



Statement by H.E Dell Higgle
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UNGA73: First Committee
Nuclear Weapons

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Mr Chair,

New Zealand's statement during this Committee's General Debate in our opening week here registered little cause for comfort as we surveyed the international security and disarmament scene. This is certainly the case with regard to nuclear disarmament.

Of particular concern to New Zealand is the fact that the Nuclear Non-Proliferation Treaty (NPT) commitment, given "unequivocally" by the nuclear weapon states in 2000 and reaffirmed again in 2010, to "accomplish the total elimination of their nuclear arsenals" is increasingly being presented as if it were a conditional undertaking – conditioned, in particular, upon a range of prior security outcomes.

Just as New Zealand has long rejected any suggestion that there can be security conditions which warrant the *proliferation* of nuclear weapons, equally, security conditions must not be allowed to block progress on their disarmament. If this were to be the case, our NPT commitments - just as we are about to go into the Treaty's second half-century - would lose their vibrancy. More generally, the value and certainty which the international community attaches to treaty obligations - indeed to the global rules-based system - would be diminished.

One positive development on nuclear disarmament which we *can* log is the recent advent of the Treaty on the Prohibition of Nuclear Weapons. NZ's

ratification of this significant legal instrument was deposited in July this year. There was an assertion during the debate here in our first week that supporters of the Treaty see it as *'the silver bullet'* for nuclear disarmament. I have not hitherto seen anything to suggest that advocates for the Treaty *do* view it in this light – and, certainly, any such claim would be wildly overblown. A more accurate assessment would describe it, I think, as the current *'silver lining'* to an otherwise unpropitious state of affairs.

Even silver linings can have downsides - and supporters of the TPNW like New Zealand have been upfront in acknowledging these:

The Treaty is not an instrument negotiated, nor favoured, by some very important members of the international community. Nor, like quite a number of treaties – including cornerstone ones such as the NPT and the Comprehensive Nuclear Test-Ban Treaty - was it adopted by consensus. Like them, it was adopted by a vote: one supported by the overwhelming majority of the UN membership.

The Treaty has no necessary connection with any reduction in the number of nuclear warheads in any arsenal. Indeed, given the non-involvement of the nuclear weapon possessors throughout its negotiation, any requirement, or schedule, for such reductions would certainly have been farcical. Accordingly, the TPNW has been framed in large part simply as a *legal* advance on the status quo.

In this regard, I would draw the attention of colleagues here to the very recent publication by the Norwegian Academy of International Law of a comprehensive assessment of the legal implications and standing of this new Treaty. Copies of this publication, which is entitled "The TPNW: Setting the Record Straight", have been available at the back of the room. I note the Academy's concluding observation that objections to the Treaty "end up masking the most important political fault line of the debate, namely a profound disagreement over the acceptability of nuclear weapons and the legitimacy of nuclear deterrence".

In a choice between the adoption of *this* Treaty or no Treaty, a large majority of states chose the TPNW as presenting for us a clear advance

upon the status quo both in humanitarian as well as security terms. Perhaps it is with the example of the TPNW in mind that the UN Secretary-General has pointed in his Agenda for Disarmament to a continuing conundrum for multilateralism – how it is that profound disagreements between UN members on core issues, such as non-proliferation and disarmament, can come to be accommodated on a broadly satisfactory basis.

The SG's Agenda has put forward some interesting suggestions in the hope that majority-initiated processes in the General Assembly can be reconciled, to a degree, with retention of some of the procedural protections available for negotiations within the Conference on Disarmament (and which are valued by a number of its members). We look forward to exploring these options in subsequent debates whilst observing that many, many years have now passed since the CD has been able to begin, let alone conclude, a negotiation on any topic within its remit. Instead, negotiations under UN General Assembly auspices – the Arms Trade Treaty is another case in point – have been able to successfully meet the ambitions of most, at least, of the UN membership.

Mr Chair, I would wish to conclude today's statement by noting that New Zealand fully aligns itself with the statements delivered during this debate by the groupings of which we are a member - the New Agenda Coalition and the De-alerting Group.

Thank you.