

WORKING PAPER NO. 15
NUCLEAR FREE NEW ZEALAND:
TWENTY YEARS ON
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ABSTRACT & ACKNOWLEDGEMENTS

A survey was carried out in 2006 of all political parties represented in the New Zealand Parliament asking for their positions on the 1987 New Zealand Nuclear Free Zone, Disarmament, and Arms Control Act referred to as the Act below, as the 20th anniversary of the signing of the Act into law approached on 8 June 2007. They were also asked for their views on Anzus, denoted in earlier working papers by the acronym ANZUS. The Anzus version seems to be more commonly used however.

The findings show near universal support for the Act in its present form. The National Party now pledges it will retain the legislation unchanged should it become the government, a position that only became clear late in 2006. The position on Anzus is also essentially universal with Anzus now seen as of no significance for New Zealand, a surprising finding. However, it is in keeping with new directions for New Zealand's defence forces established by Labour governments since 1999 and set out in chapter Three. Chapter 4 examines the true nature of the Anzus Alliance, and presents material which is claimed to establish that Anzus is in a substantial sense a nuclear alliance, and always has been. It is argued that New Zealand should withdraw formally from Anzus.

The details of how the Act is implemented in granting diplomatic clearance for visits by warships from the nuclear powers, Britain, France and China are presented in chapter One.

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BIOGRAPHICAL NOTE

The author, now retired from the University of Auckland, has an extensive record of research in nuclear physics. Since 1986 he has been engaged in research related to nuclear policies and strategies. He was a founder member of Scientists Against Nuclear Arms (NZ) in 1983, and has been the Director of the Centre for Peace Studies from late in 1988 when it was established in the University to the present, apart from a short period when he served as Deputy Director. He holds the degrees of Doctor of Philosophy (1957) and Doctor of Science (1981).

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INTRODUCTION

The 8 of June 2007 was a very significant day for New Zealand. It was the 20th anniversary of the signing into law of the June 1987 New Zealand Nuclear Free Zone, Disarmament, and Arms Control Act, referred to as the Act below. This anniversary was celebrated by peace groups around New Zealand, and was acknowledged in New Zealand's 121 seat Parliament by the passing of a special motion on the 12th of June. The full text of this motion and the discussion of it by representatives of the various parties now in Parliament is included as Appendix 1. For those concerned with the history of the Act it makes interesting reading.

The completion of this paper has been delayed, perhaps fortuitously, as 2007 has seen other major developments related to New Zealand's nuclear free stance. These were revealed in a survey of all political parties represented in New Zealand's Parliament made during 2006 which put questions to the parties concerning their stance on the Act and on Anzus. Nothing has been seen to suggest changes in the positions of the parties since the survey was completed. All parties now support the Act as it stands except for one minor party, the ACT Party. In particular, the new leader of the National Party, John Key, had stated unequivocally that National will not change the legislation. So the Act appears to be firmly and enduringly established as a major foreign policy statement for New Zealand.

Also most parties including National have stated that they now accept that the Anzus Alliance no longer has any relevance for New Zealand. This is major development in New Zealand's foreign and strategic policy. It contrasts markedly with the situation in Australia where public support for Anzus is still strong. Further it appears that the United States has finally accepted that the Act is unlikely to be changed by a future New Zealand government. An astonishing time for those supporting New Zealand's stance against nuclear weapons, and New Zealand's position as an independent nation.

This is the final paper in a series examining aspects of New Zealand's nuclear free policy and its operation since it was introduced in July 1984 by the newly elected Labour Government headed by Prime Minister David Lange (now deceased). In it we will examine these recent developments in more detail, and other aspects of how the Act works in practice.

These working papers bear the common title Nuclear Free New Zealand, and individual specific titles. The first in the series, 1984 – New Zealand Becomes Nuclear Free, was published in June 1997 to mark the tenth anniversary of the enacting of the legislation. It appeared as Working Paper No.7 from the Centre for Peace Studies. The second paper, 1987 – From Policy to Legislation, was published in April 1998 as Working Paper No.8, and the third, The Policy in Action, as Working Paper No.9 in July 1999.

The first paper examined the background to the 1984 nuclear free policy and argues that despite claims to the contrary, it was only with the establishment of this policy that New Zealand became truly nuclear free. It also presents material suggesting strongly that there was collusion at the time amongst Anzus government officials to undermine what immediately became seen as the most contentious aspect of the nuclear policy, its ban on visits by nuclear armed or powered warships, by weakening these bans to be more in line with the ineffective policies of Japan, Denmark and Norway. The paper discusses the strong negative reactions of New Zealand's major allies the United States and United Kingdom to the new policy.

The second paper traces the path of the policy between 1985 and 1987 from policy to legislation. It also examines the legality of the suspension of New Zealand in 1986 from full Anzus membership by the United States. As far as is known the legality of this action, triggered by the determination of the New Zealand Government to enshrine the nuclear policy in law, has never been established satisfactorily.

Working Paper No.9 examines how the policy worked in practice up to 1999, where the term 'policy' here embraces both the 1984 policy and the 1987 Act. It considers how, and in what circumstances, the policy has been applied and how successful this has been. It examines to some extent claimed impacts of the policy, particularly in the area of military contacts. The paper considers support for and criticisms of the policy, and of the moral integrity of the overall nuclear stance of the Labour Government in the 1980s.

There are a considerable number of avenues outside Anzus whereby New Zealand's defence forces interact with those of the US that were established before Anzus came into existence, continued throughout the so-called Anzus crisis, and still continue. These effectively link New Zealand to the US militarily in important ways rarely discussed, although a surprising amount of information concerning these links is now available on the internet.

The present paper aims to update the examination of how the policy and Act are operating. The specific title of this paper, Twenty Years On, is somewhat misleading. It is 23 years since the policy was established as government policy. It is 21 years since New Zealand was suspended from Anzus.

The policy and the legislation have already been extensively discussed by a range of authors in quite a number of books, learned papers and elsewhere. So is there anything left to say about it? The answer given here is, unfortunately, a definite yes.

The term unfortunately is used because it would have been hoped that after this time all the problems generated by the policy would have been settled in some way. Domestically the Act appears secure, although the history of National Party acceptance of all aspects of it, long term and recent, has varied considerably. Internationally, the Act no longer appears to influence New Zealand's relations with any of the nuclear powers except the US. However it seems there is still some way to go before relations with the US come out from under the shadow of the Act completely.

As an illustration of the state of play in 2006, the current Minister of Defence, Phil Goff, speaking in Washington to influential analysts and officials at the United States National Defense University on 21 April 2006 is reported as having suggested that New Zealand would welcome to its shores the return of most US surface ships since all are conventionally powered except for aircraft carriers. This would simply replicate the convention observed by other nuclear powers such as Britain, France and China in only sending surface warships to visit New Zealand, and would assist the US servicing its Antarctic operations. But he said, he did not think the US would be ready to decide that yet. This is after the policy has existed for 23 years, and 15 years after the US declared that all its surface ships and attack submarines were free of nuclear weapons.

The situation had changed somewhat by August 2007. A report in The New Zealand Herald for August 13 p.A2 entitled “Goff sees no hurdle to US ship visits” reports comments by Defence Minister Phil Goff on the possibility of a resumption of visits to New Zealand by US Coast Guard ships. He is reported as saying that he sees no obstacle such a visit “though none is planned in the foreseeable future”.

This arose following his announcement earlier in August that two New Zealand naval officers had joined the crew of the US Coast Guard vessel Walnut for a fisheries protection operation in what will become an annual personnel exchange. Also in July it was announced that six naval personnel would join the USS Peleliu, a naval vessel undertaking a humanitarian mission around the Pacific. As will be discussed, New Zealand has been participating in exercises under the Proliferation Security Initiative (PSI) against the transport of weapons of mass destruction and related cargoes.

The article says that this continuing thaw “follows a decision by the second Administration of President George W Bush to step up co-operative initiatives with New Zealand, despite the anti-nuclear impasse.” Mr Goff, the report says, considered that he did not believe the New Zealand public or the government would have a problem with a US Coast Guard visit. But he said the US was setting the pace for an improved relationship. “We are not trying to push the boundaries. The are moving the boundaries... out from where they may have been some time ago but they are doing it at a pace that is in accordance with their feelings on it.”

In another somewhat amusing development, US Assistant Secretary of State, Christopher Hill, at a Pacific Islands Forum meeting in October 2006, indicated that New Zealand’s anti-nuclear stance was, ironically, useful to the United States in pursuing its non-proliferation policy. He was referring to the problem of North Korea and its nuclear stance. This is discussed further when we look at the future of the Act in chapter two.

As will be shown, the New Zealand Government, in granting diplomatic clearance for visits by naval vessels from the nuclear powers Britain, France and China, has accepted without question that the ships involved were free of nuclear weapons. This is done on the basis that the governments concerned had given assurances that nuclear weapons

were removed from all their surface ships and attack submarines in the early 1990s, and from assessments by government officials.

This paper will also fulfil a promise made earlier in this series to examine the question of whether the Anzus Alliance is, or has ever been, a nuclear alliance, an alliance centred around, or accepting of, the deployment of nuclear weapons for possible use. Did New Zealand through past membership of this alliance given tacit support to the nuclear strategies of the US? And for the future, should New Zealand seek to renew full membership of Anzus? Is it logically or, more importantly, morally acceptable for a country that abjures the presence of nuclear weapons within its territory, has said it does not want to be defended by nuclear weapons, and claims to work consistently for nuclear disarmament in international forums, to effectively ignore threats of the possible use of nuclear weapons in other areas of the world by an alliance partner? New Zealand is, after all, still a member of the Anzus Alliance. Should New Zealand withdraw formally from Anzus now?

In this context, New Zealand's extensive military links with the US outside Anzus through what are known as its UKUSA connections, and other links, are examined further. The acronym stands for UK, USA and refers to a long established grouping of the countries United Kingdom-United States-Australia-Canada-New Zealand, also indicated by the acronym AUSCANNZUKUSA.

Critics of the Act continue to challenge its relevance now that the nuclear navies have removed nuclear weapons from almost all warships likely to want to visit New Zealand ports. This challenge to the significance of the Act is answered very positively by a reminder of what the Act does. It is not just about visits by nuclear armed or powered ships.

It established the first ever single nation nuclear weapons free zone.

It was the first instance of a country embodying its nuclear policy in law. Austria adopted legislation in 1999 and Mongolia in 2000, but neither country is a maritime country.

Sections 5(1) and 6 ban nuclear weapons, their manufacture, storage, transport, or any other involvement with them within our nuclear free zone. Section 6 bans the testing of nuclear weapons in our nuclear free zone.

The Act also bans our military personnel from participating with other forces in activities involving nuclear weapons, Section 5(2), a prohibition rarely discussed publicly.

Sections 9 and 10 ban visits by nuclear armed vessels or aircraft, based on our Prime Minister's judgements of their nuclear armed status at the time, and not the word of a nuclear power. Our Act is also unique in its absolute ban in Section 11 on visits by nuclear powered vessels, the most contentious section of the Act now.

The Act implements a number of important treaties and conventions relating to weapons of mass destruction and bans our involvement with biological weapons.

Overall it expresses New Zealand's complete rejection of nuclear weapons and other weapons of mass destruction, and of related manifestations of nuclear strategies - storing nuclear weapons, exercising with nuclear weapons, and the presence of nuclear powered warships.

The Act for many, if not the majority of New Zealanders, is very symbolic. It symbolises, and finally gave concrete recognition to, our long history of opposition to nuclear weapons and nuclear strategies dating back tens of years, a history that has won our country international recognition as a strong, reliable, consistent advocate of a world free of nuclear weapons. The symbolic nature of the Act is stressed deliberately because it has been argued in these working papers that the whole basis for the American criticism of our legislation is symbolic, and has nothing to do with strategic considerations.

Even after 20 years since the legislation was passed, evidence is still found of confusion over what New Zealand's nuclear free law requires, and confusion relating to significant events in the history of the legislation. We will see local examples of this in what follows. On the international scene, a book by an Australian academic published in 2005 considering Australia-US military cooperation attributes New Zealand's suspension from Anzus as following "the refusal of the Lange Government to allow US Navy vessels to visit New Zealand ports **in the absence of Washington's assurance that they did not carry nuclear weapons**" (emphasis added). (ref.1, p.121)

This is, of course, completely wrong. The Lange Government went to extreme lengths to ensure that its nuclear free policy required no such declaration by Washington, and did not conflict with the US Neither Confirm Nor Deny policy directly. It was, nevertheless, seen by the US as effectively negating that policy, as a decision to allow a US naval visit would have effectively labelled the vessels involved as free of nuclear weapons. To see such misunderstanding in an academic publication in 2005 is very disappointing and disturbing.

The final purpose of this paper is to establish the continuing relevance of the Act by consideration of the present tense international situation concerning nuclear weapons and nuclear strategies, and the overall international instability we now face.

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CHAPTER ONE

SHIP VISITS – THE KEY ISSUE

1.1 Introduction

Despite the breadth of matters addressed by the Act outlined in the Introduction, access to New Zealand ports for vessels of the nuclear powers, the US and UK, has been the key issue that has produced the major problems with the nuclear free policy and the Act since mid-1984, and continues to be the key issue for the US. This question of ship visits has been addressed in the other working papers in this series up to the mid-1990s. The intention here is to extend this analysis to 2007, and to examine visits by vessels from the navies of the nuclear powers France, China and The Soviet Union/Russia, not previously considered.

The most recent paper in this series on the nuclear free policy and the Act was published some time ago in 1999. For the convenience of readers, each chapter in this working paper will include very brief summaries of the main points that emerged in the earlier papers that show the important role this issue has had.

1.2 Ship Visits Prior to 1984

The ship visit question first became an issue in the late 1960s, as discussed fully in Working Paper No.7, when the safety of nuclear powered vessels in the US Navy visiting New Zealand ports became a serious source of concern for the National Government of the time. Codes of practice covering such visits had been established that required technical details of the reactors in the vessels concerned to be provided to the New Zealand Government for it to make an assessment of their safety before visits were approved. The US would not do this, it never has. So such visits ceased for a time, while visits by conventionally powered US Navy vessels continued but at a reduced level compared with previous years.

This situation continued from 1970, through the years 1972 to 1975 of the Labour Government under Prime Minister Norman Kirk. In 1974 the US gave New Zealand a guarantee that it would accept liability for any reactor accident on one of its vessels. The US then used this to exert considerable pressure on Kirk's government to allow nuclear powered vessels to visit as they had done in earlier times with no requirements for technical information. These visits resumed in 1976 when a National Government led by Prime Minister Robert Muldoon swept to victory and made it clear that the US was welcome once again to send any of its naval vessels to visit in view of the 1974 guarantee.

There was a proviso even so that reflected the growing public concern over, and political sensitivity of, visits by nuclear powered vessels. Under considerable pressure from the US, the National Government had agreed in 1970 to give an annual blanket clearance to the US for all naval visits each year that the US listed as planned. From 1976 on, despite US pressure to have nuclear powered vessels included in these blanket clearances, visit requests for these vessels had to be made separately for each visit. These were then assessed by New Zealand authorities against new New Zealand regulations governing such visits developed in the mid-1970s that did not require the US to provide sensitive technical information about their vessels. No visit requests were refused, however.

The other more long standing concern with port visits by vessels from the nuclear powers for increasing numbers of New Zealanders was the question of whether or not these vessels carried nuclear weapons. No New Zealand Government, Labour or National, had faced up to this question fully before the Lange Government did in 1984. And the US and UK, and other nuclear powers, operated one of the most successful military polices ever, the policy of refusing to confirm or deny the presence or absence of nuclear weapons on any vessel or aircraft, the so-called Neither Confirm Nor Deny or NCND policy. No clear violation of this policy has been seen by the author, although some actions that effectively constitute a violation are discussed in this working paper series.

The US and UK argued strongly that the nuclear free policy itself violated the NCND policy because under the nuclear free policy, New Zealand's Prime Minister would announce publicly if she or he had approved a visit by a vessel from their navies. This, they pointed out, immediately said to the world that New Zealand has decided that at the time of this visit our vessel will be free of nuclear weapons, making NCND meaningless at that time.

Following a request from the Muldoon Government in 1976, the US issued a remarkable Aide Memoire guaranteeing acceptance of liability for the consequences of any accident resulting from the presence of a nuclear weapon on a US Navy vessel while in a New Zealand port. A copy of this document, which in some senses clashes with the NCND policy, is included in Working Paper No.7. The Muldoon Government's position concerning nuclear weapons entering New Zealand ports on US vessels, made clear in 1976, was that it opposed to the use of nuclear weapons, but recognised their deterrent power, including when carried on US warships. This meant that as an ally, accepting the possibility that these weapons might at times enter New Zealand ports was part of Anzus Alliance responsibility. Working Paper No.7 pp. 6-12 and documents included therein make this clear. Nevertheless, arguments about whether or not nuclear weapons were actually carried on visiting US warships raged for many years. That this did happen was strongly believed by New Zealand peace researchers who argue that nuclear weapons were routinely carried during US Navy visits to ports in many countries in the world right up to 1991-92, when these weapons were removed from most vessels in the major nuclear navies.

Both of these aspects of US and UK Navy visits led to very strong protests in the late 1970s and early 1980s including marches by up to 10,000 people and actions on the water

by protest squadrons attempting to prevent the entry of these behemoths. These peace squadron actions did not stop any visits, but drew wide attention to the level of concern and anger present in New Zealand at that time. The establishment of the nuclear free policy in July 1984 saw an end to these visits for just over a decade to 1995, when the Royal Navy resumed visits, as discussed in Working Paper No.9. By then US, Royal Navy and Russian navy surface ships and attack submarines, the smaller nuclear powered submarines in these navies and other navies, the SSN, were free of nuclear weapons. Deep sea ballistic missile carrying submarines in nuclear navies, the SSBN, still carry nuclear weapons routinely however.

Rather surprisingly in the light of subsequent developments, The New Zealand Herald for February 22, p.2 section 1, and for 1 March, p.1 section 1 1985 when Prime Minister Lange was in London, report him as claiming he did not expect any trouble with the British over the nuclear free policy, and Royal Navy ships were welcome within the requirements of the policy. Events soon proved him wrong, and as we have seen Royal Navy visits ceased for over ten years.

1.3 The Ship Visit Question and Anzus

The ship visit question also played a key role in the Anzus rift that developed between New Zealand and the US following the 1984 election, described below as the Anzus “imbroglio”. Muldoon’s governments strongly endorsed the position that unrestricted visits by the navies of the Anzus partners to each others ports was an essential part of Anzus co-operation. The US and Australia argued that the 1984 nuclear free policy was in conflict with this right, and consequently with New Zealand’s Anzus commitments. This is reflected in some detail in material presented in Working Paper No.8. The reader is referred to this source for further discussion of the role the ship visit question played in the subsequent suspension of New Zealand from Anzus in August 1986 by the United States, the legality of which has never been established. The views of the various political parties now represented in the New Zealand Parliament concerning the future significance of Anzus for New Zealand are discussed below, as is the true nature of Anzus.

1.4 Ship Visits and the Political Parties

The main political parties in New Zealand, the conservative National Party and the social democrat Labour Party differed over the question of nuclear weapons and their involvement in military relations with the US right up to 1990. And nuclear policy, especially the question of nuclear armed and powered vessel visits was a major election issue through the late 1970s into the 1980s up to 1984 when the matter was, of course, settled. This 1984 snap election was itself triggered by revolt within the Muldoon Government over this issue.

National continued to oppose Labour’s plans to enact legislation embodying the nuclear free policy. Working Paper No.8 follows events from 1984 to the final signing of the Act into law on 8 June 1987, and should make the extent of National’s opposition clear.

National Parliamentary members' main arguments centred on perceived damage this would do to NZ-US military relations, and, consequently, to New Zealand's security if the US was no longer an ally. Damage to New Zealand-US trade was also argued to be a likely consequence of enacting legislation. This has not happened.

This line of argument from some National Members of Parliament has continued up to the present, particularly from some members of long standing. Nevertheless, in 1990 Jim Bolger, National's newly elected Prime Minister announced that he would not be changing the Act, and it was not changed under subsequent National governments up to 1999 when Labour came to power with Helen Clark as Prime Minister. The present positions of the political parties currently represented in Parliament concerning the Act and its retention, modification, or rejection is examined below.

Hopefully the key role played by this one aspect of New Zealand's nuclear free policy and legislation will now have been made clear. We now examine the ship visit record beyond 1995.

1.5 US Ship Visits Beyond 1995

Chapter two of Working Paper No.9 includes study of visits to New Zealand by naval vessels from the US and the UK up to mid-1984 when the nuclear free policy was put into effect. There were no visits by either navy from then to June 1995 when the Royal Navy resumed visits with surface ships. This chapter also presents what is considered to be the real reason why New Zealand has been treated so differently by the US from some other countries, Denmark in particular, in this respect. Denmark also has no visits by nuclear powered vessels, and for the same reason that such visits to New Zealand ceased from 1970 to 1975.

Briefly this is argued to be traceable to significant differences between the policies of Denmark and New Zealand covering visits by nuclear armed or powered vessels. Denmark also bans nuclear weapons from its territory in peacetime, and while allowing visits by nuclear powered vessels, requires detailed technical information about such vessels that the nuclear navies have never released as far as is known. This has had the same effect as a direct ban, and Denmark does not have visits by nuclear powered vessels. There are strong suspicions that the ban on nuclear weapons in its territory was flouted regularly by the US and British navies up to 1992. This ban is not directly enforced by Denmark. The Danish authorities simply stated that they assumed their NATO nuclear allies and other countries would honour their policy, and visits by conventionally powered vessels capable of carrying nuclear weapons (nuclear capable vessels) continued.

New Zealand by contrast enforces its ban on vessels carrying, or possibly carrying, nuclear weapons directly. The New Zealand Government through its officials makes its own assessment of the nuclear armed status of all vessels considered capable of carrying nuclear weapons, and the Prime Minister grants or refuses diplomatic clearance for visits on the basis of the associated assessments. The objections to this procedure in the 1980s

and early 1990s from the US and British vessels relating to their NCND policies are now scarcely sensible following the removal of nuclear weapons from all surface ships and attack submarines in the US Navy and Royal Navy in 1991-92, although both countries still operate NCND policies. The deep sea submarines from these navies never visit ports in countries like New Zealand. The Royal Navy has resumed visits as stated, and visits from 1995 on are considered below together with details of how their nuclear armed status has been assessed. The US Navy still refuses to visit as indicated in the remarks by New Zealand's present Defence Minister quoted in the Introduction.

The US position is further complicated in their view by New Zealand's uncompromising ban on visits by nuclear powered vessels. Unlike Denmark, New Zealand's legislation states directly that such visits are banned, no exceptions or mechanisms that would allow a nuclear powered vessel to enter a New Zealand port, equivalent to the apparent mechanism in Danish policy. And this is the nub of the matter it is argued in these working papers.

Danish policy leaves it in the hands of the nuclear powers to agree to give the Danish authorities the technical details they demand and make a visit with a nuclear powered vessel or vessels, or to decline to do this and not visit. They have always done the latter. But this decision is theirs to make. The New Zealand legislation Section 11 takes the decision out of the hands of the nuclear powers. They have no say in the decision to refuse such visits. The British have accepted this and resumed visits by conventionally powered warships. The US has not.

The US argues that it cannot split its fleets into nuclear and conventionally powered components, so that banning visits by its nuclear powered vessels effectively bans all US Navy visits. Yet it has done this for Denmark. And an examination of the proportion of visits by the US Navy prior to mid-1984 that involved nuclear powered vessels shows this to have been very small as discussed in Working Paper No.9, chapter two. But the stalemate continues. Here this is attributed to an unwillingness on the part of the US, and the US Navy in particular, to back down and follow the British example, an action that could be interpreted as weakness on the part of the United States. Yet interaction between the US and New Zealand navies is changing as we will see.

1.6 Royal Navy Visits 1995 and Beyond

The following information was supplied by the Ministry of Foreign Affairs and Trade (the Ministry below) in response to Official Information Act requests. The first visits by the Royal Navy since 1984 occurred in June 1995 during the term of the National Government led by Prime Minister Jim Bolger. The request for diplomatic clearance for the visits was received by New Zealand authorities in November 1994. This came in the form of a letter dated 15 November from Group Captain David Angela, RAF, to Murray Watkins in the International Security and Arms Control Division of the Ministry. A copy of this quite historic clearance request is included in Appendix 2, the visit being the first post-1984 by a nuclear power that had reacted strongly to the 1984 policy. The warships involved were HMS Monmouth, a frigate, and RFA Brambleleaf, an auxiliary tanker.

Visits were requested to Wellington from 9-12 June by both ships, to Dunedin from 14-17 June by RFA Brambleleaf, and to Auckland from 15-19 June by HMS Monmouth. The visits were approved, a copy of the 25 November approval document is also included in Appendix Two.

The question that immediately arises is how these visits in 1995 were assessed as satisfying the requirements of the Act that the ships involved would be free of nuclear weapons during their visit. The general approach used is set out in an undated two page paper headed "Clearance for Visiting Foreign Warships and Military Aircraft". A copy is included in Appendix Two.

Briefly this points out that the legislation was drafted "so as not to require foreign governments to provide a confirmation that their ships are not nuclear armed or powered". Under the Act it is the Prime Minister who decides whether foreign warships may enter New Zealand's internal waters, our ports basically. The International Security and Arms Control Division of the Ministry of Foreign Affairs and Trade administers ship and aircraft clearances under the Act. The Ministry consults with other government departments, including the Department of the Prime Minister and Cabinet.

The assessment of the likelihood of a ship or aircraft carrying nuclear weapons is based on "all relevant information". Sources used include Jane's Fighting Ships and other Jane's publications, the nuclear doctrines of the nuclear powers, other public sources listing nuclear weapons holdings of the nuclear powers, and classified material where needed. Common sense is also applied the document says. To carry nuclear weapons ships and aircraft have to be certified, and "it is quite straightforward to gauge which ships would definitely not be subject to this process, by looking at the size and specifications of the ships and the kinds of voyages they undertake". Jane's gives information about how vessels are powered.

The arguments used to establish that this would definitely be the case for the 1995 visit are set out in a paper dated 21 November 1994 prepared by Ministry staff for the Prime Minister. A copy of this four page paper is enclosed in its entirety in Appendix 2 as it set the pattern for consideration of future Royal Navy visits.

The basis upon which the visits were approved was that in 1992 the British Defence Secretary stated that not only had tactical nuclear weapons been removed from all Royal Navy surface ships, but that they will "no longer have the capability to deploy tactical nuclear weapons. The United Kingdom nuclear weapons earmarked for this role will be destroyed". Based on this information, the chance that the Monmouth would be carrying nuclear weapons on entry into New Zealand's ports was deemed to be "nil". The Royal Navy does not have any nuclear powered surface ships, only submarines. A press release announcing the visits was issued on 9 December 1994, and a lengthy question and answer brief was prepared in an attempt to anticipate any awkward question that might arise relating to the visit. For completeness, copies of these documents are also included in Appendix Two.

Royal Navy visits have continued, and the clearance procedure followed essentially the same pattern as set for the 1995 visits, as shown by documents released by the Ministry. The following visits were documented in the material supplied by the Ministry up to August 2007.

SHIPS**PORTS & DATES**

HMS Monmouth, a Duke Class frigate	Wellington 9-12 June 1995
RFA Brambleleaf, Royal Fleet Auxiliary	
RFA Brambleleaf	Dunedin 14-17 June 1995
HMS Monmouth	Auckland 15-19 June 1995
HMS Gloucester, a Type 42 destroyer	Auckland 2-7 June 1997
	Wellington 9-13 June 1997
HMS Glasgow, a Type 42 destroyer	Auckland, 23-28 June 1999
HMS Sutherland, a Duke Class (Type 23) frigate	Wellington, 26-29 August 2000
RFA Bayleaf, support tanker	
HMS Nottingham, a Type 42 destroyer	Wellington, 12-16 July 2002
	Dunedin, 19-22 July 2002
Unfortunately the Nottingham ran aground near Lord Howe Island, so the visit did not occur.	
HMS Marlborough, a Duke Class frigate	Auckland, 13-21 May 2003
HMS Monmouth, a Type 42 destroyer	Wellington, 13-18 July 2007

No further visits were discussed in the material obtained. Most of these visits were related to Five Power Defence Arrangements (FPDA) exercises examined in detail in Working Paper No.9 chapter four. These are long standing annual exercises involving the New Zealand Navy and other components of New Zealand's military that have continued unaffected by the adoption of the 1984 nuclear free policy or the passing of the Act. They reflect past relations between the UK and its former Pacific colonies, involving as they do, Australia Malaysia, New Zealand, Singapore and the UK. The New Zealand Navy ships involved in these exercises are listed in Working Paper No.9, pp. 67-68 from the years 1981 to 1995 inclusive showing an unchanged pattern over whole period, including the supposedly tense 1984-1995 period of NZ-UK military relations. The Royal Navy vessels involved are also listed, and included a number of nuclear capable ships and the nuclear powered attack submarines Splendid in 1994 and Trenchant in 1995. None of these latter vessels visited New Zealand of course. However the visits to New Zealand could be for other purposes. For example, the 2007 visit to Wellington by HMS Monmouth was described as a goodwill visit.

Confirmation that exercising with nuclear capable ships was not seen as contravening the nuclear free policy was given by Labour on several occasions from 1985 on, and is discussed in detail in Working Paper No.9 pp.69-70.

Of the Royal Navy ships in the list above that visited from 1995 onwards, the following were in the region in relation to FPDA activities.

HMS Monmouth	1995
HMS Gloucester (possibly)	1997
HMS Glasgow	1999
HMS Nottingham (intended)	2002
HMS Marlborough	2003
HMS Monmouth	2007

The typical pattern of steps taken, and criteria used, to ensure that these Royal Navy visits complied with the Act has been presented. Future visit requests will, presumably, be assessed for clearance using the same criteria.

1.7 Visits by Vessels from the Other Nuclear Powers – Russia and China

Soviet or Russian Navy Visits

A 1985 Foreign Affairs and Defence Select Committee report includes lists of all visits to New Zealand ports by naval vessels from the nuclear powers from 1 January 1958 to July 1984. This list does not include any visits by vessels from the Soviet or Russian Navy. The Ministry, in response to an official Information Act request, has confirmed that up to 4 August 2007, that their files show no records of any visits after July 1984 “by Soviet or Russian naval vessels from July 1984 to the present. (There have been visits by fisheries research vessels and oceanographic research vessels.)”

Chinese Navy Visits

The 1985 list also shows no visits by Chinese naval vessels from 1 January 1958 to July 1984. The Ministry reports that their files show only two visits subsequently to August 2007. These were to Auckland from 27 to 30 April 1998 and from 11 to 14 October 2001, goodwill visits.

The 1998 visit was by the destroyer Qing Dao and the support ship Shichang. The arguments used to justify granting clearance for this visit are set out in documents included in Appendix Two. Essentially it was reasoned that the ships themselves and their visit purpose made them unlikely to be carrying nuclear weapons. Details of the ships are given. The Qing Dao is unequipped “as far as is known” for carrying nuclear weapons and the Schichang is a training vessel. Further they were to be open to the public for tours while in port as part of their goodwill visit. Prime Minister Jenny Shipley granted clearance for the visit in a document bearing the surprising date 10 April 1997, one year before the proposed visit and prior to the preparation of above material

suggesting the visit be approved. The Ministry confirmed in February 2007 that this was a typographical error and the certificate was indeed signed in April 1998. The 2001 visit was by the warships Yichang and Taicang.

1.8 Visits by Vessels From the Other Nuclear Powers – France

The 1985 report shows an irregular pattern of visits by French Navy warships from 1960 to 1972, then a period with no visits up to 1976 followed by relatively regular pattern from 1977 to 1983 of one to three visits each year by French frigates and/or patrol ships. A French patrol ship visited Whangarei from 17 to 21 April 1984, and a light transport ship visited Auckland from 3-8 July 1984 prior to the crucial 1984 election that saw the nuclear free policy introduced. None of the ships that visited from 1960 were nuclear powered.

The pattern of visits from July 1984 to the present shows interesting features. The visits listed by the Ministry in responses to Official Information Act requests are below. A request for diplomatic clearance for a courtesy visit by the French diesel powered frigate Commandant Bory to Wellington from 18 to 22 September 1984 was deferred “having regard to the issue of French nuclear testing which was still a major source of difficulty between the two governments” to quote from a Ministry statement to the author. The visit never went ahead subsequently, and visits did not recommence until 1993.

The first warship from a nuclear power to visit New Zealand after 1984 was in fact French, the light amphibious transport Jacques Cartier in May 1993. The information provided to the Prime Minister in this case was that by its nature being a light military transport designed to carry troops, their equipment and stores, and given that French naval vessels in the South Pacific are not known to carry nuclear weapons, the judgement of government officials was that the Jacques Cartier would not be nuclear armed during the visit. Prime Minister James Bolger approved the visit. The Ministry paper and Prime Ministerial approval are included in Appendix Two. Equivalent documents for the visits in 1994 by the La Moqueuse and Nivose are also included there representing the Ministry approach to visits by a range of warships, the Nivose in particular being a light patrol frigate.

French Navy Visits 1 January 1984 to 4 May 2007

SHIPS	PORTS & DATES
Dunkerquoise patrol vessel	Whangarei 17-21 April 1984
Domont D’urville light amphibious transport	Auckland 3-8 July 1984
Jaques Cartier light amphibious transport	Wellington 10-14 May 1993
La Moqueuse patrol boat	Auckland 7-15 February 1994

Jaques Cartier	Auckland 7-11 June 1994
Nivose light patrol frigate	Wellington 29 July-2 August 1994
Jaques Cartier	Auckland 14-15 April 1995 Napier 21-24 April 1995
La Moqueuse	Napier 21-24 April 1995
Nivose	Auckland 21-24 April 1995
La Glorieuse patrol boat	Auckland 21-24 April 1995
Nivose	Wellington 14-18 April 1997
Jaques Cartier	Auckland 24-29 October 1997
La Glorieuse	Auckland/Whangarei/Tauranga 19 March-6 April 1998
Jaques Cartier	Auckland 9-23 March 1998 Whangarei 27-31 March 1998 Auckland 2-6 April 1998
(cancelled by French authorities for technical reasons)	
Nivose	Wellington & Lyttelton 9-18 May 1998
Jaques Cartier	Auckland 2-11 June 1998
Jaques Cartier	Auckland & Christchurch February-March 1999
La Moqueuse	Auckland 30 April- 4 May 1999
Nivose	Auckland 18-24 May 1999
Vendemaire light patrol frigate	Auckland 12-16 July 1999
Vendemaire	Auckland 28 October-2 November 1999
(cancelled by French authorities for technical reasons)	
La Glorieuse	Christchurch & Wellington 2-12 March 2000

Prairial light patrol frigate	Auckland 10-14 March 2000
Prairial	Wellington 5-9 October 2000
Jeanne D'Arc helicopter carrier	Wellington 12-17 February 2001
Georges Leygues anti-submarine frigate	Wellington 12-17 February 2001
Jaques Cartier	Christchurch 19-24 February 2001
La Moqueuse	Auckland 8-10 March And 15-19 March 2001
Vendemaire	Auckland 15-20 March 2001
La Glorieuse	Dunedin 11-15, January 2002 Akaroa 15-16 January 2002 Wellington 17-21 January 2002
La Moqueuse	Christchurch 28 March-2 April 2002 Auckland 4-8 April 2002
Vendemaire (cancelled by French authorities for technical reasons)	Wellington 12-16 July 2002
La Glorieuse	Auckland 18-22 October 2002 Christchurch 24-28 October 2002
La Glorieuse	New Plymouth 31 January-2 February 2003
L Glorieuse	Tauranga 10-14 October 2003 Auckland 15-20 October 2003
Vendemaire	Wellington 19-26 April 2004
La Moqueuse	Dunedin 21-24 June 2004 Christchurch 25-29 June 2004 Auckland 1-5 July 2004
Jacques Cartier	Auckland 23-28 February 2005
Vendemaire	Wellington 23-28 April 2005
La Glorieuse	Auckland 27-30 June 2005

La Glorieuse (cancelled by French authorities for technical reasons)	Auckland & Nelson 25 January- 7 February 2006
La Moqueuse	Christchurch 24-28 March 2006 Akaroa 28-30 March 2006
Vendemaire	Auckland 26-30 June 2006
La Glorieuse	Auckland and Nelson 25-30 January and 2-7 February 2007
Vendemaire	Wellington 1-12 March 2007
La Moqueuse	Wellington and Dunedin 23-28 April and 30 April-4 May 2007

We see a relatively consistent pattern of visits by a small number of French naval vessels each year to New Zealand ports except for the years 1984 to 1993, and between April 1995 and April 1997. In recent correspondence, 4 September 2007, the Ministry described these as routine visits, part of the programme of visits by France's Pacific based fleet.

1.9 French Visits – the Reasons for the Gaps

The US and Royal navies also ceased visiting New Zealand in 1984, but for reasons based on their strong objections to the 1984 nuclear free policy and its ban on visits by nuclear armed or powered vessels. No evidence for similar negative reactions to this policy by the French has been seen. The reason for the long gap in visits from 1984 to 1993 related to other problems between New Zealand and France in this period. We have seen that a request for a visit in September 1984 was deferred "having regard to the issue of French nuclear testing which was still a major source of difficulty between the two governments".

This situation was very seriously worsened by the sinking of the Greenpeace ship Rainbow Warrior in Auckland Harbour in July 1985, an act of sabotage by French agents such as had never been experienced before in New Zealand. A considerable period of increased tension between the two countries followed, and this is here seen as the cause for the cessation of French visits, and the cessation of requests from French authorities for clearance for visits, until 1993. France had apparently ended its testing in the Pacific earlier, the last test being on July 15 1991. The cessation of visits may also have resulted in part from concerns on the part of the French that the presence of French warships in a New Zealand port could trigger protest actions that would reflect badly on France.

However, France announced on June 13 1995 that it intended to carry out a final series of tests before closing its Pacific test site permanently. France claimed that these tests

were vital for ensuring the safety of its nuclear weapons and to develop computer test simulation technology, (The New Zealand Herald, October 23 1995). Six tests were carried out, five between September 5 and December 27 1995 with a final test on 27 January 1996. The Bulletin of the Atomic Scientists, May-June 1996, pp.61-63 presents a report by Robert S Norris and William M Arkin that describes two of these tests as of a new warhead for the M45 French submarine launched ballistic missile. This announcement and series of tests caused widespread outrage, particularly in Pacific countries, and New Zealand suspended military ties with France including banning the purchase of French made military hardware. This ban was only lifted July 1996, (The New Zealand Herald, July 11 1996, p.5). It is the reaction of New Zealand and around the Pacific to this final series of tests that is seen as the reason for the cessation of French visits between April 1995 and April 1997. The Ministry has confirmed that again there were no requests for clearance for French warship visits during this period.

The French Ambassador in New Zealand, Monsieur Jean-Michel Marlaud, was asked in April 2006 to comment on the large 1984-1993 gap and the reason for this break in a long visit history. He replied in a letter dated 15 May 2006 saying he had not replied earlier

because I do not have the answer. In the Embassy documents, we have not found any precise indication on the reasons why there was apparently no visit by French ships to New Zealand between 1984 and 1993. This may have been due to the nuclear free policy, but also to the difficulties we had at this time in our bilateral relation.

In July 1992, the New Zealand Government informed the French authorities that it had decided to authorize (sic) again French military planes to use RNZAF bases. The French Government responded in September of the same year by giving the same facilities to the New Zealand military planes.

In December 1992, the New Zealand Government informed the French authorities that it had decided to welcome again French ships in the New Zealand harbors, (sic) adding that of course they should be conventionally propelled.

I have asked the Ministry of Foreign Affairs in Paris for more indications but have had no answer for the moment.

No information from Paris has been forthcoming as far as is known. In August 2006 the French Ambassador was asked to comment on the analysis given above of the reasons for the French visit gaps. He replied on 26 September after returning from Paris and repeated that no documents had been found at the Embassy or in the Paris archives which might provide any reason for the gap in visits. He concluded by saying, "It is therefore difficult for me to comment on your analysis of the situation. While I am not in a position to confirm it, I see no reason either to contradict it."

The Ministry was also asked to comment on the analysis but did not do so. The comment received was that “It would not be appropriate for us to comment on the motivations of other governments.”

1.10 The Future

Warships from the navies of a number of Asia-Pacific countries also visit New Zealand, but these visits pose no problems for the nuclear free legislation. The Royal Navy and the French Navy appear to have established relatively regular patterns of visits by conventionally powered warships. The mechanisms used by the New Zealand Government for granting diplomatic clearance for these visits has been presented. The Chinese Navy has visited once and may visit again. Clearance would, presumably, be handled as for the 1998 visit. The Russian Navy may visit at some future time, but visits by Russian conventionally powered warships should not create problems for the legislation as Russia followed the US very closely in the early 1990s in removing all nuclear weapons from its surface ships and attack submarines. These visits could then be granted clearance using the same formula used for Royal Navy visits.

The US remains the odd man out. As indicated in the Introduction, even after 22 years since the ship visits problem arose, the Defence Minister, Mr Goff, does not think the US would be ready yet to accept a suggestion from New Zealand that a visit by a conventionally powered US Navy warship be proposed.

There is a specific problem involved here that does not apply to visits by the navies of the other nuclear powers. US President Reagan on 21 October 1985 signed a Presidential Directive in the form of National Security Decision Directive 193, available on the internet at www.fas.org/irp/offdocs/nsdd/nsdd-193.htm, and copied below.

The measures referred to in the first paragraph were reported in The New Zealand Herald for February 28 1985, p.1 section 1 under the headline **REPRISALS SHOCK PM**. They included:

1. Cancellation of most scheduled defence exercises with American forces and an indefinite moratorium on any future exercises, cancellation of any future exercises.
2. Cancellation of any future reciprocal visits by senior military officers of either country.
3. New Zealanders training in US military establishments will finish their term but will not be replaced.
4. Several categories of intelligence will not be provided and much classified material previously available to New Zealand will be withheld.

This is not the place to discuss these measures or their impact on New Zealand security. This will be dealt with when the Anzus Alliance is considered.

SYSTEM II
91023NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20504

October 21, 1985

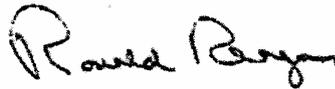
UNCLASSIFIEDNATIONAL SECURITY DECISION
DIRECTIVE NUMBER 193U.S. POLICY ON THE NEW ZEALAND PORT ACCESS ISSUE (S)

The President has reviewed the measures taken in response to the Government of New Zealand's policies banning access by United States warships and considers that the United States response has been appropriate and effective in demonstrating that New Zealand cannot enjoy the benefits accorded a good ally without complying with the necessary responsibilities. The President considers that, given the absence of movement toward restoring port access, U.S. adjustments in military, intelligence, and other alliance-related cooperation with New Zealand should remain in place, subject to further review as necessary. (S)

In considering the implementation of U.S. policy toward New Zealand, the President has made the following decisions:

- o With regard to foreign military sales and commercial export licenses for defense-related equipment, New Zealand should no longer be accorded the "special relationship" of a very close ally. It should be treated in a manner similar to other friendly nations with whom we share important security interests. The Departments of Defense and State will issue guidelines implementing this policy. (C)
- o With regard to United States security obligations to New Zealand, this matter should be maintained under review. In the event that New Zealand approves port ban legislation in a manner further disruptive of U.S. interests, the East Asian and Pacific Interdepartmental Group should provide recommendations for possible further action if desirable. (C)

Declassified on: 4 Oct 2/13/96
under provisions of E.O. 13526
by J. Saunders, National Security Council


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Presidential Directive 193 is the only executive measure associated with limiting NZ-UZ military contacts that the Minister of Defence, Phil Goff, was aware of as of 10 September 2007. The issue here is whether or not this Presidential Directive, which is still in force, would need to be lifted before a US Navy visit could be contemplated. It already causes problems with growing contacts since 2005 between the US and New Zealand navies, in that at present a high level Pentagon waiver to it has to be sought in

each case involving US participation in military training exercises with New Zealand military forces, including those arranged by a third party. It is worth noting the reference in the Directive to possible legislation “further disruptive of U.S. interests” being approved. The introduction of the Bill that led to the legislation was seen by the US as a very significant and negative step by the New Zealand Government, and led to New Zealand’s suspension from Anzus, see Working Paper No.7, p.48.

A member of Mr Goff’s staff was asked in October 2006 if Mr Goff sees the Presidential Directive as directly blocking future US Navy visits, so that it would have to be lifted for regular visits to begin. Or could they proceed if the US agreed despite the Directive. He replied as follows.

I have discussed this point with officials and agree with them that, while we might welcome a visit by a non-nuclear vessel in the future, whether this might or might not be blocked by the presidential directive is really a matter for the United States to decide rather than us. As you might expect therefore it is not appropriate for the minister or NZ officials to comment on what might or might not be US policy.

Interestingly at the same time that these strong US measures were being imposed, The New Zealand Herald for February 22 1985 reported that planning for the ninth in a series of Pacific Army Management Seminars (PAMS) to be held in Auckland in March 1985 was going ahead. This was to include officers from both New Zealand and the United States, and 100 officers from 21 Asia-Pacific countries. The US representatives attended and the seminar went ahead. This was just one minor indicator of the relative importance, or more correctly unimportance, of the ship visit controversy and subsequent Anzus imbroglio, a term used deliberately to signify a confused situation, or a confused or complicated disagreement, to quote some definitions of imbroglio, in this case of a political nature. The Anzus “crisis” is often referred to. But it is hoped that evidence presented in this and earlier working papers in this series will make it quite clear that what we have really is a confused political situation, an imbroglio rather than a crisis.

United States reactions to New Zealand’s new warship visit restrictions included the measures listed above, and the cancelling in February 1985 of three Anzus conferences, on Anzus communications, the Anzus Seminar 85 normally attended by military officers, and an Anzus exercise planning seminar, (The New Zealand Herald, 21 February 1985, p.2 section 1). Further on Tuesday 5 March 1985 the Herald reported that the Australian Prime Minister of the time, Bob Hawke, had announced that the July Anzus council meeting was off, and that he later said that Anzus was now a “treaty in name only”, (The New Zealand Herald, 5 March, p.1 section 1). US Secretary of State, George Shultz had by this time said that New Zealand’s actions had made Anzus “inoperable”, (The New Zealand Herald, 23 February 1985, p.1 section 1). Then in August 1986 the US suspended its security commitments to New Zealand under Anzus.

These actions were very strong and certainly would seem to indicate a crisis. Nevertheless, the much more important military and related activities referred to above continued throughout these events, and still continue. These are examined in Working

Paper No.9, chapter four. Furthermore, New Zealand has for some time now hosted visits by high level US military personnel and New Zealand representatives have visited Washington on a number of occasions, see for example Working Paper No.9, chapter four. January 2006 saw a visit by Admiral William Fallon, Commander of US Pacific Command, as reported in The New Zealand Herald, 19 January 2006, p.A1. The purpose of this visit has not been revealed “for security reasons” to quote the Herald report. And in February 2006 General John Abizaid, commander of US forces in the Middle East, visited briefly, and is reported to have discussed military operations New Zealand was involved in, in Afghanistan and Iraq, (The New Zealand Herald, 24 February 2006, p.A6).

However, the ship visit aspect of New Zealand’s nuclear free legislation remains the key public issue even 20 years after the legislation was enacted. This was highlighted in one way following the terrible tsunami disaster in 2004. The US Navy rendered valuable assistance to those affected sending a nuclear powered aircraft carrier to anchor close to the area. Criticism of the ban on these vessels entering New Zealand’s nuclear free zone appeared in the local media. Correspondents claimed that this ban would prevent New Zealand from receiving similar assistance in a serious emergency as a nuclear powered aircraft carrier would have to remain 12 miles or more offshore, outside the territorial sea boundary of the zone.

This is not correct. The Minister of Defence, Phil Goff, confirmed in a letter to the author dated 5 April 2005 that,

Parliament would need to pass urgent amending legislation to allow entry of a nuclear propelled vessel to our ports in the event it was considered necessary in the wake of a disaster. However under the Act as it stands a nuclear propelled vessel may provide assistance to New Zealand from within our territorial sea or straits if it was either at the time passing through our territorial sea or straits, or was dispatched to assist and anchor in our territorial sea with the New Zealand Government’s consent.

Further section 12 of the Act specifically states that nothing in the Act limits the freedom of any ship or aircraft in distress allowing assistance to be given to those in distress whenever necessary.

CHAPTER TWO

THE NUCLEAR FREE LEGISLATION – TWENTY YEARS ON

2.1. Introduction

The nuclear free legislation now appears to be operating satisfactorily in the limited extent to which it has had to be applied to date. But how safe it is from pressures both from outside and from within New Zealand that could lead to its modification, or its complete repeal?

The US NCND statement now reads as follows. “It is general US policy not to deploy nuclear weapons aboard surface ships, attack submarines and naval aircraft. However, we do not discuss the presence or absence of nuclear weapons aboard specified ships, submarines or aircraft.” (Commander W Scott Gureck, Seventh Fleet, US Navy, 11 June 2003).¹ While this looks benign, it does contain important provisos. It is only “general policy” not to deploy naval tactical nuclear weapons, and the “however” also allows for future contingencies that could lead to US Navy to re-deploy some of these weapons. In the light of current US military and nuclear policies and strategies, the possibility of a future re-deployment should not be ruled out. US ambassadors have regularly called for a relaxation of the nuclear powered ship ban if not a greater modification of the legislation. The US Navy still refuses to visit New Zealand, an indication of continuing resistance to the Act.

Within New Zealand there have been strong differences between the political parties concerning New Zealand being nuclear free for very many years, and some of these persist still. A very interesting change in the position of the National Party occurred late in 2006 following the change in party leadership from Dr Don Brash to Mr John Key. We consider this change below.

2.2. The New Zealand Political Parties and the Nuclear Free Position

Let us first consider the situation within New Zealand. A survey was made during 2006 asking the political parties represented in the New Zealand Parliament for their responses to a number of questions relating to New Zealand’s nuclear free legislation. As far as is known, apart from the National Party, the positions of the other parties represented has not changed since then. The state of the parties at any time can be checked on the Parliamentary website, <http://www.parliament.nz/en-NZ>. The Labour Party was not questioned. As the party that in 1984 made New Zealand nuclear free, and developed and saw enacted the subsequent legislation in 1987, its position of unchanging support for the Act is clear. Of the remaining parties all responded except New Zealand First, although National’s position remained unclear until the change in leadership already referred to.

The New Zealand Parliament at present has 121 sitting members distributed among the parties as follows (27 August 2007):

The Labour Party	49 seats
The National Party	48 seats
New Zealand First	7seats
The Green Party of Aotearoa New Zealand	6 seats
The Maori Party	4 seats
United Future New Zealand	2 seats
ACT New Zealand	2 seats
The Progressive Party	1seat
Independents	2 seats

The questions put to the party leaders were:

As Leader of your Party, could you please tell me what the position is of your Party on the nuclear free policy and the Act. Does your Party support:

5. Keeping the legislation unchanged; or
6. modifying the legislation in some way, and if so how; or
7. repealing the legislation; or
8. taking some other action in relation to the nuclear free policy and the Act.

2.3 The Less Strongly Represented Parties

We look first at the positions of the parties with relatively few seats.

Progressive Party Party Leader Jim Anderton states that his party supports the legislation in its present form, but sees it as only one element in its policy towards the Pacific region.

ACT New Zealand A statement from ACT National Security Spokesperson Heather Roy states that ACT MP Ken Shirley in 2005 had a Private Members Bill before Parliament to remove clause 11 of the Act which bans visits by nuclear powered vessels. Neither National nor Labour supported Mr Shirley's Bill. An article by Ms Roy should, she wrote, answer all the above questions. This article is discussed below to some extent.

United Future New Zealand Party Leader Peter Dunne stated that the position of his party is to keep the legislation unchanged, while favouring continued dialogue between New Zealand and the United States to improve all aspects of the bilateral relationship.

The Maori Party Party Leader Tariana Turia stated that her party believes it is of the utmost importance that New Zealand remains nuclear free, and expressed serious concerns her party has about nuclear power and the associated problem of nuclear waste. The party believes, she wrote, that “we should not develop the use of any nuclear power any further than the current use of radiation for health purposes. New Zealand already uses radio-active material for dental and medical x-rays. Radioactive material is used frequently for medical treatment, for scientific research and for the sterilisation of food - people protest about the sterilisation of food using this technology. It is our view that such use is sufficient.”

The Green Party Party spokesperson for foreign affairs, defence and disarmament, Keith Locke, stated that the party is not only committed to maintaining New Zealand’s nuclear free status but also to improving it. The Green Party in a 2001 bill, the Nuclear Free Zone Extension Bill, proposed extending New Zealand’s nuclear free zone boundary to include the whole of the country’s exclusive economic zone. This would have moved the zone boundary from 12 nautical miles to 200 nautical miles from the coast. The Bill was defeated.

The New Zealand First Party The party did not respond. However the author is not aware of opposition to the nuclear free legislation being expressed by this party. Further its Leader, Winston Peters, was appointed Minister of Foreign Affairs in the Labour led 2005 to 2008 government. He would not be given this post if he or his party were strongly opposed to a major plank of Labour foreign policy, as the Act is.

2.4 The National Party

The position of the National Party concerning nuclear weapons and visits by warships from the nuclear powers was for many years consistent in some respects, and at the same time contradictory in other respects. The history of the period from the 1960s to 1999 has been covered in some detail in previous working papers in this series.

Recapping briefly, Working Paper No 7, pp.6-7 reports National’s Leader at the time, Keith Holyoake, stating in 1957 and again in 1963 that New Zealand would not acquire manufacture or store nuclear weapons, a claim repeated during the 1984 election campaign. Nevertheless National supported visits to New Zealand by vessels from the nuclear powers, the US Navy in particular that were widely suspected of being equipped with nuclear weapons, or of being capable of being so equipped, nuclear armed or nuclear capable vessels.

This working paper also reports pp.6-7 National support for Western nuclear deterrence policies in 1957, its opposition in 1960 to a UN resolution to ban nuclear weapons and other manifestations of an unwillingness by the National government of the time to oppose western nuclear strategies. This support for nuclear deterrence and its manifestation in US naval visits was maintained until late 2006.

Early in the 1970s the then National Government did become alarmed by possible dangers posed by nuclear reactors in visiting US Navy vessels, a concern manifested by the succeeding 1972-75 Labour Government. This resulted in the introduction of a policy that required the government operating a nuclear powered warships planning to visit New Zealand to supply technical information about their vessel's reactors that would allow New Zealand authorities to assess the safety of the vessel's systems, and for that government to accept absolute liability for any reactor related accident in a New Zealand port.

This was in essence a Danish type policy discussed briefly in chapter 1, and visits by nuclear powered vessels ceased up to 1976. Interestingly though, visits by conventionally powered US Navy vessels continued, as in the Danish case, but at a reduced rate. It has been stated that the then Labour Government banned nuclear powered visits at this time. This is not correct. The policy was not a ban and such visits were allowed if New Zealand requirements for such visits were met.

The US in 1974 gave a guarantee that it would accept absolute liability for the consequences of any reactor related accident in a New Zealand port, an action that saw the Labour Government of Norman Kirk prevaricating about future nuclear powered vessel visits. National came to power again in the 1975 election and the new Prime Minister, Robert Muldoon, made it clear that US nuclear powered warships were once again welcome with no requirements for technical information to be supplied. These visits resumed with two US nuclear powered cruisers visiting in 1976. It has been claimed that Prime Minister Muldoon actually invited the US Navy to make such visits. No evidence has been seen in Ministry of Foreign Affairs files to support this claim, and it is disputed based on material presented in Working Paper No.7 for example. He was certainly determined to make his willingness to have such visits quite clear as discussed on p.18 of Working Paper No.7 which deals with events in this period.

The consistent but contradictory position displayed by National during the Muldoon reign from 1975 to mid-1984 is shown clearly in answers he gave in a document headed Visits by Nuclear Powered Warships: 10 Questions Answered dated 28 June 1976, see Working Paper No.7, p.8 on. His responses included the statement that "We are opposed to the use of nuclear weapons and of course we fervently hope they will never be used. But it could well be that be best insurance against their being used, ironically perhaps, is their being carried by some of the vessels that visit us." He also said, "The warships which will visit New Zealand ports may well carry nuclear weapons of the tactical or short range variety but so do conventional powered warships. They do not carry long-range ballistic missiles." It is difficult to reconcile these statements with the earlier pronouncements of Keith Holyoake, often cited by National as reflecting their position regarding nuclear weapons, particularly if being present on visiting warships is equated with storage in New Zealand. The US in an Aide Memoire dated August 10 1976 also accepted liability for any accident involving a nuclear weapon in a New Zealand port, see Working Paper No.7, following p.9.

Muldoon saw it as inconsistent with New Zealand's obligations under Anzus to put nuclear weapon related restrictions on naval visits by its Anzus partners, a theme often expressed by the US as well that played a significant part in its reactions to Labour's 1984 nuclear free policy.

The conflicts in National's nuclear policy continued through the latter half of the 1980s after Labour won the 1984 snap election. It is shown clearly in National's opposition to the nuclear free policy and to Labour's intentions to develop nuclear free legislation. The history of these years culminating in the passage of the Bill and its becoming law is recounted in Working Paper No.8. The reader is referred to this paper for details. National's position again was that they opposed the nuclear arms race and wanted arms control and disarmament. Nevertheless breaking up alliances, as they considered the Bill would referring to Anzus, and rejecting the importance of unhindered US naval visits, would not help disarmament. Labour was isolationist National said. In power they would repeal clauses 9,10 and 11 of the Bill dealing with military ship and aircraft visits, and clause 5(2)(b) which has the effect of prohibiting New Zealand military personnel from involvement in nuclear weapons related activities. National made several attempts to weaken the Bill by proposing amendments, but these were lost. The Bill became law on 8 June 1987, some 20 years ago.

National won the 1990 election and, to the surprise of many, the new Prime Minister, Jim Bolger, stated that National would retain the Act unchanged. Bolger said that this was now possible following a number of significant strategic changes in international relations, see Working Paper No.8, p.47 on. Muldoon said, "I never thought I would ever be ashamed to be a part of the National Party caucus. But I am today." Other members of National also reacted strongly against this move by Bolger.

National's position had been that while it also opposed the presence of nuclear weapons in New Zealand, it would not challenge the NCND policy of its nuclear allies, but would trust them to honour New Zealand's wish to be nuclear weapons free and not bring these weapons into New Zealand ports. The ineffectiveness of such policies in preventing the entry of nuclear weapons entering a country's ports is analysed at length in the Centre's Working Paper No.1 by the author, published in 1990. By early 1990 even some National MPs were openly expressing dissatisfaction with this position, widely seen as unrealistic by the public. Bolger said that now National had come to a point where we consider it is no longer necessary to maintain the ambiguity of NCND in order to have effective defence arrangements for New Zealand. "The provision for the 'neither confirm nor deny' stance on nuclear weapons will be eliminated from our defence policy ..." See Working Paper No.8, pp.47-50 where this switch by National is discussed and a reason for it presented centred on National possibly having prior knowledge of the decision by the US in September 1991 to remove all tactical nuclear weapons from its naval vessels.

This US decision in 1991 and its implementation during 1992 meant that the only obstacle to renewed US Navy visits was, once again, the nuclear powered vessel ban in section 11 of the Act. The US has consistently stated that it cannot divide its Pacific Fleet into nuclear and conventionally powered elements for visits to New Zealand. Bolger

reacted to the new situation by saying it would be churlish not to respond, and announcing the establishment of a committee of qualified scientists to review the safety of nuclear powered vessels. This resulted in the publication in December 1992 of a report, The Safety of Nuclear Powered Ships, see Working Paper No 8 p.50. This was very poorly received by the public, and was strongly criticised at a seminar held by the Centre in July 1993, the proceedings being published as Occasional Paper No.1. The 1992 report was effectively buried by the Bolger Government, although it is occasionally referred to by those seeking a return of the US Navy and a return to pre-1984 US-NZ relations.

Bolger was ousted in November 1997 by Jenny Shipley who became New Zealand's first woman Prime Minister. She stated that under her the nuclear powered ship ban would remain unless it became strategically important, and at that time her advice was that this was extremely unlikely, "so I do not expect that it will be a political matter that will be raised again". See Working Paper No,8, pp.51-52.

Labour came to power in 1999, and at the time of writing was still the majority party in a coalition government.

The next significant move by National occurred during the 2002-2005 election period under Don Brash as Leader when the nuclear powered ban was brought to the fore yet again. National was once more urging improved defence and trade ties with the US, and again argued that this ban impeded such developments. A "Taskforce" was set up in 2003 consisting of a number of National Party MPs tasked with exploring ways to improve US-NZ relations and hopefully get around the nuclear powered vessel ban in a manner that would be acceptable to the New Zealand public. The group interviewed a number of individuals concerning aspects of their study, including the author. This group produced a report in May 2004, The Relationship Between New Zealand and The United States available from The National Party. For the present discussion we consider only the recommendations made by the group concerning the ban.

Unfortunately for National, the group came to a completely erroneous conclusion about the Danish policy concerning nuclear powered vessels. Despite having this policy explained to them in detail and being given an extensive written analysis of it by the author, the MPs concluded that because Denmark has had no such visits since 1964, it banned such visits, but by policy only not by law as New Zealand does. They then argued that if section 11 of the Act was repealed and replaced by a policy not to accept these visits, the US would drop its refusal to visit at all. They would not send nuclear powered vessels here, as is the case for Denmark, but we would see US Navy conventionally powered ships back in New Zealand ports. This would greatly improve US-NZ relations while not upsetting the New Zealand public's entrenched anti-nuclear stance.

This is further surprising since material in Working Paper No.9, pp.25-28 and a document from the Ministry files dated 2 July 1976 which follows, show that National understood the Danish policy correctly at that time. The confusion in National's recent argument was explained by the author in two major newspaper articles, 'Faulty report offers no solution

to nuclear issue”, Otago Daily Times, 20 May 2004, and “Nuclear Potential Undeniable Factor”, The New Zealand Herald, 15 July 2005, p.A13, and in a number of letters published in newspapers and journals. Like the 1992 report, this Taskforce report rapidly disappeared from the public arena. However Brash continued to prevaricate concerning National’s nuclear policy. While in prepared statements he said “There appears to be little public enthusiasm for change so we will maintain the status quo”, talk of a holding a referendum on the nuclear powered ships issue continued, (The New Zealand Herald, 12 August 2005, p.A4).

Late in 2006 Brash was replaced as Leader of National by John Key who immediately announced his unswerving support for the existing anti-nuclear legislation, see The New Zealand Herald, 1 December 2006, p.A3. This was formally confirmed by National’s defence spokesperson, Wayne Mapp, in a letter to the author dated 12 December 2006. He wrote,

National’s policy is to maintain the legislation. As you know, National did hold a review on the policy in 2003. As a result we considered that we should retain the policy, although we did consider changes to the legislation. That was seen as confusing, given our intent to ban nuclear powered ships from visiting New Zealand. Therefore a simple policy of maintaining the law is seen as the best way to make it clear that National will not allow visits by nuclear powered ships.

2.5 The Future

The position now seems clear. Apart from the ACT Party, and noting New Zealand First’s failure to respond to the questions set out earlier, all parties say they will maintain the Act unchanged. It appears that New Zealand’s nuclear free legislation’s future is secure at this juncture.

This claim has been greatly strengthened by an announcement during a visit to the US by Prime Minister Helen Clark that included a meeting with US President Bush. This was that behind closed doors in his formal talks with Helen Clark, Bush in effect said that the US can now live with New Zealand’s anti-nuclear policy as enshrined in the Act. This is seen by commentators as a tacit acknowledgement that the US would no longer seek to change it, (The New Zealand Herald, 23 March 2007, p.A1).

The same newspaper in its Saturday 24 March edition, while admitting it was opposed to the nuclear policy, included an editorial headed “Top marks for PM at Oval Office”, praising Helen Clark for what it saw as “progress indeed”. The editorial describes past US hopes for a change as based on the fiction that “the nuclear problem was caused primarily by a deficiency of leadership in New Zealand and that sooner or later we would elect a Government of sufficient courage to put the defence relationship to rights.” overlooking the strength of public support in New Zealand for the legislation. The new position adopted by National certainly puts paid to such hopes. The editorial concludes, “Her [Helen Clark] reception in Washington, and the realism she has engendered on the

nuclear stalemate, is a credit to her". Those familiar with the normal right wing stance of the Herald will recognise this as praise indeed.

This does not alter the fact that the US still has sanctions against New Zealand, principally banning joint military exercises, but the nuclear issue and the sanctions now matter much less than they have in the past, the Herald for 23 March states. Helen Clark supports this view being reported as believing New Zealand will receive more favourable consideration now for a free trade agreement with the US (The New Zealand Herald, 26 March 2007, p.A5), and discusses her visit with Herald political editor, Audrey Young, in this edition p.A7.

Further signs of changes in the US position were outlined in the Introduction. In another development, The New Zealand Herald for 15 November 2006 reported that the New Zealand Foreign Minister, Winston Peters, while attending an APEC meeting, was due to have a one-to-one meeting with US Secretary of State, Condoleeza Rice, and take part in a group meeting to discuss North Korea and other security matters. Called a five-plus-five meeting, this will be the third such meeting since July 2007 to which Mr Peters has been invited, at the suggestion of China, and is why Dr Rice telephoned him soon after North Korea tested a nuclear weapons on October 9, the Herald reported. Mr Peters said China asked New Zealand to take part in the five-plus-five talks "and the Americans agreed. I think it is because New Zealand has a record of principled foreign policy, because we are seen as a voice that speaks for itself, that comes to the table with no hidden agenda." Indonesia and Canada are also on the invitation list to join with China and the US and some of the other countries in the so-called six-party talks with North Korea aimed at ending North Korea's nuclear programme. And US Assistant Secretary of State, Christopher Hill, at a Pacific Islands Forum meeting in October 2006, indicated that New Zealand's anti-nuclear stance was, ironically, useful to the United States in pursuing its non-proliferation policy, referring to the problem of North Korea and its nuclear stance.

2.6 Continuing Misconceptions

The nuclear free policy has now been in place for nearly 23 years and the Act for 20 years, yet serious misrepresentations of major elements of the policy and legislation still appear from seemingly well informed and reputable sources. An example of this is found in a 2005 academic publication by Christopher Hubbard from Curtin University of Technology, Australia entitled, Australian and US Military Cooperation: Fighting Common Enemies, see Introduction ref. One. Hubbard, writing about New Zealand's suspension from Anzus asserts p.121 that this occurred "following the refusal of the Lange Government to allow US Navy vessels to visit New Zealand ports in the absence of Washington's assurance that they did not carry nuclear weapons."

This is a major misrepresentation of the policy and the Act. The Lange Government went to extreme lengths to develop a policy and mechanism to enforce it that completely and unmistakably avoided Washington having to make any such declaration. This is set out in the Act, sections 9 and 10. Washington would never have given such an assurance in

those times, and still will not do so under their NCND policy even in its present modified form given earlier. It is astonishing and disturbing to find an academic author making such completely incorrect statements. The error in his book was communicated to Christopher Hubbard but no response was received. Unfortunately he is not alone in this misunderstanding of the Act.

Further worrying instances of confusion over a number of aspects of the nuclear free policy, its history and nature were revealed in a paper dated February 2006 prepared by Heather Roy MP, National Security Spokesman for the ACT Party and supplied to the author as part of ACT's response to the questions set out earlier. This paper is entitled "Confusion Reigns over Nuclear Propelled Ships". Confusion certainly reigned somewhere when this was written.

The first major point of confusion is found already in the second paragraph of the paper. Ms Roy states that "the history of New Zealand's anti-nuclear policy is revealing. It began when the Lange government in 1987 passed the New Zealand Nuclear Free Zone, Disarmament and Arms Control Act." Of course the anti-nuclear policy was introduced following Labour's 1984 snap election victory. The legislation was enacted in June 1987. Anyone at all familiar with the history of the policy would recall the most significant enforcement of the policy as the refusal of diplomatic clearance for a visit by the USS Buchanan early in 1985. For the National Security Spokesperson of a party critical of the Act to display such lack of knowledge of important historical facts and propagate misleading information about the Act is disturbing.

Paragraph three reports the removal of nuclear weapons from all surface ships including those nuclear powered. It then goes on to say, "Almost 30 years later visiting American ships are certain not to be nuclear armed but are unwelcome in New Zealand waters anyway." But 30 years takes us back to 1976, this paper being dated 2006. And US naval vessels were almost certainly nuclear armed then, although the US NCND policy precludes this being stated with certainty. What Ms Roy is referring to is not known. Removal of tactical nuclear weapons from the US Navy did not happen until 1991-92.

The claim that American ships are unwelcome in New Zealand waters is also not correct. As long as they are conventionally powered, Helen Clark has made it clear that that US Navy ships could visit at any time. It is the US that refuses to take this opportunity. Clearance would undoubtedly be granted on the same bases applied for continuing visits by ships from the Royal Navy discussed in chapter one.

There are a number of other statements reflecting what can only be interpreted as bias against the nuclear policy and the Act. Finally Ms Roy criticises those who support the nuclear powered vessel ban as supporting a political decision based on hysteria and unfounded fear. "What we need is reasoned debate based on sound science" she states. She cites the 1992 Somers report discussed earlier. The debate on this issue in New Zealand both preceding and following this report has been well informed and reflects a range of concerns involving nuclear powered vessels being present in New Zealand ports. There are not only valid safety concerns, but earlier reflected concern that such a vessel

could be targeted in a major conflict while in New Zealand, and concerns that the desire by many New Zealanders for their country to be seen internationally as rejecting the nuclear policies and strategies of all the nuclear powers would be undermined by allowing visits by such vessels.

It is worrying that a member of the New Zealand Parliament could in 2006 distribute such factually incorrect, and biased information. Some misunderstandings have also been seen in thesis work from students in New Zealand in recent years. This is of concern since it suggests problems with the guidance and supervision of these students.

2.7 Entrenching the Legislation

From time to time various groups strongly supportive of the nuclear free policy and the Act have proposed entrenching the legislation to protect it more effectively from attempts to weaken or repeal it. It was understood that entrenching was a process whereby if 75 percent of the Members of Parliament supported entrenching a piece of legislation, it would then require an equal majority to reverse this step and open the legislation to change again. The Minister for Disarmament and Arms Control, Phil Goff, in a letter to the author dated 31 January 2007 made the actual position clear. He wrote,

Under New Zealand's constitutional system Parliament cannot bind the actions of its successors by placing special requirements on the amendment or repeal of legislation. Section 268 of the Electoral Act 1993 is the only provision in New Zealand law that is entrenched in this way, and even that entrenchment provision may be overturned by a simple majority of Parliament.

Fortunately it now seems that even if entrenchment was possible, it is not necessary to secure the continuing nuclear free status of New Zealand.

CHAPTER THREE

ANZUS – TWENTY YEARS ON

3.1 Introduction

In this chapter we look at the positions of the political parties now in Parliament concerning New Zealand's future involvement in the Anzus Alliance, formalised in the Anzus Treaty. The Anzus Treaty between the United States, Australia and New Zealand was signed on 1 September 1951 and entered into force in April 1952. It has long been believed by many New Zealanders to be their major guarantee of security from military threats. We will consider the validity of this belief.

The Anzus imbroglio as it is called here took shape in 1986 when, in response to determination shown by the then Labour government to proceed to anti-nuclear legislation, the US suspended New Zealand from the Anzus Alliance. New Zealand could no longer attend Anzus Council meetings and the US suspended its security obligations to New Zealand. What this amounted to will be seen. This suspension, and its questionable legality, have been discussed in chapter 3 of Working Paper No. 8 and will not be considered here. The Alliance was manifested particularly in joint military exercises from which New Zealand has now long been excluded. At the time of the suspension, public support for New Zealand remaining in Anzus was high, as was support for the anti-nuclear policy. The suspension has been in force now for 21 years, so it seemed appropriate to examine the positions of political parties regarding the future significance of Anzus for New Zealand.

A poll of the political parties in Parliament regarding the Anzus Alliance was carried out in June 2006 paralleling that concerning the Act discussed in chapter two. Nothing has been seen to suggest that the positions of the parties has changed since. The questions asked were: (The Alliance was denoted by the acronym ANZUS in these questions)

1. Does your party see military alliances with other like-minded countries as important in the present international environment where shorter term coalitions are now quite commonly formed to meet specific situations?
2. If your answer to question 1 is yes, does your party still see the ANZUS Alliance as important for New Zealand?
3. If your answer to question 2 is yes, why does your party see the alliance as still important for New Zealand?

4. If your answer to questions 1 and 2 is yes, should New Zealand be seeking a return to full ANZUS membership, or is its present continuing level of membership of the alliance sufficient, or is some other level of membership, less than full membership seen as appropriate by you party?
5. If New Zealand should be seeking a return to full membership, how would this be achieved? What actions would your party be willing to undertake to achieve a return to full membership? A weakening of our nuclear free legislation for example might achieve this, or some other actions, or changes to the legislation together with some other actions. If your party would consider changing the legislation to achieve full membership, what changes would be sought? If you would consider other actions apart from changing the legislation, what would these be? Or does your party consider that over time the suspension will be lifted as a result of associated developments? If so, what sort of developments?
6. If some lesser level of alliance membership would be appropriate, what would this be, and how would your party achieve this?
7. Does your party consider that New Zealand has suffered significantly in any way as a result of our being suspended from the alliance in 1986? If your party considers New Zealand has suffered significantly from this suspension, in what ways has New Zealand suffered? Do these consequences of the suspension still matter?

Any other comments your party would like to make concerning ANZUS, our suspension from it, and events during the 20 year period that has intervened since the suspension would be very greatly appreciated.

3.2 Responses From the Parties.

The Labour Party

Defence Minister Phil Goff replied as follows.

1. New Zealand is prepared to be involved in military alliances where appropriate. We are, for example an ally of Australia, which involves agreement to respond together to an attack on either of our countries. This does not mean however that all our policies on military issues are identical. Our difference in policies on Iraq is a case in point.
2. No
3. N/A
4. See Question 2
5. N/A
6. N/A
7. While the suspension of ANZUS per se is not a particular concern, the Presidential Directive [PD 193, see chapter 1] which led to it can obstruct training and joint exercises in some areas where it would make more sense for defence forces of both

countries to cooperate together to pursue particular shared objectives, such as counter-terrorism.

In a subsequent response to a question concerning formal withdrawal from Anzus by New Zealand, the Minister advised that he does not see any need to or any advantage from a formal withdrawal.

The National Party

National Party spokesperson on Defence, Dr Wayne Mapp stated in reply to the questions only by saying that Anzus has been suspended for 22 years by the United States. Given the length of time, National believes a future defence relationship with the United States has to look beyond Anzus. This echoes a statement by the new Leader of the Party, John Key in a speech on 30 November 2006 at a Foreign and Defence Seminar, that,

For much of its history the National Party has seen the ANZUS Alliance as the lynchpin of its defence policy. I have made no secret of my view that New Zealand's nuclear free legislation should stay, and as a consequence, that an ANZUS based relationship is not the way forward between New Zealand and the United States..... There is no doubt in my mind that there is scope for a very considerable improvement in the New Zealand/US relationship, without in any way threatening our capacity to run an independent foreign policy. Improving that relationship will be a priority for the Government I intend to lead.

Dr Mapp stated further in a letter dated 28 September 2007 that "The National Party does not consider that is desirable to formally withdraw from ANZUS".

The Green Party

Defence spokesperson Keith Locke stated that,

The Green Party is against New Zealand being in military alliances, and wishes New Zealand to formally withdraw from ANZUS, the Five Power Defence Arrangements, as well as Echelon intelligence arrangements under UKUSA.

In regard to point 7, far from suffering, the net benefit to New Zealand not being a participating member of ANZUS was positive, gaining us huge kudos around the globe. A formal withdrawal from ANZUS is highly desirable, and would give us even more kudos.

The Maori Party

Tariana Turia, Co-Leader of the Party, replied that her Party does not have a particular position in regard to the Anzus Alliance, but is avidly dedicated to maintaining a nuclear free policy as in the best interest of all New Zealanders.

The United Future Party

Peter Dunne, Leader of the Party replied as follows.

Rather than answer your specific questions, which I think miss the point, I am happy to say that United Future is of the view that we should seek as a nation to develop cooperative military and other relationships with likeminded countries, bearing in mind our anti-nuclear policy and our own independence and sovereignty. Clearly the ANZUS agreement as a product of the 1950s is less relevant in today's climate than it was before, so I do not think that the issue of returning to membership Of ANZUS (full or otherwise) arises or is even relevant.

Any improvement in New Zealand's military relationship with the United States will need to be on the basis of new agreements recognising the current international realities, and the focus of any discussions between the New Zealand and United States' governments about the future should be around that aspect, rather than attempting to resurrect an agreement that has been inoperative for over twenty years and was moribund for a long time before that.

In responses to a subsequent suggestion that formal withdrawal from Anzus might facilitate the development of new strategic and defence relationships with the US, Mr Dunne replied,

As I indicated in my earlier letter, United Future does not see the ANZUS agreement as relevant to our future relationship with the United States. The question is whether a pre-emptive decision by New Zealand to withdraw formally from ANZUS would be beneficial or counter-productive to the development of the new relationship that everyone is talking about. I incline to the view that the decision to bury ANZUS should be made in the wake of the development of a new relationship, rather than in anticipation of it. This is not because of any sense of hankering for ANZUS, but more because of diplomatic niceties. Clearly in the development of any new relationship, ANZUS will be on the table and I think it preferable that an agreed position be reached between New Zealand and the United States about the way to handle that, rather than having a unilateral New Zealand position.

The New Zealand First, ACT and Progressive parties did not respond to the questions.

The results from this survey are quite significant. Both major parties, Labour and National, consider Anzus to be inoperative for New Zealand, and have done so for some time. For National this is a significant shift from the position the Party took in 2003 in response to the invasion of Iraq by the US. While the Labour Government refused to take New Zealand into the US led coalition, National called for support for the US, invoking obligations under the Anzus Treaty.

3.3 Views on Anzus

New Zealand

For New Zealand, the responses received from both Labour and National represent the strongest statements seen from these parties effectively rejecting Anzus as any longer

representing a key element in New Zealand's security arrangements. Their positions are not known to have been given noticeable public expression, and might cause considerable concern in a public long wedded to the vision of Anzus as a form of protective arrangement with the US.

The full text of the Anzus Treaty can be found in many publications and other sources. One such source is: <http://www.australianpolitics.com/foreign/anzus/anzus-treaty.shtml>. The internet also provides numerous other interesting articles on Anzus. An Australian view of the military advantages of the Alliance around 1997-98 can be found at the following address: http://www.dtic.mil/doctrine/jel/jfq_pubs/1817pgs.pdf.

The 1982 Report of the New Zealand Ministry of Defence states,

The ANZUS Treaty relationship highlights the high degree of commonality of political and strategic interests of the 3 partners. It demonstrates a collective sense of purpose and as such gives an ultimate guarantee of security in the region.

This statement encapsulates all the elements of what is here called the benevolent alliance view of Anzus, widely held in New Zealand and Australia. These elements are that the tripartite Anzus Treaty was developed and established firstly for the prime purpose of providing a guarantee by the US of regional security for the two smaller partners Australia and New Zealand. Secondly it expresses shared and mutually agreed strategic interests and a collective sense of purpose.

To criticise Anzus would have been seen by many New Zealanders as almost sacrilegious prior to 1984 and the establishment of the anti-nuclear policy. Certainly Labour in 1984, despite expecting support for its nuclear free stance, was not willing to challenge New Zealand's membership of Anzus as an election policy because of possible strong electoral opposition, see Working Paper No.7 pp.19-20. Working Paper No.8 sets out in some detail arguments put forward by Labour to counter claims that its nuclear free policy and future legislation were anti-Anzus, including p.11 a strong statement by David Lange that he wanted to make it "absolutely clear" that "ANZUS is not a nuclear alliance and that we are not part of a nuclear command structure".

American behaviour during the period following the 1984 election undoubtedly changed the views of some, but faith in Anzus remained strong. This is clearly seen in statements in public submissions made to Defence Committee of Enquiry set up by the Labour Government in 1985 "to prepare a report on the attitudes of New Zealanders towards defence and security issues".

This report includes representative quotations from a number of the public submissions received. The individual submitters are identified only by their submission number, given in brackets here to mark the different quotes. A small sample only is included here.

Anzus was seen as the source of collective security and guaranteed security.

New Zealand must remain in a viable ANZUS partnership for reasons of long term security; there is no practical alternative that offers comparable assurance. (75)

The obligation to act is mandatory. In the case of Australia and New Zealand that would mean the actioning of the matter by Government Government would have to take effective action to meet the armed attack; in nearly all circumstances that would mean the commitment of armed forces. In the case of the United States, the President has the responsibility to act. He has the power. ... He is bound like us to "act to meet the common danger". (3100)

ANZUS is a vital link in our defence policy but the [Labour] Government's unrealistic platform is leading to its disintegration and New Zealand will be left with its anti-nuclear banners and signs but with no protection. (3010)

Anzus was viewed as a defensive alliance providing security in the Pacific.

... the objective of this Treaty is plainly defensive i.e. to warn off would-be aggressors by the fact that the 3 countries stand together in the Pacific and that they will develop appropriate defence arrangements to meet armed attack on any of them. ... (3100)

Anzus was seen as indispensable to the efficiency and professionalism of New Zealand's armed forces.

... it has represented the most incredible value monetarily and in logistic and training support for our armed forces. (701)

These are some of the views expressed in the 4,182 submission the committee received. The committee was instructed to commission a public opinion poll and this found that 71% of respondents either strongly supported or supported Anzus against 13% opposed or strongly opposed. Similar patterns resulted from polls in 1984 and 1985 with support increasing from 60% to 71% and opposition dropping from 22% to 14%. This suggests that the favourable views of Anzus quoted would have mirrored the feelings of a majority of New Zealanders in this period, and for many years before. Memories of the war in the Pacific and of the role American forces played in that war, and of their presence in the country, remain strong in New Zealand as public comment from time to time about defence policy shows

A study, published in 1995 ⁽¹⁾, of public attitudes to a wide range of issues around the times of the 1987, 1990 and 1993 elections in New Zealand included questions relating to attitudes to defence ties with the United States and to the relative importance of nuclear ship visits and these defence ties. This showed that while 61% of respondents favoured renewing defence ties with the United States in 1987 and 1990, by 1993 this had dropped to 44%. Those who could not decide numbered about 20% in 1987 and 1990 but 34% in 1993. A relatively steady 19% to 22% were opposed to renewed ties.

When faced with deciding between having US defence ties, which would mean allowing visits by nuclear armed ships and nuclear powered ships, all such likely to visit assumed to be capable of carrying nuclear weapons, or not allowing such ship visits, the balance had swung from 50% in 1987 supporting no visits against 42% wanting defence ties at the cost of visits, to near equal support in 1993 of around 38% for the two positions, but with the “don't knows” rising from 8% in 1987 to around 23% in 1990 and 1993. Anzus was not referred to explicitly here. It has to be remembered that by 1993, nuclear weapons had been removed from all US Navy vessels likely to want to visit New Zealand, so these latter questions in 1993 related to visits by nuclear powered vessel rather than nuclear armed vessels. No later poll data involving Anzus has been seen.

A move towards reviving New Zealand's role in Anzus was made at a National Party conference in 2003. This led The New Zealand Herald in an editorial dated 15 July 2003 to pronounce,

New Zealand must not sign away its right to make its own decisions, but its interests sit naturally with those of the US in the vast majority of global security concerns. Furthermore, we assume, despite anti-nuclear posturing [by New Zealand], that the US will come to this country's defence if ever we are threatened, The national interest clearly lies in Anzus. Bold leadership will say so.

Australia

Sir Robert Menzies on the day of his retirement as Australian Prime Minister, 20 January 1966, referred at a press conference to the Anzus Alliance as the most notable single achievement of the government during the 16 years he was Prime Minister (2). These views persisted and the 1972 Australian Defence White Paper stated unequivocally that “Article IV of the Treaty is generally accepted to be the assured foundation of Australia's ultimate security” (ref.3, p.4). Again in 1987 the government's White Paper stated that,

The defence relationship with the United States gives confidence that in the event of a fundamental threat to Australia's security, US military support would be forthcoming. Short of this major, and less likely situation, we could face a range of other threats that we could expect to handle independently (ref.3, p.5).

This view undoubtedly prevailed well beyond 1987. Hubbard in his book (see ref.1, Introduction) writes, p.119, that the twenty-first century evolution of the Australia/US military alliance “began both literally and figuratively, on 11 September 2001”. The terrorist attack on the US saw Australia's immediate invocation of Article IV of the Anzus Treaty. This states that,

Each party recognises that an armed attack in the Pacific Area on any of the Parties would be dangerous to its own peace and safety and declares that it would act to meet the common danger in accordance with its constitutional processes.

Relevant here also is Article V which sets out that an armed attack is deemed to include an armed attack on the metropolitan territory of any of the Parties

Hubbard continues p.119,

The events that followed, including the destruction of the Taliban regime in Afghanistan after October 2001, and the 2003 invasion of Iraq by America's 'Coalition of the Willing', both with Australian military participation, were the outward manifestation for Australians of the continued health of the relationship. Beyond that however, they marked a new beginning after which few of the old nostrums of alliance would be the same.

He reports, p.120, that a 1994 Australian White Paper on defence presented a quite different view of Anzus from that given in the 1987 White Paper. It underlined the fact that Australia had no expectation of, nor reliance on, combat assistance from US armed forces in the event of an attack on Australian soil, although the remote prospect of a nuclear threat held "more specific significance" for the alliance relationship. Yet, Hubbard states, the 2000 defence policy paper and its 2003 update reveal the Howard Government's belief in (though not its reliance on) the probability that in the event of an attack on Australia the US *would* provide substantial help, including the provision of combat forces (emphasis in the text).

We see a range of conflicting views concerning the fundamental nature of Anzus as a guarantee of security against military attack. So what does Anzus actually say, and what does this imply for the member parties?

3.4 What Does Anzus Say?

This is best understood by examining the origins of the treaty. Of the writings seen devoted to analysis of the origins of Anzus and of the real factors that led to the signing of the treaty, one stands out for its thoroughness and completeness, and for the outstanding quality of the research on which it is based. This is the study published in 1995 by Professor W David McIntyre, then Professor of History at the University of Canterbury, New Zealand, entitled Background to the Anzus Pact: Policy-Making, Strategy and Diplomacy, 1945-55 ⁽⁴⁾. In this 464 page book, McIntyre not only provides a wealth of detail concerning the considerations, events and actions involved, but presents a fascinating picture of the personalities that played a part in this story of at times shared, and at times conflicting interests and concerns. The brief discussion that follows is based, almost entirely, on McIntyre's work.

Two major concerns dominated thinking in Australia and New Zealand following the end of the second world war in 1945. These were that a resurgent Japan might again threaten the Pacific, and that communism or some other form of Asian expansionism might pose a threat to the region. The signing of Anzus was an acknowledgement of both. McIntyre pp.346-47 discusses other motives underlying the signing. Long standing traditional Australian and New Zealand commitments to Britain, in the Middle East and elsewhere,

could have seen heavy demands placed on their military resources. Some guarantee of protection for the southern Asia-Pacific region in such a situation, a global war at worst, was welcomed. A further factor was the desire of Australian and New Zealand leaders for a voice in global strategy. This was particularly the case for Australia. This was a difficult time for these allies of Britain who had seen US forces dominant in the Pacific war with Britain playing only a minor role, raising the question of where their future allegiance should lie.

Another US motive for greater involvement with Australia some suggested was an American desire to influence Australian domestic politics and ensure American economic penetration. Exponents of this view considered that Australia became an American satellite and so “lost” its independence, McIntyre reports p.347.

Australia and New Zealand were very concerned to try and ensure that they would never again face the possibility of attack by Japan that Australia had experienced, and New Zealand prepared for, during the 1940s war in the Pacific. They had expected the US to impose a punitive peace agreement on Japan that would see it not allowed to develop large scale military forces again. However, the US had come to realise the strategic importance of Japan in relation to the Soviet Far East, and desired to develop Japan effectively as a US forward base against communist activities in the region. The consequence was that a soft peace agreement was proposed between Japan and the US, and subsequently signed.

To counter concerns voiced by Australia and New Zealand, and to develop an element in a series of alliances designed to contain communist expansion, discussion of some form of alliance between Australia and New Zealand, and the only possible guarantor of their protection, the US, began. The draft of the Anzus Treaty emerged from talks in held in Canberra in February 1951 between representatives from the three countries. Despite pressure for membership, Britain was finally excluded from Anzus. This was a major landmark in Commonwealth relations.

The idea of a Nato type tripartite treaty had emerged during these talks, and the final form of treaty proposed was modelled closely on the recently signed 1949 Nato Treaty, as a comparison of the two treaty documents shows. However US military leaders, the Joint Chiefs of Staff, were strongly opposed to a Nato type tripartite agreement. McIntyre p.310 says it was anathema to them. They wanted no arrangement that would involve consultations between the parties on anything like an equal basis concerning strategy for the Pacific region, of the sort embodied in Nato. They wanted to establish their own strategies unhindered by the need to modify them according to proposals from Australia and New Zealand. Indeed McIntyre p.359 describes Anzus by 1955 as already “only one cog in an increasingly complicated American-dominated defensive wheel” referring to the Asia-Pacific region.

They were also not desirous of having to provide strong binding security assurances of the kind inherent in the Nato Treaty to these countries. And in contrast to some of the beliefs about Anzus presented earlier, the New Zealand Ambassador to the US at the time

the treaty was signed on 1 September 1951, Carl Berendsen, acknowledged this during formal ceremonies inaugurating Anzus saying,

And the pact we sign today is one of co-operation, a joint offer and assurance of aid, ready and immediate, should aid be needed. In this treaty the three signatories accept the same, and a common, duty. It is not a guarantee of the security of New Zealand by the United States and Australia, of Australia by the United States and New Zealand, of the United States by Australia and New Zealand. It is a common undertaking to regard a danger to one as a danger to all, a common assumption of a formal duty – the same identical duty – by each of the three parties. It is a reaffirmation that these three countries, which have fought together in two great wars, have established a true and lasting comradeship and good will and a common trust and confidence. And it is more than a pious and friendly expression of such sentiments. (US Department of State Bulletin, 24 September 1951 pp.495-96)

It is these two features that mark the important differences between the Nato and Anzus treaties. Consultation between the parties is at a much lower level in Anzus. During the discussion leading up to the form the treaty was to take, one member of the New Zealand Embassy staff in Washington wrote to a colleague.

Just what the whole thing is worth I don't know. I had thought the intention was to establish some body in Washington at the political level; apparently all that is contemplated is periodic consultation in Honolulu or Sydney or somewhere else ... But A[ustralia] and N[ew] Z[eland] are likely to be placed, it seems to me (the Aussies here don't seem to be worried) in a minor and suppliant position. (McIntyre pp.342-43)

The result was an Anzus Council being set up in accordance with Article 7 of the Treaty that is very much weaker than its Nato counterpart in terms of the power the two ANZAC countries have to influence strategic policy.

The difference in level of commitment of the parties to come to the aid of another party or other parties implicit in the Anzus and Nato treaties is seen clearly by comparing Articles 4 of the Anzus Treaty with its counterpart Article 5 of the Nato Treaty.

Article 4 in the Anzus Treaty merely requires each party, in response to an armed attack in the Pacific Area on any of the Parties, to recognise that this would be dangerous to its own peace and safety, and to,

act to meet the common danger in accordance with its constitutional processes.

In the case of an armed attack on any party, Article 5 in the Nato treaty requires the parties to,

assist the Party or Parties so attacked by taking forthwith, individually and in concert with the other Parties, such action as it deems necessary, including the use of armed force, to restore and maintain the security of the North Atlantic area.

Berendsen in 1951 clearly recognised and acknowledged what Anzus requires of its signatories. The public vision that developed in New Zealand and Australia, and still persists to some extent, of Anzus as a guarantor of American assistance reflects a lack of understanding of what the treaty actually says.

A February 15 2007 Sydney Morning Herald article by Peter Hartcher, Political editor highlights these differences. He wrote,

Wake up: ANZUS no security blanket

THE American ambassador's assessment of the ANZUS treaty yesterday should be a wake-up call for comfortable Australian assumptions that it is any sort of security guarantee.

Since the inception of the treaty in 1951, Australian politicians have given the public the clear impression that the treaty is a national 000 line which will unfailingly bring an emergency deployment of US forces to our defence.

The Prime Minister, John Howard, has perpetuated this idea by describing ANZUS as our "security guarantee". Yet the treaty has never been any such thing, and was deliberately constructed so that Washington was under no binding or automatic obligation to use force for Australia's security.

The US ambassador, Robert McCallum, reminded us yesterday of how lightly the treaty rests in the consciousness of the superpower when he cheerfully volunteered at the National Press Club that he has never read it.

It is not a long or difficult document to read. At only 840 words, and written in reasonably straightforward English, it would not tax the mind of a Rhodes scholar and super-smart lawyer like Mr McCallum.

The Menzies government, which negotiated the treaty, wanted Washington to give Australia a document with the sort of automaticity that the US provided to its allies in NATO - that an attack on any party would automatically be regarded as an attack on all.

Instead, the ANZUS treaty says only that an attack on any of the signatories would oblige the others to "act to meet the common danger in accordance with its constitutional processes".

There is no mention of the use of armed force. And the phrase "in accordance with its constitutional processes" was included by the US to give it wriggle room, says a former head of the Australian Department of Foreign Affairs, Alan Renouf.

And when Mr McCallum was asked yesterday exactly what those constitutional processes might be in the US, especially in the event that the White House and Congress disagreed over the course of action, he answered:

"I've not done the constitutional analysis and I would imagine that there would be a vast difference of opinions among academics and practising lawyers and politicians as to what might be required." In other words, the response would be confusion.

Yet, on the one occasion where Australia sought to invoke the treaty, there was no confusion whatsoever. As another former head of Foreign Affairs, Dick Woolcott, recalled yesterday: "The last time we sought US assistance under ANZUS, when our troops were in potential conflict with Indonesia during the Confrontation crisis in 1964, it was denied to us.

"The message came back very promptly from the White House: 'You got yourselves into this, you get yourselves out.' A lot of Australians have been anaesthetised into thinking ANZUS is some kind of cast-iron guarantee. It is not."

One of the linchpins of the unofficial relationship between Australia and the US, the founder of the Australian American Leadership Dialogue, the Melbourne businessman Phil Scanlan, summed up the lesson: "We need to make sure our rhetoric about the relationship does not get ahead of the reality." Mr McCallum has done Australians a favour in reminding us that this is exactly what our political leaders have done.

For the New Zealand public, the significance of Anzus was both in appearing to provide a sense of security from future threats, and in providing clear links between New Zealand's quite small defence forces and those of its powerful ally, the United States. Both views are seen expressed in the quotes from the 1985 defence enquiry, and persisted well beyond 1986 for many New Zealanders who saw exclusion from Anzus as a very serious development.

The major benefits enjoyed by New Zealand's military have been discussed by a number of authors. P Jennings of the Australian Defence Force Academy published Occasional Paper No.4 for the New Zealand Institute of International Affairs in 1988 entitled "The Armed Forces of New Zealand and the ANZUS Split: Costs and Consequences" in which he discusses these benefits and how the Anzus imbroglio affected them.

The main benefits were combined military exercises, training and personnel exchange, operational planning and technical information exchange, scientific co-operation, co-operation over logistic supply, and intelligence and surveillance co-operation. There was a strong emphasis on interoperability pre-1986, and this brought with it some burdens for

both ANZAC partners as costs for advanced US military equipment rose. Hubbard discusses this problem for Australia in his book pp.121-127. A major cost resulting from the alliance was the domination of Pacific strategic policy by the US, with Australia and New Zealand being very much minor parties to policy decisions.

New Zealand suffered reductions in, or complete loss of, access to these benefits. Most visibly, its military were excluded from joint Anzus exercises which in the past had seen US Navy personnel in particular in the streets of New Zealand ports. However as discussed in Working Paper No.9, chapter 4, New Zealand has long had many military links with the US outside Anzus, that in ways exceed Anzus in importance, and continue. Indeed Jennings, referring to these as UKUSA arrangements, wrote p.24 that, (see the Introduction p.4 re UKUSA)

If ANZUS provided the skeleton of alliance co-operation, then the web of UKUSA arrangements were the muscles and sinews which gave substance to that co-operation.

No attempt is made here to evaluate the impact of the Anzus imbroglio on New Zealand's military for reasons that will become clear. Associate Professor S Hoadley, a staff member in the Political Studies Department of the University of Auckland, wrote in The New Zealand Foreign Affairs Handbook, Second Edition, 1992, p.98-99,

By 1988 the ANZUS dispute had stabilized and New Zealand's international standing appeared undiminished except in Washington, and even there less in the State and Commerce Departments than in the Pentagon. At home the armed forces had lost exercise time, high-quality training and intelligence, and some morale, but gained higher pay and allowances and new artillery, rifles, avionics, and a tanker. Aermacchi jet trainers and ANZAC frigates were procured and other acquisitions were planned. Co-operation with Australia became closer. The officers who remained in service adapted professionally to the new policy orientation. The major consequence of the ANZUS debate was to reveal armed forces deficiencies that had worsened for years, and to stimulate some corrective efforts.

The new policy orientation referred to was for New Zealand to strengthen its armed forces and its defence relations with Australian and South Pacific governments, and to reaffirm consultations, exercises, mutual assistance and security commitments under the Five Power Defence Arrangements (FPDA), Hoadley wrote. The latter proved acceptable to Singapore, Malaysia and the other ASEAN governments, and the overseas community were reassured to see that New Zealand was not moving to unilateral disarmament or non-alignment, he says. The countries involved in the FPDA are Australia, Britain, Malaysia, New Zealand and Singapore.

The major political parties have stated their rejection of Anzus as a key factor in New Zealand's future defence and foreign policy. Is this shared view justified?

3.5 Anzus and New Zealand Defence Policy 2007

New Zealand's foreign and defence policies have undergone very major redirection and reorganisation under Labour dominated governments elected in 1999, 2002, and 2005. These major changes and their development since 1999 are very well summarised in a speech by the present Minister of Defence, P Goff, given in the 30th of August 2007 as the Opening Address to the Chief of Army's Contemporary War Fighting Seminar. The changes in defence policy are considered so important that the speech is presented in full. It can be found at:

www.beehive.govt.nz/Print/PrintDocument.aspx?DocumentID=30478.

New Zealand Defence Policy 2007-Labour

The Hon P Goff.

Thank you for the invitation to contribute to the seminar today.

I want to focus on New Zealand's defence policy and the strategic considerations underlying it.

In particular, I want to make the point that the security needs of the Twenty-First Century are qualitatively different from those of a generation ago.

Traditional inter-state conflict has increasingly taken second place to conflict within states.

And unlike the Cold War, where conflicting parties were often proxies for ideological battles between super powers, today by-and-large, outsiders cannot be blamed for the violence.

New Zealand's defence policy is set out in the Government's Defence Policy Framework published in June 2000, and in an accompanying Foreign Affairs paper, which as Foreign Affairs Minister I released at the same time.

The Framework acknowledges that ensuring the security and safety of the nation is a fundamental objective of any sovereign state.

“New Zealand's primary defence interests are protecting New Zealand's territorial sovereignty, meeting shared alliance commitments to Australia, and fulfilling obligations and responsibilities in the South Pacific.

The wider Asian-Pacific strategic environment, of which we are a part, is also relevant.

New Zealand is not directly threatened by any other country and is not likely to be involved in widespread armed conflict.”

The Framework also makes the point that security is about more than defence simply by military means versus conventional threats.

“The Government believes that New Zealand can best contribute to regional stability and global peace by promoting comprehensive security through a range of initiatives, including diplomacy, the pursuit of arms control and disarmament, addressing global environmental concerns, providing development assistance, and building trade and cultural links.

New Zealand will continue to meet UN Charter commitments to the maintenance of international peace and security.

Underpinning this approach is the Government’s strong commitment to maintaining New Zealand’s nuclear free status, and promoting a nuclear free South Pacific.”

There are a number of strategic considerations underlying this statement.

It acknowledges that security relies, in part, in dealing with the causes of instability and conflict.

It noted the exacerbating effect on local conflicts of the uncontrolled supply of weapons.

It reflects the deep-seated belief by New Zealand, in the post Second World War era, that nuclear weapons pose a threat to human survival.

And it also reflects New Zealand’s commitment to multilateralism through the United Nations as a means to prevent and resolve conflict.

After two world wars in the twentieth century, in which New Zealand suffered amongst the highest per capita casualty rates of any nations, New Zealand was one of the strongest advocates of the United Nations.

While the achievements of the UN have fallen short of its vision, we continue to believe that multilateralism, when effectively implemented, is the best means for preventing and resolving conflict.

A UN mandate is normally the prerequisite for the deployment of New Zealand’s Defence Force on security or peace-keeping operations.

The Defence Policy Framework predated the events of 9/11. While identifying no country as being of direct threat to New Zealand, it did not however assume that we lived in a benign security environment.

It explicitly warns that circumstances can change and noted terrorism as one of the threats that the NZDF would have to counter.

The foreign policy paper I released at the same time reinforces the approach set out in the Defence Policy Framework.

Security requires a comprehensive approach.

- Within a violent world, New Zealand is committed to building and keeping the peace.
- We have fundamental commitments under the United Nations Charter regarding the rule of law, human rights and maintaining international peace and security.
- However there are times when we may have to use force and the NZDF needs to retain combat capabilities.
- As part of the comprehensive approach to security, we need to strengthen UN peacekeeping efforts, address the causes of conflict, working to reduce poverty, ensure good governance and human rights and supporting preventative diplomacy and confidence building measures.
- In terms of defence force capabilities, as well as protection of sovereignty, we needed to consider other roles such as maritime surveillance and resource protection, support for civil authorities in search and rescue, civil defence, crime and illegal migration and a counter-terrorist capability.
- Attention was drawn to our focus on the South Pacific, our wider security interests in Asia – Pacific, important relationships with Australia and the United States and the challenge of disarmament and non-proliferation.

Taking into account the strategic considerations and needs outlined, the Defence Policy Framework set out the requirements for a Defence Force for the twenty-first century.

Acknowledging the run-down of capabilities over the 1990s, it set out seven principles for shaping and rebuilding New Zealand's Defence Force.

These are that the Defence Force should be:

- equipped and trained for combat and peacekeeping;
- able and ready to be deployed;
- able to operate alongside other forces;
- equipped and trained at appropriate levels of readiness;
- able to sustain commitments;
- up to date in technology and doctrine; and
- needs to be fiscally sustainable.

In May 2001, the Government produced a Defence Statement entitled A Modern Sustainable Defence Force Matched to New Zealand's Needs.

This set out the path forward for reconfiguring a Defence Force which is modern, professional and well equipped, able to meet defence and security needs and sustainable and affordable over the longer term.

Its key components are:

- joint approach to structure and operational orientation by the three services;
- a modernised and reequipped army;
- an enhanced Navy fleet matched to New Zealand's wider security needs;
- a refocused and updated Air Force; and
- a funding commitment to provide financial certainty.

In 2002, the Government approved the Defence Long-Term Development Plan (LTDP) and committed NZ\$3.3 billion over ten years to update and replace a range of equipment.

The LTDP links the Government's defence policy objectives, as set out in the Defence Policy Framework, with the capability requirements announced in the May 2001 Defence Statement.

This has seen a sustained re-equipment of the Army, Navy and Air Force with new or upgraded equipment.

Acknowledging the need for sustainability, the approach has been to focus on achieving excellence in priority areas rather than trying to provide capacity across the board.

Hence the decision was taken to disband the air combat wing, while huge capital-resourcing was put into new helicopters and upgrading transport and surveillance capacity.

Considerable investment has been put into new navy ships, with a focus on sea-lift capacity and enhancing maritime surveillance, resource protection and border protection capabilities.

Investment in equipment is being matched by investment in people and infrastructure.

In 2005, under the Defence Sustainability Initiative, the Government committed itself to a further \$4.6 billion spending programme over ten years in these areas.

These programmes reflect the Government's commitment to an enhanced, rather than diminished, role for the New Zealand Defence Force.

However, in the twenty-first century this role will be qualitatively different given the current needs I mentioned in my opening comments.

The New Zealand Defence Force will continue to be trained and equipped for combat and, from time-to-time as it has been with the Special Forces in Afghanistan, deployed for this purpose.

But in recent years the predominant deployment of the Defence Force has been in security and peacekeeping tasks related to intra-state conflict.

They have been in response to the need to re-establish stability to prevent human suffering and to prevent the development of an environment where criminality and terrorism can develop and flourish.

Our deployments in Bougainville, Bosnia, East Timor, the Solomons, Afghanistan and Tonga reflect these objectives, while other missions to Mozambique, Laos, Cambodia and the Lebanon have focused on removing mines and other explosive remnants of war.

Given the increasing focus on the need to intervene in failing states, further strategic thinking needs to be applied to the issue of how best to re-establish security and stability in these circumstances.

Military intervention will generally be an essential component in controlling and stabilising a situation to prevent widespread death and destruction.

Our respective interventions in Bougainville, East Timor and the Solomons were all required for this purpose.

But for the resolution of conflict to be sustainable, we need more wide-ranging interventions to deal with the causes of state failure including actions to build institutions of state, and social services, and deal with issues of ethnic or religious conflict.

Stability and development are mutually dependant. Stability requires addressing poverty, under-development, economic crisis and weak or corrupt central government.

In Afghanistan, for example, the Taliban and Al Qaeda will not be defeated simply by military means. Success there will depend on local populations concluding that the international intervention should be supported because it offers them not only security, but also improves the quality of their lives.

Development programmes taking place in our PRT area, Bamyán, that do improve peoples' lives as well as an effective peacekeeping operation, where our troops work with and are respected by local people, are important components in the success of our operation there.

In other deployments, such as East Timor and the Solomons, what is needed for longer-term stability, and an exit strategy for our deployments, is to build local capacity in governance, policing/defence forces and the provision of services.

The problems to be resolved are complex. They often involve communal tensions, political instability, weak governance, fragile economies, rapid population growth that places pressure on limited resources, land tenure problems and trans-national crime.

What lessons can we draw from our experience?

Firstly there is the need for a holistic approach.

In each of these missions, peacekeeping and security forces are essential. They help stabilise a volatile situation as an necessary first step.

But while insecurity and violence are the most obvious and pressing problems, they are the manifestation of more deep-seated weaknesses, in particular ethnic tension, weak or corrupt central authorities, and lack of economic opportunity, which also need to be addressed.

RAMSI is an example of such an integrated intervention. While restoring law and order was RAMSI's first priority when it was established in 2003, work began immediately on the mission's other two pillars: machinery of government and economic development.

Each of the three pillars is essential to improve the lives of Solomon Islanders. Economic opportunity, good governance, and security go hand in hand.

Secondly, interventions must be balanced.

We must, as Kofi Annan put it, strike the right balance between hard and soft responses. Military forces will often be required to end instability and lawlessness where insurgents are a threat. In recognition of that we deployed three rotations of Special Forces personnel to Afghanistan.

But the use of force can also undermine the consent environment, especially when it causes harm to local people. So-called collateral damage in dealing with insurgents or a heavy-handed approach to the local population will quickly turn them against intervention forces. Skill and sensitivity on the part of military forces is required to avoid that.

Use of force must be proportionate and highly discriminating. It needs to be balanced with the ability to get alongside the local people. Earning their respect and trust is critically important.

Thirdly, interventions must be inclusive.

The relationship between the intervening partners and the host needs to be a partnership in pursuit of shared goals. Being invited by the host government, and maintaining a consent environment, are important elements in the success of a mission. This is not always straightforward.

Likewise the local government needs to maintain ownership of its country's problems and the solutions to them. Otherwise the intervening force comes to be held responsible and to blame for what happens or does not happen.

Fourthly, the regional and international context is important.

Regional participation or cooperation is important. Interventions are much more likely to succeed when neighbouring states lend their support.

The successful truce and peace missions that brought Bougainville out of conflict comprised neighbouring Pacific Island states that understood the environment and the people. The same dynamic is currently operating in the RAMSI mission in the Solomon Islands.

A stronger regional commitment in Timor-Leste, in parallel with the United Nations and bilateral commitments, is likewise essential to ensure Timor-Leste gets back on track to stability.

Collective interventions also build legitimacy, especially with the host government, and reduce the risk of the intervention being seen as a form of neo-colonialism.

Finally, we regard authorisation from the UN Security Council as vital for regional peace operations. This may be by the establishment of a UN mandated peacekeeping operation or as in the case of Timor Leste, by the approval of a force invited by the government in question.

To conclude, I have sought to outline today New Zealand's contemporary defence policy framework, and the considerations that contributed to it.

I have also set out the situations involving intra-state conflicts and state failure, which are currently the predominant cause of deployment of our defence force overseas.

I have suggested ways in which we, and others, can best achieve the security and stability objectives in such circumstances.

An effective and efficient Defence Force, trained and equipped for combat, but also with the skills for peacekeeping is essential. So too are the complementary whole-of-government actions necessary for the peace to be sustainable.

Finally, I would like to acknowledge that the New Zealand Defence Force has, in my experience, carried out its responsibilities in this area effectively, and in an exemplary manner. As Defence Minister, I and New Zealanders more generally are extremely proud of that.

Speech concluded.

As has been discussed in Working Paper No.9, pp.126-131 a fundamental development for New Zealand to which the anti-nuclear policy contributed has been the establishment of an independent foreign and defence policy oriented much more towards New Zealand's Pacific region, and reflecting its concerns with peacekeeping and peacemaking. This is seen reflected in Goff's speech.

New Zealand Defence Policy 2007-National

Mr Goff's speech is presented in full because in a related major development, The New Zealand Herald for 3 October 2007 p.A6, reported that,

National has put aside decades of debate and pledged a bipartisan approach to foreign affairs and defence issues, leaving little outward differences between it and Labour on the world stage.

National's Leader John Key is reported as saying,

What we are saying is that post-1987 and the breakdown of Anzus, New Zealand has charted largely an independent foreign policy - that's a position National will continue to adopt. It's really been an acceptance that we are running clearly our own independent foreign policy and the days of strategic alliances in the form of Anzus are something of the past for New Zealand under a National government.

National's plans are set out in a 19 page discussion document entitled, Foreign Affairs, Defence and Trade Discussion paper: Focussing on Our Core Strengths and Capabilities, prepared by the Hon M McCully, National's Foreign Affairs Spokesman, Dr W Mapp, National's Defence Spokesman, T Grosser MP, and J Hayes MP. This is available at www.national.org.nz/files/00FA_lowres.pdf, and should be consulted for details of National's new position which the Herald says "signals a major shift from the party's approach under its former leader Don Brash". It should be noted that National states that in government it would produce a White Paper on defence. Traditionally National has called for maintaining strong defence links with New Zealand's traditional allies as a major element of New Zealand's defence policy.

It is clear that 2007 not only marks the 20th anniversary of the signing into law of the nuclear free legislation, but fundamental rejection of Anzus as a key element in the foreign and defence policies of both major political parties. It also now appears to mark the acceptance of the new directions for New Zealand's defence strategies and force structure set in place by Labour. John Key is reported in the Herald article as saying National "is longer talking about reinstating the air force's air combat wing", the disbanding of which by Labour was criticised by many in New Zealand.

This all looks very promising. The question that arises is can National be trusted not to go back on some of these moves should it become the government in elections due in the final quarter of 2008. National was furious at being narrowly beaten by Labour in the 2005 elections and appears determined to avoid a repeat of this. Polling puts National in a strong position to win in 2008. Nevertheless, many of its policy changes since Key took over as leader can be seen as designed to woo supporters of Labour policy away from Labour

The definite acceptance of the anti-nuclear legislation following the dithering under Brash, and now these major shifts on defence and foreign policy will all appeal to voters inclined to support Labour on these issues but more attracted by National for other reasons. This thinking applies in other policy areas where National's policy now essentially mirrors that of Labour. Goff in the Herald article cited is quoted as saying,

On foreign affairs and defence, National's claim to be pursuing a bipartisan policy is novel and utterly contradicts its position in recent years. A party which flip flops so easily can equally easily change its policies in the opposite direction.

Foreign Affairs Minister Winston Peters chose to highlight what was missing from National's policy document - a position on Iraq and exactly how it viewed the UN's role in New Zealand's foreign policy.

Nevertheless, in terms of the significance of Anzus in 2007, it appears quite clear that Anzus is no longer relevant to the defence orientation New Zealand has now adopted, and which both major political parties are effectively pledging to maintain. The advantages for New Zealand listed earlier that Anzus membership provided are no longer significant or as significant under Labour's new defence strategy.

3.6 Current Defence Force Activities

New Zealand Defence Force material, including material released under the Official Information Act, was presented in Working Paper No.9, pp.77-81, and sets out defence force activities in 1995 to 1997. Equivalent information was sought in 2006 relating to activities undertaken by New Zealand's defence force during 2004-05, considered here to apply to 2006 as well. This shows New Zealand military components exercising with the same range of countries as reported in Working Paper No.9, pp.80-81. The UKUSA activities described on pp.74-80a of that working paper considerably extended the range of countries with which New Zealand forces interacted. These undoubtedly still continue. A considerable amount of information relating to these UKUSA activities is available on the internet using a search engine, or at www.abca-armies.org/default.aspx for example.

A spreadsheet provided in December 2006 by the New Zealand Defence Force through Lieutenant General J Mateparae, Chief of Defence Force setting out details of what are considered the more interesting exercises and activities in 2004-2006 follows. This shows New Zealand military components participating with what readers may find a surprisingly large range of countries apart from Australia and Pacific countries, including the US, Canada, the UK, the UKUSA countries, Nato countries and others. It would seem that New Zealand's military do not lack in opportunities for training in the skills necessary to meet the goals of the new defence policy and strategy presented earlier in this chapter. The Joint Readiness Training Course (JRTC) and the Coalition Warrior Interoperability Demonstration (CWID), formerly Joint Warrior Interoperability Demonstration (JWID) can be seen as meeting some of the seven goals for the defence policy set out on p.16 above in Goff's address.

TABLE: OIA 838

EXERCISE/COURSE	LOCATION	RNZAF PARTICIPATION	OTHER COUNTRIES INVOLVED	BRIEF DESCRIPTION OF THE ACTIVITY
JRTC 2004	USA	RNZAF C130 Hercules detachment (two aircraft, crews and support personnel attached from the RNZAF Operational Support Squadron). RNZAF B757 Air Transport Support for deployments.	United States of America (US) Australia	The Joint Readiness Training Course (JRTC) provides operational preparedness training for participating force elements. Air participation includes tactical air transport support for JRTC participants along with holistic training and assessment of an airlift unit's ability to deploy and conduct coalition missions in operational environments.
JRTC 2005	USA	RNZAF C130 Hercules detachment (one aircraft, two crews and support personnel attached from the RNZAF Operational Support Squadron). RNZAF B757 Air Transport Support for deployments.	United States United Kingdom (UK) Canada (CA)	See JRTC 2004. The 2005 course was also utilised by Air and Space Interoperability Council representatives to assess the degree of interoperability between participating airlift units from the US, UK, NZ and CA.
Joint Maritime Course 2004 and 2005 This activity is now obsolete (see Neptune Warrior)	UK	One RNZAF P3K Orion Detachment and RNZAF Air Transport Support for deployments. The RNZAF contribution was one P3K aircraft, with two crews, and a flying hour allocation of 128 hours per year.	United Kingdom Germany, Norway, Spain, Sweden, France, Netherlands, Denmark, USA, Canada & Australia	The UK Joint Maritime Course (JMC) was conducted three times a year over the Northern oceans in the vicinity of the United Kingdom with the aim of providing joint and combined collective training in a multi-threat environment for UK, NATO and Allied units and their staffs, to enable them to operate together in tactical formations in preparation for employment within a component of a Combined Joint Task Force.
Neptune Warrior 2006	UK	One RNZAF P3K Orion Detachment and RNZAF Air Transport Support for deployments.	United Kingdom. Germany, Norway, Spain, Sweden, France, Netherlands, Denmark, USA, Canada & Australia.	Neptune Warrior replaces the UK Joint Maritime Course (see description above) and will be hosted biannually from 2007. The Neptune Warrior/JMC activity series provides No 5 Squadron with excellent tactical training in maritime air operations and is a significant Readiness Training Activity for the attainment of Directed Levels of capability by the Maritime Patrol Force.
Suman Warrior 2004		No record of RNZAF participation in this exercise series during 2004	-	-
Suman Warrior 2005	Malaysia	One RNZAF Brigade Air Liaison Officer and RNZAF Air Transport Support for deployments of NZDF contingents.	Malaysia Singapore Australia United Kingdom	Suman Warrior 2005 was a Combined Command Post (Brigade) Exercise conducted in Malaysia under the auspices of the Five Power Defence Arrangements.

EXERCISE/COURSE	LOCATION	RNZAF PARTICIPATION	OTHER COUNTRIES INVOLVED	BRIEF DESCRIPTION OF THE ACTIVITY
Suman Warrior 2006	Australia	RNZAF Air Transport Support for deployments of NZDF contingents.	Australia Malaysia Singapore United Kingdom	Suman Warrior 2006 was a Combined Command Post (Command Support System) Exercise conducted in Australia under the auspices of the Five Power Defence Arrangements.
Maple Flag 37 (2004)	Canada	One RNZAF C130 Hercules Detachment One aircraft, two crews and support personnel.	Canada United States Belgium	A combined tactical air transport exercise. Exercise MAPLE FLAG is designed to provide NATO and other participating organisations with tactical training in a realistic, medium to high threat environment. The exercise is a valuable component of No. 40 Squadron's readiness training for operations in large coalition environments.
Maple Flag 38 (2005)	Canada	One RNZAF C130 Hercules Detachment One aircraft, two crews and support personnel.	Germany France Singapore United Kingdom	
Maple Flag 39 (2006)	Canada	One RNZAF C130 Hercules Detachment One aircraft, two crews and support personnel.	Norway Netherlands Sweden	
Tropic Twilight 2005	Niue	One RNZAF B757 and one C130 used for the deployment and redeployment.	Niue France	NZ Army Exercise to conduct a tactical field exercise and employ specialist skills to complete civic action tasks as identified during the reconnaissance phase. This included repairing the HICOM
Tropic Astra 2005	Fiji	A detachment of Four RNZAF UH-1H Iroquois with support personnel deployed from the RNZAF Operational Support Squadron and the RNZAF Survival School and with RNZAF Air Transport Support for deployments.	Fiji	Tropic Astra is an annual exercise, sometimes undertaken in conjunction with the NZ Army Exercise TROPIC TWILIGHT series, intended to provide the Rotary Wing Task Force with training to prepare for overseas deployments, operations in tropical climates and tropical survival techniques and skills.
Tunex Astra 2005	Fiji	A communications element from the RNZAF Operational Support Squadron deployed in conjunction with Exercise Tropic Astra.	Fiji	Tunex Astra is an annual exercise intended to train personnel and to practice personnel in establishing and operating long-range communications links in tropical and challenging environments.
Croix Du Sud 2006	New Caledonia	A detachment of Two RNZAF UH-1H Iroquois with support and communications personnel attached from the RNZAF Operational Support Squadron. RNZAF Air Transport Support for deployments of RNZAF and NZDF units.	France Australia Tonga Fiji Papua New Guinea Vanuatu	A French-led Joint/Combined Field training Exercise in New Caledonia with components of deployment training and training in tropical environments.

EXERCISE/COURSE	LOCATION	RNZAF PARTICIPATION	OTHER COUNTRIES INVOLVED	BRIEF DESCRIPTION OF THE ACTIVITY
Longlook Exchange 2005	UK	9 RNZAF Personnel and RNZAF Air Transport Support for some sectors of deployments.	United Kingdom. Occasional visits to third party nations for duty with deployed host units to which individuals were assigned: e.g. Canada & USA.	A valuable bi-lateral personnel exchange exercise intended to broaden the military experience and professional knowledge of deployed personnel. This is achieved by through mutual exposure of individual service personnel to different procedures, equipment, personnel and cultures and this promote continued co-operation between the participants.
Longlook Exchange 2006	UK	10 RNZAF Personnel and RNZAF Air Transport Support for some sectors of deployments.	United Kingdom. Occasional visits to third party nations for duty with deployed host units to which individuals were assigned: e.g. Cyprus, Iceland, Jamaica and USA	As for Longlook Exchange 2005
CWID05	World wide	The RNZAF deployed a single Liaison Officer to Coalition Force Land Component Command, Dahlgren, Virginia.	<u>Participants:</u> Australia, Canada, Denmark, France, Germany, Hungary, Italy, Republic of Korea, The Netherlands, New Zealand, Norway, Poland, Spain, Turkey, United Kingdom, United States, NATO	Coalition Warrior Interoperability Demonstration (CWID) is a US DoD led and planned demonstration programme to identify and trial Command, Control Communications, Computers and Intelligence (C4I) technology interoperability. It is designed to evaluate how emerging C4I technologies and practices can be quickly and effectively applied to Joint and Combined operational problems in all warfare dimensions whilst enhancing interoperability. NZDF participation in CWID activities is focused upon exposing the Operational community (Operators) to allied developments in the interoperability of Command and Control (C2) systems technology and assesses the applicability to the NZDF.

EXERCISE/COURSE	LOCATION	RNZAF PARTICIPATION	OTHER COUNTRIES INVOLVED	BRIEF DESCRIPTION OF THE ACTIVITY
			<u>Observers:</u> Austria, The Czech Republic, Lithuania, Portugal, Russia, Finland, Sweden	CWID also provides a measure against which the NZDF can assess its C2 developments and interoperability, and to provide opportunities to expose interoperability shortcomings before they arise in coalition operations.
CWID06	World wide	RNZAF established a CWID site at RNZAF Base Whenuapai, A Wing Commander served in the Coalition Task Force Headquarters, Stuttgart, Germany. A Flight Lieutenant served in the Coalition Force Air Component Command, Hanscomb, Massachusetts. A Squadron Leader served as Chief of Staff for the United Kingdom CWID Site, Portsmouth West. A Squadron Leader served at NATO Headquarters, Lillehammer, Norway. The Deputy Chief of Air Force visited Germany and the United Kingdom as the NZDF senior VIP.	<u>Participants:</u> Australia, Canada, France, Germany, Italy, The Netherlands, New Zealand, Norway, Poland, Portugal, Romania, Spain, Turkey, United Kingdom, United States, NATO <u>Observers:</u> The Czech Republic, Denmark, Hungary Finland, Russia, Sweden	As for CWID 05 Additionally: The RNZAF aim for CWID06 was: "To expose as wide a range of RNZAF personnel as possible to current and emerging C4I technologies and the implications these have for RNZAF involvement in Joint and Combined operations."

It is clear that New Zealand is surviving well without the Anzus benefits listed earlier. Anzus is finished for New Zealand it seems, in fact if not formally since neither party wants to initiate the necessary action to withdraw New Zealand from Anzus. In the next chapter it is argued that Anzus has always been, and still is, in some senses a nuclear alliance. Considering New Zealand's nuclear free status, but also in view of its new defence and foreign affairs orientations, it is argued that New Zealand should now formally withdraw from the Anzus Alliance.

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2. The Age, 21 January 1966, p.6
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CHAPTER FOUR

ANZUS – A NUCLEAR ALLIANCE?

4.1 Introduction

Former Prime Minister David Lange, now deceased, wrote in his book, Nuclear Free – The New Zealand Way⁽¹⁾, p.180, discussing and quoting from a speech he gave during the 1987 election campaign,

I started by remembering that the Labour Party had campaigned in 1984 on undertaking to renegotiate ANZUS [see Working Paper No.9, p.119]. ‘There was certainly no intention of leaving the alliance or becoming a sleeping partner in it, and when I was campaigning in that election I was assertive of the value to New Zealand of the alliance.’ At that time, I recalled, I believed that New Zealand could exclude nuclear weapons and remain in an active alliance with a nuclear power. I didn’t see the alliance as predominantly nuclear, but events proved me wrong. The alliance was a vehicle of nuclear strategy. ‘The ANZUS relationship between the United States and New Zealand is now inoperative exactly because the nuclear element in the alliance has become predominant.’... I concluded by saying that ANZUS had been unequivocally revealed in the last three years to be a defence arrangement underpinned by a global strategy of nuclear deterrence. ‘As long as it retains that character, it is no use to New Zealand and New Zealand had better make arrangements which are relevant to our own circumstances.’

Was Lange’s claim correct? If it was, is it still correct? Labour argued in 1984-85 that it could remain in Anzus in a role that involved conventional weapons only. Lange in his book p.60 wrote,

I had campaigned in 1984 on the insistence that we could and would stay in the alliance. I couldn’t abandon it without a struggle. ... I thought that if I kept stressing the government’s intention to take an active part in ANZUS at the level of conventional armaments, then I had a fair chance of winning the battle for public opinion inside New Zealand. If the Americans, satisfied that New Zealand could not be swayed into changing its [anti-nuclear] policy, would agree to some form of military co-operation inside the ANZUS framework, our policy would be vindicated. That was the best possible outcome for us. If the worst happened and the Americans simply refused to accommodate us, then at least in seeking some agreement, I had made an effort.

We now examine briefly the US view of Anzus, Australian and New Zealand views, and historical aspects of Anzus itself concerning its possible nuclear nature.

4.2 The US View of Anzus as a Nuclear Alliance

I wrote in 1989 to the US Ambassador at the time, Ambassador Della Newman after some softening of the US attitude towards New Zealand asking if it was still not possible for New Zealand to contribute as fully as possible to Anzus in terms of conventional weapons only. Her reply dated November 20 1989 was,

Reactivating ANZUS under the terms you suggest would result in only half an alliance and is not acceptable to the U.S. or our allies. ... The fact is that all other Western alliance partners and many neutral countries recognize the importance of the wider considerations at stake, and have developed formulas which make it possible to avoid direct confrontation on the nuclear question. New Zealand stands alone in its unwillingness to do so.

Material was presented in Working Paper No.8, pp.11-14 relating to Labour's position when advancing the nuclear legislation, showing that the nuclear aspect of Anzus should have been obvious well before 1984. Lange's statement has been criticised for this reason, with one American writer, Professor H Albinski, Professor of Political Science at Pennsylvania State University, stating in a 1988 collection of papers by informed commentators ⁽²⁾,

The United States disagreed with the New Zealand Labour Government's opinion that ANZUS had always been a 'conventional' weapons alliance and that New Zealand's new ship visit policy was therefore consistent with an established tenet. The essence of the American view had been that that the United States developed and deployed strategic and tactical nuclear weapons before ANZUS was signed. For over thirty years both Australia and New Zealand, under various governments, had not challenged the notion that ANZUS was part of a global deterrent strategic framework, even if Australia and New Zealand themselves neither owned nor housed such weapons. In this sense there was nothing for the Lange Government to 'discover' about ANZUS – only to 'invent'.

The reference here was undeniably to a global nuclear, or conventional plus nuclear, deterrence framework.

Another commentator, Professor H Tow, an Assistant Professor of International Relations at the University of Southern California at the time, in the same collection stated that,

In general, as America entered the 1980s, ANZUS was regarded by the United States as one of the few remaining assured components of the post-war American system of extended deterrence. The Reagan Administration sought to upgrade the alliance's profile within the overall context of rebuilding United States' global military capabilities at each possible level of potential warfare.

The emphasis was added by the author, who made it clear that these levels included the nuclear level. He also stated commenting on Labour's attempts to argue for a conventional weapons only view of Anzus (Working Paper No.8, p.35) that,

The United States on the other hand has indicated, and the Reagan administration has indicated strongly, that alliance politics in general must be a complete security politics, incorporating both nuclear and conventional levels.

Albinski also wrote in his paper that,

The United States further maintained that it was not a meaningful or open course for New Zealand to offer not to be defended under an American nuclear umbrella in exchange for its policy of barring nuclear-powered or nuclear-armed ships from its waters, and the entire structure of the alliance could be undermined by such New Zealand actions. In the language of the United States Chief of Naval Operations [Admiral J D Watkins], 'The benefits of security, resulting from the forward-deployed U.S. presence, are extended to all members of the Western alliance, in fact to all in the free world whether they overtly seek it or not'.

The interested reader is referred to Working Paper No.8, around p.20, and pp.28-33, and Working Paper No 7, pp.17-20 for example, for further related material. Reference 6 should also be consulted for additional relevant material.

These quotes alone are seen as sufficient to establish that from the US perspective, Anzus was undoubtedly considered part of a US global nuclear alliance structure. This has been discussed in all three earlier working papers in this series, and will not be debated at any length. Working Paper No.7, pp.6-12 and the documents included therein are very relevant, particularly the Aide Memoir dated 13.8.76 from the US Government to the New Zealand Government, stating that,

The United States Government certifies that all safety precautions and procedures followed in connection with the operation in United States ports of United States warships carrying nuclear weapons will be strictly observed in visits of such ships to New Zealand ports. ... Claims arising out of a nuclear weapon accident or incident involving a visiting United States warship will be dealt with through diplomatic channels in accordance with customary procedures for the settlement of international claims under general accepted principles of law and equity.

The only point in providing such a guarantee would have been if US Navy vessels visiting New Zealand ports did indeed at times at least carry nuclear weapons while in those ports, something I have investigated extensively and would claim to have confirmed.

4.3 Australian and New Zealand Views of Anzus as a Nuclear Alliance

During the 1985-86 period leading up to the suspension of New Zealand from Anzus, both the US and Australia frequently stressed the importance of free access to each other's ports for warships of the three alliance partners as a fundamental aspect of Anzus. Then Prime Minister Robert Muldoon said during debates on the nuclear free Bill that US Secretary of State, George Shultz, told him at the Anzus Council meeting in 1984, "no ship visits, no ANZUS", see Working Paper No.8, p.20.

Australia accepted the presence of nuclear weapons on some visiting US warships. Muldoon cited the Australian Minister of Foreign Affairs, Bill Hayden, as saying of the Australian Labor Party, see Working Paper No.8, p.20,

... We do not think we can ask them [the US] to have two navies – a conventional one for this part of the world to visit us, and another navy largely nuclear powered and nuclear capable for the rest of the world. Accordingly, we do not ask questions about their vessels which come to Australia. We accept that, recognising that it is overtly apparent that they will be nuclear powered, and quite implicit that most of them are going to have some sort of nuclear capability.

Material in the section of Working Paper No.7 referred to make it clear that the National Government from 1976 to 1984 was aware that this applied also to New Zealand, and accepted it. This long standing acceptance reinforces the statement by Albinski that the Lange Government had nothing to discover, only to invent.

4.4 Historical Involvement of Anzus with Nuclear Weapons

The Anzus Treaty document makes no reference to nuclear weapons. So does such material constitute evidence of a nuclear basis for Anzus? From its inception, Anzus did have nuclear connotations. McIntyre (see chapter 3, ref.4) even in the brief abstract of his book on the front cover flap wrote that,

... Anzus was designed to 'bolt the back door' so that the Anzacs could help Britain defend the Middle East in a global war and protect bases from which atomic bombers could strike at the heart of the Soviet Union.

McIntyre reports pp.89-90 that already in 22 August 1945, three weeks after the attack on Nagasaki with a nuclear weapon, then referred to as atomic bombs, US military leaders and others were discussing the possible use of these weapons in a future third world war. The Soviet Union was clearly identified as the potential aggressor, facing the two other major world powers emerging from world war two, the US and Britain. Various strategies for action against the USSR including the use of atomic weapons were discussed, see McIntyre p.101 for example.

The defence of the Western Europe and the Middle East were seen in 1948 as desirable strategic objectives, with Commonwealth assistance being essential for Britain in the

Middle East. Even if the US had sufficient land forces available, they could not reach Western Europe in time to stem a Soviet advance. The US strategic bomber force carrying atomic bombs from bases in Britain and the Middle East, represented “our only means of defeating a Russian assault” (McIntyre p.134). Access to Middle East oil was, as now, a source of great concern.

US plans to contain communism and prevent its spread soon extended to include China and Southeast Asia. Anzus was an element in this US global strategic planning from its beginning. By 1955, McIntyre wrote p.359, “Anzus had become only one cog in an increasingly complicated American dominated defensive wheel”. However a major role for it was seen as providing US protection for the Pacific while the other Anzus partners provided forces for a war involving the Middle East, see McIntyre p.355.

Planning for the defence of Southeast Asia involved a five power group consisting of the Anzus partners, Britain and France, see McIntyre p.366. At a high level conference in June 1954 US President Eisenhower asked his Secretary of State Dulles if Chinese aggression in Southeast Asia would bring Anzus into operation and was assured it would (McIntyre p.380). Planning for containing Chinese action included the use of US atomic weapons in air attacks on military targets (McIntyre p.380-81). In what McIntyre describes, p.391, as a perceptive analysis of Anglo-American Strategic policy prepared by British planners in October 1955, a remarkable similarity between British and American approaches to both the Middle East and the Far East was suggested. This disclosed, with some clarity a trend in American strategic thinking which had not hitherto been so obvious the analysis said.

The primary aim for the US was to deter war. If global war started, nuclear weapons would be used to strangle the enemy’s base, and reduce any particular threat to a level where it could be counteracted by local forces. The US did not intend to use American land forces but would bolster up local forces by arms supplies and training. Complete flexibility in planning the use of US sea and air power was preferred, with the main immediate danger seen as communist subversion.

Interesting light on US thinking concerning the use of nuclear weapons to defend the islands of Quemoy and Matsu between Taiwan and mainland China against Chinese forces is revealed in a memorandum written by Gerald C Smith, the US State Department’s then Director of Policy, Planning to Eisenhower’s Undersecretary of State, Christian Herter, dated August 13 1958 and marked TOP SECRET. The memorandum discusses the problem of large numbers of civilian casualties that would result from the use even small nuclear weapons against Chinese military targets because of the high surrounding population density. It suggests that the response from Peiping (Beijing, China) and the Soviet Union would be nuclear attacks at least on Taiwan and the US Seventh Fleet. It says that “Under our present strategic concept, this would be the signal for general nuclear war between the US and the USSR.”, and suggests the need for an alternative strategy to defend the islands. The complete memorandum is presented at the end of this chapter.

That New Zealand liked to be kept informed of US strategic planning in this period is indicated by a TOP SECRET telegram from the New Zealand Embassy, Washington, to the Minister of External Affairs, Wellington, telegram No.118 dated 3 May 1956, also included at the end of this chapter in full. This is to New Zealand Chief of Air Staff, Air Vice Marshall Kay, about a meeting with US Admiral Radford. It discusses him being “persuaded to talk on the question of the ability of the U.S.A. to halt or delay by means of nuclear bombs a southward thrust by the Chinese”.

A report in the Bulletin of the Atomic Scientists vol.55, pp.26-35, 1999, by R S Norris, W M Arkin and W Burr summarises a document entitled History of the Custody and Deployment of Nuclear Weapons: July 1945 through September 1977. It documents the growth of the US nuclear arsenal. The document shows that the US on-shore nuclear stockpile in the Pacific area peaked in 1967 at about 3,200 weapons but dropped by 1977 to about 1,200 warheads. Storage locations are described, and included the storage of non-nuclear components in Japan.

4.5 Conclusion

It is considered that enough has been presented to support the claim that Anzus has from its inception been in some senses a nuclear alliance. It is not suggested that Anzus was a nuclear alliance to the extent that Nato has been. In Nato, nuclear weapons have been an integral part of the defences of the Nato members and of the whole defence posture. There are no Anzus military bases, no integrated military command structure, no equivalent of the Nato Nuclear Planning Group. Nevertheless, in respects that cannot be ignored, Anzus has been in a substantial sense involved in US strategic planning, including nuclear strategic planning. New Zealand is still formally a member of the alliance, but is now a well recognised nuclear free nation. Does this represent a problem that needs addressing? Can it be argued that Anzus is still in a substantial sense a nuclear alliance?

The very disturbing nature of current US nuclear policy and strategy is examined in Working Paper No.12, The New American Century – What Lies Ahead? Part 2: US Military Strategy as the 21st Century Begins, May 2004, and Working Paper No.13, The Nuclear Non-Proliferation Treaty and US Nuclear Strategies: Are They Compatible?, September 2005, both by the present author and from the Centre for Peace Studies, and will not be discussed in any detail here. The United States is still generally recognised as the world’s greatest nuclear power.

Nuclear weapons have been removed from US Navy surface ships and nuclear powered attack submarines removing the problem of visits to New Zealand by conventionally powered US Navy ships. However of the attack submarines, some of which visited New Zealand ports prior to July 1984, a number retain the ability to be re-equipped with nuclear armed submarine launched missiles in a crisis. And US deep sea nuclear powered ballistic missile submarines are still maintained on patrol in the Pacific carrying nuclear warheads. Nuclear weapons still play very a significant part in US strategic planning, in

the Pacific and globally. It is here argued that to be in an alliance with the US still implies acceptance of this aspect of US planning.

The conclusion is that Anzus is still a nuclear alliance in the sense discussed, and as a nation that has legislated its nuclear free status, New Zealand should withdraw formally from it. Reluctance on the part of both Labour and National to advocate this step at this time is attributed to sensitivity on the part of both parties to continuing voter support for Anzus, and New Zealand being at a critical period in its election cycle. This sees Labour seeking in 2008 a historic fourth consecutive term in office, but with polling putting National ahead of Labour and desperate to avoid a repeat of its narrow loss in 2005.

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ADMINISTRATIVE
By *[Signature]* NARA REC 2-4-88

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TOP SECRET

August 13, 1958

MEMORANDUM FOR MR. HERTER

Subject: August 14 Discussion of Taiwan Straits

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The question of a review of US policy on the Offshore Islands was raised yesterday in the Planning Board. After this meeting, I was shown a copy of the memorandum of your meeting on this subject with the Secretary and others on August 8, at which the Secretary indicated that it may be desirable to make a clearer public statement of our intentions.

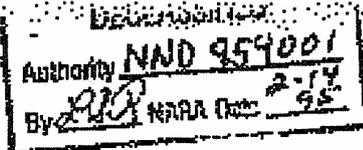
It may be useful for you to have the following points in mind during tomorrow's NSC discussion:

1. It is our understanding that current JCS war plans call for the defense of Quemoy and Matsu by nuclear strikes deep into Communist China, including military targets in the Shanghai-Hangchow-Nanking and Canton complexes where population density is extremely high.

2. The attached excerpts from the recent "Limited War" study are pertinent [Tab A]. During this study we were advised by representatives of the Joint Chiefs that military planning contained therein was based on the existing contingent war plan.

3. While nuclear strikes would be with "low yield" weapons, this would include weapons having a yield comparable to 20 KT weapons dropped on Hiroshima and Nagasaki. It is my judgment that before such hostilities were over there would be millions of non-combatant casualties.

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4. Mr. Robertson's comments on the political implications of our military planning for limited war hostilities in the Far East, as reflected by the recent "Limited War" study, are attached at Tab B.

5. The President recently directed the preparation of a National Intelligence Estimate on Sino-Soviet and Free World Reactions to US Use of Nuclear Weapons in Limited Wars in the Far East [Tab C]. It concludes that if our present military planning was carried out Peiping and its Soviet ally would probably feel compelled to react with nuclear attacks at least on Taiwan and on the Seventh Fleet. Under our present strategic concept, this would be the signal for general nuclear war between the US and the USSR.

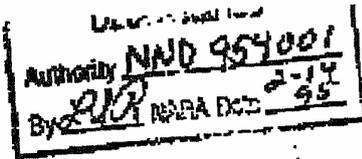
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6. I doubt that Congressional leaders are aware of the implications of exercising the authority under the resolution of January 29, 1955, by the method planned by the JCS. If a decision is taken to issue a clarifying statement, it may be desirable to consult with key Congressional leaders.

In the light of the above considerations, it seems to me that the US does not have a politically feasible capability to defend Quemoy and Matsu. I question whether, in the event of an attack on Quemoy and Matsu, we should or will run the very grave risk of general nuclear war attendant on our present military planning. If the vital security interests of the US require us to defend these islands, we should, on an urgent basis, develop an alternative military capability based on a local defense of these islands which would give some hope of limiting the hostilities. Until we are within sight of such a local defense capability, I question the wisdom of any public clarification of our commitment in regard to Quemoy and Matsu.

Gerard C. Smith

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Tab A

The following excerpts from the "Limited War" study are pertinent to any decision as to a statement concerning Quemoy and Matsu:

Page 12

"In the cases of aggression against Quemoy and Matsu, Taiwan or the ROC, this would require air strikes deep into Chinese Communist territory. Despite careful and selective use of nuclear weapons, numerous civilian casualties would result."

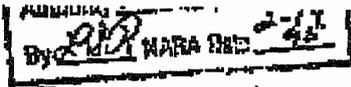
Page C-13

"Targets to be attacked are in general those within a radius of approximately 500 miles from the scene of action, plus those targets, wherever located, which are being used to stage attacks. Although this area includes many airfields and other targets in locations where population is relatively light, it also includes the Shanghai-Hangchow-Nanking and Canton complexes where population density is extremely high."

Page C-18

"...the Chinese Communists would almost certainly attack Taiwan and the U.S. forces and bases immediately involved."

Page B-11 states that, in the event of an attack on Taiwan, "it will be necessary to make nuclear attacks throughout mainland China, since it is expected that practically the entire CHICOM war-making capability will be employed in their offensive operations."



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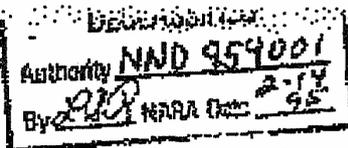
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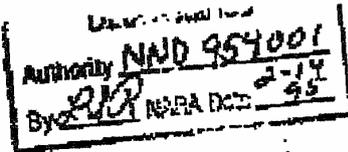
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*Targets to be attacked are in general those within a radius of approximately 500 miles from the scene of action, plus those targets, wherever located, which are being used to stage attacks. Although this area includes many airfields and other targets in locations where population is relatively light, it also includes the Shanghai-Hangchow-Nanking and Canton complexes where population density is extremely high.

Page C-18

"...the Chinese Communists would almost certainly attack Taiwan and the U.S. forces and bases immediately involved."

Page B-11 states that, in the event of an attack on Taiwan, "it will be necessary to make nuclear attacks throughout mainland China, since it is expected that practically the entire CHICOM war-making capability will be employed in their offensive operations."

INWARD TELEGRAM

P.M. 58

(This document is the property of Her Majesty's Government in New Zealand)

9/23

FROM: New Zealand Embassy, Washington
 TO: Minister of External Affairs, Wellington. No.118.
 DATED: 3 May 1956
 11:03

TOP SECRETNo.118.

From McKinnon for Chief of Air Staff.

Meeting with Admiral Radford arranged for Air Vice Marshal Kay. I explained to a member of his staff that all we desired was an informal visit but I was asked if we could provide a list of any topics A.V.M. Kay would specifically raise. It is possible Admiral Radford might be persuaded to talk on the question of the ability of the U.S.A. to halt or delay by means of nuclear bombs a southward thrust by the Chinese. It would not be necessary to state it as bluntly as that but if you wish I could say that A.V.M. Kay would be interested in getting Admiral Radford's views on the threat to S.E.A. by Communist China.

Please advise what topics, if any, I am to list to Admiral Radford's office.

(Signed) TOTARA

(H3626)

Chief of Air Staff
 Defence Secretariat +
 Secretary of External Affairs

4.5.56

TOP SECRET

file



CONCLUSION

The period since 1999 when the third working paper in this series was written has been very significant for New Zealand as a declared nuclear free nation. The nuclear free legislation now appears secure from change by any government for the foreseeable future, and the US has acknowledged this much more clearly than it ever has previously.

The mechanism for meeting the requirements of the legislation when considering requests for diplomatic clearance for visits by warships from the nuclear powers is well established and operating. New Zealand has regular visits by warships from Britain, and France, and has had a visit by Chinese warships.

New Zealand is playing an active part in international actions to reduce the threat posed by nuclear weapons, and advance nuclear disarmament. A New Zealand-led resolution calling for practical steps to decrease the operational readiness of nuclear weapons systems, with a view to ensuring that all nuclear weapons are removed from high alert status was passed at the UN General Assembly on 2 November 2007 by a vote of 124 to 3, with 34 abstentions. Minister for Disarmament and Arms control, Phil Goff. Reported that “The New Zealand-led initiative has been the highest profile new resolution on disarmament at the United Nations this year.” (Media release 2 November 2007, www.beehive.govt.nz)

New Zealand is active as a member of the New Agenda Coalition at the United Nations. This is a grouping of seven countries (as of May 2005) Brazil, Egypt, Ireland, Mexico, New Zealand, South Africa and Sweden, highly respected for its work for nuclear disarmament. The need for continued action in this area has been discussed extensively in earlier working papers from the centre.

New Zealand’s Foreign Minister, Winston Peters, visited North Korea in November 2007 in connection to the six-party talks aimed at ending North Korea’s nuclear weapons programme, discussed briefly in chapter 2, p.30. He was the first Western minister to visit since North Korea tested a nuclear weapon in 2006, and the first by a New Zealand foreign minister since North Korea was established as a nation in 1945. He then visited Washington and met US Secretary of State Condoleezza Rice, Secretary of Homeland Security Michael Chertoff, and National Security Advisor Stephen Hadley. The meetings were “friendly and productive” Mr Peters said. “It is clear from today’s meetings that our bilateral relationship has reached a new level as a result of recent actions by both governments” he commented (The New Zealand Herald, 19 November 2007, p.A8 & 21 November 2007, p.A1)

A new philosophy has been set in place to provide the basis for New Zealand’s defence strategy and force structure, much more in keeping with its nuclear free, and independent foreign policy stance. Anzus, long seen as the cornerstone of New Zealand’s security, is

now discarded as of no future significance. However, a range of military contacts with the US military remain operative.

At the same time this does not signal a withdrawal by New Zealand from international problems and concerns. Minister of Defence Phil Goff in his address presented earlier made clear New Zealand's commitment to United Nations actions to promote and maintain international peace and security, and prevent and resolve conflict. New Zealand is participating in the Proliferation Security Initiative (PSI) announced in Krakow on May 31 2003 by President Bush. It is described as designed to develop political commitments and practical co-operation to help impede and stop the flow of WMD (weapons of mass destruction), their systems and related materials to and from states and non-State actors (see Working Paper No.12 and the internet).

The initiative is claimed to be consistent with international law and with a UN Security Council Presidential Statement of 31 January 1992 which states that the proliferation of all WMD constitutes a threat to international peace and security, and underlines the need to prevent proliferation. The PSI seeks to involve in some capacity all states that have a stake in non-proliferation and the ability and willingness to take steps to stop the flow of such items at sea, in the air, or on land. It lays down a number of Interdiction Principles for the PSI, to interdict the transfer or transport of WMD and associated delivery systems and materials to and from states and non-state actors of proliferation concern.

New Zealand has taken part in PSI training exercises that include the US. The first was in October 2004 when officials attended as observers. Officials and New Zealand Air Force units participated in further exercises, in August 2005, see The New Zealand Herald, 18 August 2005, p.A3, followed by two more in 2006 (The New Zealand Herald 28 March 2006, p.A7, & 31 October, p.A5) The latest exercise was held in October 2007 off the coast of Japan, see The New Zealand Herald, 11 October 2007, p.A19 involving ships and aircraft from Australia, Britain, France, Japan, Singapore, New Zealand and the US. Other countries were invited as observers. New Zealand's participation involves the problem of Presidential Directive 193 referred to earlier, chapter 2, pp.20-21, with a waiver of PD 193 required for New Zealand to participate on each occasion. New Zealand's involvement is seen as representing one of its commitments to the prevention of terrorism.

So this study ends and, as the Walrus might have said, the time has come to talk of other things.

APPENDIX ONE

PARLIAMENTARY MOTION - 12 JUNE 2007

NUCLEAR FREE LEGISLATION - 20TH ANNIVERSARY

New Zealand Parliament

Debates (Hansard)

Date:
12 June 2007

Motions — Nuclear-Free Legislation—20th Anniversary

[Volume:639;Page:9758]

Motions

Nuclear-Free Legislation—20th Anniversary

Hon PHIL GOFF (Minister for Disarmament and Arms Control) : I move, *That this House note that 8 June 2007 is the 20th anniversary of the passing by this House of the New Zealand Nuclear Free Zone, Disarmament, and Arms Control Act 1987 and resolve that New Zealand should continue to work for a nuclear weapon – free world; and that, in striving for a world free of nuclear weapons, the House call for: the implementation and strengthening of the Nuclear Non-Proliferation Treaty, including the unequivocal undertaking made by nuclear weapon States in 2000 to move towards the total elimination of their nuclear arsenals; the expansion and strengthening of nuclear weapon – free zones and a nuclear weapon – free Southern Hemisphere; the entry into force of the Comprehensive Nuclear-Test-Ban Treaty; the enactment of a Fissile Material Cut-off Treaty; and the universal implementation of nuclear non-proliferation instruments such as the International Convention for the Suppression of Acts of Nuclear Terrorism and United Nations Security Council Resolution 1540.*

Twenty years ago this month, on 8 June 1987, the fourth Labour Government passed through this House legislation that committed New Zealand to being nuclear-free. In moving the third reading of the legislation, Prime Minister David Lange said that it represented “a fundamental reassessment of what constitutes our security.” He said that nuclear weapons did not guarantee New Zealand’s security but were detrimental to it. The legislation at the time was controversial. It was bitterly opposed by the National Opposition. National leader Jim Bolger called it “an exercise in futility”. Periodically since then, political parties opposed to being nuclear-free, or political parties that adopt a non-nuclear stance as an opportunistic position rather than an article of faith, have attempted to challenge the legislation. But Lange was prophetic when he stated that “The bill will not allow any successive New Zealand Government to reverse that policy without first going through the test of

democratic opinion at the general election and, secondly, without subjecting its legislative process for repeal to the scrutiny of an informed House of Representatives and the general public.” With the overwhelming majority of New Zealanders supporting this country’s nuclear-free status, our being clean, green, and non-nuclear has become an essential part of our identity. The policy has stayed—it was Don Brash who was gone by lunchtime.

The Labour Party opposition to nuclear weapons is, of course, longstanding. At the height of the cold war in 1959 the then Prime Minister Walter Nash, at the United Nations, stood apart from our ANZUS partners to support a treaty to ban nuclear testing. In 1973 Norman Kirk proudly sent a frigate up to the testing zone at Mururoa to protest at French nuclear testing. Martyn Finlay took a case to the International Court of Justice to end atmospheric testing of nuclear weapons—and shortly thereafter that testing did indeed cease.

The fourth Labour Government passed the legislation we are commemorating today—the New Zealand Nuclear Free Zone, Disarmament, and Arms Control Act—to set out in statute a prohibition on nuclear weapons in New Zealand and visits by nuclear-powered ships. It was the strongest way we could express our view that far from providing security, the nuclear arms race posed a threat to humanity. Human history, of course, has been marked by conflict, but never before had human beings possessed the ability to entirely destroy their own planet and, with it, humanity—an ability we gained with the possession of nuclear weapons.

This legislation showed two things. First, it showed that New Zealand was prepared to lead the world in opposition to the existence and the build up of nuclear arms. Secondly, it showed our readiness as a small but proudly independent nation to speak out for the values we believed in. In that sense, the nuclear-free legislation has come not only to embody our strong opposition to weapons of mass destruction but also to represent the assertion of our right to promote our firmly held beliefs, without the need first to seek the concurrence of stronger friends or allies.

Twenty years on, is this legislation still relevant and necessary? The answer, I believe, is an unequivocal “Yes”. There continues to be the need for New Zealand to provide a strong voice for nuclear disarmament and against proliferation. The cold war may be over, with some reduction in stockpiles of nuclear weapons, but we have not yet achieved the elimination of those weapons. Indeed, today there is still a stockpile of over 27,000 nuclear warheads, each with an explosive force between eight and 40 times greater than that of the bombs dropped on Nagasaki and Hiroshima in 1945.

Just last week, in response to the United States’ plans for a nuclear missile defence shield, Russia tested new long-range missiles. President Putin went as far as declaring that the nuclear arms race had restarted. This year China fired a missile into space to destroy a satellite, and progress has not yet been made on preventing the extension of an arms race into outer space. The Comprehensive Nuclear-Test-Ban Treaty has still not come into effect, negotiations have not even begun on the Fissile Material Cut-off Treaty, and the conference on disarmament in Geneva has not progressed for more than a decade. Thousands

of nuclear weapons remain on a hair-trigger alert. There would be little time to prevent retaliation if a missile were fired by accident or miscalculation.

The number of countries possessing nuclear weapons has increased by at least three—India, Pakistan, and North Korea—and probably four, with Israel as well. Just 4 years ago two of those countries, India and Pakistan, were on the brink of a conflict that could have become a nuclear conflict. According to the International Atomic Energy Agency, 30 more countries are capable of going nuclear in a short period. Iran has given the international community grounds for believing that it is seeking nuclear weapons capability, which adds new dangers to an already volatile region, given its hostile relationship with Israel. Terrorist groups are openly acknowledging that their quest is for weapons of mass destruction, thereby creating new nightmare scenarios in the post-9/11 environment.

Not only does our nuclear-free legislation remain relevant but the leadership stance that New Zealand took in 1987 continues to be necessary. Together with likeminded countries—Ireland, Sweden, Brazil, Mexico, South Africa, and Egypt—New Zealand makes up the New Agenda Coalition, which continues to push initiatives in vital multilateral negotiations, such as the non-proliferation treaty. With Brazil we are at the forefront of a push to bring nuclear weapon – free zones together into a Southern Hemisphere nuclear weapon – free zone. We strongly support efforts to stop proliferation through active participation in the Proliferation Security Initiative. Under the G8 global partnership we have contributed to projects to destroy chemical weapons in Russia, and to close down the last plutonium-producing nuclear reactor in Siberia. This year we are embarking on a new project to help stop the smuggling of fissile material across the Russia-Ukraine border.

New Zealand contributes to and implements the policies of all export control groups, designed to prevent the proliferation of nuclear goods and technologies. We comply with all United Nations Security Council and International Atomic Energy Agency resolutions relating to weapons of mass destruction. We also acknowledge that conventional weapons have killed literally tens of millions of people since the Second World War, in localised conflicts. As Kofi Annan has said, their effect has been to act as weapons of mass destruction. We have played a key role in opposition to landmines and cluster munitions, and in support of an arms trade treaty.

I believe that New Zealand can be proud of its role in disarmament and non-proliferation, as well as the specific legislation we are celebrating the 20th anniversary of in the House today. Our greatest challenge may be that having survived six decades with nuclear weapons, the world has become complacent about the dangers they pose. I believe that Albert Einstein's warning remains relevant. He said: "The unleashed power of the atom has changed everything save our modes of thinking and we thus drift toward unparalleled catastrophe."

It is with real pride that I stand up as part of a Government that has followed on from our predecessor fourth Labour Government, which passed legislation that made New Zealand a leader in the area of opposing the madness of the stockpiling of nuclear weapons and proliferation. We believed it then; we have

believed it ever since. We will continue until we achieve the goal of the elimination of all weapons of mass destruction, and most particularly of those weapons that are nuclear weapons. Thank you.

Hon MURRAY McCULLY (National—East Coast Bays) : The National Party endorses and supports the motion moved by the honourable Minister of Defence today. The fact that both major political parties represented in this Parliament are able to support such a resolution should be, and, I believe, will be, welcomed by the vast majority of New Zealanders. We are a small country with vital interests to advance in relation to trade, security, and international affairs. Where possible, we should speak with one voice on the international stage. I therefore welcome the fact that this motion will enjoy the overwhelming support of the House today.

I take this opportunity to reflect not just on the wider challenges outlined by the Minister's motion but also on the unresolved issues that remain as a consequence of the legislation that was passed 20 years ago. Few in this House will disagree with the assertion in the motion to "resolve that New Zealand should continue to work for a nuclear weapon free world;".

The nuclear-free legislation emerged a generation ago from New Zealanders' concerns over the cold war nuclear arms race. It was a terrifying thought that two nuclear superpowers, the United States and the former Soviet Union, engaged in an arms race seemingly without end, could make a frightful miscalculation with unimaginable consequences for the future of mankind. Only recently there has been some minor skirmishing around that theme, in the lead-up to the recent G8 summit. But only a complete pessimist could survey the stated US-Russia strategic relations today and reach any conclusion other than that we seem to have decisively moved in the right direction. The threat of nuclear holocaust, although still there, has been vastly reduced over the last 15 to 20 years, and we should all celebrate that.

However, the threat of nuclear weaponry has not gone away; it has simply changed its face. Indeed, a rather different agenda of nuclear issues now occupies centre stage—what the pundits call "horizontal proliferation", or the acquiring of nuclear weapons and nuclear-capable delivery mechanisms by an increasing number of States. Some of these States are deeply unstable. There is, therefore, widespread support in this House for New Zealand's role in promoting the non-proliferation cause. Domestically, there is agreement between the two major political parties in this House that the nuclear-free legislation passed 20 years ago should be retained. Some would argue that we have come full circle, to the era of largely bipartisan foreign policy of 25 years ago.

Certainly, there is very substantial room for us now to find a way forward that allows this country to chart its own foreign policy course, and pursue its interests in trade, security, and defence in a manner that is bipartisan, durable, principled, and worthy of international respect.

It is important, as the House pauses to note the passing of this legislation 20 years ago, that we use this opportunity to look forward. The people of New Zealand did not elect this Parliament to wallow in the memories of the past 20

years, but rather to establish a framework of relationships and understandings that will serve our national interest for the next 20 years.

The New Zealand Nuclear Free Zone, Disarmament, and Arms Control Act 1987 was created 20 years ago in a somewhat controversial circumstance. Students of history have recounted in some detail the events that led to the passing of the 1987 Act. It would be fair to say that the Act, however awkward or maladroit its origins, now enjoys the support of the majority of New Zealanders as a central plank of our foreign policy. At the heart of this issue lies the fact that the legislation passed 20 years ago was the first significant assertion of an independent foreign policy by this country. It spelt the end of our participation in the ANZUS alliance, which had, until that time, been the cornerstone of our defence and foreign policy approach. The 1987 legislation is often referred to as iconic. I believe that this is not just because of its specific content but because of the independence of thought and judgment that it asserts for our young country.

My own party, the National Party, which had seen the ANZUS Treaty as the cornerstone of this country's security arrangements for 50 years, did not easily embrace the nuclear-free legislation. However, the Bolger administration in the 1990s endorsed it, and for 9 years of a National-led Government the legislation was retained. The National Party today endorses the legislation and pledges to retain it. John Key, in the first days of his leadership of the National Party, made that commitment clear. There is acceptance on both sides, I believe, that a cost is attached to the maintenance of the legislation. That is a simple fact of life. The presidential directive of 20 years ago that responded to New Zealand's nuclear-free legislation with restrictions on the access of New Zealand forces to US intelligence, technology, and joint training opportunities remains in force today. New Zealand does not have a free-trade agreement with the United States, unlike our nearest neighbour, Australia, which, 3 years into the implementation of its free-trade agreement, will provide an increasingly powerful magnet for New Zealand capital and skill. There is a cost associated with the New Zealand policy. It is a cost that New Zealanders are, in the significant majority, happy to bear, but it is also a cost they look to their political leaders to minimise through skilful diplomacy, forceful advocacy, and the exercise of good judgment.

So the retention of this legislation that is called iconic, and that is symbolic of our independence of thought and judgment in international affairs, is not in question. What is in question is how we might best deal with the challenges that remain as a consequence of its somewhat tortured history, and how we might best re-establish the relationships, especially in the vital areas of trade and security, that a country with our heritage, our language, our history of shared sacrifice, and our outlook should be able to have with those who were once our allies and who are nominally—but not quite yet in the fullest operational sense—our very, very good friends. That is the unfinished business of the nuclear-free debate.

For those reasons, the National Party has sought to work with the Government to improve our relationship with the United States. Our previous leader, Dr Brash, Mr Groser, and I were in Washington last year for the United States - New Zealand Partnership Forum, along with Mr Goff, and we took the opportunity to

emphasise the bipartisanship of our approach. We have pledged to do what we can to achieve a free-trade agreement between this country and the United States. We have pledged to do what we can to see modification—and, over time, possibly more than modification—of the presidential directive of 20 years ago, which restricts the capacity of New Zealand forces to train with US forces or to have access to high-level technology and intelligence. We have supported the Minister of Defence in his assertion that it is hardly right that New Zealand and US forces should work together in some of the trouble spots of the world, yet be restricted in their ability to train together. Both of those objectives—in trade and in security—are very much in our national interest. We cannot afford to leave their fortunes to the vagaries of the domestic political cycle. New Zealanders are entitled to see that their elected representatives, regardless of political allegiance, will work together in these matters to serve the national interest. In the spirit of serving that national interest, National members join in supporting the resolution that is before the House today.

PETER BROWN (Deputy Leader—NZ First) : I listened to that speech from the Hon Murray McCully with interest. He did not even crack a smile, and he certainly said it as if he believed what he was saying. But the National Party, if I am correct—and I am sure somebody will correct me if I am wrong—opposed this legislation in 1987. Then National came to power in 1990 and stuck with the legislation. Yet when it got into Opposition in 1999, it said it would be gone by lunch time. Is this not the legislation that the National Party was talking about? Am I correct?

Hon Members: Yes.

PETER BROWN: Now, National members are saying they will stick with it. But I thought the Hon Murray McCully was hinting that they might go the other way because he was saying there was a cost—but at the moment New Zealanders are prepared to bear that cost.

New Zealand First supports this motion. There is reference to it among our 15 founding principles. In fact, there is the statement: “New Zealanders’ desire for a non-nuclear future will be respected.” That has been in our 15 founding principles since the day this party started. We have never departed from that position over the past 14 years, as I say, since our inception, and we remain committed to it today.

There is absolutely no doubt that the vast majority of New Zealand people continue to endorse the view reflected in this legislation; they want New Zealand to remain nuclear-free. Fortunately, our nuclear-free legislation is now being seen by the world for what it actually is. It was never an attempt to thumb our noses at the world but rather an opportunity to express a deeply held sentiment. It did mean that the Government of the time—and New Zealand as a whole—had to paddle its own canoe on the world stage. I thought that the Rt Hon David Lange at that time did a magnificent job. I will never forget that Oxford Union debate. It is impressed on my memory, and I thought he represented his country exceedingly well.

This is core legislation and it is about taking a step to a more idealistic world. New Zealand had the courage, under Prime Minister Lange, to take that step and to make it a reality. New Zealand First supports this motion and firmly supports New Zealand staying nuclear-free.

KEITH LOCKE (Green) : The Green Party strongly supports this motion. Twenty years ago New Zealand became a world power—not a world power in size, not a world power in economic terms, but a world power in moral strength. We spoke out for the majority of humanity who lived—and still live—in fear of nuclear war. We said to the most powerful nuclear-armed State—America—“No, we will not allow your nuclear ships in our ports; these are an unacceptable danger to us and a danger to the world, and we will set an example, a nuclear-free example, for other countries to follow.” Perhaps the Government of the time did not present it in quite such bold terms, but that was the sentiment of the people. That was the sentiment among the thousands of New Zealanders who had campaigned, petitioned, and marched for the previous 25 years since the formation of the Campaign for Nuclear Disarmament in 1959. There were people like Phil Amos, a Minister in Norm Kirk’s Government, who is being buried in Auckland this afternoon. Phil not only supported Norman Kirk in sending a frigate to Mururoa to protest French nuclear testing but in October 1976, a year after Labour lost power, he also skippered one of the small protest boats that blocked the path of the American nuclear warship, the USS *Long Beach*, as it tried to enter Auckland Harbour. He was arrested and convicted of obstruction but managed to win on appeal, partly because he was helped by a good lawyer—one David Lange. That was the same man who as Prime Minister later shepherded the antinuclear law through our Parliament. New Zealanders are rightly proud of our antinuclear status and we want our Government to remain a leading campaigner for nuclear disarmament. We could do a lot more. We have to be more like how we were back in 1987 when we were the mouse that roared—the small nation standing up to the superpower America. Today the main barrier to nuclear disarmament is still the same United States Government. It not only possesses a huge arsenal of nuclear weapons but is escalating the nuclear arms race through “Star Wars” and the building of a so-called missile defence shield. Clearly such a shield will only encourage other nuclear States to increase their nuclear arsenals, so that they are less disadvantaged in any future nuclear confrontation. The nuclear disarmament process has largely stalled, as existing nuclear States go back on their promises, under the non-proliferation treaty, to get rid of all their weapons. New Zealand has done well in promoting disarmament resolutions as part of the new agenda coalition alongside Sweden, Ireland, South Africa, Brazil, Mexico, and Egypt. But we need to be more at the forefront of promoting a nuclear weapons convention where all nuclear weapons States buy into a staged process of ceasing production of fissile material and any new bombs, and step by step—but completely—disarming under a tight inspection regime. Unfortunately, New Zealand has yet to take up the offer of Costa Rica and Malaysia to support

their nuclear weapons convention proposal in the General Assembly this October. The concept involved is not that radical today. Even former war hawks like George Shultz, who as US Secretary of State in 1985 tried to keep us in the pro-nuclear ANZUS alliance, and Henry Kissinger now say that “Reassertion of the vision of a world free of nuclear weapons and practical measures towards achieving that goal would be, and would be perceived as, a bold initiative consistent with America’s moral heritage.” We could also play a more active leadership role in linking up the nuclear-free zones in the South Pacific, South-east Asia, Latin America, and Africa into a southern hemisphere and adjacent areas nuclear-free zone.

Although being firmly against the proliferation of nuclear weapons to new countries, we should not adopt the Bush administration’s biased view of where the main dangers come from. Surely the danger comes more from Israel—secretly nuclear-armed and often engaged in warfare with its neighbours—or the nuclear-armed Pakistani dictatorship than from Iran, which we are not yet even sure wants to acquire nuclear weapons.

New Zealand has done many creditable things since it became nuclear-free. One highlight was the successful campaign that resulted in 1996 in the World Court declaring that the use, or threat of use, of nuclear weapons was generally illegal. That campaign started with a Christchurch magistrate, Harold Evans, expanded to an active New Zealand peace group—the World Court Project—and later gained New Zealand Government backing. It was a fantastic achievement for New Zealand and shows just what we can achieve if we stick to our antinuclear principles and actually try to lead the world. Thank you.

JEANETTE FITZSIMONS (Co-Leader—Green) : I want to honour the countless thousands of New Zealanders over a generation who brought about the 1987 New Zealand Nuclear Free Zone, Disarmament, and Arms Control Act. I note in passing that the Act covers not just nuclear weapons and nuclear disarmament—which, of course, is the most important part—but also nuclear energy generation, with the recognition that there is a close connection between the proliferation of nuclear energy and the proliferation of nuclear weapons, and that the technologies are quite closely connected. I honour those people who wrote submissions, marched on countless marches in the street, wrote to and met with politicians, passed motions at Labour Party conferences for 10 years before the Act was passed, and sailed their little boats and even their windsurfers into the paths of visiting nuclear submarines and ships—and even stopped one in its tracks in Auckland harbour. I honour those who took part in the royal commission on nuclear power and managed to defer a technology that was about to be built, and those who organised the Campaign for Nuclear Disarmament and the Campaign for Non-Nuclear Futures . I honour Greenpeace, and those who organised Campaign Half Million and collected a third of a million signatures—the largest petition in New Zealand’s history at that stage—at street stalls, by door-knocking, in schools, in churches, in sports clubs, and in businesses.

I note in passing that that organising work was done by the Values Party in the 1970s, the ancestor of the Green Party. It was done anonymously so that the important work would not be contaminated with a political label. Nevertheless, that is where the leadership in those days came from. I want to honour those who designed posters, researched leaflets, and advocated sustainable energy alternatives.

I returned to New Zealand in 1974 after 7 years in Europe to find New Zealand in the midst of a decision as to precisely where to site New Zealand's first nuclear power station. The citizens of New Zealand stopped that. This was a genuine citizens' movement that compelled Parliament to act. So I commend not just Parliament and the Government of that time, whose actions were crucial, but the citizens who made it happen.

I remember that in 1983 Helen Caldicott had been visiting and lecturing around the country about how close we were to the imminent risk of nuclear war. The Union of Concerned Scientists had moved its doomsday clock to 4 minutes to midnight. On 6 August 1983, Hiroshima Day, Aotea Square at the end of Queen Street in Auckland was crammed with people preparing to march up Queen Street. A woman turned to me and said: "What a good idea to have a march on Hiroshima Day.", and I said: "Yes, there are certainly more people than we've had for the past 20 years." She said: "Oh, do you mean people have done this before?". It was a moment in history when the work of people for decades came together and fired the public imagination.

I also recall that in 1997, on the tenth anniversary of the legislation, as a new member of Parliament I introduced, as a member's bill, the New Zealand Nuclear Free Zone Extension Bill, which set out to fill the gaps in the 1987 legislation. There are some gaps. Not many people realise that although nuclear weapons are prohibited from our 12-mile zone, one can actually station and fire a nuclear weapon 13 miles off the coast of New Zealand, or that although nuclear-powered ships are prohibited from our harbours they are not prohibited from cruising along our coast a very short distance out. We have a responsibility to protect 200 miles of our economic zone, to protect our fisheries, and to protect the environment in that area. Unfortunately, the Government at the time did not proceed with the bill, although it did allow the bill to go to a select committee, and we had an intense debate with the Ministry of Foreign Affairs, which hauled out all its big guns and managed to kill the bill that would have filled those gaps.

Hon Phil Goff: It had something to do with UNCLOS. It's international law, Jeanette.

JEANETTE FITZSIMONS: There were many different ways of reading the United Nations Convention on the Law of the Sea, and we had very good legal advice from international lawyers that the convention was compatible with the bill.

So there is a lot of work to do to eliminate nuclear weapons, to implement the test-ban treaty, to disinvest our superannuation savings from nuclear weapons production, and to finish the job of protecting our economic zone.

HONE HARAWIRA (Māori Party—Te Tai Tokerau) :Tēnā koe, Mr Assistant Speaker. Tēnā tātou te Whare . I am proud to stand here today on behalf of the āēōū

Māori Party to honour all those who worked so hard to make Aotearoa nuclear-free many years ago. In doing so I wish to start by honouring Labour Cabinet Minister and Tai Tokerau MP, the Hon Matiu Rata, who sailed with a fleet of yachts to Mururoa to protest against French nuclear-testing in the Pacific. A Cabinet Minister, and a Māori one at that, sailed into a nuclear-testing zone. Me mihi ki a ia.

I express my thanks to my Pacific cousins for their strength and their support dating back more than 30 years to the Conference for a Nuclear Free Pacific in Fiji in 1975 and in Ponape in 1978. I also remember the sterling efforts of people like my mum and others who fought to broaden the scope of those conferences so that by 1983 the conference in Vanuatu produced *The Peoples' Charter for a Nuclear Free and Independent Pacific*, which stated: "We, the people of the Pacific have been victimised too long by foreign powers. The western imperialistic and colonial powers invaded our defenceless region, they took over our lands and subjugated our people to their whims. This form of alien colonial political and military domination unfortunately persists as an evil cancer in some of our native territories such as Tahiti, New Caledonia, Australia, New Zealand. Our environment continues to be despoiled by foreign powers developing nuclear weapons for a strategy of warfare that has no winners, no liberators and imperils the survival of all humankind. We note in particular the recent racist roots of the world's nuclear powers and we call for an immediate end to the oppression, exploitation and subordination of the indigenous people of the Pacific."

I am also reminded that the call for a nuclear-free Pacific came at the same time as the Maori Land March of 1975—a natural connection arising out of colonisation, land confiscation, environmental destruction, and nuclear war. I note that Māori have always had a strong presence in the fight for a nuclear-free Aotearoa, including Matiu Rata, Ngāneko Minhinnick, Pauline Tangiora, Grace and Sharon Robertson, and indeed my own wife Hilda Halkyard amongst many others. Indeed, it was not long after the first national black women's hui held in Tau Henare's home town of Ōtara in 1980 that the Pacific People's Anti-Nuclear Action Committee was set up by Hilda Halkyard-Harawira and Grace Robertson. They had no money but their own, no resources save those they could appropriate, a tiny office at Kōkiri te Rāhuitanga ki Ōtara, and attitude to burn. The committee's goals were based on *The Peoples' Charter for a Nuclear Free and Independent Pacific*, and in 1980 the committee hosted Te Hui Oranga o Te Moana Nui a Kiwa, at Tātai Hono Marae in Auckland. At that time, Tātai Hono was the home base to the notorious Anglican activist, the Rev. Hone Kaa; the stay-over for people involved in Bastion Point occupations; the launching pad for He Taua, the War Party, that in 60 seconds ended decades of racist abuse at Auckland University; the theatre for indigenous performances like Maranga Mai; the debating chamber for the Waitangi Action Committee; the meeting place for the Patu squad during the Springbok Tour trials; the breeding ground for independent Māori thought; and a seething hotbed of Māori radicalism.

Te Hui Oranga was an extremely important hui for Māori because it dragged us, kicking and screaming, out of our own world and connected us to people facing similar issues in the Pacific. Te Hui Oranga attracted more than 120 people from

all over the Pacific, who had gathered for a common purpose: “to speak of land rights movements throughout the Pacific in their broadest context, and the struggle of indigenous people everywhere to regain power over their lives and lands, and resist global military and economic interests.”

Te Hui Oranga was the first of its kind in Aotearoa, bringing four international leaders to the forum, including Charlie Ching, a Tahitian independence leader; Grace Smallwood and Mike Smith, Koori from north Queensland; and Mariflor Parpan of the Nuclear Free Philippines Coalition, and helping Māori to see their own plight as part of a global movement.

I also want to use this anniversary of the 1987 legislation to acknowledge others who helped shape that history; a history where Herbs expressed the nation’s anti-nuclear feelings through songs like “French Letter”, “No Nukes”, “Light of the Pacific”, and “Nuclear Waste”; a history that poet Hone Tuwhare captured in his own special ode to nuclear madness, “No Ordinary Sun”; a history that links us through the threat of nuclear destruction to the people of the Marshall Islands, who still suffer from American nuclear tests, the people of Bikini and Rongelap, evacuated and devastated by the surface testing of US nuclear weapons; our cousins from Tahiti Nui who have been killed and mutilated by French nuclear-testing on Mururoa and Fangataufa; New Zealand, Australian, and Pacific military used as guinea pigs in the British nuclear programmes on Malden Island and Christmas Island; the Koori people pushed out of the Maralinga desert for nuclear testing; the people of Kwajalein forced to host the Ronald Reagan missile test site; and the people of Guam and Hawaii who continued to enjoy the stockpiling of nuclear weapons, battleships, bombers, and military operations. It is a history that links the Pacific and a common resistance against the effects of colonisation—physical, cultural, spiritual, economic, nuclear, and military—and a history with a common struggle for self-determination and independence.

I want to acknowledge, too, the importance of the anti-nuclear protests during that time in helping to define a distinctive identity here in Aotearoa. Following on from the strident Viet Nam protests, there was the Maori Land March, the protests at Waitangi, the many land occupations throughout the country as Māori took their own place in the new world, and the protests against the Springbok Tour.

I also acknowledge the work of international organisations like Greenpeace, and I make special mention here of Fernando Pereira, whom my wife and I had the privilege to meet just hours before he was killed when the *Rainbow Warrior* was blown up by French agents and sunk in Auckland Harbour. I acknowledge, too, the efforts of ordinary Kiwis who raised their opposition to nuclear power, from 30 percent in 1978 to more than 90 percent by 1986.

I acknowledge Helen Clark for pushing the bill to make Aotearoa nuclear-free, when a lot of her own party were not particularly keen on it. I acknowledge Marilyn Waring, the National MP who voted with her conscience and supported the Opposition’s nuclear-free New Zealand bill, and brought down our own Government in the process. I acknowledge David Lange for whopping Jerry Falwell on the public stage in Oxford in a debate, “That nuclear weapons are morally indefensible”, winning the

debate, and earning international admiration for our position. I particularly acknowledge all New Zealanders for not allowing our Governments to cave in when the Yanks tried to force us to back down.

Our anti-nuclear status is now an integral part of our society, something we must never forget, and something we must always be prepared to step forward on. We must never forget the courage of those who fought for our country to be nuclear-free, and we must never forget those who continue to suffer ongoing problems from nuclear testing.

In closing, let me quote from the re-versioning of Hone Tuwhare's poem "No Ordinary Sun" as it was re-presented by Maranga Mai all over the nation, as a warning to us all that this fight is nowhere near over.

Tree—let your arms fall; don't raise them to the bright cloud

Soon, they will lack toughness

For this is no mere axe to blunt or fire to smother you

Your sap won't rise again to the pull of the moon

Your ears bend to the winds talk or stir to the trickle of rain

Your branches won't be wreathed with the delightful flight of birds

Or shield lovers from the bright sun.

Tree—let your arms fall; don't raise them to the bright cloud

For this is no ordinary sun.

No ordinary sun.

And your end is written at last ...

Kia ora tātou.

Hon PETER DUNNE (Leader—United Future) : As a member of Parliament in 1987 I was proud to vote for New Zealand's anti-nuclear legislation, and were similar legislation to come before the House today, I would be proud to support it again. But the real significance of that legislation has only in recent years dawned upon the New Zealand consciousness, and I want to return to that theme a little later on.

I think that if we go back to the 1960s, the 1970s, and the 1980s, we can see that the anti-nuclear call was as much about New Zealand asserting its identity in the world as it was about a commitment to a genuinely anti-nuclear future. When Norman Kirk sent the frigate *Otago* to Mururoa in 1973, and he stood on the wharf at Devonport and said: "We may only be a small nation but we send a message to the world by this act.", most New Zealanders at that point said that that was absolutely right. That was a mark of our position in the world; that was our statement about where we stood.

Again, when Martyn Finlay stood up at the World Court and presented the case, with the reluctant Australians in tow, that was New Zealand asserting its position. A decade later, the Lange Government did the same. The cynics may say that the anti-nuclear mantle of that Government was a convenient cloak for the economic reforms that were going on in parallel time. There may be some truth in that, but I think it is a cynical view. But there is no doubt that, as with the Kirk era earlier, David Lange and his Government were able to take on that anti-nuclear role and shape a New Zealand identity around it.

I recall being a very young—and I stress that—MP in Washington when Mr Lange passed through on his way to the Oxford Union debate. What was extraordinary was watching the way in which the local television and news services reported his presence in the United States. “Prime Minister Lange is in town”, the stories said—not “Prime Minister Lange from New Zealand, that little country down at the end of the Pacific”. In that moment David Lange assumed a position on the world stage, in the way we talk about President Bush or Prime Minister Blair. They do not have to be qualified in terms of where they are from. It was as though people knew it was Prime Minister Lange from New Zealand. Watching the way the American media reacted to this man—who was a strange man, really, because, after all, he was challenging all that was orthodox to them—their deference, respect, and curiosity made it very comforting, and made me feel very proud as a New Zealander that that was our leader, standing up for our country. It was still that identity issue.

Again, a decade later, when Jim Bolger sent not a frigate, as we did not have too many of those in those days, but a weather-research ship, or something of equivalent nature up to Mururoa, it was a part of the New Zealand story. I remember that Brian Neeson and Chris Carter drew lots to make sure they could be there together, and Mr Hodgson was there at one point, as well.

While all of those things were going on, and the anti-nuclear message was becoming implanted in the New Zealand conscience, and with it that sense of “clean, green” New Zealand and all of that spin-off, I think, if we are brutally honest, we were a little less aware of the broader global picture. The fact was that nuclear weapons were still being produced, nuclear weapons were still being targeted, and rogue States still existed—as they do today—with the capacity to inflict immense destruction with their indiscriminate and irresponsible use of such weapons. It has really only been in the years since 2000, I believe, that we have started to focus much more strongly on the international context and on the need to be active in asserting not so much New Zealand’s identity, important though that is, but the need for international agreements and limitations, and the move to disarmament.

That is why I believe the commemoration, and this resolution, is so timely. Yes, it is great to wallow in a bit of nostalgia, and a few of us did of that yesterday. We all looked considerably fresh and youthful—I know Mr Goff would agree with me, and Mr Anderton, as well—as we lined up for those photos. It was a sense of vigour, rediscovered.

That is important, in terms of history, for those of us who were there, but today the important thing is really to talk about what we do about those States that are still part of the nuclear club. Just in the last week or so we have had a reminder of how tense things are, with the byplay between Mr Putin and President Bush over whether we will have missiles relocated in parts of Europe and pointed in certain directions. It points out how fragile the international environment is. Although we can sit here, secure and confident in our status, there is still an almighty job to be done in the international community. I remember going to the NATO headquarters in 1985, and thereby hangs a tale. I am the only New Zealander, and, I think, probably the only person ever, to have

got into NATO without any form of identification, other than an old New Zealand driver's licence—the ones that did not even have a photograph on them—but that was all I had with me. I remember the Secretary-General, a gentleman from Austria whose name temporarily escapes me, making a point somewhat sneeringly but I think truthfully. He said: “Oh, it is all very well for you in New Zealand. Of course, if we lived as far away from the scenes of international conflict as you do, we would be nuclear-free as well.”

That is the challenge. We have the luxury of isolation and we should hold on to that and the position of our nuclear-free status. But we need to be much more active, I believe, in pursuing disarmament issues internationally. I say that with no disrespect to the current Minister, but I really think the change that has occurred as a result of our anti-nuclear stand becoming mainstream is that the old mantra we used to chant about this being New Zealand's policy and not for export—we were not trying to convince the world in those days—should be changed.

Maybe we should be trying to convince the world, and maybe we should be using that position of moral leadership more effectively than we have done over a long period of time. We used to say that this was just a New Zealander policy. We were proud of it, but we did not want to be promoting more broadly what others called the New Zealand disease. In that time we have seen Iran and Pakistan acquiring a nuclear capacity and a nuclear status, and there are ongoing questions about Israel and others.

There is a role for a country like New Zealand—that watching sentinel that Norman Kirk talked about all those years ago—to be in the forefront. We should be active in bringing other countries to account for their acquisition, maintenance, and upgrading of their nuclear arsenals. So I look on this resolution as not so much a celebration of our status and the fact that this legislation has endured for 20 years—and now has if not all-party support, most-party support—and will endure for the next 20 years and beyond, but much more a challenge of what we need to do to ensure that our children grow up in a peaceful and nuclear-free world. We can be satisfied about what we have achieved, and that is good, but the challenge from here is about what we need to do to ensure that the benefits we so confidently took upon ourselves are delivered for our children and our children's children.

I think that the timeliness of this resolution is a reminder of what yet needs to be done, and I hope that in 20 years' time Parliament—and maybe some of us might still be here; who knows, because we will be youthful enough—will be able to celebrate the achievements of the next 20 years. *[Interruption]* I am very positive! I know that Mr Anderton wants to be here in 20 years, and I am sure there will be a few of us here to help him along the way.

But, seriously, we can celebrate what we have done to ensure that our world is better, as a result of the moves initiated in New Zealand by successive generations of politicians. So I am very pleased to support the motion, and I look forward to what the next stage of this journey will be.

HEATHER ROY (Deputy Leader—ACT) : I rise on behalf of ACT New Zealand to support the Minister's motion. ACT supports the fact that New Zealand should continue to work for a nuclear weapon – free world and strive for a world free of nuclear weapons.

I note that the motion also draws the House's attention to the fact that last Friday, 8 June, was the 20th anniversary of the passing of the nuclear-free legislation. That legislation has in fact been a double-edged sword, and I think we should also look at other dates in history, in particular 8 June 1942 when Japanese submarines shelled the Australian cities of Sydney and Newcastle. That should act as a timely reminder that New Zealand, perilously close to Australia, is not immune to external threat, even today.

A little bit of history, I think, is important in this whole debate. The history of New Zealand's anti-nuclear policy is revealing. It began when the Labour Government, the Lange Government, in 1987 passed the New Zealand Nuclear Free Zone, Disarmament, and Arms Control Act. The move was very popular within the Labour Party at the time, and I think that not much has been made of that today.

Many members of the Labour Party at that time were very angry about the free-market reforms being passed to deal with the economic mess that Lange had inherited in 1984. The anti-nuclear legislation gathered the left of the party around him—something that obviously was very desirable to him at that time. It is often forgotten that he initially sought to ban only nuclear weapons but was persuaded to ban all nuclear vessels from New Zealand shores at that time. It was not a big issue, because nuclear weapons were nuclear-armed. However, the cold war was about to end surprisingly quickly, and to end in favour of the democracies. One result was a significant de-escalation of nuclear tension. Nuclear weapons were removed from surface ships, including those that were nuclear-powered.

Today, visiting warships, from whatever nation, are certain not to be nuclear-armed, but they are unwelcome in New Zealand waters anyway. This is most unfortunate, as the United States of America is New Zealand's most important ally. Key in this debate is the fact that the issue of nuclear weapons has become confused with the issue of the peaceful use of radioactive fuel. There is an overwhelming agreement that New Zealand should not be used as a base for nuclear weapons—an agreement that ACT certainly supports—and this policy is consistent with international obligations to limit the spread of nuclear weaponry.

The use of nuclear propulsion, however, is a completely different issue and should be considered as a peaceful use of radioactive material. New Zealand is not nuclear-free. It already has a number of industries that use radioactive material. We import 3,000 radioactive material shipments each year. Kiwis have over 1 million dental x-rays and over 2 million medical x-rays every year. Radioactive material is used frequently for medical treatment, for scientific research, and in the sterilisation of food. In the energy debate, a significant minority favour nuclear power, and any informed debate would include this as an option. Even some high-profile Greens, including Greenpeace co-founder Patrick Moore, advocate nuclear power as the environmentally acceptable power of the future.

The nuclear propulsion debate has become emotive and confused, preventing reasoned debate based on sound, scientific evidence—something that Minister Hodgson used to be in favour of, but not today, it would appear. A nuclear-powered ship's reactor is simply a micro-reactor powering a turbine that in turn powers the ship.

Safety issues were certainly very well investigated and reported in the 1992 Somers report, a report commissioned by the Bolger Government to examine public safety and environmental concerns in relation to visits to New Zealand ports by nuclear-propelled ships. It is sad that National members did not see fit to mention that in their speeches today. Mr Bolger was keen to improve our relationship with the United States at that time, but was aware of the unpopularity of nuclear weapons. The Somers report found that no concerns justified the continuation of the legislative ban. These findings have been steadfastly ignored. I quote from the report: "The operational record of powered vessels of the United States and Britain is such that there has never been an accident to a propulsion reactor involving a significant release of radiation."

One surprising statistic is that at the time of the writing of the report, more nuclear radiation was emitted from Auckland Hospital in one day than was emitted by the US Navy in that year. The Somers report is a very thorough investigation, well-constructed and easy to read, and I can recommend it to members of this House. It is well worth the effort for those who would like to be reliably informed.

Forgotten in this whole debate is the fact that no nuclear-propelled surface vessel carries nuclear weapons today. It is also a fact that no nuclear or conventionally powered foreign warship would ever visit New Zealand ports without the consent of the New Zealand Government. The current legislative ban is totally unnecessary and extremely offensive to our allies. Labour and National Governments, since legislation was enacted, have maintained that they want to preserve a good working relationship with our traditional allies, but the ban is akin to saying to friends: "Come for dinner, but I don't like the sound of your car engine so don't drive down my street."

Former ACT MP Ken Shirley submitted a member's bill before Parliament seeking to remove clause 11 of the New Zealand Nuclear Free Zone, Disarmament, and Arms Control Act, which bans nuclear ships from entering New Zealand's ports and territorial waters. Neither Labour nor National supported Mr Shirley's bill. We need a reasoned debate based on sound science. Instead, we have political decisions based on hysteria and unfounded fear.

The fact is that Labour's nuclear-free legislation has passed its use-by date. By clinging to it, we are allowing relations with our traditional allies to deteriorate. British and United States war ships, whether nuclear or conventionally powered, never visit New Zealand, and we are no longer privy to the high level of security intelligence or the joint training exercises that our defence force previously enjoyed. That has been the flipside of the nuclear legislation to this country.

New Zealand has made a huge contribution to international peace and freedom, but we have also been a recipient of foreign military assistance, particularly from the United States during the Pacific theatre of World War II. Clinging to this

outdated legislation means that we may not be able to rely on such assistance ever again.

The main problem with the nuclear debate is that the anti-nuclear sentiment and the anti-American bias intrinsic within it reaches the feverish pitch of hysteria whenever the issue is raised. There is much confusion about the differences between nuclear propulsion, nuclear weapons, and nuclear power as an energy source, and the neo-pacifists find it politically convenient to deliberately blur the very clear lines of demarcation between them.

In Europe a significant core of green politicians are now promoting nuclear power as the cleanest and most efficient source of energy. Australian Prime Minister John Howard has been talking about the use of uranium in recent months. Can we now expect to see a backlash against these proponents of a safe and efficient means of energy production? I suspect not. Instead, there has been celebration of the 20th anniversary of a nuclear-free New Zealand. There will be no useful debate on our security measures for the future, no thought given to the assistance our allies have given us—such as the battle of the Coral Sea during World War II—and no discussion about how or why we enjoy the freedoms we do today.

Helen Clark has famously said that we live in a benign strategic environment. She is wrong. The reality is that New Zealand is at risk of external threats and can no longer rely on our allies to come to our aid when we have gone a long way towards alienating them. That said, ACT does support the motion before the House today. We realise that the repealing of this legislation is just a small part in this whole debate, and ACT, along with the other parties in this House, supports the motion before the House.

Hon JIM ANDERTON (Leader—Progressive) : The Progressive party supports this resolution. I must say that I thought the ACT party supported it, but the previous speech must be the most amazingly half-hearted one in favour of the resolution and against nuclear proliferation that I have ever heard.

As an agricultural-based economy we need a nuclear accident like we need a hole in the head, and that was one of the driving forces originally in this legislation. The year 1987 was remarkable for New Zealand: KZ7 sailed for the America's Cup, the All Blacks won the Rugby World Cup, and our nuclear-free laws became part of New Zealand's identity. As we celebrate the 20th anniversary of our nuclear laws, I hope we will hear echoes of the other great achievements of 1987 later this year. There is a lot to recall when we look back down the dusty roads and winding years that brought us to the nuclear-free law.

I recall that the law, for all its popularity today, was not easily won. I recall that Fernando Pereira died aboard the Rainbow Warrior, which had been campaigning in the Pacific against nuclear tests. I remember that public opinion took its time to come around to the antinuclear view—so did the National Party, I might say. I remember the opprobrium heaped on those of us on the front lines in the battle for this law, and I remember a list that contains the names of many of my parliamentary colleagues, including the Prime Minister in this Government.

Marilyn Waring showed extraordinary courage in virtually bringing down a Government over the nuclear issue.

Among the public there was more courage. I recall the sailors whom I joined, who took their boats on to our harbours in order to state their opposition. I recall going out on a 35-foot keeler when the nuclear-powered, nuclear-armed submarine *Pintado* came into the Waitematā Harbour. I was out there when they took a photo of a young kid on a windsurfer confronting its awesome size and power—just a kid against the might, power, and enormous black threat of a nuclear-armed submarine; just a person standing alone, saying no. They put the photo on its front page under the heading “The courage of peace”. In that same year I went to Canada and talked at the Vancouver centennial peace conference. I showed the audience that front page, and there was a spontaneous standing ovation from 80,000 people. Kids sent me cards from all over Canada thanking New Zealand for having the courage to say no to nuclear weapons.

When this law was passed, 20 years ago, I stood in this House and said that the passage of the law was the culmination of years of commitment, of an intelligent analysis of the issues involved, and of the courage on the part of thousands of New Zealanders who had protested against nuclear weapons from the time they were first used on Hiroshima and Nagasaki. I said that the bill was a tribute to all those New Zealanders who were loyal to their nation in their dissent, and that included tens of thousands of Labour Party members of the day, who were staunch in their opposition to nuclear weaponry. I continue to believe that the bill stands as a tribute to them today.

When we remember this bill we might remember that even inside the Labour Party at the time there were those who had to be strongly encouraged to support the law. I recollect going on television as president of the Labour Party the night after the 1984 election and insisting that this bill would be passed as a priority for the incoming Government. I recollect very clearly that a few of my colleagues thought that I should not have insisted on stating Labour policy so explicitly. David Lange rightly deserves special credit for championing New Zealand’s nuclear-free status, but I always said there was some irony in this, because his initial stance was less fulsomely opposed. Attempts were made, of course, to bully New Zealand when we passed our legislation. I always have a strong personal regard for the way our Commonwealth cousins the Canadians respected and supported our right to make our own decisions. Many years later we have put aside the struggles of those days, and I welcome that. But the need for this law is as urgent as it ever was. The nuclear threat is as present and as desperate as it ever was. Last week we had the obscene threat of a new nuclear arms race in Europe. President Putin’s threat to aim nuclear weapons at Europe was a shameful deterioration from the brink of hope that we reached at the end of the cold war.

Just this week an international conference is under way in Miami discussing ways to prevent nuclear terrorism. The prospect that terrorists might get hold of nuclear weapons is deeply troubling, and it drives home the need to keep the pressure on against nuclear proliferation. The more nuclear weapons there are, the more certain it is that they will be used by someone, sometime. It is not only

terrorists who pose a grave threat, however. When North Korea tested a nuclear bomb this year, we entered the age where nuclear weapons are in the hands of fanatics. This was a tragedy for New Zealand, too, because we had been part of the global effort to keep nuclear weapons out of North Korea's hands.

Since our nuclear-free law was passed, the world has swooped dangerously close to nuclear confrontation. India and Pakistan came close to a conflict at the end of the 20th century. Of course, our nuclear legislation was never going to have an effect on confrontations like those, but what we could hope to do was to inspire others with the promise of peace. We can show that a country can walk outside the nuclear umbrella and still not be threatened or suffer economic pressure. It is sad for us that more countries have not followed New Zealand's lead. Now Iran is developing a nuclear capacity. If it develops weapons, then others in that region will follow. I ask members to imagine nuclear-armed Israel being confronted by a nuclear-armed Hezbollah. If nuclear weapons proliferate, we will surely see them used again one day, and they will be used against masses of civilians. Civilisation is owed better than that.

New Zealand can stand only as a symbol of sanity. Our nuclear-free law is the best that we can offer the world. I never agreed with those who said our policy was not for export. I wanted other countries to be inspired by our example, and I saw many that were. I want the world to see that we do not need nuclear arms, that we can say no, and that we can do better. So I celebrate our nuclear-free law as the most profound contribution New Zealand can make to a more peaceful world.

When I spoke in the third reading debate on this legislation in June 1987, I said its passage through the House was a proud moment for New Zealand. It remains a proud moment today. Nuclear weapons made us rethink everything about war. We should never be afraid to rethink old ways. Today the world faces new challenges that we barely understood in 1987. The passage of the nuclear-free bill was a statement of our determination as a country to commit to the future of our planet and everyone and everything that lives on it. Our commitment to accepting the challenge of climate change is motivated by a comparable idealism, and we need equally far-sighted solutions.

The passing of this law stands as a great day in New Zealand's modern history. I am proud of having been there to vote for it. I am proud of having fought for the policy inside this House and, earlier, inside the Labour Party, and on New Zealand streets and harbours. I believe that our confidence in the success of the law has been vindicated. Many people all over the world, including Governments, recognise that New Zealand's standing firm for the values of peace in a safer world is inherent in our antinuclear stance. I believe that the time will come when even our very, very good friends in the United States will thank New Zealanders for their antinuclear stance. We will see it having enhanced security in the world, including the United States itself. I believe that our friends will one day say: "Actually, you were right, and we thank you for your courage in standing firm." That day will not come immediately but I believe it will come before the next 20th anniversary of the Act. Mr Dunne was kind enough to suggest that I might be here then; whether I

should be here is another matter, of course—time will tell. But all New Zealanders will look forward to that day. In the meantime, we will continue to develop our relationships internationally and stand as people committed to the values of global peace and the progressive removal of weapons that threaten all humanity.

KEITH LOCKE (Green) : I seek leave to table a couple of documents that I referred to in my speech. The authors of the first document are George Shultz, William Perry, Henry Kissinger, and Sam Nunn. It is entitled “A World Free of Nuclear Weapons”.

Document, by leave, laid on the Table of the House. A World Free of Nuclear Weapons

KEITH LOCKE: The second document I seek leave to table is the Model Nuclear Weapons Convention document submitted by Costa Rica to the nuclear non-proliferation treaty conference in April and May of this year.

Document, by leave, laid on the Table of the House. Model Nuclear Weapons Convention

Motion agreed to.

APPENDIX TWO

BRITISH, CHINESE AND FRENCH WARSHIP VISITS

APPROVAL DOCUMENTS

CONFIDENTIAL

From: Group Captain David Angela, RAF



British Defence Liaison Staff
British High Commission
PO Box 1812 (44 Hill Street), Wellington, New Zealand

Telex: NZ 3325 (a/b UKREP NZ3325) Fax: (04) 471-1974

Telephone: (04) 472-6049 ext

59/201/20

BDLS/062713

15 Nov 1994

Mr Murray Watkins
International Security & Arms
Control Division
Ministry of Foreign Affairs & Trade
Stafford House
40 The Terrace
Wellington

Received 17-11-94

Dear Murray,

*Present
K. Farrell
Acty CEO
11-11-94*

*Sharon N. Walter
21-11-94*

ROYAL NAVAL SHIPS VISITS - 1995

Diplomatic clearance is requested for the proposed Royal Naval deployment to New Zealand in 1995.

The proposed itinerary is:

9 Jun 95	HMS Monmouth	arr Wellington
	RFA Brambleleaf	arr Wellington
12 Jun 95	HMS Monmouth	dep Wellington for Auckland
	RFA Brambleleaf	dep Wellington for Dunedin
14 Jun 95	RFA Brambleleaf	arr Dunedin
15 Jun 95	HMS Monmouth	arr Auckland
17 Jun 95	RFA Brambleleaf	dep Dunedin for passage north
19 Jun 95	HMS Monmouth	dep Auckland for passage north

Precise timings will be given when known.

Yazianc

Dara

RELEASED UNDER THE OFFICIAL INFORMATION ACT

NEW ZEALAND NUCLEAR FREE ZONE DISARMAMENT AND ARMS
CONTROL ACT, 1987

CLEARANCES FOR VISITING FOREIGN WARSHIPS AND MILITARY
AIRCRAFT

Summary:

This background paper sets out the process for ascertaining, under the terms of Sections 9, 10 and 11 of the New Zealand Nuclear Free Zone Act 1987, whether a foreign warship or aircraft might be carrying nuclear weapons or whether it is nuclear powered.

What does the Nuclear Free Zone Act say?

New Zealand Nuclear Free Zone Act (1987) prohibits entry into New Zealand waters of any ship that is carrying a nuclear explosive device. Specifically, Section 9.2 states that "The Prime Minister may only grant approval for entry into the internal waters of New Zealand by foreign warships if the Prime Minister is satisfied that the warships will not be carrying any nuclear explosive device upon their entry into the internal waters of New Zealand". Section 9.1 states that "When the Prime Minister is considering whether to grant approval to the entry of foreign warships into the internal waters of New Zealand, the Prime Minister shall have regard to all relevant information and advice that may be available including information and advice concerning the strategic and security interests of New Zealand". Section 11 of the Act prohibits entry into the internal waters of New Zealand by any ship whose propulsion is wholly or partly dependant on nuclear power.

How are ship or aircraft clearances administered under the Act?

The International Security and Arms Control Division of the Ministry of Foreign Affairs and Trade administers ship and aircraft clearances under the Act. MFAT consults as needed with other Government departments, including the Department of Prime Minister and Cabinet.

The Nuclear Free Zone Act was drafted in such a way so as not to require foreign governments to provide a confirmation that their ships are not nuclear armed or powered. Instead, New Zealand Government officials prepare an assessment of the likelihood of the ships being nuclear armed or powered, and submit this to the Prime Minister. If the Prime Minister is satisfied that the terms of the Act have been met, she then approves entry into New Zealand for these ships or aircraft. The satisfaction of the Prime Minister is the key test, under the Act.

Once the Prime Minister is satisfied that a warship or aircraft is not carrying nuclear any explosive device nor is nuclear powered, the Ministry of Foreign Affairs and Trade issues a diplomatic note to the relevant Embassy authorising entry into New Zealand internal waters for a warship or landing rights for aircraft.

How are assessments made of the likelihood of a ship carrying nuclear weapons?

These assessments of the likelihood of a ship or aircraft carrying nuclear weapons are based on "all relevant information". For the most part, this is public information.

Information on specific ships and aircraft is given in the Jane's series of reference books including *Jane's Fighting Ships*, *Jane's All the World's Aircraft*, and *Jane's Strategic Weapons Systems*. Nearly all visiting foreign warships are listed in *Jane's* by name, and full specifications are given, including the weapons and aircraft that they may carry.

Information about placement of nuclear weapons is also given in public documents. The five Nuclear Weapon States (as defined under the Nuclear Non-Proliferation Treaty 1975) are China, France, Russia, the UK and the USA. Each has publicly available 'nuclear doctrines' explaining how they deploy nuclear weapons. In the case of France, for example, these doctrines are spelt out in documents such as the 1994 French defence white paper *Livre Blanc sur la Defense*, the 1996 strategy paper *Une Defense Nouvelle 1997 - 2015* and periodic "military programme laws" which detail defence expenditure for a five year period. France has also produced an information booklet called *Arms Control, Disarmament and Non-proliferation: French Policy* published jointly by the French Ministries of Defence, and Foreign Affairs and by the Secretariat General of National Defence, Paris 2000.

This kind of information can be corroborated by other public sources such as *The Nuclear Weapons Data Book: Volume V*, for example, is called British, French and Chinese Nuclear Weapons. The International Institute of Strategic Studies' annual report *The Military Balance* is also useful: it details countries' military holdings and deployments, including nuclear holdings. NGO and internet sources can be consulted as needed. Classified sources can be used to corroborate public information.

Common sense is also used in the assessment of the likelihood that a ship might carry nuclear weapons. For example, in order to carry nuclear weapons, ships and aircraft need to be "certified" by the relevant defence force. This process ensures that all necessary safety procedures are in place, including physical safety, staff training etc. Defence forces do not apply this level of security to all ships in their fleets. It is quite straightforward to gauge which ships would definitely not be subject to this process, by looking at the size and specifications of the ships and the kinds of voyages they undertake.

How is an assessment made of whether a ship is nuclear powered?

Jane's Fighting Ships gives information about how a ship is powered.

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21 November 1994

The Minister of Foreign Affairs and Trade

PROPOSED VISITS BY BRITISH ROYAL NAVY SHIP AND ROYAL FLEET AUXILIARY TANKER: APPROVAL BY PRIME MINISTER UNDER NEW ZEALAND NUCLEAR FREE ZONE, DISARMAMENT AND ARMS CONTROL ACT 1987

Summary

The British High Commission has sought clearance for a British Royal Navy frigate, "HMS Monmouth", and a British Royal Fleet Auxiliary tanker, "RFA Brambleleaf", to visit three New Zealand ports in June next year. This submission recommends that the Prime Minister approve the "Monmouth's" visit pursuant to S 9 of the New Zealand Nuclear Free Zone, Disarmament and Arms Control Act 1987.

2 An opportunity to advise the British at a high official level of the New Zealand Government's decision will occur during the visit to Wellington on 24 and 25 November 1994 by Sir Timothy Daunt, Deputy Under Secretary of the British Foreign and Commonwealth Office.

Background

3 The last visits by British Royal Navy ships were those of the carrier "HMS Invincible", two frigates and three support ships in November and December 1983. The passing of the Nuclear Free Zone Act and the British 'neither confirm nor deny' policy over the carriage of tactical nuclear weapons on their warships effectively prevented visits till recently. Circumstances have changed with the decision of the British Government to remove all tactical nuclear weapons, including the capability to handle them, from their surface warships. This is dealt with in greater length in paragraphs 11 to 15 below.

4 Although British warships have not visited, a number of British Royal Air Force aircraft - C130s, VC10s, Tristars, a Harrier, two Nimrods and a Bae 146 - have. On each occasion the requirements of the Nuclear Free Zone Act were

The Prime Minister referred

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Stafford House, 40 The Terrace, Wellington. Private Bag 18 901, Wellington, New Zealand.

Phone 64-4 472 8877. Fax 64-4 472 9596

RECEIVED UNDER THE ACT

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Handwritten notes: ① h.w. water, ② p.r. water

complied with. Royal New Zealand Navy ships have also visited Britain in recent years.

Proposal

5 The British have sought clearance for the Royal Navy frigate, "HMS Monmouth", and the Royal Fleet Auxiliary tanker "RFA Brambleleaf" to visit the following ports:

Wellington
9 - 12 June 1995: "Monmouth" and "Brambleleaf"

Auckland
15 - 19 June 1995: "Monmouth"

Dunedin
14 - 17 June 1995: "Brambleleaf"

6 We do not know yet where the two vessels will come from but based on our understanding of current deployments - the "RFA Brambleleaf" is in the Caribbean providing support to the British 'guardship' there. It is possible that both "Monmouth" and "Brambleleaf" will be returning to Britain after finishing Caribbean deployments. (The practice, we understand, is for the frigates to serve six months at a time). It is also possible however that "Brambleleaf" will be deployed to the Falklands, and that "Monmouth" may be deployed there about now for six months instead of the intended frigate "Iron Duke". From New Zealand we assume - we do not know - that the two ships, perhaps joining up with another British frigate from the Atlantic, would go on to visit other countries eg Australia and then participate in a FPDA anti-submarine exercise and/or in FPDA maritime Exercise Starfish 95 (scheduled for August 1995 in the South China Sea). At least one New Zealand frigate and the tanker "HMNZS Endeavour" are programmed to participate in this exercise.

The Ships

7 The 'Monmouth' is a foreign warship as that term is used in the New Zealand Nuclear Free Zone, Disarmament and Arms Control Act 1987. As such its entry into New Zealand's internal waters requires the approval of the Prime Minister in accordance with S 9 of the Act.

8 The 'Monmouth' is one of 13 Type 23 (Duke class) frigates in the British Royal Navy. Displacing 4200 tons fully loaded and 133 metres long, it is powered by combined diesel electric and gas turbine engines giving it a maximum speed of 28 knots and a range of 7800 miles (at 15 knots). All RN surface vessels are conventionally powered.

9 Like all Type 23s the 'Monmouth' is a modern ship, having been launched in 1991 and commissioned in 1993. According to Jane's the 'Monmouth' is equipped with Harpoon surface to surface missiles, Seawolf surface to air missiles, a 4.5 inch gun, two 30mm Oerlikon antisuface/antiaircraft guns, torpedoes (Marconi

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Stingrays), and a Westland Lynx helicopter.

10 The "RFA Brambleleaf" is a support tanker, displacing 40,870 tons fully loaded. Powered by diesels it has a maximum speed of 15.5 knots. It is equipped with two 70mm Oerlikon guns and machine guns. According to Jane's it was originally chartered. Whether still chartered is not known, but it is part of the "Royal Fleet Auxiliary Service" a civilian manned and captained fleet of support vessels, government owned or chartered on non-commercial service, under British Navy command. Because of the civilian manning, "Brambleleaf" is not a "foreign warship" as that term is used in the New Zealand Nuclear Free Zone, Disarmament and Arms Control Act (the Nuclear Free Zone Act).

The Nuclear Free Zone Act

11 Under the Act the Prime Minister may only grant approval for the entry into our internal waters by a foreign warship if the Prime Minister is satisfied that the warship will not be carrying any nuclear explosive device upon entry to those waters. Britain is a nuclear weapons' state. Its strategic missile submarines and attack submarines are nuclear powered and the former carry Trident or Polaris nuclear ballistic missiles.

12 Until comparatively recently the British operated a neither confirm nor deny policy regarding the carriage by its warships of tactical nuclear weapons (ship and helicopter launched depth charges, or bombs droppable by Harrier aircraft). However in September 1991 the British Defence Secretary announced that British Royal Navy ships would not in normal circumstances carry tactical nuclear weapons. In May 1992 the British Armed Forces Minister replied to a Commons question:

'We are, however, willing to make clear that it is no longer our practice to deploy tactical nuclear weapons on board Royal Navy ships.'

13 In June 1992 British Defence Secretary Rifkind said in a written Commons answer:

'The Government is committed to maintaining the UK's nuclear arsenal at the minimum level necessary for our deterrent needs. My predecessor announced last September that tactical nuclear weapons would no longer be deployed on Royal Navy ships in normal circumstances. The Government has now decided that this residual capability is no longer needed. Royal Navy ships and aircraft and Royal Air Force maritime patrol aircraft will therefore no longer have the capability to deploy tactical nuclear weapons. The United Kingdom weapons previously earmarked for this role will be destroyed. The UK's sub-strategic nuclear capability will therefore consist of RAF dual-capable aircraft with the WE177 free-fall bomb.'

14 Given these announcements, the fact that "Monmouth" will be returning to Britain after a lengthy deployment, the nature of that deployment and its proposed mission

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(which is likely to involve a number of countries), it is officials' judgement that the chances of the "Monmouth" carrying a nuclear explosive device on entry into our internal waters, should the Prime Minister give his approval for this, are nil.

15 Officials consider that although the "Brambleleaf" is technically not a "foreign warship" as that term is used in the Nuclear Free Zone Act, because it is a tanker the same judgment would apply to it.

New Zealand's Strategic and Security Interests

16 The proposed visits would have no direct effect on these interests. They would however enhance bilateral political and defence relations with Britain and are supported by us, the RNZN and HQNZDF. (It will be important to minimize the potential for embarrassment or antagonising the United States Administration given that it views its NCND policy as being incompatible with our legislation. We intend advising the United States authorities of the visits, in advance, and consulting closely with them over the public presentation of the visit with a view to reducing potential political problems to a manageable level).

Announcement

17 The British High Commission has asked, if clearance is given, that publicity not be given to the visits at this stage; that details be kept to the Ministry and to HQNZDF; and that timing of any news media announcement be coordinated with them. We think that these are reasonable requests in the circumstances and as noted above we will want to consult with the Americans before any announcement. We will, however, need to keep the situation under review, ie the longer it is left the more likely it is that the visits will become publicly known. An early announcement of the visit, coordinated with the British High Commission, would allow the Government to make the running on an issue which will generate news media and public interest. Careful attention will be given to handling news media enquiries.

Recommendation

18 I recommend that the Prime Minister give approval, pursuant to the New Zealand Nuclear Free Zone, Disarmament and Arms Control Act 1987, to the entry into our internal waters of "HMS Monmouth". I also recommend approval be given to the visit of the "RFA Brambleleaf". I attach a copy of this submission and a draft determination in respect of the "Monmouth" for the Prime Minister's consideration. I also attach a copy of this submission for the information of the Minister of Defence.

Neil Walter
Neil Walter
for Acting Secretary of Foreign Affairs and Trade

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PRIME MINISTER

NEW ZEALAND NUCLEAR FREE ZONE, DISARMAMENT AND ARMS CONTROL
ACT 1987

I James Bolger, Prime Minister of New Zealand, having considered all the relevant information and advice available to me including information and advice concerning the strategic and security interests of New Zealand hereby approve the entry into the internal waters of New Zealand in May, June and July 1995 of the British Royal Navy warship

"HMS Monmouth"

and I hereby certify that I am satisfied that this warship will not be carrying a nuclear explosive device upon entry into the internal waters of New Zealand.

A handwritten signature in cursive script, appearing to read 'James Bolger'.

James Bolger

22nd November 1994

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PARLIAMENT BUILDINGS, WELLINGTON, NEW ZEALAND.

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25 November 1994

59/201/20

Group Captain David Angela, RAF
Defence Adviser
British Defence Liaison Staff
British High Commission
P O Box 1812
(44 Hill Street)
WELLINGTON

Dear David

ROYAL NAVY SHIPS' VISITS: JUNE 1995

Thank you for your letter BDLS/062/13 of 15 November 1994 requesting diplomatic clearance for the British Royal Navy frigate "HMS Monmouth" and the Royal Fleet Auxiliary Service tanker "RFA Brambleleaf" to visit the following New Zealand ports in June 1995:

Wellington: "HMS Monmouth" and "RFA Brambleleaf"
9 - 12 June 1995

Auckland: "HMS Monmouth"
15 - 19 June 1995

Dunedin: "RFA Brambleleaf"
14 - 17 June 1995

I am pleased to be able to inform you that Ministerial approval has been given, in accordance with our legislative requirements, for "HMS Monmouth" and "RFA Brambleleaf" to visit the ports set out above.

As is customary, administrative details such as the use of specific radio frequencies will be taken care of by the Royal New Zealand Navy's Naval Staff, with whom you should liaise for this purpose.

We shall get in touch with the High Commission shortly on

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2.

the question of a public announcement of the proposed visits.

If you have any questions, please call me.

Yours sincerely

Murray Watkins

Murray Watkins
Defence Liaison Officer
for Acting Secretary of Foreign Affairs and Trade

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59/201/20



06 Dec 1994

British
High Commission
Wellington

Mr Roger Ball
International Security and
Arms Control Division
Ministry of Foreign Affairs & Trade
Stafford House
40 The Terrace
WELLINGTON

44 Hill Street
Wellington

Mailing address: P.O. Box 1812

Telephone: 472 6040

Telegraphic address: UKREP, Wellington

Telex: NZ 3325 (a/b UKREP NZ 3325)

Facsimile: 644 471 1974

Dear Roger,

When I came to see you and Carolyn Persyth on Friday, I left with you the draft of a brief we would use on our side if we received any questions following the New Zealand announcement of the ship's visit. I later left a second draft with Neil Walter yesterday. Just to keep things straight, I attach for you now the final version of this question-and-answer brief, so that you can see what we would propose to say. The difference between the three drafts is actually fairly small.

*Yours ever,
A Heath*

A Heath
Deputy High Commissioner

cc: Mr Ian Hill, Prime Minister's Office

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MINISTRY OF
FOREIGN AFFAIRS AND TRADE

MANATU AORERE

INTERNATIONAL SECURITY AND
ARMS CONTROL DIVISION
Fax No: (64) 04 472 8629

FAXED

F A C S I M I L E M E S S A G E

TO: Mr Andrew Heath
British High Commission
WELLINGTON

FAX: 471-1974

FROM: Roger Ball

DATE: 9 December 1994

SUBJECT: ROYAL NAVY SHIP VISIT TO NEW ZEALAND

PRECEDENCE: IMMEDIATE

CHARGE CODE: ISAC

PAGE 1 OF: 2

MFAT: ISAC

Dear Mr Heath

Following is the Prime Minister's press statement announcing the visits to New Zealand by HMS Monmouth and RFA Brambleleaf. At the Prime Minister's request, some stylistic changes were made to the earlier draft, but the substance remains as earlier discussed.

Yours sincerely

Roger Ball
for Acting Secretary of Foreign Affairs and Trade



PRIME MINISTER

FOR IMMEDIATE RELEASE

9 December 1994

PRIME MINISTER ANNOUNCES VISIT BY ROYAL NAVY FRIGATE

The Prime Minister, Rt Hon J B Bolger, today announced that a Royal Navy frigate will visit New Zealand in June 1995.

Mr Bolger said *HMS Monmouth* will be in company with a Royal Fleet Auxiliary support vessel, the *RFA Brambleleaf*, and the pair will visit New Zealand as part of a South Pacific deployment. "The Royal New Zealand Navy will take the opportunity to exercise with them", he said.

He extended a warm welcome to the ships and their crews. *HMS Monmouth* will be the first RN vessel to visit New Zealand since 1983.

"Our Navies share a common history and it is appropriate that they should be able to visit each other at home."

An RN ship visit has been on the cards since the British Prime Minister, Mr John Major, told the House of Commons in 1991 that there was no reason for British warships not to visit New Zealand.

In 1992 the British Government made it clear that, although it would maintain an invariable practice of neither confirming nor denying the presence of nuclear weapons in specific locations at specific times, ships would not have the capability to deploy tactical nuclear weapons in the future, and the weapons concerned would be destroyed.

"We welcomed those decisions", said Mr Bolger, "and issued an invitation for a RN ship to visit New Zealand when the Royal Navy was next in the South Pacific.

"As with the French naval vessels which visited New Zealand earlier this year, the visit is taking place in accordance with our legislative requirements."

New Zealand's links with the United Kingdom are naturally very close. We welcome the opportunity for our Defence Forces to work with the UK, such as in Bosnia or through the Five Power Defence Arrangements (FPDA).

A visit by the RN helps to reinforce that bond and returns the bilateral relationship to normal with respect to ship visits. It is particularly appropriate that it should happen in the year we remind ourselves of the ending, fifty years ago, of the Second World War to which Britain and New Zealand contributed so much," said the Prime Minister.

Ends.

SUBJECT: RN SHIPS' VISIT

1. The following are proposed questions and answers

PURPOSE OF VISIT: UK-NEW ZEALAND RELATIONS

Q1: What is the purpose of the visit?

A: To enhance links between the Royal Navy and the Royal New Zealand Navy. The latter was founded a little over 50 years ago when the RNZ Navy grew out of the Royal Navy. To contribute to the maintenance of the wider relationship.

Q2: Why specifically a naval visit?

A: Contacts and links between Britain and New Zealand cover a very wide range of government activity, commercial dealings, professional contacts, family ties and so on. Visits and exchanges between the armed forces play an important part in the overall relationship.

Q3: What defence contacts are there with New Zealand? Does the United Kingdom place any restrictions, because of the anti-nuclear legislation, on those contacts?

A: There are a number of links and exchanges. New Zealand and British forces exercise together under the Five Power Defence Agreement and at company level with Hong Kong-based forces. A four month exchange of 50 personnel takes place each year while a smaller number are involved in an exchange posting programme. In addition, the New Zealand contingent serving in Bosnia with UNPROFOR is attached to the British force. Cooperation between the armed forces of the two countries has long been very good and remains so.

Q4: Will the ships engage in exercises with the New Zealand Navy?

A: Probably, but this has yet to be decided.

PROGRAMME

Q5: Which ports will be visited by which ships, and when?

A: HMS MONMOUTH, a Type 23 Frigate, will visit Wellington from 9-11 June and Auckland from 15-19 June. RFA BRAMBLELEAF, a support ship, will visit Wellington from 9-12 June and Dunedin from 14-17 June.

Q6: Will the public be allowed on board?

A: Yes. It is planned that the ships will be open to the public at specific times on each day of the visit. The exact times will be advertised in the press.

Q7: Will the crew be allowed ashore, and will there be activities such as charity events, football matches, garden parties, etc?

A: Yes. A series of sporting and other events is being arranged by the RNZN.

NUCLEAR ISSUES

Q8: Does either ship carry nuclear weapons?

A: We draw attention to the statement made by the Defence Secretary in June 1992 that Royal Navy ships and aircraft and RAF maritime patrol aircraft would no longer have the capability to deploy tactical nuclear weapons.

Q9: Does Britain maintain its "neither confirm nor deny" policy?

A: We draw attention to the statement made by the Defence Secretary in June 1992 that Royal Navy ships and aircraft and RAF maritime patrol aircraft would no longer have the capability to deploy tactical nuclear weapons. It has been the invariable policy of successive British governments neither to confirm nor deny the presence of nuclear weapons in specific places at specific times.

Q10: Why does the United Kingdom keep nuclear weapons?

A: Nuclear deterrence provides the ultimate guarantee of the UK's security and an important contribution to NATO's strategy of war prevention.

Q11: Does the visit comply with New Zealand's anti-nuclear legislation?

A: We refer you to the statements issued by the New Zealand Government. It is for the New Zealand Government to satisfy itself that the requirements of the New Zealand law are met.

Q12: But does New Zealand's anti-nuclear policy not preclude Royal Navy ships' visits?

A: We refer you to the statement made by the two Prime Ministers as long ago as December 1991, that in the light of the Defence Secretary's statement earlier that year there was no reason for British warships not to visit New Zealand, though the timing of any future visit remained to be decided.

Q13: What is the British Government's view on nuclear testing, moratoria and the possibility that the French might resume testing in the South Pacific?

A: Since 1963 we have tested only underground at the Nevada test site in the United States. There is no possibility of our conducting further tests there during the US moratorium. There is therefore no need for the United Kingdom to announce a separate moratorium. We support negotiations for a

Comprehensive Test Ban Treaty; we believe that negotiated agreements are preferable to unilaterally-declared moratoria as a means for providing for effective restraints on testing. [If pressed on French testing] We hope that all nuclear weapons states will exercise the utmost restraint during the period leading to the conclusion of a test-ban treaty. But we do not think that some states continuing to test in advance of the entry into force of a test-ban treaty need affect the chances of achieving an effective treaty. dte

Q14: Is the visiting ship nuclear-propelled?

A: It is a matter of public record that no Royal Navy surface ship uses nuclear propulsion.

Q15: What is the British Government's view on the safety of nuclear propulsion?

A: We believe that the nuclear power plants in our submarines are entirely safe.

THE UNITED STATES AND THE NUCLEAR ISSUE

Q16: Is the projected ship visit part of a softening-up exercise for a visit by a US navy vessel?

A: Decisions by other countries on naval ships' visits are a matter for them and the New Zealand Government. Royal Navy ship visits have no implications for visits by other countries.

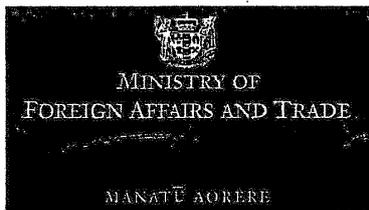
Q17: What consultation has there been between UK and the USA over this visit?

A: The United States Government is aware of the planned visit.

Q18: Does the United Kingdom pass on intelligence received from the Americans to New Zealand (and any other questions on intelligence matters)?

A: We never comment on intelligence matters.

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59/264/20

2 April 1998

The Minister of Foreign Affairs and Trade

**PROPOSED VISIT TO AUCKLAND BY TWO CHINESE NAVAL VESSELS:
APRIL/MAY 1998: NEW ZEALAND NUCLEAR FREE ZONE,
DISARMAMENT AND ARMS CONTROL ACT 1987: APPROVAL BY
PRIME MINISTER**

Summary

This note recommends that the Prime Minister give approval to the entry into our internal waters of two Chinese navy vessels in April/May 1998, pursuant to S.9 of the New Zealand Nuclear Free Zone, Disarmament and Arms Control Act 1987 (the Nuclear Free Zone Act).

Background

2 A request has been received for two People's Liberation Army-Navy (PLAN) vessels to stage a goodwill visit to New Zealand in late April. The ships, a guided missile destroyer and a training vessel, are likely to be in New Zealand from 27 April to 30 April. However, visit dates are not yet fully established and it is possible that the three or four day visit may take place in the week preceding or following these dates. The proposed visit of these two navy vessels, the first visit to New Zealand by the PLA-Navy, represent a major development in the military linkages between China and New Zealand and follows on from the visit of the Chinese Minister of Defence in early 1998.

Proposal

3 The Chinese authorities have sought diplomatic clearance for the "Qing Dao", a conventionally powered "Luhu" class guided missile destroyer, and the "Shichang", a conventionally powered naval training vessel, to make a goodwill visit to Auckland in late April 1998. The Chinese vessels would also visit Australia and the Philippines. These visits would be the first official exchanges between the PLA-Navy and the Royal New Zealand Navy since 1987 when two RNZN frigates visited Shanghai.

The Prime Minister
Referred for approval

The Ships

4 The "Qing Dao" and the "Shichang" are both "foreign warships" as that term is used in the New Zealand Nuclear Free Zone, Disarmament and Arms Control Act 1987. As such their entry into New Zealand's internal waters requires the approval of the Prime Minister pursuant to S.9 of the Act.

5 The "Qing Dao" is described by the Chinese government as a "guided missile destroyer" ie a warship equipped with guided missiles. According to Jane's Fighting Ships, the "Qing Dao" is a Luhu class destroyer, the most modern of the Chinese destroyer classes. It is designed to operate offshore principally against aircraft and submarines. The "Qing Dao" and the "Shichang" will both be under the fleet command of the Deputy Chief of Staff of the North Sea Fleet of the Chinese People's Liberation Army-Navy, Rear Admiral Han Fangrun. "Qing Dao" will be captained by Captain Fu Guosen. Displacing 4800 tons fully loaded and 148 metres in length, the "Qing Dao" is larger than both our Leander and Arzac class frigates. The "Qing Dao" is also equipped with an anti-submarine helicopter. According to Jane's, it has SSM (surface-to-surface) and SAM (surface-to-air) missiles, 2 triple torpedo tubes, submarine counter measures and some light guns. Gas and diesel powered, it has a top speed of 30 knots. Its officer and crew complement number 300.

6 The "Shichang" (hull number 82) is a naval training ship powered by diesel engines. It was launched in December 1996 and will be on its maiden visit to foreign ports. The "Shichang" will be captained by Commander Yao Liqiang. The "Shichang" is used as a training ship for new sailors by the First Surface Vessel Academy at Dalian. Displacing 9500 tons and 175 metres long, the "Shichang" is a large vessel and resembles a cruise liner. It is likely to be lightly armed with machine guns and mortars. The "Shichang" carries up to 230 officers and crew and it is likely that many of the crew will be naval trainees.

Nuclear Free Zone Act

7 Under the Act the Prime Minister must be satisfied that each of the "Qing Dao" and the "Shichang" will not be carrying a nuclear explosive device on entry to our internal waters. While China is a nuclear weapon state, its nuclear weapons are almost entirely land based. China's only sea-based nuclear capability is represented by a small number of submarines capable of carrying nuclear weaponed ballistic missiles. Officials understand that China's conventionally powered surface fleet does not have a nuclear weaponed capability.

8 The ships themselves and their visit purpose makes them unlikely to carry nuclear explosive device. The "Qing Dao" is a destroyer, unequipped as far as is known for carrying nuclear explosive devices. The "Shichang" is a training vessel and unequipped for the carriage of nuclear explosive devices. Both are conventionally powered. The visit is intended to be a goodwill visit and the PLA-Navy intend to allow tours of both vessels while in port in Auckland. This fact, and the absence of anything

to suggest that either ship is capable of carrying a nuclear explosive device, lead officials to judge that it is highly unlikely that either the "Qing Dao" or the "Shichang" will be carrying a nuclear explosive device should approval be given for them to enter our internal waters.

New Zealand's Strategic and Security Interests

9 A visit to New Zealand by these naval vessels would be consistent with our bilateral and regional strategic objectives. Bilaterally, we are seeking to extend our relationship with China into new areas including the area of defence cooperation. Regionally, it was agreed at a recent ASEAN Regional Forum (ARF) meeting that, as a 'confidence building measure', naval ship visits between ARF members should be encouraged. New Zealand and China are both members of the ARF.

Recommendation

10 It is recommended that approval be given by the Prime Minister under the Nuclear Free Zone Act for the "Qing Dao" and the "Shichang", both vessels of the PLA-Navy, to enter our internal waters in order to visit Auckland in April/May 1998. It is therefore recommended that you:

- a refer a copy of this submission, and its attached draft determination, to the Prime Minister for her consideration

Yes/No

- b refer a copy of this submission to the Minister of Defence for his information.

Yes/No

Alan Cook
for Secretary of Foreign Affairs and Trade

Encl



PRIME MINISTER

NEW ZEALAND NUCLEAR FREE ZONE,
DISARMAMENT AND ARMS CONTROL ACT 1987

I, Jennifer Mary Shipley, Prime Minister of New Zealand, having considered all the relevant information and advice available to me including information and advice concerning the strategic and security interests of New Zealand, hereby approve the entry into the internal waters of New Zealand of the PLA-Navy vessels

QING DAO, naval destroyer, pennant number DDG:82; and

SHICHANG, naval training vessel, hull number 82

on 27 April 1998 (or at any time within the six days preceding or the 21 days following this date), and I hereby certify that I am satisfied that these ships will not be carrying any nuclear explosive device when they enter the internal waters of New Zealand in

April/May 1998

Jennifer Mary Shipley

10 April 1997

OFFICIAL INFORMATION ACT



59/360/20

19 March 1993

The Minister of External Relations and Trade

VISIT BY FRENCH NAVAL VESSEL: NEW ZEALAND NUCLEAR FREE ZONE, DISARMAMENT AND ARMS CONTROL ACT 1987: APPROVAL BY PRIME MINISTER

Summary

This note recommends that the Prime Minister give approval, pursuant to s 9 of the New Zealand Nuclear Free Zone, Disarmament and Arms Control Act 1987, to the entry into our internal waters of a French naval ship.

Background and Proposal

2. In October last year you and the Prime Minister agreed that visits to New Zealand by suitable conventionally powered French naval ships stationed in the South Pacific should be welcomed subject to approval by the Prime Minister on a case by case basis under the Nuclear Free Zone Act. This was conveyed to the French Minister of Defence by the Minister for Disarmament and Arms Control during his visit to Paris in January. We advised you earlier this month that the French intended to take up this invitation. The French Embassy has now sought diplomatic clearance for their light amphibious transport ship, 'Jacques Cartier', which is based in Noumea, to pay a routine visit to the RNZN Naval Base in Auckland from 10 to 14 May 1993.

The Prime Minister

Referred

Mr Watkins

[Handwritten signatures and initials]

Discussion

3 The 'Jacques Cartier' is a 'foreign warship' as that term is used in the New Zealand Nuclear Free Zone, Disarmament and Arms Control Act 1987. As such its entry into New Zealand's internal waters requires the prior approval of the Prime Minister pursuant to S.9 of the Act.

4 The 'Jacques Cartier' is a light amphibious transport vessel, 80 metres long, displacing 770 tons (1330 tons fully loaded). Powered by diesel engines it has a range of 4500 miles at 13 knots and a top speed of 16 knots. Fitted with bow doors, it can carry a landing company of five officers and 133 men with 12 vehicles (or a total complement of 227). It has a helicopter platform and a crane. It is also equipped with light weapons and landing craft.

Nuclear Free Zone Act

5 France is a nuclear weapons state. Its six nuclear powered ballistic missile submarines and two conventionally powered aircraft carriers - based in Northern Hemisphere waters - are believed to be nuclear armed or capable. Its naval vessels in the South Pacific are not known to carry nuclear explosive devices. Moreover this particular vessel, based in Noumea, is a light military transport vessel designed for carrying troops and their equipment, and stores. Given these factors and the vessel's mission, it is officials' judgment that it will not be carrying a nuclear explosive device on entry into our internal waters should approval be given for it to visit Auckland.

New Zealand's Strategic and Security Interests

6 The proposed visit would have no effect on these interests. It would be consistent, however, with the Government's general approach to developing warmer relations with France and should contribute further to the normalisation of the bilateral relationship. (Moreover it is now likely that HMNZS Canterbury and HMNZS Endeavour, during their European deployment, will call at a French port.

Recommendation

7 I recommend that the Prime Minister give approval to the entry into our internal waters of this French naval ship. I attach a copy of this submission and a draft determination for the Prime Minister's consideration. I also attach copies of this submission for the information of the Minister of Defence and the Minister of Transport.

(P W Adams)
for Secretary of External Relations and Trade

Encl

OFFICIAL INFORMATION ACT
RELEASÉES UNDER INFORMATION ACT



PRIME MINISTER

NEW ZEALAND NUCLEAR FREE ZONE DISARMAMENT AND ARMS CONTROL ACT 1987

I, James Bolger, Prime Minister of New Zealand, having considered all the relevant information and advice available to me including information and advice concerning the strategic and security interests of New Zealand hereby approve the entry into the internal waters of New Zealand of the following French warship:

FS JACQUES CARTIER

in May/June 1993

and I hereby certify that I am satisfied that this warship will not be carrying a nuclear explosive device upon entry into the internal waters of New Zealand.

A handwritten signature in black ink, appearing to read 'James Bolger', with a long horizontal stroke extending to the right.

James Bolger

25th March 1993



59/360/20

19 January 1994

The Minister of Foreign Affairs and Trade

**VISIT BY FRENCH NAVAL VESSEL: 7-15 FEBRUARY 1994:
NEW ZEALAND NUCLEAR FREE ZONE, DISARMAMENT AND ARMS CONTROL
ACT 1987: APPROVAL BY PRIME MINISTER**

Summary

This note recommends that the Prime Minister give approval, pursuant to S.9 of the New Zealand Nuclear Free Zone, Disarmament and Arms Control Act 1987, to the entry into our internal waters of a French naval ship in February 1994.

Background and Proposal

2 In October 1992 you and the Prime Minister agreed that visits to New Zealand by suitable conventionally powered French naval ships stationed in the South Pacific should be welcomed subject to approval on a case by case basis under the Nuclear Free Zone Act. This was conveyed to the French Minister of Defence by the Minister for Disarmament and Arms Control during his visit to Paris in January 1993. In response to a French Embassy request, the Prime Minister gave approval under the Act for the light amphibious transport ship, the "Jacques Cartier", based in Noumea, to pay a routine visit to the RNZN Naval Base in Auckland from 10 to 14 May 1993. The visit was uneventful.

3 The French Embassy has now sought diplomatic clearance for one of their patrol boats, "La Moqueuse", to visit Whangarei, to exercise at sea with the RNZN and then to visit Auckland, in the period 7-15 February 1994.

4 The Embassy also sought our guidance as to whether a visit by "La Moqueuse" to the Bay of Islands on Waitangi Day would be welcomed. Following consultations with you, the Ambassador was advised that it would be preferable for the Bay of Islands to be omitted from "La Moqueuse's" proposed itinerary.

The Prime Minister

Referred

John
Minister

The Ship

5 "La Moqueuse" is a 'foreign warship' as that term is used in the New Zealand Nuclear Free Zone, Disarmament and Arms Control Act 1987. As such its entry into New Zealand's internal waters requires the prior approval of the Prime Minister pursuant to S.9 of the Act.

6 "La Moqueuse" is a fast attack patrol craft, 54 metres long, displacing 406 tons (454 tons fully loaded). Powered by diesel engines it has a range of 4200 miles at 15 knots and a top speed of 24.5 knots. It is equipped with light weapons. Based in Noumea, it has a total possible complement, crew and passengers, of 46. There is a possibility that the Commanding Officer of the French Navy in Noumea may be on board.

Nuclear Free Zone Act

7 Under the Act the Prime Minister must be satisfied that "La Moqueuse" will not be carrying a nuclear explosive device on entry to our internal waters. France is a nuclear weapons' state. Its six nuclear powered ballistic missile submarines and two conventionally powered aircraft carriers - based in Northern Hemisphere waters - are believed to be nuclear armed or capable. Its naval vessels in the South Pacific are not known to carry nuclear explosive devices. Moreover "La Moqueuse" is a small fast attack patrol craft. Given these factors and the vessel's mission, it is officials' judgment that it will not be carrying a nuclear explosive device should approval be given for it to visit Whangarei and Auckland.

New Zealand's Strategic and Security Interests

8 The proposed visit would have no effect on these interests. It would be consistent, however, with the Government's general approach to developing warmer relations with France and should contribute further to the normalisation of the bilateral relationship. The visit is supported by the RNZN and HQNZDF. (It will be recalled that HMNZS Canterbury and HMNZS Endeavour visited Toulon during their European deployment last year).

Recommendation

9 I recommend that the Prime Minister give approval to the entry into our internal waters of this French naval ship. I attach a copy of this submission and a draft determination for the Prime Minister's consideration. I also attach copies of this submission for the information of the Minister of Defence and the Minister of Transport.

(Signature)
(NDL Richards)
for Secretary of Foreign Affairs and Trade

Encl



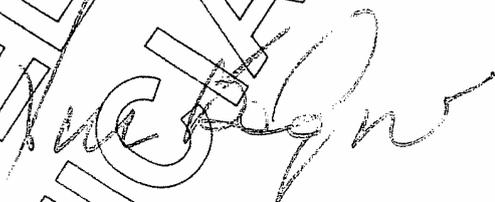
PRIME MINISTER

NEW ZEALAND NUCLEAR FREE ZONE,
DISARMAMENT AND ARMS CONTROL ACT 1987

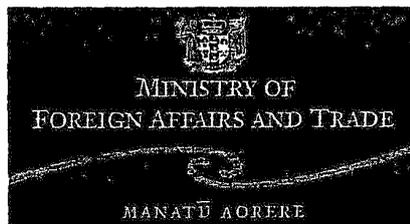
I, James Bolger, Prime Minister of New Zealand, having considered all the relevant information and advice available to me including information and advice concerning the strategic and security interests of New Zealand, hereby approve the entry into the internal waters of New Zealand of the following French warship:

LA MOQUEUSE in February 1994

and I hereby certify that I am satisfied that this warship will not be carrying a nuclear explosive device upon entry into the internal waters of New Zealand.


James Bolger

27/1/94
January 1994



59/360/20

23 May 1994

The Minister of Foreign Affairs and Trade

PROPOSED VISIT BY FRENCH NAVAL FRIGATE: 29 JULY - 2 AUGUST
1994: NEW ZEALAND NUCLEAR FREE ZONE, DISARMAMENT AND ARMS
CONTROL ACT 1987: APPROVAL BY PRIME MINISTER

Summary

This note recommends that the Prime Minister give approval, pursuant to S.9 of the New Zealand Nuclear Free Zone, Disarmament and Arms Control Act 1987, to the entry into our internal waters of a French naval ship in July/August 1994.

Background and Proposal

2 In October 1992 you and the Prime Minister agreed that visits to New Zealand by suitable conventionally powered French naval ships stationed in the South Pacific should be welcomed subject to approval on a case by case basis under the Nuclear Free Zone Act. In response to French Embassy requests, the Prime Minister gave approval under the Act for the French naval light amphibious transport ship, the "Jacques Cartier", based in Noumea, to pay a routine visit to the RNZN Naval Base in Auckland from 10 to 14 May 1993, for the French naval patrol boat "La Moqueuse" to visit Auckland and Whangarei in February 1994 - the ship only visited Auckland - and for the "Jacques Cartier" to visit Tauranga in early June 1994.

3 The French Embassy has now sought diplomatic clearance for the "Nivose", a light patrol frigate based in the South Pacific, to pay a routine visit to Wellington from 29 July to 2 August 1994.

The Ship

4 The "Nivose" is a 'foreign warship' as that term is used in the New Zealand Nuclear Free Zone, Disarmament and Arms Control Act 1987. As such its entry into New Zealand's internal waters requires the approval of the Prime Minister pursuant to S.9 of the Act.

The Prime Minister

Referred

Stafford House, 40 The Terrace, Wellington. Private Bag 18 901, Wellington, New Zealand.

Phone 64-4 477 8877 Fax 64-4 477 0906

RECEIVED INFORMATION FILE UNDER THE ACT

5 The "Nivose" is described by the French Note as a "light frigate survey". According to Jane's Fighting Ships, it is one of a class of six patrol frigates designed to operate in the offshore zone in low intensity operations. The "Nivose" and two others are stationed in the South Pacific. Displacing 2850 tons fully loaded and with a length of 93.5 metres, the "Nivose" is smaller than both our Leander and Anzac frigates. According to Jane's, the "Nivose" is equipped with an Alouette III helicopter, with two secondhand Exocet missiles and light guns. Diesel powered, it has a speed of 20 knots - quite a bit slower than our frigates - but with a much greater range (9,000 miles). Its crew complement is 94.

Nuclear Free Zone Act

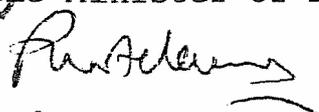
6 Under the Act the Prime Minister must be satisfied that the "Nivose" will not be carrying a nuclear explosive device on entry to our internal waters. France is a nuclear weapons' state. Its six nuclear powered ballistic missile submarines and two conventionally powered aircraft carriers - based in Northern Hemisphere waters - are believed to be nuclear armed or capable. Its naval vessels in the South Pacific are not known to carry nuclear explosive devices. Moreover the "Nivose" is only a light patrol frigate, unequipped as far as is known for carrying such devices and sailing alone without escorting vessels. Given these factors and the vessel's mission, it is officials' judgment that it will not be carrying a nuclear explosive device should approval be given for it to visit Wellington.

New Zealand's Strategic and Security Interests

7 The proposed visit would have no effect on these interests. It would be consistent, however, with the Government's general approach to developing warmer relations with France and should contribute further to the normalisation of the bilateral relationship. The visit is supported by the RNZN and HQNZDF. (It will be recalled that HMNZS Canterbury and HMNZS Endeavour visited Toulon during their European deployment last year).

Recommendation

8 I recommend that the Prime Minister give approval to the entry into our internal waters of this French naval ship. I attach a copy of this submission and a draft determination for the Prime Minister's consideration. I also attach a copy of this submission for the information of the Minister of Defence.


P W Adams
for Acting Secretary of Foreign Affairs and Trade

Encl



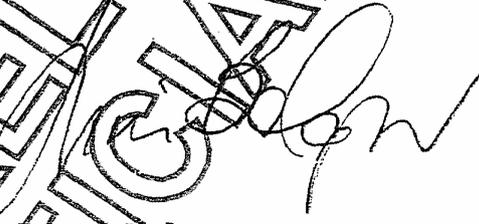
PRIME MINISTER

NEW ZEALAND NUCLEAR FREE ZONE,
DISARMAMENT AND ARMS CONTROL ACT 1987

I, James Bolger, Prime Minister of New Zealand, having considered all the relevant information and advice available to me including information and advice concerning the strategic and security interests of New Zealand, hereby approve the entry into the internal waters of New Zealand of the following French warship:

NIVOSE in July/August 1994

and I hereby certify that I am satisfied that this warship will not be carrying a nuclear explosive device upon entry into the internal waters of New Zealand.


James Bolger

June 1994