



STANDING COMMITTEE ON FOREIGN AFFAIRS AND DEFENCE

Review Report on the Treaty on the Prohibition of Nuclear Weapons



PARLIAMENT OF THE REPUBLIC OF FIJI
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Chairperson's Foreword

I am pleased to present the Treaty on the Prohibition of Nuclear Weapons.

The Committee when reviewing the treaty, heard oral submissions, received written submissions as well as holding public consultations in Suva and Lautoka from the relevant stakeholders and the general public.

The Treaty on the Prohibition of Nuclear Weapons (Treaty) sets out a comprehensive set of prohibitions against participating in any nuclear weapon activities. These include undertakings by member States to the Treaty not to develop, test, produce, acquire, process, stockpile, use or threaten to use nuclear weapons. The Treaty also prohibits the deployment of nuclear weapons on national territory and the provision of assistance to any State in the conduct of prohibited activities.

This Treaty has particular significance and resonance in the Pacific as a region that has suffered from the effects of more than 315 nuclear test explosions carried out by the United Kingdom, France and the United States. This Treaty seeks to address the ongoing health and environmental harm from these tests.

States Parties are obliged to prevent and suppress any activity prohibited under the Treaty undertaken by persons or on territories under its jurisdiction or control. The Treaty also obliges States Parties to provide adequate assistance to individuals affected by the use or testing of nuclear weapons, as well as to take necessary and appropriate measures of environmental remediation in areas under its jurisdiction or control contaminated as a result of activities related to the testing or use of nuclear weapons.

Fiji was one of the countries that signed the Treaty at the margins of the 72nd Session of the United Nations General Assembly on 20 September 2017. The Treaty is currently not in force. It will enter into force 90 days after the fiftieth instrument of ratification, acceptance, approval or accession has been deposited. There are currently only 35 States Parties to the Treaty.

The Treaty reinforces Fiji's commitment to the Comprehensive Safeguards Agreement (CSA) which Fiji signed with the International Atomic Energy Agency (IAEA) in 1973. In 2006, Fiji also signed the Additional Protocol to the CSA which further strengthened provisions of the IAEA's Safeguards Agreement and extends the authority of the IAEA to undertake relevant inspections of nuclear related activities.

Fiji has a Small Quantities Protocol in force which essentially reduces the burden of implementation of the provisions of the IAEA's CSA given that Fiji is a State with little or no nuclear material.

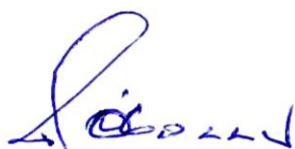
Fiji would need to further develop its legislative framework to ensure that provisions of the Treaty and other related treaties are properly implemented. As per Article 7, States Parties can access international assistance to ensure that they are fulfilling its obligations under the Treaty.

The Committee recommends that Fiji fully ratifies the Treaty.

The Committee commends the contributions by stakeholders that assisted in the preparation of this report.

I take this opportunity to thank members of my Committee including contributions of alternate members: Hon. Lenora Qereqeretabua and Hon. Prof. Biman Prasad (alternate members for Hon. Pio Tikoduadua) and Hon. Mikaele Leawere (alternate member for Hon. Anare Jale) and the Secretariat for compiling this bipartisan report.

On behalf of the Standing Committee on Foreign Affairs and Defence, I submit this report to the Parliament.



Hon. Alexander O'Connor
Chairperson

Acronyms

CSA	Comprehensive Safeguards Agreement
DOI	Department of Immigration
EEZ	Exclusive Economic Zone
FCS	Fiji Corrections Service
FPF	Fiji Police Force
FTA	Fijian Teachers Association
FWRM	Fiji Women Rights Movement
IAEA	International Atomic Energy Agency
MODNS	Ministry of Defence and National Security
MOFA	Ministry of Foreign Affairs
MWCPA	Ministry of Women, Children and Poverty Alleviation
PANG	Pacific Network Against Globalisation
PIANGO	Pacific Islands Association of Non-Governmental Organisations
OSG	Office of the Solicitor General
RFMF	Republic of Fiji Military Forces
SDGs	Sustainable Development Goals
SO	Standing Orders
USP	The University of the South Pacific

Recommendations

The Committee recommends that:

1. Fiji accedes to the Treaty and adopts without reservation.
2. The Ministry of Foreign Affairs provide an update to Parliament at an appropriate time of the progress in the implementation of the Treaty and its requirements.
3. The Government dedicates resources for the implementation of the Treaty to detect and report foreign sea borne and air borne craft carrying nuclear weapons within our EEZ and airspace to the IAEA/CSA.
4. The Government create or develop capacity to effectively and safely respond to a nuclear disaster within our EEZ and airspace.
5. The relevant legislations be reviewed and updated to support the successful implementation and compliance of the Treaty.

1.0 Introduction

1.1 Background and Terms of Reference

The Committee had reviewed the Convention on the Treaty on the Prohibition of Nuclear Weapons in the first meeting on Monday 24th February 2020.

On 2nd March 2020 stakeholders made submissions on the above Treaty in the Parliament precinct in Suva.

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The Report is divided into three parts:

- I. **Part One** - focuses on the Committee recommendations
- II. **Part Two** - covers the Findings of the report to Parliament
- III. **Part Three** -covers the Conclusion

1.2 Committee Remit and Composition

Pursuant to Standing Orders 109(2) (e) that the Standing Committee on Foreign Affairs and Defence is mandated to look into matters related to Fiji's relations with other countries, development aid, foreign direct investment, oversight of the military and relations with multi-lateral organisation.

The members of the Standing Committee on Foreign Affairs and Defence are as follows:

- 1.2.1 Hon. Alexander O'Connor – Chairperson
- 1.2.2 Hon. Dr. Salik Govind - Deputy Chairperson
- 1.2.3 Hon. Selai Adimaitoga – Member
- 1.2.4 Hon. Pio Tikoduadua - Member
- 1.2.5 Hon. Anare Jale – Member

- 1.2.6 Hon. Lenora Qereqeretabua –Alternate Member
1.2.7 Hon. Mikaele Leawere- Alternate Member
1.2.8 Hon. Prof. Biman Prasad – Alternate Member

1.3 Procedure and Program

The Standing Committee on Foreign Affairs and Defence commenced its deliberation on the 2nd March 2020 and received written and oral submissions from the following:

- Ministry of Defence and National Security
- Republic of Fiji Military Forces
- Fiji Police Force
- Fiji Corrections Service
- Ministry of Foreign Affairs
- International Labour Organization
- Ministry of Employment, Productivity and Industrial Relations
- Ministry of Women, Children and Poverty Alleviation
- Mr. Samarasam Pillay, Retiree
- Dr. Ram Raju, President of the Nadi Chamber of Commerce
- University of the South Pacific
- Professor Shaista Shameem
- Fiji Human Rights and Anti-Discrimination Commission
- Pacific Conference of Churches
- World Council of Churches
- International Campaign to Abolish Nuclear Weapons (ICAN)
- Fijian Teachers Association
- Office of the Solicitor General
- Ministry of Industry, Trade and Tourism
- Pacific Network on Globalization (PANG)
- Fiji Women Rights Movement (FWRM)

2.0 Committee Deliberation and Analysis

2.1 Committee Findings

The Committee's findings are outlined below:

1. There was overall support by stakeholders to ratify the Treaty without any reservation.
2. Should the Treaty be ratified, there has to be sufficient capacity to deter, detect, report and respond to any nuclear related incidents in our EEZ and airspace.
3. The legal framework to fully support the implementation of the Treaty will need to be reviewed and updated.
4. The Committee acknowledges the Government's initiative to compensate victims of *Operation Grapple* nuclear testing.
5. Article 7 which is not time bound and provides for signatories to the Treaty to seek compensation from nuclear powers for previous and future victims of nuclear fall-out.

Benefits of Accession

Once ratified, the following benefits will be acquired:

1. The Treaty will compel the Nuclear Weapons States to meet their obligations under Article 6 of the NPT therefore contributing to global nuclear disarmament.
2. The Treaty will obligate States Parties to assist and compensate survivors in the event of a nuclear disaster.
3. Fiji's lead role in Climate Action will be enhanced through ratification of the Treaty. This would allow an opportunity for Fiji and the region to advance an influence to realise the global nuclear non-proliferation agenda.
4. Fiji and the world will move closer to not exist under the veil of a nuclear threat to all humanity.
5. Ratifying the Treaty enhances Fiji's commitment to SDGs particularly, SDG 9 and SDG17.

Impact of the Convention

Fiji has continued to support regional disarmament platforms such as the South Pacific Nuclear Free Zone Treaty of Rarotonga (Raratonga Treaty) which bans the manufacture, acquisition, possession or control of nuclear devices within the Pacific.

Furthermore, this position is an extension of Fiji's acceptance of the regional and international nuclear disarmament instruments that seek to rid this planet of any nuclear threats. This includes the Treaty on the Non-proliferation of Nuclear Weapons which Fiji acceded to in 1972 and the Comprehensive Nuclear-Test-Ban Treaty which Fiji ratified in 1996.

Fiji clearly supports the initiative to ban nuclear weapons and to reduce the risk of its accidental, mistaken, unauthorised or intentional use on this planet given its catastrophic and humanitarian consequences. It should be noted that Fiji's position is the result of our first-hand experience of the destruction (Christmas Island veterans) and long lasting effects that nuclear weapons have had on Fijians who remain without victim assistance and reparation, as well as environmental degradation.

Ratifying the Treaty will promote cooperation and strengthen international relations with other States Parties who have acceded to or ratified the Convention and further Fiji's goal of ensuring a nuclear-weapon free world.

Requirements for Implementation

States Parties are required to adopt necessary measures to implement obligations under the Treaty. As such States Parties are required to undertake "appropriate legal, administrative and other measures, including the imposition of penal sanctions, to prevent and suppress any activity prohibited to a State Party under the Treaty".

Obligations for State Parties are expressly articulated under Article 1 of the Treaty.

Each State Party undertakes never under any circumstances to Develop, Transfer, Receive, Use, Assist, Seek, or Allow to test, produce, manufacture, otherwise acquire, possess or stockpile nuclear weapons or other nuclear explosive devices.

Challenges

1. To compel all foreign air and water borne vessels carrying nuclear weapons are obligated to notify Fijian authorities before entering our sea and airspace.
2. Building capacity of appropriate authorities in Fiji to monitor and detect any foreign vessels and aircrafts entering Fiji's EEZ and airspace carrying nuclear weapons or other nuclear explosive devices.
3. In the event of an aviation or maritime incident or accident related to nuclear carrying vessels, the Committee noted that there are limited resources to mitigate its impact.

2.2 Oral and Written Evidence Received

The Committee received oral and written submissions from stakeholders and the public as listed on page 8 of this report and in *Appendix A*.

3.0 Gender Analysis

The Convention is gender neutral and therefore benefits all genders.

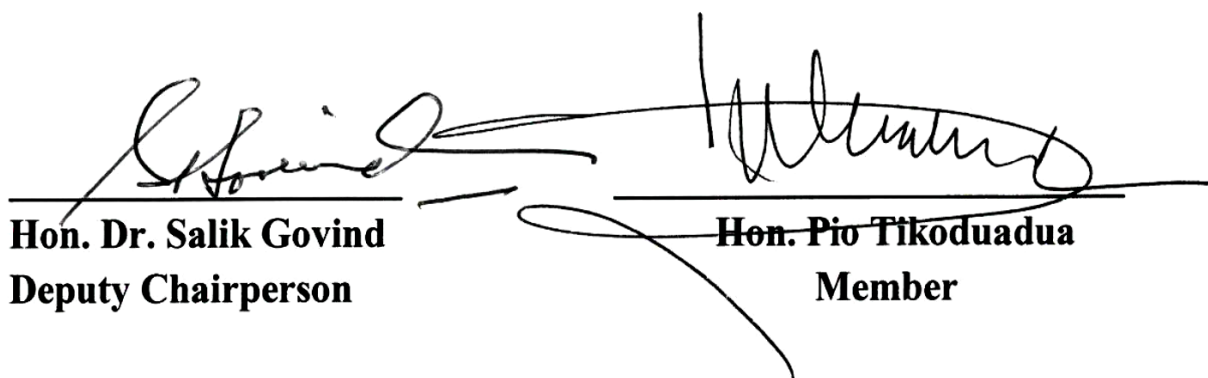
4.0 Conclusion

The Standing Committee on Foreign Affairs and Defence has fulfilled its mandate approved by Parliament which is to review the Treaty on the Prohibition of Nuclear Weapons.

5.0 Members' Signature



Hon. Alexander O'Connor
Chairperson



Hon. Dr. Salik Govind
Deputy Chairperson

Hon. Pio Tikoduadua
Member



Hon. Selai Adimaitoga
Member



Hon. Anare Jale
Member



Hon. Mikaele Leawere

(Alternate Member for Hon. Anare Jale during the duration of Treaty Proceedings)

6.0 Appendices

All other written and transcribed evidences gathered during the public submissions and public consultations will be made accessible on the Parliament website on: <http://www.parliament.gov.fj/committees/standing-committee-on-foreign-affairs-and-defence/>

No	Date	Agency/Organisation	Written Evidence	Oral Evidence
1.	Monday, 02 nd March, 2020	Ministry of Defence and National Security	✓	✓
2.		Republic of Fiji Military Forces	✓	✓
3.		Fiji Police Force	✓	✓
4.		Fiji Corrections Service	✓	✓
5.	Tuesday, 03 rd March, 2020	Ministry of Foreign Affairs	✓	✓
6.		Ministry of Employment, Productivity and Industrial Relations	✓	✓
7.		Ministry of Women, Children and Poverty Alleviation	✓	✓
8.	Thursday, 05 th March, 2020	Mr. Samarasam Pillay, Retiree	✓	✓
9.		Dr. Ram Raju, President of the Nadi Chamber of Commerce	✓	✓
10.	Monday, 9 th March, 2020	University of the South Pacific	✓	✓
11.		Professor Shaista Shameem	✓	✓
12.		Fiji Human Rights and Anti-Discrimination Commission	✓	✓
13.		Pacific Conference of Churches	✓	✓
14.		World Council of Churches	✓	✓
15.		International Campaign to Abolish Nuclear Weapons (ICAN)		✓
16.		Fijian Teachers Association	✓	✓
17.		Ministry of Industry, Trade and Tourism	✓	✓
18.	Tuesday, 10 th March, 2020	Office of the Solicitor General	✓	✓
19.		Fiji Women Rights Movement (FWRM)	✓	✓
20.		Pacific Network on Globalization (PANG)		✓