

Prime Minister John Key
Parliament Buildings
Wellington



24 June 2016

Dear Prime Minister,

Possible Visits to New Zealand by Nuclear Armed and Powered Warships

I am writing on behalf of the Foundation for Peace Studies Aotearoa / New Zealand's International Affairs and Disarmament Committee, which I chair.

We are aware that invitations have been issued to a range of countries to send warships to New Zealand in mid-November to take part in commemorations of the 75th Anniversary of the founding of the Royal New Zealand Navy. Apparently these invitations have extended to a number of countries that possess nuclear weapons that could be carried on a warship or may have nuclear powered warships, including to China, Great Britain and the United States, and probably also to India and Pakistan. We are not necessarily opposed to such visits, but we campaigned for, and are strong supporters of, Nuclear Free New Zealand, and are writing to you to ensure that New Zealand remains fully nuclear free throughout this occasion.

We are vitally interested that, were these invitations to be accepted by the states concerned, you would ensure that no nuclear weapons or nuclear-powered warships were brought to New Zealand or its internal waters and that the provisions of the New Zealand Nuclear Free Zone, Disarmament and Arms Control Act 1987 were fully enforced. As you are aware, section 9 of the Act states:

- (1) "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 to the Prime Minister including information and advice concerning the strategic and security interests of New Zealand.
- (2) The Prime Minister may only grant approval for the 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."

Also, section 11 of the Act states: “Entry into the internal waters of New Zealand by any ship whose propulsion is wholly or partly dependent on nuclear power is prohibited.”



We request that you advise us of the process by which you will make this decision if called on, and whether you will seek advice from relevant NGOs including the Foundation for Peace Studies and the Disarmament & Security Centre, and from academic experts, including the Otago University Centre for Peace and Conflict Resolution, and from the Public Advisory Committee on Disarmament and Arms Control (PACDAC). This last should be required, as the legal mandate of PACDAC under the Act in subsection 17(1)(b) includes “to advise the Prime Minister on the implementation of this Act.”

We also request, once any decision of this kind is made, that you publicly release the information and advice you received on this matter, and also the specific advice on which you based your decision regarding the granting, or otherwise, of permission to visit New Zealand for warships from countries which may possess nuclear armed and/or powered vessels.

We look forward to your response to these requests. We anticipate and would be grateful for your continuing support on these important matters and on the effective enforcement of the Nuclear Free Zone Act, in order for New Zealand to continue to its proud, unambiguous and effective leadership on nuclear disarmament issues. Such action would fulfil the mandate set out in the first paragraph to the Nuclear Free Zone Act—namely: “to promote and encourage an active and effective contribution by New Zealand to the essential process of disarmament and international arms control.”

Yours sincerely

Richard Northey

Chair

International Affairs and Disarmament Committee

Foundation for Peace Studies Aotearoa / New Zealand



Office of the Prime Minister

Prime Minister

Minister for National Security and Intelligence

Minister of Tourism

Minister Responsible for Ministerial
Services

5 July 2016

Mr Richard Northey

Chair

International Affairs and Disarmament Committee

P O Box 8055

Symonds Street

AUCKLAND 1150

Dear Mr Northey

On behalf of the Prime Minister, Rt Hon John Key, I acknowledge your letter dated 24 June 2016 concerning the possible visits to New Zealand by nuclear armed and powered warships.

As the issue you have raised falls within the portfolio responsibility of the Minister of Foreign Affairs, Hon Murray McCully, your letter has been forwarded to his office for consideration.

Thank you for writing.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'A Ireton'.

A Ireton

Correspondence Manager

Rt Hon John Key
Prime Minister
Government Buildings
Wellington



15th August 2016

Dear Mr Key,

On behalf of the International Affairs and Disarmament Committee of the Foundation for Peace Studies Aotearoa/New Zealand, thank you for your letter of 5 July 2016, responding to our letter of 24 June. I am copying this letter to the Public Advisory Committee on Disarmament and Arms Control (PACDAC), because of Section 17(1)(b) of the New Zealand Nuclear Free Zone, Disarmament and Arms Control Act 1987, which states that PACDAC “shall...advise the Prime Minister on the implementation of this Act.”

In your response to our 24 June request that you publish the information on the basis of which you decide whether to approve entry of a US warship to New Zealand, you state that this issue “falls within the portfolio responsibility of the Minister of Foreign Affairs,” and therefore “has been forwarded to his office for consideration.” We are surprised and concerned at your response, and respectfully disagree.

As noted in our initial letter, Section 9(1) of the Nuclear Free Zone Act states that in determining whether to grant entry to a foreign warship, “the **Prime Minister** shall have regard to all relevant information and advice that may be available to the Prime Minister including information and advice concerning the strategic and security interests of New Zealand.” We also noted that Section 9(2) of the Act states, “The **Prime Minister** may only grant approval for the 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.” The Act thus makes clear that legal responsibility for gathering and considering “all relevant information and advice that may be available,” before deciding whether to grant permission for a warship visit, rests with the Prime Minister alone. In light of these facts, we now reiterate our request.

In accordance with our right under the Official Information Act (OIA) 1982, we ask that, once you have decided whether or not to approve a US warship visit, you immediately publish any and all advice you received and considered, pursuant to Section 9 of the Nuclear Free Zone Act, regarding the suitability, or otherwise, of the specific ship proposed by the United States. We also request that you make clear which specific documents formed the basis of your decision. Our requests include, but are not limited to, any advice or documentation you receive from the Foreign or Defence Ministers or Ministries regarding the proposed US ship visit. In addition, the requests cover any advice or documents you receive from PACDAC, pursuant to Section 17(1)(b) of the Nuclear Free Zone Act, or from other experts, governmental or otherwise.

Precedents exist for the disclosure of the information requested here. In December 2007, for example, Dr Robert E. White published the research paper, “[Nuclear Free New Zealand: Twenty Years On](#),” which includes facsimiles of official government documents released under the OIA relating to the granting of permission for specific warship visits from the United Kingdom, France and China, under Prime Ministers Jim Bolger and Jenny Shipley (see Appendix II of the paper). We note that Dr White’s paper also contains an undated government document, released pursuant to an OIA request, outlining the approval process for warship visits pursuant to Sections 9, 10 and 11 of the Nuclear Free Zone Act. On that basis, we also request that you clarify whether

and how, since the publication in 2007 of that document, the process you follow in fulfilling your obligation under Section 9 of the Nuclear Free Zone Act has changed.

Please note that our particular interest at present in the papers relating to a potential US warship visit is not motivated by opposition to the United States. Rather, our interest stems from the fact that, unlike other nuclear weapon states, whose naval vessels have visited New Zealand on many occasions—including during your tenure as Prime Minister, as you have recently noted in public—the United States has declined since 1984 to request entry to New Zealand for its warships. This refusal has apparently been due to the insistence of successive US Governments that any statement by a New Zealand Prime Minister that he/she was satisfied a visiting warship would not be carrying nuclear explosive devices was incompatible with the US ‘neither confirm nor deny’ policy regarding the presence of nuclear weapons. The apparent shift in US in this regard policy is of great significance.

For almost 30 years, the Nuclear Free Zone Act has been a core of New Zealand’s international security policy, and indeed, national identity. The first paragraph of the Act states that it is designed “to promote and encourage an active and effective contribution by New Zealand to the essential process of disarmament and international arms control.” In pursuing this mandate, New Zealand Governments whether from the left or the right have garnered significant international recognition and diplomatic support. The international community, moreover, urgently needs principled leadership on matters relating to nuclear disarmament at present. All nine nuclear weapon states are undertaking extensive modernisation and/or life-extension programmes for their nuclear arsenals. In this context, upholding the integrity of the Nuclear Free Zone Act constitutes a vital national security interest, a matter of significant public interest, and a contribution to the international nuclear disarmament and nonproliferation regime. We therefore urge you to maintain the integrity of the Act, and to meet the requests outlined in this letter.

Yours truly,

Richard Northey

Chair

International Affairs and Disarmament Committee

Foundation for Peace Studies Aotearoa-New Zealand





Office of the Prime Minister

Prime Minister

Minister for National Security and Intelligence

Minister of Tourism

Minister Responsible for Ministerial
Services

16 NOV 2016

Richard Northey
Foundation for Peace Studies Aotearoa-New Zealand
Email: admin@peacefoundation.org.nz

Ref: PMO 144-2016

Dear Richard Northey

Official Information Act Request Relating to US Navy Ship Visit

I refer to your request that you made in your letter of 15 August 2016 for "... once you [the Prime Minister] have decided whether or not to approve a US warship visit, you immediately publish any and all advice you received and considered, pursuant to Section 9 of the Nuclear Free Zone Act, regarding the suitability, or otherwise, of the specific ship proposed by the United States. We also request that you make clear which specific documents formed the basis of your decision. Our requests include, but are not limited to, any advice or documentation you receive from the Foreign or Defence Ministers or Ministries regarding the proposed US ship visit. In addition, the requests cover any advice or documents you receive from PACDAC, pursuant to Section 17(1)(b) of the Nuclear Free Zone Act, or from other experts, governmental or otherwise."

I am extending the deadline for responding to your request until 8 December 2016 under section 15A of the Official Information Act. The extension of time is necessary due to consultation being needed before a proper response to your request can be made. If your request is completed before 8 December 2016, a response will be sent to you as soon as possible.

You are entitled to ask the Ombudsman to review this response under section 28(3) of the Official Information Act. You can contact the Ombudsman online via the Ombudsman website, by email (info@ombudsman.parliament.nz) or by post to The Ombudsman, PO Box 10152, Wellington 6143. Further details can be found on the Ombudsman website at: www.ombudsman.parliament.nz.

Yours sincerely

Wayne Eagleson
Chief of Staff

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