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Secretariat

**A SOUTHERN HEMISPHERE AND ADJACENT AREAS  
FREE OF NUCLEAR WEAPONS**

**SPEECH BY THE NEW ZEALAND MINISTER FOR  
DISARMAMENT AND  
ARMS CONTROL HON. MATT ROBSON**

**TUESDAY 10 JULY 2001, MEXICO CITY**

Your Excellencies

I'm very pleased to be here today to speak you, the distinguished Ambassadors represented here in Mexico City, in your role as the Council of the Organisation for the Prohibition of Nuclear Weapons in Latin America and the Caribbean - the Secretariat of the Treaty of Tlatelolco.

I'd like to speak primarily on what we in New Zealand see as the role of nuclear weapon free zones in nuclear disarmament, and how we would like to further develop the idea of a Southern Hemisphere and adjacent areas free of nuclear weapons.

Of course, your Treaty of Tlatelolco was the first nuclear weapon free zone in the world. Signed in 1967, it established for the first time the practical expression of the desire that many countries of the world have: to live without nuclear weapons. At the height of the cold war, your action in establishing this treaty - and I want to play tribute to the leading role that Mexico took in that process - set a brave precedent.

In 1985 the countries of the South Pacific signed our own nuclear free zone treaty: the Treaty of Rarotonga - it entered into force in December 1986. The treaty has 13 signatories: 12 have ratified: Australia, Cook Islands, Fiji, Kiribati, Nauru, New Zealand, Niue, Papua New Guinea, Samoa, Solomon Islands, Tonga, Tuvalu and Vanuatu. As with the Treaty of Tlatelolco, the Protocols of our Treaty of Rarotonga are also important. In the first Protocol, those nuclear weapons states which have territories in the area have agreed to apply the prohibitions of the Treaty to their territories. In the second and third protocols, all

the nuclear weapons states have agreed not to use or threaten to use nuclear weapons against the non-nuclear states in the zone, and agree not to test nuclear weapons. China and Russia signed up to these last two protocols in 1988, while France, the UK and the US joined in 1996.

Our Treaty also includes provisions to prevent the dumping of radioactive waste at sea. Our region is, after all, the biggest area of ocean in the world and protection of the marine environment is very important to us all.

The value of nuclear-weapon-free zones in building confidence and contributing to regional security has been widely recognised. These zones consolidate the non-nuclear status of their members, as they reject deployment and stationing of nuclear weapons on their territories; this is over and above the standard rejection of possession or development of nuclear weapons required by the Nuclear Non-Proliferation Treaty: the NPT. Moreover, our nuclear-weapon-free zones require IAEA safeguards sometimes more stringent and with wider scope than does the NPT. This helps us prove to the world that we are truly nuclear-weapon-free, and that we are happy to have this status verified.

All the treaties are designed so that states parties cannot easily withdraw unilaterally from them. All zones have information sharing provisions.

Nuclear-weapon-free zones were historically resisted by the nuclear weapon states, because they did not want to limit their ability to station weapons around the globe. They also feared that these treaties would undermine navigational freedoms under the United Nations Law of the Sea. However when the NPT was indefinitely extended in 1995, part of the quid pro quo was an endorsement, by the weapon states, of the value of nuclear-weapon-free zones. In 1998, the United Nations Disarmament Commission (UNDC) also agreed, by consensus, a set of guidelines for nuclear-weapon-free zones which endorsed their value.

### **New Zealand's Nuclear Weapon Free Zone**

New Zealand has a proud history of opposition to nuclear weapons. From the 1970s, we were active in opposing nuclear testing in the Pacific. We joined others in seeking from the ICJ an advisory opinion on the threat or use of nuclear weapons: that Court's important finding in 1996 was that such threat or use would generally be illegal. The Court stated unanimously that the nuclear weapon states have an obligation to bring nuclear disarmament negotiations *to a conclusion*. We have been a consistent supporter of the NPT, IAEA safeguards and the CTBT. An important aspect of our anti-nuclear stance has been our domestic nuclear-free legislation - the New Zealand Nuclear Weapon Free Zone Act, which was passed in 1987. In addition to banning the possession and stationing of nuclear weapons on our territory - as we had committed to do under the Treaty of Rarotonga - it also bans all nuclear armed and powered ships from our ports and internal waters, and bans nuclear armed aircraft from overflying or landing in New Zealand. That legislation was, I think, a unique and powerful action, and it caused significant discomfort to our allies. But

the legislation has widespread popular and political support in New Zealand and we're very proud of it.

### **The Southern Hemisphere free of nuclear weapons**

The Southern Hemisphere and adjacent areas free of nuclear weapons concept was introduced by Brazil in an UN General Assembly resolution in 1995. The idea of the resolution has been to explore ways to harness the common vision of zone members which have themselves renounced nuclear weapons and want the net pulled more tightly against the spread of nuclear weapons. We see it as a natural extension of the joint will that led us to create our nuclear-weapons-free zones in the first place, Brazil's resolution came about as progress toward nuclear disarmament appeared stalled – even though the clear will of the majority of UN members was to achieve a nuclear weapon free world. New Zealand has always supported this resolution, and in 2000, New Zealand joined Brazil as lead sponsor. It passed with 159 votes in favour, with only 6 abstentions. There were four countries opposing: France, the UK, the US and Monaco. This shows that the concept has very broad support.

We all accept that the concept has some limitations. The first is that the prospect of the negotiation of a new treaty linking up the current zones is generally viewed as too onerous, with too little practical added benefit to justify the legal and political effort required. The zones treaties are all different, and even the idea of amendments to current treaties to make them more uniform has not found widespread support from members. For this reason, the concept is usually expressed as a “Southern Hemisphere free of nuclear weapons” rather than a “nuclear-weapon-free *zone*”, which implies a treaty-level arrangement.

The second limitation is geographical scope since not all members of current zones are in the Southern Hemisphere - such as Mexico, of course! Hence the use in the UNGA resolution of the more accurate addition of “and adjacent areas”. This can seem to confuse the concept for some, although I think the addition of the adjacent areas only strengthens it.

The third limitation is that a nuclear-weapon-free Southern Hemisphere has to co-exist with the navigational freedoms accorded to all states, including nuclear weapon states, under the United Nations Law of the Sea. There is no support amongst the states in our regions for undermining the Law of the Sea and we know that it is impossible to secure the support of the nuclear weapons states if there is even unintentional ambiguity about this. It is interesting to note that it is only your Treaty of Tlatelolco and our own South Pacific zone - both drafted to ensure no conflict with the Law of the Sea - that have achieved the support of all the nuclear weapon states.

But despite the limitations, the rationale for the Southern Hemisphere concept is clear.

It would make a political statement reinforcing support for the elimination of nuclear weapons. It would thus contribute to efforts for nuclear disarmament.

It could consolidate NPT commitments and contribute to regional peace and security by sustaining confidence in the non-nuclear weapon status of all independent countries south of the equator and in adjacent areas.

The means to take forward the concept need to be explored.

Practical next steps could include:

- an updated UNGA resolution, which builds on the foundation of past texts, but which garners new support from the small group of abstainers. The support of all the nuclear weapons states would also greatly add to prospects for the Southern Hemisphere free of nuclear weapons concept.
- We can work to build contacts between the zones: this could include meetings between, for example, you here at OPANAL and the Pacific Islands Forum Secretariat which is based in Suva. There could, for example, be a meeting in the margins of the next NPT Prepcom in New York, early 2002. Information sharing mechanisms, using electronic means, might be set up to facilitate contacts on the Southern Hemisphere free of nuclear weapons concept. There could be practical co-operation on furthering IAEA safeguards in cross-regional workshops (I know, for example, that the ASEANs had a good workshop on safeguards last year in Bangkok, in conjunction with the IAEA - we could join together for these sorts of activities.)
- member states could make a political declaration outlining the concept. This could be drafted by officials for adoption by Ministers, perhaps in advance of the 2002 session of UNGA.
- eventually, a conference of member states could be held, either in New York or in a capital. There is considerable work to do to define the scope, participation and purpose of such a conference, and to consider how it might be funded. The leading countries, in each of the four nuclear-weapon-free zones would need to be fully committed to advancing the Southern Hemisphere free of nuclear weapons concept for a conference proposal to succeed. We like the idea, but we recognise that it is still some way in the future.

So these, then, are our thoughts on the value of nuclear-weapon-free zones, and practical ideas for the Southern Hemisphere and adjacent areas free of nuclear weapons. I am delighted to have had the opportunity to meet with you all, and share these thoughts. I'd now very much welcome your thoughts on this subject, and, how we can make the concept into a reality.