

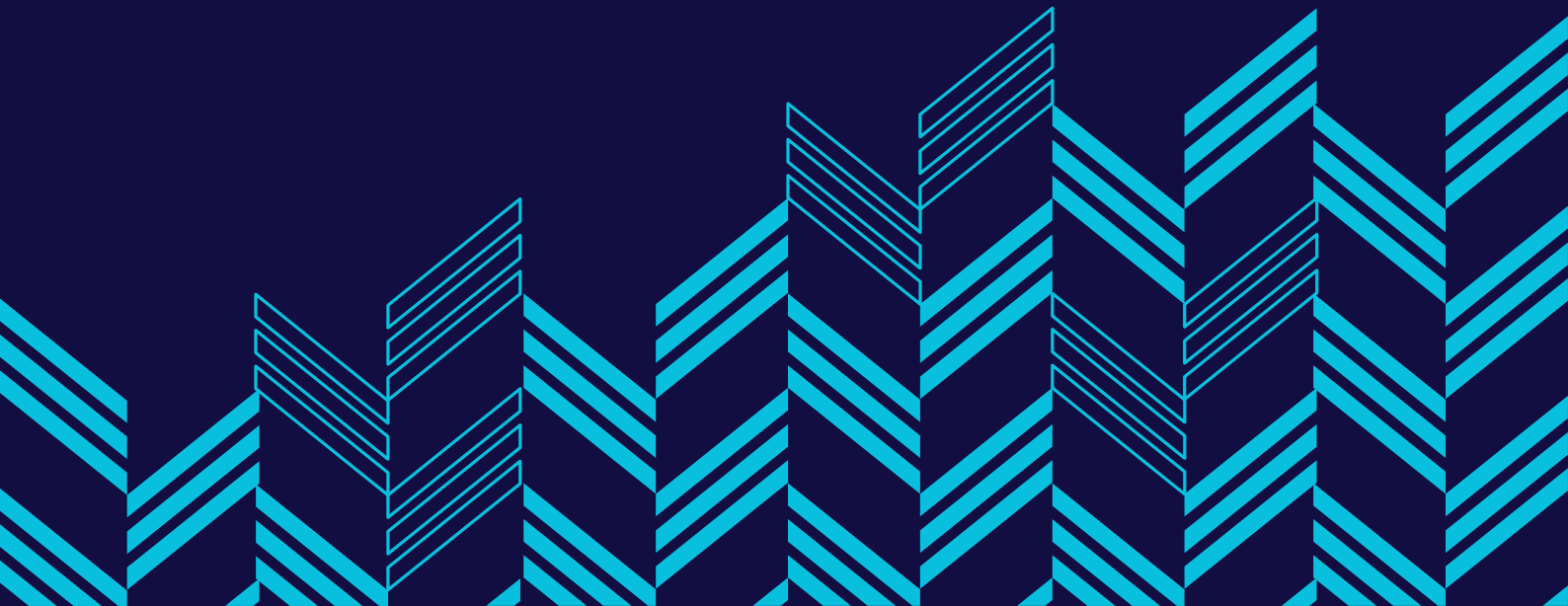


NEW ZEALAND
FOREIGN AFFAIRS & TRADE
Manatū Aorere

MAY 2024

New Zealand submission to the UN Secretary-General

**A/RES/78/240 'Addressing the legacy of nuclear
weapons: providing victim assistance and
environmental remediation to Member States
affected by the use or testing of nuclear weapons'**



1. This responds to Note Verbale ODA-2024-00018/LONW, which seeks views and proposals on assistance to survivors and environmental assessment and remediation for nuclear weapons use or testing. New Zealand was pleased to co-sponsor UN General Assembly resolution 78/240 that prompted this request.

The legacy of nuclear weapons testing in the Pacific

2. New Zealand's views on assistance and remediation with respect to nuclear weapons use or testing are inextricably linked to past testing in the Pacific. From the late 1940s to 1996, nuclear tests were conducted in the Pacific region by three nuclear-armed states. **The impacts of testing continue to be felt today**, including but not limited to intergenerational, physical and psychosocial **health** concerns, **environmental harm** including **contamination, displacement** and **disconnection to land, loss of livelihoods**, and feelings of **injustice**. The effects of **climate change**, such as sea-level rise on the structural integrity of nuclear material storage sites, present new concerns.

3. Borne out of this lived experience, states of the region, including New Zealand, adopted the **South Pacific Nuclear Free Zone Treaty** (known as the Treaty of Rarotonga) to establish the region as a nuclear weapon-free zone. Entering into force in 1986, the Treaty represented the world's second nuclear weapon-free zone.

4. **New Zealand's opposition to nuclear weapons and their testing was codified domestically** in 1987 through Parliament's adoption of the *New Zealand Nuclear Free Zone, Disarmament and Arms Control Act*. This legislation bans nuclear weapons (and nuclear-propelled vessels) from New Zealand waters, air space and territory. Internationally, New Zealand, along with other states, took action to the International Court of Justice to try halt nuclear testing in the region.

5. **Three groups of New Zealand veterans have served in deployments that may have exposed them to ionising radiation:** In Japan after WW2 (Jayforce 1946-1949); and in the Pacific in 1957-58 (Operation Grapple) and in July, 1973 (Mururoa). New Zealand provides entitlements and support to the veterans and some entitlements are also available to their children. These are covered by domestic legislation (the *Veterans' Support Act 2014* and the *Veterans' Support Regulations 2014*) and Cabinet decisions. In 2022-23, an independent ministerial advisory board conducted a literature review of the most up-to-date information available on the impact of exposure to nuclear radiation. It recommended that no new conditions needed to be added to the list already in place in the regulations of conclusively presumed conditions that apply to those exposed to nuclear radiation and which may be automatically attributable to service. Cabinet agreed to review the situation every seven to ten years to ensure awareness of the most up-to-date information on the impact of exposure to nuclear radiation.

The Treaty on the Prohibition of Nuclear Weapons (TPNW) provides a mechanism to address harm

6. The TPNW comprehensively prohibits nuclear weapons. It also contains **positive obligations for States Parties on victim assistance, environmental remediation, and international assistance and cooperation**.¹ These provisions are the first of their kind in a nuclear disarmament treaty. The TPNW makes clear that these do not replace any existing obligations to, or agreements between, affected States Parties and states that carried out testing in their territory.

7. The TPNW text also explicitly recognises the **disproportionate impact of nuclear weapons on women and girls**, including as a result of ionising radiation, and on **indigenous peoples**.² In the Vienna Action Plan, adopted at the First Meeting of States Parties to the TPNW in June 2022, parties agreed that assistance should be age- and gender-sensitive, and in line with the principles of accessibility, inclusivity, non-discrimination, and transparency and in coordination with affected communities.³

8. TPNW members are progressing their consideration of an **international trust fund**, as agreed in the Vienna Action Plan and reaffirmed at its Second Meeting of States Parties. This will be an important addition to international capacity to assist states affected by the impacts of nuclear weapons, including testing.

Situating and supporting this work

9. Assistance to survivors and environmental remediation should be situated within the broader agenda of **promoting nuclear disarmament and non-proliferation**. Until nuclear weapons are eliminated, there is the possibility of future victims and environmental contamination. The impact of nuclear weapons use in conflict would be catastrophic and would overwhelm any humanitarian response capacity. New Zealand therefore calls for:

- Universalisation of the **Comprehensive Nuclear-Test-Ban Treaty (CTBT)** so that it can enter into force.
- Universalisation of the **TPNW**. Joining is the clearest possible message a country can send of its commitment to the total elimination of nuclear weapons, as well as to the prevention of harm from testing or use.
- Implementation by nuclear-weapon states of their **Nuclear Non-Proliferation Treaty (NPT) Article VI disarmament obligation** and related commitments.
- Nuclear-armed states outside the NPT to renounce their weapons and **join the NPT as non-nuclear-weapon states**.

¹ Articles 6 and 7.

² See the preambular paragraphs of the Treaty.

³ Action 25.

- Adherence by all nuclear-weapon states to Protocols of **nuclear-weapon-free zones**. Such zones contribute to the strengthening of the nuclear non-proliferation regime.

10. There is benefit to **increasing the international community's understanding** of the effects of nuclear weapons testing, as well as any use. In the Pacific Islands Forum context, work is underway to better understand existing scholarship and gaps with respect to the legacy of nuclear weapons testing in the region.⁴ New Zealand also takes note of discussions that are underway for a new global scientific study to be commissioned by the UN General Assembly on the impacts and risks associated with nuclear winter.

END

⁴ New Zealand is a member of the CROP Taskforce on Nuclear Legacy Issues.