

Where to Now After the NPT Review Conference?

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The Non-Proliferation Treaty (NPT) has underpinned New Zealand's nuclear non-proliferation and disarmament policies since 1970.

The NPT represented a grand bargain between States Parties which foreswore the development of nuclear weapons, and those who already had them, the P5, who promised in Article VI of the Treaty to negotiate in good faith to disarm.

Every five years, Review Conferences have been held to consider progress made under the Treaty and what future steps should be taken.

In 2000 and 2010, the Conferences agreed on consensus statements about the way forward. These were positive but too little was done to implement the steps agreed upon. In 2005 and 2015 no agreement was reached.

This year at the NPT New Zealand coordinated the New Agenda Coalition, a group made up of New Zealand, Brazil, Egypt, Ireland, Mexico and South Africa, which leads the push for nuclear disarmament.

We put forward a paper designed to lay the groundwork for a world free of nuclear weapons, setting out options for progress on Article VI and closing the 'legal gap' left in the Treaty.

The final draft text being considered by the NPT for adoption however offered little or no progress towards this. The only positive factor in it was subparagraph 19 which would have resulted in the UNGA convening an Open Ended Working Group – a forum to explore legal approaches which could create and sustain a nuclear free world.

If the NPT had agreed to adopt the text, it would have been a document with low aspirations and little worth.

In the event, no outcome was agreed. The US, UK and Canada vetoed the draft on the last day over disagreement on wording which pressed for a conference on a Nuclear Weapon Free Zone in the Middle East.

The failure came after two years during which new momentum for nuclear disarmament had been built through the Humanitarian Initiative on Nuclear Weapons.

This Initiative served to highlight the catastrophic impact of a nuclear weapon detonation on the environment, on climate, on food security as well as the risk posed to human survival.

It was supported by over 150 countries including New Zealand. We united in calling for clear obligations on and commitments from the P5 states. Expectations of progress from the NPT were however disappointed with no P5 country giving any indication of its willingness to disarm.

The failure of the NPT makes it hard to see it as a vehicle for delivering real progress towards disarmament. While the Treaty has helped limit proliferation, the nuclear weapon states show no readiness to meet their side of the bargain. That attitude compels non-weapon states to look for alternative ways to advance the cause of nuclear disarmament.

There appear to be two options.

Firstly, we could push for the First Committee at the UNGA this year to establish a forum and a pathway for disarmament. This was the mechanism used to advance the Arms Trade Treaty.

Secondly, we could take the issue outside of the UN, as was done in the Cluster Munitions and Landmine Conventions. Convening a fourth Humanitarian Consequences Conference could be the platform to launch a process to achieve a Convention to Ban Nuclear Weapons.

The New Zealand Government appears to favour the first approach. It has so far declined to join the 113 other countries which have signed the Humanitarian Pledge following last year's Vienna Conference.

It is unwilling at this point to join a negotiation for a convention to ban nuclear weapons and will support a Nuclear Weapons Convention only "when circumstances are such that it has a realistic chance of success".

I don't support that position. It seems clear that we will not get the P5 to support nuclear disarmament through the NPT process. To the contrary, they are using the NPT to stall progress.

New Zealand along with most other countries accepts that nuclear weapons use has unacceptable consequences. I believe we need now to strip such weapons of their veneer of legitimacy and subject them to prohibition through a nuclear weapons convention. That would treat nuclear weapons in the same way as we have biological and chemical weapons of mass destruction.

In its concluding statements at the NPT, South Africa spoke for many other countries and for many of us here:

"The failure on the Middle East leaves us in a perverse situation in which a state that is outside of the Treaty has expectations of us and expects us to play by rules it will not play by and be subject to scrutiny it will not subject itself to."

That is not only a description of Israel's position on the Middle East Nuclear Weapons Free Zone but also that of the nuclear weapon states towards the other NPT members.

Again to quote South Africa:

"There is a sense that the NPT has degenerated into minority rule, similar to what we had in South Africa under apartheid in which the will of the few will prevail regardless of whether it makes moral sense."

I support the second option.

We should negotiate now, without waiting for the concurrence of the nuclear weapon states, a convention which prohibits nuclear weapons. We should take this step in the expectation that it can generate the same strong practical and normative consequences as the Ottawa and Oslo Conventions did on land mines and cluster munitions.

New Zealand has often been at the forefront of initiatives to reduce the risk of nuclear war and to promote disarmament.

We can and should also be a trail blazer on this issue, rather than waiting for others.