largely successful in meeting its non-proliferation objectives, there is broad recognition that the record on nuclear disarmament is less than satisfactory. The slowing down of US/Russia warhead reduction efforts, the failure to achieve entry-into-force of the Comprehensive Nuclear Test-Ban Treaty (CTBT), and the renunciation of past achievements such as the Intermediate-Range Nuclear Forces Treaty (INF), combined with modernisation efforts by all Five NPT weapon possessors, has been criticised heavily.

7 Frustration at the lack of progress, coupled with momentum from the Humanitarian Consequences of Nuclear Weapons (HINW) initiative (see para 4 above) and strong concern about the inability of any use of nuclear weapons to meet the requirements of International Humanitarian Law (IHL), resulted in many NPT Parties calling for a global prohibition on nuclear weapons. This culminated in the conclusion of negotiations and adoption of the Treaty on the Prohibition of Nuclear Weapons (TPNW) in 2017. The TPNW was recently ratified by 50 states, triggering its entry into force on 22 January 2021.

8 A five-yearly Review Conference of the Nuclear Non-Proliferation Treaty is expected to take place in New York in August 2021 (postponed from April-May 2020 due to Covid-19). It is a critical juncture for the NPT^{36(a)}

9 Achieving consensus on a final outcome document at the Review Conference will be very challenging. Broad differences remain between the vast majority of non-Nuclear Weapon States - who

are calling for accelerated progress on nuclear disarmament - and the Five nuclear weapon possessor states who are looking instead to preserve the status quo.

Bilateral Treaties

10 Over a process extending many years, the US and Russia have reached a series of bilateral agreements to reduce their nuclear weapons stocks. ^{s6(e)}

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The Treaty on the Prohibition of Nuclear Weapons (TPNW)

Key points

- Growing frustrations at the lack of progress towards nuclear disarmament led to a group of countries, including New Zealand, taking part in negotiations on a treaty to prohibit nuclear weapons in 2017.
- More than 120 states participated in the negotiations and 53 (including New Zealand) signed the Treaty when it opened for signature in September 2017. 84 states have signed the Treaty, and 50 have now ratified it (the requisite number of ratifications before entry-into-force is triggered).
- As such, the Treaty will enter into force on 22 January 2021. It is supported by the majority of United Nations members - but not by any of the current nuclear weapon possessors or their allies. None of the states that possess nuclear weapons nor those states in a formal military alliance with the US, have supported the Treaty and some are actively critical of it.
- The Treaty prohibits nuclear weapons and any activity associated with them. By providing the legal framing for a nuclear weapon-free world, the Treaty strengthens the norm against nuclear weapons and represents a necessary step on the pathway towards their abolition.

Background

1 The Treaty on the Prohibition of Nuclear Weapons (TPNW) is not unanimously favoured among parties to the 1968 Nuclear Non-Proliferation Treaty (NPT). A broad grouping of UN Member States – including States Party to the NPT - support the TPNW, and have made it clear they see it as compatible with, and complementary to, the goals of the NPT. But Nuclear-weapon States have argued that the TPNW undermines the NPT and creates stark divisions among States Party to the NPT. New Zealand strongly disagrees with each of these assessments.

2 Each of the P5 (US, UK, China, Russia and France) is opposed to the TPNW, and believe it will do little to advance disarmament goals.

3 The Pacific is generally strongly supportive of the Treaty. Besides New Zealand, nine States have joined the Treaty: Cook Islands, Fiji, Kiribati, Nauru, Niue, Palau, Samoa, Tuvalu and Vanuatu.

4 New Zealand hosted a Pacific Conference on the Treaty in Auckland in December 2018. The Conference was intended to support regional uptake of the TPNW. Pacific partners engaged positively on the topic, with 12 Pacific Island countries participating in the conference.

States Parties to the Treaty on the Prohibition of Nuclear Weapons

Antigua and Barbuda	Ireland	Panama
Austria	Jamaica	Paraguay
Bangladesh	Kazakhstan	Saint Kitts and Nevis
Belize	Kiribati	Saint Lucia
Bolivia	Lao People's Democratic Republic	Saint Vincent and the Grenadines
Botswana	Lesotho	Samoa
Cook Islands	Malaysia	San Marino
Costa Rica	Maldives	South Africa
Cuba	Malta	State of Palestine
Dominica	Mexico	Thailand
Ecuador	Namibia	Trinidad and Tobago
El Salvador	Nauru	Tuvalu
Fiji	New Zealand	Uruguay
Gambia	Nicaragua	Vanuatu
Guyana	Nigeria	Venezuela (Bolivarian Republic of)
Holy See	Niue	Viet Nam
Honduras	Palau	

Signatories to the Treaty on the Prohibition of Nuclear Weapons

Algeria	Côte d'Ivoire	Mozambique
Angola	Democratic Republic of the Congo	Myanmar
Benin	Dominican Republic	Nepal
Brazil	Ghana	Peru
Brunei Darussalam	Grenada	Philippines
Cabo Verde	Guatemala	Sao Tome and Principe
Cambodia	Guinea-Bissau	Seychelles
Central African Republic	Indonesia	Sudan
Chile	Libya	Timor-Leste
Colombia	Liechtenstein	Togo
Comoros	Madagascar	United Republic of Tanzania
Congo	Malawi	Zambia

Other Existing Nuclear Weapon Free Zones

Key points

- In addition to the South Pacific, four other regions of the world have Nuclear Weapons Free Zones (NWFZ) Treaties in place: Latin America and the Caribbean, South East Asia, Africa and Central Asia.
- Over 100 states have ratified a NWFZ Treaty, with more having signed but not yet ratified one. Over 40% of the world's population now live in such a Zone, with the remainder largely living within states that either possess nuclear weapons or are in military alliances with those that do and who are not therefore willing to agree to the obligations of such a zone. The exception is the Middle East, where long-standing efforts to achieve a NWFZ have yet to yield results.
- The zones serve to gradually limit and delegitimise nuclear weapons at a regional level and signal an intention to move towards a nuclear weapon free world. They do not, however, supplant the need for negotiated, universally-applicable frameworks and instruments governing nuclear weapons.
- Although each of the five NWFZs has particular characteristics, they all seek to prevent the emergence of new nuclear-armed states within the region by prohibiting the production, testing, use or other acquisition of nuclear weapons, and to keep nuclear weapons out of the zone.
- Each of the zone treaties also includes protocols imposing obligations on the five nuclear-weapon states recognised by the Nuclear Non-Proliferation Treaty (NPT) – the US, UK, Russia, France and China. Although the obligations vary by Treaty, they include an obligation not to conduct nuclear testing in the zone, and not to use or threaten to use nuclear weapons against any Treaty party in the zone.
- The protocols have not been ratified by all the nuclear-weapon states, which limits their effectiveness. The four nuclear-armed states that are not party to the NPT – India, Pakistan, Israel and the DPRK – have undertaken no obligations in respect of the zones.
- New Zealand is part of a core group that runs a biennial resolution at the UN General Assembly welcoming the contribution the NWFZ Treaties make towards freeing the southern hemisphere and adjacent areas from nuclear weapons, and encouraging the strengthening of links between the zones.
- Various other efforts have been made to improve collaboration between zones, including through a one-day Conference of Parties to Treaties Establishing Nuclear Weapon Free Zones and Mongolia, which is customarily held immediately prior to the five-yearly NPT Review Conference.
s6(a)
- In addition to the zones, Antarctica and Mongolia are also nuclear-weapon free, and there is international law prohibiting the placement of nuclear weapons in outer space on the moon and seabed.

Background

- 1 There are currently five regional treaties establishing Nuclear Weapon Free Zones:
 - Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco, 1967);
 - South Pacific Nuclear Free Zone Treaty (Treaty of Rarotonga, 1985)
 - Treaty on the South East Asia Nuclear-Weapon-Free Zone (Treaty of Bangkok, 1985);
 - African Nuclear-Weapon-Free Zone Treaty (Treaty of Pelindaba, 1996); and
 - Treaty on a Nuclear-Weapon-Free Zone in Central Asia, Treaty of Semipalatinsk, 2006).
- 2 Although each of the five NWFZs has particular characteristics, they all share the following goals:
 - To prevent the development of new nuclear-armed states or capabilities in their region, achieved through bans on production, testing, use, or other acquisition of nuclear weapons.
 - To keep nuclear weapons out of the zone (with some exceptions for governments to allow foreign countries to ship nuclear materials through their territory).
 - To prevent nuclear-weapon states from using or threatening to use nuclear weapons against territory that falls within the zone.
- 3 Zones become more complex when they require action by states outside of the 'zone'. These are embodied in protocols to the Treaties. These protocols require agreement by the five nuclear-weapon states recognised by the NPT, and most are yet to be fully ratified.^{s6(a)}
- 4 Beyond the direct non-proliferation and security contributions they each make in their home regions, zones also contribute to wider regional and global efforts to prevent the proliferation of nuclear weapons and to eliminate them. However, NWFZs do not supplant the need for negotiated, universally-applicable frameworks and instruments governing nuclear weapons, such as those initiated under the NPT and the Treaty on the Prohibition of Nuclear Weapons.
- 5 New Zealand and Brazil (recently joined by South Africa and Indonesia) run a biennial resolution at the First Committee (on International Security and Disarmament) of the UN General Assembly entitled "Nuclear-weapon Free Southern Hemisphere and Adjacent Areas". The resolution welcomes the contribution the NWFZ treaties have made towards freeing those areas from nuclear weapons, calls to strengthen the links between the NWFZs, and urges the remaining nuclear-weapon states to ratify any outstanding protocols to the Treaties without reservations.

Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco, 1967)

6 Latin America and the Caribbean was the first region to establish a Nuclear Weapons Free Zone, with the Treaty of Tlatelolco coming into effect in 1968, in advance of the Nuclear Non-Proliferation Treaty and almost two decades before the Treaty of Rarotonga.

7 Six months after the Cuban Missile Crisis, five Latin American states called for a multilateral agreement to denuclearise Latin America, following an earlier suggestion from Costa Rica in 1959. The result was the Treaty of Tlatelolco, which opened for signature in 1967 and entered into force in 1969.

8 All 33 Latin American and Caribbean states are party to the Treaty. The zone covers the entire region and large parts of the Pacific and Atlantic oceans.

9 The Treaty has served as a model for all later nuclear weapon free zone (NWFZ) agreements.

10 Key features of the zone include: a ban on nuclear weapons, whether developed or acquired by Zone members themselves or introduced by nuclear-weapon states; an inspection and verification system; and undertakings by nuclear-weapon states not to use or threaten to use nuclear weapons against states in the zone. The ban on stationing of nuclear weapons was particularly relevant given the stationing of both tactical and intermediate-range nuclear missiles in Cuba before and during the Missile Crisis by the USSR.

11 The Treaty also provides for a comprehensive control and verification mechanism, overseen by the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (OPANAL), based in Mexico City. OPANAL remains the only active secretariat for any zone Treaty.

Treaty on the Southeast Asia Nuclear Weapon Free Zone (Treaty of Bangkok, 1995)

12 The Treaty of Bangkok evolved from the earlier 1971 Zone of Peace, Freedom and Neutrality in South-East Asia initiative of ASEAN^{s6(a)}

13 The Treaty of Bangkok opened for signature in 1995 and entered into force in 2007. It established an NWFZ with the same key denuclearization features as the Treaties of Tlatelolco and Rarotonga, but went further by extending the Zone's provisions to cover the continental shelves and exclusive economic zones of states parties to the Treaty.^{s6(a)}

14 The Southeast Asia NWFZ has been ratified by all 10 ASEAN states, but no nuclear-weapon state has signed its protocol undertaking that they respect the Treaty and will not contribute to a violation of it.^{s6(a)}

s6(a)

15 The Bangkok Treaty does not have any designated secretariat, but a Commission at the level of Foreign Ministers and the working group of Senior Officials work to promote the full implementation of the zone.

African Nuclear Weapon Free Zone Treaty (Treaty of Pelindaba, 1996)

16 Calls for an African NWFZ began in the early 1960s, at the time of French testing in the Sahara. Later, fresh concerns began to arise about South Africa's nuclear programme, which resulted in a stockpile of nuclear weapons in the early 1990s.

17 The Treaty of Pelindaba opened for signature in 1996 and entered into force in 2009.

18 Currently, 44 of the 55 African Union states are party to the Treaty.^{s6(a)}

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19 The Treaty contains similar denuclearisation provisions to the Treaty of Rarotonga and the Treaty of Tlatelolco. It also contains special provisions for the dismantling of existing nuclear-weapon-related facilities.

20 Four of the five nuclear-weapon states have ratified protocols I and II, agreeing not to use or threaten to use nuclear weapons against the parties to the Treaty and not to test nuclear weapons in the NWFZ. Despite submitting these protocols to the Senate in 2011, the US ratification of protocols I and II remains outstanding. In addition, protocol III calls on parties with international responsibility for territories within the Zone to apply the Treaty's provisions – which France has ratified, but Spain has not yet signed.

Treaty on a Nuclear Weapon Free Zone in Central Asia (Treaty of Semipalatinsk, 2006)

21 With the Central Asian region once utilised extensively by the USSR for a range of nuclear-weapon-related activities, the idea of a regional NWFZ dates back to Mongolia declaring itself nuclear-weapon free in 1992, at which point Mongolia also called for a regional NWFZ.

22 The Treaty opened for signature in 2006 and entered into force in 2009. The Treaty has five state parties: Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan.

23 As in the case of the other NWFZ Treaties, the Treaty bans the development or acquisition of nuclear weapons by regional states and the stationing of nuclear weapons. However, it goes further

by prohibiting the conduct of research on nuclear weapons, and explicitly including IAEA additional protocol safeguards (the highest IAEA safeguards standard).

24 The Central Asian NWFZ has been ratified by all relevant states, but three weapon states (France, UK, and US) have objections to the Treaty creating the zone.^{36(a)}

25 All of the nuclear-weapon states except the US have ratified the protocol to the Treaty, which provides legally binding assurances not to use or threaten to use nuclear weapons against zone Treaty parties.

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Comparative Chart of Nuclear-Weapon-Free Zones

TREATY S: Signed I: In Force P: Parties D: Duration	Zone of Application	Basic Prohibitions	Review Conferences/ Dispute Settlement	Enforcement	Significant Differences	Special Protocols for NWS	Negative Security Assurances from NWS
Treaty of Antarctica S: 12/1/59 I: 6/23/61 P: 52 D: indefinite	Antarctica, including ice shelves.	No military use of Antarctica; no nuclear explosions (peaceful or otherwise); no nuclear waste storage.	Meetings at "suitable intervals"; review after 30 years"; cooperative dispute resolution, then to the ICJ.	Designated observers can inspect "any and all areas of Antarctica," including ships and planes in port.	No military use, nuclear or otherwise; prohibits new claims to Antarctica.	None.	None.
Treaty of Tlatelolco S: 2/14/67 I: 4/22/68 P: 33 D: indefinite	Mexico, the Caribbean, Central America, and South America (33 eligible countries).	No testing, use, manufacture, production, acquisition, receipt, storage, installation, or deployment of nuclear weapons; no encouraging the above.	Biennial sessions; cooperative dispute resolution, then to the ICJ.	Exchange of reports; IAEA safeguarding; violations reported to UN Security Council, UN General Assembly, OAS, and IAEA.	Allows peaceful nuclear explosions with transparency; however, this controversial provision has been negated by NPT and CTBT states.	I: NWS with territories in the zone — France, UK, United States ratified; II: NWS will not contribute to violations — all ratified.	II: NWS will not use or threaten to use nuclear weapons against Treaty Parties — all ratified.
Treaty of Rarotonga S: 8/6/85 I: 12/11/86 P: 13 D: indefinite	Australia, New Zealand, and the South Pacific Forum (16 eligible countries).	No production, acquisition, possession, testing, or control of any nuclear explosive device; no encouraging the above; no fissile material or related equipment provided to NWS or NNWS unless under NPT and IAEA regulations; no radioactive dumping or storage.	Regular reports, but meetings must be called by a Party; cooperative dispute resolution only.	Exchange of reports; IAEA safeguarding; special inspections of any relevant area.	Prohibits the transfer of nuclear technologies, except export of equipment and materials for peaceful nuclear use under the NPT and IAEA.	I: NWS with territories in the zone — all three signed, France, UK ratified; III: NWS will not test in the zone — all signed, United States has not ratified.	II: NWS will not use or threaten to use any nuclear explosive device against Treaty Parties or territories of states that have acceded to the Treaty — all have signed, United States has not ratified.

TREATY	Zone of Application	Basic Prohibitions	Review Conferences/ Dispute Settlement	Enforcement	Significant Differences	Special Protocols for NWS	Negative Security Assurances from NWS
Treaty of Bangkok S: 12/15/95 I: 3/27/97 P: 10 D: indefinite	Southeast Asia (10 eligible countries).	No production, acquisition, possession, testing, transporting, stationing, or control of nuclear weapons; no encouraging the above; no fissile material or related equipment provided to NWS or NNWS unless under NPT and IAEA regulations; no radioactive dumping or storage.	Meeting concurrent with ASEAN sessions; 10 year review conference; cooperative dispute resolution, then refer problems to IAEA, UN Security Council, and UN General Assembly.	Exchange of reports; IAEA safeguarding; fact-finding mandate.	Allows peaceful nuclear safeguarded programs; states decide for themselves whether to allow foreign nuclear weapons passage through territory.	I: NWS will not contribute to violations — none signed.	I: NWS will not use or threaten to use nuclear weapons against any State Party, or in the zone — none signed.
Treaty of Pelindaba S: 4/11/96 I: 7/15/09 P: 39 D: indefinite	Africa including island States (53 AU members and Morocco).	No research, development, production, acquisition, assistance, control, or testing of nuclear explosive devices; no assistance or encouragement of the above; mandates reversal of nuclear capabilities according to IAEA procedures; mandates IAEA physical protection procedures; prohibits armed attack of nuclear installations.	Biennial sessions; cooperative dispute resolution, then referred to the ICJ.	Exchange of reports, African Commission on Nuclear Energy.	Specifically prohibits nuclear weapon research; mandates nuclear weapon program reversal.	II: NWS will not test in the zone — all have signed: China, France, Russia, UK ratified; III: (France) will apply provisions to its territories in the zone — France ratified.	I: NWS will not use or threaten to use nuclear weapons against any Treaty Party or any territory in the zone — all have signed; United States has not ratified.

<p>Treaty on a Nuclear-Weapon-Free Zone in Central Asia</p> <p>S: 8/9/2006 I: 3/21/2009 P: 5 D: indefinite</p>	<p>Central Asia (Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, Uzbekistan)</p>	<p>No research, development, manufacturing, stockpiling, acquisition, possession, testing, or control over any nuclear weapon or other nuclear explosive device; no assistance or encouragement of the above; mandates the entry into force an IAEA Safeguards Agreement and the Additional Protocol within 18 months after the treaty's entry into force; mandates export controls under which member states will not provide source or any special fissionable material or related equipment to any NNWS that has not concluded an IAEA comprehensive safeguards agreement and Additional Protocol; mandates IAEA physical protection procedures and standards expressed in the Convention on Physical Protection of Nuclear Material</p>	<p>Annual sessions and extraordinary consultative meetings at the request of any State Party to the Treaty/ disputes are to be settled through negotiation or "by other means as may be deemed necessary by the Parties"</p>	<p>Exchange of reports; IAEA safeguarding</p>	<p>Requires Additional Protocol, Article 12 says that treaty does not affect rights and obligations of the Parties under other international treaties concluded prior to NPT entry into force; Allows each state to decide for itself whether to allow transit of nuclear weapons through airspace or at ports; Bans the import of radioactive waste from outside the zone; Requires the assistance of any effort toward the environmental rehabilitation of territories contaminated as a result of past activities related to the development, production, or storage of nuclear weapons or other nuclear explosive devices</p>	<p>I: NWS will not contribute to violations – all have signed.</p>	<p>I: NWS will not use or threaten to use nuclear weapons against any Treaty Party</p>
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The Blue Pacific

Key Points

- New Zealand welcomes the Blue Pacific narrative, which frames the region as custodians of an oceanic continent.
- The Blue Pacific narrative makes it explicit that ocean, not land, defines and unifies the region, and focuses collective regional action around stewardship of this ocean geography.
- The *2050 Strategy for the Blue Pacific Continent* seeks to identify where and how the countries of the Pacific should work together as one continent to tackle regional challenges and maximise opportunities. New Zealand strongly supports the development of an effective and durable *2050 Strategy*.

Background

1 Pacific Islands Forum members see themselves as a 'Blue Pacific continent'. The Blue Pacific identity, endorsed by Pacific Islands Forum Leaders in 2017 (Nauru), aims to reposition the Pacific from small, isolated and fragile island states to an interconnected and resource-rich oceanic 'Blue Continent'.

2 The Blue Pacific explicitly recognises the centrality of the Pacific Ocean to the region's way of life and seeks to reaffirm the connections of Pacific people with their natural resources, environment, culture and livelihoods. The Blue Pacific is the world's largest oceanic continent, made up of a grouping of Pacific island countries and territories engaged in innovative and unique initiatives that show leadership toward strong regional ocean governance and the sustainable management and conservation of the ocean and its resources.

3 Pacific Islands Forum Leaders noted at their 2019 meeting in Tuvalu that securing the future of the "Blue Pacific" could not be left to chance, but rather required a long-term vision and carefully considered regionalism strategy. To this end, Leaders tasked the PIF Secretariat to work closely with Members to develop the *2050 Strategy for the Blue Pacific Continent*, agreeing that this Strategy must ensure "social, culture, environmental and economic integrity, sovereignty and security in order to protect people, place and prospects of the Blue Pacific." New Zealand, as strong supporters of Pacific regionalism, is actively engaged in the development of the 2050 Strategy – which we expect will be presented to Leaders for endorsement at the next in-person PIF in 2021.

4 Enhanced Pacific regionalism, under the Blue Pacific narrative, is increasingly important given the range of challenges facing our region. This includes the challenges to sustainable development, many of which require regional cooperation for example on climate change, human development, and countering transnational crime. Heightened strategic competition, which presents new partnership choices for Pacific Island countries, is also putting pressure on regionalism.

*Pacific Regional Division, Ministry of Foreign Affairs and Trade
December 2020*

Hon Phil Twyford
Minister for Disarmament and Arms Control

Treaty of Rarotonga Consultative Committee meeting

15 December 2021, 11am-3pm



NEW ZEALAND
FOREIGN AFFAIRS & TRADE
Manatū Aorere

New Zealand delegation

Name		Position and organisation	Contact number
Minister's delegation			
Hon Phil Twyford (Opening session only)	Minister for Disarmament and Arms Control, Minister of State for Trade and Export Growth, Associate Minister for Environment and Immigration	s9(2)(a)	(Michael Carruthers, Minister Twyford's Senior Private Secretary)
William Blackler (Opening session only)	Private Secretary	s9(2)(a)	
Mike Shaw (Opening session only)	Private Secretary		
Accompanying Officials			
Tharron McIvor	Unit Manager, Pacific Regional, MFAT		
Tessa Versteeg	Senior Policy Officer, Disarmament, MFAT		
Teresa Vaughan	Senior Adviser, Disarmament MFAT		

Meeting Connection Details

The Zoom link for the meeting is provided below:

Topic	2021 Treaty of Rarotonga Consultative Committee Meeting
Time	15 December, 2021 11:00 AM NZT
Link	s6(a)
s6(a)	

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Participant List

[Final participant list to be provided by the Secretariat]

Invited countries (Treaty members):

- Australia
- Cook Islands
- Fiji (Chair)
- Kiribati
- Nauru
- New Zealand
- Niue
- Papua New Guinea
- Samoa
- Solomon Islands
- Tonga
- Tuvalu
- Vanuatu

Observers:

- Pacific Islands Forum Secretariat (depository of agreement)
- Federated States of Micronesia
- French Polynesia
- New Caledonia
- Palau
- Republic of Marshall Islands

Meeting Overview

Objectives

- Emphasise New Zealand's support for the Treaty of Rarotonga as a symbol of our region's long-standing opposition to nuclear weapons.
- Seek agreement for Treaty members to make a statement to the NPT Review Conference, and to write a letter to the US seeking ratification of the Treaty's protocols.
- Confirm our strong support for progressing nuclear legacy work through region-wide efforts, including under the Forum.
- s6(a)

Background

This is the first ever meeting of the Treaty of Rarotonga Consultative Committee. It follows the first meeting of parties to the Treaty in December 2020, which you attended. The statement issued after that meeting "call[ed] for the convening in 2021 of the Consultative Committee...to consider practical means of operationalising the Treaty". Taken together, these meetings implement the decision by Pacific Islands Forum leaders in 2019 to "operationalise the Treaty of Rarotonga".

Treaty of Rarotonga

2 The Treaty of Rarotonga has been in force since 1986. It has **13 parties (Australia, Cook Islands, Fiji, Kiribati, Nauru, New Zealand, Niue, Papua New Guinea, Solomon Islands, Tonga, Tuvalu, Vanuatu and Samoa)**.

3 The Treaty is open for any member of the Pacific Islands Forum to join. This means that the Federated States of Micronesia, Marshall Islands, Palau, French Polynesia and New Caledonia are all eligible to join. ^{s6(a)}

4 The Treaty of Rarotonga is focused on banning "**nuclear explosive devices**" (any nuclear weapon or other explosive device capable of releasing nuclear energy) within the "territory" of the zone (which for most purposes excludes high sea areas within the region). Parties to the Treaty

undertake not to manufacture or otherwise acquire, possess or have control over any nuclear explosive device inside or outside the zone; to prevent the testing and stationing of these in their territory; to apply International Atomic Energy Agency safeguards and prevent the diversion of fissionable material; and not to dump radioactive wastes at sea within the zone.

5 The ban in the Treaty of Rarotonga on its parties dumping radioactive waste at sea anywhere within the zone is the reason why the Treaty is called a **nuclear free zone** (rather than a nuclear *weapon* free zone like the other zonal treaties).

6 The Treaty has **three protocols** annexed to it relating to *obligations for the Five States* recognised as nuclear weapon possessors under the NPT (China, France, Russia, UK and the US – the P5). Under Protocol 1 the three states with territory actually within the zone (France, UK and US) agree to apply key provisions of the Treaty to their territories. Under Protocol 2 and 3 the nuclear weapon states undertake not to use or threaten to use their weapons against any party to the Treaty and not to undertake nuclear testing in the zone.

Consultative Committee

7 The Consultative Committee is mandated in the Treaty. The Treaty gives it three very specific roles:

- For “consultation and cooperation on any matter arising in relation to the Treaty or for reviewing its operation”;
- To consider proposals to amend the Treaty; and
- To deal with any complaint regarding a breach of the Treaty’s obligations.

8 ^{s6(a)}

Nuclear legacy

9 The legacy of nuclear testing is of increasing concern to the region’s Leaders, faced with the risks of climate change on the structural integrity of underwater test shafts, already weakened atolls, and in particular the Runit “nuclear coffin” - Dome in the Marshal Islands. ^{s6(a)}

10 The Treaty of Rarotonga does not explicitly cover nuclear legacy. ^{s6(a), s9(2)(g)(i)}

The Treaty was, however, borne out of the nuclear testing era, and is a demonstration of ongoing solidarity on nuclear issues including the legacy of testing. ^{s6(a), s9(2)(g)(i)}

Nuclear Weapon Free Zones

11 In addition to the nuclear-free status of Antarctica (under the 1959 Antarctic Treaty) and the single state nuclear weapon-free status of Mongolia (declared in 1992), there are at present **five**

Nuclear Weapon Free Zones: Latin America and the Caribbean; South Pacific; South East Asia; Africa; and Central Asia.

12 While there are some differences between the provisions in the zone treaties all clearly reflect their region's commitment to the goals of nuclear non-proliferation and the complete elimination of nuclear weapons. All the zone treaties have protocols attached to them.

13 From time to time proposals for other zones have emerged e.g. one which would cover Austria and Switzerland; one for South Asia; and an NGO-led proposal for an Arctic Nuclear Weapon Free Zone. The enduring but probably most contentious proposal is for a zone covering the **Middle East**. The proposal for a Middle East zone was part of the deal facilitating the indefinite extension of the NPT (beyond its original expiry in 1995) ^{s6(a), s9(2)(g)(i)}

14 Zone treaties have played an important role over the years in denuclearising certain regions and promoting nuclear disarmament objectives. ^{s6(a), s9(2)(g)(i)}

Cooperation between Zones

15 Cooperation between the respective zones has been fairly limited. ^{s6(a), s9(2)(g)(i)}

16 ^{s6(a), s9(2)(g)(i)}

17 ^{s6(a), s9(2)(g)(i)}

Treaty on the Prohibition of Nuclear Weapons

18 Of note, too, is the fact that with the advent of the Treaty on the Prohibition of Nuclear Weapons (TPNW) there is now a **global prohibition** in place on nuclear weapons. The TPNW performs *at the global level* a broadly similar function to the role played by the zone treaties

in the five regions listed above. The TPNW does not however have any analogue to the zone protocols for P5 states (given that the TPNW is registering a *legal prohibition on nuclear weapons across the board* - and not looking simply to constrain the presence of these weapons in a particular region).

19 There are **10 Pacific parties to the TPNW** (Cook Islands, Fiji, Kiribati, Nauru, New Zealand, Niue, Palau, Samoa, Tuvalu and Vanuatu). ^{s6(a)}

s6(a), s9(2)(g)(i)

*International Security and Disarmament Division
November 2021*

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[RESTRICTED]

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MEETING MATERIALS

INTS-81-214

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Meeting agenda (provisional)

[DRAFT] PROVISIONAL ANNOTATED AGENDA

1. Welcome and Opening Remarks

2. Provisional Annotated Agenda

Part I – Procedures

3. Rules of Procedure and Updating the Treaty

To reaffirm current procedures, and provide guidance on the development of draft Rules of Procedure as mandated under Annex 3(2), as well as proposals for addressing out-of-date terminology.

4. Promoting the entire Blue Pacific as a Nuclear Free Zone (Art 12)

To consider updates relating to Forum Member non-Parties and advancing the call for US ratification of the Protocols to the Treaty.

Part II – Substantive Matters

5. Control System for verifying compliance with the Treaty (Article 8)

To consider reports and exchange of information by the Parties relating to issues or events affecting the Zone and implementation of the Treaty.

6. Global non-proliferation and disarmament

(a) **NPT Review Conference 2021/22** – To consider a SPNFZ contribution to the NPT Review Conference in January 2022, including proposals for reviewing the operations of the NPT in accordance with its Article VIII(3).

(b) **Inter-zonal cooperation and engagement** – To consider updates and actions to strengthen collaboration with other NWFZs, including SPNFZ contribution to the Meeting of States Parties to Treaties Establishing Nuclear Weapon Free Zones, held in advance of the NPT Review Conference.

7. Outcomes

8. Closing

Opening Remarks

- I welcome the opportunity to be here today with Pacific partners, almost exactly a year ago since we held the first meeting of parties to the Treaty of Rarotonga.
- The Treaty of Rarotonga is more than just an instrument establishing a nuclear weapon free zone. It is a record of our region having come together to stop the testing here of the most destructive weapon the world has ever seen. It is about our determination to preserve the "bounty and beauty of the land and sea" in our region to ensure it "remains the heritage of our peoples... in perpetuity". We all share kaitiakitanga (stewardship) responsibilities for our Blue Pacific Ocean, Te Moana-Nui-a-Kiwa.
- By convening the Consultative Committee for its first ever meeting, we are "operationalising" the Treaty of Rarotonga, as Pacific Islands Forum leaders agreed to do in 2019. While some of our discussions today will be necessarily technical, having established this Committee will demonstrate that the Treaty is a living document, and one that is important to us.
- New Zealand sees value in focusing on concrete things we can do under the Treaty, to promote our nuclear free zone and take forward our goal of a world free of nuclear weapons. This would include taking action together to encourage the US to ratify the Treaty's Protocols, and making a statement to the NPT Review Conference – both of which will be discussed today.
- While this is not the focus of discussion today, I wanted to briefly mention the Treaty on the Prohibition of Nuclear Weapons. New Zealand sees the TPNW as supporting the Treaty of Rarotonga. It takes our regional prohibition on nuclear weapons and applies it globally. We are looking forward to the TPNW's First Meeting of States Parties in March 2022, and would welcome all countries attending, as members, signatories or observers.
- Finally, I wanted to speak about the legacy of nuclear testing in our region. This was of course a direct driver of the Treaty of Rarotonga, and the devastating effects of the testing continue to be felt today. New Zealand strongly supports us taking action, region-wide, to address nuclear legacy issues. This will of course need to involve our partners in the region who are not Treaty members, and which suffered directly the effects of nuclear testing, and so we recognise that this Committee is not the most appropriate place to take things forward. We nevertheless encourage all Treaty partners to support action at the regional level. New Zealand looks forward to working with Fiji in its role as Forum Chair to try to make progress on these issues in 2022.



8 December 2021

Minister of Foreign Affairs	For approval by	22 December 2021
Minister for Disarmament and Arms Control	For approval by	22 December 2021

2022 NUCLEAR NON-PROLIFERATION TREATY REVIEW CONFERENCE: AOTEAROA NEW ZEALAND APPROACH

BRIEFING Decision Submission

PURPOSE To seek your approval of the proposed approach of the Aotearoa New Zealand delegation at the 50th anniversary Review Conference of the Nuclear Non-Proliferation Treaty, to be held in New York from 4 to 28 January 2022, and the Minister of Foreign Affairs' signature on the attached Letter of Credentials for the New Zealand delegation to that Conference.

Tukunga tūtohua – Recommended referrals

Prime Minister	For information by	22 December 2021
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Taipitopito whakapā – Contact details

NAME	ROLE	DIVISION	WORK PHONE
Katy Donnelly	Acting Divisional Manager	International Security and Disarmament Division	s9(2)(a)
Tessa Versteeg	Senior Policy Officer	International Security and Disarmament Division	

Mā te Tari Minita e whakakī – Minister's Office to complete

- | | | |
|--|---|------------------------------------|
| <input type="checkbox"/> Approved | <input type="checkbox"/> Noted | <input type="checkbox"/> Referred |
| <input type="checkbox"/> Needs amendment | <input type="checkbox"/> Declined | <input type="checkbox"/> Withdrawn |
| <input type="checkbox"/> Overtaken by events | <input type="checkbox"/> See Minister's notes | |

Comments

NPT Review Conference: Aotearoa New Zealand approach

Pito matua – Key points

- The tenth Review Conference of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) will meet at the United Nations in New York from 4 to 28 January 2022 (having been deferred twice since May 2020 as a result of COVID-19).
- The core objectives of the NPT are to prevent the spread of nuclear weapons, contribute to nuclear disarmament, and promote the peaceful use of nuclear energy. At the heart of the Treaty is a "**grand bargain**", whereby those parties that don't have nuclear weapons agree to forego them and limit their development of nuclear technology to peaceful uses, and those that do agree to multilateral disarmament negotiations.
- The **NPT is not in good health**. Although it has been largely successful in facilitating the peaceful use of nuclear technology and preventing a significant increase in the number of states possessing nuclear weapons, **progress on nuclear disarmament has slowed and is in danger of reversing**. In the absence of a clear reaffirmation from the nuclear weapon states of their commitment to disarmament – which we are not confident will be forthcoming – there is a real risk to the credibility of the NPT and its grand bargain.
- In addition to this central challenge, the NPT is also facing a **number of other significant difficulties**. These include nuclear proliferation in North Korea and Iran, and delays in moving forward with creating a zone free of weapons of mass destruction in the Middle East.^{s6(a)}
- **The stakes are high**. The last Review Conference in 2015 failed to agree an outcome, meaning it has been almost 12 years since NPT States Parties reached agreement on key Treaty issues. Another failure is in nobody's interests.^{s9(2)(g)(i), s6(a)}
- Aotearoa New Zealand will engage actively in the Conference, as we have in preparation for it, to pursue a **credible consensus outcome**.^{s6(a), s9(2)(g)(i)}
- As a member of our two key disarmament groupings (the New Agenda Coalition and the Stockholm Initiative) **we have proposed and promoted a range of disarmament measures**. We have also submitted proposals on non-proliferation, safety and security.
- Not all States Party to the NPT are like-minded on the **Treaty on the Prohibition of Nuclear Weapons (TPNW)**.^{s6(a), s9(2)(g)(i)}
- Aotearoa New Zealand's delegation will be led by our Ambassador for Disarmament, Lucy Duncan. We seek your signature on the letter of credentials.



Ben King
for Secretary of Foreign Affairs and Trade

NPT Review Conference: Aotearoa New Zealand approach

Tūtohu – Recommendations

It is recommended that you:

- | | | |
|---|--|----------|
| 1 | Note the central importance of the Nuclear Non-Proliferation Treaty and the challenges it is facing, in particular as a result of the slow pace of progress on nuclear disarmament; | Yes / No |
| 2 | <small>s6(a), s9(2)(g)(i)</small> | Yes / No |
| 3 | | Yes / No |
| 4 | Agree Aotearoa New Zealand should continue to support strong language on the humanitarian consequences of nuclear weapons and on non-proliferation outcomes, including the importance of nuclear safeguards, safety and security; | Yes / No |
| 5 | Note that Aotearoa New Zealand will work to achieve a factual reference to the Treaty on the Prohibition of Nuclear Weapons in the outcome document, <small>s9(2)(g)(i), s6(a)</small> | Yes / No |
| 6 | Minister of Foreign Affairs: Sign the Letter of Credentials attached to this submission. | Yes / No |

Hon Nanaia Mahuta
Minister of Foreign Affairs / Minita Take Aorere

Hon Phil Twyford
Minister for Disarmament and Arms Control

Date: / /

Date: / /

NPT Review Conference: Aotearoa New Zealand approach

Pūrongo – Report

1. The Review Conference of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) will meet in New York from 4 to 28 January 2022. Deferred twice since May 2020 as a result of COVID-19, the Review Conference will effectively mark the 50th anniversary of the Treaty's entry into force, a significant milestone for the international community. The Treaty has three pillars covering nuclear disarmament (Pillar I), non-proliferation (Pillar II), and peaceful use of nuclear technology (Pillar III).
2. Concern about the Review Conference failing to deliver a satisfactory outcome on nuclear disarmament is widespread. Nuclear weapon states have all but ceased the drawing down of their stockpiles, and almost all are investing in large modernisation programmes of their nuclear weapons (citing the deteriorating global security environment and the need to maintain a credible nuclear deterrent). This has contributed to a deepening division between the nuclear weapon states, and a large majority of the international community.
s6(a), s9(2)(g)(i)

3. s6(a), s9(2)(g)(i)

4. The long-standing proposal for a Middle East Weapons of Mass Destruction Free Zone is also expected to feature prominently in proceeding s6(a), s9(2)(g)(i)

The pursuit of such a zone was a key condition of the indefinite extension of the Treaty in 1995, and there has been some forward movement since 2015 through a parallel series of meetings convened in the United Nations. s6(a), s9(2)(g)(i)

5. More broadly, there remain inconsistent levels of standards applied by Member States on nuclear safeguards, safety, and security of nuclear technology used for peaceful purposes that will continue to draw some attention.

6. s6(a), s9(2)(g)(i)

NPT Review Conference: Aotearoa New Zealand approach

New Zealand Principles and Interests

7. Aotearoa New Zealand is a long-standing and committed advocate for nuclear disarmament and non-proliferation and the NPT. We are also a constructive global player that believes strongly in the rules-based international order, multilateral processes and compliance with international law. Against this backdrop, we propose to continue our consistent advocacy for the strongest possible disarmament outcome at this year's Review Conference. ^{s6(a)}

8. There is unanimous support among States Parties for the Treaty, as a cornerstone of the international security environment. ^{s6(a), s9(2)(g)}
(i)

9. Aotearoa New Zealand – alongside a broad grouping of other non-nuclear weapons states – remains very dissatisfied with progress to date by nuclear weapon states to meet their obligations under the Treaty. ^{s6(a), s9(2)(g)(i)}

10. ^{s6(a), s9(2)(g)(i)} , a minimum credible outcome for Aotearoa New Zealand at the Review Conference would include elements of the following:
^{s6(a)}

attention.

11. To pursue this outcome, Aotearoa New Zealand will continue its long-standing advocacy through membership of the following groupings:

NPT Review Conference: Aotearoa New Zealand approach

- 11.1. The New Agenda Coalition (NAC)¹, which pushes for meaningful progress on nuclear disarmament;
 - 11.2. The Stockholm 16, which has agreed on (1) a set of *Stepping Stones* which offer the best promise of a nuclear disarmament outcome, and (2) proposals on nuclear risk reduction;
 - 11.3. The Core Group of the Treaty on the Prohibition of Nuclear Weapons (TPNW), with which we will join in seeking a factual reference to the TPNW in the outcome document (and defending the TPNW from attack if needed);
 - 11.4. The De-Alerting Group, which calls for a reduction in the launch readiness of nuclear weapons as a risk reduction measure;
 - 11.5. The Humanitarian Initiative, of which we are a core member, which seeks to highlight the unacceptable humanitarian impacts of any use of nuclear weapons; and
 - 11.6. The Vienna Group of Ten which seeks to promote ambition for adherence to the highest standards on Pillar II and Pillar III issues (i.e. the 'Vienna issues') including on nuclear safety, security and safeguards.
12. We propose that Aotearoa New Zealand maintain its usual high profile at the forthcoming NPT Review Conference and remain active in the lead up to the Conference ensuring that our objectives and commitment to supporting the achievement of a consensus outcome are well-known. Through ministerial and official level engagements, Aotearoa New Zealand has been in regular touch with the President-Designate of the Review Conference, Gustavo Zlauvinen (Argentina), our key disarmament likemindeds and the nuclear weapon states. As we go into the Review Conference we are as well positioned as we could ever hope to be to make progress on our objectives. ^{s6(a)}
13. We attach for approval by the Minister of Foreign Affairs credentials for the Review Conference delegation, as required by UN processes. The delegation will be led by our Ambassador for Disarmament, Lucy Duncan, and will include our nuclear disarmament and non-proliferation experts from Geneva and Vienna. ^{s9(2)(g)(i)}

Communications

14. During the Review Conference, the delegation in New York will stay in close touch with Wellington, including to ensure ministerial awareness of key developments as required. ^{s9(2)(g)(i)}

¹ Alongside Brazil, Egypt, Ireland, Mexico and South Africa.

Pacific Roundtable on the Treaty on the Prohibition of Nuclear Weapons – Updated Briefing Materials

Participant List

Cook Islands TPNW party	Siai Taylor – Senior Foreign Service Officer, Treaties, Multilaterals and Oceans Division, Ministry of Foreign Affairs and Immigration
Federated States of Micronesia Not a party	Wilson Waguk , Charge d'affaires, Embassy in Suva <i>Additional representative from Department of Justice</i>
Fiji TPNW party	Hon Inia Seruiratu , Minister of Defence, National Security and Policing (opening session only) Secretary of Defence
Kiribati TPNW party	H.E Ambassador Teburoro Tito , Permanent Representative of the Republic of Kiribati to the United Nations (Head of Delegation) Matea Nauto , Acting Deputy Permanent Representative Keina Tito , First Secretary Christian Ciobanu , Advisor
Nauru TPNW party	Chitra Jeremiah , Secretary of Foreign Affairs <i>Additional representative from Justice and Border Control</i>
Niue TPNW party	<i>Premier or a Minister – exact person TBC</i>
Palau TPNW party	Jeffrey Antol , Director of the Bureau of Foreign Affairs and Trade, Ministry of State
Papua New Guinea Not a party	<i>Awaiting confirmation of Minister/officials' attendance.</i>
Samoa TPNW party	Francella Strickland , Assistant CEO (International Relations Division) Constance Tafua-Rivers , Assistant CEO (Legal and Policy Division)
Solomon Islands Not a party	Hon Jeremiah Manele , Minister for Foreign Affairs and External Trade
Tonga Not a party	Leonitasi Kuluni , Deputy Secretary Policy, Ministry of Foreign Affairs
Tuvalu TPNW party	Paulson Panapa , High Commissioner to New Zealand
Vanuatu TPNW party	Yvon Basil - Director of the Department of Foreign Affairs and International Cooperation Emmanuel Blessing - Acting Head for Treaties and Conventions Division Majorie Wells - Desk Officer for Treaties and Conventions Division.

Observers

Republic of Marshall Islands Not a party	<i>Official from National Nuclear Commission, exact person TBC</i>
Pacific Islands Forum Secretariat	Dr Filimon Manoni , Deputy Secretary General

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Agenda (as circulated to participants)

Pacific Roundtable on the Treaty on the Prohibition of Nuclear Weapons 7 December 2021

Agenda

- 1030** Ngerulmud: 0630
(Wellington, Port Moresby: 0730
Alofi*, Honiara, Palikir, Port
Nuku'alofa, Vila: 0830
Apia) Funafuti, Majuro,
Suva, Tarawa, Yaren:
0930
Avarua*: 1130
Geneva*, Vienna*:
2230
- 1035** **Welcome and outline of objectives** (New Zealand Minister for Disarmament & Arms Control)
- 1040** **Brief introduction of Delegations** (all Heads of Delegation)
- 1050** **Stocktake of the TPNW and aspirations for the First Meeting of States Parties, MSP1**, which will be held in Vienna on 22-24 March 2022. (Ms **Beatrice Fihn**, Executive Director, International Campaign to Abolish Nuclear Weapons – ICAN)
- 1055** **Update on progress in the Pacific** toward universalisation of the TPNW (Ambassador **Dell Higgin**, co-Chair of meeting)
- 1125** **Remarks by President-Designate of MSP1**, including overview of substantive issues to be discussed and decisions to be taken there, and an update on planning and logistics, plus Q&A opportunity (Ambassador **Alexander Kmentt**, Austria)
- 1145** **Roundtable on participation at MSP1 and expected outcomes** (all Pacific Delegations)
- 1230** **Exchange regarding next steps for the region** including any developments on the Treaty of Rarotonga; on legacy issues; and expectations regarding the Review Conference of the NPT (to be held in New York from 4-28 January 2022)
- 1230** **Meeting concludes**

* Meeting takes place on 6 December for Cook Islands, Niue, Geneva, Vienna

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14 October 2021

Minister of Foreign Affairs	For action by	22 October 2021
Minister for Disarmament and Arms Control	For action by	22 October 2021

United Nations General Assembly: First Committee on Disarmament and International Security

BRIEFING Decision Submission

PURPOSE To seek your agreement to Aotearoa New Zealand's proposed positions at this year's UN General Assembly First Committee on Disarmament and International Security.

Taipitopito whakapā – Contact details

NAME	ROLE	DIVISION	MOBILE PHONE
Cecile Hillyer	Divisional Manager	International Security and Disarmament Division	s9(2)(a)
Katy Donnelly	Unit Manager	International Security and Disarmament Division	

Mā te Tari Minita e whakakāi – Minister's Office to complete

- | | | |
|--|---|------------------------------------|
| <input type="checkbox"/> Approved | <input type="checkbox"/> Noted | <input type="checkbox"/> Referred |
| <input type="checkbox"/> Needs amendment | <input type="checkbox"/> Declined | <input type="checkbox"/> Withdrawn |
| <input type="checkbox"/> Overtaken by events | <input type="checkbox"/> See Minister's notes | |

Comments

United Nations General Assembly: First Committee on Disarmament and International Security

Pito matua – Key points

- The 76th session of the United Nations General Assembly First Committee (C1) on disarmament and international security is underway. Voting is again anticipated on approximately two-thirds of the C1 resolutions, including several to which Aotearoa New Zealand is a core sponsor.
- For the vast majority of resolutions that run annually and do not differ substantively each year, **we propose that Aotearoa New Zealand vote and co-sponsor in line with existing positions, delivering explanations of vote (EOV) as necessary.**

China is running a brand new resolution on *International Cooperation on Peaceful Uses*.
s6(a)

s9(2)(g)(i)

- Russia and the US have merged their previously competing texts to present a new joint resolution on *cyber security*. The resolution meets our objectives on cyber for C1 this year and we hope it will mark a return to consensus on cyber processes. s9(2)(g)(i)

- Russia has significantly reworked its failed draft resolution on *the Alleged Use of Chemical and Biological Weapons*. s6(a)

s9(2)(f)(ii)

- Japan has also reworked its *oriented Dialogue*. s6(a) resolution *Joint Courses of Action and Future-*

- While we will endeavour to secure instructions for our voting positions wherever possible, unanticipated votes may be called (or hostile amendments proposed), with little or no notice. In such scenarios, **we seek discretion for officials in New York to vote in favour of texts that reinforce the disarmament positions we support, and to abstain or vote against texts which politicise issues or run counter to our principled positions. On most occasions we would expect to align closely with our likemindeds Austria and Ireland (on both disarmament and non-proliferation issues).**

Advice on Aotearoa New Zealand's voting position on **space resolutions** will be provided in a separate submission covering New Zealand's position on space weaponisation.

Ben King
for Secretary of Foreign Affairs and Trade

United Nations General Assembly: First Committee on Disarmament and International Security

Tūtohu – Recommendations

It is recommended that you:

- | | | |
|---|---|----------|
| 1 | Note that, from 27 October, the United Nations General Assembly First Committee on Disarmament and International Security will take action on approximately 65 resolutions; | Yes / No |
| 2 | Note that Aotearoa New Zealand's priorities in the First Committee include nuclear disarmament, promoting disarmament treaties to which we are party, upholding rules and norms against the development and use of illegal and unacceptable weapons, and articulating new norms on outer space and cyber security; | Yes / No |
| 3 | Agree that Aotearoa New Zealand should maintain its co-sponsorship and voting patterns on existing resolutions where there are no significant changes to the text or to the voting patterns of our disarmament partners; | Yes / No |
| 4 | ^{s9(2)(g)(i)} | Yes / No |
| 5 | | |
| 6 | | Yes / No |
| 7 | | Yes / No |
| 8 | Note that guidance for voting for space resolutions will be considered in a separate submission covering Aotearoa New Zealand's position on space weaponisation, | Yes / No |
| 9 | Agree that, in the event of any unanticipated votes or amendments, officials have discretion to vote in line with New Zealand's long-standing, principled positions on disarmament. | Yes / No |

Hon Nanaia Mahuta
Minister of Foreign Affairs / Minita Take Aorere

Hon Phil Twyford
Minister for Disarmament and Arms Control

Date: / /

Date: / /

United Nations General Assembly: First Committee on Disarmament and International Security

Pūrongo – Report

Context

1. The 76th session of the UN General Assembly's First Committee (C1) takes place in New York from 4 October to 5 November 2021. The session provides an opportunity for countries to make clear their positions on disarmament and security issues through national and group statements, the tabling of draft resolutions, and voting on and co-sponsoring resolutions. It also provides a setting for advance positioning in the lead-up to several key nuclear disarmament meetings scheduled for early 2022, including the Nuclear Non-Proliferation Treaty Review Conference.
2. Priorities for Aotearoa New Zealand include nuclear disarmament, promoting treaties to which we are party, upholding rules and norms against the development and use of illegal and unacceptable weapons, and articulating new norms on outer space and cyber security.
3. The C1 meets against a backdrop of a fractured international community with respect to disarmament and international security issues.^{s6(a)}

Resolutions

4. This year's C1 will consider more than 60 resolutions covering nuclear and other weapons of mass destruction, conventional weapons, outer space, cyber security and the UN disarmament machinery. Most of the resolutions are reiterations from the previous year, with updates to texts. The resolutions are highly contested – in 2020, some 120 votes were called on resolutions as a whole and specific paragraphs within resolutions. This reflects the diversity of states' views on why, how and when to progress disarmament efforts. Although most acute in respect of nuclear disarmament, consensus is also elusive on a range of other issues including chemical weapons, outer space and cyber security. We anticipate that votes will be called on approximately two-thirds of the resolutions this year.

Key resolutions for Aotearoa New Zealand

5. Aotearoa New Zealand will have a leading role in the presentation of several key resolutions, all of which are usually adopted with a high level of support, in line with our long-standing support for these issues:
 - *Comprehensive Nuclear-Test-Ban Treaty*, which is being coordinated by Australia this year, on behalf of Mexico and New Zealand. This resolution urges all states to sign and ratify the Comprehensive Test-Ban Treaty (CTBT) so that it can enter into force.

United Nations General Assembly: First Committee on Disarmament and International Security

- *Towards a nuclear-weapon-free world*, under the coordination of South Africa this year, together with our other partners in the New Agenda Coalition (Brazil, Egypt, Ireland and Mexico). This resolution highlights the need for ambition in all aspects of nuclear disarmament.
 - *The Treaty on the Prohibition of Nuclear Weapons (TPNW) and the Humanitarian Consequences of Nuclear Weapons*, led by Austria on behalf of the Treaty's Core Group members (Brazil, Costa Rica, Ireland, Mexico, New Zealand, Nigeria, Philippines, South Africa, Thailand and Indonesia).
 - *Nuclear-Weapon-Free Southern Hemisphere*, led by Brazil on behalf of Indonesia, New Zealand and South Africa, which reaffirms the importance of a southern hemisphere free of nuclear weapons and calls for greater progress towards the total elimination of all nuclear weapons.
6. We expect lobbying against the TPNW, Humanitarian and New Agenda Coalition resolutions, and will engage in proactive outreach to mitigate the risk of losing support for them.
 7. Aotearoa New Zealand will also be closely involved in resolutions on the Arms Trade Treaty and the Convention on Cluster Munitions, as a State Party and an office holder for both of these treaty bodies.
 8. The traditional suite of resolutions on outer space are expected to be tabled in 2021. Advice on Aotearoa New Zealand's approach to these resolutions will be provided separately in a broader submission on space weaponisation.

New resolutions

9. For the first time in 20 years, China is running a new resolution on its own – a text entitled *International Cooperation on Peaceful Uses in the Context of International Security*. The resolution is seeking endorsement of China's claims that the existing export control regimes are unfairly hindering sustainable development by preventing developing countries from accessing dual use technologies (which could be used peacefully or in the development of weapons of mass destruction). ^{s6(a)}

s9(2)(g)(i)

10. In what is a marked departure from the acrimony of previous years, there is only one resolution covering *cyber security issues* this year, a joint US-Russia text that hopefully represents a return to consensus on cyber issues. The text achieves New Zealand's top priorities on cyber for this year's UNGA: it affirms the consensus Group of Governmental Experts Report from May 2021; calls upon all member states to be guided by this report and that of the Open Ended Working Group which agreed a consensus report in March 2021; and remains neutral on the question of next steps for international discussions on cyber issues rather than elevating one option above another. ^{s9(2)(g)(i)}

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s9(2)(g)(i)

Other controversial resolutions

11. Russia has decided to reintroduce its controversial draft resolution on *the UN Secretary General's Mechanism for Investigation of Alleged Use of Chemical and Biological Weapons*, which failed to secure the requisite number of votes and was voted down in 2020.^{s6(a)}

s9(2)(g)(i)

12. Japan plans to run its resolution on *Joint Courses of Action and Future-Oriented Dialogue: Towards a World without Nuclear Weapons*,^{s6(a)}

s9(2)(g)(i)

Other engagement

13. In line with Aotearoa New Zealand's priorities, our national statements will cover nuclear disarmament and non-proliferation, chemical weapons, outer space, autonomous weapons systems, and the use of explosive weapons in populated areas. In addition, we will be associated with the New Agenda Coalition group statement (delivered by South Africa), and may be invited to join other group statements.
14. Because of the ongoing COVID-19 situation, we anticipate very few side events. In the meeting's margins, we will advance consultations and national preparations with international partners ahead of upcoming multilateral disarmament meetings.

Aide Memoire: Nuclear Legacy in the Pacific – Advancing our work

As discussed with you last week, we have met our MFAT colleagues from the Pacific Regional Division, to discuss the best way to take forward New Zealand's work on nuclear legacy in the Pacific.

s6(a), s9(2)(g)(i)

s6(a)

. The CROP Taskforce does have a strong mandate, which flowed directly from Forum Leaders in their 2019 communique. s6(a), s9(2)(g)(i)

. Our specific proposal is that Leaders, at their meeting in February 2022, refer back to their 2019 agreement, and seek a report-back at their next meeting from the CROP Taskforce on the implementation of its mandate. s6(a), s9(2)(g)(i)

To get to this outcome, we would propose the following steps in advance:

s6(a), s9(2)(g)(i)

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s6(a), s9(2)(g)(i)

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