

# A NUCLEAR WEAPONS CONVENTION: A ROLE FOR NEW ZEALAND?



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At the dawn of the 21<sup>st</sup> Century, approximately 30,000 nuclear weapons remain in the arsenals of the nuclear-weapon states, over 5000 of these on hair-trigger alert, and the prospect of proliferation of these weapons to additional states and non-state actors appears to be growing. The nuclear-weapon states continue to reaffirm their nuclear deterrence policies, even expanding them to include deterrence against non-nuclear threats.

In May 2000, at the United Nations in New York, the nuclear-weapon states, meeting with other parties to the Non-Proliferation Treaty (NPT), agreed to “an unequivocal undertaking...to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament to which all states are committed under Article VI”, and to “a diminishing role for nuclear weapons in security policies to minimize the risk that these weapons ever be used and to facilitate the process of their total elimination”.

This undertaking was significant. For the first time in the history of NPT meetings the nuclear-weapon states accepted that their nuclear disarmament obligation is not necessarily linked to progress on general and complete disarmament, nor the ultimate – or final – objective in the disarmament process. However, it is unrealistic to think that they will immediately implement this commitment.

Nuclear-weapon states have strategic and political reasons for wishing to retain their nuclear arsenals. But even if policies changed, progress would be hampered by a number of remaining issues about the elimination of nuclear weapons including questions on the universality of a global nuclear ban, security in a nuclear free world, verification and enforcement, the relation between nuclear disarmament and nuclear energy, security of fissile materials, nuclear knowledge and the possible re-emergence of nuclear threats. A conceptual and practical framework for addressing these issues, and to stimulate progress in nuclear disarmament, has emerged in the form of a nuclear weapons convention (NWC).

## ***Seeds of a Nuclear Weapons Convention***

In July 1996 the International Court of Justice (ICJ) affirmed unanimously 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.” The United Nations General Assembly, which had requested the ICJ’s opinion on the issue, adopted a resolution calling for the implementation of this obligation.

The following year the United Nations circulated a Model Nuclear Weapons Convention submitted by Costa Rica, “setting forth the legal, technical and political issues that should be considered in order to obtain an actual nuclear weapons convention”. The Model Convention outlines general obligations of states and individuals under a nuclear weapons abolition regime, a phased programme for dismantling and destroying existing nuclear stockpiles, control mechanisms for nuclear facilities and materials, elements of a verification regime, protection measures for whistleblowers, dispute resolution and enforcement procedures, measures for dealing with delivery vehicles and dual-use materials, national implementation measures, an agency for overseeing the convention, entry into force options, relationship to other nuclear related agreements and regimes, and a protocol concerning nuclear energy.

## ***The New Agenda Coalition and a Nuclear Weapons Convention***

On 9 June 1998, the foreign ministers of eight countries, including New Zealand, released a joint declaration calling for a new agenda for achieving a nuclear-weapon-free world. Their proposed agenda has gained considerable international support to such an extent that it formed the basis for the May 2000 NPT Review Conference conclusions on nuclear disarmament. New Zealand ambassador, Clive Pearson, as chair of the subsidiary body on a programme for nuclear disarmament, played a key role in this achievement.

The 1999 New Agenda Coalition First Committee resolution “affirms that a nuclear-weapon-free world will ultimately require the underpinnings of a universal and multilaterally negotiated legally binding instrument or a framework encompassing a mutually reinforcing set of instruments”. In other words, not necessarily a single nuclear weapons convention.

### ***Using the Model Convention to Engage the Nuclear-Weapon States***

The Model Convention provides one possible means to engage the nuclear-weapon states in ways to overcome their resistance to nuclear disarmament. On one hand it re-frames the debate from a context of “why don’t the nuclear weapon states move towards nuclear disarmament?” to one of “how can nuclear disarmament be achieved?”. Rather than calling for disarmament steps and attempting to persuade the nuclear-weapon states to drop their resistance to these, a NWC invites them to join in designing and creating the conditions for nuclear disarmament. For example, verification, one of the key elements identified in the Model Convention, has become the subject of increasing dialogue and cooperation between nuclear-weapon states and nuclear disarmament advocates, leading to initiatives such as the establishment by the US Sandia weapons laboratory of a Cooperative Monitoring Center, and a study by the UK Defense Department on the verification of the elimination of nuclear weapons.

A NWC might also combine the advantages of a step-by-step disarmament approach with a comprehensive approach, while circumventing the disadvantages of each. Step-by-step disarmament measures are useful in that they deal with small and manageable pieces of the nuclear weapons infrastructure. Comprehensive approaches are useful in that they are non-discriminatory, provide a complete picture of what is required for disarmament, and can close loopholes that are left open by incremental steps. They can help overcome obstacles that are created by unanswered questions on the feasibility of disarmament and by resistance to partial measures. Negotiations for the disarmament of both chemical weapons and landmines, for example, were successful once comprehensive approaches were initiated.

### ***International Support and a Role for New Zealand***

In 1995, Abolition 2000, an international network now numbering over two-thousand organisations, was

established to call for a nuclear weapons convention. This call has been supported by resolutions in both the United Nations and European Parliament. An appeal calling for a NWC has gained over 60 million signatures worldwide, making it the largest petition in the world.

New Zealand has taken the lead in a number of international nuclear disarmament initiatives including the campaign against nuclear testing and the ICJ advisory opinion on nuclear weapons. The ICJ advisory opinion and the success of the 2000 NPT Review Conference provide the legal justification and the political opportunity for New Zealand to consider taking a lead in promoting a NWC. The Model Convention has stimulated considerable discussion and positive feedback on the feasibility and practicalities of nuclear abolition.

#### **What New Zealand Could Do**

- Co-sponsor the resolution being introduced by Malaysia later this year at the United Nations calling for the commencement of negotiations which would culminate in a NWC.
- Call on the members of the South Pacific Nuclear Free Zone Treaty (through the South Pacific Forum), and other regional nuclear weapon free zones, to support a NWC as a logical step to achieve the ultimate objective of these zones.
- Establish a group of “Friends of the NWC” consisting of likeminded countries in order to consider, improve and promote the Model Convention.

New Zealand is in a unique position to take effective leadership on nuclear disarmament. It has the respect of Western countries, due to its historical ties with the UK and the US and its continuing membership of the Western Group at the United Nations. It also has the respect of non-aligned countries, due in part to its independent anti-nuclear policy. It has considerable technical and political experience in the field. And it has a general image of a sensible and principled member of the international community due to its positive input in many international fora and initiatives. Leadership by New Zealand could provide the boost needed to move the abolition of nuclear weapons from idea to reality and a nuclear weapons convention offers one way of getting there.