



# *Peace Movement Aotearoa*

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21 March 2012

Mr John Hayes, MP  
Chairperson,  
Foreign Affairs, Defence and Trade Select Committee,  
House of Representatives, Wellington

## **Letter of support for Petition No. 2011/1**

(International Campaign to Abolish Nuclear Weapons Aotearoa New Zealand)

Dear Mr Hayes and Committee members,

We are writing in support of Petition No. 2011/1: “That the House of Representatives urge the government to engage with like-minded governments committed to abolishing nuclear weapons to start a process of negotiating a nuclear weapons convention without delay.”

### **Introduction**

Peace Movement Aotearoa is the national networking organisation, established in 1981, and we provide national coordination for the International Campaign to Abolish Nuclear Weapons Aotearoa New Zealand (iCAN ANZ).

In addition to Peace Movement Aotearoa, thirteen national and four local non-governmental organisations are iCAN ANZ supporters: Abolition 2000, Anglican Pacifist Fellowship, Aotearoa Lawyers for Peace, Disarmament and Security Centre, Engineers for Social Responsibility, Greenpeace New Zealand, International Physicians for the Prevention of Nuclear War, Nelson Peace Group, Pax Christi, Peace Foundation, Quaker Peace and Service, The Peace Place, United Nations Association, Visual Artists Against Nuclear Arms, Waiwhetu Lower Hutt Peace Group, Women's International League for Peace and Freedom Aotearoa, and the Yearly Meeting of Aotearoa New Zealand Te Taahi Tuuhauwiri / Religious Society of Friends (Quakers).

Most of the iCAN ANZ national supporting organisations have written letters of support for Petition 2011/1, as have three other national iCAN campaigns - Australia, Norway and United Kingdom, two other non-governmental organisations, and three individuals, all of which have been provided to the Committee as supplementary evidence.

Since the detonation of the first atomic bomb in July 1945, the threat of use of nuclear weapons has cast a shadow over the future of the earth. Since then, each stage of the production of nuclear weapons has caused immeasurable harm to human health and

wellbeing, and extensive contamination of the environment - from uranium mining, processing of radioactive materials, manufacturing of nuclear warheads, through to nuclear bomb testing.

Despite ongoing widespread public opposition to nuclear weapons, and the overwhelming majority of governments around the world now supporting the abolition of these weapons of mass destruction, little progress has been made - 20,530 nuclear warheads remain in the arsenals of nine nuclear weapons states (China, France, India, Israel, North Korea, Pakistan, Russia, United Kingdom, and the United States). Nearly half of those warheads are active or operationally deployed.<sup>1</sup>

Other weapons of mass destruction - chemical and biological weapons - have been banned in international law, as have some other 'indiscriminate weapons' such as anti-personnel landmines and cluster munitions. A similar treaty to prohibit the development, production, testing, deployment, stockpiling, transfer, threat of use, and use of nuclear weapons is long overdue, and now is the time to launch a fast-track diplomatic process to negotiate a nuclear weapons convention.

This submission is focused on three areas:

- 1) Why a fast-track diplomatic process for nuclear weapons abolition is necessary,
- 2) Support for a nuclear weapons convention, and
- 3) Why the New Zealand government should play a leading role.

In conclusion, we urge this Committee to recommend that the House of Representatives urge the government to engage with like-minded governments committed to abolishing nuclear weapons to start a process of negotiating a nuclear weapons convention without delay.

### **1) Why a fast-track diplomatic process for nuclear weapons abolition is necessary**

There are two possible routes through existing international mechanisms that are often mentioned in connection with the abolition of nuclear weapons: the Conference on Disarmament and the Treaty on the Non-Proliferation of Nuclear Weapons<sup>2</sup> (NPT). However, neither of these provide a satisfactory way forward, and indeed, the lack of substantial progress in both strongly indicates the need to pursue an alternative and more effective process.

With regard to the Conference on Disarmament, Committee members are no doubt familiar with the lack of progress to even agree a programme of work<sup>3</sup>, a situation aptly described by the Norwegian Foreign Minister, Jonas Gahr Støre, in connection with the abolition of nuclear weapons thus:

“Given that there is widespread and growing recognition of the need to abolish nuclear weapons, it is paradoxical that the multilateral machinery we have for negotiating this, with the Conference on Disarmament (CD) in Geneva as the main forum, is paralysed. For over 15 years, the Conference on Disarmament has been unable to achieve

anything, due to its rigid Rules of Procedure and a consensus requirement that applies even to these rules, combined with a lack of transparency and openness, and a membership limited to just 65 states.”<sup>4</sup>

Clearly the Conference on Disarmament is not an appropriate avenue for the negotiation of a nuclear weapons convention.

With regard to the NPT, as has been outlined in the letter of support from the Disarmament and Security Centre, among others, while the NPT currently provides the only legally binding commitment on the nuclear weapons states that are party to it to pursue nuclear disarmament negotiations, the NPT framework is by itself insufficient to achieve the abolition of nuclear weapons.

As was said in the Norwegian parliament last September: “A convention banning nuclear weapons is a necessary supplement to the Treaty on the Non-Proliferation of Nuclear Weapons, and would reinforce the norm of non-use of nuclear weapons.”<sup>5</sup>

In connection with this, it should be noted that the Final Document of the 2010 NPT Review Conference included:

“B. iii) The Conference calls on all nuclear-weapon States to undertake concrete disarmament efforts and affirms that all States need to make special efforts to establish the necessary framework to achieve and maintain a world without nuclear weapons. The Conference notes the five-point proposal for nuclear disarmament of the Secretary-General of the United Nations, which proposes, inter alia, consideration of negotiations on a nuclear weapons convention or agreement on a framework of separate mutually reinforcing instruments, backed by a strong system of verification.”<sup>6</sup>

Such a nuclear weapons convention is most likely to be achieved, and to be achieved within a reasonable time frame, by a fast-track diplomatic process similar to those used to negotiate and achieve the 1997 Mine Ban Treaty and the 2008 Convention on Cluster Munitions - the latter in a period of only fifteen months from the time of the first international diplomatic conference to the conference that adopted the Convention text.

## **2) Support for a nuclear weapons convention**

As Committee members will be aware, the level of public opposition to nuclear weapons, and thus support for a legally binding instrument to abolish such weapons, has been consistently high for the past six decades - both here and overseas.

According to research published in January by iCAN, which examined the policies of 194 governments on the question of a nuclear weapons convention, the combined population of states supporting a nuclear weapons convention is approximately 81% of the global population<sup>7</sup>, and even among the nuclear weapons states that may not yet be fully supportive of such a convention - Britain, France, Israel, Russia and the United States - public opinion polls have nevertheless indicated there is public support for the abolition of nuclear weapons.

The adoption of a resolution calling for all states “to pursue in good faith and conclude with urgency and determination negotiations to prohibit the use of and completely eliminate nuclear weapons through a legally binding international agreement, based on existing commitments and international obligations”<sup>8</sup> last November by the Council of Delegates of the International Red Cross and Red Crescent Movement added their 97 million volunteers and members globally to the civil society call for a nuclear weapons convention.

With regard to the level of state support, the research by iCAN indicates that 146 governments - around 75% - support the immediate commencement of negotiations leading to a nuclear weapons convention, 22 are undecided, and only 26 are opposed.<sup>9</sup>

iCAN’s research indicates that “the whole of Latin America, the Caribbean and Africa are in favour of a nuclear weapons convention, along with most nations in Asia, the Pacific and the Middle East.”<sup>10</sup> Four members of the European Union are supportive - Austria, Ireland, Malta and Sweden - as is one NATO member, Norway; with five NATO members undecided - Canada, Croatia, Germany, Iceland and Romania.<sup>11</sup>

More specifically, the voting pattern on last year’s Resolution A/RES/66/46 'Follow-up to the advisory opinion of the International Court of Justice on the Legality of the Threat or Use of Nuclear Weapons' is a good indication of the level of support for the immediate commencement of negotiations for a nuclear weapons convention. The Resolution includes, among other things, the following:

“Recalling the advisory opinion of the International Court of Justice on the Legality of the Threat or Use of Nuclear Weapons, issued on 8 July 1996,

1. *Underlines once again* the unanimous conclusion of the International Court of Justice that there exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control;

2. *Calls once again upon* all States immediately to fulfil that obligation by commencing multilateral negotiations leading to an early conclusion of a nuclear weapons convention prohibiting the development, production, testing, deployment, stockpiling, transfer, threat or use of nuclear weapons and providing for their elimination”.<sup>12</sup>

In the First Committee on 27 October 2011, there were 127 votes in favour of the Resolution, 25 against and 22 abstentions<sup>13</sup>; and in the General Assembly on 2 December 2011, 130 states voted in favour, 26 voted against and there were 23 abstentions<sup>14</sup>.

There is thus a high level of global support for a nuclear weapons convention, and a desire - on the part of non-governmental organisations, civil society more generally, and states - for negotiations to achieve this to begin without any further delay.

Among the states most supportive of a nuclear weapons convention are Austria, Costa Rica, Ireland and Norway - states that together with New Zealand led the processes for both the Mine Ban Treaty and the Convention on Cluster Munitions, and are thus ideal partners for a core group to lead negotiations on a treaty to similarly ban nuclear weapons.

It should be noted in this connection that iCAN Norway, in their support letter for this petition, pointed out that the Norwegian Government has “expressed its unequivocal support for a “genuine, total ban” on nuclear weapons, and stated that it was “working actively to lay the political and practical foundation for achieving this.” However, the Norwegian Government can not, and will not, achieve this objective unless it is supported by a critical mass of likeminded countries.” New Zealand is ideally placed to be one of those countries.

### **3) Why the New Zealand government should play a leading role**

As has been covered in the supporting letters for this petition, the New Zealand government is well placed to play a leading role in a fast-track diplomatic process to achieve a nuclear weapons convention by virtue of its position as one of the few states with legislation prohibiting nuclear weapons (the New Zealand Nuclear Free Zone, Disarmament, and Arms Control Act 1987), its long stated commitment to the abolition of nuclear weapons in international fora<sup>15</sup>, and the high regard with which it is held in relation to its past disarmament and arms control efforts.

There is clear cross-party support for the abolition of nuclear weapons, and for New Zealand to take an active role in achieving this, as is evident in the motion agreed by the House of Representatives on 5 May 2010:

*“That this House recognise the historic opportunity to advance the cause of nuclear disarmament at the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) Review Conference May 3-28; acknowledge the leadership on this issue by United States President Barack Obama; and call on the New Zealand Government to take an active role in this issue, drawing on our country’s proud nuclear-free stance, working together with other like-minded nations to support the United Nations Secretary-General’s Five Point Plan for Nuclear Disarmament including preparations for the development of a Nuclear Weapons Convention.”*<sup>16</sup> [our emphasis]

It is time now to turn the rhetoric into reality and to begin working with like-minded states on a process to negotiate a nuclear weapons convention. It would be particularly appropriate for the government to announce such a move this year, the 25th anniversary year of the Nuclear Free Zone, Disarmament, and Arms Control Act.

This would go some way towards alleviating the concern, both here and overseas, about the level of government commitment to disarmament following the disestablishment of the dedicated position of Minister for Disarmament and Arms Control.

Furthermore, progress in this regard would certainly increase New Zealand’s credentials in its bid to secure a seat on the United Nations Security Council.

### **Conclusion**

We therefore urge this Committee, in line with the signatories to this petition, the members of the organisations who have written letters of support, whether based here or overseas, and indeed with all of those who hope for a world free of nuclear weapons, to recommend

that the House of Representatives urge the government to engage with like-minded governments committed to abolishing nuclear weapons to start a process of negotiating a nuclear weapons convention without delay.

Thank you for your attention to our submission.

Yours sincerely,  
Edwina Hughes,  
Coordinator, Peace Movement Aotearoa.

## References

<sup>1</sup> See, for example, ‘Beyond the 2012 NPT Review Conference: What’s next for nuclear disarmament?’, Ray Acheson, Bulletin of Atomic Scientists, November / December 2010 vol. 66, no. 6, 77-87

<sup>2</sup> Opened for signature 1 July 1968, entered into force on 5 March 1970

<sup>3</sup> Most recently, see for example, ‘Conference on Disarmament unable to reach consensus on a draft programme of work’, 15 March 2012, DC12/013E

<sup>4</sup> Minister of Foreign Affairs, Jonas Gahr Støre, Written question no. 1963 (2011–2012), 29 September 2011

<sup>5</sup> Storting Member Peter S. Gitmark, Written question no. 1963 (2011–2012), 29 September 2011

<sup>6</sup> 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons: Final Document, Volume I, NPT/CONF.2010/50 (Vol. I), p 20

<sup>7</sup> *Towards a nuclear weapons ban: A guide to government positions on a nuclear weapons convention*, International Campaign to Abolish Nuclear Weapons, January 2012 - available at <http://www.icanw.org/files/TowardsTreatyBanningNuclearWeapons.pdf>

<sup>8</sup> Council of Delegates of the International Red Cross and Red Crescent Movement 2011: Resolution 1 Working towards the elimination of nuclear weapons, 26 November 2011 - available at <http://www.icrc.org/eng/resources/documents/resolution/council-delegates-resolution-1-2011.htm> The background document to the resolution provides a useful brief overview of recent nuclear disarmament developments, the human costs of nuclear weapons, and the implications of their use in terms of international humanitarian law, see <http://www.icrc.org/eng/resources/documents/report/nuclear-background-document-2011-11-26.htm>

<sup>9</sup> As at note 7 above, p 2

<sup>10</sup> As at note 7 above, p 2

<sup>11</sup> As at note 7 above, p 2

<sup>12</sup> Resolution adopted by the General Assembly [on the report of the First Committee (A/66/412)] 66/46. Follow-up to the advisory opinion of the International Court of Justice on the Legality of the Threat or Use of Nuclear Weapons, adopted 2 December 2011, A/RES/66/46 - available at <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N11/461/58/PDF/N1146158.pdf?OpenElement>

<sup>13</sup> The recorded vote is available at <http://www.reachingcriticalwill.org/political/1com/1com11/votes/L42.pdf>

<sup>14</sup> The recorded vote is available at <http://www.reachingcriticalwill.org/political/1com/1com11/votes-ga/46.pdf>

<sup>15</sup> Most recently, just last week in the Conference on Disarmament debate, the New Zealand representative referred to this country as one “strongly committed to nuclear disarmament”, ‘Conference on Disarmament discusses new draft programme of work’, 13 March 2012, DC12/012E

<sup>16</sup> Nuclear Disarmament - Treaty on the Non-Proliferation of Nuclear Weapons Review Conference, 5 May 2010, Hansard Volume 662, p 10806