



**Statement by H.E. Dell Higgle
Ambassador for Disarmament**

**UN Conference to Negotiate a
Nuclear Prohibition Treaty**

Institutional Arrangements

31 March 2017

Madam President,

New Zealand is pleased to join in the discussion here today on Topic 3: institutional arrangements and other provisions. I would like to take the opportunity to comment in particular on the following issues: the depositary for the treaty; the arrangements, if any, to be specified for institutional support; the requirement it sets for entry-into-force; and the provisions it might set regarding reservations and withdrawal.

First, as regards the **Depositary**. In the view of my Delegation the most obvious candidate to act as Depositary for our treaty would be the Secretary-General of the UN – who could fulfil this function on the same basis as he does with respect to so many other treaties.

As regards **Institutional support**, perhaps the most obvious source for some measure of support for the implementation of our treaty would equally be the UNSG – which is to say, the ODA.

In suggesting this, Madam President, I am aware that all of us here have had considerable experience in recent years with the range of options available to give institutional support to the implementation of treaty regimes. There is a spectrum from – at one extreme - the

example of the NPT which has never had any mechanism for institutional support, to examples - at the other end of the spectrum - of stand-alone Implementation Support Units (e.g. for Landmines and Cluster Munitions) or stand-alone Secretariats (e.g. the Arms Trade Treaty).

With the funding issues that can arise in connection with stand-alone support units uppermost in our minds, perhaps we could look at something in the way of a half-way house between the two alternatives I have just referred to. Perhaps, then, our nuclear prohibition treaty could be supported by the UN Office of Disarmament Affairs as I just mentioned. We believe this would be a cost-efficient way of providing institutional support for the regime and, *inter alia*, for supporting the holding of annual Meetings of States Parties and managing the mechanisms that will need to be established for dispute settlement.

With regard to provisions for the ***Entry-Into-Force*** of the treaty. I think, Madam President, that for everyone here, the CTBT continues to provide a salutary example of an EIF threshold which was set so high that the aims and objectives of the Treaty's drafters and almost the entire international community remain frustrated in the face of its ongoing *non*-entry-into-force. We must ensure that the threshold set for the EIF of our prohibition treaty is that of a sensible (neither too high, nor too low) numerical limit - as was done with respect to the Arms Trade Treaty. We believe the treaty should be of indefinite duration.

As to ***Reservations***. Whilst acknowledging that the Vienna Convention on the Law of Treaties provides in general a sensible regime with respect to the ability to enter reservations, New Zealand finds it a little difficult to envisage any reservation that might in fact be made to the prohibition treaty that was not likely to be contrary to its object and purpose. This would certainly be the case with regard to any reservation made in respect of *any* of its prohibitions.

In such circumstances, New Zealand favours the treaty making it clear that reservations are not permitted.

The final issue my Delegation would like to comment upon is that of ***Withdrawal***. On this issue, Madam President, we find ourselves rather conflicted. *A priori*, we believe a treaty setting a global norm to prohibit nuclear weapons, should, desirably, not seem to contemplate the prospect of any withdrawal from it. We have, however, heard the comments from a number of Delegations over recent days who have suggested that the absence of a right to withdraw from the treaty could prove a barrier to joining it in the first place. We are conscious, too, of the provision in the NPT (and, for that matter, also the CTBT) regarding the (qualified) right of States to withdraw from those Treaties and acknowledge the precedential importance of them. We will continue to listen with interest to the views of all colleagues on this issue.

Madam President, whilst on the views of others, could I take this opportunity to thank all the Panellists we heard from yesterday. My delegation found their insights of great value and I would certainly hope that we will be able to draw again on their expertise during our concluding session this coming June/July.

Thank you Madam President.