Fifteenth special session
Items 10, 11 and 12
of the provisional agenda*

ASSESSMENT OF THE IMPLEMENTATION OF THE DECISIONS AND
RECOMMENDATIONS ADOPTED BY THE GENERAL ASSEMBLY AT
ITS TENTH AND TWELFTH SPECIAL SESSIONS

CONSIDERATION AND ADOPTION OF THE COMPREHENSIVE
PROGRAMME OF DISARMAMENT

ASSESSMENT OF DEVELOPMENTS AND TRENDS, INCLUDING QUALITATIVE AND
QUANTITATIVE ASPECTS, RELEVANT TO THE DISARMAMENT PROCESS, WITH
A VIEW TO THE ELABORATION OF APPROPRIATE CONCRETE AND PRACTICAL
MEASURES AND, IF NECESSARY, ADDITIONAL PRINCIPLES, TAKING DULY
INTO ACCOUNT THE PRINCIPLES AND PRIORITIES ESTABLISHED IN THE
FINAL DOCUMENT OF THE TENTH SPECIAL SESSION OF THE GENERAL
ASSEMBLY, THE FIRST SPECIAL SESSION DEVOTED TO DISARMAMENT

Note verbale dated 25 May 1988 from the Chargé d'affaires a.i. of the Permanent Mission of New Zealand to the United Nations addressed to the Secretary-General

The Chargé d'affaires a.i. of the Permanent Mission of New Zealand to the United Nations presents his compliments to the Secretary-General of the United Nations and has the honour to attach two working papers by New Zealand, entitled "Nuclear-free zones" (annex I) and "Comprehensive nuclear test ban treaty" (annex II), for submission to the fifteenth special session of the General Assembly, the third special session devoted to disarmament.

The Chargé d'affaires a.i. requests that the working papers be circulated as official documents of the fifteenth special session of the General Assembly under items 10, 11 and 12 of the provisional agenda.

* A/S-15/10.

88-14319 0314j (E)
ANNEX I

WORKING PAPER BY NEW ZEALAND

NUCLEAR-FREE ZONES

1 The right of any State to declare its territory a nuclear-free or nuclear-weapon-free zone cannot be challenged. So also with the right of a group of States to agree among themselves that their respective territories shall form part of a larger, multilateral, zone. They may agree, as well, that they will regard areas beyond national jurisdiction as comprising part of a nuclear-free or nuclear-weapon-free zone, subject to the rules of international law. Examples are numerous.

2 Moreover, every State, or group of States, is free to request that other States observe voluntary restraints on their conduct in those areas beyond national jurisdiction which are designated as within the zones thus established. The two extant examples are the Treaty of Tlatelolco and the Treaty of Rarotonga (as the South Pacific Nuclear Free Zone Treaty is commonly known). The parties to each of those Treaties have invited other States to become parties to additional Protocols, pursuant to which those States would observe restrictions within the zones created by the Treaties. The invitations were, in each case, directed to both extra-zonal States possessing or having control over territories within the zones, and to the five nuclear weapon States.

3 The responses to those invitations have been mixed. All eligible States have become parties to the two Additional Protocols to the Treaty of Tlatelolco except for France, which has become party to Additional Protocol II but has only signed, and not ratified, Additional Protocol I. However, only the Union of Soviet Socialist Republics has yet ratified the two Protocols to the Treaty of Rarotonga open to it, although the People's Republic of China has signed both of these instruments. France, the United Kingdom of Great Britain and Northern Ireland and the United States of America have each declared that they will not at present become parties to the Protocols open to them, although the latter two have made statements indicating a willingness to act in a manner generally consistent with the Treaty and its Protocols.

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The value of the establishment of nuclear-weapon-free zones has long been recognised by the United Nations. By unanimous vote, the General Assembly at its thirty-first session expressed "its conviction that the establishment of nuclear-weapon-free zones can contribute to the security of members of such zones, to the prevention of the proliferation of nuclear weapons and to the goals of general and complete disarmament" (A/RES/31/70). The Final Document of the First Special Session of the General Assembly Devoted to Disarmament records:

"The establishment of nuclear-weapon-free zones on the basis of agreements or arrangements freely arrived at among the States of the zone concerned and the full compliance with those agreements or arrangements, thus ensuring that the zones are genuinely free from nuclear weapons, and respect for such zones by nuclear-weapon States constitute an important disarmament measure". (Resolution S-10/2 of 30 June 1978, paragraph 33).

Later in the Final Document, the following passage appears:

"The process of establishing such zones in different parts of the world should be encouraged with the ultimate objective of achieving a world entirely free of nuclear weapons. In the process of establishing such zones, the characteristics of each region should be taken into account. The States participating in such zones should undertake to comply fully with all the objectives, purposes and principles of the agreements or arrangements establishing the zones, thus ensuring that they are genuinely free from nuclear weapons.

"With respect to such zones, the nuclear-weapon States in turn are called upon to give undertakings, the modalities of which are to be negotiated with the competent authority of each zone, in particular:

"(a) to respect strictly the status of the nuclear-weapon-free zone;

"(b) to refrain from the use or threat of use of nuclear weapons against the States of the zone."

(Tbid., paragraphs 61-62)
The Final Document then notes as "especially desirable" the

"signature and ratification of the Additional Protocols of the Treaty for the Prohibition of Nuclear Weapons in Latin America (Treaty of Tlatelolco) by the States entitled to become parties to those instruments which have not yet done so."
(Ibid., paragraph 63(b))

The approbation by the international community by consensus of nuclear-weapon-free zones as constituting an important disarmament measure is clearly and unequivocally on record. It will be consistent with this stance that all nuclear-weapon States will, before long, become parties to the relevant Protocols to the Treaty of Rarotonga.

The Treaty of Rarotonga was drafted in accordance with relevant principles identified by the United Nations. Each of its parties has undertaken not to acquire, possess, manufacture or have control over nuclear explosive devices, nor to allow the stationing of such devices in their territory. Each will prevent the testing of nuclear explosive devices in their territory, and the dumping of radioactive waste at sea. There is a detailed and comprehensive verification system included in the Treaty.

The Treaty of Rarotonga has received the express support of many States. It was, for example, unanimously welcomed by the States parties (including three of the five nuclear-weapon States) to the Treaty on the Non-Proliferation of Nuclear Weapons, when they met for the Third Review Conference of that Treaty in August/September 1985.

In New Zealand's view the General Assembly should, at its third special session devoted to disarmament in 1988, take the opportunity once again to reaffirm the value and importance of nuclear-free and nuclear-weapon-free zones. It should, in light of the experience of the last decade, focus particularly on the Treaty of Tlatelolco and the Treaty of Rarotonga as the only two Treaties creating nuclear-free or nuclear-weapon-free zones over permanently inhabited areas of the globe's surface. As examples of disarmament agreements freely arrived at by the countries of the two regions, which conform with principles endorsed by the United Nations, each merits the special recognition and support of the General Assembly.

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ANNEX II

WORKING PAPER BY NEW ZEALAND

COMPREHENSIVE NUCLEAR TEST BAN TREATY

1 There is an urgent need to achieve nuclear disarmament. Any viable disarmament process will also require significant agreements on other weapons of mass destruction, including chemical weapons, and on conventional arms. Measures to limit and reverse the qualitative and quantitative development of nuclear weapons and negotiations on substantial reductions in their number are of vital importance. An end to all nuclear test explosions in all environments for all time would facilitate progress towards deep reductions and the eventual elimination of all nuclear weapons.

2 A complete prohibition on nuclear-test explosions would assist in preventing the further refinement of nuclear weapons and their continued accumulation, and would reduce the possibility of their spread to States that do not possess them. The UN General Assembly has on many occasions — most recently at its 42nd session — reaffirmed the fundamental importance of a comprehensive nuclear test ban treaty, and called for its early conclusion. Despite that call, at the present time there are no multilateral negotiations taking place towards such a treaty. The Conference on Disarmament has been deadlocked for several sessions over the establishment of a negotiating group with an appropriate mandate.

3 While the recent commencement by the United States of America and the Union of Soviet Socialist Republics of negotiations on nuclear-testing issues is a welcome step, in New Zealand’s view there can be no adequate substitute for full-scale multilateral negotiations. According to the two sides to the bilateral negotiations, these are designed to lead to the ultimate objective of the complete cessation of nuclear testing as part of an effective disarmament process, which would have as its first priority the goal of the reduction and, ultimately, the elimination of nuclear weapons. A nuclear test ban treaty is, apparently, intended to be a consequence of the reduction and elimination of nuclear weapons, rather than help facilitate that process. Yet, so long as nuclear testing continues to be permitted, New Zealand fears that the destabilising pressures resulting from developments in, and the dangers of the spread of, nuclear weaponry will serve to impede the arms reduction process.

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Accordingly, in New Zealand's view, the General Assembly at its third special session devoted to disarmament should acknowledge the fundamental importance of a comprehensive nuclear test ban treaty to the disarmament process. It should consequently urge the Conference on Disarmament to commence work leading to the early conclusion of a comprehensive nuclear test ban treaty.