



Article 4 Co-Chair (New Zealand)

**Treaty on the Prohibition of Nuclear Weapons
Second Meeting of States Parties**

30 November 2023

Thank you.

It has been a privilege to represent New Zealand as Co-chair, alongside our dedicated Mexican colleagues, for matters pertaining to implementation of Article 4 of the Treaty on the Prohibition of Nuclear Weapons.

As the Vienna Action Plan confirms, Article 4 is one of the Treaty's fundamental articles. It establishes the Treaty as a disarmament treaty, and as part of the broader disarmament legal architecture.

To achieve its goal of the total elimination of nuclear weapons, the Treaty envisages the designation of what is termed a "competent international authority". This authority – or authorities – would have a dual mandate, including both a negotiation function and a verification function.

As Co-chairs, we have been alert to the fact that implementing Article 4 will be a substantial endeavour that should only be undertaken in a considered and holistic manner. This is reflected in the Treaty itself, which sets out a range of steps in Article 4 that must be completed. Thus, work in this informal working group will require sustained effort over multiple years and multiple intersessional periods.

There is no requirement that designation of an international authority be undertaken before a certain deadline, and in the Co-chairs' view, it is more important that serious groundwork be established first, before Decisions pertaining to its establishment are taken by States Parties. When the day comes for a nuclear armed State to join our Treaty, it will be important that the frameworks and institutions we have established are robust, so they

can complete their tasks with the solemn responsibility they have been tasked, and in a clear-eyed manner. In order to achieve this, it will be important that we do not rush our work in establishing an authority prematurely, in a hope it will be called upon in short order.

In this early stage of implementation of the Treaty, further understanding, reflection and work is required. This will require further input from States Parties, scientists, the academic community, and non-governmental organisations. This will enable us to continue making substantive and meaningful progress to fully implement these provisions.

Our work, thus far, has been guided by four specific Actions agreed in the Vienna Action Plan.

- Action 15, which requires further discussions contributing to the development of a coherent approach on matters related to a competent international authority or authorities, and that facilitates the provision of guidance on the designation of such authorities.
- Action 16, which requires States nominate national points of contact.
- Action 17, which relates to the further elaboration of specific requirements for extension requests under Article 4 of the Treaty. Such requests would arise for a nuclear-armed State wishing to extend its timeline to destroy its nuclear weapons stockpile and eliminate its nuclear weapons programme. Or for a stationing State that, having joined the TPNW, is required to remove any and all nuclear weapons from its territory. Advice from the Scientific Advisory Group, and relevant technical agencies, was – and will continue to be – especially relevant to this Action.
- And finally, Action 18, which requires best efforts to advance and support further progress on nuclear disarmament verification, as a positive enabler for progress on disarmament. This has, so far, been the largest and most complex Action item before the working group.

In the intersessional period between the first and second Meetings of States Parties, the Informal Working Group met five times. Once in November 2022, and then again in February, March, April and September 2023. This included the participation of States Parties, members of the Scientific Advisory Group, the International Committee of the Red

Cross, academia and civil society. Pursuant to the Treaty's rules, and at the invitation of the co-Chairs, selected experts participated in the work of the Group. The Group made progress against the Vienna Action Plan, including substantive discussion on all aforementioned Actions. The Co-chairs also conducted outreach and work in between group meetings, in order to be able to progress substantive matters between meetings.

Significant progress was achieved.

At the Informal Working Group's first meeting in November 2022, the group met to discuss a work plan and agreed on a set of working principles, which helped guide the Group over the course of its work, including to set an interactive format of discussion. Participants reviewed the Actions relating to its work, stemming from the Vienna Action Plan. Based on a proposal from the co-chairs, it was decided that the Group should tentatively tackle these in reverse order, starting with disarmament verification issues first. This was an approach that Brazil and Mexico had championed in the TPNW's preparatory process, and is based on the thinking that the nature of a verification capability should be considered before consideration around the mandate of an international authority, and the structure of that authority. This is so the technical side can drive the institutional side, and so we don't end up creating an institution that is not fit-for-practice.

At its second meeting in February 2023, the Group heard a presentation from Pavel Podvig, senior researcher at the UN Institute for Disarmament Research (UNIDIR) on a possible approach and framework to operationalising the verification requirements that underpin the Treaty. Dr Podvig's approach is one based on control of fissile material, and is the subject of a UNIDIR report published last year. Also at this meeting, a draft process map for elaborating the Article 4 requirements was shared and discussed. Article 4 is a complex article, and the process map helped participants break it down into its constituent elements. This task further underscored the complexity involved in verifying the elimination of nuclear weapons, and the need to approach our overarching mission in a considered and holistic manner.

At its third meeting in March 2023, the Group engaged on substantive matters, including to update the process map, and to consider a more detailed elaboration of the particular requirements contained within Article 4(1). This helped the Group develop a working model for States wishing to follow the eliminate-then-join process. Eliminate-then-join is shorthand for the process whereby a State that is previously known to have possessed

nuclear weapons has declared that it has eliminated its nuclear weapons programme and wishes to join the Treaty.

This model was designed to facilitate a complete understanding of the various requirements contained in Article 4(1) of the Treaty and was designed to aid Working Group participants. It outlined a set of distinct steps which allowed the Working Group to consider the process in a systematic manner. Because of the complexity of the tasks ahead, the Group agreed to take a gradual and deliberate approach, with full engagement of the Scientific Advisory Group. Of particular interest to the Working Group was the experience of South Africa's voluntary elimination of its nuclear weapons programme in the 1990s.

At its fourth meeting in April 2023, the Group received an expert presentation from Mortiz Kütt, Senior Researcher at the University of Hamburg and a member of the Scientific Advisory Group. Dr Kütt's delivered two presentations, the first on the various timelines that would apply in the case of a nuclear-armed State joining the Treaty, and separately, addressed the question of extension requests. Substantive updates were also considered to the Group's working documents. A range of specific questions were considered, including those relating to the interrelationship between Articles 2 and 4; the relationship between negotiation of a safeguards agreement and the competent international authority verifying elimination of a nuclear weapons programme; and further definitional work that will be required to set parameters around what a nuclear weapons programme is, for the purposes of the TPNW. A clear distinction was drawn between an international authority confirming the irreversible elimination of a nuclear weapons programme, and the IAEA's subsequent 'peaceful uses' declaration, the latter of which would likely take several years. The issue of non-compliance was also raised, with participants expressing a wish to see this considered at a future Meeting of States Parties, given the cross-cutting nature of this issue.

At its fifth meeting in September 2022, a full process model for Article 4(2) 'join-then-eliminate' was discussed. This model would apply in the case of a nuclear armed State joining the Treaty before it had completed the elimination of its nuclear weapons programme. The Article 4(2) process is distinct in several key ways, and those differences were systematically considered. After this, the Group moved into a report-writing mode. A report was drafted and finalised by the co-Chairs in October.

We trust States Parties have had a chance to review our report. We don't want to repeat it here, but we do want to briefly outline its broad structure. Our report is organised into two sections with an accompanying Annex. We organised our report under the Vienna

Action Plan action items we were issued with. Given the complex and long-term nature of this work, it is likely that work will need to continue over several intersessional periods before it reaches the point of preparing and putting forward recommendations and conclusions. A clear consensus emerged in the Group among States, scientific experts and non-governmental representatives that our work needed to be approached holistically.

We have issued three questions for further clarification through discussion and coordination with the Scientific Advisory Group, and we look forward to further engagement on these questions ahead of the Third Meeting of States Parties in 2025. These questions each relate to lines of inquiry that were raised on several occasions during the work of our Group, such that the Co-Chairs felt confident we could benefit from further, sustained effort on each of these topics. The topics include:

- 1) Identifying the elements of a “nuclear weapons programme”, how their elimination can be verified and by whom;
- 2) Considering the nature of cooperation required for the purposes of Article 4; and
- 3) Advancing work on nuclear irreversibility.

We recommend the paper, and its annex, to all participants of this Meeting.

Mr President, verification is one of the most pressing items on the international disarmament agenda, including in a TPNW context. The Treaty, the Working Groups and the Scientific Advisory Group, have an important contribution to make in helping advance a greater understanding of multilateral nuclear disarmament verification. Verification gets at the core of what our Treaty is trying to achieve.

But is also true that nuclear disarmament verification in the context of this Treaty is one of the areas that has attracted caution, and in some cases, criticism. To this, the Co-Chairs would posit that these points are, in general, either fuelled by misunderstanding, or nuclear politics, and we should continue calling them out as such. The TPNW is not the first disarmament regime to address verification as part of its implementation journey. NPT non-nuclear-weapons States have their non-proliferation obligations fully verified under the IAEA’s safeguards obligations, but there is still a gap when it comes to verification of the disarmament obligation contained in Article VI. And when it comes to the BWC, a verification regime is still in its early stages of development some decades after that Treaty’s entry-into-force. It would be difficult to find a TPNW State Party that is not prepared to engage on developing and implementing fully a functional verification regime.

There is a serious commitment from all TPNW States Parties to make progress on this crucial pillar of disarmament.

As Co-Chairs, Mexico and New Zealand have strived to lead an inclusive process. This has allowed us to work with colleagues from the scientific establishment, international institutions, and of course alongside our invaluable civil society partners, to make real, substantive progress. It is evident there is a lot of highly exciting, cutting-edge progress we can make in this field. The scientific, non-governmental and academic contributions here are major.

There were of course several resources already available to us as Co-Chairs, and we look forward to continuing our outreach to other complementary agencies and processes in the next intersessional period.

Article 4 is going to be a substantial endeavour. It will take time to implement, and it should be done so in a considered and holistic manner. We must make sure we are not rushing. But there are many things that can be done, and we trust the progress seen this year demonstrates that.

Thank you.