

**NEW ZEALAND MISSION to the UNITED NATIONS**

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**PREPARATORY COMMITTEE FOR THE 2005 REVIEW CONFERENCE OF  
THE PARTIES TO THE TREATY ON THE NON-PROLIFERATION OF  
NUCLEAR WEAPONS**

**STATEMENT BY HON MARIAN HOBBS,  
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**26 APRIL 2004**

**CHECK AGAINST DELIVERY**

As we enter the final phase of the current review process, I believe it is appropriate to go back to basics. This is all the more important given the current challenges to the NPT.

The starting point of our current exercise is, of course, the Treaty itself and the rights and obligations it sets out. It is sobering to reflect that by the time of the next review Conference the Treaty will have been in force for 35 years.

Let me remind delegates of Article VIII.3 of the Treaty, which governs the review process and sets out the objective of this exercise. To quote, that objective is "to review the operation of this treaty with a view to assuring that the purposes of the Preamble and the provisions of the Treaty are being realized".

Events since the last Review clearly show that the purposes of the Preamble and the provisions of the Treaty are not being realised either in respect of non-proliferation or of nuclear disarmament. The assurance that Article VIII.3 is seeking is absent.

The Decision on Strengthening the Review Process for the Treaty records the agreement of the 1995 Conference that Review Conferences should "look forward as well as back".

Looking back, proliferation concerns are of comparatively recent moment (leaving aside concerns arising in respect of States not bound by the NPT – India, Israel and Pakistan). Those concerns have become acute within the last two years to a greater or lesser extent in relation to the DPRK, Iran and Libya.

Concerns about the fulfilment of the obligation to pursue negotiations on effective measures for nuclear disarmament are of somewhat greater duration. Efforts to inject urgency towards the fulfilment of Article VI were provided by the 1995 and the 2000 Conferences.

The Principles and Objectives for Nuclear Non-Proliferation and Disarmament agreed in 1995 contain a "programme of action" towards implementation of article VI. None of the elements of the programme contained in that Decision has been achieved.

In 1996, the International Court of Justice in its Advisory Opinion concluded 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 Final Document of the 2000 Review Conference (agreed by consensus) set out a programme of action – "practical steps" – for systematic and progressive efforts to implement article VI. Despite the 1995 agreed programme, the ICJ Advisory Opinion, and the 2000 Outcome few of those steps towards nuclear disarmament have been taken.

The nuclear weapons states, China, France, the Russian Federation, the United Kingdom and the United States of America are reminded that article VI makes it clear that its obligation falls on "Each of the Parties to the Treaty". There is no scope for selective or deferred compliance. Indeed, it is inherent in their capacity as permanent members of the Security Council that those states have special responsibilities for fulfilling their international obligations.

Not is the failure of several states to comply with their non-proliferation objectives any pretext for further deferral by the nuclear weapons states of their "unequivocal undertaking ... to accomplish the total elimination of their nuclear arsenals" (2000 Review Conference), or of the "determined pursuit" by them of "systematic and progressive efforts to reduce nuclear weapons globally" (1995 Review Conference).

With this legal, moral and political backdrop in mind, it is untenable for the health of the NPT to allow the 2005 Conference to result in an outcome as solemnly agreed but as fallow as its predecessors in 1995 and 2000 have proved to be.

In addition to the non-fulfilment of article VI of the NPT, as already noted, there have been a number of instances of non-compliance with the proliferation obligations of the Treaty as well as concerns about the possibility of vertical proliferation.

Looking forward, we should emphasise as positively as possible the underpinnings of the NPT. Its parties number virtually the entire international community. The five nuclear weapons states, in word at least, continue to voice their support for it. And, widely observed law should not be called into question simply because several of its subjects have acted outside it. On the contrary, it should be reinforced and strengthened.

On the other hand, will law that is not fully observed, not fully complied with, stand the test of time? This, in the case of the NPT, is where the obligations on nuclear disarmament and non-proliferation intersect.

New Zealand's concern to press for compliance with *all* the obligations of the NPT is not myopic. As with any treaty, the international community has the right to expect all parties to honour their commitments comprehensively, not selectively.

We are greatly concerned with the proliferation of nuclear weapons and other weapons of mass destruction. No nation can stand aloof from the current threats to international peace and security, especially from terrorists.

But, I am very concerned that the current emphasis on counter-proliferation measures should not overwhelm the need to take concrete steps toward nuclear disarmament. These are two sides of the same coin. Ultimately, our only security - as the Canberra Commission recognised - will be the complete elimination of nuclear weapons and the assurance that they will never be used or produced again.

As UN Under-Secretary General Abe said last year when talking about the respective emphases to be given nuclear disarmament vis-a-vis non-proliferation: *quote* "...working on disarmament in the long run serves the cause of nonproliferation. *End of quote*".

There is no doubt that proliferation is a big problem, large enough indeed to warrant addressing it with all the legitimate tools in the toolbox. This includes through the power of positive example - ie, more strenuous efforts by the NWS to disarm (and to persuade the non-NPT possessors to do likewise).

As we turn our attention increasingly to next year's NPT Review Conference, we see that process as an opportunity for States Parties to work together to address the threats posed by nuclear weapons. Effective multilateralism is the collective will of all countries to act together. As I have pointed out in the past, it is axiomatic that while that will may be undermined by those states which choose not to fulfil their non-proliferation obligations it can equally be undermined by those under an obligation to disarm and to demonstrate leadership and progress but yet which fail to do so.

We also call on those States outside the NPT to join the NPT as non-nuclear-weapons states, promptly and without conditions.

There are a number of concrete practical steps that can be taken by those possessing nuclear weapons to build international confidence and at the same time to negate the pretext of proliferating states that seek to justify their need for nuclear weapons on the grounds of fear of the development or use of weapons of mass destruction by their enemies.

From the perspective of my delegation, the New Agenda's 'omnibus' resolution at the United Nations First Committee and the New Agenda's NPT position papers set out such actions in detail. In our view none of these steps is impractical: each could be carried out straightaway, especially:

- a forthcoming response to such pregnant questions as: what is the threat against which these weapons are retained in their hundreds and thousands, and why, given the costs of maintaining and – under article VI – destroying them, is there little if any evidence of concerted, phased reductions;
- irreversible destruction (rather than storage) of non-deployed nuclear warheads;
- the potentially significant US and Russian commitments (under the "Moscow Treaty") to reduce their numbers of deployed strategic nuclear warheads to be made verifiable, irreversible, and transparent;
- priority to be given to reductions in non-strategic ("tactical") nuclear weapons (because these are likely to be deployed away from central control and to be less secure);

- an undertaking by the nuclear-weapons states not to increase the number or types of tactical nuclear weapons deployed, and not to develop new types of weapons or rationalisations for their use;
- more accountability and transparency by the nuclear weapons states about the current size of their nuclear weapons arsenals, including – as just noted – a timetable for the concerted phasing out of those arsenals ;
- urgent resumption of negotiations in the Conference on Disarmament on a treaty banning the production of fissile material for nuclear weapons;
- all nuclear-weapons states to place fissile material no longer required for military purposes under the supervision of the International Atomic Energy Agency (IAEA) to ensure that it cannot again be used for military purposes;
- further development of “negative security assurances”, whereby the nuclear-weapons states formally and in a legally binding fashion agree not to use nuclear weapons against non-nuclear weapons states;
- encouragement of nuclear-weapon-free zones. We maintain that a powerful symbol for demonstrating to the international public is the reach - and potential reach - of nuclear weapon free zones over the landmasses of the globe. The ratification of the Treaties of Rarotonga, Bangkok, and Pelindaba by all States of the region, and all concerned States remains a matter of great importance in the cause of nuclear disarmament;
- ratification of the Comprehensive Nuclear Test Ban Treaty (CTBT). In a world so bereft of effective verification provisions on WMD why is it that this strong treaty still fails to attract significant support to bring it into force?;
- upholding the moratorium on nuclear testing, pending the entry into force of the Comprehensive Nuclear Test Ban Treaty;
- all states that have not yet done so to conclude International Atomic Energy Agency (IAEA) agreements and Model Additional Protocols for full-scope safeguards on their nuclear facilities.

We do not accept that any of these actions can be dismissed as hollow idealism. On the contrary, given the estimated vast size of a number of nuclear arsenals, resolve to undertake these steps would significantly improve the psychology under which other states either feel threatened or betrayed by the nuclear weapons states’ selective application of the NPT.

New Zealand will also be supporting proposals to address the NPT’s institutional deficit, to improve reporting, to deepen the role of NGOs, and to promote disarmament education.

**In conclusion:**

International concern with proliferation is entirely proper and understandable, given the circumstances – of varying potential or severity – surrounding the issues of possession or development of nuclear weapons programmes by the DPRK, Iran, Iraq and Libya. Efforts to respond to this concern are intensifying.

But the cause of non-proliferation will be given its greatest multilateral boost through real commitment to nuclear disarmament. That is not to say that this is the only front on which to tackle proliferation, but it is an obvious one not only because it stems from a treaty obligation and the “unequivocal undertaking” given in 2000 but because of the psychological impact to be derived from reducing the tensions that stand in the way of strengthening the NPT and thus the environment in which proliferation is occurring.

Permitting nuclear weapons programmes to continue over long periods of time fosters a permissive environment for the proliferators. More leadership from the NWS in reducing their nuclear arsenals and demonstrating compliance under the nuclear disarmament pillar of the NPT, would strengthen their moral authority to put pressure on India, Israel and Pakistan to do likewise, reducing tensions in troubled areas and perhaps lowering the incentive - or pretext - for neighbouring or other states to develop weapons' programmes.

The 2005 Review Conference must be pursued as a fundamental opportunity to take concrete steps which will allow us to feel assured – in the terms of article VIII.3 – that the purposes of the preamble and the provisions of the Treaty are actually being realised.