



Statement by

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On behalf of the New Agenda Coalition

at the

2015 Review Conference of the Parties to the Treaty on the
Non-Proliferation of Nuclear Weapons

Cluster One

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Chair

I am pleased to deliver this statement on behalf of the New Agenda Coalition—Brazil, Egypt, Ireland, Mexico, South Africa and my own delegation New Zealand.

Chair

In the Joint Declaration that launched the New Agenda Coalition on 9 June, 1998, our respective Foreign Ministers stated that the maintenance of a world free of nuclear weapons would require the underpinnings of a universal and multilaterally negotiated legally binding instrument or a framework encompassing a mutually reinforcing set of instruments.

Our Ministers made a particular point of contrasting the achievement of the international community in concluding total and global prohibitions on chemical and biological weapons with the barren state of affairs in respect of nuclear weapons. Ministers deplored the fact that, despite countless resolutions and initiatives during the previous half-century, no equivalent outcome for nuclear weapons had been achieved.

The clear disparity between the treatment of biological and chemical weapons on the one hand, and nuclear weapons on the other, stubbornly persists. Significantly, and notwithstanding the solemn commitments that have been made and repeated, and the growing awareness of the consequences of inaction, there continues to exist a conspicuous omission in the implementation of the NPT itself through the ongoing failure of the parties to pursue negotiations in good faith on effective measures for nuclear disarmament.

States parties must accelerate their implementation of all agreements and undertakings made at successive NPT Review Conferences. The failure to do so undermines the credibility of the Treaty and could cast doubt on the value of any additional commitments made at this or future Review Conferences. While calling for implementation of these existing agreements and undertakings, however, the NAC is firmly of the view that more is needed. States parties must also demonstrably move up a gear, especially with respect to the implementation of one of the Treaty's core provisions – Article VI.

First, this Conference should explore the legal approaches available to advance the "effective measures" relating to nuclear disarmament that are required by Article VI of the Treaty,

Second, it should take decisions to advance "effective measures", and

Third, it should call for appropriate follow-up actions in all disarmament fora as well as in the United Nations General Assembly.

Chair

You will recall that, in a Working Paper NPT/CONF.2015/PC.III/WP.18 submitted to the Preparatory Committee in 2014, the New Agenda Coalition outlined a number of possible options for achieving and maintaining a world free of nuclear weapons. Following the 2014 Preparatory Committee meeting, the United Nations General Assembly, by an overwhelming majority, adopted Resolution 69/37. Among other things, that Resolution urged States parties to the NPT to “explore, during the 2015 Review Conference, options for the elaboration of the effective measures envisaged in and required by Article VI of the Treaty”.

In light of this Resolution and the interest shown in WP.18, the NAC has undertaken further analysis of these options, including from an international legal perspective. I now have the pleasure of formally introducing the NAC’s Working Paper NPT/CONF.2015/WP.9.

The NAC’s conclusion in this paper is that States parties are, in effect, presented with a choice between two legally distinct approaches towards implementing Article VI. In deciding which of these two approaches to take, States will need to assess, from both a political and technical perspective, the advantages and disadvantages of each option as an “effective measure” for achieving nuclear disarmament – the goal of Article VI.

The first approach involves the negotiation of a stand-alone agreement, whether a Comprehensive Convention or a Ban Treaty, with the difference between the two lying not in their legal structure but in their scope and level of complexity.

The second approach is that of a Framework Agreement establishing obligations pursuant to a ‘head’, or primary, treaty which would be negotiated first and which would formulate the objectives of the overall regime and establish broad commitments of the parties. It would also institute a general system of governance for the subsequent negotiation of a series of mutually supportive secondary instruments or protocols on discrete aspects of the overall regime. This second approach is architecturally distinct from the Comprehensive Convention or Ban Treaty option in that it does not aim to create a set of obligations in *one* stand-alone agreement.

Chair

Engagement at this Conference on possible legal vehicles for giving effect to Article VI will empower States parties to move on from general observations regarding the need to implement this provision and focus instead on specific proposals to do so – this is the gear change that the NAC believes is so urgently needed for advancing nuclear disarmament. Moving forward on Article VI will enhance the Treaty’s credibility and rectify the imbalance in its implementation as between nuclear disarmament and nuclear non-proliferation. The “effective measures” required by Article VI will also give the Treaty’s existing prohibitions additional normative support.

Moreover, there are further reasons why the taking of decisions on effective measures at this Conference is important.

Chair

There are States among us who cite today's troubled international security environment to justify the retention and upgrading of nuclear weapons. This opportunism is misguided and misplaced. It undermines collective efforts against nuclear proliferation and the stance of non-nuclear weapon States who, at an earlier time of greater global insecurity, committed themselves never to develop, acquire or control those armaments. Nuclear weapons do not provide stability. Nor do they immunise us from conflict. Moreover, the devastation to health, the environment and the food chain resulting from the detonation of a nuclear weapon would itself have lasting repercussions for world order.

Following the body of evidence emerging from the recent series of meetings in Oslo, Nayarit and Vienna, States parties are more aware than ever before of the risks and consequences of a nuclear weapon detonation, whether by accident, miscalculation or design. This evidence has demonstrated that the risks of an accident, human error or system failure involving nuclear weapons are continuing, are greater than previously suspected and are increasing.

The evidence has also made it clear that the potential health and environmental effects of a nuclear weapon detonation have been amplified by growing urban populations and the comparatively greater destructive power of nuclear weapons since their first use. The evidence, moreover, demonstrates that neither States nor international agencies have adequate capabilities to respond.

Chair

In light of this increased understanding, and knowing that the only way to guarantee fully against the possibility of a nuclear weapon detonation is through the total elimination of nuclear weapons, States bear significantly heightened responsibility to move actively—and now—to meet the nuclear disarmament obligation of Article VI. As we collectively review the effectiveness of the implementation of the NPT, States parties should, in the NAC's view, reflect carefully on the following question:

Nuclear weapons are known to have catastrophic humanitarian consequences so why is there a reluctance to discuss legal approaches to eliminate them – as all States parties are in fact obliged to do?

The New Agenda Coalition continues to believe that the pursuit of *any* of the options outlined in our Working Papers would advance the implementation of Article VI. Equally, all would be fully compatible with the object and purpose of the NPT. Any of the options outlined would also have a positive normative impact on the NPT's existing prohibitions.

The obligation to pursue effective measures towards nuclear disarmament is one that applies equally to *all* States parties to the NPT and not just the nuclear weapon States. The nuclear weapon States' views and engagement on these issues will be welcomed, but

there is no legal impediment to exploring the options outlined in Working Paper 9 even if some States parties choose not to engage.

Chair

The New Agenda Coalition believes it is long past time for all States to deliver upon their repeated expressions of political commitment to fully implement Article VI and to take action to safeguard future generations from the catastrophic effects of a nuclear weapon detonation, whether by accident, miscalculation or design. To move us forward, the New Agenda Coalition believes that work to advance Article VI's "effective measures" should now focus on enabling a choice between two legal approaches: the stand-alone Comprehensive Convention/Ban Treaty or the Framework Agreement of mutually supporting instruments. We look forward to focused discussions to this end in the subsidiary body of this Committee and to decisions in the final outcome document of the Review Conference.

Thank you