

# New Zealand Disarmament Strategy

2021-2022

## Why a disarmament strategy?

Aotearoa New Zealand has long been active on disarmament and non-proliferation issues, often playing a leadership role in the region and globally. Through this work we have sought to achieve a safer and more secure world, free from nuclear weapons and other weapons of mass destruction, where international law is respected and civilians in conflict zones are protected from harm.

Our work has served New Zealand's national interest and made a contribution to the global public good. Our principled approach to disarmament and non-proliferation issues is well respected internationally and is a practical demonstration of our independent foreign policy. It aligns with our values, including the role we play as kaitiaki (protectors and stewards of our intergenerational well-being) in the interests of our global whanaunga (connectedness or shared sense of humanity).

Although disarmament is always complex, the current global context appears particularly challenging. The re-emergence of great power rivalry has seen the collapse of some important and long-standing disarmament frameworks including the Intermediate Nuclear Forces Treaty. States already possessing nuclear weapons continue to modernise and expand their arsenals; other states demonstrate an ongoing interest in joining their ranks. Russia and Syria have used chemical weapons and seek to undermine the international architecture dedicated to their elimination. Recent conflicts have seen flagrant violations of international humanitarian law, with devastating and long-term consequences for civilians. The prospect of conflict in outer space, and of the development and use of weapons not controlled by humans, are additional complex challenges.

Disarmament and non-proliferation must compete for necessary resources and political attention with other important global challenges such as the COVID-19 pandemic and climate change. At the same time, global tensions have compounded the divisions and inefficiencies of key disarmament fora just when they are needed most.

To acknowledge these challenges is not to signal defeat. New Zealand remains steadfast in our view that forward movement on disarmament is not conditional on an improved international situation but can contribute to its achievement. Given the volume of challenges ahead and the resource constraints we face, however, there is a need to be even more deliberate about where we put our effort. The need for a disarmament strategy is clear.

This strategy draws on our existing reputation, experience and relationships to continue pursuing long-standing objectives, while also recognising the need to look further afield – and to the future – to ensure we take advantage of new opportunities and are ready for new challenges. It aligns with the goals set out in Ministry of Foreign Affairs and Trade's Strategic Framework, in particular to strengthen, protect and use international rules and institutions, and to advance and protect New Zealanders' safety and security. It identifies our priority objectives for 2021-22, the context in which we are pursuing them, and the means through which we aim to achieve them.

# Nuclear Disarmament and Non-Proliferation

## What is the issue?

Eliminating nuclear weapons is the most urgent item on the international disarmament agenda and is our top disarmament priority. The entry into force of the Treaty on the Prohibition of Nuclear Weapons (TPNW) in January 2021 has injected some much-needed optimism and momentum into nuclear disarmament efforts and has refocused political attention on the need for further progress. It provides the legal framing for a world free of nuclear weapons and represents a necessary step on the pathway towards their abolition. But the Treaty continues to be opposed by those who remain reliant on nuclear weapons for their security.

Reductions in global nuclear arsenals have slowed – and in some cases reversed – in recent years, with stocks continuing to hover around 13,400 (the vast majority of which are held by the US and Russia). Modernisation programmes continue, and nuclear weapons remain a central aspect of the military doctrines of nuclear weapon states and their allies. The risks of a nuclear detonation, whether by accident, miscalculation or design, continue to grow. The catastrophic humanitarian consequences of any use of nuclear weapons are well known.

Trust and confidence within and between nuclear weapon states and many non-nuclear weapon states is in deficit, with concerns growing that those with nuclear weapons never intend to fulfil the grand bargain enshrined in the Nuclear Non-Proliferation Treaty (NPT) and relinquish them. The NPT also continues to face serious proliferation challenges from Iran and North Korea, and as a result of the ongoing absence of India, Pakistan and Israel.

All the while, the effects of nuclear testing continue to be felt, generations later, in the Pacific and other regions. At the request of leaders, the Pacific Island Forum launched work in 2019 to focus attention on the issue, and to draw together the information and resources needed to try to address the legacy of historical testing in the region. The importance of these issues for the Pacific was reiterated at the first ever meeting of Parties to the Treaty of Rarotonga, which met virtually and at ministerial level in December 2020.

## Why do we care and what can we do?

Our ongoing prioritisation of nuclear disarmament is a continuation of New Zealand's historical leadership role in this area, born out of the New Zealand public's horror at the use of the Pacific as a nuclear testing ground and their clear rejection of nuclear weapons as unlawful and illegitimate. It reflects our firm belief that the elimination of nuclear weapons is the only way to address their risks and catastrophic humanitarian consequences, and underpins our support for a broad range of initiatives – both in law and policy – determined to achieve this result.

The content and consistency of New Zealand's approach to both nuclear disarmament and non-proliferation is one of our biggest assets in our efforts to advance disarmament on the international stage. It provides clear evidence of our belief that nuclear weapons should be abolished for *all* states

and not just some. This reputation, and our decades of advocacy, diplomacy and negotiation on nuclear disarmament and non-proliferation, have enabled us to build up good awareness of the issues as well as an extensive network of partner states, international organisations and civil society groups who share our commitment and aspirations. Importantly, the New Zealand public remains strident in its opposition to nuclear weapons and takes pride in the Government's ongoing advocacy on this issue.

Against this backdrop, we will pursue three major nuclear disarmament and non-proliferation objectives over the period 2021-22, focusing attention on the following activities:

- **OBJECTIVE ONE:** Contribute to a positive outcome to the Nuclear Non-Proliferation Treaty Review Conference including a meaningful result on nuclear disarmament
  - Agree and implement a strategy with our New Agenda Coalition partners, drawing on ministerial leadership and outreach to promote a progressive outcome on Article VI;
  - Promote uptake of Stockholm Initiative proposals, including on nuclear risk reduction, as well as other key proposals (e.g. from the Humanitarian Initiative);
  - Support strong outcomes on non-proliferation at the NPT Review Conference, including through advocacy for the Additional Protocol and engagement on Iran.
- **OBJECTIVE TWO:** Increase ratifications and signatures of the Treaty on the Prohibition of Nuclear Weapons and achieve a positive outcome at its 1st Meeting of States Parties
  - Work with partner states and civil society, through ministerial and official counterparts as well as public events, to promote uptake of the TPNW;
  - Contribute substantively to positive outcomes from the 1<sup>st</sup> Meeting of States Parties to the TPNW, including by supporting Pacific engagement.
- **OBJECTIVE THREE:** Achieve progress on nuclear legacy issues in the Pacific, supporting the work of the Pacific Island Forum Secretariat and building on the 1st meeting of parties to the Treaty of Rarotonga
  - Actively support the PIFS Task Force on nuclear legacy issues in the Pacific, engaging with the IAEA and relevant states to identify and achieve key outcomes.

# Strengthening International Humanitarian Law

## What is the issue?

While strategic and security implications will always be factored into our weapon-related policies, humanitarian considerations are at the heart of New Zealand's approach to disarmament and to the fundamental requirement to protect civilians. It is no surprise, then, that we place such significant value on upholding, and where necessary, strengthening International Humanitarian Law (IHL) – the body of international law that restricts and regulates the means and methods of warfare in order to limit the effects of armed conflict and protect civilians.

Significant challenges to IHL include a lack of respect for it, disagreements regarding its application, and concerns about its ability to keep pace with technological developments. Recent conflicts provide overwhelming evidence of blatant violations of IHL; ratifications of key IHL treaties have slowed and implementation is patchy; and states have been slow to respond to technological and other developments in a way that ensures IHL remains responsive to new challenges.

## Why do we care and what can we do?

We are deeply concerned about the ongoing use of prohibited weapons, including chemical weapons, and other weapons used inconsistently with IHL (for example, in some cases the use of explosive weapons with wide area effects). We recognise, too, that resource constraints and competing priorities appear to be affecting the rate of ratification and national implementation of a number of disarmament treaties that form an important part of IHL.

New Zealand has long been a champion of IHL and has played an active part in the development of several major conventional arms initiatives, including on the Convention on Cluster Munitions (CCM) and the Arms Trade Treaty (ATT). We have a history of working closely and constructively with international partners and organisations, and with civil society at home and abroad, to contribute to the strengthening of IHL. Drawing on this experience, and our existing knowledge and networks, we will prioritise the following activities alongside our regular engagement in conventional weapons treaties and our work to ensure there is no impunity for the use of chemical weapons.

- **OBJECTIVE FOUR:** Adoption and promotion of an meaningful Political Declaration on Explosive Weapons in Populated Areas
  - Engage actively in the negotiation of the Political Declaration; promote its uptake by a broad range of states; and play an active role in the follow-up process to maintain momentum and ensure implementation.
- **OBJECTIVE FIVE:** Increase uptake of key disarmament treaties in the Pacific and beyond
  - Actively promote ratification and implementation of the ATT and CCM in particular, including as CCM coordinator for national implementation measures and Chair of the ATT Voluntary Trust Fund Selection Committee. (See also Objective Two).

# Shape the future: outer space and autonomous weapons

## What is the issue?

As the benefits flowing from space increase, there is growing competition amongst space actors to accrue those benefits, and growing evidence of irresponsible state behaviour in space designed to place select space systems at risk. Greater competition and a higher tempo of activity brings with it challenges to the sustainable and peaceful use of outer space. Increasing strategic competition in space may lead to behaviours inconsistent with New Zealand's values and interests. Disruption to space-based systems could have severe, and far-reaching consequences on Earth. Further, the rapid increase in the number of state and non-state actors in space raises the risk of misunderstandings or miscalculations that may have severe consequences for states and their populations.

Technology and behaviour are outpacing international discussions on rules and governance structures in outer space. There is an urgent need for inclusive and transparent multilateral engagement on addressing threats and risks in space, and for related New Zealand policy, including on responsible behaviours and related issues such as those pertaining to space weaponisation.

There is also increasing awareness of the legal, political and ethical implications of autonomous weapons systems where decisions to kill could be made without human control or involvement. The development of autonomous technologies, including those linked to artificial intelligence or machine learning, is rapidly outpacing global policy and regulation, and there is a need to ensure that the development and deployment of any such weapons systems is ethically acceptable and complies with IHL. New Zealand needs to develop a coherent national policy on these issues, including to enable us to engage and assist in shaping the direction of multilateral efforts.

## Why do we care and what can we do?

Like many countries, New Zealand is growing increasingly dependent on space technologies. We already depend on space-based infrastructure to support our daily lives and to help us tackle other challenges more effectively, such as climate change, illegal fishing, or disaster response. An existing regulatory system governs New Zealand's domestic approach to space launches and the payloads they can deliver.

As we have done for other aspects of space use, New Zealand must also address the complexities surrounding the militarisation and weaponisation of space. Navigating these issues is unquestionably important for New Zealand but it will be challenging and complex. Any new national policy will need to consider the interests of numerous stakeholders, including government agencies, commercial actors, the Defence Force and civil society, and comply fully with the terms of existing international law and all domestic legislation. Developing policy at the *national* level will be important, but it is not enough. Space is a global commons, and it will take a *multilateral* approach to protect it for the future.

As one of only 11 countries with space launch capabilities, New Zealand has an opportunity to show leadership in the development of new rules, norms and standards around the use of outer space. We are well placed to draw on our previous experience on disarmament issues, and our constructive engagement in the elaboration of new norms (for example on cyber security), to ensure that the international governing framework for outer space activities is fit for purpose.

With respect to Autonomous Weapons Systems (AWS), New Zealand has engaged in the multilateral process under way within the Convention on Certain Conventional Weapons in Geneva but we are still in the process of developing a national policy on the issue. Given the implications of AWS for national, regional and global security, as well as for our technology industry and our international reputation, this work must be a priority moving forward. In turn, a robust national policy will also serve as a basis for increased engagement offshore.

Drawing on national and international expertise on these issues, and ensuring that a diversity of voices are heard, our work will focus on the following priorities.

- **OBJECTIVE SIX:** Develop a national policy on responsible behaviours in space and related issues
  - Develop a robust national policy on space security issues, drawing on existing expertise and perspectives and taking into account New Zealand's broad range of interests in space;
  - Engage actively in multilateral processes aimed at achieving international agreement on responsible behaviours in space and on other normative and legislative frameworks to ensure the safe, secure, sustainable and peaceful use of outer space.
  
- **OBJECTIVE SEVEN:** Develop a national policy on Autonomous Weapons Systems (AWS)
  - Through a robust and inclusive process, involving a range of New Zealand perspectives, develop a New Zealand policy on AWS that is fit for purpose and future proof;
  - On the basis of our national policy, engage internationally to contribute to the elaboration of the necessary framework to address concerns about AWS.

## How will we achieve our strategy?

A foundation of New Zealand's approach to disarmament is that it is only through mahi tahi (working together) and kotahitanga (unity or shared aspiration) that we can strive to make the world safer for everyone.

Domestic outreach will be central to our work. This strategy represents a commitment by the Government to continue to work closely with key national stakeholders including civil society, academia, think tanks and others to ensure we involve and reflect diverse perspectives. We will ensure that Māori views are sought and taken into account, and that we consider disarmament issues through a gender lens. Our engagement will also include young people, given the profound importance of this issue to future generations.

New Zealand's stance on disarmament forms a critical part of our multilateral engagement and an important element of our international profile. New Zealand has always been a champion for the international rules based order and this will be more important than ever as we respond to the particular security challenges of the 21st century.

As we have done in the past, we will work closely with partner governments and international organisations, drawing on our decades of experience to play a meaningful role in the elaboration and implementation of global norms and rules. We aim to be a creative, constructive and credible contributor on both long-standing and emerging disarmament issues, working with our traditional disarmament partners and striving to build new relationships. Our collaborative approach is one of the key sources of our success in disarmament and will remain central to our work.

## Staying on track

This strategy will guide New Zealand's work in 2021 and 2022. The accompanying work plan is intended to be a living document, which will provide the basis for regular reporting to the Minister of Disarmament and Arms Control. It will be updated as new opportunities and/or challenges unfold, and in consultation with the Minister.